

**Ordering the Mob: London's Public Punishments, c. 1783-1868**

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## **Abstract**

This thesis explores the crowds that attended London's executions, pillories and public whippings during the eighteenth and nineteenth centuries. It aims to reappraise a literature describing the carnivalesque and voyeuristic nature of popular behaviour, and to trace a continuum in the public's active engagement with the criminal justice system between 1783 and 1868. By employing a range of little used sources to examine the biographical, geographical and social texture of punishment audiences, it details the lives and motivations of the men, women and children who assembled to watch these often brutal events.

In the process, this thesis significantly revises our received understanding of the troublesome punishment 'mob', the unruliness and low character of which has been frequently assumed on the basis of uncritical reading of contemporary sources inveighing against plebeian behaviour. It reveals a more stable picture of public participation, and argues that this experience was characterized by the remarkable social diversity and relative good order of the crowd. This study in consequence problematizes teleological narratives of social 'improvement' and a putative 'civilizing process', which have traditionally described the fall of public punishments as a product of changing urban sensitivities. In analysing the crowd's structure and responses to public punishments over time, the thesis demonstrates how popular expectations surrounding older forms of public justice remained essentially unchanged, and continued to speak forcefully to the metropolitan conscience.

To explain the undoubted changes in punishment policy in the period, in the absence of a clear teleological narrative of attitudes towards public punishment, the thesis in turn argues that the decline of the pillory, whippings and public executions in London was driven by elite fears regarding mass behaviour, particularly in the wake of the Gordon Riots of 1780, and suggests that public punishments disappeared not because of their dwindling moral relevance or failing penal utility, but as a result of the middle class's increasingly nervous perceptions of urban mass phenomena. The thesis argues that the decline of public punishment did not result from 'squeamishness' about judicial murder and corporal punishment, but from anxiety about the authority and power of the crowd.

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## Abbreviations

BL	British Library
GL	Guildhall Library
LMA	London Metropolitan Archives
OBP	Old Bailey Proceedings Online ( <a href="http://www.oldbaileyonline.org">www.oldbaileyonline.org</a> )
TNA	The National Archives
WCA	City of Westminster Archives

## Chapter One

### Introduction

The history of public punishment is as compelling as much as it is complex. The topic endures through intriguing though at times disturbing narratives: of choking felons and pilloried deviants, of whip-lashed malefactors and looming gallows, all placed within an apparently insidious and brutalizing matrix of suffering, pain and humiliation. As the editor of one recent volume of essays observes, the rapid changes applied to penal practice over the period in question offers ‘a good story, with a good ending’: a neat exemplar of eighteenth- and nineteenth-century social and moral progress which, even within the compass of modern scholarship, is sometimes described as uniformly linear in its trajectory.<sup>1</sup> Understanding the longer term implications of these changes in punishment practice is the central focus of this study. Why, for example, did an ever less *public* system of criminal justice emerge? Much of the historiography would suggest that the ‘bloody code’ was erased as a result of rising sensibilities, part of a grander and more powerful ‘civilizing process’ that impinged on all facets of social conduct.<sup>2</sup> This same literature also implies that public punishments were condemned because they were seen as a relic of former times: the pillory, whipping post and public scaffold were consigned to the rubbish pile as

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<sup>1</sup> P. Griffiths, ‘Introduction: Punishing the English’, in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English*, (Basingstoke, 2004), p. 3. For an exposition of this narrative see D. Philips, ‘A Just Measure of Crime, Authority, Hunters and Blue Locusts: The “Revisionist” Social History of Crime and the Law in Britain 1780-1850’ in S. Cohen and A. Scull (eds.), *Social Control and the State: Historical and Comparative Essays* (Oxford, 1983), pp. 50-74.

<sup>2</sup> N. Elias, *The Civilizing Process. Vol. 1: The History of Manners and Vol.2: State Formation and Civilization* (trans. E. Jephcott) (Oxford, 1994); J. M. Beattie, ‘London Crime and the Making of the “Bloody code”’ in L. Davison, T. Hitchcock, T. Keirn and R. B. Shoemaker (eds.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750* (Stroud, 1992), pp. 49-76; P. Langford, *A Polite and Commercial People: England 1727-1783* (Oxford, 1992), chp. 10.

symbols of a more brutal age. At its most general level, this thesis attempts to suggest that this ‘civilizing’ narrative must at least be subject to serious question.

At a more concrete and material level, however, this thesis, is foremost a study of crowds. In particular, it is a detailed analysis of the gatherings surrounding the sites of corporal pain and capital punishment, so consistently condemned by contemporaries over the chosen period. By rescuing the biographies and behaviour of the spectators involved, it reappraises the familiar two-dimensional images of the disorderly urban ‘mob’.<sup>3</sup> By better understanding the pathology and activities of such assemblies - as groups of distinct individuals with a range of motivations, backgrounds and emotions to attend to - a new perspective on public punishment crowds is presented: one that sharply defines the actors involved, and which places them centrally within their individual social and cultural milieu.<sup>4</sup>

Most importantly, this thesis seeks to demonstrate how interest in public justice endured over time, and contrasts this observation to an existing literature that describes an apparent decline in popular responses to punishment rituals after 1783.<sup>5</sup>

Through a detailed analysis of whipping, pillory and execution events it will be shown

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<sup>3</sup> Throughout this study I apply the term ‘mob’ freely as a general descriptor of any large gathering of people, though historically the term carries with it negative overtones relating to unsanctioned public assembly: see M. Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), pp. 182-191; R. B. Shoemaker, ‘The London “Mob” in the Early Eighteenth Century’, *Journal of British Studies*, Vol. 26, No. 3 (1987), pp. 273-304.

<sup>4</sup> James Sharpe has considered this appraisal as ‘one of the most urgent items on the agenda of historians of punishment in early modern England’: J. A. Sharpe, ‘Civility, Civilizing Processes, and the End of Public Punishment in England’ in P. Burke, B. Harrison and P. Slack (eds.), *Civil Histories: Essays Presented to Sir Keith Thomas* (Oxford, 2000), p. 222.

<sup>5</sup> G. T. Smith, “‘Civilized People Don’t Want to See That Kind of Thing’: The Decline of Public Physical Punishment in London, 1760-1840’ in C. Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), pp. 22-51; R. B. Shoemaker, ‘Streets of Shame? The Crowd and Public Punishments in London, 1700-1820’ in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004), pp. 232-57.

how the behaviour, character and composition of punishment crowds (particularly those surrounding the gallows) were essentially stable and largely unchanging, representing an important yet rarely acknowledged continuity in the life of the metropolis.

Explicitly cultural approaches to the study of eighteenth- and nineteenth-century punishment audiences remain relatively uncommon in the canon of historical research. Alongside Peter Linebaugh's early examination of riots around the Tyburn gallows and Vic Gatrell's groundbreaking monograph *The Hanging Tree* (both of which lean heavily on the pioneering crowd studies of George Rudé) the most notable example lies in the work of Thomas Laqueur, who in 1989 challenged many historical assumptions with his essay 'Crowds, Carnival and the State in English Executions'.<sup>6</sup> Here, Laqueur expressed a belief that hanging crowds were generally resistant to the attempts made by authorities to limit their role within the execution process, arguing instead that 'at the heart of the British execution [was] not the state, nor even the condemned, but "the people" themselves, gathered in a carnivalesque moment of political generativity'.<sup>7</sup> Laqueur's observation drew especially heavily on the literary and artistic depictions of the bawdy execution ritual, evident in the work of Hogarth, Rowlandson, Thackeray and Dickens. These compositions, he suggested, demonstrated plainly how an enduring inclusivity at public punishments prevailed, evidenced by images in which 'rich and poor are joined [by] a common drama

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<sup>6</sup> P. Linebaugh, 'The Tyburn Riot Against the Surgeons' in D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 65-117. V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994); G. Rudé, 'The London "Mob" of the Eighteenth Century', *Historical Journal*, Vol. 2, No.1 (1959), pp. 1-18; T. W. Laqueur, 'Crowds, Carnival and the State in English Executions, 1604-1868' in A. L. Beier, D. Cannadine and J. M. Rosenheim (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989), pp. 306-55.

<sup>7</sup> T. W. Laqueur, 'Crowds, Carnival and the State', p. 332.

[which] unites' them.<sup>8</sup> Throughout the nineteenth century illustrated and narrative accounts of executions continued to focus on the raucous aspects of the excited execution spectatorship, in which the officers of state, the gallows and even the condemned themselves were partially or wholly obscured. The centrality of the felon's shocking image (his hanging by the neck in the violent throes of death) was regularly subsumed by a picture of free movement and popular exuberance, in which the crowd engaged eagerly with the holiday aspects of the day.

Thus at the very heart of Laqueur's interpretation lies the early modern tradition of carnival; of a world 'turned upside down' as detailed in Peter Burke's history of continental popular culture.<sup>9</sup> Here we see the execution ritual depicted as a customary, ribald festival, marked by 'sexuality, male potency and death': of raucous, free flowing crowds indulging in half-drunken, vulgar behaviour and of unhindered movement around the gallows.<sup>10</sup> Moreover, we witness in Laqueur's work the intimate connection between the cultures of the crowd and the process of judicial punishment. Aspects of traditional street theatre, shaming rituals and vocal admonishment of wrongdoers were all depicted as having been well-preserved (the charivari, skimmington rides and rough music, for example), which played out in socially relevant and community based contexts.<sup>11</sup>

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<sup>8</sup> Ibid., p. 337.

<sup>9</sup> P. Burke, *Popular Culture in Early Modern Europe* (Aldershot, 1974; Reprinted 1994), p. 188.

<sup>10</sup> Ibid., p. 347.

<sup>11</sup> The antecedents of these traditions are discussed in E. P. Thompson, 'Rough Music Reconsidered', *Folklore*, Vol. 103, No.1 (1992), pp. 3-26; M. Ingram 'Ridings, Rough Music and the "Reform of Popular Culture" in Early Modern England', *Past and Present*, No. 105 (1984), pp. 79-113; M. Ingram, 'Charivari and Shame Punishments: Folk Justice and State Justice in Early Modern England' in H. Roodenburg and P. Spierenburg (eds.), *Social Control in Europe, 1500-1800* (Columbus, Oh., 2004), Vol. 1, pp. 288-308.

Laqueur's bold challenge to older Marxist histories of punishment, which had until that time (1989) held the execution spectacle as a centre of popular submission, was highly innovative. In his interpretation public hangings exerted a uniquely cohesive effect by pulling together urban society into a united whirlpool of excitement, formed principally of 'deeper community' values in a city 'riven by class division'.<sup>12</sup> The middle and upper classes attended executions alongside the generalized urban rabble, creating in the process a curious centre of social promiscuity. It is this fascinating image of autonomous punishment crowd unity with which this thesis will engage.

This project, however, assesses the crowd using an alternative research perspective. By focusing closely on the 'man in the street', this work will seek to demonstrate how ostensibly peaceable public punishments were. Moreover, this thesis will argue that negative depictions of raucous 'mob' activity at punishments have hidden important historical truths: that the public's active presence usually in evidence around the gallows, pillories and whipping posts reflected a more or less integrated, approving and continuous popular sentiment regarding the validity of public justice. This study consequently represents an important addition to histories of eighteenth- and nineteenth-century crowds: histories that are still generally preoccupied by accounts detailing Rabelaisian civic behaviour that have obscured our proper understanding of the public's responses to justice.

In this introductory discussion, I wish to illustrate how the current historiography has generally failed to assess public punishment crowds in discrete or objective terms.

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<sup>12</sup> T. W. Laqueur, 'Crowds, Carnival and the State in English Executions', p. 351.

Here it will be shown how the crowd has been incorporated into larger scale narratives of political and social change: of evolving state governance and social control, of cultural changes in the ‘public sphere’ of social activity and of an apparent decline in the tolerance of public violence. Such approaches have consequently failed to recognize the continuities evident in the crowd’s responses to punishments, which will in consequence remain the central focus of this thesis.

### ***Control and prosecution***

Understandably, historians of crime and the law have bestowed most attention on reaching a better understanding of the ‘bloody code’: an approach centred on a desire to understand the actions of the state and its relationship with a broader public, and which has generally neglected a detailed consideration of the crowd’s role in the application of criminal justice. An early teleological narrative describing penal change can be found in the first volume of Sir Leon Radzinowicz’s influential *History of English Criminal Law and its Administration*, which chronicled a mainly Whiggish tale of legal reform.<sup>13</sup> Eighteenth-century justice was characterized by Radzinowicz as chaotic and pernicious, evidenced by the rapid growth of criminal legislation to incorporate well over two hundred capital offences.<sup>14</sup> By the mid-eighteenth century, the application of justice, in Radzinowicz’s view, had become ‘not only indeterminate but also uneven’: a vengeful system of retribution administered in defence of

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<sup>13</sup> L. Radzinowicz, *A History of Criminal Law and its Administration from 1750* (London, 1948-1968), 4 Vols; L. Radzinowicz and R. Hood, *A History of Criminal Law and its Administration from 1750: Volume 5. The Emergence of Penal Policy in Victorian and Edwardian England* (Oxford, 1990).

<sup>14</sup> *Ibid.*, Vol. I: *The Movement for Reform* (London, 1948), pp. 8-25.



propertied interests, in which the gallows was frequently employed as a stark reminder of authority.<sup>15</sup>

In this understanding, a more proportionate system of criminal justice emerged directly from the human carnage of mid-century, reflecting new concerns with the efficiency of the criminal law and a pervasive 'social consciousness'.<sup>16</sup> Public executions, though positioned firmly at the apex of the judicial complex, were employed more sparingly, displaced by a less severe range of secondary sanctions centred on imprisonment and transportation.<sup>17</sup> Thus, by the end of the eighteenth century, Radzinowicz saw humanitarianism as having precipitated a radical revision of penal practice, causing in turn a retreat from physical punishments located on the street.

For years after its publication Radzinowicz's *magnum opus* defined the history of English legal practice. Throughout the 1950s his narrative of progressive penal reform remained largely unchallenged by historians, and even today remains central to our understanding of the chronology of penal change. By the 1960s, however, new and searching questions were being asked, driven in part by the expansion of history as an academic field and the subsequent rise of new sub-disciplines, many of which were informed by a social-scientific and interdisciplinary approach.<sup>18</sup> In particular, much

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<sup>15</sup> *Ibid.*, p. 89.

<sup>16</sup> *Ibid.*, p. 39.

<sup>17</sup> J. J. Willis, 'Transportation versus Imprisonment in Eighteenth- and Nineteenth-Century Britain: Penal Power, Liberty and the State', *Law and Society Review*, Vol. 39, No. 1 (2005), pp. 171-210.

<sup>18</sup> J. Innes and J. Styles, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England', *The Journal of British Studies*, Vol. 25, No.4 (1986), p. 381. The benefits of this approach were espoused in C. Wright Mills, *The Sociological Imagination* (Oxford, 1959; reprinted 2000).

academic research in the wake of Radzinowicz's attempted to relocate the changes evident in penal policy within a specifically materialist dialectic, reflecting a Marxist, class-based narrative of historical change that emerged in post-war political theory. Reconsiderations of the development and role of power structures and state hegemonies proved especially popular within the Gramscian tradition, as exemplified in the writing of E. P. Thompson and his popularization of 'history from below'.<sup>19</sup> Thompson's abiding concern would remain the profound changes to be found in eighteenth-century class relations, well-evidenced by the strained relationships that existed between 'patricians and plebs' during the age of industrialization, explored in his *Making of the English Working Class* (1963).<sup>20</sup>

It was not, however, until the publication of *Whigs and Hunters* in 1975 that Thompson turned his attention explicitly to crime and the law.<sup>21</sup> Here, Thompson described how the assumed economic rights and privileges of the labouring sort were increasingly proscribed by a heavy 'armoury of repressive law', epitomized in the Waltham Black Act of 1723: a monolithic framework of oppressive legislation above which stood the gloomy Augustan gallows.<sup>22</sup> Contemporaneous with *Whigs and*

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<sup>19</sup> See T. R. Bates, 'Gramsci and the Theory of Hegemony', *Journal of the History of Ideas*, Vol. 36, No. 2 (1976), pp. 351-366; W. L. Adamson, *Hegemony and Revolution: A Study of Antonio Gramsci's Political Theory and Culture* (Berkeley, Ca., 1980). Also contemporaneous with this socialist line was the early work of Eric Hobsbawm: see E. J. Hobsbawm, *Labouring Men: Studies in the History of Labour* (London, 1964).

<sup>20</sup> E. P. Thompson, 'Patrician Society, Plebeian Culture', *Journal of Social History*, Vol. 7, No. 4 (1974), pp. 382-405; E. P. Thompson, *The Making of the English Working Class* (London, 1963; reprinted 1991); see also B. D. Palmer, *The Making of E. P. Thompson: Marxism, Humanism and History* (Toronto, 1981); D. Eastward, 'History, Politics and Reputation: E. P. Thompson Reconsidered', *History*, Vol. 85, No. 280 (2000), pp. 634-654; P. King, 'Edward Thompson's Contribution to Eighteenth-Century Studies. The Patrician-Plebeian Model Re-examined', *Social History*, Vol. 21, No. 2 (1996), pp. 215-28.

<sup>21</sup> E. P. Thompson, *Whigs and Hunters: The Origins of the Black Act* (London, 1975).

<sup>22</sup> *Ibid.*, p. 211; 9 Geo.1.C.22.

*Hunters* was Douglas Hay's contribution to the collaborative volume *Albion's Fatal Tree*, in which he too expanded this theme of class conspiracy.<sup>23</sup> Eighteenth-century legal practice, argued Hay, had been shored by an intricate and subtle scheme of pardons and clemency.<sup>24</sup> A flood of executions was staunchly by the discretionary application of state power, allowing judges and juries to balance violence with frequent displays of mercy. Thus, a system of compliance developed without the need for mass bloodshed, enforced by an 'astute ruling class who manipulated [the law] to their advantage', over a people 'schooled in the lessons of Justice, Terror and Mercy'.<sup>25</sup> In Hay's definition, propertied elites tightened their grip on the levers of political power by elevating seemingly innocuous misdemeanours to the ranks of felony, whilst concurrently extending the reach of judicial discretion.

Radzinowicz's progressive reform theory, therefore, was fundamentally challenged by these much bleaker takes on society. In Hay's view the stability evident in execution rates during the eighteenth century reflected a sharpening of the capital weaponry deployed by the state. Hence the law was framed by an intriguing central paradox: a burgeoning bulk of capital legislation that was offset by frequent episodes of mercy. The guardians of English justice secured their supremacy over society through a conspiratorial protection of property, while defending themselves against criticism via

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<sup>23</sup> D. Hay, 'Property, Authority and the Criminal Law', in D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 17-63.

<sup>24</sup> See P. King, 'Decision-Makers and Decision Making in the English Criminal Law, 1750-1800', *Historical Journal*, Vol. 27, No.1 (1984), pp.25-58; P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000). For later evidence of judicial discretion see R. Chadwick, *Bureaucratic Mercy: The Home Office and the Treatment of Capital Cases in Victorian Britain* (London, 1992).

<sup>25</sup> D. Hay, 'Property, Authority and the Criminal Law', pp. 62-3. For the link between gender and discretion see D. Palk, *Gender, Crime and Judicial Discretion, 1780-1830* (London, 2007).

a cynical display of benevolence. As Joanna Innes and John Styles have summarized, the ruling elite ostensibly secured an ‘ideological hegemony over the common people by means of public spectacle’, by illustrating their power with stark displays of vengeance and mercy.<sup>26</sup> Within these terms, public punishment rituals emerge as a powerful tool of oppression, in which the people were obliged to submit to the majesty of the law: a theory of enforced public obedience which, as this thesis seeks to show, can be brought into question by evidence of the crowd’s continuing enthusiasm and energetic responses to spectacles of state sponsored suffering.

Of course, the Thompson/Hay perspective was not without its critics. A keen debate arose in the 1980s in which historians focused sharply on the elastic discretion evident in the application of judicial power. The work of John Langbein and Peter King proved especially influential in this respect, by concluding that the eighteenth-century Bench was perhaps somewhat less concerned with class interests than had been formerly assumed.<sup>27</sup> Langbein in particular was highly critical of Douglas Hay’s position, and suggested that the clemency entrenched in the legal system (the litany of partial convictions, commutation of sentences and pardons, for example) was never managed in isolation by a hegemonic ruling elite. In Langbein’s view, the leniency evident in the criminal law emanated principally from a far less powerful phalanx of jurors and prosecutors, who implemented a genuinely flexible system of justice from within the middle ranks: a system of prosecution and punishment that turned on

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<sup>26</sup> J. Innes and J. Styles, ‘The Crime Wave: Recent Writing on Crime and Criminal Justice’, p. 403.

<sup>27</sup> J. H. Langbein, ‘Albion’s Fatal Flaws’, *Past and Present*, No. 98 (1983), pp. 96- 120; J. H. Langbein, ‘Shaping the Eighteenth-Century Criminal Trial: A View from the Ryder Sources’, *University of Chicago Law Review*, Vol. 50, No. 1 (1983), pp. 1- 136; P. King, ‘Decision Makers and Decision Making in the English Criminal Law’; P. King, *Crime, Justice and Discretion in England*; P. King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006).

‘good-faith consideration factors’ within a body of ethical decision makers.<sup>28</sup>

Moreover, the deterrent effects of hangings were, in Langbein’s view, imposed as a surrogate for a more refined system of investigation and arrest, whereby the sight of a swinging felon stood proxy for a permanent force of police. Thus, the personal privileges of the ‘free born Englishman’ were fully assured, weighted against the ever present bogey of tyranny that threatened ‘to undercut or repress the liberties of the political community’.<sup>29</sup>

Despite this critique, the defining dialectic approach in the Marxist tradition has remained in popular currency for a remarkably long time. As late as the 1990s Peter Linebaugh could still focus heavily on the materialist refrain underpinning so much of Thompson’s and Hay’s work, by concluding boldly in *The London Hanged* that ‘those who suffered at Tyburn belonged to the propertyless and the oppressed’.<sup>30</sup> Through his close examination of worker and employer relations in eighteenth-century London, Linebaugh maintained that the heavy reliance on the death penalty represented the pinnacle of a highly proscriptive system of control, deployed by increasingly powerful and litigious metropolitan elites in open defence of their political éclat. By the century’s end urban workers were viewed with suspicion and distrust, particularly those handling the veritable flood of consumable goods arriving at the London quaysides.<sup>31</sup> Mercantile elites prosecuted the poor with increasingly

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<sup>28</sup> J. H. Langbein, ‘Albion’s Fatal Flaws’, p. 120.

<sup>29</sup> Ibid., pp. 98 and 116.

<sup>30</sup> P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), p. 74.

<sup>31</sup> See also J. Styles, ‘Embezzlement, Industry and the Law in England, 1500-1800’ in M. Berg, P. Hudson, and M. Sonescher (eds.), *Manufacture in Town and Country Before the Factory* (Cambridge, 1983), pp. 173-210; J. Rule, *The Experience of Labour in Eighteenth-Century Industry* (London, 1981), pp. 107-38.

self-assured alacrity, assisted in large measure by the careful redefinition of permissible customary allowances (particularly in the tobacco and sugar trades), and through the development of a nascent waterfront police force.<sup>32</sup> By 1800, in Linebaugh's estimation, the English criminal code had become dependent for its effectiveness in preserving class order on the prosecution of an intractable plebeian underclass, and the ruthless imposition of fines, imprisonment, transportation and - ultimately - death.

For the period after 1800 the historiographical focus shifts to the greater use of a more varied pallet of punishments, and in particular 'the rise of the prison'. As early as the 1930s, for example, Rusche and Kirchheimer posited a rarely considered structural explanation for the resort to incarceration during the period of industrialization, by suggesting that there existed a causal link between mechanisation and forced labour.<sup>33</sup> It is in the work of Michel Foucault, however, where we find a less materialist, more explicitly rhetorical explanation for this switch in penal technique. With the publication of *Discipline and Punish* in 1975, Foucault reduced the prevailing law reforms of the period to an exposition of emergent political values, by defining the greater dependency on controlling institutional practice as an output of absolute political power.<sup>34</sup> Consolidations in European penal practice after 1800 (specifically

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<sup>32</sup> P. Linebaugh, *The London Hanged*, chp. 11.

<sup>33</sup> Rusche and Kirchheimer were surprisingly bold in their approach, suggesting that 'of all the forces which were responsible for the new emphasis upon imprisonment as a punishment, the most important was the profit motive': G. Rusche and O. Kirchheimer, *Punishment and Social Structure* (Columbia, NY, 1939), p. 68.

<sup>34</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison* (London 1977; reprinted 1991); see also M. Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (London, 1973; reprinted 2003); M. Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (trans. Richard Howard), (London, 1967); P. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston, Ma, 1971), which also describes the asylum as a locus of social

the rise of the penitentiary and the innovations engrained in Jeremy Bentham's Panopticon) were explained by Foucault as an ever tighter form of state management of plebeian behaviour through direct control of the physical body.<sup>35</sup> Imprisonment was cast as a logical step in the expansion of political power, in which the wastefulness of capital punishment was eschewed in favour of the imposition of mental and physical submission. Criminals were thus reduced to the state of 'docile bodies' under a heavy weight of supervision: the prison 'disindividualizing' inmates by crushing the corrupting effects of sensual stimulus, while concurrently reforming offenders through reflective solitary penance.<sup>36</sup>

Yet for historian Michael Ignatieff this new punishment methodology simply defined a starker measure of repression. The perceived crime waves and civil disorders of the 1780s and 90s, in his view, catalysed the use of a broad array of sentencing options at precisely the point when domestic criminality 'did not seem to be responding to the usual dosages of terror'.<sup>37</sup> Any enlightened sensitivity to human suffering was offset by the influences of a new conservative ideology (following William Paley and the utilitarian rhetoric of many prison reformers) which advocated the strengthening of the penal code through innovative ancillary punishments designed to coerce and

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obedience; M. Ignatieff, 'State, Civil Society and Total Institutions' in S. Cohen and A. Scull (eds.) *Social Control and the State*, pp. 75-105; R. McGowen, 'Power and Authority, Or Foucault Among the Historians' in C. Jones and R. Porter (eds.), *Reassessing Foucault: Power, Medicine and the Body* (London, 1994), pp. 91-112; D. Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford, 1990), chps. 6 and 7.

<sup>35</sup> J. Semple, *Bentham's Prison: A Study of the Panopticon Penitentiary* (Oxford, 1993).

<sup>36</sup> M. Foucault, *Discipline and Punish*, pp. 135 and 202.

<sup>37</sup> M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1780-1850* (London, 1978), p. 86.

control an increasingly recalcitrant underclass.<sup>38</sup> For Ignatieff at least, the new prison regimens of the early nineteenth century simply represented an ‘unparalleled control over the offender’, where a sanitized and highly personalized technique of reform was devised privately behind firmly locked doors.<sup>39</sup> At the same time, the crowd’s defiance of legal authority at executions was usefully expunged, as the state imposed its hegemony ‘over collectives of the poor’; a definition of exacting social controls which, as the audience’s diverse composition and unfettered activity at London’s public punishments will show, is extremely difficult to validate.<sup>40</sup>

### *Crowds, punishment and space*

Drawing on these literatures, histories dealing with crowds in the eighteenth and nineteenth centuries have in turn focussed attention on the changing relationship between the law and society at large, particularly the ways in which the state applied social controls and manipulated plebeian activity. Vic Gatrell, for example, has described how - by imposing a professionalized system of policing early in the nineteenth century - social controls were strengthened, characterized in his words by the ‘disciplinary assault on those mainly proletarian classes who were assumed to threaten dominant and newly articulated definitions of order’.<sup>41</sup> Whiggish notions of

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<sup>38</sup> P. Griffiths, ‘Introduction: Punishing the English’, p. 5; see also D. J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston, Ma., 1971), which anticipated Foucault in developing the themes of institutional control over the social order within an American context; D. L. Le Mahieu, *The Mind of William Paley: a Philosopher and his Age* (Lincoln, Neb., 1976); C. Phillipson, *Three Criminal Law Reformers: Beccaria, Bentham, Romilly* (London, 1923).

<sup>39</sup> M. Ignatieff, *A Just Measure of Pain*, p. 90.

<sup>40</sup> Ibid.

<sup>41</sup> V. A. C. Gatrell, ‘Crime, Authority and the Policeman-State’ in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain, 1750-1950. Volume 3: Social Agencies and Institutions* (Cambridge, 1990), p. 244; also D. Philips, ‘“A New Engine of Power and Authority”: The Institutionalization of Law Enforcement in England, 1780-1830’ in V. A. C. Gatrell, B. Lenman and G. Parker (eds.), *Crime and the Law: A Social History of Crime in Western Europe Since 1500* (London, 1980), pp. 155-89.



English liberty were, in Gatrell's view, abandoned in favour of tighter social discipline, enforced on a plebeian population by the agencies of governance and the state's raw physical power.

In the 1980s a distinctive school of historical 'social control' theory had taken root in its own right (following the work of sociologist Paul Landis) as scholars attempted to understand how the state contributed to the stability evident in mid-nineteenth century British society.<sup>42</sup> Indeed, how far, and to what extent, the relative social calm of nineteenth-century Britain (when compared to its European neighbours) was achieved at the expense of civic freedoms remains a moot point, particularly the role that the police played in this.<sup>43</sup>

The treatment of punished criminals exposed in a public context has also been considered in similar terms of social control. Pillories, whipping posts and the gallows were the most visible emblems of the criminal law until at least 1830, and their perceived symbolic value in enforcing social compliance should not be understated.

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<sup>42</sup> The most pertinent works are P. H. Landis, *Social Control: Social Organization and Disorganization in Process* (Chicago, 1939); A. P. Donajrodzki (ed.), *Social Control in Nineteenth Century Britain* (London, 1977); A. Silver, 'The Demand for Order in Civil Society' in D. J. Bordua (ed.), *The Police: Six Sociological Essays* (New York, 1967), pp. 3-20; S. Cohen and A. Scull (eds.), *Social Control and the State*; R. D. Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England', *Journal of Social History*, Vol. 9, No. 4 (1976), pp. 481-509. For earlier reform movements see R. B. Shoemaker, 'Reforming the City: The Reformation of Manners Campaign in London, 1690-1738' in L. Davison, T. Hitchcock, T. Keirn and R. B. Shoemaker (eds.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750* (Stroud, 1992), pp. 99-120.

<sup>43</sup> G. Best, *Mid-Victorian Britain, 1851-75* (London, 1971; reprinted, 1979); W. L. Burn, *The Age of Equipoise: A Study of the Mid-Victorian Generation* (London, 1964). Oppositional views to this control theory are contained in G. Rudé, *Criminal and Victim: Crime and Society in Early Nineteenth-Century England* (Oxford, 1985), F. M. L. Thompson, 'Social Control in Victorian England', *Economic History Review*, Vol. 34, No. 2 (1981), pp. 189-208 and S. Inwood 'Policing London's Morals: the Metropolitan Police and Popular Culture, 1829-1850', *London Journal*, Vol. 15, No. 2 (1990), pp. 129-46.

As we shall see, the extent to which the prospect of public ignominy, pain or even death influenced the actions of the criminally-minded was always a contested issue, and formed the basis of a heated debate throughout the lifetime of the punishments discussed here. The prophylactic qualities of witnessing corporal and capital punishments prompted some of the loudest calls for their retention during periods of reform, and resonate even today in the occasional demands for their return.<sup>44</sup>

That the medium of visual terror indeed induced a degree of social compliance among the Hanoverian and Victorian crowd is often assumed as fact. Charles Tilly, for example, states blithely that in applying a range of punishments ‘Britain’s national state vigorously expanded its repressive powers’, complementary to the judiciary’s careful selection of which condemned prisoners should die.<sup>45</sup> In so doing, the state, in the view of Tilly and others, demanded from the mob a naked approval of the law: a high risk strategy, admittedly, but one which - when successful - achieved a premium dividend of social obedience. Thus a strong whiff of the crowd’s complicity in public punishments can be detected in Tilly’s analysis, particularly in his assessment of public justice as an extension of pre-existing customary practices: a system which, according to Antony Simpson, always commanded strong social allegiances by absorbing older sub-cultural beliefs.<sup>46</sup> ‘The histories of repression and of collective

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<sup>44</sup> See E. O. Tuttle, *The Crusade Against Capital Punishment in Great Britain* (London, 1961). For the modern day debate see J. V. Roberts and M. Hough (eds.), *Changing Attitudes to Punishment: Public Opinion, Crime and Justice* (Cullompton, 2002); J. Braithwaite, *Crime, Shame and Reintegration* (Cambridge, 1988).

<sup>45</sup> C. Tilly, *Popular Contention in Great Britain, 1758-1834* (Cambridge, Ma., 1995), p. 137.

<sup>46</sup> A. E. Simpson, ‘Spectacular Punishment and the Orchestration of Hate: The Pillory and Popular Morality in Eighteenth-Century England’ in R. J. Kelly and J. Maghan (eds.), *Hate Crime: The Global Politics of Polarization* (Carbondale, Il., 1998), p. 178.

action overlapped' argues Tilly, describing how 'a continuum ran from solemn official retaliation to the shaming and roughing up of popular justice'.<sup>47</sup>

Michael Ignatieff, too, found value in this interpretation of the crowd's role at public punishments. Demands for a public endorsement of criminal justice policy in his opinion remained a central facet within the eighteenth-century execution ritual, in which the 'drama of exhortation, confession and repentance before an awed and approving crowd' served merely to affirm the supremacy of the state.<sup>48</sup> Punishments in public were employed for the edification of the whole by drawing out the crowd's explicit disapprobation of criminality, which in turn reinforced the perceived legitimacy of the law. Sheriffs, priests and prison officials alike extracted penance from the criminal in order to educate and forewarn, concurrently satisfying a darker lust for vengeance amongst many of those who came to watch. Parsons' sermons, judges' court room addresses, gallows confessions, and the whole ambit of published and oral reporting served simply to reinforce the rigours of the law in action, by stimulating popular interest and consequential public support. Thus, as James Sharpe writes of the iconographic impact of 'judicial theatre' during the early modern period, 'when felons stood on the gallows and confessed their guilt...and expressed their true repentance...they were helping to assert the legitimacy of the power which had brought them to their sad end'.<sup>49</sup>

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<sup>47</sup> C. Tilly, *Popular Contention in Great Britain*, pp. 139-40. Tilly implies here that there lay a direct link between public punishments and the traditions of the public charivari: see M. Ingram, 'Ridings, Rough Music and the "Reform of Popular Culture"'.  
<sup>48</sup> M. Ignatieff, *A Just Measure of Pain*, p. 21.

<sup>49</sup> J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England', *Past and Present*, No. 107 (1985) p. 156; A. McKenzie, 'Martyrs in Low Life? Dying "Game" in Augustan England', *Journal of British Studies*, Vol. 42, No. 2 (2003), pp. 167-205.

This thesis, however, seeks to challenge this portrayal of punishment spectators as bovine actors deferential to repressive governance: ‘habitual and reflexive’ players, as Gatrell has put it, or otherwise angry folk powerless to oppose the law.<sup>50</sup> In the following chapters this thesis will assign a higher degree of intellect and independence to the punishment audience than has been previously allowed, and demonstrate how the crowd’s direct action and influence over events in fact represented a primary justification for amending the ‘publicity’ of penal policy.

Historical crowds are, of course, complex and frequently perplexing phenomena. As Mark Harrison notes, the masses who cheerfully huzzaed parliamentary candidates, threw stones at soldiers during food riots or who booed felons on the scaffold rarely left their own reflections on such events for posterity.<sup>51</sup> Most descriptions of mass gatherings were formed from the impressionistic writings of socially distant observers, many of whom routinely portrayed crowd behaviour using a prejudiced vocabulary of disapproval.<sup>52</sup> Historians have since taken these tainted images of ‘the mob’ to ‘label’ crowd activity as somehow characteristically deviant, hallmarked by an invariable ‘contagion, regression, criminalisation and susceptibility’.<sup>53</sup>

In the late 1950s George Rudé went some way to disrupting these demonizations of the menacing eighteenth-century crowd, whose actions hitherto had been explained as

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<sup>50</sup> V. A. C. Gatrell, *The Hanging Tree*, pp. 208-21.

<sup>51</sup> M. Harrison, *Crowds and History*, pp. 38-9. For election crowds see K. T. Hoppen, ‘Grammars of Electoral Violence in Nineteenth-Century England and Ireland’, *English Historical Review*, Vol. 109, No. 432 (1994), pp. 597-620; F. O’Gorman, ‘Campaign Rituals and Ceremonies: The Social Meaning of Elections in England 1780-1860’, *Past and Present*, No. 135 (1992), pp. 79-115; P. R. Backscheider, *Spectacular Politics: Theatrical Power and Mass Culture in Early Modern England* (London, 1993).

<sup>52</sup> M. Harrison, *Crowds and History*, pp. 38-9.

<sup>53</sup> *Ibid.*, p. 319.

driven by ‘some lurking criminal instinct’ evident in riots and disorder.<sup>54</sup> In dissecting the biographies of those involved in sporadic episodes of civil unrest across the century, Rudé brought to historical scholarship an original and radically different perspective. Crowds, he believed, were rarely as mindless as had been traditionally depicted by the sociologists of mass phenomena (particularly those following Gustave Le Bon), and suggested instead that crowd events were generally discretionary phenomena characterized by social diversity and a relatively sophisticated political activism.<sup>55</sup>

Edward Thompson, too, understood the need to revise the reputation of the thoughtless lumpen ‘mob’, and described collective action (as exemplified in the food riots of the 1700s) as the manifestation of a more explicit and widely exerted ‘moral economy’ among plebeians. Such crowds were constituted of men and women ‘informed by the belief that they were defending traditional rights or customs’, against the creeping incursions of a capitalist elite into their time-honoured economic practices.<sup>56</sup>

Why these customary protests were rapidly rejected by the state has again been explained in explicitly class-based terms. Many historians interpret the political turbulence of the 1780s as a plausible ‘moment of crisis’ in Britain, when a traditional

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<sup>54</sup> G. Rudé, ‘The London “Mob” of the Eighteenth Century’, pp. 1-18; G. Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (New York, 1964).

<sup>55</sup> G. Le Bon, *The Crowd: A Study of the Popular Mind* (1895, reprinted New York, 1977).

<sup>56</sup> E. P. Thompson, ‘The Moral Economy of the English Crowd in the Eighteenth Century’, *Past and Present*, Vol. 50, No.1 (1971), p. 78. An earlier reappraisal of the mob stereotype is contained in L. I. Rudolph, ‘The Eighteenth Century Mob in America and Europe’, *American Quarterly*, Vol. 11, No. 4 (1959), pp. 447-469.

tolerance of popular action essentially collapsed.<sup>57</sup> Crowd behaviour thereafter was tightly monitored by an increasingly nervous political class mindful of the turbulent events in revolutionary France, that imbued domestic protest with new and potentially dangerous consequences. According to Nicholas Rogers even the most democratic of radical reformers eventually eschewed the part played by ‘the people’ in their political aspirations, for fear of unleashing the anger of a dangerous plebeian mob.<sup>58</sup>

Proponents of ‘social control’ theories have gone much further in recent years by exploring the subtle controls exerted on the boisterous aspects of plebeian popular culture. Bob Bushaway, for example, in considering the economic conditions of the later Georgian period, describes how social relations by this time were ‘conducted within a [new] contractual framework’.<sup>59</sup> Ancient pastimes which had previously provided ‘a vehicle for the reproduction of the social structure’ were now regarded as potential outlets for ‘social protest and conflict’.<sup>60</sup> In Bushaway’s view, older patterns of recreation engrained in plebeian culture were condemned as antithetical to a regulated, factory based system, supplanted by stricter policies of time and work-place discipline.<sup>61</sup> Where aristocratic sponsorship had once served to preserve the

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<sup>57</sup> For example, see N. Rogers, ‘Crowds and Political Festival in Georgian England’ in T. Harris (ed.) *The Politics of the Excluded, c. 1500-1850* (Basingstoke, 2001), pp. 233-64. Ian Gilmour has stated that the Gordon Riots of 1780 ‘tainted all popular meetings and movements’ thereafter: I. Gilmour, *Riot, Risings and Revolution: Governance and Violence in Eighteenth-Century England* (London, 1992), p. 383.

<sup>58</sup> N. Rogers, ‘Crowds and Political Festival in Georgian England’, p. 251.

<sup>59</sup> B. Bushaway, *By Rite: Custom, Ceremony and Community in England, 1700-1880* (London, 1982), p. 22.

<sup>60</sup> *Ibid.*, p. 12.

<sup>61</sup> E. P. Thompson, ‘Time, Work-Place Discipline and Capitalism’, *Past and Present*, No.38 (1967), pp. 56-97; M. Harrison, ‘The Ordering of the Urban Environment: Time, Work, and the Occurrence of Crowds 1790-1835’, *Past and Present*, No. 110 (1986), pp. 134-68; H. J. Voth, *Time and Work in Eighteenth-Century London* (Oxford, 1997).

presence of socially binding traditional holidays and fairs, the withdrawal of elite patronage - especially in towns and cities - left the civic calendar increasingly bereft of social pleasures. Those spaces in which plebeian culture had previously flourished were segregated and delineated: 'compressed and concentrated' down by degrees, according to Peter Bailey, into a 'discrete new sector' of 'increasingly compartmentalised life-space'.<sup>62</sup> Bull baiting, pugilism, street fairs, and a range of other activities once accepted as recreational norms were now curtailed and proscribed: so much so, in fact, that the nineteenth century has been described by some historians as a bleak age of attack on the urban poor.<sup>63</sup> After 1800 the working classes were shorn of the 'rich recreational life they enjoyed in the eighteenth century', decades before the cheaper, commercially organized leisure opportunities of the Victorian age were made available.<sup>64</sup>

Historians have in turn used these motifs of social limitation to explain the changes in crowd management taking place around the sites of public justice. The shift from Tyburn to Newgate prison as the seat of capital punishment in particular forms the focus of this comparison, and has been used by historians writing in the Foucauldian tradition as further evidence of the changing coercive nature of state authority.<sup>65</sup> This argument is rendered more credible when we consider Nicholas Rogers's definition of

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<sup>62</sup> P. Bailey, *Popular Culture and Performance in the Victorian City* (Cambridge, 1998), p. 20.

<sup>63</sup> H. Cunningham, *Leisure in the Industrial Revolution, c.1780-c.1880* (London, 1980); R. W. Malcolmson, *Popular Recreations in English Society 1700-1850* (Cambridge, 1973); P. Bailey, *Leisure and Class in Victorian England: Rational Recreation and the Contest for Control, 1830-1885* (London, 1978); E. and S. Yeo (eds.), *Popular Culture and Class Conflict 1590-1914: Explorations in the History of Labour and Class* (Brighton, 1981); R. D. Storch (ed.), *Popular Culture and Custom in Nineteenth-Century England* (London, 1982).

<sup>64</sup> E. Griffin, *England's Revelry: A History of Popular Sports and Pastimes 1660- 1830* (Oxford, 2005), p. 168.

<sup>65</sup> Michael Ignatieff, for example, describes the changes as an attempt made by the London authorities to rescue the spectacle 'from the clutches of the mob': M. Ignatieff, *A Just Measure of Pain*, p. 89.

crowd management as the terrain over which the battle for social dominance was fought, and as a site of negotiation over ideology, culture and power.<sup>66</sup> Other historians similarly describe how crowd culture was manipulated during the early modern period to allow only very limited participatory action, in order that crowd events could retain a useful purpose as a convenient social ‘safety valve’.<sup>67</sup>

The same ‘safety valve’ metaphor might be employed when examining the crowd at Old Bailey hangings. The cultural historian John Bender, for example, has highlighted the attempts made by the London Sheriffs to reclaim control of execution crowds through a manipulative system of visual stimulation.<sup>68</sup> Newgate prison, rebuilt on austere lines by George Dance after its destruction in 1780, presented the perfect stage for such a plan. By moving executions to the front of the gaol in 1783 a ‘balance between reserved monumentality and gripping terror’ was achieved: one that recreated an ‘absorptive tableau’ of state execution through ‘a deliberate act of pictorial urban planning’.<sup>69</sup> In segregating, controlling and ‘ordering the mob’ a vivid pictorial effect would be achieved, in which the audience would be transfixed by the tragedy of the unfolding scene: a vision of inert and controlled public activity which, as this thesis will demonstrate, was in fact rarely achieved.

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<sup>66</sup> N. Rogers, *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford, 1989), p. 351.

<sup>67</sup> F. O’Gorman, ‘Campaign Rituals and Ceremonies’, p. 93; N. Z. Davis, ‘The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth-Century France’, *Past and Present*, No. 50 (1971), pp. 41-75; M. Harrison, ‘Symbolism, “Ritualism” and the Location of Crowds in early Nineteenth-Century English Towns’ in D. Cosgrove and S. Daniels (eds.), *The Iconography of Landscape: Essays on the Symbolic Representation, Design and Use of Past Environments* (Cambridge, 1988), pp. 194-213.

<sup>68</sup> J. Bender, *Imagining the Penitentiary: Fiction and the Architecture of Mind in the Eighteenth Century* (Chicago, 1987).

<sup>69</sup> *Ibid.*, pp. 241-3.



This temporal and spatial control over the execution crowd has also been considered by Steven Wilf, who relates the new arrangements for London executions to a wider ‘creative outburst of changes’ evident in metropolitan planning.<sup>70</sup> In his view, the switch to Newgate prison as the site of public execution reflected broader concerns with the ‘loss of patrician hegemony over public space’, as civic authorities ‘increasingly turned to scribble administrative and regulatory decisions to redefine the way it might be used’.<sup>71</sup> Like Bender, Wilf writes of the new ‘punitive aesthetic’ that emerged during the later Georgian period: a powerful display of psychological messaging contained in bricks and mortar.<sup>72</sup> Reformation of punishment spaces formed part of a larger, more ambitious plan to cleanse and refine the urban topography anew, which in the process fractured older neighbourhood social networks based on the parish unit. New roads, grand urban vistas, shops and statuary all reflected the refined tastes of the period, out of which emerged highly sensitive roles for ‘the new public man and woman’.<sup>73</sup> And against this backdrop of rising grandeur sat the incongruous spectacles of corporal and capital punishment, representing, in Greg Smith’s words, a ‘blot on the character of the society as a whole’.<sup>74</sup>

Clearly, these geo-physical transformations had a political dimension. Beyond the maze of medieval streets and alleyways of the City stood the elegant squares and lofty

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<sup>70</sup> S. Wilf, ‘Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England’, *Yale Journal of Law and the Humanities*, Vol. 5, No.1 (1993), p. 53.

<sup>71</sup> *Ibid.*, p. 66.

<sup>72</sup> *Ibid.*, pp. 74-7.

<sup>73</sup> G. T. Smith, “‘Civilized People Don’t Want to See That Kind of Thing’”, p. 42; P. Borsay, *The English Urban Renaissance: Culture and Society in the Provincial Town 1660-1770* (Oxford, 1989), chp. 10.

<sup>74</sup> G. T. Smith, “‘Civilized People Don’t Want to See That Kind of Thing’”, p. 45.

mansions of the expanding West End: what Miles Ogborn labels the new ‘spaces of modernity’ from where all political power radiated.<sup>75</sup> As early as the 1720s, metropolitan elites began to segregate and restrict public access to many of London’s open spaces, on strictly defined lines of rank and social caste.<sup>76</sup> As the century advanced, clearer social zoning took place in the metropolis, evident in the rash of new building works catering to exclusive tastes.<sup>77</sup> And with these lines of social demarcation came ever tighter controls on plebeian behaviour, where the rough and tumble of the Georgian capital was rejected in favour of a more refined civic propriety.<sup>78</sup> The ‘civilisation of the crowd’ (as defined by Golby and Purdue) was thus covalent with the refinement of public space.<sup>79</sup> Segregation of the social terrain was imposed by a confident urban elite more sensitive to the chaos of a bawdy popular culture: a response ‘essentially populist and reactionary’ in tone, but in the long run responsible for the clear strictures that were placed on public mobility.<sup>80</sup>

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<sup>75</sup> M. Ogborn, *Spaces of Modernity: London’s Geographies, 1680-1780* (London, 1998).

<sup>76</sup> See P. Borsay, ‘The Rise of the Promenade: The Social and Cultural Use of Space in the English Provincial Town, c. 1660-1800’, *British Journal for Eighteenth-Century Studies*, No. 9 (1986), pp. 125-40; P. J. Corfield, ‘Walking the Streets: The Urban Odyssey in Eighteenth-Century England’, *Journal of Urban Studies*, No.16, No. 2 (1990), pp.132-74; P. J. Corfield, *The Impact of English Towns 1700-1800* (Oxford, 1982).

<sup>77</sup> See E. McKellar, *The Birth of Modern London: The Development and Design of the City, 1660-1720* (Manchester, 1999), esp. chp. 9; J. Summerson, *Georgian London* (Harmondsworth, 1962); D. Cruikshank and P. Wyld, *London: The Art of Georgian Building* (London, 1975); P. Earle, *The Making of the English Middle Class: Business, Society and Family Life, 1660-1730* (London, 1989); D. Keene, ‘Growth, Modernisation and Control: The Transformation of London’s Landscape, c.1500-c.1760’ in P. Clark and R. Gillespie (eds.), *Two Capitals: London and Dublin, 1500-1840* (Oxford, 2001), pp. 7-38.

<sup>78</sup> J. Barrell, *The Spirit of Despotism: Invasions of Privacy in the 1790s* (Oxford, 2006), p. 28.

<sup>79</sup> J. M. Golby and A. W. Purdue, *The Civilisation of the Crowd: Popular Culture in England, 1750-1900* (London, 1984).

<sup>80</sup> *Ibid.*, p. 60.

Yet as this thesis will show, such interpretations have so far largely failed to acknowledge the continuing mobility and visible presence of the punishment crowds that continued to arrive at the pillories, whipping posts and scaffolds regardless of these attempts to generate a new geography of class distinctions. What will be demonstrated here is how punishment crowds were essentially resistant to such planned geographical constraints, and represent an important and seldom recognized exception to these ‘improving’ social trends.

### *Habermas and the public sphere*

The analysis so far has highlighted some of the ways in which historians have deemed political forces responsible for shaping crowd activity: of the changing relationship between the state and the people and its influence on civic freedoms. Historians examining the influence of *cultural* forces in the eighteenth and nineteenth centuries, however, have also shed further light on this theme. Underpinning the theoretical notions of social control, embedded within a narrative of both physical and geographical change, and in the transformation of the theatre of punishment, lies a broader socio-political narrative based around what historians following the work of Jurgen Habermas term the ‘public sphere’.<sup>81</sup> In his *Structural Transformation of the Public Sphere*, Habermas described how the growth of a coffee house and literary culture in the early modern period fostered public discourse, powerfully assisted by a burgeoning commercial press that acted as a ‘genuinely critical organ’.<sup>82</sup> The coffee house itself became the crucial nexus of political, social and mercantile exchange: an

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<sup>81</sup> J. Habermas, *The Structural Transformation of the Public Sphere* (trans. T. Burger and F. Lawrence) (first published 1962; reprinted Cambridge, 2005).

<sup>82</sup> *Ibid.*, p. 60.

arena in which gentry and shopkeeper alike could trade information confidently, regardless of rank or social position.

Emerging from this social matrix was a formative bourgeois public space: one that encouraged and incorporated a vigorous flow of ideas and which in turn politicized those engaging within. At first restricted to those of the right means, this literary public arena became progressively open and autonomous in character, and evolved into a space in which the freedoms of individual expression were defended rigorously against the incursions of the state. By the early nineteenth century, parliamentary elections, for example, though heavily circumscribed by property qualifications and endemic corruption, were nevertheless influenced by a much wider public debate: one that incorporated a genuine ‘sense of the people’ amongst the enfranchised classes. ‘Step by step’ writes Habermas, ‘the absolutism of Parliament had to retreat before [the public’s] sovereignty’, as demonstrated by the British establishment’s political remodelling of legislation (the Reform Bills and the repeal of the Corn Laws, for example), and the recognition of a powerful rational agreement within the public sphere.<sup>83</sup>

Habermas next posited the notion that public influence collapsed under the pressures of ‘refeudalization’.<sup>84</sup> As nineteenth-century governments expanded their centralized political powers, state influence steadily encroached back into private realms of interest. Where once the state maintained equity, stability and order through remote institutions of power (the judicial and taxation systems, for example) governments

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<sup>83</sup> Ibid., p. 66.

<sup>84</sup> Ibid., p. 142 .

now adopted more aggressively interventionist strategies in pursuit of social reform. Economically weaker groups were offered succour by central powers indulging in a ‘collective provision for the necessities of life’: a new interdependence between the state and the people, exacted through political trafficking at the intersections of government and society.<sup>85</sup>

In some respects this theoretical model substantially impinges on our understanding of the role and evolution of metropolitan crowds. In the 1970s Richard Sennett wrote persuasively of the ‘fall of public man’ in Victorian England, describing in detail how social relations in the nineteenth century consolidated into secular and privatized worlds of activity. London in particular developed a distinctive ‘localism’ in its own right, in which urban dwellers (and particularly women) sought sanctuary from the confusion of modern society within the narrow confines of a comfortable connubial lifestyle.<sup>86</sup> ‘The desire to be shielded from the masses of strangers was strong’ argued Sennett, who portrayed a somewhat pallid image of urban society characterized by its conformity of dress, disappearing recreational opportunities, individualism and anonymity.<sup>87</sup>

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<sup>85</sup> Ibid., p. 147.

<sup>86</sup> R. Sennett, *The Fall of Public Man* (Cambridge, 1977). The notion that there existed a parallel female sphere has received much attention: see L. E. Klein, ‘Gender and the Public/Private Distinction in the Eighteenth Century: Some Questions About Evidence and Analytical Procedure’, *Eighteenth-Century Studies*, Vol. 29, No. 1 (1995), pp. 97-109; A. Vickery, ‘Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History’, *Historical Journal*, Vol. 36, No. 2 (1993), pp. 383-414; V. Jones (ed.), *Women in the Eighteenth Century: Constructions of Femininity* (London, 1990); D. B. Massey, *Space, Place and Gender* (Cambridge, 1994); R. B. Shoemaker, *Gender in English Society, 1650-1850: the Emergence of Separate Spheres?* (London, 1998).

<sup>87</sup> R. Sennett, *The Fall of Public Man*, p.137; also M. Morgan, *Manners, Morals and Class in England 1774-1858* (Basingstoke, 1994). Morgan also describes the middle-class refuge of home and family, stating that ‘all nineteenth-century city dwellers increasingly strove to shield themselves by means of suppressing emotional expression’: p. 97.

Other social histories similarly allude to the declining functionality of ‘publicity’ as an abstract concept within the Habermasian mould. Robert Shoemaker in particular deals extensively with the changing facets of metropolitan social intercourse, by describing how the shift from public to private forms of civil conduct in the latter 1700s resulted in a concomitant decline in public violence and shame.<sup>88</sup> Community intimacies based on the confines of the street waned as the interdependencies of the parish unit dissolved: a casualty of aggressive urbanization and staggering population growth where ‘most of the people encountered in public were strangers’.<sup>89</sup> Regular occurrences of wife beating, street fighting, duels and other acts of public aggression, in Shoemaker’s view, declined steadily towards 1800, so that by the turn of the century disputes were settled far away from prying eyes and reputations more commonly defended in ‘narrower social contexts’.<sup>90</sup> As a corollary to this development, Shoemaker sees the power of shaming rituals (particularly that of the pillory) as also declining quickly, as the loosening of social bonds obviated the need to preserve social and moral conventions through group-sanctioned public chastisement. According to Shoemaker, reputations and civic standing were now more likely to be affirmed in limited social circles; so much so that by 1800 crowds were losing interest in punishment rituals overall.<sup>91</sup>

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<sup>88</sup> R. B. Shoemaker, ‘Public Spaces, Private Disputes? Fights and Insults on London’s Streets, 1660-1800’ in T. Hitchcock and H. Shore (eds.), *The Streets of London: From the Great Fire to the Great Stink* (London, 2003), pp. 54-68; also R. B. Shoemaker, ‘The Decline of Public Insult in London, 1660-1800’, *Past and Present*, No. 169 (2000), pp. 97-131; R. B. Shoemaker, ‘Male Honour and The Decline of Public Violence in Eighteenth-Century London’, *Social History*, Vol. 26, No. 2 (2001), pp. 190-208; R. B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth Century England* (London, 2004).

<sup>89</sup> R. B. Shoemaker, *The London Mob*, p. 110.

<sup>90</sup> *Ibid.*

<sup>91</sup> R. B. Shoemaker, ‘Streets of Shame?’, p. 247.

This thesis, however, considers the Habermasian model in a very different light. Though it will be acknowledged that a theory of ‘refeudalization’ might indeed be applied to the state’s increasing intervention in the administration of public justice – particularly the ways in which radical adjustments were made to the locality of punishments after 1783 - at the same time it will be maintained that the crowd’s role and active engagement with punishment rituals remained largely undiminished. As the following chapters will show, while the civil powers certainly made bold attempts to manipulate public conduct after the late 1700s (particularly through the increased surveillance of unruly street gatherings by the police), the response of London’s crowds to, and interest in, corporal and capital punishments remained largely consistent.

### *Sensitivity and squeamishness*

A primary aim of this thesis is thus to re-evaluate the implied linkage between the decline of public punishments and a decay in the tolerance of older, sometimes violent modes of civic behaviour: a topic addressed by many writers over recent years and which is implicit in the broader history of crime and social relations.<sup>92</sup> As Greg Smith remarks, it is perhaps not coincidental that the sustained attacks directed against the punishments under consideration here occurred almost simultaneously during the last quarter of the eighteenth century: a chronology of policy change that reflects the

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<sup>92</sup> J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The Shadow of Our Refinement* (London, 2004), p. 42; C. Emsley, *Hard Men: The English and Violence since 1750* (London, 2005), chp. 9; also P. Spierenburg, ‘Violence and the Civilizing Process: Does it Work?’, *Crime, History and Society*, Vol. 5, No. 2 (2001), pp. 87-105; J. M. Beattie, ‘Violence and Society in Early-Modern England’ in A. N. Doob and E. L. Greenspan (eds.), *Perspectives in Criminal Law* (Aurora, Ont., 1985), pp. 36-60; L. Stone, ‘Interpersonal Violence in English Society, 1300-1980’, *Past and Present*, No. 101 (1983), pp. 22-33; G. Pearson, *Hooligan: A History of Respectable Fears* (London, 1983); S. D. Amussen, ‘Punishment, Discipline and Power: The Social Meanings of Violence in Early Modern England’, *Journal of British Studies*, Vol. 34, No. 1 (1995), pp. 1-34.

penetrating influence of rapidly evolving popular attitudes to corporeal pain.<sup>93</sup> In determining eighteenth-century sentencing trends, John Beattie also noted how ‘the state’s violence changed character as the opinion changed upon which it depended for its effectiveness’: an argument which in turn relies on a notion of ‘refinement’ in public sensibilities.<sup>94</sup>

Historians have spilt much ink in attempting to describe the tangible social consequences of ‘sensibility’ during the eighteenth century, much of it supplied by Norbert Elias’s theoretical model of a ‘civilizing process’.<sup>95</sup> Indeed, a veritable cottage industry has emerged addressing the impact of the fundamental shifts that took place in social mores, and the cultural consequences of Enlightened Augustan belief.<sup>96</sup> Within his analysis Elias described the emergence of civil propriety as a sustained repression of the animal instinct, bound up in polite society’s desires to achieve true and lasting moral ‘progress’. This refinement was particularly evident in public and social conduct: in table manners, dress, deportment and personal courtesy, for instance, whereby the ‘thresholds of repugnance’ were lowered by considerable degrees, marking a transition from a baser age to a ‘modern’ world.<sup>97</sup>

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<sup>93</sup> G. T. Smith, ““Civilized People Don’t Want to See That Kind of Thing””, p. 21.

<sup>94</sup> J. M. Beattie, *Crime and the Courts 1660-1800* (Princeton, 1986), p. 139.

<sup>95</sup> N. Elias, *The Civilizing Process: Volume 1*.

<sup>96</sup> For examples see R. Porter, *Enlightenment: Britain and Creation of the Modern World* (London, 2000); M. B. Becker, *The Emergence of Civil Society in the Eighteenth Century* (Bloomington, In., 1994); J. C. D. Clark, *English Society 1688-1832: Ideology, Social Structure and Political Practice During the Ancien Regime* (Cambridge, 1985); G. J. Barker-Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain*, (Chicago, 1992); J. Brewer, *The Pleasures of the Imagination: English Culture in the Eighteenth Century* (London, 1997); P. Goring, *The Rhetoric of Sensibility in Eighteenth-Century Culture* (Cambridge, 2005).

<sup>97</sup> N. Elias, *The Civilizing Process*, Vol. 1, p. 114.



Yet historians were initially slow to apply this notional model of the ‘civilizing process’ to their understanding of penal practice. Only in 1984 did Pieter Spierenburg overlay Elias’s theoretical template on the history of crime and punishment by suggesting that the move away from violent public punishments to non-corporal incarceration complemented a broader trajectory towards an ‘improved’ and modernistic society. In Spierenburg’s view, these rapid changes were imposed by a self-confident middle class elite eager to implement a clean break from the barbarism of the *ancien régime*.<sup>98</sup> ‘Many whose forefathers had fully approved the spectacle [of execution]’, suggested Spierenburg, ‘now considered the eagerness of the lower classes to watch it as a sign that they were not yet as civilised as themselves’.<sup>99</sup> And yet there is still something of the Foucauldian tradition evident in Spierenburg’s words. A genuine repugnance for physical pain, he argues, existed - somewhat paradoxically - in tandem with an ongoing reliance on older technologies of repression; concurrent yet competing ideologies which he believed were ‘not at all incompatible’.<sup>100</sup>

Spierenburg was nevertheless deeply fascinated by the genuine measure of ‘improvement’ discernible in the story of penal change, and the Enlightened civil positivism embedded within his narrative remains important. Subsequent investigations have similarly attempted to refocus on a ‘humanitarian’ refrain, as historians seek once more to reconcile the longevity of public hanging in Britain with

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<sup>98</sup> P. Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge, 1984), p.191; see also P. Spierenburg, ‘Punishment, Power and History: Foucault and Elias’, *Social Science History*, Vol. 28, No. 4 (2004), pp. 607-36; D. Garland, *Punishment and Modern Society*, chp 10.

<sup>99</sup> P. Spierenburg, *The Spectacle of Suffering*, p. 196.

<sup>100</sup> *Ibid.*, p. 184; also P. Spierenburg, ‘Punishment, Power and History’, p. 610.

an apparently growing tide of public sympathy.<sup>101</sup> Randall McGowen, for example, has described in detail the problematical tensions that existed between conservative defenders of the death penalty and those of an oppositional evangelical faith, the latter of whom believed that ‘sympathy among individuals would abolish the necessity for crude physical punishments’.<sup>102</sup>

How far this sympathy for the condemned was embraced by society at large remains a source of on-going contention. In one recent study, for example, John Pratt has questioned entirely the idea that public sympathy ever became broadly universal, suggesting instead that the death sentence *per se* ‘did not much trouble the public’.<sup>103</sup> As we shall see, the crowd’s responses to public death were certainly ambiguous and at times even shockingly disrespectful to the condemned: what Basil Montagu interpreted as the sheer ‘vice and stupidity’ evident in the audience’s reactions.<sup>104</sup> For critical contemporaries at least, the symptoms of festive behaviour at punishments illustrated the widening social gap between sensitive advocates of reform and the

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<sup>101</sup> Karen Haltunnen believes that corporal pain became ‘pornographic’ to sensitive observers by the nineteenth century, hence reinvigorating its titillating appeal: K. Haltunnen, ‘Humanitarianism and the Pornography of Pain in Anglo-American Culture’, *American Historical Review*, Vol. 100, No. 2 (1995), pp. 303-34.

<sup>102</sup> R. McGowen, ‘A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain’, *Journal of British Studies*, Vol. 25, No. 3 (1986), p. 323; also R. McGowen, ‘Civilizing Punishment: The End of the Public Execution in England’, *Journal of British Studies*, Vol. 33, No.3 (1994), pp. 257-282; R. McGowen, ‘The Changing Face of God’s Justice. The Debates Over Divine and Human Punishment in Eighteenth-Century England’, *Criminal Justice History*, Vol. 9 (1988), pp. 63-98.

<sup>103</sup> J. Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London, 2002), p. 10.

<sup>104</sup> B. Montagu, *A Brief Statement of the Proceedings in Both Houses of Parliament Upon the Several Bills Introduced with a View to the Amendment of the Criminal Law* (London, 1811), p. 36.

cheering, drunken mob, and its tendency to undermine the moral propriety anticipated within each ritual.<sup>105</sup>

Vic Gatrell has been especially interested in these oscillating responses to the sight of the public gallows. In *The Hanging Tree* Gatrell examined the rich folk traditions that flourished around the scaffold, by carefully sifting through the myriad eighteenth- and nineteenth-century chapbooks, pamphlets and broadsides that accompanied the events. In so doing, Gatrell revealed a rarely considered cultural dimension within the sometimes gruesome spectacles, that incorporated a range of gossip, storytelling, pamphleteering and public memory shared at a neighbourhood level, all of which added to the intense psychological experience of attending a public hanging.<sup>106</sup>

Yet one of Gatrell's chief concerns remained the ways in which legal authorities achieved compliance amongst the audience. The crowd, he asserts, was an uncertain place. Rarely predictable and frequently disconcerting (by turns 'festive, reverential, defensive, defiant or cowed'), execution crowds for the better part of the eighteenth and nineteenth centuries, for Gatrell, represent a site of popular contention.<sup>107</sup> 'There was never doubt to where the crowd's sympathies lay when radicals or protestors were executed' he writes, suggesting that the gallows only ever 'symbolized an illegitimate power' in the public mind.<sup>108</sup> This 'dangerous perception' of authority extant amongst the audience was frequently the cause of considerable political

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<sup>105</sup> J. S. Cockburn, 'Punishment and Brutalization in the English Enlightenment', *Law and History Review*, Vol. 12, No.1 (1994), pp. 174-6.

<sup>106</sup> V. A. C. Gatrell, *The Hanging Tree*, p. 117.

<sup>107</sup> *Ibid.*, p. 89.

<sup>108</sup> *Ibid.*, pp. 103-4.

anxiety.<sup>109</sup> ‘The crowd that cheered the highwayman’ he suggests, ‘could just as well hiss the sodomist or murderer, stay silent for the footpad, and pityingly accept the infanticide’s doom’, in a complex mixture of uncertain fascination, ribaldry and outright horror.<sup>110</sup>

Thus, Gatrell’s narrative is in many ways a familiar history of supreme state authority, in which the execution spectacle is depicted as an arena where ‘the harsh realities of worldly power were incontrovertibly affirmed’.<sup>111</sup> True humanitarianism, he argues, remained a bogus concept within the ruling elite, whose faith in the death sentence betrayed an older, sanguinary penal hubris. Reform of the execution spectacle during the Victorian period was hence, in Gatrell’s view, never a product of compassion for the criminal at all. Rather, the abandonment of public hangings in 1868 boiled down to a queasy middle-class discomfort: what Gatrell neatly labelled simple Victorian ‘squeamishness’. And in all this stood the ugly execution crowd, its apparently indolent behaviour roundly condemned as a remnant of a bygone age.<sup>112</sup>

### ***Rethinking the crowd***

The foregoing discussion illustrates the overriding (and justified) preoccupation in the historiography of criminal justice with the conceptualization of the political relationship that existed between law makers and the body politic. Similarly, the

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<sup>109</sup> Ibid.

<sup>110</sup> Ibid., p. 157.

<sup>111</sup> Ibid., p. 94.

<sup>112</sup> Randall McGowen has also suggested that the crowd’s misbehaviour diverted attention away from any true humanitarian consideration of the death sentence: see R. McGowen, ‘Civilizing Punishment’, p. 280; also McGowen’s reappraisal of Gatrell’s cultural approach in R. McGowen, ‘Revisiting the Hanging Tree. Gatrell on Emotion and History’, *British Journal of Criminology*, Vol. 40, No. 1 (2000), pp. 1-13.

related history of the punishment crowd has been mapped out as the ground over which the struggle for social compliance was fought. Historians writing in the Foucauldian tradition in particular have described the changes applied to public punishments as ostensibly proscriptive in character: an abrupt resort to privatized punishment from which (in Michael Ignatieff's words) the public were forcibly 'locked out'.<sup>113</sup> Those punishments that did remain, argues Gatrell, were contrived and restricted affairs: enclosed public executions where the audience were always 'powerless to affect the process enacted before it'.<sup>114</sup> In describing the 'civilizing' influences of improvement and sensibility, other historians assign a growing repugnance to the events, and incorporate reforms applied to public punishments within a larger scale index of social change. New moral discourses and changing values of civic propriety at *all* levels of society, they argue, invoked universal and increasingly vitriolic criticisms of violence. Thus, public punishments were antithetical to a thoroughgoing sense of societal 'improvement', which in due course rendered the pillory and whipping posts primary casualties of a common 'refining' impulse.

In assessing this literature, it is useful to return to Thomas Laqueur's work and note his originality with greater clarity. For Laqueur, the festivity at the gallows is best explained by the freedoms extended to the audience; evidence enough that 'in England, the law, liberty and the state were grounded in community'.<sup>115</sup> The 'sheer imbalance of forces' in favour of the spectators at public executions always produced

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<sup>113</sup> M. Ignatieff, *A Just Measure of Pain*, p. 105.

<sup>114</sup> V. A. C. Gatrell, *The Hanging Tree*, p. 97.

<sup>115</sup> T. W. Laqueur, 'Crowds, Carnival and the State in English Executions', p. 354.

a regime of punishment that could only ever be exercised successfully with full and ‘tacit consent of the crowd’.<sup>116</sup> This uneasy contingency between the judiciary and spectatorship, moreover, ensured equanimity under the rule of law. By prosecuting and publicly punishing rich and poor alike the neutrality and discretion of the law was assured, allowing ample opportunity for members of society at large to observe the even-handedness of criminal justice in operation. As Laqueur believed, the efficacy of executions turned on a subtle system of compromise, evidenced by the ‘delicate negotiations and displays through which plebs and patricians asserted their respective claims’.<sup>117</sup>

Few other writers have ventured such an inclusive interpretation of the history of the punishment crowd. Gatrell in particular was highly critical of Laqueur’s interpretation, and was unconvinced that execution audiences were ever the true masters of events. For Gatrell, the execution arena was simply an ‘implausible place’ for the expression of an independent public spirit.<sup>118</sup> For him, executions were only ever a raw and brutal exercise in the application of state power: places where plebeian audiences could never fully appropriate proceedings in the manner of a relaxed metropolitan fair. Though Gatrell acknowledges the London hanging’s universal popular appeal (and the limited attempts occasionally made to subvert the execution ritual) there remains in his work an assumption of immutable state power and cowed compliance at work. Laqueur’s pictorial evidence of free movement around the gallows is swept aside as simple historical misinterpretation: crowds of any

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<sup>116</sup> Ibid., p. 352.

<sup>117</sup> Ibid., p. 353.

<sup>118</sup> V. A. C. Gatrell, *The Hanging Tree*, p. 94.

description, argues Gatrell, were, after all, regularly chaotic phenomena. Most state ceremonials remained largely disorganized across the period in question (when even royal ceremony was ‘inept’), and for Gatrell reconciling the apparent ribaldry of the events with the exertion of judicial power was of no particular concern.<sup>119</sup> However ‘festive’ the audience may have outwardly appeared, public punishments nevertheless remained politically moribund phenomena: public spaces of behavioural conformity where social freedoms were subordinated to the majesty of the law.<sup>120</sup>

This study, however, addresses the punishment crowd using a new research strategy. By employing recent developments in historical record digitization, and by using new forms of online searching, the thesis uses explicitly non-legal textual sources in order to focus more closely on the ‘man on the street’. In so doing, the thesis escapes from traditional archives of the criminal justice system as a primary point of reference (already used extensively by historians of crime) and instead employs written texts as a distinctive object of enquiry. By identifying sources that detail the punishment crowd’s structure and behaviour ‘from the outside’, the methodology has been designed to move beyond the generalized and familiar depictions of the amorphous London ‘mob’, many of which are informed by an uncritical reading of contemporary printed sources inveighing against popular behaviour.

Firstly, keyword searches of the digitized edition of the London *Times* have been used to provide a chronological map of eighteenth- and nineteenth-century public punishments, beginning shortly after the abandonment of Tyburn in 1783 until the

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<sup>119</sup> Ibid., p. 95.

<sup>120</sup> Ibid., p. 97.

abolition of public executions in 1868.<sup>121</sup> This search has then been used to locate additional newspaper accounts of these events, and to pinpoint further references for broader archival enquiry. Though it is clear that these newspapers often failed to report *all* punishment events whenever they occurred, and that most remained highly critical of punishment crowds well into the nineteenth century, many of their accounts nevertheless contain remarkably fine detail with regards to spectators, though to date this data has been rarely employed. Throughout this thesis these reports are therefore taken and contrasted with the standardized eighteenth- and nineteenth-century descriptions of unruly crowd conduct (as typified in the work of Bernard Mandeville, Henry Fielding, Jonas Hanway and a host of contemporary printed pamphlets, such as the *Ordinary of Newgate's Accounts*) and used to present an alternative picture of stability.

From this newspaper survey specific punishment days have then been identified in order to reveal richer historical detail. London's controversial, sensational or more widely attended punishment rituals in particular have been selected as case studies, owing to their greater tendency to draw additional contemporary commentary: in the reports of Parliamentary Select Committees, for example, or in the records of the Corporation of London and Home Office, and in the memoirs and diaries of eye witnesses and contemporary observers, all of which have been extensively used. Importantly, those punishments that involved incidents of petty criminality or violence, and - most usefully - those that resulted in the death or injury of spectators, have also been singled out for closer investigation, owing to the additional primary evidence that they yield. By attending these remarkably popular rituals, and by being

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<sup>121</sup> *The Times Digital Archive* covers issues from January 1785 onwards.



involved in such incidents, many spectators came into brief but close contact with London's judicial, policing or administrative bodies, and in the process left behind an intimate record of their daily lives.

Court and coroners' records (amongst an array of other manuscript and printed materials) have also been consulted, in order to further reveal the lives of the men, women and children who came to watch. In chapter four of this thesis, for example, the records of the City of London Coroner are used to investigate an Old Bailey hanging in 1807 that resulted in a crowd panic and the death of thirty spectators. From the inquest into those killed, several dozen pages of closely hand-written testimony were recorded, which are used here to analyse the ages, occupations, districts of inhabitancy and social class of the people involved. (Coroner's inquests relating to similar crowd deaths - and the death of pilloried criminals - have also been investigated). Similarly, the records of London's judicial sessions, magistrates' offices, justice rooms and the Old Bailey have all been consulted in order to explore the behaviour and social background of the crowds that swarmed around London's punishment sites. Embedded deep within these records lies an abundance of biographical detail: of the pickpockets' victims that watched sexual deviants in the Charing Cross pillory, of the day-trippers to an Old Bailey execution involved in public disorder and of the street hawkers found blocking the view of the gallows, for example, and thus represent a central source for this thesis.

By identifying and investigating these primary documents, and by uncovering these hitherto unseen biographies, a more nuanced picture of the shape, character and social profile of the punishment crowd is consequently constructed, revealing in the process

the stability, diversity and orderliness of the audiences across time. By using the newspaper survey in detail, the thesis also illustrates the relatively widespread geography that characterized whipping, pillory and execution sites for the better part of the eighteenth century, and demonstrates how, as a reflection of increasing state intervention after 1783, the spatial spread of punishments in London contracted considerably. Yet in spite of all the administrative restrictions that were implemented across the period (as described in the following chapters), the thesis reveals how the public's avid interest in public punishments remained essentially intact.

By employing the detail contained within these records, the following chapters will challenge the extent to which crowd interaction with punishments was actually curtailed, illustrating instead how the rich and vivid popular culture attached to ritual punishment not only survived but indeed flourished in spite of restrictive legal practice. While acknowledging that the profound alterations applied to punishment administration reflected deeper, more fundamental shifts in penal policy and political ideology (akin to Habermas's notion of state 'refeudalization' and Elias's all-embracing 'civilizing process'), this thesis will nevertheless seek to demonstrate how attitudes towards public punishment proved remarkably resistant to change. In tracing a direct line of continuity in popular behaviour throughout the lifetime of the capital's public punishments, as revealed in these little used records, this thesis will consequently problematize a series of broader socio-political frameworks – those of Foucault, Habermas and Elias, for example - that have been regularly invoked by historians when explaining penal change.

While not subscribing to Laqueur's interpretation of the carnivalesque, this study nevertheless mirrors his methodology by employing distinctly non-legal sources (in Laqueur's case, his use of visual representations) in order to significantly revise the history of the disorderly punishment crowd. By applying this approach to a textual enquiry, what will be illustrated here is how the depictions of unruly crowd conduct around the scaffolds, pillories and whipping posts were largely conflated misrepresentations that emanated from a critical and politically nervous elite: caricatures manipulated by a band of moral reformers eager to check the activity of the lower orders during moments of penal and revolutionary crisis. Throughout the eighteenth century the realities of popular interaction with the spectacles of suffering were often markedly benign, characterized by the 'respectable' behaviour of a people fully reconciled to the purposefulness of public justice. Indeed, the continuum in the community's acceptance of – and engagement with - public punishment was to find fresh impetus after the 1830s, once murderers only were consigned to the scaffold, which in the process buttressed the acceptability of capital sentencing within the public conscience. While challenging the image of disorder incorporated in Laqueur's analysis, this thesis nevertheless takes seriously his belief that the crowd was possessed of a powerful ideological engagement with the metropolitan punishment process.

This thesis consequently fills a gap in the story of the eighteenth- and nineteenth-century London crowd. Public punishments are reinserted into the wider mosaic of 'self-ordered' urban activity, and the crowd's assumed inclination towards disorder is reassessed. In a period that witnessed unprecedented change in the use of public space, this thesis will attempt to show how the punishment arena formed a point of

historical continuity: the nexus of a resilient, democratic urban congeniality, characterized by a much higher degree of peaceable civil order than is normally allowed by modern historical scholarship.

## Chapter Two

### The Problem with Crowds

Contemporary descriptions of the eighteenth-century hanging ritual as a colourful ‘fair’ abound, illustrating well enough the mass appeal of the spectacle within the metropolitan experience.<sup>1</sup> Typically, one account from the 1730s described the Newgate prison execution procession ‘bursting through the gate like a West Country Barge with a flash of Thames water at her tail’, pursued by hundreds of eager spectators all along the way.<sup>2</sup> For three miles the cavalcade struggled across the capital: over the Fleet bridge, along Holborn into the parish of St. Giles, and from there out along the axis of the Oxford Road towards Paddington and the capital’s ‘deadly never-green’ at Tyburn.<sup>3</sup> Radical writer Francis Place for one described the ‘pyemen, gingerbread men, and other things bawled about’, together with the ribald songs and ballads ‘sold at the corner of the streets all day’.<sup>4</sup> Hawkers of food and drink lined the processional route and around the gallows, alongside sellers of the *Last Dying Speeches* and *Ordinary of Newgate’s Accounts*.<sup>5</sup> One visitor to Tyburn in the 1770s could describe the ‘holiday manner in which [the] Cocknies (*sic*) amuse themselves’ at the gallows, who indulged in ‘neats-tongues, slices of ham, oranges

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<sup>1</sup> For conventional descriptions of the Tyburn spectacle see A. Brooke and D. Brandon, *Tyburn: London’s Fatal Tree* (Stroud, 2004), chp. 11; D. Rumbelow, *The Triple Tree: Newgate, Tyburn and the Old Bailey* (London, 1982), pp. 160-84.

<sup>2</sup> Anon, *A Trip Through the Town* (London, 5<sup>th</sup> Edition, 1735), p. 30.

<sup>3</sup> F. Grose, *A Classical Dictionary of the Vulgar Tongue* (London, 1785), p. 67.

<sup>4</sup> BL, Add. MS 27826, f. 94.

<sup>5</sup> A. McKenzie, ‘From True Confession to True Reporting? The Decline and Fall of the Ordinary’s Account’, *London Journal*, Vol. 30, No. 1 (2005), pp. 55-70.

and...sausages or hot puddings...just as the cart was drawn away, and the man began to dangle like a joint of meat on a string'.<sup>6</sup>

Such images of public executions as *carnivals macabre* are now extremely familiar in general histories of London's past. Indeed, descriptions of deviant crowd activity at metropolitan hangings have been retailed to the point of cliché; so much so, in fact, that Tyburn now stands (in Andrea McKenzie's opinion) as a 'byword for the brutality and "grossness" of the eighteenth century'.<sup>7</sup> These images, moreover, have – somewhat surprisingly – remained largely unchallenged by history writers to date. As Dorothy George asked over eighty years ago, how could a people schooled in the terror of the gallows be anything other than 'coarse, violent and brutal?'; an assumption that even now is sometimes left undisputed.<sup>8</sup>

This chapter, however, challenges some of these familiar stereotypes by raising important questions of validity. How realistic is the charge made by some historians that Tyburn Fair was, indeed, the 'greatest sport of all'?<sup>9</sup> What evidence is there to confirm or deny the idea that changes in the arrangements for judicial death in the 1780s were essentially palliative measures designed to stem escalating crowd anarchy? What will be demonstrated here is how such images of the execution 'carnival' can be interpreted as inaccurate and unfaithful caricatures, embellished by a

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<sup>6</sup> Anon, *Squire Randall's Excursion Round London; Or, a Week's Frolic in 1777* (London, 1777), pp. 41-2.

<sup>7</sup> A. McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London, 2007), p. 21.

<sup>8</sup> M. D. George, *London Life in the Eighteenth Century* (London, 1925; reprinted 1966), p. 19. John Pratt, for example, states that 'the public execution was interchangeable with, or simply an extension of, other sporting or festive occasions': J. Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London, 2002), p. 19.

<sup>9</sup> G. Rudé, *Hanoverian London 1714-1808* (London, 1971; reprinted 2003), p. 94.

phalanx of reforming campaigners in order to highlight failings in the criminal law and the dangers of ‘the mob’. Moreover, what will be shown here is how these images of crowd disorder were brought into sharp relief by a moment of political crisis: namely how the Gordon Riots of 1780 once and for all destroyed any remaining tolerance of the motley execution procession.

### **Tyburn lore**

To be sure, public executions in the eighteenth century could be remarkably physical affairs. In 1751, for example, when Richard Shears arrived at Tyburn with his wagon and horses in anticipation of the approaching hangings (in order ‘to let his cart for people to get up upon to see the prisoners die’) he was involved in ‘a sort of skirmish’ among the crowd in which he received a mortal wound as a gang drove away his horses to nearby Bayswater.<sup>10</sup> Two decades later, when three Jewish men were executed at Tyburn for murder, violence broke out near the Turnstile in High Holborn as the crowd watched the prisoners go by. Several fellow Jews were attacked in the audience, one of whom ‘received a violent blow across the face with a stick that did him great injury’, notwithstanding recent instructions in the London synagogues ‘for no Jews to appear in the streets on Monday till past twelve o’clock’.<sup>11</sup> Examples of crowd injuries also illustrate this physicality. When John Perrot was executed at Smithfield for embezzlement in November 1761, a gentleman was killed near Hosier Lane, having been ‘rode over by two butchers on a horse, and taken up for dead’.<sup>12</sup> A young butcher’s apprentice attending Tyburn in April 1774 was killed under foot

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<sup>10</sup> *Old Bailey Proceedings Online*, [www.oldbaileyonline.org](http://www.oldbaileyonline.org) (hereafter OBP) (all references consulted before 1 April 2009), 16 January 1752, Michael Magennis (t17520116-28).

<sup>11</sup> *Gazetteer and New Daily Advertiser*, 10 and 11 December 1771.

<sup>12</sup> *Public Advertiser*, 12 November 1761.

while pushing his way through the crowd, and in the same year, several people were ‘much hurt’ when a bullock ran out from Smithfield market and down Cow Lane into an execution crowd waiting outside Newgate prison.<sup>13</sup>

Arrangements at the gallows were also noted for their visceral qualities. Families, friends and spectators alike were always closely involved in the process of execution, and the corpse of a hanged felon was sometimes roughly treated. Writing in the 1760s, visitor Count Frederick von Kielsmansegge could describe the unhappy conclusion of one such event:

When he [the prisoner] had finished his devotions, and had taken leave of his friends, who had come up on the cart to see him, the cart with all the people standing on it drove off, and he remained hanging. His best friends at once held him down by the feet, and kept holding him there, so that from the first moment nobody noticed the slightest movement.<sup>14</sup>

In describing the struggles made by working people to protect the corpses of hanged felons, Peter Linebaugh has also usefully illustrated the centrality of the crowd within the events.<sup>15</sup> Attempts to bring executed felons back to life by various means gained some popularity early in the eighteenth century (so-called ‘resurrectionism’) and the protection of corpses from the physician’s dissecting knife was occasionally the cause of fierce disturbances around the gallows. Rioting among the mob sometimes ensued when friends and family attempted to rescue corpses from those sent to procure bodies for the dissection table; a situation only finally resolved in 1752 when the

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<sup>13</sup> *General Evening Post*, 21 to 23 April 1774; *Ibid.*, 21 to 24 May 1774.

<sup>14</sup> F. Von Kielsmansegge, *Diary of a Journey to England in the Years 1761-1762* (London, 1902), p. 158.

<sup>15</sup> P. Linebaugh, ‘The Tyburn Riot Against the Surgeons’ in D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow, *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 65-117.



Murder Act formally bestowed the right of ownership of murderers' cadavers directly on the Surgeons.<sup>16</sup>

That the ritual of the dying at Tyburn was therefore more than a simple act of state retribution meted out against London's more odious malefactors should certainly be recognized. Spectators attending Tyburn were always central players within the punishment ritual, and the crowd sometimes interacted with condemned prisoners in a remarkably loose manner. In the 1740s Samuel Richardson could describe 'people climbing into the cart to take their leave of the criminals' in an age when the 'still jerking hand' of an executed felon's fingers was considered curative for a range of ailments.<sup>17</sup> Flowers and nosegays were sometimes showered on those deemed unworthy of the executioner's attention, whilst mud, garbage and dead animals rained down on the generally despised.

This initial detail, on the face of it, serves to re-enforce Peter Linebaugh's account of early eighteenth-century executions as the site of manifestly unpredictable crowd behaviour, and of the 'laughter and comic chaos' of public hangings as depicted by Thomas Laqueur: a place where (in the words of Peter King) 'enormous slippage occurred between the official script and a variety of alternatives'.<sup>18</sup> Andrea McKenzie's analysis of criminals' defiance exhibited at Tyburn also suggests that this

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<sup>16</sup> Ibid., p. 76. For the Murder Act see R. Richardson, *Death, Dissection and the Destitute* (London, 1989), p. 35.

<sup>17</sup> S. Richardson, *Letters Written To and For Particular Friends on the most Important Questions* (London, 1741), p. 240; C. Hibbert, *The Road to Tyburn* (London, 1957), p. 144.

<sup>18</sup> P. Linebaugh, 'The Tyburn Riot Against the Surgeons'; T. W. Laqueur, 'Crowds, Carnival and the State in English Executions, 1604-1868' in A. L. Beier, D. Cannadine and J. M. Rosenheim (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989), p. 319; P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), p. 351.

crowd misbehaviour accorded directly with the condemned man's own rebellious inclinations. Rather than standing as a graphic demonstration of all that awaited those who transgressed the penal code, eighteenth-century public hangings had evolved into a 'debased spectator sport': one in which the swaggering felon died 'game' and emerged as a quasi-martyr in the public mind.<sup>19</sup> Symptoms of crowd disruption around the scaffold thus appear synonymous with an obdurate contempt for authority in a concerted act of errant group transgression, and stood alongside other forms of civic ceremony (such as the Lord Mayor's pageant) that regularly sparked an unrestrained, sportive communal response.<sup>20</sup>

Our question here, however, is one of validity. How reliable is this conventional image of public executions as a turbulent public holiday? From the outset, we should be clear how these occasional outbursts of rowdy gallows activity at Tyburn formed just one element in a range of crowd behaviours, and how familiar images of the 'carnival of death' need to be firmly counterbalanced by incidence and reality. What is made plain from any close analysis of execution reports from across the eighteenth century is how these errant forms of group activity were in fact far from usual. In many cases condemned prisoners spent their final moments in abject terror of death, accompanied by a muted, expectant crowd response: an observation that immediately

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<sup>19</sup> A. McKenzie, 'Martyrs in Low Life? Dying "Game" in Augustan England', *Journal of British Studies* Vol. 42, No. 2 (2003), p.168; see also A. McKenzie, *Tyburn's Martyrs*, chp. 7.

<sup>20</sup> See P. Burke, *Popular Culture in Early Modern Europe* (Aldershot, 1974; Reprinted 1994), p. 188. For the history of crowds at London's civic ceremonies see M. Berlin, 'Civic Ceremony in Early Modern London', *Urban History Yearbook* (1986), pp. 15-27; J. Betts, *The Pageantry of London City* (London, 1951); B. Klein, "'Between the Bums and Bellies of the Multitude": Civic Pageantry and the Problem of the Audience in Late Stuart London', *London Journal*, Vol. 17, No. 1 (1992), pp. 18-26. For an evocation of the Lord Mayor's pageant see W. Hogarth, *Industry and Idleness* (London, 1747), Plate 12.

calls into question Laqueur's definition of the English execution as a 'species of festive comedy or light entertainment'.<sup>21</sup>

Indeed, it now seems patently wrong to overdraw any picture of Tyburn executions simply as inebriated carnivals. The overwhelming majority of published accounts relating to public executions in the eighteenth century fail to elucidate crowd activity in any particular detail, either deviant or normative. What is striking about the more elaborate of newspaper execution reports is just how many resort instead to a contrasting vocabulary of contrition, in which prisoners were described as penitent or who urged others to mark their demise: 'dying well', in the eyes of beseeching priests, with a humble sense of their own moral failings.<sup>22</sup> Among the ten remorseful malefactors executed at Tyburn in September 1735, for instance, James Whitney tearfully implored the crowd 'to take warning by so many sufferers' while around him his fellow convicts 'went off the stage crying out, God have mercy on our souls!'.<sup>23</sup> When street robber Elizabeth Dennis faced the Tyburn audience in 1747 she 'grievously lamented her condition' and 'seem'd in the greatest agonies, and call'd out several times to the people to take warning', and in 1762 Samuel Harris 'strongly recommend[ed] honesty and industry to the spectators' from the gallows, and 'sincerely wished that his example might deter others from such practices'.<sup>24</sup>

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<sup>21</sup> T. W. Laqueur, 'Crowds, Carnival and the State', p. 323.

<sup>22</sup> A. McKenzie, *Tyburn's Martyrs*, pp. 165-70.

<sup>23</sup> *General Evening Post*, 20 September 1735; OBP, Ordinary's Account, 22 September 1735 (OA17350922).

<sup>24</sup> OBP, Ordinary's Account, 31 July 1747 (OA17470731); *General Evening Post*, 30 July 1747; *Ibid.*, 2 February 1762.

Though such reports were clearly mediated by intrusive confessional narratives presented in ‘conventionally acceptable terms’ (particularly those evoked in the Newgate Ordinary’s published accounts) such mournful scenes doubtlessly had striking effects, productive of a captivated horror among many audiences that were otherwise compliant and calm.<sup>25</sup> When a remarkable twenty felons were dispatched on one day in 1741, one report revealed how ‘their behaviour was suitable to their circumstances’ and that the crowd remained dutifully quiet, notwithstanding the two regiments of Horse and Foot Guards in attendance, sent there in expectation of trouble.<sup>26</sup> In 1772, seven youthful prisoners kissed and shook hands earnestly with several of their acquaintances *en route* to the London gallows, among ‘an amazing concourse as has been known for several years past’ (in spite of the cold winter weather), where the hangings were conducted to the sounds of weeping and in scenes of universal commiseration.<sup>27</sup> Three years later the procession of five burglars to the scaffold was depicted as ‘unusually solemn’, where ‘even the mob appeared to be impressed with the exemplary behaviour of the culprits’ as the men ‘assiduously engaged in devotion’.<sup>28</sup> Highwayman William Cox processed to the gallows in open regret in 1773 and exhorted the crowd to repent of sin along the way, finally dying on the gallows in a state of utter resignation: an event which ‘astonished every beholder’ in the large but peaceable audience.<sup>29</sup>

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<sup>25</sup> See P. Linebaugh, ‘The Ordinary of Newgate and his Account’ in J. S. Cockburn (ed.), *Crime in England, 1500-1800* (London, 1977), pp. 246-69; H. Gladfelder, *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* (London, 2001), p. 51.

<sup>26</sup> *London Evening Post*, 17 March 1741; *Daily Gazetteer*, 18 March 1741.

<sup>27</sup> *Westminster Journal and London Political Miscellany*, 1 to 8 February 1772.

<sup>28</sup> *Gazetteer and New Daily Advertiser*, 12 January 1775.

<sup>29</sup> Anon, *A Genuine Account of the Life, Robberies, Trial and Execution of William Cox, who was executed at Tyburn, October the 27<sup>th</sup> 1773* (London, 1773).

If, then, the image of Tyburn as a ribald carnival is indeed an unbalanced representation of the past, as these brief examples tend to imply, how can we begin to explain its familiarity as an historical trope? Certainly, the allure of public executions as a convenient marker of ‘the dreadfulness of the past’, from which histories of ‘penal progress’ and ‘social improvement’ have germinated, goes some way to explaining the presence of these stock analyses within the current historiography.<sup>30</sup> More significant, perhaps, is just how quickly the conventional metaphor of unruly mob behaviour at hangings was invoked by eighteenth-century writers when addressing the problem of urban crime, who used such images to embellish an evolving critique of the law; images which have subsequently shaped our understanding – or misunderstanding - of public executions ever since.

As early as 1725, for example, Bernard Mandeville voiced scathing criticisms of public executions in his *Enquiry into the Causes of Frequent Executions at Tyburn*, that was stimulated principally by the rising tide of capital punishments and the ‘droves that are carried to Tyburn for Slaughter, with those others that are sent to Smithfield for the same purpose’.<sup>31</sup> For Mandeville, the spectacle itself was self-defeating, inasmuch that it abetted the very criminality that it sought to deter. Hangings excited the imagination of the worst elements of society by gathering together ‘whores and Rogues of the meaner sort’, ‘Trollops, all in Rags’, gin sellers in ‘putrefying wigs’ and the idlest of the working people ‘most fond of making

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<sup>30</sup> J. A. Sharpe, “‘Last Dying Speeches’: Religion, Ideology and Public Execution in Seventeenth-Century England”, *Past and Present*, No. 107 (1985), p. 146.

<sup>31</sup> B. Mandeville, *An Enquiry into the Causes of Frequent Executions at Tyburn* (London, 1725), p. 16.

Holidays'.<sup>32</sup> The Tyburn crowd was the quarter of drunks, criminals and the profligate, all fuelled by that 'grand Preservative of Sloth, Jeneva, that infallible Antidote against care and frugal Reflexion'.<sup>33</sup> The condemned himself was drowned in 'seas of Beer' and fortified by 'a refuge in strong liquors', preservative of a great sense of bravado when in fact 'the Terror of Death inwardly excruciates him'.<sup>34</sup> Such scenes (in Mandeville's eyes) represented a general amnesty to criminal behaviour without fear of detection or arrest. The civic officers who accompanied the procession did so in 'mean equipages' with 'scrubby Horses' noted for their 'irregularity of the March', and a general 'Want of Order among all the attendants' prevented any degree of solemnity.<sup>35</sup> This was a day marked not by tragedy or horror but by the brutality of the unruly mob: 'the pieces of swingeing sticks, and Blood, that fly about, the men that are knock'd down and trampled upon' and 'a Discord not to be parallel'd'.<sup>36</sup>

Mandeville's invective encapsulates the growing welter of criticism levelled against Tyburn crowds as the century advanced, that continued to press home default depictions of rowdy public behaviour in order to illustrate inefficiencies evident in the criminal law. Rather than presenting edifying demonstrations of the law's ultimate sanction, public executions, argued Mandeville, were held in general derision by the mob, which used the holiday aspects of the events to indulge in licence and misrule. In spite of the civic officers' and constables' visible presence around the scaffold, command of the events withered as each shabby ritual unfolded. So long as authority

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<sup>32</sup> Ibid., pp. 20-1.

<sup>33</sup> Ibid., p. 21.

<sup>34</sup> Ibid., pp. 9 and 34.

<sup>35</sup> Ibid., p. 24.

<sup>36</sup> Ibid.

could be mocked and a sense of decorum disregarded, any deterrent effects would be lost.

Instead, Mandeville proposed restricting the frequency of executions by increasing levels of imprisonment; moves that might yet dilute the familiarity of the gallows and consequently impart a more sporadic, forceful impact on the minds of those who came to watch. Condemned prisoners should be strictly treated. No visitors ought to be allowed within Newgate gaol prior to executions, where each malefactor would be restricted to a diet of bread and water. Newgate itself was imagined as a place of atonement, where prisoners might make fearful and penitent preparations for death. The sorrowful behaviour of the condemned would hence inculcate in every crowd a powerful sense of terror during the final procession, ‘his restless posture, the Distortion of his Features, and the continual wringing of his Hands’ creating so pitiful a scene that ‘even the most obdurate would sicken at such a sight’.<sup>37</sup>

At mid-century these themes were echoed in the writing of Henry Fielding, who similarly adopted the customary tropes of ribald crowd behaviour as a means to challenge the effectiveness of public punishment. Fielding’s complaints were grounded in concerns with the prevalence of street robberies in the capital, a situation he was well-appraised of from his dealings with London’s criminal elements at Bow Street magistrates’ office.<sup>38</sup> In January 1751 Fielding first published his seminal

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<sup>37</sup> Ibid., p. 42.

<sup>38</sup> See M. C. and R. C. Battestsin, *Henry Fielding: A Life* (London, 1989); F. H. Dudden, *Henry Fielding: His Life, Work and Times* (Oxford, 1952), 2 Vols; G. R. Swanson, ‘Henry Fielding and “A Certain Wooden Edifice” Called the Gallows’ in W. B. Thesing (ed.), *Executions and The British Experience from the Seventeenth to the Twentieth Century: A Collection of Essays*, (Jefferson, N.C, 1990), pp. 45-57. For the history of the Fieldings at Bow Street see J. M. Beattie, ‘Sir John Fielding and Public Justice: The Bow Street Magistrates’ Court, 1754-1780’, *Law and History Review*, Vol. 25, No. 1 (2007), pp. 61-100.

*Enquiry into the Causes of the Late Increase of Robbers*, in which he lent special attention to the arrangements for London hangings.<sup>39</sup> Here, Fielding described how the impact of the execution scene had diminished over recent years, as a result of frequent displays of ‘triumphant’ bravado, in which the condemned revelled in their own ‘day of glory’.<sup>40</sup> Like Mandeville before him, Fielding specified the *frequency* of hanging days as a cause of their weakness, and suggested that regularity alone had diluted any implicit terror. Instead of generating fear and dread, executions merely encouraged pity and admiration for the victims of the gibbet, thus vitiating their critical function as a judicial warning sign.

Though never an advocate of the abolition of capital punishment *per se*, Fielding nevertheless ardently espoused many of Mandeville’s earlier demands for a re-institution of the proceedings’ solemnity. If possible, he argued, executions should take place quickly after sentencing, thereby guaranteeing that the despicable nature of each crime remained fresh in the minds of spectators. Significantly, privatization of punishments was also mooted. Imagination of events held behind locked prison gates would present the ‘greatest awe and dread’ that the state could muster.<sup>41</sup> So long as the exact work of the hangman remained hidden, executions would possess a fearful mystique in the minds of the public, thereby achieving a striking judicial effect.

Fielding’s feverish disapproval of events at Tyburn undoubtedly did much to generate debate on the utility of the execution ritual at the time, more so in light of a prevailing

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<sup>39</sup> H. Fielding, *An Enquiry into the Causes of the Late Increase of Robbers, etc* (Dublin, 1751).

<sup>40</sup> *Ibid.*, p. 92.

<sup>41</sup> *Ibid.*, p. 93.



contemporary belief that crime in the capital - particularly street robbery - was rising precipitously.<sup>42</sup> Writing in the *Covent Garden Journal* in 1752, Fielding again denounced events at Tyburn in the most purple of prose, by describing how ‘all the Avenues...appear like those to a wake or Festival, where Idleness, Wantonness, Drunkenness, and every other species of Debauchery are gratified’.<sup>43</sup> Condemned felons that year, he continued, displayed a shocking disrespect for authority. Sixteen convicted prisoners in March alone had gone to their deaths content until the very end to ‘vie with each other in displaying a contempt of their shameful death, and a total indifference as to what might befall them after it’.<sup>44</sup> According to Fielding every untimely death served merely to weaken the terror of the law in a riotous holiday for the spectators, so many of whom were incapable of grasping the pedagogic premise. Public executions were analogous to merely shooting at troublesome birds from time to time, like ‘throwing away Powder and Shot’ which ‘produced no Manner of Terror among the rest’.<sup>45</sup> More perceptibly, Fielding also alluded to administrative inertia as an explanation for the longevity of Tyburn’s supposedly disruptive features, a tradition, he believed, that was possessed of ‘no other sanction but that of custom’.<sup>46</sup>

Fielding’s disconsolate tirades against the mob were afterwards joined by those of other punishment critics, many of which similarly identified the punishment crowd’s

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<sup>42</sup> A depiction of the contemporary fear of highway robbers is contained in J. Fielding, *A Plan for Preventing Robberies Within Twenty Miles of London* (London, 1755), pp. 1-7. See also N. Rogers, ‘Confronting the Crime Wave: The Debate over Social Reform and Regulation, 1749-1753’ in L. Davison, T. Hitchcock, T. Keirn and R. B. Shoemaker (eds.), *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750* (Stroud, 1992), pp. 77-98.

<sup>43</sup> H. Fielding (ed. B. A. Goldgar), *The Covent Garden Journal and A Plan of the Universal Register Office* (Oxford, 1988), p. 447.

<sup>44</sup> *Ibid.*, p. 416

<sup>45</sup> *Ibid.*, p. 163.

<sup>46</sup> *Ibid.*, p. 416.

behaviour as an urgent and pressing social problem. In anticipating Fielding's arguments in 1750, one contemporary pamphlet had castigated the out-and-out levity witnessed at a hanging, describing by example how the people attending the execution of highway robber John Maclean that year had arrived with 'a kind of unnatural Eagerness'.<sup>47</sup> 'Hanging is become a sport' complained the author, who suggested that

either the Morals of the People are so much debauch'd...that they cannot understand the Design of these wretches being brought to suffer in their sight; or Executions are become so frequent, that they have lost the Force of Novelty to make them operate on the minds of the people.<sup>48</sup>

Two decades later Jonas Hanway could still berate 'the ferocity of the vulgar' amongst the scaffold crowd, and argued that the execution spectacle had become debased beyond utility.<sup>49</sup> For Hanway the problem demanded more radical changes. The execution ritual, he believed, should be completely overhauled by reigning in control of the cavalcade. Prisoners should be separated in the procession and executed on a partitioned stage (so that 'one sufferer may not see the agonies of his companion in death'), attended by sombrely dressed Sheriffs' officers and other representatives of the state 'all clothed in black, with their hats uncocked'.<sup>50</sup>

Clearly, such negative portrayals of crowd behaviour within the literary canon took on a life of their own. Many accounts of a raucous Tyburn hanging day were driven by a desire for reform, and inflated the depth of public depravity in their detail in order to

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<sup>47</sup> Anon, *A Genuine Account of the Life and Actions of J. Maclean...Together with Some Account of Plunket, his Companion* (London, 1750), p. 2.

<sup>48</sup> Ibid.

<sup>49</sup> J. Hanway, *The Defects of Police The Cause of Immorality, and the Continual Robberies Committed, Particularly in and about the Metropolis* (London, 1775), p. 29.

<sup>50</sup> Ibid., pp. 243-6.

highlight fundamental concerns regarding the state of the social order. And with reports of ribald holiday-making within the crowd still appearing in the press from time to time, reformist proposals were always easily legitimized. Hence, when the Perreau brothers suffered at Tyburn for an elaborate forgery only a year after Hanway's pamphlet first appeared, a few boys delighted themselves in shying snowballs at each other down among the crowd; proof enough for the *Morning Chronicle*, like many other critical newspapers, that the entire audience that day had no 'proper compassion for the misfortunes of their fellow creatures'.<sup>51</sup>

Yet as the earlier examples have illustrated, alternative images of relative social stability around the Augustan gallows sit uneasily with these formulaic and largely undisputed contemporary images of violence and civil disorder: the yearly 'brawls, disorders and tumults' at Tyburn, as retailed by Fielding, Hanway and others.<sup>52</sup> The reality of an eighteenth-century gallows crowd was often very different indeed, though - perhaps unsurprisingly - was never recognized in these reformist tracts. One execution of six felons in 1737, for example, occasioned little trouble when the surgeons' men arrived to collect the bodies, three of which were quietly distributed amongst grieving friends as the others were taken to 'Surgeons-Hall, one to St Thomas's-Hospital and the third to a private surgeon' respectively.<sup>53</sup> Two bodies cut down from the gallows in 1752 were placed in a coach and 'very quietly carried to surgeons-hall, the mob scarce taking any notice of it', after the whole ceremony had been conducted 'without the least confusion', followed a year later by another 'dismal

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<sup>51</sup> Quoted in D. T. Andrew and R. McGowen, *The Perreaus and Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* (Berkeley, Ca., 2001), p. 9.

<sup>52</sup> P. Linebaugh, 'The Tyburn Riot Against the Surgeons', p. 69.

<sup>53</sup> *London Evening Post*, 4 October 1737.

scene' of public death that 'went on without any interruption or disturbance'.<sup>54</sup> One writer attending Tyburn in 1777 was surprised to witness the widespread good order in evidence there, notwithstanding that 'much had been said against public execution', concluding with a sober observation that 'if anything can reclaim an unthinking youth, such a solemn scene as was then exhibited is most likely to effect the purpose'.<sup>55</sup> In 1782 the execution of two burglars and three footpad robbers seemed to similarly 'impress the surrounding multitude with a solemn awe of...justice', amongst otherwise compliant and peaceable scenes.<sup>56</sup> Critical pamphlets detailing the 'festive' or violent popular responses to Tyburn executions thus illustrated but one, sporadic form of public behaviour across this period, and we should employ caution when considering the detail contained therein.<sup>57</sup>

### ***Execution and the law***

For all the pints of vitriol poured on the ragtag execution rabble by Mandeville, Fielding *et al*, a genuine conviction nevertheless remained in large sections of eighteenth-century society that only public hangings were deterrence enough to those prepared to commit serious felony. As Martin Madan later lauded

it is the glory of the English laws, that they, and the punishments which they inflict, are known and certain, as they stand in the law; therefore the robber knows beforehand what the law gives him to expect, and so leaves him without excuse, if he makes himself an object of its punishment – he has nobody to complain of but himself.<sup>58</sup>

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<sup>54</sup> OBP, Ordinary's Account, 22 September 1752 (OA17520922) and 29 September 1753 (OA17530929).

<sup>55</sup> *Morning Post and Daily Advertiser*, 30 October 1777.

<sup>56</sup> *Morning Chronicle and London Advertiser*, 17 September 1782.

<sup>57</sup> Simon Devereaux also suggests that 'breakdowns in basic decorum were rare' at executions after 1750: S. Devereaux, 'Recasting the Theatre of Execution', *Past and Present*, No. 202 (2009), p. 144.

<sup>58</sup> M. Madan, *Thoughts on Executive Justice, with Respect to our Criminal Laws, Particularly on the Circuits* (London, 2<sup>nd</sup> Edition, 1785), pp. 124-5.

Such vengeful sentiments could be strident in the extreme. In his *Principals of Moral and Political Philosophy*, Archdeacon William Paley could conscionably advocate a *greater* resort to severity in the treatment of society's worst offenders, by demanding new punitive measures to 'augment the horror' of punishments.<sup>59</sup> In the same passage Paley toyed with a proposal (albeit sardonically) 'not long since suggested' of 'casting murderers into a den of wild beasts', where they would 'perish in a manner dreadful to the imagination'.<sup>60</sup>

For good reason, therefore, has capital punishment's position within the Augustan criminal code traditionally been portrayed by historians as paramount. As Douglas Hay has written, this was, after all, a period in British history when most governments 'cherished the death sentence'.<sup>61</sup> For Marxist historians in particular, Tyburn stands as a prominent exemplar of an existing judicial brutality: what Hay defined as the 'climactic emotional point of the criminal law...around which the system revolved'.<sup>62</sup> Though such interpretations are now more regularly criticized by scholars as simplistic, it is nevertheless against a backdrop of unstinting contemporary confidence in capital punishment – even among the most enlightened reformers, such as Jeremy Bentham and William Eden - that the place of the Tyburn ritual must be considered.<sup>63</sup>

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<sup>59</sup> W. Paley, *The Principals of Moral and Political Philosophy* (London, 1785), p. 547.

<sup>60</sup> *Ibid.*, p. 548.

<sup>61</sup> D. Hay, 'Property, Authority and the Criminal Law' in D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), p. 17. For an early example of this confidence see J. R., *Hanging, Not Punishment Enough for Murtherers, Highway-men, and House-Breakers* (London, 1701).

<sup>62</sup> P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), p. 74; D. Hay, 'Property, Authority and the Criminal Law', p. 28.

<sup>63</sup> For useful summaries of the debate concerning eighteenth-century judicial leniency see J. Briggs, C. Harrison, A. McInnes and D. Vincent, *Crime and Punishment in England: An Introductory History*

Hanoverian society's apparent resistance to the pedagogy of the gallows thus formed a significant political concern. Since Henry Fielding's time at Bow Street, rising levels of crime in the capital had continued to engender a sense of crisis amongst the urban elite, particularly within a propertied mercantile clique. 'The morals of the most indigent part of this metropolis...are in a worst state than they were' claimed Hanway in the early 1770s, who ruminated at length on the anomie of London life.<sup>64</sup> For such doomsayers the inexorable rise in hanging punishments after 1770 bore stark testimony to their lack of deterrent effect, and signalled a graver political danger. Between 1780 and 1784 25% of Old Bailey trials concluded in sentences of execution, compared with just 12% on average some twenty years before.<sup>65</sup> Between 1783 and 1786 inclusively 40% more offenders were committed to trial at the London and Middlesex sessions than during the previous three-year period.<sup>66</sup> Writing in September 1783, the *Gentleman's Magazine* expressed alarm at the fifty-eight convicts that received the death sentence during that month's sessions alone, and further bemoaned the ranks of condemned prisoners traipsing from the dock once more only two months later. 'A bare recital of their names and atrocious crimes would more than fill our Magazine' decried the journal, warning that the 'the common

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(London, 1996), chp. 6; also F. J. McLynn, *Crime and Punishment in Eighteenth-Century England* (London, 1989), chp. 14; C. Hibbert, *The Roots of Evil: A Social History of Crime and Punishment* (London, 1963, reprinted Stroud, 2003), p. 69.

<sup>64</sup> J. Hanway, *Observations on the Causes of the Dissoluteness which Reigns Among the Lower Classes of the People* (London, 1772), p. 15.

<sup>65</sup> Quoted in M. Ignatieff, *A Just Measure of Pain*, p. 81.

<sup>66</sup> *Ibid.*, p. 82.

people grow more and more intractable, unprincipled, and impatient of necessary restraint'.<sup>67</sup>

The thoroughgoing criticism of public behaviour at Tyburn was thus set against a background of fear concerning criminality. In inveighing against the hanging spectacle's lack of moral instruction, critical commentaries of the crowd's mischief by the third quarter of the century prophesized social crisis.<sup>68</sup> Too many hangings, it was argued, simply invoked too casual a popular response, readily evidenced in the revelry and social disruption witnessed around the gallows. 'The minds of the populace are rather hardened by the spectacle' warned prison reformer John Howard in 1777, who described public hangings as 'a day of riot and idleness'.<sup>69</sup> On returning from an execution of seven felons at Tyburn that same year another writer similarly described 'the noise, the riot, the indecency of every kind that attend these executions' which he had encountered there, troubling proof of 'how little the mob are affected by the solemn scene before them'.<sup>70</sup> 'A cartful of human beings are hanged with as little concern to the spectators, or criminals as if they were a cartful of dogs hung up' added yet another observer, who condemned the execution crowd as an 'assembly of Swift's yahoos'.<sup>71</sup> For many of these commentators the moral instruction to be gained from

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<sup>67</sup> *Gentleman's Magazine* (1783), pp. 19, 802 and 973-4.

<sup>68</sup> R. McGowen, "'Making Examples'" and the Crisis of Punishment in Mid-Eighteenth Century England' in D. Lemmings (ed.), *The British and Their Laws in the Eighteenth Century* (Woodbridge, 2005), p. 193.

<sup>69</sup> J. Howard, *The State of the Prisons in England and Wales* (First published 1777; 3<sup>rd</sup> Edition, Warrington, 1784), p. 215.

<sup>70</sup> 'Remarks on Public Executions', *Monthly Miscellany* (1777), p. 300.

<sup>71</sup> S. Douglas, *A Military Dissertation* (London, 1781), p. 41.

the hanging scene had now completely foundered: the loss of a once great ‘Terror of Example’ so bitterly lamented by Fielding.<sup>72</sup>

These representations of the unruly crowd at eighteenth-century executions, however, emerge largely from a rhetoric warning against criminality and consistently failed to describe and account for the broad ambit of behaviour that frequently occurred there. Such images were self-serving and constructed for their own ends, and as such fail to incorporate the more or less benign popular activity often in evidence around the gallows throughout the century. Social and moral reforms remained a central objective embedded in these complaints, and accounts in large part for the often rabid hostility directed against the Tyburn crowd.

Historians in turn have often accepted the reliability of these accounts without hesitation. Thomas Laqueur’s account of the ‘festive, buoyant holiday crowd wholly unconcerned with serious state theatre and unaffected by its efforts’, for example, is fashioned wholly from these jaundiced contemporary images (in both narrative and visual forms), and thus similarly fails to acknowledge the variability of the audience’s responses.<sup>73</sup> Responses like that extended to John Brett, who in 1761 climbed into the condemned cart at Newgate surrounded by ‘a most numerous assembly’ of mournful spectators, to whom Brett ‘in a loud voice several times earnestly desired their prayers; which they, through the gracefulness of his mien, and the approach of his

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<sup>72</sup> H. Fielding, *An Enquiry into the Causes of the Late Increase of Robbers*, p. 93.

<sup>73</sup> T. W. Laqueur, ‘Crowds, Carnival and the State’, p. 332. Laqueur draws extensively on William Hogarth’s representation of Tyburn in *Industry and Idleness, Plate XI, The Idle ‘Prentice Executed at Tyburn* (London, 1747) which itself is an allegory of one man’s descent into criminality and dissolution.



untimely end, having already pre-possessed themselves in his favour, could not refuse'.<sup>74</sup>

If reform, then, was the central objective within this critique, how successful was it in bringing about changes in the administration of public justice? One might be tempted at this point to connect the thoroughgoing modifications applied to public punishments after 1780 directly with this volley of published criticism, which undoubtedly proved influential in shaping contemporary perceptions of the crowd. Henry Fielding's writing in particular was disseminated widely amongst London's literary and political classes throughout his lifetime, and much of his prose was designed specifically to bring public opinion to bear directly on Parliament.<sup>75</sup> Yet in addressing the pathway to policing reform in the later Georgian period, Ruth Paley has challenged some of the ways in which the veritable torrent of published material addressing the failings of the criminal justice system was responsible for shaping eighteenth-century executive policy.<sup>76</sup> Henry and John Fielding, she remarks, and later magistrate Patrick Colquhoun, 'have been accorded an importance they do not deserve'.<sup>77</sup> By the same token, it is perhaps necessary at this point to reassess the ways in which the acerbic criticism contained within these texts was responsible for reshaping public penal practice. Another, equally important – and rarely considered – reason for Tyburn's sudden fall now demands special attention. It is in the events of

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<sup>74</sup> *London Evening Post*, 26 May 1761.

<sup>75</sup> G. R. Swanson, 'Henry Fielding and "A Certain Wooden Edifice"', p. 53. In the 1780s philosopher James Beattie declared Fielding to have had 'more wit and humour, and more knowledge of mankind, than any other person of modern times': J. Beattie, *Dissertations Moral and Critical, in Two Volumes* (Dublin, 1783), Vol. 2, p. 317.

<sup>76</sup> R. Paley, 'An Imperfect, Inadequate and Wretched System? Policing London Before Peel', *Criminal Justice History*, Vol. 10 (1989), pp. 97-8.

<sup>77</sup> *Ibid.*, p. 97.

June 1780 where an alternative explanation might also be found, when elite attitudes towards the nebulous urban mob changed forever.

### ***The Gordon Riots***

On the morning of Friday 2 June 1780, sixty thousand Londoners arrived at St. George's Fields in Southwark *en masse*. At noon, thousands formed into motley ranks bedecked with blue cockades and huzzaed for Lord George Gordon as he marched them round beneath fluttering banners. Vast crowds then set off for Westminster, in escort to the giant roll of signatures petitioning for the repeal of legislation granting Catholic emancipation; a document so large that it 'was almost as much as a man could carry'.<sup>78</sup> Events quickly descended into chaos. Politicians arriving at Parliament were attacked with merciless fury by the mob. Lords Hillsborough, Stormont and Townsend had their wigs pulled from their heads, leaving the 'hair flowing on their shoulders', while other politicians fled down side streets in hackney-coaches and sedan chairs.<sup>79</sup> Wheels were taken off the carriage belonging to the Bishop of Lincoln, and Lord Mansfield was forced to run from his coach as gangs smashed out all its windows. In Parliament Street the Archbishop of York was cornered by the mob, and forced to chant 'No Popery!' in 'a pitiable and enfeebled voice'.<sup>80</sup> At eleven o'clock that evening Guards finally arrived to liberate those cowering within Parliament, as the crowds moved on to wreak havoc across large swathes of the capital city.

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<sup>78</sup> I. Gilmore, *Riot, Risings and Revolution: Governance and Violence in Eighteenth-Century England* (London, 1992), p. 349; T. Holcroft, *A Plain Narrative of the Late Riots and Disturbances In the Cities of London and Westminster* (London, 1780), p. 16.

<sup>79</sup> *General Evening Post*, 3 to 6 June 1780.

<sup>80</sup> T. Holcroft, *A Plain Narrative of the Late Riots*, pp. 16-7.

The roots of the disturbances in 1780 are now well documented by historians.<sup>81</sup> Anti-Catholic prejudices had simmered in the capital since the passing of the Relief Act in 1778: a relatively anodyne piece of legislation that had liberalized previous legal restrictions placed on office and land holding within the Catholic faith.<sup>82</sup> Following his nomination to the presidency of the Protestant Association in November 1779, Lord George Gordon agitated for a national petition calling for the Act's repeal, mobilizing wider public support against the government through what Charles Tilly labels a 'gray zone of intimidation'.<sup>83</sup> In appealing to a national anti-papist sentiment the impact of the Association's sectarian rhetoric quickly generated mass support. 'All the true friends of Great Britain are exhorted to unite in support of the Protestant interest before it is too late' implored one handbill, warning of the 'dangerous confederacy of Popish powers' that now threatened the English libertarian political heritage.<sup>84</sup>

On the evening of 2 June, rioting began in earnest: the start of what Thomas Holcroft described as 'the most unparalleled and daring outrages history can furnish'.<sup>85</sup> Fourteen arrests were made that night by troops arriving late on the scene, many of whom limited their action to 'much scuffling' in which several people were

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<sup>81</sup> See J. P. de Castro, *The Gordon Riots* (London, 1926); C. Hibbert, *King Mob: The Story of Lord George Gordon and the Riots of 1780* (London, 1958; reprinted Stroud 2004); I. Gilmore, *Riot, Risings and Revolution*, chp. 16; A. Babington, *Military Intervention in Britain: From the Gordon Riots to the Gibraltar Incident* (London, 1990); J. Nicholson, *The Great Liberty Riot of 1780* (London, 1985).

<sup>82</sup> I. Gilmore, *Riot, Risings and Revolution*, p. 345.

<sup>83</sup> C. Tilly, *Popular Contention in Great Britain, 1758-1834* (Cambridge, Ma., 1995), p. 161.

<sup>84</sup> T. Holcroft, *A Plain Narrative of the Late Riots*, p. 12; N. Rogers, *Crowds, Culture and Politics in Georgian Britain* (Oxford, 1998), p. 172.

<sup>85</sup> T. Holcroft, *A Plain Narrative of the Late Riots*, p. 23.

wounded.<sup>86</sup> Relative calm was restored to the metropolis the following day. A large crowd gathered in Covent Garden to watch arrested rioters escorted to Bow Street magistrates' office under armed guard, but all remained calm.<sup>87</sup> By Sunday, however, mobs were gathering once more, and in ever greater numbers. At Moorfields, crowds proceeded to strip bare Catholic chapels and set fire to broken pews, while threatening revenge against arresting magistrates. On Monday, rioting spread rapidly outwards, with groups splintering into disorderly factions, as terror enveloped the capital on a grand scale. Many respectable citizens withdrew from society too terrified to walk the streets, while others among them donned the symbolic blue cockade (that 'ensign of rebellion') simply to 'avoid personal injury and insult'.<sup>88</sup>

On Tuesday morning politicians were verbally abused as they made their way to Westminster once more, with the first Lord of the Admiralty, Lord Sandwich, injured by missiles and forced to seek refuge in a nearby coffee house. After a brief debate condemning the violence, the House of Commons adjourned to the sound of raucous slogans without. More decisive action was required. At five o'clock Justice Hyde read the Riot Act and ordered a body of Horse Guards to disperse the crowd. In response, Hyde's house was pulled down by the mob and all his furniture destroyed.<sup>89</sup> Next, gangs armed with 'paving mattocks, others with iron crows and chisels' set off for Newgate.<sup>90</sup> Here they demanded the immediate release of fellow rioters remanded

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<sup>86</sup> Ibid.

<sup>87</sup> I. Gilmour, *Riot, Risings and Revolution*, p. 352.

<sup>88</sup> T. Holcroft, *A Plain Narrative of the Late Riots*, p. 26; also T. Hitchcock and R. B. Shoemaker, *Tales from the Hanging Court* (London, 2006), p. 81.

<sup>89</sup> OBP, 28 June 1780, James Jackson (t17800628-112); also G. Rudé, *Paris and London in the Eighteenth Century. Studies in Popular Protest* (London, 1970), p. 272.

<sup>90</sup> OBP, 28 June 1780, Benjamin Bowsey (t17800628-33).

inside, while windows were broken and the entrances to the cells battered with pickaxes and hammers. 117 prisoners were liberated as flames engulfed the prison, many physically dragged out by their hair, three of whom were due for imminent execution.<sup>91</sup> London's principal gaol was left in smoking ruins, razed to bare walls and emptied of inmates. Later, upwards of fifty pairs of irons were found 'in the streets, and in the fields round London', after the prisoners made good their escape.<sup>92</sup>

Rioting continued in London on Tuesday evening and into Wednesday morning. Lord Mansfield's house in Bloomsbury Square was ransacked and his possessions burnt after the military arrived late on the scene, who eventually fired on the rioters and killed six men and a woman in the process.<sup>93</sup> Elsewhere, the New Prison at Clerkenwell was broken open and prisoners released, whilst the King's Bench and Fleet prisons were also overrun. Langdale's distillery between Holborn and Field Lane was torched as fires raged in Bermondsey, Southwark and St George's Fields.<sup>94</sup> Blackfriars Bridge tollhouse was fired, attempts were made on the Bank and Pay Office, and rioters fought off at the Royal Exchange. Meanwhile troops poured into the capital to defend property against attack, taking up stations around St. Paul's churchyard and Southwark and supplemented by the London City Militia. On Wednesday evening the Queen's Light Dragoons charged on rioters as Lord North dined with guests in Downing Street, and elsewhere pitched battles were fought in

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<sup>91</sup> I. Gilmour, *Riot, Risings and Revolution*, p. 353; T. Holcroft, *A Plain Narrative of the Late Riots*, p. 28.

<sup>92</sup> *Gazetteer and New Daily Advertiser*, 26 June 1780.

<sup>93</sup> T. Holcroft, *A Plain Narrative of the Late Riots and Disturbances*, p. 29.

<sup>94</sup> G. Rudé, *Paris and London in the Eighteenth Century*, pp. 273-4.

Fleet Street and the City.<sup>95</sup> Large military camps were erected in Green Park and Knightsbridge, as nearly three regiments of foot, four regiments of cavalry and seven of militia were deployed, representing in total nearly twelve thousand armed personnel defending London against further insurrection.<sup>96</sup> 210 people were killed on the spot by the military before peace was finally secured, and seventy-five more would later die from the wounds they received.<sup>97</sup>

Valuations of the destruction caused to property during the Gordon Riots have ranged from between £30,000 to £180,000, though the greater cost to London was undoubtedly psychological.<sup>98</sup> Many city dwellers were so terrified by the events unravelling in their capital that summer that hundreds simply fled, while other families kept to their homes for fear of further attack.<sup>99</sup> Even when relative peace was restored to London in mid-June, a sense of social panic prevailed. Tales of prowling clandestine thieves and murderers released from the prisons abounded.<sup>100</sup> Numerous parish officials wrote furiously to the government to express their concern at the number of suspicious 'idle fellows' hanging about the streets, while even at fifty miles distance from London 'a number of ill-looking fellows had been seen loitering about

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<sup>95</sup> Ibid., p. 120.

<sup>96</sup> T. Hayter, *The Army and the Crowd in Mid-Georgian England* (London, 1978), p. 151.

<sup>97</sup> G. Rudé, *Paris and London in the Eighteenth Century*, pp. 273-4.

<sup>98</sup> Ibid.

<sup>99</sup> See T. Hitchcock and R. B. Shoemaker, *Tales from the Hanging Court*, p. 81.

<sup>100</sup> George Rudé shows that the overwhelming majority of released prisoners were in fact harmless debtors: G. Rudé, 'The Gordon Riots: A Study of the Rioters and Their Victims', *Transactions of the Royal Historical Society*, 5<sup>th</sup> Series, Vol. 6 (1956), p. 104.

the villages and hamlets, supposed, most of them, prisoners lately liberated from the prisons and gaols in the metropolis'.<sup>101</sup>

For respectable Londoners at least, the delivery of the prisons in 1780 precipitated a grim sense of alarm, many of whom formed bands of volunteers over the coming days in order to police the streets. Typically, in the week after the riots, special watches were formed by the Westminster Military Society in order to safeguard the peace, who stated that

the sole purpose of patrolling, in the night, in small parties the bye streets of the parishes of St John and St Margaret, [is] in order to prevent any burglaries or other disturbances which may be occasioned by the number of felons let loose on the publick many of whom in all probability may infest these parts.<sup>102</sup>

At Whitehall dozens of letters flowed into Lord Amherst, Commander-in-Chief of the army, requesting that military force be dispatched to specific neighbourhoods in order to prevent robbery or further unrest. 'During the Patrole going round the Parish' wrote Thomas Boddington, Chairman of the Hackney Inhabitants Association, 'several very idle fellows have been met lurking about', which had 'caused the inhabitants very justly to fear that many of their houses may be attempted by the wretched creatures let out of the several prisons', requesting directly that the Horse Guards be sent to assist with the ward patrols.<sup>103</sup>

Anxiety continued to range across London in the days that followed, catalysed by darker worries of foreign attack. 'My fears are that if our enemies, encouraged by

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<sup>101</sup> *Morning Chronicle and London Advertiser*, 14 July 1780.

<sup>102</sup> TNA, WO 34/104, f. 15.

<sup>103</sup> *Ibid.*

these riots, should alarm us with an invasion in the West, and the troops be obliged to desert us...we should again be in danger’ warned one respectable citizen, a sentiment he believed was now ‘the apprehension of all the middling [sort]’.<sup>104</sup> ‘The Danger is that [the mob] having tasted the Sweets of Power and indulged their Propensity for Plunder’, warned Richard Cumberland, ‘[rioting] will soon break out again whenever a plausible pretext offers itself’.<sup>105</sup>

Responding to these fears, military authorities moved quickly to round up escaped prisoners. ‘The military yesterday searched all the suspected places about town in order to apprehend those persons released by the demolition of the prisons’ reported *The Gazetteer* on 10 June, an action designed to ‘prevent their committing fresh depredations’.<sup>106</sup> Like many escapees, John Sparrow, ‘a soldier in the 1<sup>st</sup> Reg. 5ft 10 high, swarthy, a wound under his own hair tied behind’, was apprehended as he fled the capital having received a ‘respite granted by the mob’, let out from Newgate on 6 June after his earlier imprisonment for robbery.<sup>107</sup> The Hertfordshire militia stopped Sparrow on the Barnet High Road only three days later, initially on suspicion of desertion, and later returned him to London.<sup>108</sup> As late as November that year three more convicts were returned to the New Gaol in Southwark after being discovered at large in Wandsworth.<sup>109</sup>

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<sup>104</sup> BL, Add. MS 38214, f. 53 (Liverpool Papers).

<sup>105</sup> C. Black (ed.), *The Cumberland Letters, being the Correspondence of R. D. Cumberland and G. Cumberland between the Years 1774 and 1784* (London, 1912), p. 263.

<sup>106</sup> *Gazetteer and New Daily Advertiser*, 10 June 1780.

<sup>107</sup> *Ibid.*; TNA, PC 1/3097.

<sup>108</sup> *Gazetteer and New Daily Advertiser*, 10 June 1780.

<sup>109</sup> *Ibid.*, 1 November 1780.



Legal justice was equally swift for others known to have participated in the riots. A week after the mayhem subsided the Privy Council instructed the London magistracy to arrest all remaining perpetrators as quickly as possible, urging that offenders ‘be brought to trial with as much Expedition as the law will allow’.<sup>110</sup> Even as the worst of the rioting was subsiding one account from the City described how ‘almost every street had more or less of the military in it, who were chasing the populace’.<sup>111</sup> Later, a member of the London Military Foot Association recalled his duties as ‘entering houses in the dead of night for the purpose of apprehending objects of public justice’.<sup>112</sup>

On Saturday 10 June, the London press was heavy with stories of fifteen rioters recently taken up for abetting the mob, four of whom were reportedly conveyed to the guard-room at St. James’s for immediate execution in Hyde Park.<sup>113</sup> Such alarming news may have carried some truth. The previous evening Lord Amherst had returned to his office in Whitehall to find a note awaiting him from the Recorder of London, James Adair, expressing concern at the prospect of summary military justice. ‘He has most dreadful apprehensions of the consequences of it’ reported Amherst to Lord Stormont, the Secretary of State, ‘for there could be no necessity for it now as everything was quiet, and the Courts of Justice open’.<sup>114</sup> Similarly, Sir Fletcher

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<sup>110</sup> TNA, PC 1/3097.

<sup>111</sup> *London Evening Post*, 6 to 8 June 1780.

<sup>112</sup> BL, Add. MS 27828, f. 127.

<sup>113</sup> *Gazetteer and New Daily Advertiser*, 10 June 1780, also quoted in J. P. de Castro, *The Gordon Riots*, p. 76.

<sup>114</sup> TNA, WO 34/234, f. 33.

Norton, Speaker of the House of Commons, visited Amherst's office during the day to plead that 'the necessity of Military Executions might, if possible, be avoided'.<sup>115</sup>

Fresh reports subsequently contradicted the rumours set in motion and no further details of summary justice appeared. Yet intentionally or not, a powerful message had been transmitted. An alarming tale of hanging rioters had been broadcast across the capital, as an example of what might befall those who might yet resort to disorder.<sup>116</sup>

Fears of further disturbances persisted well into late June 1780 when the first of the rioters' trials came on at the Old Bailey sessions and Guildford assizes, as well as a Special Commission convened at St. Margaret's Hill in Southwark. Trained bands and mounted cavalry patrolled the vicinity of the Bank, Newgate and the Borough, adding to the sense of emergency in the capital. Rumours of attempts to liberate arrested rioters further aggravated tensions. On 22 June, Viscount Stormont warned Lord Amherst directly of the likelihood of further attack, requesting special military measures be implemented with all due haste as 'there is reason to believe some attempts may be made by the Associates of the Prisoners confined in the different gaols for the late insurrections, to set them free'.<sup>117</sup> A guard of soldiers was fixed accordingly around the Old Bailey Sessions House in order 'to prevent any disturbances which may arise', and a party of light horse was kept 'continually riding about the neighbourhood'.<sup>118</sup> 'The calm which has succeeded the late violent commotions must not lull the inhabitants of the metropolis into a torpid state of ideal

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<sup>115</sup> Ibid.

<sup>116</sup> A measure of this threat lies in the report of one soldier who handed himself in after four years desertion, in order 'to avoid being prosecuted as a rioter'. He apparently received 250 lashes in the Tilt Yard at Whitehall for this act of honesty: *Morning Chronicle and London Advertiser*, 20 July 1780.

<sup>117</sup> TNA, WO 34/234, f. 79.

<sup>118</sup> *Morning Chronicle and London Advertiser*, 28 June to 29 June 1780.

security’, warned one correspondent to the *Morning Chronicle*, who continued by urging that male householders be permitted to bear arms in order to prevent a further ‘wreck of one of the first cities of Europe’.<sup>119</sup> Though the flames had subsided, an enduring anxiety remained. Of the 450 arrests made during the disorders, 160 people appeared at trial.<sup>120</sup> Sixty-two defendants were sentenced to death, of whom twenty-six were eventually executed.<sup>121</sup>

### *How to execute?*

Consideration of the executions following the riots of 1780 has by and large remained cursory among historians. Academic scrutiny perhaps understandably focuses attention on the social and political consequences of the unrest, and whether it can be regarded as a genuinely revolutionary outburst.<sup>122</sup> Much of this work has lent special attention to the social composition of the crowds in an attempt to understand the role played by class relations in the incident, most famously exemplified in the work of George Rudé that identified the rioters as mainly respectable, regularly employed journeymen and artisans.<sup>123</sup> More recently, Nicholas Rogers has advanced the view that the riots were indeed a tangible expression of plebeian political claims, evidenced

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<sup>119</sup> *Ibid.*, 28 June 1780.

<sup>120</sup> G. Rudé, *Paris and London in the Eighteenth Century*, p. 275. For a detailed analysis of the state trials see U. Böker, “‘The People that the Maddest Times Were Ever Plagued With’: English Justice and Fair Trials After the Gordon Riots (1780)?”, *Erfurt Electronic Studies in English*, No. 6 (2003).

<sup>121</sup> G. Rudé, *Paris and London in the Eighteenth Century*, p. 275. Rudé stated that the number eventually hanged was 25, though he did not include the respite and later execution of Henry Penny on 22 August. Neither of these figures include the retrial of Mary Gardiner in September, who was convicted for her part in the riots and executed at Tyburn in November 1780.

<sup>122</sup> E. Royle, *Revolutionary Britannia?: Reflections on the Threat of Revolution in Britain, 1789 -1848* (Manchester, 2000), p. 16; J. Stevenson, *Popular Disturbances in England, 1700-1832* (London, 2<sup>nd</sup> edition, 1992); J. E. Archer, *Social Unrest and Popular Protest in England, 1780-1840* (Cambridge, 2000), chp 7.

<sup>123</sup> G. Rudé, ‘The Gordon Riots: A Study of the Rioters and Their Victims’, pp. 93-114; G. Rudé, ‘The London “Mob” of the Eighteenth Century’, *Historical Journal*, Vol. 2, No. 1 (1959), pp. 1-18.

by the highly selective destruction of property and the violence directed against what were considered to be legitimate physical targets.<sup>124</sup> The initial objectives of the Protestant Association, argues Rogers, were highly politicized in content and grounded in the defence of libertarian political principles; only when these orchestrated protests were subverted by a misbehaved and unpredictable rabble did the London radicals quietly withdraw their tacit support for co-ordinated collective action.<sup>125</sup>

That most histories remain silent on the subject of the 1780 executions is all the more surprising when we consider the threat of further disturbances that they undoubtedly presented. Only four weeks previously witnesses had observed violent gangs rampaging through the streets armed with ‘sticks and iron bars and choppers’ as they made their way to Newgate, accompanied by the ‘horrid clashing of swords’.<sup>126</sup> Yet these were the very people who might possibly return to the foot of the gallows once the state put many of their number to death. There is an initial issue to consider here, therefore, why the London magistrates judged it prudent to publicly execute an exemplary cluster of rioters, when only a month previously formidable mobs were still burning down some of London’s most eminent properties.

Certainly, the prospect of London’s usual seat of capital punishment accommodating a sustained flow of judicial retribution against the rioters presented its own disturbing

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<sup>124</sup> N. Rogers, *Crowds, Culture and Politics*, pp. 165-175.

<sup>125</sup> *Ibid.*, p. 171; J. Nicholson, *The Great Liberty Riot of 1780*, p. 67.

<sup>126</sup> OBP, 28 June 1780, William Laurence and Richard Roberts (t17800628-1); Ignatius Sancho quoted in V. Carretta (ed.), *Unchained Voices: An Anthology of Black Authors in the English-Speaking World of the Eighteenth Century* (Lexington, Ky, 2004), p. 96.

public order implications. As discussed earlier, arrangements for Tyburn hangings were already facing a barrage of vitriolic criticism by the 1770s. The three mile procession of condemned prisoners to the gallows could not be depended on to provide a semblance of good order, less so around the scaffold once the civic retinue arrived. For decades the Sheriffs' men had occasionally struggled to contain the mischief witnessed there and the disruptive effect of the thousands who regularly attended executions was already the cause of much middle-class concern. That the fragility of the prevailing social peace in 1780 warranted an alternative and innovative arrangement for the display of public justice thus became patently clear: namely in the distribution of the punishments throughout the London area.

The decision taken by the sitting magistrates to spatially disperse the executions (by situating the hangings close to the vicinity of the rioting) was a bold move indeed. In sentencing the first six guilty rioters on Wednesday 5 July the Recorder of London, James Adair, immediately betrayed his motives by stating how the executions would ensure 'the safety of the City'.<sup>127</sup> 'Every motive of justice towards the honest part of the community', opined Adair, '[requires] that some examples should be made for the preservation of their peace in future'.<sup>128</sup> By placing the tableaux of state retribution within a parochial context, the executions would impose a pointedly local and geographically specific form of justice.

The strategy of executing prisoners locally was nothing new. Throughout the eighteenth century hangings were occasionally repositioned to specific sites of

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<sup>127</sup> *Morning Chronicle and London Advertiser*, 6 July 1780.

<sup>128</sup> *Ibid.*

offences committed as *extempore* devices used to endow punishments with a sharpened sense of local justice. Thomas Sharp, for example, convicted at the September Middlesex session in 1704 for the murder of a Drury Lane watchman, was executed in Long Acre near to the spot where the crime was perpetrated, following scenes of local outrage.<sup>129</sup> Three years later Swiss servant John Harman Brian was executed in St. James's Street and hung in chains at Acton Gravel Pits, for setting fire to the house of his employer Peter Persaude, after stealing 'several things of value' from the house.<sup>130</sup> Arriving in a cart at the fire ravaged scene of his crimes, Brian perceived Persaude watching the proceedings from above in a neighbouring property (along with 'his lady'), and attempted to beg their pardon 'with a loud voice' in front of the gathered multitude.<sup>131</sup>

Across the eighteenth century a clear pattern emerges to illustrate how this localized manner of executing felons was reserved by the Bench for misdeeds considered to be of a more exceptionally heinous nature. As late as October 1790, for example, Edward Lowe and William Jobbins were convicted of arson at the Old Bailey after setting fire to the house of Francis Gilding in Aldersgate Street, the purpose of which 'was to plunder the inhabitants while in the confusion'.<sup>132</sup> In passing sentence on the men, the Recorder of London again made explicit his motives for demanding local executions, declaring that

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<sup>129</sup> *The Newgate Calendar; or Malefactors Bloody Register* (London, 1773), Vol. 1, p. 90; OBP, Ordinary's Account, 22 September 1704 (OA17040922).

<sup>130</sup> *The Newgate Calendar*, p. 105; OBP, Ordinary's Account, 24 October 1707 (OA17071024).

<sup>131</sup> *Post Boy*, 23 to 25 October 1707.

<sup>132</sup> E. Hodgson, *The trial at large of Ed. Lowe and Wm. Jobbins, before the recorder of London, at the Sessions House in the Old Bailey etc* (London, 1790?); OBP, 27 October 1790, Edward Lowe and William Jobbins (t17901027-17).

as the crime is singular, so the punishment must be marked, and I trust and hope it will be so marked as to make the example such, that if there should be left any persons of the same bad intentions, they will take warning from your fate; and as your crime has been singularly novel, I hope it will be the only one that will ever appear in a Court of Justice of the same description.<sup>133</sup>

On the morning of Saturday 20 November, the convicted arsonists were escorted out of Newgate, and placed on high seats within a cart in order ‘to render them more conspicuous to spectators’.<sup>134</sup> The procession then passed down St. Martin’s-le-Grand to the bottom of Aldersgate Street, where the gallows had been newly constructed opposite what remained of Mr Gilding’s property. Both men were executed at a quarter past nine in the morning, surrounded by ‘an immense crowd’ of angry spectators.<sup>135</sup>

Until their eventual disappearance in 1795 local executions remained a sporadic feature in the yearly calendar of punishments that brought a vivid tangibility to the termination of capital cases.<sup>136</sup> Not only could the attending audience glimpse the much-vaunted malefactors as usual, but in revisiting the specific locality of crimes where the gallows were now placed, a powerful immediacy of the offence was encountered. In April 1761 for example, when thirty-nine-year-old Austrian Theodore Gardelle was convicted of the murder of Ann King in Leicester Fields, he was

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<sup>133</sup> J. Mclean, *The whole trial of the incendiaries before the Recorder of London etc*, (London, 1790?).

<sup>134</sup> *Times*, 22 November 1790.

<sup>135</sup> *Ibid.*

<sup>136</sup> The last local execution was that of John alias Matthew Dunn, who was executed in Carter Lane in April 1795 for killing a local watchman, although another site close to Newgate, Skinner Street, was used to execute John Cashman in 1816: *Whitehall Evening Post*, 18 to 21 April 1795; OBP, 16 April 1795, John Dunn (t17950416-52).

sentenced to hang opposite Pantton Street in the Haymarket.<sup>137</sup> As Gardelle was placed in an open cart at Newgate in preparation of his journey to the place of execution, the crowd at once gave three loud huzzas, a cheer repeated some time later as the procession passed his victim's door. Gardelle was observed to 'look earnestly at the house' as he passed by and wrung his hands in nervous agitation, while all around him sounded the 'shouts and hisses of an indignant populace'.<sup>138</sup>

But the executions following the 1780 riots were unique in the context of general metropolitan crowds. Few hangings had been preceded by such violent scenes of public disorder or faced the prospect of renewing serious civil disturbances. The imposition of multiple public hangings around the city provoked outright alarm in certain sections of the press. In highlighting the existing state of apprehension in the capital, one correspondent to *The Gazetteer* predicted that

the [first] three executions will no doubt draw together not less than 30,000 people, and 30,000 more will, it is most probable, assemble to see Lord G. Gordon go from the Tower. Except the city raise the *Posse Comitatus*, and all the troops are, on that day, drawn from their encampment, we may expect the most fatal consequences.<sup>139</sup>

Such were the writer's fears of the possible consequences that he urged 'all masters and mistresses not to suffer either child or servant of either sex or age to go out of doors on that or the two preceding days'.<sup>140</sup> Trouble was clearly expected.

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<sup>137</sup> OBP, 1 April 1761, Theodore Gardelle (t17610401-27); OBP, Ordinary's Account, 4 April 1761 (OA17610404).

<sup>138</sup> *The Annual Register, or a View of the History, Politicks, and Literature, for the Year 1762* (London, 1763), p. 62.

<sup>139</sup> *Gazetteer and New Daily Advertiser*, 10 July 1780.

<sup>140</sup> *Ibid.*



The possibility of large crowds gathering about the city also caused considerable concern in political quarters, more so considering events that had taken place at a recent local execution. Only eleven years previously the decision to execute two loom cutters at Bethnal Green had ‘startled’ the London and Middlesex Sheriffs into vocal protests to the magistracy, followed by scenes of uproar when the convicts were duly hanged. The executioner was stoned, houses were burnt down in the area and the gallows were razed to the ground: scenes that offered rich testament to what might now potentially occur.<sup>141</sup> During the rioters’ trials in 1780 Edmund Burke expressed his own unease with any overzealous application of the death sentence, revealed in a telling sequence of letters addressed to the Lord Chancellor, Alexander Wedderburn. In urging restraint in the circumstances, Burke described how the populace were living in ‘a suspended and anxious state’, adding that

a very great part of the lower, and some of the middling people of this city, are in a very critical disposition, and such as ought to be managed with firmness and delicacy. In general, they rather approve than blame the principles of the rioters.<sup>142</sup>

By appearing too savage, argued Burke, the exercise in public justice risked wafting the embers of discontent among politically fractious sections of society, threatening the punishments’ legitimacy in the eyes of the masses. ‘The sense of justice in men is overloaded and fatigued with a long series of execution, or with such carnage at once, as rather resembles a massacre, than a sober execution of the laws’ he cautioned, advocating that only six exemplary hangings be carried out.<sup>143</sup>

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<sup>141</sup> *The Annual Register, or a View of the History, Politicks, and Literature, for the Year 1769* (1770), pp. 159-60; *Lloyd’s Evening Post*, 4 December 1769. For the background to the case see J. Noorthouck, *A New History of London, including Westminster and Southwark* (London, 1773), pp. 471-3.

<sup>142</sup> E. Burke, ‘Some Thoughts on the Approaching Executions’ in *The Works of Edmund Burke* (London, 1839), Vol. 5, p. 197.

<sup>143</sup> *Ibid.*, p. 199.

We see here something of a reformist motif articulated in Burke's rhetoric. His personal dissatisfaction with mass execution echoed the complaints expressed by Henry Fielding and others some thirty years before, that had warned of a potential collapse in the moral instruction derived from public executions should they be overused.<sup>144</sup> Simple fears of reigniting disorder, of course, also formed part of this apprehension. The memory of the city engulfed in flames was, after all, still extremely powerful.

Confronting a discontented mob with judicial death was already a risky business, even more so now since so much of their blood had been shed. Burke remained ever fearful of the revolutionary aspects he detected in the unrest, mindful of the axe and hammer wielders he had witnessed pulling down houses only a matter of weeks before. (One account later described Burke as being 'almost frantic with passion' when discussing the riots).<sup>145</sup> Burke himself was assailed by jostling flag wavers as he made his way to Parliament on the first day of the unrest, and had watched in despair as the rabble smashed the livery coaches of the country's ruling elite with abandon. 'For my own part', wrote Burke, 'I think the fire is not extinguished...it seems to require the attention of government more than ever'.<sup>146</sup> Even so, caution and political expediency were to temper his advocacy of reprisal. 'The execution of justice should be as steady and as cool as possible' he declared, later urging the Secretary to the Treasury, Sir

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<sup>144</sup> H. Fielding, *An Enquiry into the Late Increase of Robbers, Etc* (Dublin, 1751), p. 92.

<sup>145</sup> A. F. Steuart (ed.), *The Last Journals of Horace Walpole During the Reign of George III from 1771-1783* (London, 1909), Vol. 2, p. 312.

<sup>146</sup> E. Burke, 'Some Thoughts on the Approaching Executions', p. 200.

Grey Cooper, to convey an urgent message to the Prime Minister. ‘For God’s sake’, pleaded Burke, ‘entreat of Lord North to take a view of the sum total of the deaths, before any are ordered for execution’.<sup>147</sup>

Burke’s tempered stance, however, remained an isolated one. In light of the dangerous situation, North’s ministry was now (in the words of Ian Gilmour) a place where ‘revenge came more easily than clemency’.<sup>148</sup> Though highly selective, judicial retribution was to proceed apace. The executions were to be carried through with all the expediency that the Privy Councillors urged.

### *Hanging localized*

First to die was William Pateman, hanged in Coleman Street on Tuesday 11 July 1780, for demolishing the house of apothecary Robert Charlton on the evening of 7 June.<sup>149</sup> Emerging from Newgate that morning (the cart draped in black baize and the convict raised higher than usual to afford the crowd a better view), Pateman’s execution retinue formed a formidable civic cavalcade, consisting of the City Marshal, Sheriffs Pugh and Wright, and all their legal officers, while one hundred men from the London Military Foot Association made up the front and rear guards. No regular soldiers joined the march as it made its way through the City via Cheapside and King Street, joined by a multitude of spectators in the different streets: a crowd considered in various reports to have been more numerous than at any

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<sup>147</sup> Ibid., pp. 195 and 200.

<sup>148</sup> I. Gilmour, *Riot, Risings and Revolution*, p. 372.

<sup>149</sup> OBP, 28 June 1780, William Pateman (t17800628-52).

previous execution.<sup>150</sup> Pateman's defiant behaviour *en route* to the gallows provided a worrying start for the authorities charged with maintaining order. On leaving the prison he insisted on wearing a blue cockade on the side of his hat, and declared defiantly that 'he died a martyr to the Protestant cause, and should leave the world cheerfully'.<sup>151</sup> John Villette, the Ordinary of Newgate, pleaded with Pateman to consider his untimely demise, and urged him to 'abandon that spirit of riot, whereby he was brought to his ignominy and shame'.<sup>152</sup> Only when the cavalcade arrived at the gallows opposite the burnt out shell of Charlton's house did Pateman display a suitable measure of contrition. As a cap was placed over his head (purloined from a neighbouring householder) he was heard to shout out loudly 'Lord Jesus receive my soul!' and died in the shadow of his former crimes.<sup>153</sup>

Hereafter the executions proceeded quickly. Returning from Pateman's execution that morning, the Sheriffs' officers next collected William Brown, sentenced to death for robbing cheesemonger Carter Daking. Brown cut a sorry figure as the procession made its way from the gaol towards the corner of Bishopsgate Street, where a second set of gallows stood erected four doors down from the scene of the robbery. Brown spent nearly half an hour in prayer attended by his father, 'a grey-headed old man' who kissed his son several times before taking his leave beneath the cross-beam as the cart was drawn away.<sup>154</sup> The procession then returned to the prison for the final time that day to collect Mary Roberts, Charlotte Gardiner and William McDonald: three

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<sup>150</sup> *Morning Chronicle and London Advertiser*, 12 July 1780.

<sup>151</sup> *London Chronicle*, 11 to 13 July 1780.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Gazetteer and New Daily Advertiser*, 12 July 1780.

<sup>154</sup> *Ibid.*

rioters convicted for their part in the destruction of John Lebarty's house in St. Catherine's Lane. The prisoners were carried along Cheapside, Cornhill and Leadenhall to Tower Hill, where a huge crowd of some twelve thousand people gathered to witness their final moments. All three behaved with a becoming decency. Roberts remained constantly in tears as Gardiner, a forty-year-old black woman dressed in 'deplorable rags', embraced her for solace, before being hanged at two o'clock in the afternoon.<sup>155</sup>

We witness within these first executions an acute contrast with the earlier disorders that had generated such widespread consternation. Reports of disturbances are wholly absent from newspaper accounts detailing the crowd's behaviour and a passive spectator response characterized the subsequent executions over the following three weeks. The following day, when Thomas Taplin and Richard Roberts were removed from Newgate and taken to the corner of Bow Street (to be hanged for a theft with violence and the sacking of Sir John Fielding's house respectively), all again remained calm.<sup>156</sup> Both men were attended once more by a strong force of City officers and constables who kept order among the thousands of gallows spectators. Standing on the platform Roberts addressed a number of boys below him, imploring them to 'mind your masters' business, keep at home; had I done so, I had not been brought to this shameful end'.<sup>157</sup> Taplin (the 'captain' to a party of rioters who had ridden about the streets on horseback demanding largesse) was also given leave to

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<sup>155</sup> Ibid. For Gardiner's case see M. Sherwood, 'Blacks in the Gordon Riots', *History Today*, Vol. 47, No. 12 (1997), pp. 24-8.

<sup>156</sup> OBP, 28 June 1780, Thomas Taplin (t17800628-18) and Richard Roberts (t17800628-1).

<sup>157</sup> *London Chronicle*, 11 to 13 July 1780.

address the crowd, warning the populace to be careful in joining the mob in future ‘lest justice should overtake them’.<sup>158</sup>

On Thursday morning at eight o’clock, Enoch Fleming was drawn from the gates of Newgate and carried to Woodstock Street off the Oxford Road, sentenced to die there for destroying a house in Hanover Square. A substantial judicial retinue of City constables and Sheriffs’ officers was once again formed, supported by one hundred volunteers of the London Military Foot Association. While Fleming’s body hung for the customary hour, three of the Sheriffs’ officers on horseback and two in a hackney-coach returned to the prison to collect Christopher Plumley. Here he was escorted into a carriage and conveyed ‘in a very private manner’ to Tyburn, where he was put to death at eleven o’clock in the morning.<sup>159</sup> Plumley’s luck had clearly run out.

Condemned to die in February for stealing a silver tankard, he had been due to hang at Tyburn but obtained his liberty when Newgate was sprung. His experience provided little by way of instruction. Plumley was convicted of the same offence for a second time that June and sentenced once more to an untimely gallows death.<sup>160</sup>

After a week’s pause, the executions returned to London in earnest. At half past five on the morning of 20 July officers of the London Military Association again paraded in St. Paul’s churchyard, before marching to the Old Bailey for the collection of John Gamble, concerned in a riot at the house of Justice David Wilmot.<sup>161</sup> The cavalcade

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<sup>158</sup> *Morning Chronicle and London Advertiser*, 13 July 1780.

<sup>159</sup> *Ibid.*, 14 July 1780.

<sup>160</sup> OBP, 23 February 1780, Christopher Plumley (t17800223-19) and 28 June 1780, Christopher Plumley (t17800628-13).

<sup>161</sup> *Morning Chronicle and London Advertiser*, 21 July 1780.

then made its way to Bethnal Green where Gamble was hanged in front of a large body of spectators. After an hour the procession returned to Newgate where the officers next collected Samuel Solomans, who was promptly conveyed to the Whitechapel Road and executed there for his part in the destruction of the Red Lion public house. Finally, at two o'clock in the afternoon, the procession of law officers and volunteers once more trooped back to the Old Bailey, where they were joined by a regiment of the Light Horse Volunteers. Shortly afterwards James Jackson emerged from Newgate and was escorted ceremoniously across the short distance to a scaffold in front of prison-keeper Richard Akerman's house, where he was executed for his part in the destruction of the gaol. The hanging process that day had taken over nine hours, and drawn hundreds of constables from across the City parishes.<sup>162</sup>

Justice was almost done. The next morning, Thomas Price, James Burn and Benjamin Waters were carried to Old Street and executed there for destroying public houses in nearby Golden Lane. The officers then returned to Newgate where, at half past ten, Jonathan Stacey and George Staples were taken in a cart to Little Moorfields and executed for destroying properties in the vicinity.<sup>163</sup> The following day, Charles Kent and John Gray were taken from Newgate along Holborn and Southampton Street, where the cortege passed around the west side of Bloomsbury Square. After initially pulling to a halt opposite the remains of Lord Mansfield's house, the cart was then driven round to afford the convicts 'a view of the ruins'.<sup>164</sup> Gray leant heavily on a crutch owing to injuries he had sustained during the rioting, while Kent teetered

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<sup>162</sup> *Gazetteer and New Daily Advertiser*, 21 July 1780.

<sup>163</sup> *Ibid.*, 22 July 1780.

<sup>164</sup> *Morning Chronicle and London Advertiser*, 21 July 1780.

pathetically on a wooden leg and turned ‘so pale, that he looked like a ghost’.<sup>165</sup> Both men were finally executed in front of a substantial though tractable crowd, in full view of the magistrate’s home they had deemed fit for destruction.

### ***Predicting behaviour***

The first phase of executions thus passed off calmly, with no reported disturbances. Why were the thousands of spectators so apparently compliant? As Pieter Spierenburg notes of the European context, executions of felons involved in public disorders were ‘always precarious events’ that risked ‘renewed restiveness’ and ‘a flaring up of violence, if not actual resistance’; a statement all the more pertinent to the riots of 1780 when we consider the deliberate targeting of institutions of authority.<sup>166</sup> The burning of the prisons and attacks on the homes of magistrates are regarded by some historians as apposite evidence of a broader protest against the law and the social order, in opposition to a system of governance that was regarded by many contemporaries as oppressive and iniquitous.<sup>167</sup> The delivery of Newgate prison, for example, resulted from an initial rallying cry in Leicester Fields to liberate those arrested on the first night of the disturbances, after which the destruction escalated into wider attacks against all the major institutions of confinement. Yet during the executions of July 1780 none of these protean protests against the rule of law resurfaced, though more were clearly anticipated. Colonel Thomas Twistleton, for example, commanding officer of the City detachment of infantry, felt it prudent to

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<sup>165</sup> Ibid.

<sup>166</sup> P. Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge, 1984), p. 100.

<sup>167</sup> See P. Linebaugh, *The London Hanged*, pp. 357-60; George Rudé also spoke of the crowd’s ‘groping desire to settle accounts with the rich...and to achieve some rough kind of social justice’: G. Rudé, ‘The Gordon Riots: A Study of the Rioters and Their Victims’, p. 111.



keep a guard of regular troops close by to each execution site should disorder occur. ‘I told them [the Sheriffs] we should be nearby at a moment’s warning to offer our assistance if required’ he wrote to Lord Amherst: an action that was in turn supported by the War Office.<sup>168</sup>

The contrast between the crowd’s reaction to the hangings and what some contemporaries had feared is striking. Central to a better understanding of this pacific public behaviour perhaps lies in the overwhelming show of *civil* strength that was displayed. As John Stevenson describes, ‘the sight of an army uniform was as likely to provoke a riot as prevent one’ in late eighteenth-century London, which indeed seems to have been fully recognized by both the military and civil authorities alike.<sup>169</sup>

Rather than marked by a conspicuous military presence the public executions were attended by upwards of one hundred men formed of civil volunteers, comprising the ‘most respectable part of... [the] junior citizens’ from across the local wards: the stout ranks of brandy merchants, cabinet makers, grocers, bakers and so forth as noted in surviving accounts from Marylebone.<sup>170</sup> Indeed, these new bands threw themselves into the role of peacekeepers with gusto. At a Court of Lieutenancy held at the Guildhall on Tuesday 18 July, officers of the Orange, Yellow, Red, Green and Blue Regiments of the voluntary militia offered their services to the city Sheriffs ‘without fee or reward at the several places of execution’, and throughout the nine hour programme of punishment on Thursday 20 July the volunteers of the London Military

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<sup>168</sup> TNA, WO 34/104, f. 246 and WO 34/234, f. 104.

<sup>169</sup> J. Stevenson, ‘Social Control and the Prevention of Riots in England, 1789-1829’ in A. P. Donajgradzki (ed.), *Social Control in Nineteenth Century Britain* (London, 1977), p. 34.

<sup>170</sup> *Morning Chronicle and London Advertiser*, 21 July 1780; WCA, TV 59b, Marylebone Association 1780-1800.

Association, according to one report, performed their duties ‘with a vigour and cheerfulness that would have added honour to a veteran regiment’.<sup>171</sup> (The officers were rewarded by the Sheriffs with ‘a cold collation, with wine...at the nearest tavern’ on each execution day).<sup>172</sup> One excited recruit to the loyalist bands celebrated the arrival of their new uniforms with enthusiasm (‘very handsome, much like the dress of officers in some of the King’s regiments’), and stated how ‘our conduct has met with the highest applause from all parties and all ranks of men here, blackguards excepted’.<sup>173</sup> ‘I shall ever glory in having been a member of this volunteer-corps from its institution’ gushed William Blizard in 1785, who celebrated the solid loyal counterpoise that he too was part of during the final days of turmoil.<sup>174</sup>

Much of this enthusiasm for *ad hoc* policing duties is best explained by the reaffirmation of civic authority over general law and order: what Nicholas Rogers has termed the ‘counter-weight to military intervention as much as a supplement’.<sup>175</sup> The City magistrates had reacted tardily to the initial violence in June, for which the hapless Lord Mayor Brackley Kennett was later severely censured.<sup>176</sup> Even after military forces were summoned to the worst scenes of rioting in London their initial responses were dilatory. In observing the fall of Newgate, George Crabbe was able to describe a joyous crowd outside the burning prison, rioting away uninhibited: ‘flames

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<sup>171</sup> *Morning Chronicle and London Advertiser*, 20 and 21 July 1780.

<sup>172</sup> *Gazetteer and New Daily Advertiser*, 14 July 1780.

<sup>173</sup> BL, Add. MS 27828, f. 127.

<sup>174</sup> W. Blizard, *Desultory Reflections on Police, with an Essay on the Means of Preventing Crimes and Amending Criminals* (London, 1785), pp. v and vi.

<sup>175</sup> N. Rogers, ‘Crowd and People in the Gordon Riots’ in E. Hellmuth (ed.), *The Transformation of Political Culture: England and Germany in the Late Eighteenth Century* (Oxford, 1990), p. 47.

<sup>176</sup> *Parliamentary History of England* (London, 1814), Vol. 21, col. 700. Kennett’s oral defence is contained in TNA, PC 1/3097 *passim*. (He was later forced from office over the matter).

all around [the rioters], and a body of soldiers expected, they defied and laughed at all opposition'.<sup>177</sup> Susan Burney, in observing troops about the streets, also witnessed 'the Mob shouting & clapping the soldiers as they pass'd on their back & one of these even *joined* in the huzza'.<sup>178</sup> Thus, 'impressed with the danger to which they are exposed from an insufficient police', the inhabitants of St. Marylebone - like many other parishes - formed an emergency volunteer corps for the express purpose of 'strengthening the civil power', clearly attesting to the middling sort of householders' intentions to assert their own independent authority.<sup>179</sup>

The exigency of military assistance to quell the disorder of 1780 was roundly condemned by large sections of metropolitan society: 'an object of terror to every man who valued constitutional liberty' according to historian Anthony Babington, for which the King later apologized to Parliament in person.<sup>180</sup> By employing a sizeable force of civic officers at the public executions the London and Middlesex Sheriffs, and indeed the City Corporation, were able to symbolically reclaim their authority away from the standing army, which even then remained billeted in readiness right across the capital. Such measures were broadly welcomed by the metropolitan press. 'The civil power is that alone which ought to be exerted on such occasions', claimed the *Morning Chronicle*, which highlighted the dangers to independent governance occasioned by the imposition of martial law:

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<sup>177</sup> G. Crabbe, *The Poetical Works of the Rev. George Crabbe: with his Letters and Journals, and his Life* (London, 1834), Vol. 1, p. 83.

<sup>178</sup> BL, Eg MS 3691, f. 134.

<sup>179</sup> WCA, MS TV 58, Marylebone Association Minute Book 1780; R. B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2004), p. 148.

<sup>180</sup> A. Babington, *Military Intervention in Britain*, p. 31; A. F. Stuart (ed.), *The Last Journals of Horace Walpole*, Vol. 1, p. 320.

All who revere the true spirit of the constitution, and wish to hand it down to posterity in its original purity, must rejoice at every public effort to protect the laws, and his Majesty's Government, which is made independent of military aid.<sup>181</sup>

This deployment of 'public effort' proved highly effective. Such was the peace established at the executions that the City Corporation was later drawn into conflict with the War Office over escalating costs. A session of the Court of Aldermen sitting on 18 July heard how the average expense to the City in providing for the army had reached over £100 per day and that bills were drawn on the chamber to the value of £4,000. The Aldermen later resolved that, 'as the executions have passed with perfect peace and quiet, and as there is no appearance of any riots', no further allowances should be made to the troops stationed in the City, once the last execution was complete that approaching Saturday.<sup>182</sup>

Relative calm was established at the execution of the Gordon Rioters by investing authority in the volunteer bands and peace officers under the watchful eye of the City and Middlesex Sheriffs. Members of the civil regiments attending the events were formed from the very communities in which the executions were set. Public order was carefully stage-managed by a local force traditionally empowered to preserve the parochial peace, thereby usefully complementing the local context of each successive hanging.<sup>183</sup> Supernumerary volunteers and constables embodied the regionality of the

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<sup>181</sup> *Morning Chronicle and London Advertiser*, 13 July 1780.

<sup>182</sup> LMA, COL/CA/01/01/188, Court of Aldermen, Journal Books, 19 July 1780.

<sup>183</sup> See E. A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Basingstoke, 1998).

executions, formed as they were of the middling sort of citizen, who diligently assisted in maintaining order as the law was put into effect.

Protest in support of the condemned was further assuaged by the Bench's careful selection of which prisoners should hang. Many of the inhabitants comprising the execution crowds in Bloomsbury, Moorgate, the Minories and elsewhere were, it seems, already acquainted with the condemned prisoners presented before them. As Nicholas Rogers again highlights, some of the rioters were well-known to the victims of their crimes, several of whom were prepared to swear evidence against them in the dock.<sup>184</sup> John Lebarty, for instance, whose house in St Catherine's Lane was wrecked by Charlotte Gardiner and others, could easily point her out in court as a known local ne'er-do-well; a woman who, in Lebarty's own words, developed 'a great spite against me'.<sup>185</sup> (Gardiner was consequently hanged near Lebarty's house on Tower Hill). Benjamin Waters, who was executed for destroying houses in Old Street, was similarly condemned on the evidence of his neighbour Cornelius Murphy. Murphy had pleaded with the rioters to spare his property at the time of the disturbances, declaring 'Waters, you have known me a great while, do not be so cruel as to break my window and let the mob come in'.<sup>186</sup> James Haburn, whose sworn evidence against John Gamble resulted in his capital conviction for destroying a house in Bethnal Green, knew of the prisoner well enough as a former work-mate. Gamble was tried after being overheard 'bragging at a public-house of what he had done',

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<sup>184</sup> N. Rogers, *Crowds, Culture and Politics*, p. 168.

<sup>185</sup> OBP, 28 June 1780, Charlotte Gardiner (t17800628-65).

<sup>186</sup> OBP, 28 June 1780, Benjamin Waters (t17800628-39).

subsequently found guilty and executed close by on 20 July.<sup>187</sup> Jonathan Stacey, who was hanged near the house of Richard Dillon in Little Moorfields, was similarly convicted after ‘the neighbours had determined to prosecute all they know who were concerned’.<sup>188</sup>

The hanging of the Gordon rioters can therefore be considered to be a form of local justice in operation. The executions were an exemplary - and highly manipulated - exercise reserved by the magistracy for what they considered were the most desperate of crimes carried out by the unruly mob. The sanctity of personal property naturally played a part in this. It is singularly noteworthy just how many of the indictments for breaking the peace during the riots were accompanied by related evidence of property theft or its consequential destruction. Mary Gardiner, for example, who successfully evaded prosecution until mid-September 1780, when she was finally indicted for her part in the destruction of Lord Mansfield’s house in Bloomsbury Square, was discovered to be wearing a stolen petticoat and apron belonging to Lady Mansfield when she was arrested.<sup>189</sup> Benjamin Bowsey, a black American servant, was capitally convicted on the basis that several articles belonging to Richard Akerman, the keeper of Newgate, were found on his person, including a pair of stockings he was sporting when taken up.<sup>190</sup>

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<sup>187</sup> OBP, 28 June 1780, John Gamble (t17800628-22).

<sup>188</sup> OBP, 28 June 1780, Jonathan Stacey (t17800628-116).

<sup>189</sup> OBP, 13 September 1780, Mary Gardiner (t17800913-16). Gardiner, who was arrested after ‘bragging of what she had done’, was executed at Tyburn on 22 November: see *Gazetteer and New Daily Advertiser*, 23 November 1780.

<sup>190</sup> OBP, 28 June 1780, Benjamin Bowsey (t17800628-33). Bowsey was initially condemned to hang, but was respited several times (the gallows actually being erected on one occasion). He escaped from the Poultry Compter during October that year and was rearrested. His sentence was later commuted on condition that he serve in the army on the African coast: see *Gazetteer and New Daily Advertiser*, 28 July 1780 and 21 October 1780 and TNA, SP 44/95, ff. 1 and 115.

Several of the crimes punished capitally were committed against respectable tradesmen and shopkeepers whose chattels were stolen or goods destroyed, some of whom initially extended a degree of leniency towards the rioters when they arrived at their doorstep. George Hull, for example, the keeper of the King's Arms in Arundel Street, placated the excited mob by offering drinks in order to deflect the violence raging around him, and later swore in court that 'if we had not given them beer the whole neighbourhood would have been burnt down'.<sup>191</sup> Many inhabitants redirected the tumultuous crowds away from what they considered were illegitimate targets, including the houses of Irish Catholics in Wapping and the homes of industrious neighbours in Bermondsey.<sup>192</sup> Large sections of the capital, it seems, were desperate to avoid any involvement with 'the mob' altogether, and side-stepped the dangerous consequences with which it was associated.

We might speculate, therefore, that the general compliance of the execution crowds reflected a growing acceptance of the condemned as representing the most misguided of those arrested. The neighbourhood context of the executions served to usefully re-frame such sentiments, carefully superintended by attending civil authorities in order to heighten the perceived gravity of the crimes. Burnt out buildings and frightened neighbours observing from nearby windows buttressed the dramaturgy of each hanging spectacle, and duly reminded potential transgressors in the audience that the severest consequences always followed misrule. It was, after all, no accident when John Gray and Charles Kent were repositioned in the cart in order that the crowd

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<sup>191</sup> OBP, 28 June 1780, William Laurence and Richard Roberts (t17800628-1).

<sup>192</sup> N. Rogers, *Crowds, Culture and Politics*, p. 168.

could properly witness them facing the remains of Lord Mansfield's house in Bloomsbury Square, shortly before both were 'turned off'.<sup>193</sup> Thus the *Gazetteer* hoped that the local punishments would serve to make other transgressors 'tremble', as

so solemn a scene... will impress upon their minds a determined resolution to avoid in future being active in any tumultuous meetings, which in the end is productive of disturbing the peace of private families, and by destroying their properties, ruin them.<sup>194</sup>

This is not to argue, however, that these local communities were wholly complicit in assisting unbending state vengeance. The subdued temperament of the execution crowd undoubtedly reflected a degree of genuine sorrow extended towards the sufferers as victims of ill-judged action occasioned by their youth: a minority drawn to violence on a tide of uninformed and drunken juvenile exuberance. Like others, Horace Walpole was particularly struck by the immaturity of the condemned, recording how 'seventeen of them have been under 18 years of age, and three not quite 15'.<sup>195</sup> Many testimonies contained in the stream of petitions forwarded to the Secretary of State in support of the condemned rioters sought to excuse their actions as a product of incautious youthful excitement, such as that sent in favour of Jonathan Stacey that spoke of his 'youth and the baleful influence of ill example' as mitigating factors to his sentence.<sup>196</sup> Samuel Romilly was categorical in his own assessment of the rioters as a phalanx of thoughtless mischief-makers, concluding that the young

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<sup>193</sup> *Morning Chronicle and London Advertiser*, 21 July 1780.

<sup>194</sup> *Gazetteer and New Daily Advertiser*, 11 July 1780.

<sup>195</sup> A. F. Steuart (ed.), *The Last Journals of Horace Walpole*, Vol. 2, p. 326.

<sup>196</sup> TNA, SP 37/21, f. 161.



men and women involved ‘not only had never heard any of the arguments for or against toleration, but who were utterly ignorant of the very purport of the petition’.<sup>197</sup>

In one sense, therefore, the condemned were perceived as products of unbridled social indiscipline; otherwise upright townsfolk caught up heedlessly in drunken, ribald skirmishing. The reported responses of the punishment audiences, though heavily mediated by a censorious press, nevertheless hint at regret and shame. We witness the grey haired father commiserating with his fallen son, the young men exhorting the boys around their gallows to stick to the path of righteousness and the penitent teenage girls all in tears: scenes not uncommon at Tyburn.<sup>198</sup> In spite of the thousands crowding around them, several of the executions were (apparently) so quiet that valedictory speeches were heard on the scaffold, and several newspaper reports later lambasted the groundswell of public sympathy that materialized in support of the condemned. The *Morning Chronicle* in particular felt compelled to criticize the ‘clamour’ it detected in favour of the rioters which, it considered, was entirely misplaced:

While the mob were in possession of power and spreading devastation all around there was scarcely a woman who would not readily have assisted in executing the rioters...but now the danger is passed, a cry is raised on the grounds of humanity...If people will but carry back their ideas to the 6<sup>th</sup> and 7<sup>th</sup> of June, they will surely think differently.<sup>199</sup>

Thus, the executions of 1780 were grounded in a public commentary on the foolishness of the offenders. Many of the condemned were well-known to the

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<sup>197</sup> S. Romilly, *Memoirs of the Life of Sir Samuel Romilly* (London, 3<sup>rd</sup> edition, 1840), Vol.1, p. 115.

<sup>198</sup> We should be cautious with such descriptions of course. Many of these reports used a stock vocabulary of contrition that was common to most contemporary newspapers.

<sup>199</sup> *Morning Chronicle and London Advertiser*, 27 July 1780.

spectators and indicted on the evidence of their own communities. In withdrawing control of events from the hands of the military, the 'local' context was extended. Community outrages were punished at the very heart of the neighbourhoods in which they transpired, and were conducted under the watchful eye of an amateur City volunteer force.

### *Control and manipulation*

Whether by accident or design, the distribution of the hangings formed a neat axis of assignment across the metropolis, distributed as they were between Bloomsbury in the north and St George's Fields in the south, the Oxford Road in the west and Moorfields and Tower Hill in the east. Tyburn executions by contrast rarely displayed such a sense of region or place, owing to the distant location of the gallows. Situated at the very periphery of the urban area, hangings there had always excluded a useful sense of locality from any punishment ritual, and divorced a particular crime's consequences from the sphere of community relations. As such, Tyburn executions stood apart from other forms of public punishment (the pillories and public whippings) that otherwise possessed a more or less well-defined local publicity of their own.

In Peter Linebaugh's analysis of the rioters' executions he interprets their geographical dispersal as a distinctly manipulative strategy: a bold attempt by the magistrates to prevent the formation of large public audiences. By distributing the hangings across wide areas of London, prior knowledge of the forthcoming events

would be limited and crowd sizes consequently confined.<sup>200</sup> This interpretation is certainly convincing. The travelling time to the sites of execution and duration of each ritual were truncated considerably, and the potential for the daylong bacchanalia associated with a Tyburn ‘fair’ effectively expunged.

**Table 2.1: London Executions: July and August 1780**

Monday 3 July	Dennis Reardon	Tyburn
Tuesday 11 July	William Pateman	Coleman Street
	William Brown	Bishopsgate Street
	Mary Roberts	Tower Hill
	Charlotte Gardiner	Tower Hill
	William McDonald	Tower Hill
Wednesday 12 July	Thomas Taplin	Bow Street
	Richard Roberts	Bow Street
	James Henry	Holborn Hill
Thursday 13 July	Enoch Fleming	Woodstock Street
Thursday 20 July	Christopher Plumley	Tyburn
	John Gamble	Bethnal Green
	Samuel Solomons	Whitechapel
Friday 21 July	James Jackson	Old Bailey
	Thomas Price	Old Street
	James Burn	Old Street
	Benjamin Waters	Old Street
	Jonathan Stacey	Little Moorfields
	George Staples	Little Moorfields
Saturday 22 July	Charles Kent	Bloomsbury Square
	John Gray	Bloomsbury Square
	Andrew Gray	Tyburn
	Thomas Kelly	Tyburn
	James Earls	Tyburn
Wednesday 9 August	Robert Lovell	St George's Fields
	Edward Dorman	St George's Fields
	Mary Cook	St George's Fields
	Oliver Johnson	St George's Fields
	Elizabeth Collins	St George's Fields
Tuesday 22 August	John Bridport	St George's Fields
	Henry Penny	St George's Fields

(Names include non-rioters condemned prior to July 1780).

<sup>200</sup> P. Linebaugh, *The London Hanged*, pp. 363-5. (Linebaugh’s dates for the hangings are incorrect and the list of locations incomplete).

This view, however, ignores the fact that sizeable and interested audiences still accompanied the deaths of all the rioters concerned. Each location of punishment was the scene of mass public spectatorship: twelve thousand people on Tower Hill during the first day of the executions alone, for example, and thousands elsewhere on subsequent days. ‘It is...astonishing to see the multitudes that attend them all, as if an unfeeling curiosity could never be satisfied’ described the *Gazetteer*, expressing surprise that everything had passed off so quietly in light of the public’s avid interest.<sup>201</sup>

Such calm, however, was achieved at a price. Arguably, absolute control over executions had been relinquished. Though the show of formidable *civic* strength in 1780 succeeded in imparting a parochial sense to the punishments carried out, such measures exposed deep currents of popular antagonism running against the army; sentiments that compromised the military’s future role in harnessing any urban crowd. ‘It is no very comfortable sight to Englishmen to see encampments at their very doors’ lamented Samuel Romilly, who feared that the recent military incursion into British civic freedoms had created a very ‘dangerous precedent’ indeed.<sup>202</sup>

Rarely remarked on, and of importance here, is the execution of two soldiers on 22 July 1780. A month previously, Thomas Kelly and Andrew Gray were arrested at Hays in Middlesex for the highway robbery of Jacob Rotherker, having held a bayonet to his breast and wounded him in the head whilst demanding his money.<sup>203</sup> At

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<sup>201</sup> *Gazetteer and New Daily Advertiser*, 22 July 1780.

<sup>202</sup> S. Romilly, *Memoirs of the Life of Sir Samuel Romilly*, Vol. 1, p. 131; J. Adams, *The Flowers of History* (London, 1796), p. 294.

<sup>203</sup> OBP, 28 June 1780, Thomas Kelly and Andrew Gray (t17800628-32).

their subsequent trial the two enlisted men - both soldiers of the Queen's Regiment stationed in the Hyde Park encampment - described how they had absconded one evening in search of London's female delights, jumping over the park wall 'as many poor fellows do to be sure'.<sup>204</sup> Kelly and Gray were subsequently found guilty at the Old Bailey and executed alongside James Earls at Tyburn (the latter released from Newgate by the mob while awaiting the death sentence for burglary), on the same day that the luckless rioters Gray and Kent were executed in Bloomsbury Square.<sup>205</sup> Here we see the magistracy applying justice with assiduity. One might speculate that Kelly and Gray suffered at Tyburn for distinctly exemplary purposes, demonstrating to the restless metropolis how the rule of law applied to the military with equal weight and vigour.

Yet the government's confidence in maintaining order at executions remained unmistakably shaky. Vast crowds gathered once more in early August when six rioters tried at the Special Commission in the Borough were ordered to hang. At four o'clock on the morning of Wednesday the ninth a troop of Colonel William Harcourt's Light Horse Volunteers took up positions in Southwark, 'to be in readiness, should any rescue of the rioters be attempted', while a remarkable one thousand soldiers of the first and second foot guards were stationed nearby.<sup>206</sup> At ten o'clock in the morning the convicts - four men and two women - were brought out of the New Gaol and taken in a cart to a spot close to the wall of the King's Bench

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<sup>204</sup> Ibid.

<sup>205</sup> Details of these Tyburn executions are perfunctory. Most newspaper reports mentioned them in passing, but devoted most space to the executions in Bloomsbury Square carried out on the same day.

<sup>206</sup> *Gazetteer and New Daily Advertiser*, 10 August 1780.

prison. Here, a temporary gallows was symbolically ‘doubly lengthened’ as proof of the law’s clemency: half of the scaffold left empty when ‘the whole tree might have been appropriated in the due exhibition of justice’.<sup>207</sup> Only one prisoner, Robert Lovell, arrived with a cap. An attendant was quickly dispatched to the Borough to buy some coverings to draw over the prisoners’ faces as a huge crowd once more gathered, estimated at ten thousand people.<sup>208</sup> Among the condemned seventeen-year-old Elizabeth Collins wept bitterly and pulled up the handkerchief over her eyes as the cart was drawn away, exposing to the spectators ‘her face distorted in the agonies of death’.<sup>209</sup> Oliver Johnson and Edward Dorman, both aged twenty-five, remained penitent throughout and implored the spectators to join them in prayer. Seventeen-year-old John Bridport behaved with less dignity. After declaring an oath of defiance he kicked his shoes into the crowd as the hangman placed a cap over his face, shouting ‘I want none, nor will I have one over my face, I am not afraid of dying’.<sup>210</sup> All were hanged side by side, at twenty-five minutes to eleven. The bodies hung for the customary hour, as the ‘immense crowd’ of peaceable spectators looked on in silence.<sup>211</sup>

On Tuesday 22 August, Henry Penny was hanged at St George’s Fields for pulling down the house of one Mrs Connolly in Long Lane, Southwark. Penny had pleaded insanity following his sentencing, a ploy that earned him a respite of two weeks.<sup>212</sup>

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<sup>207</sup> *Morning Chronicle and London Advertiser*, 10 August 1780.

<sup>208</sup> *Ibid.*

<sup>209</sup> *London Chronicle*, 8 to 10 August 1780.

<sup>210</sup> *Ibid.*

<sup>211</sup> *Ibid.*

<sup>212</sup> *Gazetteer and New Daily Advertiser*, 23 August 1780.

With his madness ‘not appearing to be well founded’ he was eventually removed from the King’s Bench gaol and taken to the spot and executed where the other Southwark rioters had suffered. Thus a pall was drawn over the local executions of 1780. Tyburn hangings resumed as usual that year when, on 11 November, nine convicts were conveyed to the gallows. Amongst them stood Mary Gardiner, finally hanged for her part in the destruction of Lord Mansfield’s house some five months earlier.<sup>213</sup>

### ***Conclusion***

The significance of the local executions in 1780 should not be understated. That the magistracy remained confident in exhibiting examples of justice is abundantly clear, particularly in the way that the executions were used to ward off further disturbances that summer: a technique similarly employed by the magistrates of Bath following that city’s own particular disorders.<sup>214</sup> Indeed, the state’s general confidence in the utility of capital punishments remained resolute thereafter, evidenced in the spectacular application of the death penalty in relation to property offences.<sup>215</sup> As noted above, between 1781 and 1785, nearly three hundred individuals were executed in the capital alone, and there is little sign that the belief in hanging’s justification was under any immediate threat.<sup>216</sup>

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<sup>213</sup> Ibid., 23 November 1780; OBP, 13 September 1780, Mary Gardiner (t17800313-16).

<sup>214</sup> John Butler was found guilty at Wells Assizes for destroying the house of a Roman Catholic priest. He was executed in Pear Tree Lane, Bath, on 28 August 1780: see *General Evening Post*, 26, 29 and 31 August 1780.

<sup>215</sup> See F. J. McLynn, *Crime and Punishment in Eighteenth-Century England* (London, 1989), chp. 5.

<sup>216</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), p. 616. An explanation for this increase in capital sentencing has been found in the rise of theft associated with demobilization at the end of the American wars: see D. Hay, ‘War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts’, *Past and Present*, No. 95 (1982), pp. 117-160; J. M. Beattie, ‘The Pattern of Crime in England 1660-1800’, *Past and Present*, No. 62 (1974), pp. 47-95; T. R. Forbes, ‘A Study of Old Bailey Sentences between 1729 and 1800’, *Guildhall Studies in Local History*, Vol. 5, No. 1 (1981), pp. 26-35.

Yet embedded in this robust application of public justice lay all the complex problems that had dogged capital punishment for decades. As Edmund Burke cautioned, by hanging too readily the law would appear too arbitrary, tarnishing the legal system with capriciousness. ‘Without great care and sobriety’ he warned, ‘criminal justice generally begins with anger, and ends in negligence’, running the risk that the punishments would indeed be perceived as little more than ‘a massacre’.<sup>217</sup> Lord George Gordon himself later condemned what he saw as the bloody revenge running through the post-riot executions, and was horrified at the sacrifice of so many seemingly ignorant youths:

I shall never sufficiently lament the scandalous exhibition in Bow-street; where an infant boy, whose weight being insufficient, was strangled by the strength of ruffians...[and] the untimely death of another unhappy *infant* girl, convicted upon the evidence of being seen giddily dancing with an old cloak of Lady Mansfield about her shoulders.<sup>218</sup>

Such a disastrous outcome proved highly traumatic for Gordon. For years afterwards he devoted his energy to attacking the bloodiness of the English penal code, as he languished in Newgate prison.<sup>219</sup>

That the efficacy of public justice was under strain in the last quarter of the eighteenth century is now well-understood by historians. Criminality seemed simply unresponsive to the mounting heft of hangings carried out year after year, as

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<sup>217</sup> E. Burke, ‘Some Thoughts on the Approaching Executions’, pp. 197 and 199.

<sup>218</sup> G. Gordon, *A Letter from the Right Hon. Lord George Gordon to the Attorney General of England* (London, 1787), p. 12.

<sup>219</sup> D. Hay, ‘The Laws of God and the Laws of the Man: Lord George Gordon and the Death Penalty’, in J. Rule and R. Malcolmson (eds.), *Protest and Survival: The Historical Experience* (London, 1993), p. 63.



highlighted in so many critical pamphlets and tracts.<sup>220</sup> Yet perhaps as importantly, the general toleration of the public's presence at executions had now significantly changed. The events of 1780 ushered in a new, more contentious power relationship between 'the people' and the state: one that sorely tested the legitimacy of the crowd's presence at any large scale public spectacle, and which, as George Rudé claimed, wrenched national politics 'from its popular moorings'.<sup>221</sup> Alerted to the dangers of mob action, politicians of all colours closed ranks and excluded popular influence in British political affairs: a dramatic shift in elite mentalities that invalidated 'the long-held fiction' that the crowd had a useful role to play.<sup>222</sup> As Susan Burney had intuitively speculated, 'I think the populace will never more be so completely masters as they have been this last week'.<sup>223</sup>

Barnard Turner for one, the future Sheriff of London so influential on the forthcoming changes applied to the execution process, had looked the menacing mob in the eye. As commander of the London Military Foot Association he had pleaded with rioters in Broad Street to desist from pulling down houses before ordering his men to fire. He himself had placed a pistol to a rioter's breast 'and told him he was a dead man if he moved or made any resistance', during days of fire and violence that must have surely left profound and lasting psychological effects.<sup>224</sup> For many like Turner these were dangerous times indeed: as one pamphleteer would later clumsily declare 'more

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<sup>220</sup> See V. A. C. Gatrell, *The Hanging Tree*, pp. 18-21.

<sup>221</sup> G. Rudé, *Hanoverian London 1714-1808* (London, 1971; reprinted 2003), p. 180.

<sup>222</sup> F. J. McLynn, *Crime and Punishment*, p. 237; R. B. Shoemaker, *The London Mob*, p. 148.

<sup>223</sup> BL, Eg MS 3691, f. 144.

<sup>224</sup> J. Gurney, *The Trial of George Gordon, Esquire* (London, 5<sup>th</sup> edition, 1781), p. 32; OBP, 28 June 1780, Thomas Cleeves, Edmund Haworth, Thomas Cockin, John King (t17800628-43).

terrible never was the situation of any city'.<sup>225</sup> The disturbances of 1780 once and for all destroyed any remaining optimism in the day-long garish procession to the gallows, by imbuing the London crowd with dangerous and revolutionary consequences.

The catastrophic events of 1780 also highlighted the distinctive problem of geography. Tyburn's bucolic location had in effect removed any parochial or judicial context for capital offences that were punished there, disconnecting a sense of 'community' justice in the minds of the execution audience. Thus the seat of ultimate reckoning lacked the symbolic power to invoke social discipline through meaningful ritualization, precisely at the point when it was most sorely needed. And as the riots had shown, confronting unruly mobs with direct military intervention might prove disastrous if crowds were antagonized. With the army now linked firmly in the public mind with the frightening bogey of state tyranny, military control over rowdy audiences was suddenly rendered less viable: a situation that underscored a new debate addressing the merits of a civil police force.<sup>226</sup>

Pragmatism provided a temporary solution for some of these problems. Order was achieved at the execution of the Gordon rioters by imposing highly selective and restricted rituals of punishment conducted at the very centre of London's fire ravished communities. By cleverly reconstructing the spectacles as grave, sober and highly

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<sup>225</sup> 'Real Friend to Religion and to Britain', *Fanaticism and Treason* (London, 1780), p. 61.

<sup>226</sup> For example see W. Jones, *An Inquiry into the Legal Mode of Suppressing Riots. With a Constitutional Plan of Future Defence* (London, 1782). This debate also prompted the introduction of Pitt's unsuccessful Police Bill of 1785: see F. M. Dodsworth, "'Civic" Police and the Condition of Liberty: the Rationality of Governance in Eighteenth-Century England', *Social History*, Vol. 29, No. 2 (2004), pp. 199-216.

symbolic events, in which local inhabitants lamented much-regretted mischief-makers, a starker, more immediate message was conveyed: a strategy that successfully ensured public disapprobation of the youthful offenders and which revalidated the employment of scene of crime executions for another fifteen years.<sup>227</sup> Also significant was the absence of military intervention. By conferring control of the events into the hands of civic volunteers and the City constabulary, judicial and civil authorities successfully achieved an effective compromise: one that avoided the need to once more range the deeply unpopular soldiery directly against the people.

In the longer term, however, something clearly had to change. The foregoing problems at Tyburn now demanded an innovative strategy in order to guarantee the dramaturgy of successive capital punishments: one that might yet maintain permissible civic freedoms whilst maintaining a watchful eye on the crowd. A conceivable solution lay embedded in symbolism and allegory located at the very heart of the English legal practice, once hanging was established outside the Old Bailey in November 1783.

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<sup>227</sup> Provincial scene of crime executions lingered for even longer: see S. Poole, “‘A Lasting and Salutary Warning’: Incendiarism, Rural Order and England’s Last Scene of Crime Execution”, *Rural History*, Vol. 19, No. 2 (2008), pp. 163-77. Simon Devereaux argues that the continuance of local executions in London demonstrates how the riots in fact played a much more incidental role in the changing conceptualization of public justice: S. Devereaux, ‘Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual’, *Past and Present*, No. 202 (2009), pp. 168-9.

## Chapter Three

### **Reforming the spectacle**

Indisputably, the Gordon Riots of 1780 represent a defining moment in the history of metropolitan society. In imbuing crowd formation with new and alarming possibilities, the events of June that year fundamentally reshaped elite perceptions of the menacing London mob: a moment of social panic in the capital when - according to one pamphleteer - 'every man communicate[d] his fear to his neighbour'.<sup>1</sup> More importantly still, the subsequent local execution of rioters offered a glimpse of the potential benefits to be gained from reforming the raggedy hanging ritual: exemplars of how location could be employed to imbibe the execution ceremony with awe, majesty and dread, free from the time-worn processional clutter.

In this chapter I wish to consider how these changes in the elite's awareness of the 'mob' acted as a clear and principal motor for penal change. Rather than representing an isolated moment of chaos in the capital, I will illustrate how the events of 1780 represented a primary driver behind Tyburn's fall only three years later.<sup>2</sup> Moreover, though these sweeping changes were underpinned by negative elite responses to crowd formation and political fears of insurrection, I will begin to reveal in the following chapters how the realities of an execution crowd were still very different from the caricatures that were frequently portrayed.

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<sup>1</sup> T. L. O'Beirne, *Considerations of the Late Disturbances by a Consistent Whig* (London, 1780), p. 4.

<sup>2</sup> Simon Devereaux has significantly downplayed the role of the Gordon Riots in these changes: see S. Devereaux, 'Recasting the Theatre of Execution', *Past and Present*, No. 202 (2009), pp. 166-70.

### *West End expansion*

Though Tyburn hanging days were to continue for another three years after 1780, complaints of the execution crowd by then had been loudly voiced. Problems relating to the physical geography of Tyburn proved increasingly influential by this time, particularly the increasing intrusion of the execution 'fair' into the lives of the well-to-do. As the population of London grew to around 675,000 in the fifty years after 1700, burgeoning to perhaps nearly one million inhabitants nearing the century's end, the area surrounding the gallows developed a noticeably elevated civic tone.<sup>3</sup> The Grosvenor estate immediately to the east of the gallows in particular had exerted a pull on fashionable society since the first houses were erected there in the 1720s, which came to act as a magnet for the visiting landed aristocracy and political classes in residency during the London season.<sup>4</sup> These residences developed particularly quickly around the fashionable squares and gardens. Grosvenor Square appeared in 1725 when a formal garden was first laid out there (replete with its equestrian statue of George I), complemented later by adjoining terraces and grand town houses constructed during the 1730s and 40s.<sup>5</sup> Building work within the six acres of the Grosvenor estate was rapid and sustained, completed to the highest standards under the auspices of the century's major architects. John Nash, John Soane, Henry Holland

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<sup>3</sup> E. A. Wrigley, 'A Simple Model of London's Importance in Changing English Society and Economy 1650-1750', *Past and Present*, No. 37 (1967), p. 44; R. Porter, *London: A Social History* (London, 1994), p. 98.

<sup>4</sup> M. Reed, 'The Transformation of Urban Space 1700-1840' in P. Clark (ed.), *The Cambridge Urban History of Britain, Volume II: 1540-1840* (Cambridge, 2000), pp. 615-40.

<sup>5</sup> F. H. W. Sheppard (ed.), *Survey of London, Vol. 39, Part 1: The Grosvenor Estate in Mayfair* (London, 1977), p. 104.

and Robert Adam were all active with commissions on the estate, adding the highest levels of prestige to London's most desirable residencies.<sup>6</sup>

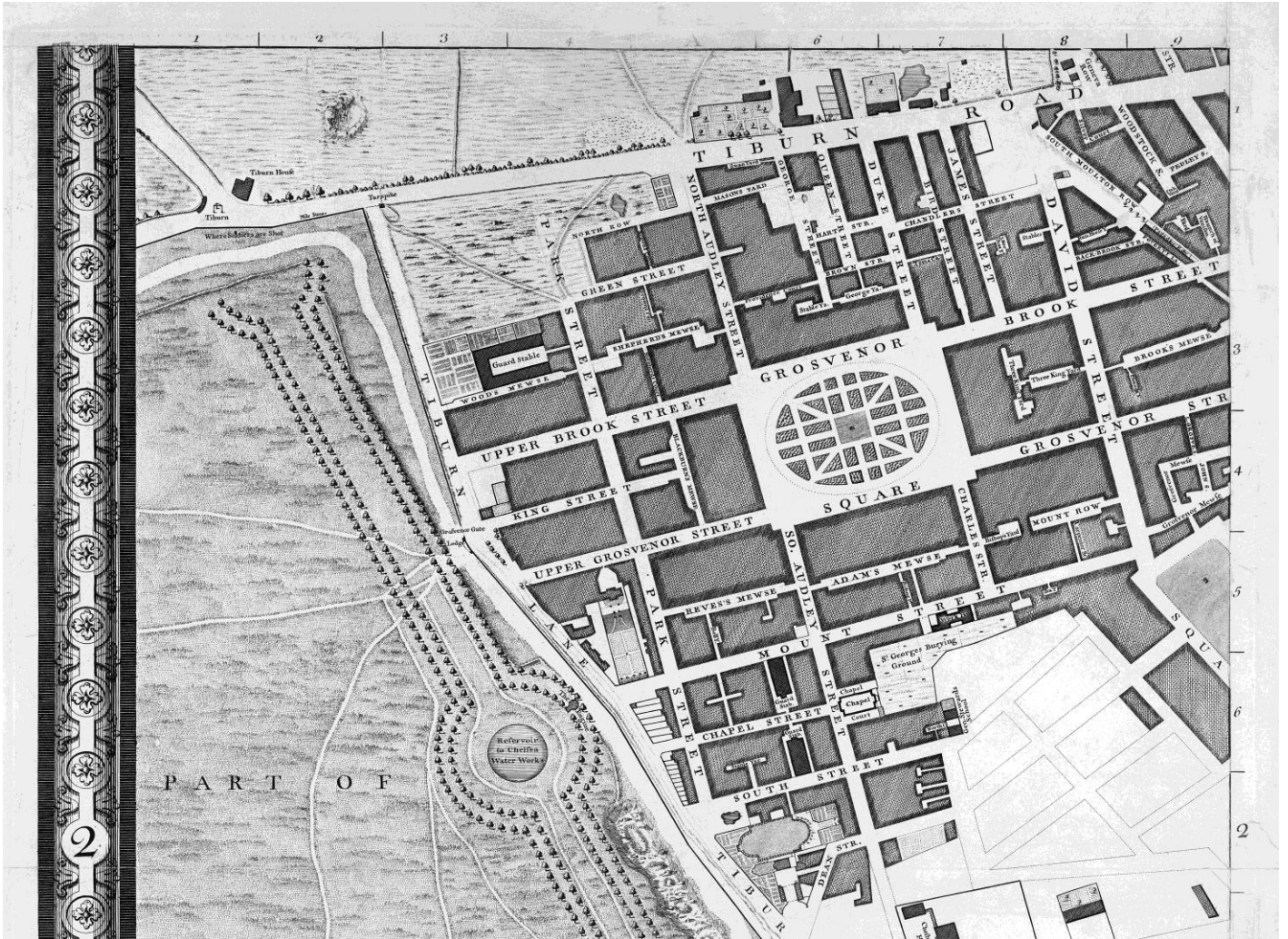
The offer of such high quality property consequently attracted the rich and the powerful. Between 1733 and 1751, the proportion of leaseholders in possession of a peerage on the Grosvenor estate increased from 8 to 23%; the number of MPs in residence across the same period increased from thirty to forty-nine.<sup>7</sup> As the estate expanded westwards, building work moved progressively closer to the Oxford Road. John Rocque's map of 1746 illustrates clearly how residential buildings along North Audley Street were already abutting the thoroughfare by this time, with associated building schemes filtering out northwards towards Marylebone and the Paddington fringe.

And here lay a serious problem. For centuries, Tyburn's removed position at the very edge of the urban area had safeguarded its place as the seat of execution, owing to its relatively isolated locality. Roaming execution crowds, though certainly recognized as an increasing social and moral problem, were in a sense removed from the middle-class urban experience. Yet with the expansion of the more refined purview of inhabitancy, social contamination by the rumbustious hanging crowd became a greater inevitability. And with the insurrectionary potential of mob action frighteningly revealed in 1780, the pressing urgency to reform executions was made abundantly clear.

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<sup>6</sup> Ibid., pp. 120-2; J. Schlarman, 'The Social Geography of Grosvenor Square: Mapping, Gender and Politics, 1720-1760', *London Journal*, Vol. 28, No. 1 (2003), pp. 8-28; M. H. Port, 'West End Palaces: the Aristocratic Town House in London, 1730-1830', *London Journal*, Vol. 20 (1995), pp. 18-43.

<sup>7</sup> F. H. W. Sheppard (ed.), *Survey of London Vol. 39 Part 1: The Grosvenor Estate*, p. 83.



**Illustration 3.1:** John Rocque, *London, Westminster and Southwark* (detail) (London, 1746). Reproduced by permission of Motco Enterprises Limited, [www.motco.com](http://www.motco.com).

Writing in 1783, Fanny Burney captured the sense of alarm among the *bon ton* that the appearance of an execution crowd now easily provoked. In *Cecilia*, Burney's delicate heroine is called to London, where - desirous of a sedan chair - she resolves to cross the Oxford Road. Here she is suddenly confronted by a scene of confusion:

She had not proceeded far, before she saw a mob gathering, and the windows of almost all the houses filling with spectators. She desired her servant to enquire what this meant, and she was informed that the people were assembling to see some malefactors pass by their way to Tyburn. Alarmed at this intelligence from the fear of meeting the unhappy criminals, she hastily turned down the next street, but found that also filling with people, who were running to the scene she was trying to avoid; encircled thus every way, she applied to a maid servant who was standing at the door of a large house, and begged leave to step in till the mob was gone by.<sup>8</sup>

Here we see a pointed fear of 'the mob' revealed: a discomfit for property developers and potential residents alike that jeopardized the refinement of the developing neighbourhood and attempts to socially segregate the West End through the modelling of the residential squares.<sup>9</sup> Historian Francis Sheppard has described the 'marked reluctance' of builders to use the remaining empty ground at the northwest corner of the Grosvenor estate after the 1770s, owing to the prospect of an unsettling cheek by jowl existence with the sporadic execution ceremonies occurring nearby.<sup>10</sup> The Reverend John Richardson recalled how the reputation of the area deterred those 'who assumed a character for decency' from travelling there, and how parts of the district represented 'a blank in the improvements of London for years'.<sup>11</sup> According to

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<sup>8</sup> F. Burney, *Cecilia, or Memoirs of an Heiress* (London, 1783), Vol. 1, p. 279.

<sup>9</sup> H. W. Lawrence, 'The Greening of the Squares of London: Transformation of the Urban Landscape and Ideals', *Annals of the Association of American Geographers*, Vol. 83, No. 1 (1993), pp. 90-118.

<sup>10</sup> F. H. W. Sheppard, *Survey of London, Vol. 39, part I*, p. 13; J. Rocque, *London, Westminster and Southwark* (London, 1747).

<sup>11</sup> J. Richardson, *Recollections: Political, Literary, Dramatic and Miscellaneous of the Last Half-Century* (London, 1855), Vol. 1, p. 20.



another memorialist, there stood only a ‘few rows of houses, isolated from the rest of the world’, even by the early nineteenth century, as it was ‘supposed that no one would be mad enough to live there’.<sup>12</sup> In visiting a family friend in the area, the same writer described how it appeared ‘as though we had come upon an excursion in search of Robinson Crusoe and Man Friday’.<sup>13</sup>

Compelling documentary evidence indicating the outright objection to the location of the gallows is also to be found in the records of City of London Corporation. An undated petition from residents on the Grosvenor estate complains strongly to the Lord Mayor of the regular hanging processions taking place, describing how they compromised the fashionable tone of the area:

by the great increase of Additional squares, streets and other Elegant Buildings which of late years have been laid out and Built in the Parishes of Saint George Hanover Square Oxford Road Saint Mary le Bone and Hyde Park Corner That Neighbourhood is become very Populous and many of your Petitioners houses being Situated near to Tyburn the Place for the Execution of Criminals...your petitioners are greatly annoyed and Disturbed by the vast concourses of people that always Assemble there upon Days of Execution whereby great Tumults, Disturbances, Riots and nusances [*sic*] happen.<sup>14</sup>

The petitioners detailed how the crowds prevented free access to their properties and blocked the general thoroughfares; so much so, in fact, that for several hours on each execution day ‘neither Horsemen nor carriages can pass without the greatest difficulty and danger’.<sup>15</sup> To alleviate these inconvenience the petitioners advocated moving the gallows to an area at the intersection of the Hampstead, Kentish Town and Tottenham

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<sup>12</sup> ‘London Changes’, *Once a Week*, 28 July 1860.

<sup>13</sup> *Ibid.*

<sup>14</sup> LMA, CLA/047/LJ/16/007. The petition is addressed to Lord Mayor Samuel Taylor, who was incumbent in the post between 1768 and 1769.

<sup>15</sup> *Ibid.*

Court Roads, being nearer to Newgate and more capable of containing the assembled crowds. This evidence is especially intriguing when the signatories to the petition are considered. Many of the 105 names individually handwritten on the vellum parchment (accompanied by an illustrated colour plan of the proposed new site) are those of notable gentry. Lords Grosvenor, Chesterfield, Sussex, Rockingham, Portland and Kerry all signed the document, as well as other significant society figures: clear evidence that the campaign to reform public executions appealed to aristocratic sensibilities.<sup>16</sup>

How this extensive petition was arranged, and the signatures gathered, is unclear. No supporting evidence is to be gleaned from the letter books or series of minutes from the records of the Grosvenor estate or from those of the Grosvenor family at Eaton.<sup>17</sup> From the number of signatures garnered alone, however, we can assume that effective lobbying against London hangings had been orchestrated by this time, most likely through the vestrymen of St. George's, Hanover Square. Objections to the arrangements for executions appear to have been held within the highest echelons of metropolitan society, and this document alone suggests that a united campaign against the Tyburn spectacle had coalesced.

These protests were also highlighted by a similarly undated petition submitted to the Lord Mayor by the trustees of the Edgware turnpike road, which also described how

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<sup>16</sup> One George Stubbs also signed the petition, for example, possibly the celebrated artist who was a resident of Somerset Street at this time: J. Egerton, 'Stubbs, George (1724–1806)', *Oxford Dictionary of National Biography*, Oxford University Press, Sep 2004; online edn, Jan 2008 [<http://www.oxforddnb.com/view/article/26732>, accessed 16 Nov 2008].

<sup>17</sup> Speculative investigations have been made in both the Grosvenor Estate records in the Westminster City Archive and with the Trustees of the Grosvenor Family Records at Eaton Hall, Cheshire, to no avail. The vestry registers of St. George Hanover Square also do not shed any light on the petition's provenance: WCA, C771 and C772, Draft Vestry Minutes, St George, Hanover Square (1766-1783).

business in the area was ‘very much incommoded by the great concourse of idle and Disorderly Persons who usually attend [executions]’.<sup>18</sup> The crowds by then were so large that they prevented the efficient administration of the tolls ‘by reason of the Hurry and Confusion on those occasions [which] cannot be regularly and exactly collected’, and again a request was made for the site of executions to be relocated to one that would be less disruptive.<sup>19</sup> Most important, perhaps, is the petitioners’ recognition of the same aristocratic disapproval of crowds articulated in the evidence above, ‘greatly complain’d of by the persons of Quality and Distinction who inhabit the great Squares and Streets adjoining’.<sup>20</sup>

### **Ending the procession**

In light of these gathering multi-faceted attacks on the Tyburn spectacle it is somewhat surprising therefore that its eventual abandonment in 1783 resulted ultimately from a unilateral decision taken by the City and Middlesex Sheriffs, Thomas Skinner and Barnard Turner. Both men were responsible for the procession from its Newgate departure to the site of public execution and were accustomed to the sometimes chaotic events that took place there. In describing their motivations for the eventual relocation of hangings the men deplored the indignity of the parade, particularly the ‘Meanness of the Apparatus, a dirty Cart and ragged Harness, surrounded by a sordid Assemblage of the lowest among the vulgar, their Sentiments are more inclined to Ridicule than Pity’.<sup>21</sup> For them, the processional element was a

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<sup>18</sup> LMA, COL/AC/11/001/43, f. 113.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> T. Skinner and B. Turner, *An Account of Some Alterations and Amendments Attempted in the Duty and Office of Sheriff* (London, 1784), p. 24.

licence for misrule, describing how ‘the Croud gathers as it goes, and their Levity yet increases, till, on their Approach to the fatal Tree, the croud becomes a riotous Mob’.<sup>22</sup> The didactic function of the public spectacle, they concluded, had been totally lost. Execution days were ‘too often considered, by the vulgar of this City, as a Holiday; and the Place of Execution...more frequently resorted to with the strange Expectation of satisfying an unaccountable Curiosity’, where the very dying words of the malefactor were delivered to ‘Pickpockets in the Act of Thievery’.<sup>23</sup> Instead, the spectacle needed to be carefully stage-managed in order to reinstate its solemnity, by recreating an ‘awful Ceremony’ in which each spectator would experience the ‘Dread, the Pain of Disobedience and the Terror of Example’: sentiments that loudly echoed those of Bernard Mandeville and the other reformers of half a century before, and which were undoubtedly stimulated by similar doubts in the deterrent effects of the law.<sup>24</sup>

The decision to move the London gallows to the front of Newgate prison appears to have been that of Skinner and Turner alone, though we might safely assume that both men were already well-appraised of the middle-class complaints detailed above.<sup>25</sup> At first they were uncertain as to whether they possessed the authority to do so and consulted the Court of Aldermen and the Lord Chief Justice, Lord Mansfield, with

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid., pp. 23 and 27.

<sup>24</sup> Ibid., p. 30.

<sup>25</sup> It also seems likely that the decision was influenced by proposals made by John Howard in his *State of the Prisons*, published six years earlier, in which he proposed moving executions to Newgate prison: J. Howard, *The State of the Prisons in England and Wales* (First published 1777; 3<sup>rd</sup> Edition, Warrington, 1784), p. 215.

regards to its legality, ‘doubting of our own Power to make the Alteration’.<sup>26</sup> The City authorities consequently approved the measures without further ratification from either the City Corporation or Parliament; testament, perhaps, to the universal support that lay behind the process.<sup>27</sup>

Undeniably, the rhetoric contained in Skinner and Turner’s statements suggests that the reforms were in large part driven by a need to maintain public order: a facet of executions under almost constant attack by reformers during the eighteenth century and given monumental importance following the disturbances of 1780. Even on the very eve of Tyburn’s abolition one execution taking place there had displayed scenes of utter confusion: ‘an astonishing number of horsemen, carriages and people on foot’ that swarmed about the area, and which prevented the procession from approaching the gallows.<sup>28</sup> As the Sheriffs themselves lamented, in such circumstances the solemnity of the occasion was displaced: ‘the Effects of Example, the Terrors of Death, the Shame of Punishment, are all lost’.<sup>29</sup> Though rarely as riotous as was so often portrayed, such reports nevertheless confirmed the presence of the noisy urban multitude and its general inconvenience to the lofty traders and wealthy inhabitants in the area. And with such scenes came more worrying implications. As commander of the London Military Foot Association, Sheriff Barnard Turner himself faced down an

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<sup>26</sup> *Ibid.*, p. 27; *Times*, 1 August 1788.

<sup>27</sup> The reform was certainly presaged by petitions from the City to the Secretary of State in 1781 complaining of the processions: see P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), p. 363.

<sup>28</sup> *General Evening Post*, 28 August 1783.

<sup>29</sup> T. Skinner and B. Turner, *An Account of Some Alterations and Amendments*, p. 25. This position is largely in line with Greg Smith’s analysis: see G. T. Smith, ‘“Civilized People Don’t Want to See That Kind of Thing”: The Decline of Public Physical Punishment in London, 1760-1840’ in C. Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), pp. 21-51.

angry crowd in 1780, and had been ‘employed in marching after the mob, wherever they heard they were assembled’: an experience that must have surely tainted his perceptions of the gathering crowd forever.<sup>30</sup>

By the 1780s London was experiencing rapid growth, driven by swelling landed, mercantile and industrial wealth. Though Thomas Skinner’s biography states tartly that his ‘birth was obscure, and his education confined’, both Sheriffs would have doubtlessly prized the social cachet associated with their Aldermanic rank.<sup>31</sup> This was, after all, the age of civility and elegance, when refinement became *de rigueur* under the influences of the Enlightenment, perceptible all around in the capital’s stylish squares, shops and fashions.<sup>32</sup> The customary ragtag execution procession marching close-by to some of London’s most fashionable streets and shops inconveniently grated against the grandeur and prosperity evident in Georgian society’s higher reaches. Gillows and Taylor, for example, prestigious cabinetmakers to the *beau-monde*, were established on Oxford Street in 1769, in front of whose very front door the procession would pass.<sup>33</sup> Thus, for the ‘better sort’ of Londoner resident within his Mayfair enclave it was better to be rid of the execution mob altogether, simply in order to preserve the increasingly exclusive tone of the area.

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<sup>30</sup> T. B. Howell, *A Complete Collection of State Trials* (London, 1814), Vol. 21, col. 539.

<sup>31</sup> Anon., *City Biography, Containing Anecdotes and Memoirs of the Rise, Progress, Situation and Character of the Aldermen and Other Conspicuous Personages of the Corporation of London* (London, 2<sup>nd</sup> edition, 1800), p. 28; N. Rogers, ‘Money, Land and Lineage: The Big Bourgeoisie in Hanoverian London’, *Social History*, Vol. 4, No. 3 (1979), pp. 437-54.

<sup>32</sup> See L. E. Klein, ‘Liberty, Manners and Politeness in Eighteenth-Century England’, *Historical Journal*, Vol. 32, No. 3 (1989), pp. 553-605.

<sup>33</sup> S. E. Stuart, ‘Gillow family (per. c.1730–c.1830)’, *Oxford Dictionary of National Biography*, (Oxford, 2004); online edn, May 2005 [<http://www.oxforddnb.com/view/article/67318>, accessed 8 March 2008]. For a contemporary view of shops on Oxford Street see S. Von La Roche, *Sophie in London 1786, being the Diary of Sophie v. La Roche* (trans. C. Williams) (London, 1933), p. 112. Also A. F. O’Byrne, ‘Walking, Rambling and Promenading in Eighteenth-Century London: A Literary and Cultural History’, (Unpublished PhD thesis, University of York, 2003), pp. 205-19.

Economic concerns, of course, also played a part in this. Crowds clogged commercial traffic, prevented the free flow of trade and disrupted the daily rhythms of the working day. Francis Place described the people at Tyburn executions as ‘wasting their time...[in] blackguard merry-making’, and the ‘inconvenience occasioned by the mob in the streets, and to housekeepers, etc incommoded by multitudes of visitors’.<sup>34</sup> Many eighteenth-century critiques of the crowd pointed directly to the apparent wastefulness of time and labour associated with an execution day, thereby defining the familiar trope of the mob’s deplorable work-shy fecklessness. Crowds were by turns ‘loose’, ‘idle’ and ‘disorderly’, wasting their day in a ‘disgusting holiday’.<sup>35</sup> Samuel Richardson described the audience as the ‘most abandon’d and profligate of Mankind’, and similar formulations emphasized the economic wastage linked with the ‘stupid’ audiences.<sup>36</sup> On enquiring with Lord Mansfield as to the propriety of transferring executions to Newgate, Sheriff Thomas Skinner claimed that ‘the loss sustained in this town by one day’s idleness of the lower order of people to be upwards of twenty thousand pounds’, and Jonas Hanway too was quick to point out the nine days of lost labour in any calendar year dedicated to execution-going.<sup>37</sup> Most famously, fencing-master Henry Angelo recalled how apprentices attending a hanging in the eighteenth century were always eager to ‘make a day of it’, describing how:

it was common, throughout the whole metropolis, for master coachmakers, framemakers, tailors, shoemakers, and others, who had

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<sup>34</sup> BL, Add. MS 27826, ff. 100 and 108.

<sup>35</sup> ‘Capital Punishments in London Eighty Years Ago’, *Mirror of Literature, Amusement and Instruction*, Vol. 30 (1837), p. 402.

<sup>36</sup> S. Richardson, *Letters Written To and For Particular Friends*, p. 241. See also A. McKenzie, *Tyburn’s Martyrs*, p. 217.

<sup>37</sup> *Times*, 1 August 1788; J. Hanway, *The Defects of Police The Cause of Immorality, and the Continual Robberies Committed, Particularly in and about the Metropolis* (London, 1775), p. 240.

engaged to complete orders within a given time, to bear in mind to observe to their customers ‘that will be a hanging day, and my men will not be at work.’<sup>38</sup>

Such dispiriting depictions of the crowd, however, should not blind us to the relative diversity within their overall composition; a point Gatrell has also stressed.<sup>39</sup> As chapter four will elaborate in detail, hangings could prove remarkably diverse in terms of the audience’s make-up, and it would be wrong to describe them here as wholly plebeian phenomena, as portrayed in so many contemporary narratives.<sup>40</sup> Many of the commercial aspects of a hanging day catered specifically to the tastes of the wealthy or well-born execution-goer who might just as well attend Tyburn alongside his avid shoeless counterpart.<sup>41</sup> Like others among the *bon ton*, Henry Angelo described his own eagerness to reach a hanging in the 1760s when he ‘hurried round by Portman Square...to secure a seat at a window facing the gallows’, and in the same decade James Boswell expressed a similarly powerful desire to attend: a compulsion which he ‘could not resist...although I was sensible I would suffer much for it’ that indeed left him in ‘a very dismal situation’.<sup>42</sup> (Boswell later became addicted to the execution scene and confessed to ‘an irresistible impulse to be present’

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<sup>38</sup> H. C. W. Angelo, *Reminiscences of Henry Angelo, with Memoirs of his late Father and Friends* (London, 1828; reprinted 1904), Vol. 1, p. 367.

<sup>39</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), chp. 7.

<sup>40</sup> William Hogarth’s portrayal of Tyburn, perhaps the most familiar image of the scene, is dominated by an overwhelmingly plebeian audience, save for a few clergymen and officers of state: W. Hogarth, *Industry and Idleness, Plate XI, The Idle ‘Prentice Executed at Tyburn* (London, 1747).

<sup>41</sup> ‘Mother Proctor’s Pew’ for example was a permanently erected grandstand at Tyburn with seats priced according to the view: see F. J. McLynn, *Crime and Punishment in Eighteenth-Century England* (London, 1989), p. 266.

<sup>42</sup> H. C. W. Angelo, *Reminiscences*, Vol. 2, p. 277; F. A. Pottle (ed.), *Boswell’s London Journal 1762-1763* (New Haven, Ct., 1950; reprinted 1992), p. 252; M. Bailey (ed.) *Boswell’s Column* (London, 1951), p. 345.



whenever he felt moved to reflect on his own mortality).<sup>43</sup> The execution of the Reverend William Dodd in June 1777 was universally attended by London's well-to-do citizenry and attracted some fifty thousand spectators, amongst whom were 'men, women and children of all ranks', including many gentlemen 'who were deprived of their purses' by the usual pickpockets in attendance.<sup>44</sup> When the Perreau brothers suffered in 1776, several noblemen were reported as present in their carriages, including one peer who 'long before they were turned off...quitted the scene, with a visible agitation of mind'.<sup>45</sup> Also evident among the Tyburn crowds were the many foreign visitors to the capital who attended a hanging 'fair' as a distinctive London curiosity. Gebhard Wendeborn, for example, was particularly struck by the contrast between German and English executions, and was shocked at how the Tyburn ritual was conducted 'as if it had been a holiday for the entertainment of the populace': a typically critical commentary, of course, but which demonstrated how such events formed an important part of the London scene, from which the better off did not always shy.<sup>46</sup>

Even so, control of a two-dimensional *plebeian* mob remained central to the reforms of 1783, betraying the elite's nervousness with working-class behaviour at a time of rising revolutionary anxiety. On 19 November that year, the *Morning Herald*

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<sup>43</sup> M. Bailey (ed.) *Boswell's Column*, p. 345.

<sup>44</sup> *Morning Post*, 28 June 1777; *Morning Chronicle*, 28 June 1777; 'Citizen of London', *An Account of the Life, Death and Writings of the Rev. Dr. Dodd* (London, 1777); J. J. Burke, 'Crime and Punishment in 1777: The Execution of the Reverend Dr. William Dodd and its Impact upon His Contemporaries' in W. B. Thesing (ed.), *Executions and The British Experience from the Seventeenth to the Twentieth Century: A Collection of Essays* (Jefferson, N.C, 1990), pp. 59-75.

<sup>45</sup> *Gazetteer and New Daily Advertiser*, 19 January 1776.

<sup>46</sup> G. F. A. Wendeborn, *A View of England Towards the Close of the Eighteenth Century* (London, 1791), Vol. 1, p. 77.

announced the new arrangements for executions in businesslike prose, describing how:

A Scaffold, eight feet from the pavement, is to be erected, in the centre of the Old Bailey...the convicts are to be brought out, haltered and bound, attended by the executioner...on a signal given by the sheriff, the place on which they stand is so contrived as to fall down, and leave them suspended.<sup>47</sup>

The platform would be draped in black while a new bell tolled solemnly above the proceedings. The attending Sheriffs' officers and constables would take up their places around the platform, protected from the rabble by a strong railing, with all wheeled traffic prevented from entering up or down Old Bailey.<sup>48</sup> As the final prayers and confessions were completed the trap door would be suddenly released, 'being much more sudden and regular than that of a cart being drawn away [having] the effect of immediate death'.<sup>49</sup>

By eliminating the processional element of the ritual the Sheriffs thus aimed to erase what they saw as the chief cause of so much potential disorder: namely, the tendency of the march to attract 'Stragglers whom a Tyburn Procession usually gathers in its Passages, and who make the most wanton Part of it'.<sup>50</sup> In confining the spectators outside the Old Bailey crowds would be restricted in number and therefore more easily controlled. By imbuing the ceremony with elements of mourning, by keeping the crowd in abeyance beyond the railings, and in executing felons quickly and more

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<sup>47</sup> *Morning Herald and Daily Advertiser*, 19 November 1783.

<sup>48</sup> *Gazetteer and New Daily Advertiser*, 10 December 1783.

<sup>49</sup> *Gentleman's Magazine* (1783), p. 990.

<sup>50</sup> T. Skinner and B. Turner, *An Account of Some Alterations*, p. 29.

humanely, a powerfully instructive and – most crucially - a more secure version of public executions could at last be claimed.

### **The Old Bailey gallows**

The first public hanging on the new gallows took place outside Newgate prison accordingly on 9 December 1783. That morning ten assorted house breakers, forgers, returned transports and highway robbers ascended the platform and were duly dispatched in short order in front of a large but otherwise peaceable crowd. The *Morning Chronicle*, among other journals that week, was especially ebullient in its commendation of the transformations, stating how

too much praise cannot be given to the worthy sheriffs...the scaffold had the desired effect, the operation was sudden and tremendous, and cannot fail to strike terror on the minds of the guilty, and awe on the innocent. God grant that the worthy sheriffs good intentions may be crowned with success, and the vicious may be deterred from pursuing their evil courses.<sup>51</sup>

As well as the confidence expressed in the deterrent aspects of public death, we might also note in this commentary the projected end to working-class dissolution:

the saving to the state and to individuals from the new method of executing criminals is immense, many indigent families will feel the good effects of preventing the loss of a day – no longer will thoughtless youth neglect their employments to attend Tyburn executions, where too many have become converts to bad practices.<sup>52</sup>

In considering the spatial reclamation of the execution spectacle the cultural historian John Bender posits a distinctly authoritarian explanation for the theatricality contained

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<sup>51</sup> *Morning Chronicle and London Advertiser*, 10 December 1783.

<sup>52</sup> *Ibid.*

therein.<sup>53</sup> George Dance's rebuilt Newgate, the black trimmings of the new scaffold and the 'illusion of a plunging perspective' down Old Bailey all served to create one 'absorptive tableau', free from the processional clutter and associated unpredictability occasioned by the teeming multitude.<sup>54</sup> Moreover, where Tyburn had stood beyond the capital's boundaries - and thus figuratively beyond civic control - the new arrangements by contrast constituted an inventive execution 'arena', overlooked by the metropole's most imposing judicial edifice. Every execution in the future would - by its very location - be framed by a powerfully iconographic backdrop: of Newgate prison and the Old Bailey Sessions House, and all the penal values for which they stood, 'well calculated to impress even the most casual observer with the powerful effect which may be produced by mere mass and outline alone'.<sup>55</sup> The free flowing movement of the crowd was to be largely contained, and an evocative diorama of justice created.

Indeed, it is extremely significant how Newgate was chosen as the appropriate site of punishment. The prison had suffered catastrophically during the Gordon Riots by representing an emotional focus for the rioters' claims. The symbolism of the gaol was well-understood by plebeians and patricians alike, and its destruction epitomized the most shocking aspects of the abject lawlessness witnessed by many contemporaries. As Samuel Romilly believed, the mob thereafter was capable of 'entering on any enterprise, however daring' if it so desired.<sup>56</sup> Thus, in redirecting

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<sup>53</sup> J. Bender, *Imagining the Penitentiary: Fiction and the Architecture of Mind in Eighteenth-Century England* (Chicago, 1987), pp. 239-47.

<sup>54</sup> *Ibid.*, p. 243.

<sup>55</sup> W. H. Leeds, *Illustrations of the Public Buildings of London* (London, 2<sup>nd</sup> edition, 1838), Vol. 2, p. 103.

<sup>56</sup> S. Romilly, *Memoirs of the Life of Sir Samuel Romilly* (London, 2<sup>nd</sup> edition, 1840), Vol. 1, p. 128.

executions to the front of the prison, the City authorities not only restated their command over the crowd, but reclaimed ownership of the capital's most iconic public space, buttressed by George Dance's imposingly rusticated architecture and its unambiguous messages of authority.<sup>57</sup>

Steven Wilf attends to this visual perspective in a similarly descriptive vein.<sup>58</sup> The Tyburn ritual, he suggests, was substantially weakened over time by the 'sensory confusion' and disordered imagery contained therein.<sup>59</sup> Hangings had become too muddled in content, too uncertain in meaning, in what Philip Smith coins the fundamental 'semiotic failure' of punishment didactics.<sup>60</sup> As the crowd grew more unreceptive to the lessons that the gallows intended to impart, the more contemptuous of the law they became. Thus, in redesigning the theatre of execution, the City authorities sought to drag the spectacle back within their clutches. A measure of social ordering was achieved by summoning Newgate's representational imagery, conforming to Émile Durkheim's notion of institutional symbolism in which state power is effectively articulated.<sup>61</sup>

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<sup>57</sup> For the rebuilding of Newgate see H. D. Kalman, 'Newgate Prison', *Architectural History*, Vol. 12 (1969), pp. 50-112; C. W. Chalkin, 'The Reconstruction of London's Prisons, 1770-1799', *London Journal*, Vol. 9, No. 1 (1983), pp. 21-34.

<sup>58</sup> S. Wilf, 'Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England', *Yale Journal of Law and the Humanities*, Vol. 5, No.1 (1993), pp. 51-78.

<sup>59</sup> *Ibid.*, p. 58.

<sup>60</sup> P. Smith, 'Executing Executions: Aesthetics, Identity, and the Problematic Narratives of Capital Punishment Ritual', *Theory and Society*, Vol. 5, No.2 (1996), p. 248.

<sup>61</sup> On the changing values of civic symbolism see M. Harrison, 'Symbolism, "Ritualism" and the Location of Crowds in early Nineteenth-Century English Towns' in D. Cosgrove and S. Daniels (eds.), *The Iconography of Landscape: Essays on the Symbolic Representation, Design and Use of Past Environments* (Cambridge, 1988), pp. 194-213. On Durkheim and symbolism see D. I. Kertzer, *Ritual, Politics and Power* (New Haven, Ct., 1988); also A. Cohen, *Two Dimensional Man: An Essay on the Anthropology of Power and Symbolism in Complex Society* (London, 1974).

Other historians assign a more explicitly political explanation to the scaffold's relocation in 1783. Michael Ignatieff, for example, depicts the shift as an unequivocally assertive display of control over the lower orders, that redefined the visibility of the state's repressive legal terror: an interpretation that accords broadly with Michel Foucault's belief that such judicial modifications revealed an 'emphatic affirmation of power'.<sup>62</sup> Vic Gatrell, on the other hand, reduces the significance of the move to one of simple expediency: a measure implemented by the shrievalty designed principally to appease the grumbling Mayfair nobility. In Gatrell's words 'the judiciary remained confident...that the scaffold delivered its messages well enough', evidenced by the government's relative indifference to all of the Newgate innovations.<sup>63</sup>

A 'progressive' explanation for the changes has also been presented. Pieter Spierenburg, for example, argues persuasively that the amendments applied to London hangings illustrate the growing repugnance for public executions within the compass of metropolitan life, and the demand for a more clinical approach to judicial killing; evidence of what David Cooper labels the late eighteenth-century humanitarian 'social creed' that lay at the heart of campaigns to abolish the Atlantic slave trade, the outlawing of cruelty to animals and other actions of social

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<sup>62</sup> M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* (London, 1978), p. 42; M. Foucault, *Discipline and Punish: The Birth of the Prison* (London, 1975; reprinted 1991), p. 49.

<sup>63</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), p. 96. There may be some truth in this statement: no debate in parliament was recorded prior to the steps being undertaken.

benevolence.<sup>64</sup> Greg Smith, too, expertly describes the ‘broad cultural shift’ in English attitudes towards violence *in toto* by the late 1700s, which brought the brutality of public punishments under the ‘sharp critical gaze’ of a more sensitive and morally alert public.<sup>65</sup>

A philosophy of moral benevolence can certainly be detected in the work of penal commentators writing within the Beccarian tradition at this time (particularly that of Jeremy Bentham and John Howard) and the genuine currents of human philanthropy conveyed through the period should not be discounted.<sup>66</sup> That the ‘new drop’ and truncated duration of the new ritual were so loudly trumpeted as the centrepiece of the Old Bailey ritual, for example, is alone suggestive of a more humanely scientific approach to judicial death - or at the very least a sign that the magistracy and City authorities wished to convey this trait to the wider world.<sup>67</sup>

Again, it should be acknowledged how attempts to halt the rise of crime in London significantly influenced the abandonment of Tyburn punishments. The five year period after 1780 inclusively witnessed a high-water mark in the number of felons executed in London, when nearly three hundred men and women were hanged for

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<sup>64</sup> P. Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge, 1984), p. 184; D. D. Cooper, *The Lesson of the Scaffold* (London, 1974), p. 37.

<sup>65</sup> G. T. Smith, ‘The State and the Culture of Violence in London, 1760-1840’ (Unpublished PhD thesis, University of Toronto, 1999), p. 417.

<sup>66</sup> See J. Bentham, ‘Rationale of Punishment’ in J. Bowring (ed.), *The Works of Jeremy Bentham* (Edinburgh, 1843), Vol. 1, pp. 388-525; H. A. Bedau, ‘Bentham’s Utilitarian Critique of the Death Penalty’, *Journal of Criminal Law and Criminology*, Vol. 74, No. 3 (1983), pp. 1033-55.

<sup>67</sup> See *Gentleman’s Magazine*, 1783, p. 990, which published a full page labelled diagram of the new gallows at Newgate.

their respective crimes.<sup>68</sup> As the earlier attacks of Fielding *et al* had so passionately expressed, such huge numbers demonstrated well enough to critics that Tyburn's essential function as a deterrent to criminality was in a state of arrant crisis: as the London Sheriffs put it 'far from giving a Lesson of Morality to the Beholders...[execution] tends to the Encouragement of vice'.<sup>69</sup> The intended pedagogic function of the spectacle had been dangerously abrogated over previous decades in a sometimes defiant recreational atmosphere that at times mocked the very legitimacy of the criminal law. In short, the civic officers who amended the arrangements for executions contrived to redesign proceedings on decidedly theatrical lines, in a concerted effort to restore the judicial and moral messages that were contained within.

## **Conclusion**

Yet it is my contention in conclusion, however, that the influence of the penal reform campaigns foreshadowing the move of executions to Newgate may have been overstated. Though all of the historical interpretations above carry broad degrees of merit and validity, an alternative explanation for the modifications applied to public hangings in 1783 must also surely lie in the fundamental changes that occurred in elite perceptions of the 'mob'. As the Gordon Riots clearly demonstrate, the crowd's potential threat to authority had been frighteningly realized in 1780, and a permanent image of social disorder etched deeply on the public mind: the cause of acute middle-class anxiety with any form of mass phenomena in London and its potential to spark civil insurrection.

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<sup>68</sup> V. A. C. Gatrell, *The Hanging Tree*, p. 616.

<sup>69</sup> T. Skinner and B. Turner, *An Account of Some Alterations*, p. 23.



More than this, the execution of the Gordon rioters also established the feasibility of alternatives to the shabby Tyburn 'fair'. An effective experiment in geography had been conducted deep within the city, that carefully tested some of the ways in which executions might be visually reframed, and which undoubtedly persuaded the Sheriffs that more permanent, judicially efficacious and politically secure changes were now at last possible.

Key questions of validity and consequence now arise. What were the longer term outcomes of the reforms applied in 1783, and what did they mean to the men and women who had previously trudged to the rural fringes of town to partake in the supposedly primitive carnivals of revenge? How genuine was the risk to public order that prompted such radical change? As at least one popular history of Tyburn illustrates, the shift to Newgate is sometimes regarded as something of a watershed in the metropolitan experience. Through a unilateral action undertaken by the City and Middlesex Sheriffs alone, the civic authorities removed at one stroke the cornerstone of a ubiquitous culture of punishment. '[Tyburn's] passing marked the end of centuries of a ritualised exhibition' state Brooke and Brandon: 'mourned by many, applauded by a few...London would never be quite the same again'.<sup>70</sup>

More generally, however, there is something of an absence in the current literature with regards to the cultural implications of Tyburn's sudden fall.<sup>71</sup> We might conclude for example, much like historian Anthony Babington, that the limitations

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<sup>70</sup> A. Brooke and D. Brandon, *Tyburn: London's Fatal Tree* (Stroud, 2004), p. 155.

<sup>71</sup> This absence has been addressed only very recently: see S. Devereaux, 'Recasting the Theatre of Execution'.

placed on the execution spectacle in 1783 quickly destroyed the popularity of hanging days by achieving a sterner didactic effect.<sup>72</sup> In taking this perspective, the new arrangements for executions indeed no longer seem conducive to a powerfully sensual, communal experience. With the crowd crammed into Old Bailey shortly before eight o'clock on a drab Monday morning, the prospect of attending a 'new' execution for many conceivably became a less appealing affair. And if we read the scripts of the noisy polemicists highlighted above, then this was no bad thing at all.

Yet contemporary reports of executions after 1783 would seem to categorically refute a decline in the popularity of public hangings occasioned by the ritual's overhaul, or provide any real evidence of the assumed 'dangerous' crowd behaviour embedded in the published critiques; detail that signals a direct line of continuity in the public's 'ordered' responses to, and experiences of, public executions well into the following century. As will be demonstrated in the following chapter, descriptions of the crowd's relative stability outside Newgate was redolent of that witnessed at Tyburn decades before, and bears clear witness to the uncanny continuities in the crowd's expectation of public punishments with which this thesis is concerned.

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<sup>72</sup> A. Babington, *The Power to Silence: A History of Punishment in Britain* (London, 1968), p. 58.

## Chapter Four

### The Spectacle Renewed

There is no doubt that the relocation of public hangings to Newgate prison in December 1783 constituted a profound turning-point in the regulation and control of eighteenth-century metropolitan social activity. Public order concerns played a dominant part in the movement for reform, as civic elites grappled to reset the boundaries of civic behavioural propriety. As Sheriffs Skinner and Turner themselves would later declare, the ‘mischiefs’ and ‘instances of depravity’ among the mob represented powerful motivators for change, to be replaced - it was hoped - with scenes of the ‘strictest order’.<sup>1</sup> By confining the execution crowd within the bottleneck of Old Bailey only five thousand spectators were henceforth expected to attend, ensuring in the process the restitution of more peaceable and orderly scenes.

In order to challenge the validity of this festive or ‘menacing’ mob activity as described in so many vituperative critiques, what follows in this chapter is a detailed analysis of an early nineteenth-century hanging audience. By providing a snapshot of a crowd’s social composition and behaviour, a more compelling image of the execution spectatorship will be revealed. Key continuities in the stability and ‘respectability’ of the punishment crowd will be shown, which in turn will demand a reconsideration of eighteenth- and nineteenth-century crowds overall. What will be illustrated here is how the elite’s perception of the mob (particularly that relating to

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<sup>1</sup> T. Skinner and B. Turner, *An Account of Some Alterations and Amendments Attempted in the Duty and Office of Sheriff* (London, 1784), pp. 24-9.

young men) reaffirmed an older, misinformed critique of punishment crowd activity, when execution audiences in reality were more consistently stable phenomena.

### *Reforms adrift?*

Initial optimism about the arrangements at the Old Bailey remained high. After visiting the Newgate execution spectacle with arch execution-goer James Boswell in 1785, Sir Joshua Reynolds declaimed previous criticism of public executions a ‘vulgar error’, and considered the majesty of the reconfigured ritual a success.<sup>2</sup> Although apologetic in tone (in defending his own presence at such a scene) Reynolds’ sentiments nevertheless spoke of the enduring confidence retained in the visual power of a hanging, declaring it ‘natural to desire to see such sights, and, if I may venture, to take delight in them, in order to stir and interest the mind, to give it some emotion, as moderate exercise is necessary for the body’.<sup>3</sup> Remarkably, both men were permitted to stand alongside Sheriff Boydell on the platform in preparation for the moment of death, and were greeted with ‘a graceful bow’ from one of the condemned men, Peter Shaw, a former servant to Edmund Burke.<sup>4</sup> And where Boswell and Reynolds still hurried to the grisly execution scene, so too did the eager crowd.

Reports of Newgate executions after 1783 suggest that the audiences that formed there were still as formidable as ever, and that attempts to limit their numbers were largely defeated. Within hours of the first hangings taking place outside the Old

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<sup>2</sup> F. W. Hilles (ed.), *Letters of Sir Joshua Reynolds* (Cambridge, 1929), p. 127.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Morning Chronicle and London Advertiser*, 8 July 1785.

Bailey, familiar complaints about the commercial inconvenience of the crowd's size resurfaced. After ten felons were executed there on 9 December 1783, householders in the vicinity quickly petitioned Sheriffs Turner and Skinner to complain of the 'stoppage of so great a thoroughfare as Snow Hill' and the general 'injury to trade' encountered in the vicinity: an arrangement considered by 'the most respectable inhabitants' to be of 'very great hindrance to business'.<sup>5</sup> Such criticisms were largely justified. From six o'clock on the morning on 23 June 1784, for example, thousands of spectators thronged the area prior to an execution of fifteen malefactors for various felonies. According to the *Morning Chronicle*, the 'concourse was immense', with people crowding the surrounding roof-tops and windows 'commanding a view of the fatal spot'.<sup>6</sup> Five months later, the 'astonishingly great' concourse of spectators outside Newgate resulted in several serious injuries among the crowd, and the Sheriffs' carriage was damaged by spectators standing on the roof for a better view.<sup>7</sup> In 1785, when twenty convicts were executed at Newgate, the punishments again resulted in chaos. According to one report 'the passage from Newgate Street to Snow Hill, as well as that of Ludgate Hill, was entirely stopped both to foot passengers and carriages', and many people were hurt after being forced over by the masses.<sup>8</sup>

Given the high expectations of Sheriffs Turner and Skinner, this apparent lack of decorum is noteworthy. Even by eighteenth-century standards early Old Bailey executions were sometimes unruly affairs; evidence perhaps of the ongoing

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<sup>5</sup> *Gazetteer and New Daily Advertiser*, 10 December 1783; *Whitehall Evening Post*, 11 December 1783. (The petitioners recommended holding the executions inside the Sessions House Yard, thereby further limiting the audience size).

<sup>6</sup> *Morning Chronicle and London Advertiser*, 24 June 1784.

<sup>7</sup> *Ibid.*, 18 November 1784.

<sup>8</sup> *Ibid.*, 3 February 1785.

administrative laxity still associated with the spectacle. So too were the vestiges of ‘game’ or defiant prisoner behaviour. In February 1786, for example, prisoner William Fox behaved so badly on the platform that one report described how ‘he had not a proper idea of the awful change he was about to experience’ as he kicked off his shoes into the mob defiantly.<sup>9</sup> Three years later convicted coiners Thomas Denton and John Jones arrived on the platform directing ‘abominable and blasphemous expressions’ at those around them, ‘continually laughing and nodding to some of the spectators’ in displays of ‘unbecoming impertinence’ before they were ‘turned off’.<sup>10</sup> When Peter Chapman was executed in February 1800 he too excited the gathering crowd by leaping up the steps leading to the gallows and nodding to ‘the females that appeared in the windows opposite’, laughing at them ‘sometimes immoderately’, before kicking off his shoes and doing ‘everything that he could [to] prove his contempt of death’.<sup>11</sup> Hence the malefactor’s ‘Day of Glory’ so heavily criticized by Mandeville earlier in the century was, even now, sometimes observed.<sup>12</sup>

Again, we should not exaggerate these acts of rebellion among the condemned. Newspaper reports of executions after 1783 are equally littered with descriptions of penance and terror, which might just as easily characterize the behaviour of London’s worst offenders. When Benjamin Gregson was executed for forgery in 1787 he

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<sup>9</sup> *Times*, 16 February 1786.

<sup>10</sup> OBP, 3 June 1789, Thomas Denton, John Jones, William Jones, (t17890603-51); *Times*, 2 July 1789; *General Evening Post*, 2 July 1789.

<sup>11</sup> *Times*, 27 February 1800. The habit of kicking ones shoes off was a traditional act of gallows defiance. According to Francis Grose ‘to die with ones shoes on’ was ‘a jocular method of telling anyone he will be hanged’: F. Grose, *A Classical Dictionary of the Vulgar Tongue* (London, 1785), p. 222. For further examples see A. McKenzie, *Tyburn’s Martyrs: Execution in England, 1675-1775* (London, 2007), p. 220.

<sup>12</sup> B. Mandeville, *An Enquiry into the Causes of Frequent Executions at Tyburn* (London, 1725), pp. 23-4.

‘pathetically conjured’ those around him to take heed of his example, in a display of abject remorse that ‘operated powerfully on the multitude’.<sup>13</sup> The later execution of four penitent felons in 1789 was attended by ‘a great concourse of people’ who appeared deeply affected by the criminals’ demise, and the audience behaved in a ‘peaceable manner’ throughout, similar to the crowd observed by J. H. Meister which remained respectfully silent as the condemned men ‘sung a psalm or hymn’.<sup>14</sup> As these brief examples clearly show, many of the older execution variables characteristic of Tyburn still remained evident outside Newgate prison and accounted in large part for the crowd’s ongoing interest in the spectacle.

And where this avid interest prevailed, so too did the older features of a hanging day. Even as Boswell and Reynolds stood observing Shaw in his death agonies, four ‘diseased persons’ traipsed passed them to have the ‘sweaty hands’ of the expired culprit brushed against their tumours.<sup>15</sup> Three years later ‘three women, one man, and five children were stroked over the face, neck, etc’ in similar fashion for the assumed cure of bodily wens; a convention considered outrageous to Meister in scenes otherwise noted for their decency.<sup>16</sup> Ropes still broke and culprits sometimes throttled. When one man was left choking on the scaffold after the noose slipped in 1785 the crowd was presented with an ‘inhuman sight’ which, according to the *Morning Chronicle*, had never previously been seen on like occasion.<sup>17</sup> In 1797, when

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<sup>13</sup> *Morning Chronicle and London Advertiser*, 5 July 1787.

<sup>14</sup> *Public Advertiser*, 19 March 1789; J. H. Meister, *Letters Written During a Residence in England* (London, 1799), p. 61.

<sup>15</sup> *Morning Chronicle and London Advertiser*, 8 July 1785.

<sup>16</sup> *Ibid.*, 24 April 1788; J. H. Meister, *Letters*, p. 62.

<sup>17</sup> *Morning Chronicle and London Advertiser*, 6 January 1785.

murderers Clinch and Mackly fell suddenly from the ‘new drop’ when it gave way prematurely (plunging several law officers to the ground), the crowd were again exposed to the horror of their hoodless ‘distorted features’ as they swung to and fro, terrifying many down below.<sup>18</sup>

Dignity and efficiency at times seemed far away indeed. Crowds still interacted with the spectacle in a surprisingly physical manner, and the isolation of the audience anticipated within the new ritual proved difficult to achieve.<sup>19</sup> Felons might take their leave of loved ones in full sight of the mob, exhort the crowd to avoid dissolute habits, or simply tremble uncontrollably in front of them. When John Hartley was executed for murdering a fellow soldier in February 1800 he was permitted to communicate with his comrades down amongst the crowd (‘who attended in great numbers’) and on the platform kissed his infant child repeatedly as he stood with the halter around his neck.<sup>20</sup>

Thus, further efforts to retune the new hanging procedures were attempted in the immediate years following the scaffold’s relocation. Particularly relevant here is the discontinuance of burning of women for petty treason outside Newgate, finally abandoned altogether in 1790. In June 1786, crowds in the area witnessed the graphic death of Phoebe Harris, who was escorted to a ‘low stool’ in the centre of Old Bailey and executed for counterfeiting currency. Here the burning proceeded in the prescribed manner:

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<sup>18</sup> *Star*, 6 June 1797; OBP, 31 May 1797, Martin Clinch and James Mackly (t17970531-31).

<sup>19</sup> S. Wilf, ‘Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England’, *Yale Journal of Law and the Humanities*, Vol. 5, No. 1 (1993), p. 72.

<sup>20</sup> *General Evening Post*, 25 to 27 February 1800.



After the Ordinary had prayed with her a short time...she was suspended by the neck...soon after the signs of life had ceased, two cart loads of faggots were placed round her and set on fire...some scattered remains of the body were perceptible in the fire at half past ten o'clock. The fire had not completely burnt out a twelve o'clock.<sup>21</sup>

A year later Margaret Sullivan was dispatched in similar fashion for the same offence, and in March 1789 Christian Murphy was first strangled then burnt at the Old Bailey stake, again for coining.<sup>22</sup>

Such scenes drew heavy criticism in the metropolitan press, much of it expressed in universal terms. The *General Evening Post*, among other newspapers, attacked the spectacle as 'inhuman' and 'a disgrace to our laws', and questioned why recent stories of female whipping in France had provoked a critical response when 'we use fire and faggot to the same sex'.<sup>23</sup> Faced by a barrage of bad publicity, female burning was temporarily suspended by the Sheriffs in December 1787 when Henrietta Radbourne was escorted in a cart and hanged on a temporary gallows outside the Old Bailey for murdering her mistress: a sentence previously commuted from petty-treason to homicide in order to dodge the practice of female immolation.<sup>24</sup>

For good reason have scholars judged the abandonment of burning of women as illustrative of rising Georgian sensibilities. Radzinowicz, for example, described the

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<sup>21</sup> *Morning Chronicle*, 22 June 1786.

<sup>22</sup> R. Campbell, 'Sentence of Death by Burning for Women', *Journal of Legal History*, Vol. 5, No. 1 (1984), pp. 47-8; A. D. Harvey, 'Research Note: Burning Women at the Stake in Eighteenth-Century England', *Criminal Justice History*, Vol. 11 (1990), pp. 193-5; also S. A. M. Gavigan, 'Petit Treason in Eighteenth-Century England: Women's Inequality Before the Law', *Canadian Journal of Women and the Law*, Vol. 3, No. 2 (1989-1990), pp. 335-74; S. Devereaux, 'The Abolition of the Burning of Women in England Reconsidered', *Crime, History and Society*, Vol. 9, No. 2 (2005), pp. 73-98.

<sup>23</sup> *General Evening Post*, 22 to 24 July 1786.

<sup>24</sup> *Times*, 15 December 1787; OBP, 11 July 1787, Henrietta Radbourne (t17870711-01).

measures as ostensibly ‘progressive and humanitarian’ in nature, echoed in turn by a more recent literature that has employed patterns of female prosecution to similarly highlight women’s changing roles in late eighteenth-century society.<sup>25</sup> An abortive attempt by William Wilberforce to abolish female burning in 1786 was followed by a second proposal in 1790, when the issue was once more debated in Parliament. Here, the bill’s sponsor Benjamin Hammett condemned the practice as ‘the savage remains of Norman policy’: a spectacle he was intimately familiar with as a former Sheriff to the City of London.<sup>26</sup> The bill proposing a total ban on female immolation subsequently passed into law that year with little opposition.<sup>27</sup>

Indisputably, the end of female burning for petty treason in England was facilitated by the strength of humanitarian reasoning. New notions of female respectability in the public sphere had gradually negated the legitimacy of exposing the female form to bodily corruption, as evidenced in the concomitant collapse of female whipping at this time.<sup>28</sup> Once again the Sheriffs were instrumental in this change. As Simon Devereaux has shown, City officials now found themselves ‘increasingly alone, and less immune to, the physical and emotional sufferings’ of prisoners dispatched before

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<sup>25</sup> Peter King’s data for rural Essex shows that men were twice as likely than women to be hanged or transported for similar property offences by the 1780s: P. King, *Crime, Justice, and Discretion in England 1740-1820* (Oxford, 2000), pp. 278- 88; see also L. Radzinowicz, *A History of Criminal Law and its Administration from 1750. Vol. I: The Movement for Reform* (London, 1948), p. 477; J. M. Beattie, ‘The Criminality of Women in Eighteenth-Century England’, *Journal of Social History*, Vol. 8, No. 4 (1975), pp. 80-116; D. Palk, *Gender, Crime and Judicial Discretion 1780-1830* (Woodbridge, 2006); G. Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003).

<sup>26</sup> *Parliamentary History*, Vol. 28, (London, 1816), cols. 782-784 ; Anon., *City Biography, Containing Anecdotes and Memoirs of the Rise, Progress, Situation and Character of the Aldermen and Other Conspicuous Personages of the Corporation of London* ( London, 2<sup>nd</sup> edition, 1800), pp. 136-7.

<sup>27</sup> R. Campbell, ‘Sentence of Death by Burning for Women’, p. 55.

<sup>28</sup> See below, chapter six.

them within the newly reconfigured execution arrangements.<sup>29</sup> No longer could liveried officers engaged in the burning of women ‘mask or deny their responses’ to a process from which they had previously shied, shielded in the past by their distant observation and – ironically - by the distracting effects of a boiling Tyburn crowd.<sup>30</sup>

For the purpose of this study, however, we should also note how the burning of women compromised many of the elements of crowd control expected within the reframed ritual. When Phoebe Harris was executed in 1786 she had walked *through* the crowd to take her place at the stake erected near the Newgate pump, where spectators in turn gathered around the pyre to observe her burning corpse, demonstrating well enough how the participatory nature of the spectacle was very much alive and well. The crowd’s physical intimacy with the execution ritual proved particularly shocking to *The Times*, which later noted how spectators sauntered in the area until noon when the last remnants of the body were destroyed, and how Harris’s ashes were kicked around the area accompanied by ‘shouts of barbarous triumph’.<sup>31</sup> Thus, the object of isolation so integral to the success of the new arrangements was utterly defeated whenever the space between the audience and authority was so obviously abridged; a situation that evidently could no longer be permitted to stand.

Broader commercial concerns continued to play a part in this. A fresh wave of petitioning after the burning of Harris re-emphasized the ‘great nuisance’ caused to local neighbours by the lingering punishment mob, alongside the offensive smell of

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<sup>29</sup> S. Devereaux, ‘The Abolition of the Burning of Women’, p. 89.

<sup>30</sup> *Ibid.*, p. 90.

<sup>31</sup> *Times*, 27 June 1786.

burning flesh and blackened stains on the pavements of an important retailing area.<sup>32</sup> Associated with these spatial concerns was the redesign of the ‘new drop’ in 1788, when the arrangements for the gallows were again criticized for the delays in its construction and removal: a ‘very great inconvenience to which the inhabitants of the Old Bailey were subject’ which caused crowds to gather all day ‘to say nothing of the loss of time, trouble and expense’.<sup>33</sup> Clearly, by extending the building time for the scaffold, checks on crowd activity were again undermined; a factor which prompted the return of a removable gallows later in 1788, which could be quickly dragged away once the process of death was complete.

Chief among these complaints, therefore, remained an ongoing concern with plebeian behaviour in the shadow of public death. Signs of idleness, bacchanalian levity or out-of-time folk superstitions among the crowd excited vocal disapproval among many observers, particularly the phalanx of evangelical moralists now resurrecting their campaigns to reform popular manners from without.<sup>34</sup> Early in the new century Sir Samuel Romilly could typically bemoan the ‘horrid exhibitions’ at public executions, which he was persuaded produced the ‘most mischievous consequences on the men, women, and children, by whom it was beheld’.<sup>35</sup> In Romilly’s mind, the public regularly commiserated the prisoner ‘as too severely punished’ and censured the laws

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<sup>32</sup> Ibid.

<sup>33</sup> *Public Advertiser*, 4 January 1788.

<sup>34</sup> J. Innes, ‘Politics and Morals: The Reformation of Manners Movement in Later Eighteenth Century England’ in E. Hellmuth (ed.), *The Transformation of Political Culture: England and Germany in the Late Eighteenth Century* (Oxford, 1990), pp. 57-118; T. C. Curtis and W. A. Speck, ‘The Societies for the Reformation of Manners: A Case Study in the Theory and Practice of Moral Reform’, *Literature and History*, Vol. 3 (1976), pp. 45-64.

<sup>35</sup> Society for Diffusing Information on the Subject of Capital Punishment and Prison Discipline, *The Effects of Capital Punishment as Applied to Forgery and Theft* (London, 1818), p. 16.

as ‘cruel and unjust’.<sup>36</sup> Writing to Basil Montagu in 1812, the Ordinary of Newgate, the Reverend Brownlow Forde, detailed his own first-hand account of attending a typical Newgate execution day, laced with a heavy dose of moral bombast. The events were productive of what he considered to be the worst kind of consequences, damaging ‘to the lowest orders of the people, as well in the destruction of their little ready cash’:

The morning of execution is ushered in with one or two glasses of liquor, on their way to the Old Bailey; where, at seven o’clock at the furthest, they take their places to the amount of from two to four thousand persons (men, women, and children) according to the magnitude of the crime, the atrocity with which it has been committed, or the notoriety of the sufferer. In this situation the greater number of the spectators remain (praising and admiring the magnanimity of the unfortunate criminal, or lamenting his untimely fate), for an hour, at least, after the removal of the body; or else chatting with the newly-arriving passengers, who are always anxious to learn an account of the business. For this purpose an adjournment is made to their favourite public-houses, wherein they take up their abode, till, from drunkenness or want of money, they are compelled to retire; or, if not so inclined, the landlord is obliged to transfer them to the watch-house...In the mean time their business is neglected, their money expended, their constitutions debilitated, and their families left without support.<sup>37</sup>

Public executions, it seems, were still the nurseries of unmitigated social vice.

The point emphasized here, therefore, is how the negative contemporary perceptions and descriptions of the Old Bailey crowd after 1783 had in many ways changed little from that of Tyburn a generation before. Most newspapers still furnished their readers with reports of the execution spectators’ misbehaviour and criminality, which in turn propelled the trope of the crowd’s primitive savagery well into the new century.

Typically, when servant Henrietta Radbourne was executed in 1787 for killing her

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<sup>36</sup> Ibid., p. 17.

<sup>37</sup> B. Montagu, *An Inquiry into the Aspersion upon the Late Ordinary of Newgate* (London, 1815), pp. 49-50.

mistress, London's newspapers were heavy with detail of the gangs of pickpockets stealing 'money, watches, handkerchiefs, etc' down amongst the mêlée, accompanied by fulsome accounts of the riotous scenes when her corpse was later anatomized.<sup>38</sup> In light of such evidence, Thomas Laqueur's notion of a 'carnavalesque' execution spirit still appears valid as a synopsis of events.

A central question here, however, is exactly how far such accounts reflected the actuality of the crowd experience. What place did the execution spectacle retain in popular culture at the start of the nineteenth century, and who were the people that continued to arrive with such avidity? One event may serve to answer these questions, and allow us to challenge some of these historical stereotypes.

### *The crowd revealed*

On the morning of Monday 23 February 1807, a little before dawn, a steady stream of people moved through the half-light towards the area outside Newgate prison and the Old Bailey Sessions House. In the Press Yard of the gaol, two condemned prisoners, John Holloway and Owen Haggerty, were awaiting their execution, shackled and pinioned and attended by both Catholic and Anglican priests. The men by now were well known to those who came to watch their final moments. After murdering John Cole Steel during a bungled robbery on Haywards Heath in 1802, both had successfully evaded capture by London's police forces for nearly five years, until their recent arrest on the evidence of an accomplice, Benjamin Hanfield. The resulting Old Bailey trial (at which Hanfield's evidence was thrown into doubt) filled

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<sup>38</sup> OBP, Henrietta Radbourne, 11 July 1787 (t17870711-1); *Public Advertiser*, 15 December 1787; *Times*, 18 December 1787. (A skeleton fell down during the examination at Surgeons Hall, causing panic amongst the audience).

the pages of the metropolitan press for several days, creating a ripple of sensation throughout the city. Also sentenced to die that morning stood Elizabeth Godfrey, convicted of the murder of her paramour Richard Prince after stabbing him in the eye.<sup>39</sup>

The few idlers that gathered outside the prison since the small hours were quickly augmented by an arriving throng. Hundreds soon became thousands. By a little after seven o'clock witnesses were noting the unusually large number of amassing spectators: 'prodigious crowds of people...flowing from Smithfield with the utmost rapidity', moving towards the platform 'like a great body of water that is propelled by a powerful force behind it', south past St. Bartholomew's Hospital, down Giltspur Street towards the church of St. Sepulchre, the Sessions House and Newgate gaol itself.<sup>40</sup> By half past seven, the streets were virtually impassable, with observers numbering the crowd at upwards of forty thousand people. On mounting the platform, the behaviour of the prisoners at once agitated the mood of the audience, who by this time were joined by the Lord Mayor, several Aldermen and members of the nobility.<sup>41</sup> Holloway in particular defied the devotions of the attending priests, protesting with a flourish of bravado 'Innocent! Innocent, Gentlemen! No Verdict! Innocent, by God!'<sup>42</sup> At eight o'clock sharp, as the great bell of Newgate chimed, the platform dropped, the bodies fell, and the mechanics of judicial retribution once more reached their familiar fatal conclusion.

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<sup>39</sup> See OBP, 18 February 1807, Elizabeth Godfrey (*sic*) (t18070218-5).

<sup>40</sup> LMA, CLA/041/IQ/02/020 no. 18, City of London and Southwark Coroner's Inquests, 24 February 1807 (hereafter *Coroner's Inquest*); *Times*, 27 February 1807; *Morning Chronicle*, 28 February 1807.

<sup>41</sup> *Times*, 24 February 1807.

<sup>42</sup> *Morning Chronicle*, 21 February 1807; *Times*, 24 February 1807.

At this point, a surge of people rushed forward into the area fronting the gallows ‘with a similar impulse to wind or water so confined’, constricted by fifty or sixty wagons and carriages placed at strategic points in the vicinity since the small hours for those seeking a clearer view.<sup>43</sup> The size of the crowd, in combination with the position of the vehicles, proved catastrophic. Moments earlier, as the command of ‘hats off!’ was issued, shouts of ‘Murder! Murder!’ were heard. Witnesses at first mistook the cries to be the shrieks of women, attributed to ‘that feeling that never entirely forsakes the sex at the sight of the officers of death’.<sup>44</sup> At the junction of Old Bailey and Green Arbour Court, Thomas Worcester and Joseph Thorn, two piemen capitalizing on the substantial early morning market, attempted to salvage their upturned wares, over which the surging multitude were now falling. Those who did so were crushed under foot by the heaving mass of excited spectators, ‘never more suffered to rise, such was the violence of the mob’.<sup>45</sup>

The pressure of the crowd erupted in violence elsewhere. Nearby, a coal wagon ‘crammed with persons who paid for their places, that they might have a more full prospect’ toppled over, throwing several passengers to the floor.<sup>46</sup> Towards the railing in front of the execution scaffold, dozens more were suffocating under the weight of those behind them. Pandemonium ensued. At number 16 Old Bailey, Richard Hazel, a local tallow chandler, watched the developing pressure with horror from his first floor

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<sup>43</sup> *Coroner’s Inquest*, supplementary letter from ‘S’; *Times*, 27 February 1807.

<sup>44</sup> *Times*, 27 February 1807.

<sup>45</sup> *Ibid.*, 24 February 1807.

<sup>46</sup> *Morning Chronicle*, 21 February 1807.



window. Other onlookers in surrounding houses waved handkerchiefs furiously at those down below, warning of the danger, and passed down water ‘in bottles tied with strings’ to those unable to move in the dense pack of bodies.<sup>47</sup> By a quarter past eight Hazel observed ‘two heaps of bodies’ of ten or twelve people only yards from his front door, noting that ‘the greater part of them appeared to be dead’.<sup>48</sup> His neighbour, John Wheeler at number 15 Old Bailey, described the developing alarm as he, too, watched events unfold. As early as three o’clock that morning he had noticed the large number of carts blocking the entrance to Old Bailey from Skinner Street, the likes of which ‘he never saw...on such an occasion’.<sup>49</sup> Surveying the developing crowds as the executions approached, he had heard the cries of ‘murder!’ directly opposite his own house, opening the front door to several people battering against it in desperation, who then ‘rushed in, sweating, panting, speechless and almost expiring’.<sup>50</sup>

Fearing for her life, a young mother desperately threw her infant into the mêlée for the child to be passed aloft until it could be safely protected beneath a nearby cart.<sup>51</sup>

Elsewhere, those attempting to find space were forced to tread upon the dead and the dying. Others were compelled to break down the doors of surrounding properties or force open windows to escape the weight of the mob. Samuel Towler, a blacksmith from Grosvenor Square, lay on top of a pile of bodies for perhaps five minutes, and

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<sup>47</sup> Anon, *The Very Remarkable Trial of John Holloway and Owen Haggerty, who were found guilty... of the Wilful Murder of Mr J.C Steele* (London, 1807), p. 27.

<sup>48</sup> *Coroner’s Inquest*, Richard Hazel.

<sup>49</sup> *Times*, 27 February 1807.

<sup>50</sup> *Morning Herald*, 24 February 1807.

<sup>51</sup> *Times*, 24 February 1807.

heard nothing from those suffocating beneath him save for ‘a man who lay near him [who] was saying the Lord’s Prayer’.<sup>52</sup> Those who could fled the scene in terror, bruised and beaten, ‘the flesh torn off the legs of others’, while the dead were carried on survivors’ shoulders to the nearby hospital.<sup>53</sup> Theophilus Salmon, brother to the innkeeper of the King of Denmark tavern opposite the Old Bailey, recalled the scene of devastation outside the front door of the inn. There he had seen ‘a cart carrying away the dead’ while the injured were conveyed on ‘shutters or doors’, broken down from adjacent properties.<sup>54</sup> As the constables fought to clear the area, many of those killed still lay upon the ground amongst discarded hats, clothing and ‘several hundred pairs of shoes’, surrounded by surviving friends, family and fellow spectators ‘bewildered by the suddenness and shockingness of the event’.<sup>55</sup> As late as four o’clock that afternoon, many of the surrounding houses were still thought to contain ‘some person in a wounded state’, with most of London awash with tales of the horrors that occurred.<sup>56</sup> In total, thirty people had lost their lives, with as many as one hundred more seriously injured or maimed.

Historians have, quite understandably, employed this shocking incident as an indication of just how poorly crowds were policed in the early nineteenth century, at a point of growing unease regarding the activities of London’s crowds in general.

Andrew Harris, for example, in his detailed examination of parochial law enforcement

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<sup>52</sup> *Ibid.*, 27 February 1807.

<sup>53</sup> *Morning Herald*, 24 February 1807.

<sup>54</sup> *Coroner’s Inquest*, Theophilus Salmon.

<sup>55</sup> Anon, *The Very Remarkable Trial of John Holloway and Owen Haggerty*, p. 24; *Coroner’s Inquest*, supplementary letter from ‘S’.

<sup>56</sup> J. L. Rayner and G. T. Crook (eds.), *The Complete Newgate Calendar* (London, 1926), Vol. 4, p. 327.

in the capital, judges the events of 1807 as a pivotal moment in the history of the London police, which forced metropolitan authorities to rethink their responses to crowds with a longer term strategy in mind.<sup>57</sup> The deployment of much larger forces of local constables about the streets after 1800, he argues, was directly attributable to a growing sense of unease with the unruly gatherings occupying London's public spaces, particularly those attending fairs, executions and the pillories, at a time when 'the machinery of criminal justice had to be policed as much as crime itself'.<sup>58</sup> Such gatherings were more regularly perceived as a threat to local public order by this time, and in turn representative of genuine political danger, at events that could still all too easily result in mayhem.<sup>59</sup>

There is an opportunity within these events, however, for social historians to reconsider some of these generalizations made of the surly execution crowd. Biographical evidence arising from the coroner's inquest following the 1807 catastrophe presents an intriguing opportunity to reappraise the social texture of the audiences that attended executions as community events in their own right, revealing in the process some of the motivations of the people caught up in the disaster.

Sworn in on the evening of Tuesday 24 February at the Steward's Office in St.

Bartholomew's Hospital, the coroner's jury of twenty-one men set about their duty

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<sup>57</sup> A. T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus, Oh., 2004), p. 59.

<sup>58</sup> Ibid.

<sup>59</sup> D. D. Cooper, 'Public Executions in Victorian England: A Reform Adrift' in W. B. Thesing (ed.), *Executions and The British Experience from the Seventeenth to the Twentieth Century: A Collection of Essays* (Jefferson, N.C, 1990), p. 150. Jerry White has recently described nineteenth-century executions as attended by 'degradation and outrage': J. White, *London in the Nineteenth Century: A Human Awful Wonder of God* (London, 2007), p. 406.

examining the bodies, ascertaining the numbers killed and seeking the identification of the deceased. A temporary morgue was installed in the Elizabeth ward for the reclamation of the dead by their next of kin, as families arrived throughout the day, besetting the hospital 'with mothers weeping for sons, wives for their husbands and sisters for their brothers'.<sup>60</sup> The following morning, the inquest reconvened in the vestry room of St. Sepulchre's church to conduct its investigations in full, recording in the process several dozen pages of meticulously handwritten testimony over the following four days, taken from dozens of eye-witnesses and the recently bereaved.<sup>61</sup>

Within the inquest depositions there appears at once a lucid sense of the powerful curiosity amongst those who rose early to witness the events unfolding at the Old Bailey. Thomas Cooper, for example, was the fourteen-year-old son of a shoemaker living off Drury Lane. Like many that day, Cooper fell victim to the crush of the crowd as a consequence of his own insatiable attraction to the hangings, drawn inexorably to the spot in order to observe the events. Having pestered his parents for permission to attend the execution the previous evening, the boy absconded from the family home in the small hours having been refused leave to attend, on the grounds that, revealingly, 'it would not be safe for him to go'.<sup>62</sup> Charlotte Panton, a forty-four-year-old woman living close by in King Street, had been pulled along by her curious daughter and friends, unbeknownst to her husband William. Following a day of alarmed inquiry after discovering their absence, William eventually found Charlotte's

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<sup>60</sup> J. L. Rayner and G. T. Crook (eds.), *The Complete Newgate Calendar*, Vol. 4, pp. 327-8.

<sup>61</sup> *Morning Chronicle*, 28 February 1807. The newspaper reported the attendance of over 100 witnesses to the enquiry, though the official transcript of statements contains a much lower number of depositions.

<sup>62</sup> Anon, *The Very Remarkable Trial of John Holloway and Owen Haggerty*, p. 25.

body at four o'clock in the afternoon, laid out with dozens of corpses in the hospital (their daughter had apparently escaped unscathed).<sup>63</sup> The evening before the execution, twelve-year-old Thomas Cross badgered his father to such lengths that his clothes were locked away in a cupboard 'in order more securely to prevent the boy from going', accompanied by a fated warning not to visit the spectacle. Even these drastic measures could not prevent the boy from attending. Stealing his garments during the night, Cross crept out from the family home in Fetter Lane early the following morning, later succumbing to the pressure of the crowd.<sup>64</sup> Likewise the case of Robert Pringle, a thirteen-year-old from Clerkenwell, who 'was supposed to have gone to his master's [house] near the Royal Exchange' that morning under his parents' explicit instruction not to attend the hangings. Having failed to return in proper time, and the rumour of 'the shocking disaster in the Old Bailey' having reached them, his parents subsequently embarked on a day of frantic enquiry, later to find his body laid out in the temporary mortuary.<sup>65</sup> Similarly recorded is the fate of seventeen-year-old James Cutler, son of a Grub Street journeyman shoemaker, who was 'supposed to have gone out to the shop that his father worked for, but went to the execution, and lost his life'.<sup>66</sup> The sense of intrigue attached to the executions - and its function as a powerful social magnet to the young - thus resounds from the pages of the inquest.

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<sup>63</sup> *Coroner's Inquest*, William Panton; *Morning Chronicle*, 25 February 1807.

<sup>64</sup> *Morning Chronicle*, 25 February 1807; *Coroner's Inquest*, Thomas Cross.

<sup>65</sup> *Morning Chronicle*, 25 February 1807.

<sup>66</sup> *Ibid.*

Moreover, these responses of the parents and guardians to the entreaties of their charges tell of an understanding amongst many Londoners of the dangers associated with the gathering execution crowd. Such fears were well founded. As noted previously, executions at Tyburn and elsewhere had proved occasionally fatal to some of those who strained for a view of the condemned, and until 1783 reports of individual casualties appeared with marked regularity in the London press. A survey of contemporary newspaper accounts after 1783, however, reveals how these risks may have abated somewhat owing to the new arrangements put in place outside Newgate prison, though more excitable audiences nevertheless still presented a genuine risk. In 1784, for example, a young girl aged twelve or thirteen was saved from the mob outside Newgate by being ‘moved over the heads of several hundreds of people into Fleet Lane’ where she was brought to her senses in a nearby house.<sup>67</sup> In 1792, a rare local execution off Drury Lane resulted in another crowd panic where, according to one report, a six-year-old child was trampled to death.<sup>68</sup> The parental disapproval of their offspring attending the hangings expressed in the inquest testimonies is suggestive of an abiding recognition among Londoners that large, excitable execution crowds were indeed potentially hazardous phenomena. The allure of the hanging felons was nevertheless an irresistible and compelling image to the young; a unique spectacle that many wished to observe in spite of the possible dangers.

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<sup>67</sup> *Ibid.*, 18 November 1784.

<sup>68</sup> *Morning Advertiser*, 29 May 1792. This report cannot be corroborated by any other newspaper reports or a Coroner’s Inquest, though confirms that executions were perceived as dangerous phenomena.

Importantly, the evidence deposed to the coroner's inquest also implies that though many of the youths killed were largely tied to both parental and workplace discipline, many were not necessarily constrained by this authority. Henry White, for example, was the privileged son of a Portsmouth wine merchant and pupil to one Mr Evans at his seminary school in Pullen's Row, Islington. The fifteen-year-old unsuccessfully begged his master's leave to attend the execution ritual the preceding evening. Having 'muttered something at the time' of his admonishment, the boy subsequently ignored Mr Evans's refusal by setting out on foot under cover of darkness the next morning, accompanied by two older companions in order to take up their places within the encircling execution audience.<sup>69</sup> White's broken body was later carried to the Swan public house on Snow Hill for identification. William Cook of Lincoln's Inn Fields related to the inquest how he had found the body of his nineteen-year-old brother in law William Platt in the hospital the day after the disaster. Platt, apprentice cutler to Thomas Robinson of Drury Lane, was in fact granted leave to attend the execution by his master that Monday morning.<sup>70</sup> Richard Russell of Shoreditch was the second eldest of four children, whose body was to be claimed by his widowed mother Sarah, described simply as a 'poor woman' in the metropolitan press, who arrived at the mortuary with her two youngest children in tow.<sup>71</sup> Thirteen-year-old Richard visited the Old Bailey with only begrudged permission from Sarah, his elder brother having been sent to the Bethnal Green brickfields in order to earn a crust. Other parents and guardians who endured the miserable task of identification spoke of their offspring's industry. The body of Abraham Saul Roderiguez, described as 'the son of a Jew, who

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<sup>69</sup> *Morning Chronicle*, 25 February 1807.

<sup>70</sup> *Coroner's Inquest*, William Cook.

<sup>71</sup> *Coroner's Inquest*, Sarah Russell.

keeps a Butcher's shop in Whitechapel', was claimed by his distraught father after a day of searching.<sup>72</sup> The corpse of eighteen-year-old William Tyler, apprentice to a Clerkenwell shoemaker, was discovered by his father Thomas, who set out from his home in Soho that morning in search of his son after hearing growing rumours of the disastrous events about the streets.<sup>73</sup>

And so the list continues. Daniel Grover, aged fifteen years old from Turnmill Street in Clerkenwell, identified by his uncle (the dead boy was listed as the son of a labourer, nevertheless considered to be 'a very promising youth').<sup>74</sup> Fourteen-year-old Josiah Fieldhouse of Whitechapel, identified by his mother Catherine, who 'most bitterly lamented that she had given the boy leave to go to the execution'.<sup>75</sup> Anne Williams arrived at St. Bartholomew's Hospital from the family home in Dyot Street, St. Giles, to discover the body of her son William, aged twelve years old, laid out in the Elizabeth ward.<sup>76</sup> James Pobjoy, Beadle of the Fleet market, described to the inquest how he carried the corpses of two young friends, John Mansfield and Edward Stone, to St. Sepulchre's church during the morning, having discovered them 'dead, lying together by the side of one of the heaps [of bodies]'.<sup>77</sup> The youthfulness of the dead is also captured poignantly in the evidence of Thomas Ramsden, surgeon to the College of Physicians in nearby Warwick Lane. At a quarter past nine on the morning of the accident he was called to assist the dying and injured at the hospital. Here he

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<sup>72</sup> *Morning Chronicle*, 27 February 1807.

<sup>73</sup> *Coroner's Inquest*, Thomas Tyler.

<sup>74</sup> *Morning Chronicle*, 27 February 1807.

<sup>75</sup> *Ibid.*, 25 February 1807.

<sup>76</sup> *Coroner's Inquest*, Ann Williams.

<sup>77</sup> *Times*, 27 February 1807.



observed ‘sixteen [people] brought in alive, who...recovered. There were twenty-seven brought in dead or dying’. Among those he most clearly recalled were ‘three boys: but from the injury they had sustained, it was impossible for them to survive’.<sup>78</sup> Also lying dead that morning was Thomas Bradford, aged sixteen years old, employee of Mr Broadwood (or Brodrip), pianoforte maker of Great Pulteney Street, whose job had been ‘to learn the regulating, tuning and finishing of such instruments’.<sup>79</sup> Described by *The Times* as ‘a West-Indian... a genteel youth’, Bradford had recently arrived from Charlestown in the United States some eight months previously, ‘lately come to this country for his education’.<sup>80</sup> A correspondent for the *Morning Herald* who viewed his body described it as being ‘elegantly dressed’ and heard talk that the young man’s ‘curiosity had led him to this fatal spot’.<sup>81</sup>

Though perhaps suggestive of their greater vulnerability within the pressure of the ensuing crush of bodies, the precocity of the dead is nevertheless a highly significant aspect of the crowd: a feature many contemporary observers also noted at the time. Newspaper reports of the event drew close attention to the suffering of the young people caught up in the tragedy, albeit couched in the familiar language of moral disapproval at their attending such an event. The *Morning Herald* reported how ‘the bodies in general seemed to be those of young people of the lower order’, and overall the press did much with the stories of weeping parents and anguish of the children present.<sup>82</sup>

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<sup>78</sup> *Ibid.*; *Coroner’s Inquest*, Thomas Ramsden.

<sup>79</sup> *Coroner’s Inquest*, Edward Greddon.

<sup>80</sup> *Times*, 24 February 1807.

<sup>81</sup> *Morning Herald*, 24 February 1807.

<sup>82</sup> *Ibid.*

As seen however, brief biographical details of older victims complement those of the juveniles. John Dilley, for example, a sixty-seven-year-old razor-strop maker from Old Street, was killed while attempting to cross Old Bailey on his way to work in St. George's Fields, leaving behind a widow and six children.<sup>83</sup> John Etherington, a broker and salesman from Somers Town, attended the executions with his twelve-year-old son Richard, and was forced off his feet opposite the Debtor's Door at Newgate shortly before eight o'clock. After being carried to St. Bartholomew's Hospital in a 'nearly senseless' state, he 'wept bitterly' before a reporter from the *Morning Herald*, praying desperately that his son had possibly been saved by 'the same providence which saved me'. Richard in fact lay dead close by in the adjacent ward.<sup>84</sup>

Nevertheless, the aggregate biographical statistics of the dead remains pertinent to a better understanding of the crowd's composition. Of the thirty people killed outside the Old Bailey, the average age of the deceased discernible from the inquest is twenty-one and half years old, of which only three were women. Twenty-one of the victims can be identified as being male and aged between ten and twenty years.<sup>85</sup> The adolescence of this male cohort is particularly revealing, and is suggestive of

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<sup>83</sup> *Morning Chronicle*, 27 February 1807; *Coroner's Inquest*, Anne Dilley.

<sup>84</sup> *Morning Herald*, 26 February 1807. Nine years later Etherington appeared at the Old Bailey charged with assaulting a bailiff. He was acquitted on the basis that he was 'not altogether right in his mind' since the death of his son. After the tragedy he had done 'several things which a man would not do' if completely rational, including 'beat[ing] out the brains of a dog as it casually passed along the street' and thrashing his surviving son (who was blind) 'most cruelly with an iron rod': OBP, 1 December 1816, John Etherington (t18161201-1).

<sup>85</sup> *Coroner's Inquest*. Lists of the dead also appeared in several newspapers following the disaster, along with biographical details, but there are broad inconsistencies in the accounts, ages and spellings of names.

continuities in the composition of execution crowds over previous decades.

Throughout the preceding century hanging days had been closely associated with the attendance of large groups of often unruly apprentices from across London. Young men (and many women) came to appropriate Tyburn executions as tacit *ad hoc* holidays within their own socio-economic groups, as they had done elsewhere at other public gatherings, particularly Bartholomew Fair.<sup>86</sup> This feature still appears evident in the composition of the 1807 crowd at a time when formal apprenticeship indentures were encountering a relative decline in London under the growing pressures of mass production.<sup>87</sup> Within the inquest there nevertheless remains an essence of this traditional solidarity extant among London's youth and their long-running fascination with the scaffold, many of whom were to be baptized into this distinctive metropolitan experience for the very first time.

Indeed, executions, it seems, were responsible for a notable degree of transgressive behaviour among the young. Several boys absconded from home or work in order to attend the spectacle, many with friends of a similar age, such was its compelling attraction. William Boother, a fourteen-year-old apprentice to one Mr Webber, a dyer of Russell Square, visited the Old Bailey execution 'in direct contradiction to his master's prohibition', having implored his employer for permission to go.<sup>88</sup> Others in

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<sup>86</sup> See P. Griffiths, *Youth and Authority: Formative Experiences in England 1560-1640* (Oxford, 1996), chp. 3; also S. R. Smith, 'The London Apprentices as Seventeenth-Century Adolescents', *Past and Present*, No. 61, (1973), pp. 149-61.

<sup>87</sup> J. Lane, *Apprenticeship in England, 1600-1914* (London, 1996), p. 247; L. D. Schwarz, *London in the Age of Industrialisation: Entrepreneurs, Labour Force and Living Conditions, 1700-1850* (Cambridge, 1992), pp. 216-21.

<sup>88</sup> *Times*, 27 February 1807.

fact arrived with an accompanying parent or master acting as chaperone.<sup>89</sup> Executions were continuing to act as important foci for sociability and shared experience, fed by a dark fascination to see fellow Londoners put to death in front of their very eyes.

From the coroner's inquest we also gain a broader spatial sense of the crowd's geographical diversity, that remains relatively absent elsewhere in the histories of London executions. The Old Bailey hanging ritual was clearly retaining an important position as a regular cultural phenomenon within the public sphere, defying legal attempts by the City authorities to contain the gatherings within the locality of the prison and Sessions House. From the evidence, hangings exhibit characteristics of metropolitan wide, extra-parochial spectacles operating outside the boundaries of contiguous local communities. As might be expected, areas in and around the vicinity of Holborn and Smithfield are well represented in the residency lists of those killed. However, geographical indicators of habitation and employment from the depositions illustrate that those who came were not simply drawn from these immediate localities. A significant scattering of attendees arrived from further afield: Hammersmith, Marylebone, Soho, St. Giles, Shoreditch, Whitechapel and Islington for example, with most of the spectators walking at least a mile or so to attend the ritual. Curiously, none of the victims or any of the inquest witnesses can be established as domiciled in districts south of the Thames. Although this area of the city was as yet relatively undeveloped, public executions atop the Surrey County Gaol in Horsemonger Lane were well established by this time, the first public execution having taken place there

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<sup>89</sup> Whether or not this attendance with parents was consented to by children is open to speculation. According to one correspondent to *Notes and Queries* there were instances when 'poor unhappy boys have been compelled to be spectators of the tragedy' as a stark moral lesson, 'so firmly was it impressed on the popular mind that gazing on the death-agony of felons was a wholesome experience for the young': *Notes and Queries*, 8<sup>th</sup> Ser., Vol. 4, No. 99 (1898), p. 404.

in 1800.<sup>90</sup> It remains plausible that executions in Southwark were themselves drawing their own distinct and more localized spectatorship by this time, in parallel to the events taking place across Blackfriars Bridge.

We also observe in the inquest a broad cross-section of London occupations represented within the crowd, demonstrating clearly how the execution ritual appealed to a relatively diverse sample of the urban citizenry. Many of the occupations stated in the biographies suggest sturdy, regularized employment within skilled crafts and manufacturing trades, in contrast to the older eighteenth-century depictions of the crowd as comprised largely of a feckless and indolent vagabondage: the ‘vulgar of this city’ that the Middlesex and City Sheriffs had so readily deplored in their condemnation of the execution crowd in the early 1780s.<sup>91</sup> Although *The Times* was quick to pick out the ‘several females of low stature’ in attendance, few other comments on a troublesome or shiftless component are made in the reports.<sup>92</sup> Rather, we see London working life in colourful relief: the oilman and his son, a trainee instrument maker, a curious maidservant, the busy food hawkers, an intrigued shoemaker, the draper’s, cutler’s and butcher’s apprentices. Fascination with the hanging spectacle, it would seem, remained fairly universal, cutting across lines of social demarcation at a time of middle-class disapproval of the crowd’s perceived raffish levity.<sup>93</sup>

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<sup>90</sup> *St. James’s Chronicle*, 3 to 5 Apr 1800.

<sup>91</sup> T. Skinner and B. Turner, *An Account of Some Alterations and Amendments*, p. 23.

<sup>92</sup> *Times*, 24 February 1807.

<sup>93</sup> G. T. Smith, “‘Civilized People Don’t Want to See That Kind of Thing’: The Decline of Public Physical Punishment in London, 1760-1840” in C. Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), p. 46.

**Illustration 4.1: Identifiable Districts of Domicile for 1807 Fatalities.**



T. Tegg, *Map of the City of London, City of Westminster, River Thames, Lambeth, Southwark and Surrounding Areas* (London, 1803).

**Table 4.1: Biographies of 1807 Accident Victims.**

<u>Name</u>	<u>Age</u>	<u>Status/Occupation</u>	<u>Street/District</u>
Sarah Fry	41	Maid servant (?)	St. James's
Joseph Thorn	32	Pie man	Spitalfields
Richard Russell	13	Son of widow	Shoreditch
Thomas Cooper	14	Shoemaker	Drury Lane
Robert Pringle	13	Son of musical instrument maker	Clerkenwell
Joseph Taylor	13	Son of jeweller	Old Street
Elizabeth Tozer	20	Weaver's servant	Shoreditch
Charlotte Panton	44	(?)	Drury Lane
Thomas Bradford	18	Apprentice piano maker	Great Pulteney Street
Abraham Saul Roderiguez	13	Son of butcher	Whitechapel
John Dilley	67	Razor strop maker	Old Street
John Wimble	22	Ironmonger's assistant	Manchester Square
Thomas Cross	13	Son of attorney's clerk	Fetter Lane
Henry White	16	School pupil	Pullen's Row, Islington
George Wilson	16	Apprentice ironmonger (?)	Brooke's Market, Russell Sq.
Samuel Howard	22	Stonemason	Middlesex Hospital
William Williams	12	Son of widow	Dyot Street, St. Giles
William Platt	18	Apprentice cutler	Drury Lane
William Tyler	18	Apprentice shoemaker	Church Street, Soho
William Boother	14	Apprentice dyer	Guildford Street, Bloomsbury
James Cuttle or Cutler	17	Shoemaker	Grub Street
William Guest	16	Apprentice silversmith	Cheapside
John Etherington	12	Son of broker	Somerstown
Josiah Fieldhouse	14	Draper's apprentice	Plough Street, Whitechapel
Daniel Grover	16	Son of labourer	Turnmill Street, Clerkenwell
John Carter	32	Shoemaker	Holborn (?)
John Mansfield	17	(?)	Drury Lane
Edward Stone	14	(?)	Tottenham Court Road
Benjamin Carpenter Snr	50	Painter and oilman	Hammersmith
Benjamin Carpenter Jnr	20	Painter and oilman	Hammersmith

Source: LMA, CLA/041/IQ/02/020, no.18.  
 ('?' denotes missing or partial information).

Indeed, ‘polite society’ was itself looking on from the wings. As noted, City dignitaries including the Mayor and several Aldermen were present at the punishment, whilst more ‘persons of distinction’ observed the event from surrounding windows, their seats paid for at significant premiums. In giving evidence to the coroner’s inquest that week, W. B. Godfrey, a student at St. Bartholomew’s Hospital, recalled being carried into a shop following his rescue from beneath a pile of corpses, to see ‘two dead bodies and in the inner part of the shop a man in a fit’.<sup>94</sup> ‘That person’, continued Godfrey, ‘gave his address: Goldsmiths’ Hall, Foster Lane, and was carried away in a coach’.<sup>95</sup> Thus there are signs that ‘the better sort’ were present not only in an official capacity on this particular execution morning, but also active down among the crowd, captivated by an equal measure of curiosity. Afterwards, one respectable deponent wrote furiously to the inquiry outlining his splenetic disapproval of the attending mob and incongruent food sellers, blaming the accident squarely on the congestion caused by the vehicles parked on Giltspur Street ‘for abominable gain’, as well as the conduct of the local vendors (‘a pye man...inconscious wretch...stood on the South side [of the pavement] ...gaming!’).<sup>96</sup> Within his written statement, however, the author was at pains to qualify his own presence in the Old Bailey audience at twenty past seven that morning, justified, in his words, as research ‘for the purpose of a projected economical work...of which the prevention of crimes is a particular object’.<sup>97</sup> The familiar moral disapproval of public punishment crowds is

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<sup>94</sup> *Coroner’s Inquest*, W. B. Godfrey; *Morning Chronicle*, 28 February 1807.

<sup>95</sup> *Coroner’s Inquest*, W. B. Godfrey.

<sup>96</sup> *Coroner’s Inquest*, supplementary letter from ‘S’.

<sup>97</sup> *Ibid.* The author of this correspondence is unclear, though the research is stated as being that of a forthcoming work entitled *The Philanthropic Repertory*. A book of the same title was later published by John Hull, and ran to a fifth edition by 1835: J. Hull, *The Philanthropic Repertory of Plans and Suggestions for Improving the Conditions of the Labouring Poor* (London, 5<sup>th</sup> edition, 1835).



palpable in his statement, nevertheless tempered by the writer's own grim fascination with which he too beheld the events.

Moreover, descriptions of the crowd's overall conduct contained within the inquest suggest that the spectators' behaviour until the point of the crush had been relatively passive, the event characterized by orderliness and calm: the renting of seats, the purchase of food, and the chatter among arriving friends. Most violence occurred after panic developed among the onlookers, with men described as 'fighting their way' out of the crowd in desperation and women 'screaming in a most piercing manner'.<sup>98</sup>

There remains a picture of charitable support at the execution once order collapsed, while the attending authorities looked on in alarmed and bewildered impotence.

Observers on the surrounding rooftops were quick to signal danger to approaching spectators and implored them to keep back out of harm's way, and desperate measures were instigated to convey the injured to the nearby hospital as quickly as possible.

The *Morning Chronicle* later felt compelled to applaud these acts of shared assistance by highlighting how 'the neighbours in general seemed to vie with each other in the performance of acts of charity towards their fellow creatures'.<sup>99</sup> Among these were the lodgers at Mr Appleton's house, a local tinman, who apparently saved ten or twenty people, and Mrs McKenzie, a local stationer and bookseller, who assisted 'two fine children from almost inevitable death'.<sup>100</sup> Clearly, the crowd was possessed of a substantial degree of autonomy in managing the unfolding catastrophe, with the role

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<sup>98</sup> *Morning Chronicle*, 24 February 1807.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

of constables and law officers relegated to that of carrying away the dead once the crowds eventually cleared.

### *The spectacle 'reborn'*

When the American visitor William Austin arrived in London from Massachusetts in the early nineteenth century, he was astonished at the broad degree of 'street civility' he encountered in and around the capital.<sup>101</sup> This level of cordiality, he noted, was 'unexpected, as the English are usually called barbarians by foreigners'.<sup>102</sup> Other contemporary commentators of the period also detected that something quite profound had occurred in British society by the early 1800s. In his later years, Francis Place could look back in amazement at the daily violence he encountered as a youth in the capital: a world so different when writing in the 1820s that he felt 'the people of the present day would not believe [the changes] unless they were laid before them accompanied by very conclusive evidence'.<sup>103</sup> This perceived revolution in manners accords directly with the historiography of eighteenth- and nineteenth-century law and order, that has explained the limits placed on the publicity of punishment largely in 'progressive' terms; part of a grander and highly influential 'civilizing process' at work.<sup>104</sup> As London lurched rapidly towards a dynamic social modernity, the boisterous, noisy crowds surrounding punishment sites and other places of public resort were condemned as antithetical to the refinement of a newly adjusted civic

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<sup>101</sup> W. Austin, *Letters from London Written during the Years 1802 and 1803* (Boston, Ma., 1804), p. 38.

<sup>102</sup> *Ibid.*

<sup>103</sup> BL, Francis Place Collection, microfilm B. 905, Set 22.

<sup>104</sup> N. Elias, *The Civilizing Process. Vol. 1: The History of Manners* (trans. E. Jephcott) (Oxford, 1978); P. Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge, 1984).

propriety.<sup>105</sup> Thus, historians have described a marked decline in public punishment's significance in London society as a whole by the late eighteenth century, and suggest that interest in the spectacles gradually waned, in line with the magistracy's growing use of alternative secondary punishments.<sup>106</sup>

By contrast, however, what emerges from the detail of the 1807 inquest is a very different picture indeed. Here we observe a vibrancy and colourful excitement in the crowd's expectations of public punishment that diverges sharply from both these contemporary opinions and historical analyses. The cultural values attached to public executions, it appears, were surviving relatively intact, precisely at the point when authorities were seeking to rationalize crowd management in its broader context.

Some of the continuities in the crowd's composition and responses to the spectacle are especially intriguing. The juvenile male contingent within the evidence in particular warrants special re-emphasis, illustrative as it is of a link with an older execution-going tradition extant amongst London's youth. Clearly, the execution ritual retained its position as a unique metropolitan rite of passage for many young boys and teenagers early in the new century, and for this cohort at least, little had changed since the gallows was relocated to its distinctly urban location in 1783.

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<sup>105</sup> For the attempts to identify and sanitize the behaviour of the lower orders see H. Shore, 'Mean Streets. Criminality, Immorality and the Street in Nineteenth-Century London' in T. Hitchcock and H. Shore (eds.), *The Streets of London: From the Great Fire to the Great Stink* (London, 2003), pp. 151-64.

<sup>106</sup> Radzinowicz, *History*, Vol. 1, p. 190; R. B. Shoemaker, 'Streets of Shame? The Crowd and Public Punishments in London, 1700-1820' in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004), pp. 232-57; S. Devereaux, 'In Place of Death: Transportation, Penal Practices and the English State, 1770-1830' in C. Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), p. 58.

Perhaps even more striking is the generally more universal appeal that the execution process still exerted. The multi-layered social, sexual and age distinctions within the audience are particularly revealing, and stand as *prima facie* evidence of a noticeably egalitarian context in which early nineteenth-century punishments were set. If modern scholarship is correct in its assumption that distinct and ‘separate spheres’ of male and female social activity were emerging at the end of the eighteenth century, then clearly, the execution audience might be considered to be a significant exception to this understanding.<sup>107</sup> The execution crowd here can be used as compelling proof that female activity in the public domain was still highly visible after 1800, unconstrained by the recoding of the normative values taking place within ‘respectable’ female deportment.<sup>108</sup>

Either way, we hear in the inquest’s distant voices the universal allure that the execution spectacle still exerted. An admixture of motivations continued to draw a variegated spectatorship towards Newgate, which in turn broke the bonds of social conformity: curiosity, ghoulish intrigue, vengeance, the attraction of witnessing celebrity felons, or simply the excitement of constituting a boiling crowd in its own right. These, too, were frequently workaday, industrious folk; people who might not otherwise have been regarded likely visitors if judged from contemporary press reports alone. People like John Carter, the thirty-two-year-old shoemaker from

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<sup>107</sup> L. Davidoff and C. Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850* (London, 1987, reprinted 1988), chp. 7; M. Z. Rosaldo, ‘Women, Culture and Society: a Theoretical Overview’ in M. Z. Rosaldo and L. Lamphere (eds.), *Women, Culture and Society* (Stanford, 1974), pp. 17-42.

<sup>108</sup> A. Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (Berkeley, Ca., 1995), chp. 3; R. B. Shoemaker, *Gender in English Society, 1650-1850: the Emergence of Separate Spheres?* (London, 1998), chp. 8; A. Vickery, ‘Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women’s History’, *Historical Journal*, Vol. 36, No. 2 (1993), pp. 383-414.

Chiswell Street in Moorfields, who resolved on the evening prior to the executions to visit the scene out of curious interest, leaving at home his wife and four children early the next morning before daybreak.<sup>109</sup> Or Elizabeth Tozer, ‘a singlewoman just turned 20 years of age’ described as a ‘weekly servant’ to a weaver, James Sherry of Bailey Court in Shoreditch. Elizabeth hurried to the hangings alone that morning to see in secrecy for herself the act take place before her day’s work and was killed on the spot where she stood.<sup>110</sup> Thus, Mandeville’s ‘rogues of the meaner sort’ detected at Tyburn nearly a century before suddenly seem very distant indeed.<sup>111</sup>

What broader conclusions can be drawn from the events of 1807? There may be enough evidence here to suggest that the execution crowds of the new century were somewhat better behaved than their historical forebears. The signs of mutual assistance within the crowd once order descended into chaos are especially revealing, and are confirmation, perhaps, of the better-ordered nature of non-elite metropolitan society and the possible effects of a ‘civilizing process’ at work.<sup>112</sup> Compared with the ‘rude disorderly mob, composed of the worst sort of rabble...as guilty as those that were to suffer’ as depicted in one typically disparaging treatise of the mid-1700s, we witness here instead a more polished, sober set of actors altogether, akin to the respectability of the political crowds revealed by George Rudé of a quarter century before.<sup>113</sup> Rather than being swept along to the gallows by a raucous procession,

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<sup>109</sup> *Coroner’s Inquest*, George Carter.

<sup>110</sup> *Coroner’s Inquest*, William Addis.

<sup>111</sup> B. Mandeville, *An Enquiry into the Causes of Frequent Executions at Tyburn* (London, 1725), p. 20.

<sup>112</sup> N. Elias, *The Civilizing Process. Vol. 1: The History of Manners* (trans. E. Jephcott).

<sup>113</sup> Philonomous, *The Right Method of Maintaining Security in Person and Property* (London, 1751),

several deponents to the inquest described how determined efforts were made to arrive at Newgate on time, many of whom travelled alone in spite of the unsociable hour and inclement weather conditions. None of the accounts accompanying the event detail the menacing drunkenness that pepper earlier eighteenth-century accounts of Tyburn executions, and the crowd of 1807 is instead characterized by regularity and order: the eager anticipation occasioned by the event, the bonds of familial and friendship sociability, and in particular, conspicuous consumption in relatively neutral spaces of conviviality. It is perhaps not insignificant that the accident began when a tray of hot food spilled across the ground as crowds queued up to partake of an early morning breakfast, and a high degree of sociability characterized the event in spite of its ghoulish trappings.<sup>114</sup>

One should sound a note of caution here, however. Though the contrast between this normative crowd pathology and that depicted of earlier times is striking, this observation nevertheless assumes that the Hogarthian stereotype of the Rabelaisian Tyburn mob was indeed accurate. As noted above, accounts of the execution crowd's demeanour in the eighteenth century routinely employed a lexicon of moral censure, which has subsequently tainted the historical record with caricature ever since. Many contemporary descriptions of Tyburn were, at best, impressionistic, and, at their very worst, extremely jaundiced: a prejudice which has only recently started to receive considered reassessment.<sup>115</sup> If one acknowledges the possibility that eighteenth-

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p. 48; G. Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England* (New York, 1964), pp. 198-204.

<sup>114</sup> M. White, "Rogues of the Meaner Sort"? Old Bailey Executions and the Crowd in the Early Nineteenth Century, *London Journal*, Vol. 33, No. 2 (2008), p. 151.

<sup>115</sup> S. Devereaux, 'Recasting the Theatre of Execution: The Abolition of The Tyburn Ritual', *Past and Present*, No. 202 (2009), pp. 127-74; A. McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1755* (London, 2007), pp. 21-9; R. McGowen, "Making Examples" and the Crisis of Punishment in

century execution crowds were rather more stable phenomena than were commonly described, then the possible transmogrification in social conduct alluded to by some historians (such as Robert Shoemaker and John Carter Wood, for example), and indeed by contemporaries like Francis Place, at once appears rather uncertain.<sup>116</sup> The suggestion made here instead is that the self-restraint evident in the crowd of 1807 might possibly be traced back deep into the previous century, at a time when such behaviour around the gallows was unlikely to have been formally acknowledged.

One might also admit to the possibility that this generally placable crowd temperament was achieved as a direct consequence of the constraints placed on the audience, affirming an older Marxist perspective, as outlined by David Garland, that ‘the medium of penalty, state power and state violence’ is articulated in symbolic forms that depend on public coercion.<sup>117</sup> With the mob squeezed into Old Bailey and heavy with sleep early on a Monday morning, huddling together from the winter cold, it should be no surprise at all that the bibulous crescendo previously described of Tyburn was now a thing of the past. And if Andrew Harris is correct in his description of a ‘striking building up’ of constables at the events after 1800, scrutinizing every facet of public behaviour, then the new execution arena might well be considered to have been an exceptionally sterile environment indeed.<sup>118</sup>

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Mid-Eighteenth Century England’ in D. Lemmings (ed.), *The British and Their Laws in the Eighteenth Century* (Woodbridge, 2005), pp. 182-205.

<sup>116</sup> R. B. Shoemaker, ‘The Decline of Public Insult in London 1600-1800’, *Past and Present*, No. 169 (2000), pp. 97-131; J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The Shadow of Our Refinement* (London, 2004).

<sup>117</sup> D. Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford, 1990), pp. 122-3.

<sup>118</sup> A. T. Harris, ‘Policing and Public Order in the City of London, 1784-1815’, *London Journal*, Vol. 28, No. 2 (2003), p. 6.

But any interpretation of bovine compliance at public executions is clearly wrong-headed. That large execution gatherings regularly warranted specific attention by metropolitan officials after 1800 (resulting in significant increases in expenditure in spite of a curtailment in the spectacle's duration) is in itself highly significant. Yearly costs relating to the management of urban crowds rose precipitously after 1783, from £545 in 1785 to £1,952 by 1804 (for all events), to the extent that the City Corporation struggled to efficiently manage and track the expenses of constables charged with keeping the peace around the scaffold.<sup>119</sup> In 1812, for example, in deposing evidence to the Special Finance Committee examining the rise in public expenditure, Daniel Leadbetter described how during the four years he had attended executions as a marshalman he was only very occasionally paid for his services, whilst another officer, Constable Toff, stated that he 'never received anything for executions' at all.<sup>120</sup> Andrew Harris conjectures that this fundamental shift in the management of punishment crowds, through the deployment of larger and more professional bodies of municipal police, illustrates how execution audiences were in fact becoming *more* troublesome after 1800; a convincing argument when we consider these escalating fiscal burdens.<sup>121</sup>

It should also be strongly emphasized, however, how these changing administrative responses to the crowd may have reflected new perceptions of 'the people'. The number of constables regularly attending to urban crowds increased markedly after 1800, as a result of preponderant political anxieties associated with the actions of 'the

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<sup>119</sup> A. T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (London, 2004), p. 65.

<sup>120</sup> LMA, COL/CC/FN/03/003, Special Finance Committee, 5 April 1813.

<sup>121</sup> A. T. Harris, *Policing the City*, p. 68.



mob'. More interesting, perhaps, is how by the early nineteenth century new elite fears of crowd activity were crystallizing around the problem of juvenile delinquency, which, as Peter King has shown, was 'a major focus of anxiety among the propertied', and which impacted heavily on the ways in which the young were prosecuted.<sup>122</sup> That the crowd of 1807 was dominated by a remarkably young male cohort is extremely significant in this respect, and as the following chapters will show, underscored the often bilious criticisms that were directed against the execution crowd throughout the 1800s.

Wider political fears generated by crowd formation, of course, were still at play. The anxiety aroused by the horrors of 1780, when insurrectionary terror had gripped the capital, continued to linger throughout the sporadic social disturbances of the 1790s.<sup>123</sup> During William Pitt's tenure as Prime Minister, for example, specific legislation was enacted to curtail the traditional right of public assembly, including the Seditious Meetings Act of 1795 that demanded magisterial permission for political meetings of fifty people or more.<sup>124</sup> The spread of radical Paineite ideas in the wake of the French Revolution was viewed with ever-increasing seriousness by authorities over this period, resulting in the closer scrutiny of various crowd activities whenever

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<sup>122</sup> P. King, 'The Rise of Juvenile Delinquency in England 1780-1840: Changing Patterns of Perception and Prosecution', *Past and Present*, No.160 (1998), pp.116-66; also H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (London, 1999).

<sup>123</sup> D. G. Wright, *Popular Radicalism: The Working-Class Experience 1780-1880* (London, 1988), pp. 49-52; B. Hilton, *A Mad, Bad and Dangerous People?: England 1783-1846* (Oxford, 2006), pp. 65-74.

<sup>124</sup> The legislation was part of the 1795 'Gagging Acts' (36 Geo. C. 7 and c. 8). For the background see F. Munger, 'Suppression of Popular Gatherings in England, 1800-1830', *American Journal of Legal History*, Vol. 25, No. 2 (1981), pp. 111-40.

they occurred.<sup>125</sup> Hence when Francis Burdett was elected MP for Westminster only three months after the disaster of 1807, a boisterous and vocal crowd consisting of tens of thousands choked the streets around the Covent Garden hustings: a state of affairs that caused consternation among political leaders and prompted Horse Guards to be permanently harnessed in St. James's park, cannon to be drawn up nearby and mounted cavalry to patrol the streets.<sup>126</sup>

These changing responses to crowd activity were not limited to the more controversial of London's punishments or political gatherings. Funerals, lotteries, fairs, fires and accidents (among other metropolitan spectacles) all demanded additional magisterial scrutiny on occasion, owing to what the *Gentleman's Magazine* described as the crowd's generally indiscriminate interest in any public event.<sup>127</sup> In 1809, for example, twenty-eight constables were called to Smithfield market to maintain order in consequence 'of a report that a woman was to be sold by her husband', while in 1818 two detachments of Horse Guards and several dozen constables were drafted in to keep order when a grocer's shop caught fire in the Strand.<sup>128</sup> In 1810 twenty-eight men were requisitioned merely to prevent crowds from 'touching the ornaments and

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<sup>125</sup> See N. Rogers, *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford, 1989), pp. 350-1, where Rogers argues convincingly that the mixed messages contained in crowd activities created an overwhelmingly confused set of public order problems for the elite, ranging from the 'self-activating' crowds of protest to the 'surrogate' crowds endorsing state ceremonials as a reflex of older Anglican working-class loyalties.

<sup>126</sup> *Morning Chronicle*, 25 May 1807. William Cobbett believed – somewhat implausibly – that there were 500,000 people in attendance at Covent Garden when the result was eventually announced: see G. Spater, *William Cobbett: The Poor Man's Friend* (Cambridge, 1982), Vol. 1, p. 188. For crowds at elections see A. Randall, *Riotous Assemblies: Popular Protest in Hanoverian England* (Oxford, 2006), pp. 185-6; F. O'Gorman, 'Campaign Rituals and Ceremonies: The Social Meaning of Elections in England 1780-1860', *Past and Present*, No. 135 (1992), pp. 79-115.

<sup>127</sup> See *Gentleman's Magazine*, March 1807, p. 205, which described how 'an election, an execution, a funeral or an air balloon, will collect equal numbers'.

<sup>128</sup> LMA, CLA 048/PS/02/20, Day and Night Patrole Books, 16 June 1809; *Times*, 2 March 1818.

the tables' set up in the Mansion House for the St. George's day feast held there.<sup>129</sup> Even the ancient tradition of burying condemned suicides at the City crossroads warranted special measures, owing to the curious crowds that were drawn together: thirty constables at the top of Old Bailey in 1808, for example, and eighteen constables in Cheapside in 1811, even though both interments took place at three o'clock in the morning, in the dead of night.<sup>130</sup>

The increase in policing and surveillance at public punishments, therefore, should not be accepted too readily by historians as evidence that execution crowds were necessarily comprised of a troublesome rabble. As the evidence above confirms, the truth was that for many people in the capital the execution rite represented a brief yet intriguing feature in the work/life calendar that drew much of its popularity from the natural inquisitiveness of a mixed, London-wide audience going about its daily business. Crowds at the Old Bailey were generally comprised of a more respectable, regularly-employed and law abiding constituency than was usually described, and the increasing burden of police expenditure at the events was perhaps as much a result of growing concerns for crowd safety as it was of social controls. As reports of the 1807 accident demonstrate, execution audiences remained highly physical entities prone to 'sudden paroxysm[s]...of excessive curiosity', which the civic constabulary had been hopelessly ill-equipped to handle.<sup>131</sup> Thereafter, larger bodies of officers routinely attended to 'crowd control' in its modern definition of safety, 'resorted to', in the words of the City Finance Committee, 'much more generally since the unfortunate

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<sup>129</sup> LMA, CLA 048/PS/02/20, Day and Night Patrole Books, 22 April 1810.

<sup>130</sup> *Ibid.*, 29 November 1808 and 6 September 1811.

<sup>131</sup> *Gentleman's Magazine*, 1807, p. 205.

accident which occurred at the execution of the murderers of Mr Steel'.<sup>132</sup> There is a consideration to be made here therefore that extra policing at public punishments early in the new century resulted in large part from benevolent concerns for public welfare, rather than from any sinister objective of achieving an audience's compliance.

Police activity at executions, of course, still incorporated the usual detection of petty criminality around the scaffold, most notably the actions of pickpockets: a feature of any large gathering of the London populace.<sup>133</sup> Drunkenness and minor disorders, too, received the constables' close attention on occasion, particularly when crowds gathered during the evenings prior to an execution taking place. Yet in essence, such behaviour may have been pushed to the margins.<sup>134</sup> What does seem clear is how hanging crowds exerted a self-assured level of autonomy as the constables and Sheriffs' officers looked on uneasily from the sidelines. As Randall McGowen has remarked, the execution crowd of the early-nineteenth century was in many respects both 'respected and feared' by authorities, who were ever-mindful of its overall strength.<sup>135</sup>

Importantly, on this evidence, some of the ways in which eighteenth- and nineteenth-century crowds are generally viewed by historians perhaps now require significant reconsideration. Older interpretations of crowd formation as an outlet for (violent)

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<sup>132</sup> LMA, COL/CC/FN/03/003, Special Finance Committee, Report.

<sup>133</sup> See D. Palk, 'Private Crime in Public Places. Pickpockets and Shoplifters in London, 1780-1823' in T. Hitchcock and H. Shore (eds.), *The Streets of London*, pp. 135-50.

<sup>134</sup> For later examples of passive crowd behaviour see R. McGowen, 'Civilizing Punishment: The End of the Public Execution in England', *Journal of British Studies*, Vol. 33, No. 3 (1994), p. 271.

<sup>135</sup> *Ibid.*, p. 273

civic protest during this period (as described by E. P. Thompson, Charles Tilly and Nicholas Rogers, for example) are all clearly problematized by the more or less tractable characteristics of crowd behaviour previously described.<sup>136</sup> As the dispensations extended by the state towards the crowd imply, a mutual and reciprocated acknowledgement of the spectators' role seems to have been in play, disrupting historical notions of mass gatherings as the nexus of political contention. Evidence of mass arrest or serious attempts to break up unruly execution crowds are simply absent in the records of this period, and the material presented here adds a new dimension to a well established debate regarding the supposedly innate aggression engrained in mob activity.<sup>137</sup> Crowds around the gallows were, it seems, able to successfully form an autonomous, largely peaceable 'public sphere' in its own right early in the nineteenth century, when public gatherings elsewhere in the metropolis were more commonly discouraged.<sup>138</sup>

### ***Conclusion***

This chapter has demonstrated how the London crowd adapted quickly to the spatial, geographical and temporal constraints applied to the execution process in 1783. Although only an hour in duration and taking place at the start of the working day, the hanging of felons continued to exert a powerful and universal allure, particularly amongst London's young men. Executions, it seems, were grounded in a ghoulish

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<sup>136</sup> E. P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past and Present*, Vol. 50, No.1 (1971), pp. 76-136; C. Tilly, *Popular Contention in Great Britain, 1758-1834* (Cambridge, Ma., 1995); N. Rogers, *Crowds, Culture and Politics in Georgian Britain* (Oxford, 1998).

<sup>137</sup> For a summary of this interpretation see M. Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), chp. 1.

<sup>138</sup> D. Philips, "'A New Engine of Power and Authority": the Institutionalisation of Law-Enforcement in England 1780-1830' in V. A. C. Gatrell, B. Lenman and G. Parker (eds.), *Crime and the Law: A Social History of Crime in Western Europe Since 1500* (London, 1980), pp. 155-89; P. W. J. Bartrip, 'State Intervention in Mid-Nineteenth Century Britain: Fact or Fiction?', *Journal of British Studies*, Vol. 23, No. 1 (1983), pp. 63-83.

conviviality and characterized by conspicuous consumption, the meeting of friends and interested public excitement: of a shared experience of ‘spectacle’ and of communal exchange within increasingly impersonal urban spaces, all of which can be traced back deep into the previous century.

Also emphasized here is how the crowd was far more orderly than was (and still is) usually described. As shown above, clear signs exist to imply that a degree of constraint was generally in evidence at public executions, illustrated particularly well by the autonomy exerted by spectators during the accident of 1807. By maintaining generally consistent, well-mannered behaviour within the bounds of civic spectacle, the London crowd safeguarded the position of executions as audience oriented affairs, and proved generally immune to the levels of judicial control applied from without.

And perhaps more importantly still, this chapter underlines how public punishments appear to have retained a durable moral relevance in spite of the distinct changes emerging in humanitarian sentiment and late Georgian social mores. The execution of offenders clearly retained an important place within the field of public activity by incorporating an inclusive, cohesive understanding of punishment’s legitimacy within a shared moral world, consistent with Durkheim’s notions of ‘organic solidarity’ and a collective public consciousness.<sup>139</sup>

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<sup>139</sup> K. Thompson (ed.), *Readings from Émile Durkheim* (London, 2004), pp. 19-38; also S. Lukes and A. Scull (eds.), *Durkheim and the Law* (Oxford, 1983); D. Garland, *Punishment and Modern Society*, chp. 2.

## Chapter Five

### **The ‘Norway Neckcloth’: London’s Pillory Punishments<sup>1</sup>**

Clearly, events at the Old Bailey in February 1807 were exceptional in the history of London’s public punishments: an extraordinary set of circumstances that resulted in concerted public efforts in order to save the dying and injured. Intriguing and important details of the nineteenth-century crowd have nevertheless been revealed: features of the public execution experience that have so far remained undisclosed in histories of penal change. Rather than composed of the violent, drunken or indolent participants as so frequently retailed by a reformist literature and critical London press, continuous features of orderliness and ‘respectability’ have been shown in relation to the metropolitan punishment spectacle.

New and important questions now arise from the evidence presented thus far. How typical of an execution event were the spectators’ biographies contained in the preceding analysis? How do the features of the early nineteenth-century Old Bailey crowd relate to the other punishment events that took place in the yearly metropolitan calendar? In order to further interrogate the claims to orderliness and continuity central to this thesis, a new approach will now be taken. By examining the crowds that gathered at pillory and whipping events through each sanction’s own respective lifetime, further insights into the durable culture of punishment will be offered.

In this chapter I wish to show how pillory events can be used to further gauge the popularity and relevance of public punishments at a time of fundamental changes

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<sup>1</sup> F. Grose, *A Classical Dictionary of the Vulgar Tongue* (London, 1785), p. 148.

taking place in English penal practice. Though restricted in use and attended with greater levels of police supervision by the early nineteenth century, pillory punishments retained a far greater social relevance than is usually described. And as with the hanging crowd, pressures to reform - and then abandon - pillory punishments emanated principally from respectable fears regarding unruly mob behaviour: a crowd more accurately characterized by its greater stability and generally unacknowledged proclivity for good order.

### *Collective action*

On the morning of 12 February 1780, painter and plasterer Theodosius Read summoned coachman William Smith off the cab rank in the Minories and hired a ride across Blackfriars Bridge, in order to conduct his daily business in Southwark. On his return journey Read then stopped off at the Magdalen Coffee House on the Surrey side of the river, where he called for Holland and water and asked the driver to join him. The two men then drank freely. One witness later claimed that over the course of their session four shillings and six pence worth of liquor was consumed, after which Smith fell into a deep, drunken slumber.<sup>2</sup> When the room emptied, Read then ‘unbuttoned the flap on [Smith’s] breeches and handled his yard which the people of the house looking through the windows perceiving, went in and took them up for sodomites for which they were carried before Justice Winter’.<sup>3</sup> The men were subsequently arraigned for attempted sodomy at the Surrey sessions, where on 24 February both were convicted and sentenced to six months imprisonment, in which time they were ordered to stand once in the pillory.

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<sup>2</sup> TNA, T 1/556/391.

<sup>3</sup> Ibid.



At ten o'clock on the 10 April, Smith and Read were brought out of the New Gaol in the Borough and hurried *incognito* by hackney-coach to the bail dock belonging to St. Margaret's Hill Sessions House. A huge and exceptionally turbulent crowd had assembled there, perhaps numbering twenty thousand people, many of whom collected 'dead dogs, cats &c, in great abundance'.<sup>4</sup> At eleven o'clock, the men were brought outside and placed within the pillory erected nearby. Within seconds both were violently attacked by the mob, which began throwing brickbats and vegetables in spite of attempts made by a 'very great number of constables' to preserve the peace.<sup>5</sup> What happened next is unclear. One account tells of how a stone struck William Smith squarely on the forehead, who then sank down 'and was to all appearance dead'.<sup>6</sup> Other newspapers described how Smith dropped to his knees and 'endeavoured to strangle himself' in an act of suicidal desperation, in order to escape the fury of the crowd erupting around him.<sup>7</sup> With his face turning black and blood running from his ears, Smith was taken from the pillory and laid across the boards. Appearing to be lifeless, his body was hurried back to the New Gaol where a local surgeon attempted to bleed him. Read was also quickly conveyed back to prison, 'so severely treated', reported the *Gazetteer*, 'that it is doubted whether he will recover'.<sup>8</sup> William Smith was pronounced dead by the prison surgeon shortly afterwards, killed by the hands of the refractory pillory mob.

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<sup>4</sup> *General Evening Post*, 8 to 11 April 1780.

<sup>5</sup> *Morning Chronicle and London Advertiser*, 11 April 1780; *Gazetteer and New Daily Advertiser*, 11 April 1780.

<sup>6</sup> *General Evening Post*, 8 to 11 April 1780.

<sup>7</sup> *Gazetteer and New Daily Advertiser*, 11 April 1780.

<sup>8</sup> *Ibid.*

The fate of William Smith in the pillory is now a familiar story to social historians, regularly employed in the ample historiography addressing eighteenth-century London life to illustrate the apparently rowdy temperament of Georgian crowds and contemporary popular prejudices. Considerations of the event quite rightly draw close attention to the man's death in order to illustrate the widespread intolerance of deviant sexual behaviour in the last quarter of the century, evidenced by the degree of brutality sometimes directed against men convicted of attempted sodomy. Jody Greene, Rictor Norton and Harry Cocks, for example, have all used the hostility directed against homosexuals over the period in order to highlight a moral panic of sorts, that by 1800 incorporated widely held fears of moral collapse through what was perceived to be a burgeoning epidemic of same-gender sexual deviancy.<sup>9</sup> Historian Arthur Gilbert goes one step further by suggesting that homosexuality, in destroying the moral and institutional norms of the day, was equated in the contemporary mind with the 'cataclysmic forces that had rocked France'.<sup>10</sup> Effeminacy and homosexuality in men, he argues, equated with 'rebellion of all kinds'.<sup>11</sup>

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<sup>9</sup> J. Greene, 'Public Secrets: Sodomy and the Pillory in the Eighteenth Century and Beyond', *The Eighteenth Century: Theory and Interpretation*, Vol. 44, Nos. 2/3 (2003), pp. 203-32; R. Norton, *Mother Clap's Molly House: The Gay Subculture in London 1700-1830* (London, 1992), pp. 130-2; H. G. Cocks, *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London, 2003), p. 122; P. Bartlett, 'Sodomites in the Pillory in Eighteenth-Century London', *Social and Legal Studies*, Vol. 6, No. 4 (1997), pp. 553-72; R. Trumbach, 'Sex, Gender and Sexual Identity in Early Modern Culture: Male Sodomy and Female Prostitution in Enlightenment London', *Journal of the History of Sexuality*, Vol. 2, No. 2 (1991), pp. 186-203; A. D. Harvey, 'Prosecutions for Sodomy In England at the Beginning of the Nineteenth Century', *Historical Journal*, Vol. 21, No.4 (1978), pp. 939-48; N. M. Goldsmith, *Worst of Crimes: Homosexuality and the Law in Eighteenth-Century London* (Aldershot, 1998). For a relevant provincial study see S. Poole, "'Bringing Great Shame upon this City": Sodomy, the Courts and the Civic Idiom in Eighteenth-Century Bristol', *Urban History*, Vol. 34, No. 1 (2007), pp. 114-26.

<sup>10</sup> A. N. Gilbert, 'Sexual Deviance and Disaster during the Napoleonic Wars', *Albion*, Vol. 9, No. 1 (1977), p. 111.

<sup>11</sup> *Ibid.*

But the decline of pillory punishments has also been used in a broader sense by social and legal historians seeking to illustrate the progressive evolution of the penal code.<sup>12</sup> For centuries, pillory punishments had attempted to both reprimand and humiliate the hapless criminal while simultaneously warning the public of the painful consequences of wrongdoing. John Beattie has justly described the pillory as representing the apotheosis of an older, more pernicious penal order that was reserved largely to impose specific doses of public social discipline.<sup>13</sup> Crimes of broken trust (perjury, fraud, and embezzlement, for example) or crimes offending against popular moral propriety (sexual deviance or bawdy housekeeping) were occasionally punished in this manner as an act of concerted, community based chastisement, that mobilized public sentiment in order to emphasize personal disgrace. Furthermore, by locating the pillory close to the seat of crimes committed, legal authorities sought to parochially contextualize every offence, and in the process permitted specific disapprobation of criminality by a local and involved populace, some of whom attended to revile the criminal with catcalls and a shower of rotten vegetables, dead animals and general street filth.

Modern scholars have suggested that the waning of pillory punishments thus denotes the influence of a powerful tide of progressive benevolent humanitarianism apparent in society by the late 1700s, responsible for the rejection of the potentially lethal consequences associated with ‘crowd power’. Randall McGowen, James Cockburn and James Sharpe, for example, have all written of the greater resort to corrective

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<sup>12</sup> See R. B. Shoemaker, ‘Streets of Shame? The Crowd and Public Punishments in London, 1700-1820’ in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004), pp. 232-57.

<sup>13</sup> J. M. Beattie, *Crime and the Courts in England 1660-1800* (Princeton, 1986), p. 614.

sentencing through incarceration and transportation that materialized under the auspices of a newly formed moral sensitivity, which in turn sounded the death knell for the pillory outright.<sup>14</sup> At the same time legal authorities suffered a crisis of confidence in the didactic impact of corporal pain, and its seeming inability to stem an irrepressible tide of criminality.<sup>15</sup> More recently, Robert Shoemaker has linked this adjustment in punishment strategy to what he believes were broad changes taking place in popular attitudes towards violence, and a belief that public shaming was an increasing irrelevance in a modern, progressive world.<sup>16</sup>

But the history of regulation and eventual abandonment of pillory punishments, like that of executions, also reflects the political elite's increasing mistrust of the apparently troublesome mob: a feature in the historical record that perhaps requires much greater emphasis. Pillory punishments, warned Edmund Burke in 1780, were 'liable to such violent perversion, as to be rendered not the instrument of reproach and shame, but of death and murder' if not properly executed, as had been so disastrously demonstrated in the case of William Smith.<sup>17</sup> Conversely, pillory punishments might be totally inverted. Joseph Cooper, for example, convicted by the Court of King's

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<sup>14</sup> R. McGowen, 'A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain', *Journal of British Studies*, Vol. 25, No. 3 (1986), p. 323; J. S. Cockburn, 'Punishment and Brutalization in the English Enlightenment', *Law and History Review*, Vol. 12, No.1 (1994), p. 171; J. A. Sharpe, 'Civility, Civilizing Processes, and the End of Public Punishment in England' in P. Burke, B. Harrison and P. Slack (eds.), *Civil Histories: Essays Presented to Sir Keith Thomas* (Oxford, 2000), pp. 226-7.

<sup>15</sup> For an overview of these concepts see R. P. Weiss, 'Humanitarianism, Labour Exploitation, or Social Control? A Critical Survey of Theory and Research on the Origin and Development of Prisons', *Social History*, Vol. 12, No. 3, pp. 331-50.

<sup>16</sup> R. B. Shoemaker, 'Public Spaces, Private Disputes? Fights and Insults on London's Streets, 1660-1800' in T. Hitchcock and H. Shore (eds.), *The Streets of London: From the Great Fire to the Great Stink* (London, 2003), pp. 54-68; also R. B. Shoemaker, 'Streets of Shame?', p. 253.

<sup>17</sup> E. Burke, *The Speeches of the Right Honourable Edmund Burke, in the House of Commons, and Westminster Hall* (London, 1816), Vol. 2, p. 158.

Bench in 1781 for printing a paragraph in the *London Courant* libelling the Russian Ambassador, was attended by a peaceable crowd when he was pilloried that year, to which Cooper pleaded forbearance:

I have committed no offence against my countrymen; and I flatter myself I shall meet with that candid treatment from them, which, much to their honour, distinguishes them upon every occasion.<sup>18</sup>

Several people chatted casually with Cooper during his allotted hour in the device, and three loud huzzas were issued when he was eventually removed unharmed.<sup>19</sup>

When Parliament debated the subject of pillory punishments in 1815, members could still recall tales of Dr John Shebbeare, pilloried for a libel in 1758, who stood unmolested in the contraption attended by a liveried servant, who dutifully held an umbrella over his head to protect him from the midday sun.<sup>20</sup>

It is particularly revealing that when reform of the pillory was finally mooted in Parliament in 1815 the crowd remained highly prominent in these debates. Michael Angelo Taylor, in moving to introduce his Pillory Abolition Bill in April that year, berated the crowd as a ‘tumultuous rabble’, and condemned a punishment he felt exposed culprits to ‘the fury of the populace’.<sup>21</sup> Other critics similarly highlighted the extremes of public behaviour that too readily deviated from the expected script. As Thomas Talfourd warned

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<sup>18</sup> *Gazetteer and New Daily Advertiser*, 26 to 28 July 1781.

<sup>19</sup> J. Cooper, *The Case of Joseph Cooper, of Drury Lane, Printer* (London, 1781).

<sup>20</sup> *Hansard's Parliamentary Debates* (1815), Vol. 30, col. 354. The attending sheriff at Shebbeare's pillorying was censured and fined £50 by the Attorney General for failing to exact popular punishment on the culprit: see J. Almon, *Biographical, Literary, and Political Anecdotes, of the Several Most Eminent Persons of the Present Age* (London, 1797), Vol. 1, p. 375; also M. J. Cardwell, ‘Shebbeare, John (1709–1788)’ in H. C. G. Matthew and B. Harrison (eds.), *Oxford Dictionary of National Biography*, (Oxford 2004), <http://www.oxforddnb.com/view/article/25282> (accessed 10 April 2007).

<sup>21</sup> *Hansard's Parliamentary Debates* (1815), Vol. 30, col. 354.

[the crowd] may sympathise, and cheer, and console; and render the place intended by the law for the infliction of eternal disgrace, the scene of a prouder and more heartfelt triumph, than the pageants which have been attended with trappings of the most dazzling magnificence.<sup>22</sup>

Increasing anxiety with the social ordering qualities of the pillory thus underpinned this critique, as evidenced in the mounting support for its abandonment after 1810.

The prosecution of Thomas, Lord Cochrane in 1814, represented the clearest sign yet of this political disquiet in operation. In February that year, Cochrane became entangled in a complex case of misinformation after sensational rumours of Napoleon's death were circulated: a deception that led to a dramatic run on government bonds, in which Cochrane was deeply implicated. Already a pariah for his radical leanings, Cochrane was later tried and convicted of fraud before a hostile Lord Ellenborough, for which he received a sentence of one year's imprisonment in the King's Bench prison, was fined £1,000 and ordered to stand once in the pillory outside the Royal Exchange. Cochrane was struck off the Admiralty list, ejected from Parliament, and removed from the Order of the Bath, his banner ceremoniously kicked down a flight of steps in Westminster Abbey.<sup>23</sup>

The severity of Cochrane's sentence at once provoked widespread hostility towards the government among the public and politicians alike. Reflecting in his memoirs, Sir Samuel Romilly judged the punishment as 'inordinately severe', and noted how a

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<sup>22</sup> T. Talfourd, 'Brief Observations on the Punishment of the Pillory', *The Pamphleteer: Respectfully Dedicated to both Houses of Parliament* (London, 1814), p. 542.

<sup>23</sup> A. Lambert, 'Cochrane, Thomas, tenth earl of Dundonald (1775–1860)' in *Oxford Dictionary of National Biography*, H. C. G. Matthew and B. Harrison (eds.) (Oxford, 2004), <http://www.oxforddnb.com/view/article/5757> (accessed 9 April 2007); D. S. Thomas, *Cochrane: Britannia's Last Sea-King* (London, 2<sup>nd</sup> Edition, 1980); D. Cordingly, *Cochrane the Dauntless: The Life and Times of Admiral Thomas Cochrane, 1775-1860* (London, 2007); R. Dale, *Napoleon is Dead: Lord Cochrane and the Great Stock Exchange Scandal* (Stroud, 2006); A. McCrae, *A Disclosure of the Hoax Practices Upon the Stock Exchange, Feb. 21 1814* (London, 1815).

furious - and dangerous - interest in Cochrane's case had been excited: a situation that 'would never have appeared if his sentence had been at all proportioned to the offence'.<sup>24</sup> In addressing the Commons in July 1814, Sir Francis Burdett likewise warned of the 'disgust...excited in the Public mind', while Cochrane himself observed how 'the Public in general have felt indignation at the sentence...[which] does honour to their hearts'.<sup>25</sup> Ellenborough's rigour subsequently backfired. Employed as a dual device to demonstrate the equity of the law and to shame a troublesome political maverick, Cochrane's sentence had singularly failed to acknowledge the strength of public opinion that still lauded his military service. In summing up the views of many, Lord Archibald Hamilton denounced the sentence as 'extremely harsh', and suggested that Cochrane's fall from grace was ignominy enough; a crisis in popular sentiment that finally compelled the Privy Council to renounce the pillory term entirely.<sup>26</sup>

The unpredictability of the crowd's behaviour raised in these debates highlights deeper contemporary concerns with the unsettling instabilities detected in the social hierarchy.<sup>27</sup> Sir Francis Burdett's warning to the government to 'look to the consequences' of Cochrane's punishment was ominous indeed: 'what these might have been, in the excited state of the public mind' speculated Cochrane, 'the reader may guess'.<sup>28</sup> The sentence had risked placing a peer of the realm directly at the

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<sup>24</sup> S. Romilly, *Memoirs of the Life of Sir Samuel Romilly* (London, 2<sup>nd</sup> edition, 1840), Vol. 3, p. 144.

<sup>25</sup> *Hansard's Parliamentary Debates* (1814), Vol. 28, cols. 62 and 544.

<sup>26</sup> *Ibid.*, col. 779.

<sup>27</sup> See V. A. C. Gatrell, 'Crime, Authority and the Policeman State' in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain 1750-1950* (Cambridge, 1990), esp. pp. 250-1.

<sup>28</sup> T. Cochrane, Tenth Earl of Dundonald, *The Autobiography of a Seaman* (London, 2<sup>nd</sup> edition, 1861), Vol. 2, p. 322.

mercy of the mob, where no guarantees of an effective or orderly outcome could be offered. Punishment in the pillory for London's social betters was at any rate already a fate 'worse than death': a sentence that always represented a total and utter personal downfall.<sup>29</sup> Once pilloried the well-to-do were rarely 'suffer[ed]... to return to respectability', and resulted inevitably in penury and societal ostracism; an outcome previously observed by Samuel Johnson when he quipped that men once pilloried were seldom asked to share a table with like-minded equals.<sup>30</sup>

Taylor's bill subsequently received scant opposition as it made its transit into law. Sir Samuel Romilly later recalled how the proposals were met with almost 'total silence' in the House of Commons, describing how 'no person rose to give any opposition to it, as no one opposed the bringing it in'.<sup>31</sup> Only Romilly himself felt duty bound to address the chamber, rising merely to indicate 'the unanimity with which the Bill was received'.<sup>32</sup> After duly lingering in the Lords until the end of the 1815 session, Taylor's Bill was returned to the Commons in February the following year, tempered by the Peers who sought to retain the punishment for proven cases of perjury.<sup>33</sup> The Bill otherwise passed into law with relative ease, receiving Royal Assent at the close of the parliamentary term in 1816.<sup>34</sup>

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<sup>29</sup> *Hansard's Parliamentary Debates* (1815), Vol. 30, col. 355.

<sup>30</sup> *Ibid.*; J. Boswell, *The Life of Samuel Johnson* (London, 1791), Vol. 2, p. 241.

<sup>31</sup> S. Romilly, *Memoirs*, Vol. 3, p. 166.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Hansard's Parliamentary Debates* (1816), Vol. 31, col. 1142.

<sup>34</sup> 56 Geo.III.138 (Act to Abolish the Punishment of the Pillory, Except in Certain Cases).



Historians who have described the decline of pillory punishments as presaged by attitudinal change thus appear fully justified.<sup>35</sup> Dissatisfaction with the device's social ordering functions, emergent notions of humanitarian respect for legal miscreants and a more general decay in the relevance of public shaming all conspired, it seems, to usher forth its demise. In this chapter, however, I wish to focus instead on the *continuities* in the application of this unique and intriguing penal sanction as it relates to the crowd's own perceptions of public punishments. In particular, the longevity of the older *cultural* values attached to the pillory will be considered, in relation to the durability of other legal penalties. What did the pillory truly mean to Londoners at the turn of the new century? How did the pillory crowd change over time, and what relevance did the device retain?

### **Crowd behaviour**

If we employ Peter Burke's definition of popular culture as 'a system of shared meetings, attitudes and values and the symbolic forms in which they are embodied', then certainly, pillory events seem to justly warrant the use of these terms.<sup>36</sup> The popularity of the spectacles is richly illustrated by the colourful descriptions of crowd reactions which appeared in the press each time the devices were nailed and bolted together in London's principal highways. Cases that offended core community values, particularly those involving children, sexual deviancy or the immoral behaviour of women, continued to elicit a strong set of popular responses whenever punished this way after 1800, and public reactions could sometimes be vicious in the extreme.

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<sup>35</sup> See R. B. Shoemaker, 'Streets of Shame?', pp. 242-7; J. A. Sharpe, 'Civility, Civilizing Processes, and the End of Public Punishment'; J. S. Cockburn, 'Punishment and Brutalization'; G. T. Smith, "'Civilized People Don't Want to See That Kind of Thing": The Decline of Public Physical Punishment in London, 1760-1840' in C. Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), pp. 31-7.

<sup>36</sup> P. Burke, *Popular Culture in Early Modern Europe* (London, 1978), p. xi.

When Joseph Spence stood in a pillory in Portugal Row in 1778, for attempted buggery on one John Forward, he was greeted by a large mob of some seven or eight thousand people who arrived pre-armed with eggs, apples and turnips.<sup>37</sup> ‘The crowd were so severe against him’ reported the *Morning Chronicle*, ‘that they pulled him out of the coach into which he got to be carried back to Newgate; the Sheriffs’ officers, at length, got him into a Bailiff’s house in Southampton-buildings, Holborn, for security’.<sup>38</sup> When Thomas Goodchild stood in the pillory at Old Palace Yard, Westminster, later that year - guilty of blackmailing a Member of Parliament by accusing him of sodomy - he was assailed by ‘rotten eggs, little apples and mud in abundance’ from all sides until he was eventually released, barely able to walk.<sup>39</sup> After similar treatment during a second appearance in the device at the bottom of Bond Street a year later, Goodchild subsequently lingered in ill health for six months thereafter, eventually dying in a parish workhouse from a fever, attributed by the Westminster coroner to his treatment by the mob.<sup>40</sup> When schoolmaster James Raleigh stood in a pillory set up in Hog Lane, St. Giles’s in February 1796, for the attempted rape of two eleven-year-old girls, he was, according to *The Times*, ‘so severely pelted...that he lies dangerously ill. If it had not been for the vigilance of the Officers, he certainly would have lost his life’.<sup>41</sup>

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<sup>37</sup> *Morning Chronicle and London Advertiser*, 27 February 1778.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Morning Post and Daily Advertiser*, 3 August 1778.

<sup>40</sup> *St James’s Chronicle*, 31 July 1779; Westminster Muniments, Coroner’s Inquests, Thomas Goodchild (25 January 1780). Goodchild had ‘complained of a Pain in his Bones ever since he stood in the Pillory in August last’. He was in fact due to undergo a third pillorying on midsummer’s day that year.

<sup>41</sup> *Times*, 16 February 1796.

Newspaper reports continued to record these physical and sometimes violent crowd responses well into the first decade of the nineteenth century, and as such complicate Robert Shoemaker's general notion of a decline in public interest in the pillory at this time.<sup>42</sup> Indeed, some descriptions of pillory crowds after 1800 are distinctly 'Tyburnesque' in tone. When 'an old wretch named Richards' stood in a pillory on Clerkenwell Green in October 1807, for example - punishment for an attempted rape on a young boy - he barely escaped with his life, even though 'care had been previously taken to remove all stones and dangerous missiles out of the reach of the populace'.<sup>43</sup> 'Such was the fury and indignation of the multitude', continued the report, 'that the wretched criminal sustained a merciless pelting' of mud, rotten eggs, turnips and cabbage stalks, and the windows of the Sheriffs' carriage were smashed as it carried him away.<sup>44</sup>

The extent to which crowds displayed violent collective action around the pillory generally correlated with the levels of scandal associated with each crime. On 8 July 1810, when constables of the Bow Street patrol raided the White Swan public house in Vere Street, they surprised several men attired in women's clothing standing in a makeshift 'chapel', engaging in same-sex *faux* marriage ceremonies, details of which soon seeped into the public domain. Here constables had uncovered several men wearing women's finery, made-up with rouge and face paints, among them 'Miss Sweet Lips', otherwise a burly country Grocer, Kitty Fisher, a deaf tyre smith, and

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<sup>42</sup> R. B. Shoemaker, 'Streets of Shame?', p. 247.

<sup>43</sup> *Times*, 9 October 1807.

<sup>44</sup> *Ibid.*

Lucy Cooper, described as ‘an Herculean coal-heaver’.<sup>45</sup> Eight men were subsequently tried at the Middlesex sessions in Clerkenwell that September, six of whom were found guilty of attempted sodomy, each man ordered to stand once in a pillory set up in the Haymarket.

On the morning of their subsequent punishment a vast, turbulent crowd gathered at daybreak along the processional route. Many streets were described as totally impassable, with most windows left barred and shuttered. When the gates to the Old Bailey Yard were thrown open at half past twelve, the crowd immediately rushed in, and were only kept back by the staves of nearly one hundred Sheriffs’ officers, constables and marshalsmen.<sup>46</sup> The cavalcade emerged from the gaol to be greeted by a huge mob waiting in eager anticipation, as others watched from the surrounding rooftops. The *Morning Herald* described how

the first salute received by the offenders was a volley of mud, and a serenade of hisses, hooting, and execration which compelled them to fall flat on their faces in the caravan. The mob, and particularly the women, had piled up balls of mud to afford the objects of their indignation a warm reception.<sup>47</sup>

No respite was afforded the prisoners as proceedings progressed. As the procession fought its way down Fleet Street, the Strand, Charing Cross and into the Haymarket the prisoners were assailed by a raucous crowd estimated to have been nearly forty thousand strong. At one o’clock, four of the men were placed in the specially constructed device. As the constables fought to keep the mob back, the crowd unleashed a volley of brickbats and filth. Once the four had undergone the full hour of

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<sup>45</sup> R. Holloway, *The Phoenix of Sodom: or the Vere Street Coterie* (London, 1811), pp. 12-4.

<sup>46</sup> *Morning Herald*, 28 September 1810.

<sup>47</sup> *Ibid.*

their sentence, William Amos and James Cook, two of the coterie ringleaders, then took their places in the contraption, once more assailed by the increasingly hostile multitude. Cook immediately received several direct hits to the head and ‘had a lump raised upon his eye-brow as large as an egg’, while Amos’s eyes were almost completely closed by his bruises.<sup>48</sup> The men were finally taken out of the pillory in a near senseless state, ‘so disfigured and completely covered with every kind of filth’, according to the *Morning Post*, ‘that the monsters appeared, what in fact we must suppose them to be, not of the ordinary species of the human race’.<sup>49</sup> Both men were taken back to Newgate lying on the floor of the awaiting cart, sheltering from the ordure that rained down on them. Pillory culture, it seems, was alive and well.

This detail serves to illustrate how the pillory sometimes provoked violent public excitement well into the new century. Indeed, we witness here some of the older, more fundamental problems bound up in applying the device to sexual deviancy. Though publicity remained integral to the success of the ritual, the brutality it sometimes goaded could be exceptionally troublesome, and for some observers pillory punishments too easily exceeded what the law decreed. In commenting on the death of William Smith in 1780, for example, Edmund Burke initially acknowledged the benefits of the pillory as a corrective for homosexual tendencies; crimes abhorred by Burke himself which he believed ‘tended to vitiate the morals of the whole community’.<sup>50</sup> Yet in honouring the convention of exposing homosexuality publicly, an excessively aggressive popular response was sometimes rendered. In such cases

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<sup>48</sup> *Morning Herald*, 28 September 1810.

<sup>49</sup> *Morning Post*, 28 September 1810.

<sup>50</sup> E. Burke, *The Speeches of the Right Honourable Edmund Burke, in the House of Commons, and Westminster Hall* (London, 1816), Vol. 2, p. 158.

the putative moral didacticism woven into the ritual was supplanted by an unrestrained popular brutality, resulting in a ‘violent perversion’ of what the law decreed.<sup>51</sup>

Despite such qualms, however, for others in late eighteenth-century society the pillory retained a pointed moral relevance, for which the disturbances it sometimes precipitated were rarely of much concern. As Antony Simpson’s detailed analysis of earlier pillory punishments has shown, many observers were content enough to accept the occasional social turbulence witnessed around the device as a compromise for the benefits of a unified popular sentiment.<sup>52</sup> Homosexuality and child abuse in particular drew the most energetic of these spectator reactions, particularly among a crowd’s female constituency. Indeed, as Bernard Capp has noted of female conduct at seventeenth-century shaming rituals, pillory days could be highly gendered and physical experiences.<sup>53</sup> In 1786, for example, a Chelsea pensioner (‘well known in Westminster by the Nick-Name *Cartouch-Box*’) appeared in a pillory set up at Charing Cross for his recent attempted rape of an eight-year-old girl.<sup>54</sup> Here, the mother of the child agitated hostility in the gathering crowd by relating ‘her story to the bye-standers in such a manner as considerably aggravated his guilt’, an action that at once prompted a sustained volley of mud and apples from the surrounding group of

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<sup>51</sup> Ibid.

<sup>52</sup> A. E. Simpson, ‘Spectacular Punishment and the Orchestration of Hate: The Pillory and Popular Morality in Eighteenth-Century England’ in R. J. Kelly and J. Maghan (eds.), *Hate Crime: The Global Politics of Polarization* (Carbondale, IL., 1998), pp. 202-3. Simpson suggests that crowd violence was in fact sometimes ‘valued’ by authorities.

<sup>53</sup> B. S. Capp, ‘Separate Domains? Women and Authority in Early Modern England’ in P. Griffiths, A. Fox and S. Hindle (eds.), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), p. 120.

<sup>54</sup> *General Advertiser*, 22 September 1786.

women.<sup>55</sup> So violent was the attack that the Sheriffs' officers were forced to intervene, arresting one of the (male) 'pelterers' in the process: a crowd disturbance later condemned by the *General Advertiser*, which argued that no culprit 'ought to suffer beyond the meaning of the law'.<sup>56</sup> When sodomites Richard Biggs and John Bacon were pilloried near Berkeley Square in 1790, a party of women stormed the official cordon protecting the men, many of whom were apparently 'ready to destroy' the culprits.<sup>57</sup>

As Andrew Harris notes, before 1800 official protection of miscreants at the pillory was relatively rare. London's civic officials seldom took an active role in policing pillory crowd activity before this date and most pillory events were usually attended by a handful of javelin men and constables only.<sup>58</sup> By the turn of the century, however, a more regular level of policing was normal: a symptom, perhaps, of the rising anxieties with crowds in general, as noted in relation to executions after 1780.<sup>59</sup> Constables thereafter regularly formed cordons around the pillory in order to protect those punished, though it appears that the crowd's part in the spectacle was never diminished by this arrangement.<sup>60</sup> Indeed, attending officials were sometimes complicit in the crowd's activities. During the pillorying of the Vere Street Coterie in

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., 16 September 1790.

<sup>58</sup> A. T. Harris, 'Policing and Public Order in the City of London, 1784-1815', *London Journal*, Vol. 8, No. 2 (2003), p. 7.

<sup>59</sup> R. B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2004), pp. 104-6.

<sup>60</sup> Francis Place described how 'constables, who on these occasions are a numerous body, form a ring around the Pillory, to keep the mob at a distance, and a considerable space is therefore left vacant between the cordon they form and the pillory': BL, Add. MS 27826, f. 174.

1810, for example, fifty women were permitted to stand within the inner cordon formed by attending constables, armed with ‘a number of buckets filled with blood, large baskets containing wet cow-dung, entrails of animals, filth and garbage of all descriptions, [which] were brought from St. James’s market, to aid in the *substantial* expressions of public abhorrence against the wretches’.<sup>61</sup> By intentionally assigning women an immediate place within these often highly gendered, retributive spectacles, sexual convention, it was hoped, might be re-affirmed: a strategy designed to usefully exploit public hostility, but which, as we have seen, always carried with it very real risks to public order.<sup>62</sup>

### ***Geographies of pain***

Such lurid narratives might tempt the reader at this point to view pillory crowd behaviour as mirroring that of a turbulent Tyburn ‘fair’; a picture of unruly popular conduct akin to Peter Linebaugh’s depiction of early eighteenth-century executions, as berated in a deluge of negative contemporary pamphlets.<sup>63</sup> Like the motley gatherings witnessed below the gallows, Francis Place (in recalling his own experiences of the pillory) denigrated the punishment scene as an unmitigated urban riot, attended by ‘the lowest vagabonds, men and women, girls and boys, that St Giles and Tothill Fields could furnish’.<sup>64</sup> Thus, in considering the behaviour of pillory spectators, Peter Bartlett characterizes the punishment of homosexuals as essentially

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<sup>61</sup> *General Evening Post*, 27 to 29 September 1810.

<sup>62</sup> I. A. Bell, *Literature and Crime in Augustan England* (London, 1991), p. 172. For plebeian attitudes to sexual morality see A. Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (Berkeley, Ca., 1995), chp. 4.

<sup>63</sup> P. Linebaugh, P., ‘The Tyburn Riot Against the Surgeons’ in D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow, *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 65-117.

<sup>64</sup> BL, Add. MS 27826, f. 173.



aggressive events where physical attack was commonplace, and accepts the view that they were always ostensibly unstable affairs.<sup>65</sup>

Beyond attempted sodomy, however, an array of other offences were still punished by the pillory during the last quarter of the eighteenth century, that continued to appeal to an older punitive convention founded in community shame, and which consequently provoked a whole range of public responses. When Mary Stewart stood trial in 1792 for keeping three disorderly houses in the neighbourhood of Drury Lane, she was confronted in the dock by ‘a great number of inhabitants...as well as several watchmen’, who complained bitterly of the premises which housed the ‘lowest and most abandoned prostitutes’.<sup>66</sup> The court heard how the ‘most shameful indecencies were exhibited by the women lodging there at their doors and windows all day long’, which caused a ‘general nuisance and terror to the neighbourhood’.<sup>67</sup> Stewart was sentenced to twelve months imprisonment, and at first it was intended for her to be pilloried near the houses in question. This part of the sentence was later dropped, however, ‘on account of the infamy of her character’, the court being apprehensive that ‘her life would have been in danger from the resentment of the populace’.<sup>68</sup>

Similarly, at the Westminster Quarter Sessions in October 1791, Thomas Atkins and his wife Sarah were tried for keeping an ill-governed and disorderly house in Edmund’s Court, Princes Street.<sup>69</sup> Evidence put to the court detailed how ‘the neighbours used to be often disturbed in the middle of the night by the shrieks of

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<sup>65</sup> P. Bartlett, ‘Sodomites in the Pillory’, p. 566.

<sup>66</sup> TNA, HO 47/17/88, 3 July 1793.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Times*, 21 October 1791.

murder', with visitors accosted and robbed by prostitutes loitering in the area.<sup>70</sup> In summing up the case, the Chairman of the court railed against Sarah's scandalous conduct and its detrimental effect on public morals in the immediate neighbourhood. Thomas Atkins was imprisoned for a month and his wife handed a two month sentence, in which time she was ordered to stand in the pillory at the end of Whitcomb Street.<sup>71</sup>

This formal local revenge tacitly sanctioned by the courts is revealed in other cases across the period when the harmony of local neighbourhoods was jeopardized. On Thursday 23 July 1776, when a woman stood in a pillory on the south side of Westminster Bridge near Britannia Row in Lambeth for keeping a disorderly house nearby, she was 'severely handled' by the local populace on account of a rumour that she had prostituted her own daughter on the premises.<sup>72</sup> Such cases periodically punctuated the calendar of punishment year after year and appear to have survived until relatively late: a revealing continuity in the history of the urban crowd when we consider how pilloried culprits were overwhelmingly male after 1780.<sup>73</sup> In January 1793, for example, Elizabeth Harrison was indicted by the parish officers of St.

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<sup>70</sup> Ibid.

<sup>71</sup> Such prosecutions were brought by parishes under public order legislation: see A. E. Simpson, 'The Ordeal of St. Sepulchre's: A Campaign Against Organized Prostitution in Early Nineteenth-Century London and the Emergence of Lower Middle-Class Consciousness', *Social and Legal Studies*, Vol. 15, No. 3 (2006), p. 366.

<sup>72</sup> *Morning Post and Daily Advertiser*, 25 July 1776.

<sup>73</sup> Pillorying of female bawds was a significant exception to this gender aspect after 1780. On Wednesday 2 July 1783, for example, Elizabeth Barclay (previously convicted at the Middlesex Sessions for stripping and abusing children) stood once more in a pillory set up in Oxford Street, a sentence that had been ordered to be repeated 'everyday there is an execution for twelve months'. Remarkably, she was pilloried in Oxford Street on no less than four occasions between October 1782 and July 1783 as the execution crowds passed by, thus achieving an additional publicity for her punishment: *Morning Chronicle and London Advertiser*, 4 July 1783; TNA, T 64/262, Sheriffs' Cravings, Middlesex Sessions, 1783-1784.

Martin-in-the-Fields for keeping a disorderly house in Hedge Lane and sentenced to stand once in the pillory near Leicester Fields, while in 1811 Anne Waters was sentenced at the September Middlesex sessions to stand for one hour in a pillory erected in St. Martin's-le-Grand, also for keeping a disorderly house there.<sup>74</sup> As late as 1814 Joseph Nash and Elizabeth Wood were sentenced by the Middlesex magistrates to stand in a pillory set up in the Commercial Road, Whitechapel, presumably for a similar offence, though from the record their own particular crimes remain unclear.<sup>75</sup>

Pillory punishments at the turn of the century thus still acquiesced to the force of popular opinion by permitting a degree of community justice among offended local inhabitants, and in so doing represented a direct line of continuity in older judicial traditions.<sup>76</sup> Although sometimes teetering on the edge of disorder, a form of public comeuppance was extended to a range of nefarious activities considered overtly offensive to community values, even beyond sexual offences. In 1786, for example, Thomas Pearce, a hatter from St John's Street, was pilloried in Smithfield for setting fire to his own house in order to defraud the Phoenix Insurance office. Pearce arrived at the device dressed in a sailor's outfit in an attempt to disguise himself from his neighbours, such was his unpopularity.<sup>77</sup> Similarly, in 1799 William Proberts was

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<sup>74</sup> *Times*, 5 January 1793 and 19 September 1811.

<sup>75</sup> LMA, MJ/SB/B/0655, Middlesex Sessions of the Peace, Minute Books. For attitudes to female sexual impropriety see T. Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830* (London, 1999), chp. 7.

<sup>76</sup> This exertion of moral 'crowd power' has been linked to the decline of the ecclesiastical courts at the end of the seventeenth century: see T. Meldrum, 'Defamation at the Bishop of London's Consistory Court, 1700-1745', *London Journal*, Vol. 19, No. 1 (1994), pp. 1-20; R. B. Shoemaker, 'The London "Mob" in the Early Eighteenth Century', *Journal of British Studies*, Vol. 26, No. 3 (1987), p. 278; A. E. Simpson, 'Spectacular Punishment and the Orchestration of Hate', pp. 192-3.

<sup>77</sup> *Morning Chronicle and London Advertiser*, 23 September 1786.

sentenced by the Court of King's Bench to be pilloried once for setting fire to his property (dying in Newgate shortly afterwards), whilst in July 1810 Aaron Alexander was sentenced at the Middlesex sessions to stand in a pillory set up in Southampton Street, for burning down his house as part of a similar fraud: an event that had enraged the local populace by threatening their homes with fire.<sup>78</sup>

Commercial malfeasance, too, sometimes carried with it pillory punishments when local business conventions were threatened. In 1793, Thomas Sanders and Henry Fife stood in the pillory at Smithfield after selling unsound horses in the market and attempting to defraud would-be customers.<sup>79</sup> As late as 1811, John Smith, a farmer by trade, was sentenced to stand in the pillory, again at Smithfield market, for blackmailing a local coal factor after discovering short measures whilst pretending to be a market inspector. Unusually, the Old Bailey judges sentenced Smith to spend fully two hours in the pillory, an event which took place on a busy market day in March.<sup>80</sup> Smith's punishment gathered a substantial crowd that remained generally tractable, though the costs claimed by the Sheriffs suggest that a much larger police presence than usual was required in order to prevent any mistreatment.<sup>81</sup>

Metropolitan crowds clearly continued to engage directly with the spectacles with enthusiasm beyond 1800 (sometimes to a remarkably physical degree), testifying to the accepted propriety of imposing judicially sanctioned public shame for a variety of

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<sup>78</sup> TNA, HO 26/7, f. 90; LMA, MJ/SB/B/0606, Middlesex Sessions of the Peace, Minute Books; *Morning Chronicle and London Advertiser*, 27 July 1810.

<sup>79</sup> OBP, 29 May 1793, Thomas Sanders and Henry Fife (t17930529-100); *Times*, 3 October 1793.

<sup>80</sup> OBP, 2 February 1811, John Smith (t18110220-104); *Star*, 9 March 1811.

<sup>81</sup> LMA, T 90/169, Sheriffs' Cravings, Middlesex Sessions, February 1811. (£10 was claimed by the sheriffs for administering to the punishment, compared to the usual cost of £6).

misdeeds: an observation that calls into question recent claims that the pillory suffered a dramatic decline in popular support at this time.<sup>82</sup> Indeed, one might plausibly describe here the pillory as a vestige of an older Thompsonian moral economy, in which the customary rights of urban plebeian society were defiantly upheld.<sup>83</sup> The *localized*, geographically specific notoriety of malefactors ensured that a large and interested crowd was always drawn to the site of pillory punishments, constituting a distinctive pattern of parochial crowd formation in its own right. In this sense, elements of the urban shaming charivari remained conspicuously evident well into the new century, when elsewhere they were slipping into terminal decline.<sup>84</sup>

### *Charing Cross*

A challenge to historical assumptions regarding the pillory's declining dramaturgy can also be demonstrated in punishments at Charing Cross: events that underwent something of resurgence in the 1790s. These much larger occasions were generally centred on what the legal powers considered were more politically destabilizing crimes, incorporating sedition, libels and perjury, as well as frauds committed against the government. Such offences, by their very nature, demanded a wider and more accessible public punishment technique.<sup>85</sup> The pillory at Charing Cross formed the nexus of these more elaborate events, at the symbolic heart of the rapidly expanding city. As John Barrell illustrates, commerce, government, the military and the court all

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<sup>82</sup> R. B. Shoemaker, 'Streets of Shame?'

<sup>83</sup> E. P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past and Present*, Vol. 50, No. 1 (1971), pp. 76-136.

<sup>84</sup> M. Ingram, 'Ridings, Rough Music and the "Reform of Popular Culture" in Early Modern England', *Past and Present*, No. 105 (1984), pp. 79-113.

<sup>85</sup> For the functionality of corporal punishments' publicity see S. D. Amussen, 'Punishment, Discipline and Power: The Social Meanings of Violence', *Journal of British Studies*, Vol. 34, No. 1 (1995), p. 10.

conducted business in the vicinity, in a dynamic amalgam of civic activity: the epicentre of a great mercantile city from which power ‘radiated from the metropolis throughout the nation and the empire’.<sup>86</sup> Here, one could observe the variety of entertainments and spectacles on offer within the taverns and inns of the neighbourhood: ‘The Amazing Man of Stupendous Size’, ‘the famous Norfolk Dwarf’, waxworks displays or collections of exotic animals.<sup>87</sup> Charing Cross sat at the confluence of a bustling, modern metropolis, where the City and the ‘new’ London of the expanding West End met, coaches departed for the provinces, and coffee houses abounded.

Probably located outside numbers 53 to 56 Charing Cross (as detected from Thomas Rowlandson’s perspective), the pillory there always drew formidable audiences whenever notorious crimes were punished.<sup>88</sup> Local resident Francis Place recalled how most of the spectators at Charing Cross travelled there from nearby slums, many to enjoy the rich selection of missiles created by the commercial traffic in the area:

Near the pillory were two stands for Hackney coaches, under these there was a quantity of hay, dung and urine trampled into the mud in

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<sup>86</sup> J. Barrell, *The Spirit of Despotism: Invasions of Privacy in the 1790s* (Oxford, 2006), p. 34; also J. H. MacMichael, *The Story of Charing Cross and its Immediate Neighbourhood* (London, 1906). The best contemporary description of Charing Cross is that of local resident Francis Place. In 1827 he described (amongst other things) ‘market people with baskets of fruit and flowers on their heads, or on their donkeys, or in their small carts, numbers of others with vegetables, Newsmen and boys running about to sell their papers to the Coach Passengers at least a dozen of which leave the Golden Cross or pass it about 7 o’clock’: BL, Add. MS 27828, ff. 7-9; see also V. A. C. Gatrell, *City of Laughter: Sex and Satire in Eighteenth-Century London* (London, 2006), pp. 28-9 and 34-5 which quotes these descriptions extensively.

<sup>87</sup> For examples see BL, D. Lysons, *Collectanea, Past times and Popular Diversions*, Vols. 1 to 4, various folios (BL shelfmark Mic. C. 20452), which gives a fascinating insight into some of these attractions.

<sup>88</sup> T. Rowlandson and A. C. Pugin, *Charing Cross Pillory*, reproduced in W. H. Pyne and W. Combe, *The Microcosm of London* (London, 1808); see also G. H. Gater and W. H. Godfrey (eds.), *Survey of London: Charing Cross (The Parish of St Martin in the Fields, Part 1)*, (London, 1935), Vol. 16, pp. 118-9.

the kennels and this handed to the women to pelt the men in the pillory.<sup>89</sup>

In the twenty year period between 1785 and 1805, Charing Cross appears as the locus of punishment in roughly a third of the sixty or so separate pillory events as reported by *The Times*.<sup>90</sup> If we factor into this figure those pillory punishments that occurred only yards away outside the Admiralty buildings or in New Palace Yard, we see how the punishment of political crimes or frauds against the government were condensed into this specific, and very public, locality. On 16 December 1801, when John West, purser to the Royal Naval vessel *Syrius*, was pilloried outside the Admiralty for falsifying returns of supplies to the navy board, he was attended by a large yet relatively compliant audience, said to have numbered several thousand people.<sup>91</sup>

Frauds against government supply offices were also punished further along the Strand outside the navy victualling office at Somerset House. Two brother coopers John and Michael Hedges were pilloried at this location on 2 March 1804, for falsifying financial claims relating to work carried out in the royal dockyards.<sup>92</sup> The men in this case were leniently treated by the huge crowd which gathered to watch the luckless pair, and the two convicts arrived ‘snugly wrapped up in great coats, with travelling caps on’ for fear of catching colds.<sup>93</sup>

Recourse to the pillory for punishing fraudsters and appropriators of government supplies underwent something of a revival between 1790 and 1810, and as such

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<sup>89</sup> BL, Add. MS 27826, f. 124.

<sup>90</sup> *Times* 1 January 1785 to 31 December 1815.

<sup>91</sup> *Morning Chronicle*, 17 December 1801.

<sup>92</sup> *Ibid.*, 3 March 1804.

<sup>93</sup> *Ibid.*

complicates a teleological narrative of penal change (particularly in the Foucauldian tradition) that has described an increasing resort to privatized secondary punishments and a retreat from physical violence.<sup>94</sup> Such crimes resulted in a minor crisis in the late eighteenth century, prompting the creation of the highly successful Thames Police office at Wapping and the construction of secure wet-dock facilities on the Isle of Dogs.<sup>95</sup> Fraudsters punished in the pillory broadcast to the populace the government's unwillingness to tolerate crimes considered damaging to the effective administration of state business, and as such the device remained popular among justices throughout the duration of the French wars: a retrograde strategy of punishment also evidenced in the return of public whipping outside commercial properties along the Thames-side.

Typically in such cases more culpable offenders were selected to emphasize their ignominy.<sup>96</sup> In 1802 Captain Robert Hewitt stood in the pillory outside the Admiralty for his part in falsifying returns for provisions purchased for the gun brig *Hardy*.<sup>97</sup> In swearing an affidavit to his defence, Hewitt stated how appropriation of stores was widespread at that time, and one report later applauded the use of the pillory in such cases as a means 'to stem the torrent' of commercial arrogation.<sup>98</sup> In 1813, one Henry Gawler was punished outside the Admiralty for falsely obtaining pensions for seamen

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<sup>94</sup> See D. Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford, 1990), p. 157; R. McGowen, 'Punishing Violence, Sentencing Crime' in N. Armstrong and L. Tennenhouse (eds.), *The Violence of Representation: Literature and the History of Violence* (London, 1989), p. 145.

<sup>95</sup> P. D'Sena, 'Perquisites and Casual Labour on the London Wharveside in the Eighteenth Century', *London Journal*, Vol. 14 (1989), pp. 130-47; P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), chp. 11.

<sup>96</sup> This propensity for pillorying senior fraudsters seems to confirm William Paley's assertion that the device was most effectual in punishing 'offences of higher life' including 'frauds and peculation of office': W. Paley, *The Principles of Moral and Political Philosophy* (London, 1785), p. 548.

<sup>97</sup> *Times*, 19, 29 June and 7 July 1802.

<sup>98</sup> *Ibid.*, 19 June 1802.



by issuing counterfeit certificates of service, whilst in September 1815 Thomas Burroughs, purser to the Royal Naval frigate *Rhin*, stood in the pillory on the same spot for fabricating a robbery on the ship's stores: events that attracted large, but otherwise obedient audiences.<sup>99</sup>

Interestingly, 'commercial' crimes committed against the government and punished by stints in the pillory rarely generated widespread public disturbances, though continued to draw substantial yet generally placid crowds out of natural curiosity; a response that Antony Simpson also noted of the punishment earlier in the eighteenth century.<sup>100</sup> These more or less passive responses might well be seen as a sign of popular resistance in relation to perpetrators of so-called victimless 'social crimes', and supports the work of Peter Linebaugh, John Rule and other historians that shows how workers continued to determinedly defend their customary rights to work place perquisites.<sup>101</sup>

Charing Cross could, however, be the scene of more troubling disturbances from time to time, most notably when political criminals were punished there. When the radical attorney John Frost was sentenced to undergo his punishment there in December 1793, events proved chaotic. Frost was convicted of sedition through a combination of

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<sup>99</sup> *Times*, 16 February 1813; *Morning Chronicle*, 16 February 1813; *Times*, 28 April 1815; *Star*, 12 September 1815.

<sup>100</sup> A. E. Simpson, 'Spectacular Punishment and the Orchestration of Hate', p. 198.

<sup>101</sup> P. Linebaugh, *The London Hanged*, chp. 11; for 'social crimes' see A. McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London, 2007), pp. 231-2; B. Godfrey and P. Lawrence, *Crime and Justice 1750-1950* (Cullompton, 2005), chp. 9; E. J. Hobsbawm, 'Social Criminality: Distinctions Between Socio-Political and Other Forms of Crime', *Society for the Study of Labour History Bulletin*, No. 25 (1972), pp. 5-6; J. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, Vol. 1 (1979), pp. 35-53; J. Lea, 'Social Crime Revisited', *Theoretical Criminality*, Vol. 3, No. 3 (1999), pp. 307-25.

personal indiscretion and political provocation, victim of his own inebriated indiscretion by blustering how he stood ‘for liberty and equality and no King’.<sup>102</sup> Struck off from the roll of attorneys, Frost was sentenced to six months imprisonment, at the end of which time he was ordered to stand once in the pillory.

The corporal part of Frost’s punishment was eagerly anticipated by the London populace as the end of his prison sentence approached. On 18 December, when his gaol term expired, the pillory was erected at Charing Cross and a glut of handbills passed through the capital publicizing his pending appearance.<sup>103</sup> On this occasion, however, the crowd were denied the spectacle. Dispatches were sent to Charing Cross from Newgate informing the crowd of Frost’s reprieve, the Sheriffs having concluded that Frost being ‘so much affected by debility and disease...his being in the pillory...would be attended with considerable danger to his life’.<sup>104</sup> Frost was formally discharged and released to greet the jubilant mob, which dragged his carriage around large areas of the capital to the shouts and cheers of several thousand supporters. The cavalcade passed on its way Holborn, Piccadilly, St. James’s Palace and Carlton House, returning later to Spring Gardens close to where the pillory stood idle.<sup>105</sup>

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<sup>102</sup> A. V. Beedell and A. D. Harvey (eds.), *The Prison Diary (16 May-22 November 1794) of John Horne Tooke* (Leeds, 1995), p. 89.

<sup>103</sup> For an example see BL Broadside (shelfmark 648.c.26(29)), *THIS day at TWELVE o’Clock, JOHN FROST is to STAND on the PILLORY at CHARING CROSS, for Supporting the RIGHTSs of the PEOPLE!!!* (London, 1793).

<sup>104</sup> *Morning Chronicle*, 20 December 1793. According to Dr David Pitcairn, Frost was unfit to undergo the punishment owing to the development of ‘an abscess in the area of the perineum’: TNA, HO 42/27/168, ff. 596-7.

<sup>105</sup> *Morning Chronicle*, 20 December 1793.

The metropolitan justices thereafter abandoned the use of the device for countering sedition (and suspended Charing Cross as the site of punishment for a while following disturbances in the area) thereby sidestepping the dangerous rabble-rousing that the pillorying of radicals sometimes provoked: a move that proved prescient.<sup>106</sup> When the pillory was experimentally reinstated for sedition in 1812, when Daniel Isaac Eaton was punished outside Newgate for publishing the proscribed third section of Paine's *Age of Reason*, he was greeted by a large and cheering audience. William Cobbett delighted in recalling Eaton's triumphant hour in the pillory as the Sheriffs' men looked on in bewilderment:

An immense crowd of people cheered him during the whole hour: some held out biscuits...others held him out glasses of wine, and other little flags of triumph and bunches of flowers.<sup>107</sup>

The crowd on this occasion appeared inured to Eaton's predicament, and appropriated the event as a midday holiday of their own making. 'From his ascending the scaffold' reported the *General Evening Post*, 'to the termination of his punishment, he was loudly cheered and applauded by the mob; who, after he had been taken down from the platform, introduced two game-cocks on it, with whose crowing and fighting the populace appeared delighted'.<sup>108</sup>

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<sup>106</sup> *The Times* reported only one pillory event at Charing Cross in 1795 and none in 1796. Charing Cross was the scene of severe rioting and disturbances during the 'Crimp House' riots of 1794, and the King's coach was stoned in nearby St. James's park the following year. John Barrell also describes how Charing Cross was the 'focus of anxiety about the maintenance of public order' for the government during the 1790s, in relation to the activities of the London Corresponding Society: see J. Barrell, *The Spirit of Despotism*, pp. 44-57. For the riots see J. Stevenson, 'The London 'Crimp' Riots of 1794', *International Review of Social History*, Vol. 16 (1971), pp. 40-58; for the LCS see M. T. Davis, I. McCalman and C. Parolin (eds.), *Newgate in Revolution: An Anthology of Radical Prison Literature in the Age of Revolution* (London, 2005), p. 147; also Anon, *Truth and Reason! Or a Narrative of the Royal Procession to the House of Peers, October the 29<sup>th</sup>, 1795* (London, 1795).

<sup>107</sup> *Cobbett's Political Register*, 27 January 1820. For Eaton see M. T. Davis, "'Good for the Public Example": Daniel Isaac Eaton, Prosecution, Punishment and Recognition, 1793-1812' in M. T. Davis (ed.), *Radicalism and Revolution in Britain, 1775-1848: Essays in Honour of Malcolm I. Thomis* (Basingstoke, 2000), pp. 110-32.

<sup>108</sup> *General Evening Post*, 26 to 28 May 1812.

### *Public disorder*

Certainly, pillory events in the late eighteenth and early nineteenth centuries could still possibly result in mayhem, and continued to serve occasional reminders to London authorities that crowd formation had the potential to create considerable trouble. When Joshua Vigurs was pilloried outside the Bank for attempted sodomy in 1810 he was pelted so severely by the mob that he possessed not the 'slightest resemblance to the shape of a human being' among riotous scenes in which one man was killed and several others injured.<sup>109</sup> Vigurs was hurried back along Cheapside pursued by a baying crowd that then attempted to pull him from the carriage, and the Royal Exchange was forced to suspend its business such was the extent of the disorder.<sup>110</sup> Appeals for clemency to both magistrates and the Secretary of State also spoke of a popular understanding of these dangers. Bridget Jackson, for example, in appealing directly to the Middlesex Justices of the Peace against a pillory sentence in June 1778, expressed alarm at the danger it posed to her unborn child, stating how she had 'no friends to take my part, for want of money' and that 'I am with child, it may be the death of my inosent (*sic*) as well as myself'.<sup>111</sup> Charles Oxtoby, sentenced at the Clerkenwell Sessions to both a public whipping and a term in the pillory for an attempted child rape, deposed how the sentence had thrown him 'into the greatest distress of mind', being in 'very indifferent health' and severely lame.<sup>112</sup> '[The]

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<sup>109</sup> A balustrade on the Mansion House courtyard gave way, throwing several people to the ground, killing one and injuring several others: *General Evening Post*, 25 to 27 September 1810. (No coroner's inquest has been located to corroborate the report).

<sup>110</sup> *Ibid.*

<sup>111</sup> LMA, MJ/SP/1778/06/06, Middlesex Sessional Papers, 6 June 1778.

<sup>112</sup> LMA, MJ/SP/1781/07/022, Middlesex Sessional Papers, 27 June 1781.

sentence of standing in the pillory will prove fatal', claimed Oxtoby, who had spent the previous six years in decrepitude at a local workhouse; an appeal which eventually proved successful.<sup>113</sup>

As noted, the government remained mindful of the extreme consequences attendant on the spectacles and sometimes intervened in the sentencing process whenever it was judged prudent. In 1788, Humphrey Tristram Potter, a deeply unpopular former attorney regularly seen passing through the London courts for debt, had his pillory sentence for libel successfully revoked by the Secretary of State on appeal, after stating that his health had been 'greatly impaired' by his imprisonment and thus sought to 'avoid the remaining most infamous part of his punishment'.<sup>114</sup> After consideration, Lord Loughborough recommended Potter for Royal Mercy on the grounds that 'there is reason to apprehend that the execution of the sentence upon him might be more severe than the Law intends, and upon that the example [of the pillory] would fail to produce its proper effect'.<sup>115</sup>

Such evidence bears clear witness to the fact that the unpredictability of crowd behaviour in certain cases demanded a pillory sentence reprieve; a situation which, when combined with broader political misgivings with crowd activity by the 1790s was leading inexorably to the abandonment of the device outright. But in taking

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<sup>113</sup> Ibid. Although Oxtoby's appeal was annotated 'nothing can be done', Lord Hillsborough later overturned the pillory sentence: TNA, SP 44/95, f. 175.

<sup>114</sup> TNA, HO 47/8/3, 21 March 1789; see also LMA, MJ/SP/1784/01/020 and MJ/SP/1786/09/066, Middlesex Sessional Papers, which detail Potter's journey through the courts; also Potter's biography in H. T. Potter, *A New Dictionary of All the Cant and Flash Languages, Both Ancient and Modern* (London, 2<sup>nd</sup> edition, 1795), pp. 5-15. Interestingly, Potter was arrested and confined during the Gordon Riots for toasting Lord George Gordon's health in public: TNA, T 1/563, ff. 404-6.

<sup>115</sup> TNA, HO 47/8/3.

pillory punishments as a whole, how genuine were these risks to public order? Francis Place's assertion that pillory audiences were *less* violent by the early 1800s was certainly strongly made, suggesting that only the most outrageous offenders were treated roughly by the public by the time of his writing.<sup>116</sup> Moreover, the magistrates' continuing reliance on the pillory for specific cases after 1790 testified to their confidence that the pillory could still serve its purpose well enough free from any direct intervention from the mob, and the sanction was sometimes resorted to quickly at moments of judicial crisis.

Although events undoubtedly went awry from time to time at the pillory, particularly when the crowd exerted its own physical judgment on offenders, the punishments were rarely as turbulent as was so often feared, and for the most part were accepted by the general public as a just dessert for moral offences. The discretion exercised by the Bench when deciding which culprits should be pilloried (particularly in shunning that of political radicals) also helped to ensure that the events invoked public approval in order to legitimate judicial policy, and which in the long run extended the lifetime of the punishment overall.

Some limited attempts have been made by historians to quantify the variability of popular behaviour around pillory sites over time. Robert Shoemaker, for example, in sampling press reports of the period, suggests that pillory crowds were generally quiescent by the 1790s.<sup>117</sup> J. S. Cockburn, on the other hand, in using similar

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<sup>116</sup> BL, Add. MS 27826, ff. 172-3; also R. B. Shoemaker, *The London Mob*, pp. 104-5.

<sup>117</sup> R. B. Shoemaker, 'Streets of Shame?', pp. 243-4.

evidence, has argued to the contrary.<sup>118</sup> Andrew Harris points towards the increasing expenditure allocated to the policing of pillory punishments as a more accurate measure of escalating crowd anarchy, though as we saw in the previous chapter, these data are perhaps more useful as an indicator of elite anxieties than they are as a genuine test of rising street-based violence.<sup>119</sup> In any case, to loosely describe the default behaviour of pillory crowds in binary terms (of violence on one hand, or jocularity on the other) is probably mistaken. As with execution audiences, critical narratives of the pillory crowd's conduct were focused through a lens of moral censure, and we must employ caution when utilizing these sources. Like others among his contemporaries, Francis Place (ever the one to castigate the depravity of his ungodly forebears) averred blindly to the 'low lived men and women, boys and girls, thieves and miscreants of every description' misbehaving at the foot of the London pillories in the late 1700s, with little proper consideration for the social mixing and varied behaviour that was often contained therein.<sup>120</sup>

In fact pillory audiences consistently demonstrated a broader repertoire of responses than these hostile accounts portray, determined principally by the depth of feeling surrounding particular miscreants.<sup>121</sup> Several reports hint at a marked degree of restraint in operation around the devices, and it is evident that the extent to which crowds understood the detail of each successive case dictated a punishment's outcome. When attorney Edward Aylett was pilloried in New Palace Yard for perjury

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<sup>118</sup> J. S. Cockburn, 'Punishment and Brutalization', pp. 171 and 178-9.

<sup>119</sup> A. T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (London, 2004), p. 61.

<sup>120</sup> BL, Add. MS 27826, f. 171.

<sup>121</sup> This feature is again noted by Antony Simpson in earlier pillory crowds: A. E. Simpson, 'Spectacular Punishment and the Orchestration of Hate', p. 202.

in November 1786, for example, his punishment was accompanied initially by much ‘hissing, hooting and hallowing’, but this quickly dissipated and ‘not the least attempt was made to throw anything at him’.<sup>122</sup> ‘The scene became truly important’ continued the *Public Advertiser*, ‘and could not fail inspire the immense croud of spectators with reverence for justice and mildness of the good old laws of England’.<sup>123</sup> Modee Puleyman, a Jew pilloried in March 1797 for forging a will, similarly stood in the device at Charing Cross completely unmolested by the crowd, which was nonetheless described as huge in size.<sup>124</sup> When Davenport Sedley was pilloried in the Old Bailey in 1811 for defrauding the Marquis of Hertford, he, too, stood untroubled for the first three quarters of an hour, the crowd described as ‘remarkably indulgent’ as ‘only a little mud was thrown at him’.<sup>125</sup> Sensing subversion in the shaming impact of the punishment, the London and Middlesex Sheriffs instructed from their vantage point in a nearby window that Sedley’s wig be removed, in order that he be properly exposed. This action, according to one report, ‘operated as a signal to the populace’ which at once ‘began to confer their favours with a liberal hand...[with] an increased discharge of mud and the hoots of popular indignation’.<sup>126</sup>

Though social turbulence was, indeed, sometimes witnessed around the devices, these more or less discretionary popular responses should be properly emphasized. That the formal transmission of public knowledge relating to pilloried deviants changed over

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<sup>122</sup> *Public Advertiser*, 22 November 1786.

<sup>123</sup> *Ibid.*

<sup>124</sup> *Times*, 8 March 1797.

<sup>125</sup> *Ibid.*, 2 December 1811.

<sup>126</sup> *Ibid.*



time undoubtedly assisted this discrimination.<sup>127</sup> By the 1770s the former tradition of nailing written notices of criminals' misdeeds to the pillory appears to have passed into obsolescence, a development most likely linked to the rapid growth of the metropolitan press.<sup>128</sup> Prior notice of pillory events certainly began to appear with regularity in the London press at this time, and it is evident that the vigorous responses to the more salacious of crimes punished in this way were pollinated by the attention paid to them in London's print media.<sup>129</sup> The discovery of the Vere Street Coterie, for example, received weeks of reportage that occasioned widespread hostility. London's authorities also appear to have exploited press reporting to enforce a modicum of order. When a young woollen draper appeared in a Cornhill pillory in 1761 the crowd reacted angrily against the man, notwithstanding the fact that advertisements had been 'previously published in the papers to intimidate the populace'.<sup>130</sup>

Less formal printed ephemera was also occasionally distributed. When George Reynolds stood in the Charing Cross pillory in 1779 the press attributed his light treatment by the crowd to the 'handbills [which] were dispersed, relating to his case',

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<sup>127</sup> For the pillory's role in claim making see C. Tilly, *Popular Contention in Great Britain, 1758-1834* (Cambridge, Ma., 1995), p. 344.

<sup>128</sup> For example, two perjurers convicted at the Court of King's Bench in 1762 were ordered to be 'imprisoned six months, to stand twice in the pillory, with a paper on their heads denoting their crime, once at Westminster Hall gate, and once at Charing Cross': W. Blackstone, *Reports of Cases Determined in the Several Courts of Westminster-Hall, from 1746 to 1779* (London, 1781), Vol. 1, p. 416.

<sup>129</sup> See P. King, 'Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth - and Early-Nineteenth-Century London', *Continuity and Change*, Vol. 22, No. 1 (2007), pp. 73-112; S. Devereaux, 'From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800', *London Journal*, Vol. 32, No. 1 (2007), pp. 1-27.

<sup>130</sup> *The Annual Register, or a View of the History, Politics, and Literature, for the year 1761* (London, 1762), p. 166.

which ‘seemed to have the desired effect’.<sup>131</sup> The crowd at the punishment of swindler Jordan Waine in 1781 were ‘informed of his sentence by numerous hand-bills dispersed throughout the metropolis’ and as noted above, the pillory sentence of John Frost in 1793 likewise threw up a rich body of radical printed material.<sup>132</sup> Any meaningful assessment of these vectors proves difficult, however, owing to the paucity of surviving material.<sup>133</sup>

Oral culture naturally played its part. Pillories deeply penetrated the argot of eighteenth-century London life, as detailed in the colourful canting vernacular relating to the devices. Pillories were described variously as ‘the Wooden Nutcrackers’, the ‘Sheriffs’ Picture Frame’ or the ‘Norway Neckcloth’, and the victims of the device remembered as ‘Babes in the Wood’ or the ‘London Overseers’.<sup>134</sup> Oral transmission of both past and pending punishments kept alive the cultural immediacy of the device, and ensured the arrival of significant crowds once the intentions of the Sheriffs were made clear.

Such intelligence networks were, however, always open to error. In notifying its readers of both a forthcoming execution and a pillory event in 1786, the *Morning Chronicle* felt obliged to warn that the pilloried man was not to be Edward Aylett,

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<sup>131</sup> *London Evening Post*, 4 November 1779; *Gazetteer and New Daily Advertiser*, 6 November 1779.

<sup>132</sup> T. Purland, *Alsatian Eccentricities* (1700-1782), Vol. 2, clipping. no. 2376, dated 1781; H. R. York, *These are the Times That Try Men's Souls! A Letter to John Frost. A Prisoner in Newgate* (London, 1793). Horace Walpole also recorded how handbills circulated in support of John Shebbeare prior to his pillorying in 1763: H. Walpole (ed. J. Brooke), *Memoirs of the Reign of King George II* (London, 1985), Vol. 3, p. 40.

<sup>133</sup> The general lack of surviving printed ephemera relating to pillories is surprising, particularly given the vast amounts that survive relating to public executions.

<sup>134</sup> F. Grose, *A Classical Dictionary of the Vulgar Tongue*, pp. 17, 148, 149, 152 and 157.

whose appearance at that time was widely anticipated.<sup>135</sup> Nevertheless, a ‘most extraordinary concourse of people assembled to see the law put in force’ at noon on Wednesday 15 February, though when it was understood that the victim was a different perjurer, one Mr Lewis (deemed to be the victim of a ‘rather hard case’) the ‘congregation thinned rapidly, and departed in peace’.<sup>136</sup> When two swindlers stood in the pillory at Charing Cross in 1810, the crowd initially mistook one of them as the fire-starter Aaron Alexander, and began pelting him furiously with rotten vegetables and rubbish, quickly tempering their attack when it was discovered that it was not the guilty man.<sup>137</sup> When another miscreant had appeared in the pillory at Charing Cross in 1793, the populace at first remained quiet as, according to *The Star*, ‘they thought it was Mr Frost’, though ‘on discovering their mistake, they evinced a contrary disposition, the effect of which the peace officers prevented’.<sup>138</sup> Rather than demonstrating violent or ribald extremes of popular behaviour, pillory crowds might therefore display more tempered and even responses, sometimes even switching conduct within a single event: a level of discretionary sophistication that clearly requires greater emphasis.<sup>139</sup>

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<sup>135</sup> *Morning Chronicle and London Advertiser*, 13 February 1786.

<sup>136</sup> *Ibid.*, 16 February 1786.

<sup>137</sup> *Star*, 9 August 1810.

<sup>138</sup> *Ibid.*, 14 November 1793. One writer commented on the dangers of employing popular emotion, as it risked being misdirected owing to ‘unfounded rumours [or] from gross misapprehension’: ‘Juridicius’, ‘On the Punishment of the Pillory’, *Augustan Review*, No. 1, (1815), p. 74.

<sup>139</sup> One perhaps inventive memoir related how the storm of cabbages, eggs and stones thrown during one event had ceased on cries of ‘Murder! Shame!’ followed by a ‘pipkin-monger [who] abused the Fish-woman, who rated the schoolboys; they in turn fell foul of the Costermonger, who was hissing and groaning at the whole assembly’: ‘The Pillory’, *Kaleidoscope, or Literary and Scientific Mirror*, Vol. 10, No. 497 (1830), p. 215.

## *Composition*

Who, then, were these people that continued to turn up at the pillory? How did the actuality of a crowd's composition relate to late eighteenth-century depictions of the mob as a 'bestial, uncontrollable power'?<sup>140</sup> Certainly, pillory events, like executions, were predominantly plebeian affairs that drew their fair share of pickpockets, drunkards and ne'er-do-wells: a characteristic of any public gathering within the capital city during this period. Closely packed crowds offered rich pickings indeed for London's small-time thieves and cases of petty larceny around the pillories abound in the legal record. When a man was positioned in the pillory at the bottom of Catherine Street on 29 October 1781, James Collins reported the theft of a base metal watch from his pocket as he stood watching the punishment. Here, he felt the watch being drawn out of his fob and saw it in the hand of Luke Hughes, a tailor 'very lately come to London' who was reported to an attending constable and subsequently arrested.<sup>141</sup> In September 1790, as two men stood in a pillory at the bottom of Hay Hill off Berkeley Square, John Turnage, a retired watchman, was robbed of a watchcase and some loose change. Turnage (who was at pains to explain how he was simply making his way through the area and 'did not want to see the sight') immediately grabbed a suspect, Samuel Clarke, who was then surrounded by 'several people' demanding to know if he had, indeed, stolen the man's property.<sup>142</sup> Clarke was taken to one of the attending Bow Street officers, Henry Croker, who described how Clarke's clothes had

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<sup>140</sup> H. M. Atherton, 'The "Mob" in Eighteenth-Century English Caricature', *Eighteenth-Century Studies*, Vol. 12, No. 1 (1978), p. 55.

<sup>141</sup> OBP, 5 December 1781, Luke Hughes (t17811205-21).

<sup>142</sup> OBP, 15 September 1790, Samuel Clarke, (t17900915-98). Robert Shoemaker remarks that such attempts to distance oneself from the crowd were a sign of increasing disinterest in the punishment. I would suggest here that these comments were as much about pretensions to respectability as they were an active avoidance of the scene *per se*: R. B. Shoemaker, 'Streets of Shame?', p. 249 and R. B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century London* (London, 2004), p. 104.

been half-torn off by the mob, and who was found ‘calling out’ in terror for protection. ‘I desired them immediately not to duck him’, stated the officer, who was forced to draw his tipstaff in order to protect the would-be robber.<sup>143</sup>

It is the *victims* of pickpockets that are of particular interest here. When John Bishop stood in the pillory in Cheapside for perjury in July 1801 a large but generally compliant audience attended, which proceeded to treat him leniently. According to the *Morning Chronicle*, ‘some of the bystanders had reason...to regret their idle curiosity’, as several items of property were stolen during the day, including that of a gentleman who ‘had a valuable diamond ring forced from his finger’.<sup>144</sup> In August 1810, Benjamin Lee and Joseph Chinnery, two well-known local pickpockets, appeared at Bow Street magistrates office charged with a theft while Henry Dickinson was being placed in the Charing Cross pillory for sodomitical practices; a hugely popular event attended by a host of genteel spectators who arrived in ‘a number of carriages of all descriptions’ that blocked the surrounding streets for hours.<sup>145</sup> Both suspects were observed filching the pocket book from the person of an attending gentleman, Richard Jackson, as he too watched the spectacle from within the crowd.<sup>146</sup>

As with the ‘respectable’ element identified in the crowd biographies of 1807, this detail clearly indicates how the ‘better sort’ could also be drawn to the pillories out of an equal measure of curiosity. In February 1792, for example, the Marquis of Donegal

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<sup>143</sup> OBP, 5 December 1781, Luke Hughes (t17811205-21).

<sup>144</sup> *Morning Post*, 22 July 1801.

<sup>145</sup> *Morning Herald*, 2 and 3 August 1810.

<sup>146</sup> OBP, 19 September 1810, Benjamin Lee and Joseph Chinnery (t18100919-95).

had his valuable gold watch stolen from his person when passing through the crowd at Charing Cross, after watching a man punished there for a perjury relating to a theft of diamonds belonging to the Countess du Barre.<sup>147</sup> Edward Aylett's time in the pillory in 1786 was watched by several members of the commercial classes who congregated beforehand in the coffee houses and shops of the vicinity to discuss his case.<sup>148</sup> The three loud cheers shouted in support of Joseph Cooper in 1781 were issued by a diversity of spectators, several of whom were described as 'eminent and respectable citizens', and thirty years later sixty-year-old Daniel Isaac Eaton was joined at the pillory by several 'respectably dressed' gentlemen who engaged in polite conversation with him as the surrounding multitude shouted supportively 'Shame! Shame! Shame!'<sup>149</sup>

Of course, the public positioning of the punishment at key intersections within the urban sprawl meant that even the most demure of London's citizens inevitably witnessed the events from time to time. As Vic Gatrell points out, the pillory always took precedence over local trade: 'it was the wagons that made way for the people, not the other way round'.<sup>150</sup> While sauntering through Seven Dials on his way to the Museum in the early 1770s, for example, Pierre Jean Grosley by chance encountered a turbulent mob surrounding a pillory there, left rudderless and in riotous mood following the postponement of an intended punishment.<sup>151</sup> Similarly, in 1810 one

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<sup>147</sup> *Public Advertiser*, 13 February 1792; *Times*, 13 February 1792.

<sup>148</sup> *Public Advertiser*, 22 November 1786.

<sup>149</sup> *Whitehall Evening Post*, 26 July to 28 July 1781; BL, Add. MS 27826, f. 182.

<sup>150</sup> V. A. C. Gatrell, *City of Laughter*, p. 29.

<sup>151</sup> P. J. Grosley, *A Tour to London: or, New Observations on England, and its Inhabitants* (London, 1772), Vol. 1, p. 88.

correspondent to the *Morning Post* described his casual spectatorship at a Charing Cross pillory event (drawn there somewhat implausibly ‘by accident’), where he was shocked to see numerous women watching an entrapped homosexual there, some of whom were ‘in appearance rather respectable’.<sup>152</sup> ‘To say that I was disgusted’ carped the writer ‘would be very inadequately to describe [my] feelings the occasion gave rise to’, though he failed to elucidate why he himself remained so long to observe the spectacle.<sup>153</sup>

In fact a ‘respectable’ Londoner’s attendance at the pillory was often a more determined action. The man killed outside the Mansion House when Joshua Vigers was punished there in 1810 was described as an honest banker’s clerk at the time of his death.<sup>154</sup> Robert Jackson, whose pocket book was stolen in August that year, stated his occupation as that of a tailor when giving evidence to the Old Bailey, having travelled to the Charing Cross pillory from respectable Bond Street where he resided.<sup>155</sup> On the morning of 16 April 1788, a clergyman was robbed at Seven Dials after he ‘stopped to see a man on the pillory’, where his pockets were picked of money; something he was unaware of ‘till after he had quitted the spot’.<sup>156</sup> Pillory events in New Palace Yard frequently drew a crowd of clerks and legal men from the nearby courts of justice, particularly when perjured lawyers appeared in the device from time to time.

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<sup>152</sup> *Morning Post*, 10 October 1810.

<sup>153</sup> *Ibid.*

<sup>154</sup> *General Evening Post*, 25 to 27 September 1810.

<sup>155</sup> OBP, 19 September 1810, Benjamin Lee and Joseph Chinnery (t18100919-95).

<sup>156</sup> *Times*, 17 April 1788.

In assessing the spatial elements of the spectacles, Peter Bartlett conjectures that pillory crowds by the early nineteenth century must have been comprised largely of local or unemployed denizens owing to the enforcement of more rigid hours of work.<sup>157</sup> Pillory events, he argues, would seldom be attended by anyone other than ‘those who were out of work who would have the time to travel any distance to the event’.<sup>158</sup> The reality of the London pillory crowd, however, was most probably something quite different. Many of those gathering about the streets in readiness for the events were already engaged in street trades that integrated successfully with pillory punishments as localized events. As Herbert Atherton has noted, costermongers, butchers, cabmen and errand boys feature so heavily in any ‘mob’ description of the period precisely because they already constituted such a vivid part of the dynamic urban scenery.<sup>159</sup> Although one might concede that the timings of pillory events offered a greater chance of permissible attendance (by straddling a natural lunch-break between noon and two in the afternoon) this position still assumes that public punishments were something encountered merely to pass the time of day. If we recall the events of 1810, when perhaps thirty thousand people gathered since daybreak across London to assail the Vere Street Coterie, then clearly something quite different was still occurring.

Even within later audiences one still detects a united culture of punishment that cut across social boundaries, in which the pillory represented a coherent civic experience

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<sup>157</sup> P. Bartlett, ‘Sodomites in the Pillory’, p. 566. Bartlett draws this narrow conclusion from consideration of the Marxist work/time debate: see E. P. Thompson, ‘Time, Work-Place Discipline and Capitalism’, *Past and Present*, No.38 (1967), pp. 56-97; M. Harrison, ‘The Ordering of the Urban Environment: Time, Work, and the Occurrence of Crowds 1790-1835’, *Past and Present*, No. 110 (1986), pp. 134-68.

<sup>158</sup> P. Bartlett, ‘Sodomites in the Pillory’, p. 566.

<sup>159</sup> H. M. Atherton, ‘The “Mob” in Eighteenth-Century English Caricature’, pp. 52-4.



within shared social spaces. Such an observation again complicates theoretical notions of ‘advancement’ in an historiography relating to social change, in which elites are described as increasingly hostile to the rough and tumble of a plebeian culture located on the street.<sup>160</sup> The ‘cowardly and ferocious’ riffraff detected by French émigré Louis Simond in a pillory crowd of 1810 may in fact have formed but one constituent of the mob, and alternative accounts often reveal a very different picture indeed.<sup>161</sup> Respectable diarist Henry Crabb Robinson for one felt few qualms in entering the ‘decidedly friendly’ crowd watching Daniel Eaton in the pillory outside Newgate in 1812, an event described by William Cobbett as ‘perfectly promiscuous’.<sup>162</sup> Here, Cobbett observed, were

high and low, rich and poor. Gentlemen, Merchants, Tradesmen of all sorts, artizans and labourers, and a pretty fair proportion of females. If they had all been taken up and put down together in an open field, it might have been truly said: there is a specimen of London.<sup>163</sup>

Many of the biographies revealed in the pillory crowd in fact hint at an underlying license granted to employees to attend these unique events, as noted of the execution crowd in 1807. Descriptions of the shops ‘from Ludgate Hill to the Haymarket’ all shut up on the morning of 27 September 1810 may be indicative not only of the fear of potential damage to property, but also possibly the consensual late opening of

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<sup>160</sup> See E. P. Thompson, ‘Patrician Society, Plebeian Culture’, *Journal of Social History*, Vol. 7, No. 4 (1974), pp. 382-405; J. M. Golby, J. M. and A. W. Purdue, *The Civilisation of the Crowd: Popular Culture in England 1750-1900* (London, 1984), chp. 2; E. Griffin, ‘Popular Culture in Industrializing England’, *Historical Journal*, Vol. 45, No. 3 (2002), pp. 619-35.

<sup>161</sup> L. Simond, *Journal of a Tour and Residence in Great Britain during the Years 1810 and 1811*, (Edinburgh, 1815), Vol. 1, p. 355.

<sup>162</sup> T. Sadler (ed.), *Diary Reminiscences and Correspondence of Henry Crabb Robinson* (London, 3<sup>rd</sup> edition, 1872), p. 201; *Cobbett’s Weekly Political Register*, 27 January 1820.

<sup>163</sup> *Cobbett’s Weekly Political Register*, 27 January 1820.

premises in order to allow employees to attend.<sup>164</sup> And like the execution crowd of 1807, we might also note the stout tradesmen themselves attending the events in their own time: the coal dealer, tailor, and so forth. Pillory spectacles still constituted a distinctive node of metropolitan social activity well into the 1800s, in which the historical right of the community to vocally and even physically reprove ‘moral’ criminality was still occasionally exerted. If the enduring popularity of the events detailed in press reports after 1800 is anything to go by, then the punishment’s social relevance would seem to have survived relatively intact, and for a much longer period than has been usually allowed.

### ***Reform and afterlife***

This rigorous multi-class, pre-nineteenth-century pillory culture complicates a teleological interpretation of the punishment’s demise as a natural output of a ubiquitous reforming imperative, as defined by Norbert Elias’s theorized ‘civilizing process’.<sup>165</sup> As the events of 1810 show, the punishment retained a marked social importance by drawing heavily on surviving traditions of collective action and community justice, and exerted an ongoing appeal throughout metropolitan society. The magistracy’s confidence in the device at times of crisis also revealed an older penal hubris, in which the guardians of the law occasionally felt secure enough to summon the crowd’s support for selected sentences in order to legitimate its business; a faith only finally undermined by new and potentially dangerous political uncertainties connected with mob action, as demonstrated in the cases of Frost, Eaton and Cochrane.

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<sup>164</sup> *General Evening Post*, 28 September 1810.

<sup>165</sup> N. Elias, *The Civilizing Process. Vol. 1: The History of Manners* (trans. E. Jephcott), (Oxford, 1994).

Even after Michael Angelo Taylor's legislation of 1816 had curtailed the use of the device around the capital, widespread curiosity and active public responses to the pillory might yet be manifested. Two years after the reform legislation was enacted, an 'ill-looking fellow' named William Key appeared at the Middlesex sessions charged with falsely prosecuting one Henry Cooke, after swearing that he had been hired by him to assassinate a coppersmith in the Fleet market.<sup>166</sup> Cooke, a well-respected servant who took pity on the beggarly Key, was subsequently exonerated of all charges, opening the way for Cooke to retaliate. Finding Key guilty of perjury, the magistrates retired to consider the gravity of the charges, eventually concluding 'that the crime should be visited by the severest punishment the law could inflict'.<sup>167</sup> Key was sentenced to transportation for seven years, but ordered first to stand in a pillory set up in Covent Garden: a sentence that resulted in 'some clapping of hands' when pronounced in the courtroom.<sup>168</sup> Key's punishment on 29 December 1818 generated a huge and turbulent public response, which warranted the employment of extra policing to monitor the unruly crowd.<sup>169</sup> On being placed in the device the man was assailed with the usual arsenal of rotten eggs, apples and mud; so much so that according to *The Times* he was 'scarcely discernible' long before his allotted hour expired.<sup>170</sup>

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<sup>166</sup> *Times*, 9 December 1818.

<sup>167</sup> *Ibid.*

<sup>168</sup> *Ibid.*

<sup>169</sup> TNA, T 90/170, Sheriffs' Cravings, December Sessions 1818. (£6 expenses were incurred policing the event).

<sup>170</sup> *Times*, 30 December 1818.

In May 1819, William Milner, a whitesmith from Lambeth, appeared at the Old Bailey charged with gross, wilful and corrupt perjury for offering false bail to an accomplice.<sup>171</sup> In reporting the case, *The Times* railed against the so-called ‘men of straw’ frequently standing bail for large sums of money, many of whom were destitute of property and unable to honour their obligations.<sup>172</sup> In sentencing Milner, Common Sergeant Newman Knowlys revealed how these corrupt practices were proving particularly troublesome to the judiciary, and criticized Milner’s actions as ‘dreadful and too prevailing [a] crime’. Milner was later sentenced to seven years transportation, before which he stood in the pillory outside Newgate.<sup>173</sup> Milner’s punishment was paralleled by the treatment of John Rowbotham a year later, who also stood in the pillory outside the prison, punishment for swearing a false alibi for one Eliza Dillon, indicted at the Old Bailey for theft.<sup>174</sup> Rowbotham was fixed in the pillory at noon on 4 August in the presence of a ‘vast concourse of spectators’ and spent his allotted hour ‘apparently under the greatest pain’, while the crowd proceeded to throw a vast assortment of detritus.<sup>175</sup>

The cases of Keys, Milner and Rowbotham, although somewhat isolated and increasingly anachronistic punishments by 1820, nonetheless illustrate how the appearance of the pillory still had the power to generate significant public interest. The punishments by this time, it should be remembered, no longer represented ‘moral’ crimes in the older sense: those which had previously enraged local

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<sup>171</sup> OBP, 26 May 1819, William Milner (t18190526-107).

<sup>172</sup> *Times*, 7 June 1819.

<sup>173</sup> *Ibid.*

<sup>174</sup> OBP, 12 January 1820, William Petley (t18200112-89).

<sup>175</sup> *English Chronicle*, 3 to 5 August 1820.

communities by offending against moral propriety (homosexuality, child abuse and so forth). The events nevertheless drew substantial crowds out of an enduring and powerful curiosity in the device, more so now since the punishment was falling into decline. After 1820, the pillory disappears altogether from the historical record in London. Guilty verdicts for perjury at the Old Bailey thereafter mostly resulted in periods of transportation, with the lower courts similarly abandoning use of the device entirely.

Two intriguing cases remain however. In February 1830, Peter James Bossy, a thirty-one-year-old shell-fishmonger from Thames Street, appeared at the new court in the Old Bailey charged with wilful and corrupt perjury; an indictment prosecuted directly by the Court of Aldermen.<sup>176</sup> Since 1823, Bossy (an incorrigible ‘old Jail Bird’) had been imprisoned three times, having sworn false bail over recent years to the value of several hundred pounds.<sup>177</sup> Initially sentenced to seven years transportation, Bossy was ushered back into the court following an apparent magisterial change of mind, where the pillory was added to his sentence, Bossy being deemed ‘a very fit person to be made an example of’.<sup>178</sup> Several reports thereafter conjectured where exactly the punishment would be conducted, with both Guildhall Yard and the space formerly occupied by the old Fleet Market mooted as possible locations. Other newspapers regaled their readership with information of the device’s construction, detailing how a new pillory was required to be reconstructed.<sup>179</sup> Bossy was eventually pilloried in

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<sup>176</sup> *Times*, 31 May 1830.

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*

<sup>179</sup> *Star*, 22 June 1830. The report told how the old Newgate pillory ‘having been laid aside for several years...amongst the other lumber’ had subsequently been ‘sold for old timber with other rubbish’; also

front of Newgate on 22 June 1830, where he was fixed into the device by the public hangman, James Botting, and ‘made to go round like a horse at a millstone for one hour’, after which time he was removed and quickly escorted to Giltspur Street Compter.<sup>180</sup> The culprit on this occasion remained completely unmolested. ‘The most disgusting part of such a punishment’, stated one report, ‘was in this instance strictly forbidden – that of allowing him to be pelted by the mob, some of whom appeared to pity his position’.<sup>181</sup>

The last person to be pilloried in London was probably Thomas Hague, convicted of a complex perjury: a case which, according to Recorder Newman Knowlys was the most aggravated he had ever known and therefore demanded maximum public exposure.<sup>182</sup> ‘If examples are not made when conviction is grounded on absolute fact’, warned Knowlys, ‘no person in the kingdom would be safer from some accusation’.<sup>183</sup> On the morning of 14 December 1831, Hague was accordingly set up in a pillory in Old Bailey, so far removed from the crowd that he appeared like some ‘bright particular star’.<sup>184</sup> Though some reports noted the ‘immense’ crowd that morning, no newspapers reported the spectators’ reaction at length, displaced by salacious tales of ‘Burking’ and an outbreak of cholera reported in the city.<sup>185</sup> Hague remained defiant to the last. Lamponing his lenient treatment in the pages of *The Athenaeum*, Hague

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*Times*, 5 June 1830, which gave a lengthy technical description of how the pillory was constructed and operated.

<sup>180</sup> *Standard*, 23 June 1830.

<sup>181</sup> *Morning Chronicle*, 23 June 1830.

<sup>182</sup> TNA, HO 17/94, pt 1; OBP, 1 December 1831, Thomas Hague (t18311201-279).

<sup>183</sup> TNA, HO 17/94, pt 1.

<sup>184</sup> *Athenaeum*, 15 December, 1831, p. 818.

<sup>185</sup> *Morning Herald*, 15 December 1815.

later recalled how ‘for ten minutes, I pondered on the National Debt, but here I became very giddy indeed’, later languishing in the hulks at Gosport before being transported to Australia, in spite of the efforts of some five hundred Yorkshiremen petitioning for his pardon.<sup>186</sup>

### ***Conclusion***

The abandonment of the pillory has been construed by historians as an outright success of a progressive movement advocating penal change. The occasional aggression and uncertainty displayed at the spectacles, so widely criticized after 1800, was condemned as a relic of a more primitive age, to be replaced by an innovative technique of incarceration and transportation.<sup>187</sup> Others read a more expressly political element in this story. Some, like Gatrell, cite the pillory’s demise as evidence of the increasingly invasive powers of the state: of a symbolic monopolization of privatized punitive violence as a means of coercing civil obedience.<sup>188</sup> As Greg Smith has remarked, by abandoning the pillory altogether the political powers safeguarded civic order in ostensibly class-specific terms, by reigning in public violence through the ‘increasing centralisation of power’.<sup>189</sup> As with Newgate execution audiences, declining social discipline remained a central criticism of the pillory crowd, as so much of Michael Angelo Taylor’s rhetoric disclosed. That the unpredictability of the spectacle was intolerable to most, at a moment of rising anxiety relating to crowds

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<sup>186</sup> *Athenaeum*, 15 December, 1831, p. 818; TNA, HO 17/94, pt 1.

<sup>187</sup> R. McGowen, ‘Punishing Violence, Sentencing Crime’ in N. Armstrong and L. Tennenhouse (eds), *The Violence of Representation: Literature and the History of Violence* (London, 1989), p. 145.

<sup>188</sup> V. A. C. Gatrell, ‘Crime, Authority and the Policeman-State’, p. 244.

<sup>189</sup> G. T. Smith, “‘Civilized People Don’t Want to See That Kind of Thing’”, p. 34.

more generally, was demonstrated in the unity of political opinion that ‘considered [it] decisive, as to the propriety of [the pillory] no longer being suffered to exist’.<sup>190</sup>

These teleological narratives, however, inadequately account for the crowd’s continuing faith and interest in older technologies of punishment. In this chapter I have attempted to highlight how the enduring popularity and relevance of the pillory lay outside the boundaries of changing legal practice: a continuation in the use of a traditional punitive technique that in turn prolonged the crowd experience. Though restricted in use and attended by increased police supervision by the late eighteenth and early nineteenth centuries, pillory punishments nevertheless appear to have retained a far greater social importance than is often allowed. As the events of 1810 clearly demonstrate, public responses to punishments relating to cases of sexual impropriety involving women, children or homosexuals remained exceptionally well attended affairs, illustrating the continuity of an energetic public reaction whenever crime intersected core community values.<sup>191</sup> And as with hanging events, pillory punishments often generated a much broader range of crowd behaviours than is often described. Though undoubtedly prone to violence when things got out of hand, the crowds at other pillory events were marked by an alternative, generally peaceable conduct that has rarely been acknowledged.

The durable confidence in the deterrent qualities of the pillory transcended mere plebeian sentiment. In arguing against Taylor’s bill, Sir Robert Heron expressed

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<sup>190</sup> *Hansard’s Parliamentary Debates* (1816), Vol. 32, col. 804.

<sup>191</sup> Such actions resonate today. Collective protest against sexual deviancy is even now occasionally witnessed. For a recent British example of ‘mob action’ see *Guardian*, 10 August 2000 (‘Vigilantes Row: Families Flee Estate Hate Campaign’).



dismay at the withdrawal of so useful a sanction, which, he believed, owed ‘too much to... mildness and indulgence’.<sup>192</sup> ‘Lenient times’, he lamented, ‘paralysed the arm of the law, and gave facilities for the escape of guilty persons’.<sup>193</sup> Looking back in 1819, barrister Edward Christian also remembered the pillory fondly as an ‘excellent species of punishment for crimes of a flagitious nature’ which had ultimately succumbed, so he believed, to ‘the delicacy of the present time’.<sup>194</sup> Even as Taylor’s bill received Royal Assent, venerable law reformer Patrick Colquhoun (always the one to wave the stick of formal discipline) proposed to the Select Committee considering London’s police that the pillory be redeployed in order to punish the capital’s perennially troublesome bawdy-house keepers.<sup>195</sup> Such responses openly revealed the magistracy’s enduring, albeit rather nervous faith in an older punishment tradition that used ‘crowd power’ to reinforce the legitimacy of state imposed penalties, particularly when the potency of new carceral alternatives still seemed uncertain, and which chimed with the public’s long-running acceptance of the implementation of public shame.

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<sup>192</sup> *Hansard’s Parliamentary Debates* (1816), Vol. 32, col. 804.

<sup>193</sup> *Ibid.*, col. 805.

<sup>194</sup> E. Christian, *A Vindication of the Criminal Law* (London, 1819), p. 58. Christian also suggested that iron bars should have been placed around the device to prevent the potential murder of victims at the hands of a raucous crowd. Henry Hunt also celebrated the ‘appeal to public opinion’ within pillory punishments, suggesting that ‘no punishment on earth can be inflicted which leaves greater disgrace upon the character of the sufferer’. Hunt went on to detect a political motive in the abandonment of the device and suggested that the crowd had been actively discredited by the ‘minions of despotism’ in parliament: H. Hunt, *Memoirs of Henry Hunt*, (London, 1820), Vol. 3, p. 300.

<sup>195</sup> Parliamentary Papers, *Select Committee on the State of the Police of the Metropolis* (1816), Minutes of Evidence, p. 51. As late as 1882 an unsuccessful bill was presented in Parliament to reintroduce pillory punishments for grievous bodily harm committed against women or children. These punishments would be conducted ‘in such market place or other place of public resort in the parish in which such offence has been committed’: Parliamentary Papers, *A Bill for the Better Protection of Women and Children in England from Crimes of Violence* (1882) [13], p. 1.

## Chapter Six

### **‘Shoving the Tumbler’: Public Flogging<sup>1</sup>**

The decline of pillory punishments at the start of the nineteenth century was closely followed by that of public whippings; a feature of the changing penal system that J. S. Cockburn considers evidence of the middle class’s attempts to distance themselves from a ‘cycle of brutalization’.<sup>2</sup> As with the pillory, public flogging employed a pointed notion of shame to openly expose convicted criminals to public humiliation, which in the process stigmatized miscreants before the eyes of the London citizenry. And as noted previously, the current historiography addressing penal change has suggested that this heavy reliance on civil disgrace was apparently disrupted by rising social sensitivities, which by 1800 triggered calls for the rejection of publicly endorsed corporal pain as an outdated penal tool.

In this chapter, however, I wish to take the new insights into the relative diversity and stability of the punishment crowd established so far and further develop the notion that there existed a continuum in the significance and acceptance of public justice. Specifically, this chapter will demonstrate how, in spite of shifting attitudes towards violence in general, public whipping retained a highly symbolic value, and maintained a ubiquitous and widely tolerated corrective function within the criminal law. The high degree of crowd interactivity and interest in the events will be examined and placed within the proper context of the public’s acceptance of corporal punishment in

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<sup>1</sup> F. Grose, *A Classical Dictionary of the Vulgar Tongue* (London, 1785), p. 209.

<sup>2</sup> J. S. Cockburn, ‘Punishment and Brutalization in the English Enlightenment’, *Law and History Review*, Vol. 12, No. 1 (1994), p. 176.

all its guises. What will be shown is how *ritual* violence was now singled out as a target for reform, in an age otherwise known for its tolerance of traditional forms of corrective action.

### ***Whipping and the courts***

By the late eighteenth century the bulk of whippings carried out in London related to cases of property theft, though other non-capital offences such as fraud were occasionally punished this way by both the Old Bailey judges and local magistrates sitting in the lower courts. Arrangements for whippings took two forms. Traditionally, both male and female culprits were stripped to the waist and whipped at the cart's tail by the public executioner or Sheriffs' officers 'till his back be bloody', usually for a nominal distance of one hundred yards, though whipping along further distances occurred whenever sterner sentences were required.<sup>3</sup> Alternatively, posts were set up in prominent locations throughout the metropolitan area and static whippings conducted at busy hours of the day (usually during market time), thereby ensuring that active and sizeable crowds would observe the spectacles taking place. In 1786, for example, William Harris was sentenced to be whipped around Westminster market for a depredation committed in the same location: an event that guaranteed the widest possible exposure and maximized his personal ignominy by being conducted in front of a large and active audience.<sup>4</sup> From the 1770s onwards, however, static whippings were formalized when removable posts were used more frequently on Clerkenwell Green and outside Newgate prison, though we can assume that such events probably

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<sup>3</sup> J. Briggs, C. Harrison, A. McInnes, and D. Vincent, *Crime and Punishment in England: An Introductory History* (London, 1996), pp. 79-80; E. W. Pettifer, *Punishments of Former Days* (Winchester, 1932; 2<sup>nd</sup> edition, 1992), pp. 108-15; W. Andrews, *Bygone Punishments* (London, 1899).

<sup>4</sup> TNA, T 90/165, Sheriffs' Cravings, Middlesex August Sessions 1786; OBP, 3 August 1786, William Harris (t17860830-59).

drew equally large assemblies owing to the volume of passing trade at the Fleet and Smithfield markets nearby.<sup>5</sup>

As with pillory punishments, whippings facilitated public approval of judicial sentencing by affording a substantial degree of retribution within offended neighbourhoods, and thus connected with older shaming traditions implemented in the public domain.<sup>6</sup> Typically, when sixty-year-old Thomas Jones was convicted by the London Jury in September 1800 of stealing a horse bridle from Clarke's livery stables in Cripplegate, he was sentenced to be publicly whipped along the street opposite the premises from where the goods were stolen, passing by the window of the housekeeper who suffered the recent robbery.<sup>7</sup> Two years previously, when Edward Clark was convicted of receiving assorted stolen goods at his old iron and pawn shop in Golden Lane, he was ordered by the court to be publicly whipped 'as near his own dwelling as possible', thereby exposing his misdeeds to his neighbours at large.<sup>8</sup> This geographically specific aspect in sentencing reinforced the parochial context of eighteenth-century law enforcement. By configuring the chastisement of offenders within a stone's throw of aggrieved communities, whippings usefully buttressed the fragmentary, dispersed and sometimes chaotic organization of parish policing, by imposing forceful scenes of state sponsored discipline. Alongside the network of parish watchmen and ward constables, starker state sponsored warnings were

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<sup>5</sup> R. B. Shoemaker, 'Streets of Shame? The Crowd and Public Punishments in London, 1700-1820' in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004), p. 238.

<sup>6</sup> For examples see T. Meldrum, 'Defamation at the Bishop of London's Consistory Court, 1700-1745', *London Journal*, Vol. 19, No. 1 (1994), pp. 1-20.

<sup>7</sup> OBP, 17 September 1800, Thomas Jones (t18000917-51).

<sup>8</sup> OBP, 4 July 1798, Edward Clark (t17980704-60).

occasionally deployed to ward off potential wrongdoing, accompanied by painful screams and a bloody flagellation.<sup>9</sup>

The decline of public whipping has been employed by historians to demonstrate the magistracy's increasing inclination to impose alternative, non-corporal forms of punishment as the eighteenth century advanced. John Beattie, for example, describes how the heavy incidence of public whippings after the Restoration seriously disrupted the 'increasingly valued orderliness and civility in human relationships' that emerged early in the 1700s.<sup>10</sup> An over-reliance on public corporal punishment contributed to the implementation of the first Transportation Act in 1718, and resulted in a wholesale withdrawal of whipping sentencing until mid-century.<sup>11</sup> According to Beattie's data, only 10% of petty larceny cases tried at the Old Bailey between 1718 and 1750 resulted in a public flogging, representing on average just five or six cases of whipping punishments doled out by the court after each successive session.<sup>12</sup>

This trend was dramatically reversed following the onset of war with America, which by the 1770s effectively destroyed the transportation option open to the English courts.<sup>13</sup> This apparent crisis in penal practice was compounded further by the propensity of discretionary English juries to downgrade capital charges when

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<sup>9</sup> See R. Paley, 'An Imperfect, Inadequate and Wretched System? Policing London Before Peel', *Criminal Justice History*, Vol. 10 (1989), p. 95.

<sup>10</sup> J. M. Beattie, *Policing and Punishment in London, 1660-1750* (Oxford, 2001), p. 474.

<sup>11</sup> C. Herrup, 'Punishing Pardon: Some thoughts on the Origins of Penal Transportation' in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2001), pp. 121-37.

<sup>12</sup> J. M. Beattie, *Policing and Punishment in London*, pp. 445-6.

<sup>13</sup> A. R. Ekirch, *Bound for America: the Transportation of British Convicts to the Colonies, 1718-1775* (Oxford, 1987), p. 22.

assessing the value of stolen property, thereby increasing the flow of non-capital offenders into an already over-burdened penal system.<sup>14</sup>

Between 1780 and 1789 Old Bailey judges issued on average 131 whipping sentences every year (both private and public combined), compared to a yearly average of only twenty sentences issued between 1750 and 1759 inclusively.<sup>15</sup> More remarkably, whipping sentences by the 1780s were accounting for 22% of *all* Old Bailey sentences decreed, compared to just 4.5 % in the 1730s.<sup>16</sup> Whipping sentencing reduced steadily again thereafter owing to the establishment of the first Australian penal colonies in 1787, which reinstated the additional option of transportation penalties as a useful legal alternative.<sup>17</sup> Nevertheless, we should take note that between 1790 and 1799, on average fifty-four whipping sentences were still imposed every year by the judges sitting at the Old Bailey.<sup>18</sup> Flogging as a punitive sanction by the turn of the century was thus far from dead: an observation that complicates a narrative of judicial reform (such as that offered by Michael Ignatieff) that locates whipping's decline in the judiciary's loss of faith in ritualized public shame.<sup>19</sup>

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<sup>14</sup> J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, 1986), p. 486; also P. King, *Crime, Justice and Discretion in England 1740-1820* (Oxford, 2000), pp. 272-3.

<sup>15</sup> OBP survey, 1751 to 1760 and 1780 to 1789 inclusive (all whipping types).

<sup>16</sup> OBP survey, 1720 to 1729 and 1780 to 1789 inclusive (all punishment types).

<sup>17</sup> R. Hughes, *The Fatal Shore: The History of the Transportation of Convicts to Australia, 1787-1868* (London, 1996), pp. 43-83. For the search for penal alternatives see S. Devereaux, 'The Making of the Penitentiary Act, 1775-1779', *Historical Journal*, Vol. 42, No. 2 (1999), pp. 405-33.

<sup>18</sup> OBP survey, 1791 to 1800 inclusive (all whipping types).

<sup>19</sup> M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* (London, 1978), p. 90.

That said, the overall public impact of whipping was moderated by the courts around the 1780s, which by then displayed an increased tendency to privatize many corporal sentences. In analysing the differential fees claimed by the Middlesex and City Sheriffs for policing whippings, Robert Shoemaker detects sharp falls in the number of public floggings as a proportion of *all* whipping punishments that took place, from as much as 77% of the total between 1723 and 1779, to only 18% by the first decade of the nineteenth century.<sup>20</sup> Though Shoemaker's data are compelling in their own right, his findings are qualified with a caveat that such punishments remained 'unspecified' as to their publicity.

Although it is evident from the Sheriffs' records that many punishments were indeed intentionally redirected within prisons after 1800, the records of the Old Bailey sessions suggest that the overall picture was rather more cloudy.<sup>21</sup> Of the 827 whipping sentences handed out by the court between the years 1800 and 1809, for example, some 373 of the judgments (or 45% of the total) instructed explicitly that the punishments be conducted outdoors.<sup>22</sup> This very public nature of whipping sentences was reversed over the following decade when 82% of whipping sentences were specified to be conducted privately: 182 public whippings out of a remarkable 998 whippings decreed between 1810 and 1819.<sup>23</sup>

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<sup>20</sup> R. B. Shoemaker, 'Streets of Shame?', p. 239.

<sup>21</sup> R. B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century London* (London, 2004), p. 90. Shoemaker suggests that the use of the term 'extraordinary whipping' indicates that by the 1790s public whipping was becoming the exception rather than the rule.

<sup>22</sup> OBP survey, 1800 to 1809 inclusive (all whipping types).

<sup>23</sup> OBP survey, 1810 to 1819 inclusive (all whipping types).

How can we account for such complex variability in the publicity of flogging? Though John Beattie is probably right to suggest that after 1800 there occurred a gradual rejection of punishments that were in themselves inherently violent (hence reflecting a change in attitudes towards violence more generally), we might speculate that the growing political unease with amassing crowds by this period also acted as a powerful fillip for change (as noted in relation to the pillory and executions).<sup>24</sup> It is perhaps not coincidental that both whipping and pillorying in the public domain reduced dramatically in the years after the Burdett riots convulsed the West End with fear, when in 1810 marauding mobs crowded Piccadilly, smashed the windows of the gentry and engaged in pitched battles with mounted Life Guards.<sup>25</sup> For a decade afterwards menacing mobs stalked London's streets from time to time. Five years after Burdett's triumphal release from the Tower a young Lord Palmerston wrote to Robert Peel urging him to barricade his doors against the Corn Law rioters, describing how he himself had stationed armed servants in an upper bedroom window ready to take pot-shots at would-be intruders.<sup>26</sup> Such scenes, though perhaps exceptional, were alarming enough, and it is not without due cause that the elite's attitude towards crowds hardened markedly in the early years of the new century.

That the years 1820 to 1825 again witnessed much higher rates of public whipping out of all the flogging sentences pronounced possibly reflects the more stable social conditions of this period. Of the 825 whipping sentences imposed by the Old Bailey

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<sup>24</sup> J. M. Beattie, *Crime and the Courts in England*, pp. 614-6.

<sup>25</sup> M. W. Patterson, *Sir Francis Burdett and His Times, 1770-1844* (London, 1931), Vol. 1, pp. 243-86.

<sup>26</sup> Palmerston's domestics were armed only with small shot, as 'this will pepper the faces of the mob without any danger of killing any of them': C. S. Parker (ed.), *Sir Robert Peel from His Private Correspondence* (London, 1891), Vol.1, pp. 168-9.



over this shorter six year interval, 30% (or 241 cases) were still instructed to be held in the open.<sup>27</sup> Hence public whipping remained an exceptionally malleable penal tool, and even after 1800 its imposition was characterized by a distinctly non-linear ebb and flow, enforced with one eye looking towards the social conditions in which it was set.

Here we can see clearly how public whipping remained a significant feature of Old Bailey sentencing until at least the mid-1820s, after which time the total number of whippings conducted outdoors fell away dramatically: a chronology of delayed change (as noted in relation to the pillory) that again sheds new light on the Bench's confidence in inflicting older forms of public justice.<sup>28</sup> How should we account for the punishment's durability? Adjustments in the gender context of public whipping may provide a partial explanation. The last female offender ordered to be whipped publicly at the Old Bailey appears to be Maria Griffin, a charwoman convicted in October 1790 of stealing various household goods, though her punishment was instructed to be carried out 'in the presence of women only'.<sup>29</sup> The whipping of women thereafter disappears entirely from the court record, reflecting, perhaps, the new cult of respect for womanhood that had been responsible for the abandonment of female immolation.<sup>30</sup> The prohibition of public female whipping in 1817, followed by the

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<sup>27</sup> OBP Survey, 1820 to 1825 inclusive.

<sup>28</sup> OBP survey, 1827 to 1840 inclusive. (The public whipping statistics read: 1825: 36, 1826: 10, 1827: 3, 1828: 8, 1829: 11, 1830: 9, 1831: 2, 1832: 2, and no public whippings thereafter).

<sup>29</sup> OBP, 27 October 1790, Maria Griffin, (t17901027-54). One correspondent to *Notes and Queries* in the 1880s claimed to have witnessed a woman whipped at the cart's tail in 1811, along a route following Fleet Street to St. Clement's church, though this cannot be substantiated by newspaper reports or court records: *Notes and Queries*, 6<sup>th</sup> Series, Vol. 6 (1882), p. 338.

<sup>30</sup> See D. Guthrie, 'Law, Empire and the Bodies of Women: British Notions of "Civilization" and the Retreat from Public Punishments in England, 1750-1868' (Unpublished PhD Thesis, University of Essex, forthcoming).

total abolition of female whipping in 1820, in effect post-dated an already well-established gender specific (male) penal practice adhered to since the 1790s.<sup>31</sup> Hence, by the century's end the steady flow of convicts lining up at the whipping posts were closely defined in character: male petty larcenists, mostly aged in their teens or twenties, who were whipped and immediately imprisoned for short terms of one to six months.<sup>32</sup> The sight of lacerated female skin was thus consigned to the pages of history, replaced by occasional floggings for specific examples of male juvenile wickedness.

The data above usefully demonstrate how whipping punishments remained a generally familiar sight to Londoners after 1790, and mirror Peter King's evidence from Essex showing how the provincial magistracy possessed a similar preference for flogging juvenile delinquents publicly: key evidence to further complicate narratives of 'progressive' (non-corporal) sentencing reforms that have characterized this period.<sup>33</sup> Indeed, though the incidence of public whipping disappeared almost entirely in London by the mid-1830s, the sanction retained a threatening presence within the criminal law thereafter, right until its eventual prohibition in 1862.<sup>34</sup> As late as September 1847, for example, sixteen-year-old Michael Nagle (a recidivist well known to the metropolitan police) was sentenced to a public whipping by the Central

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<sup>31</sup> 57 Geo III c.754 (1817) and 1 Geo IV, c. 57 (1820); see also G. T. Smith, 'The State and the Culture of Violence in London, 1760-1840' (Unpublished PhD thesis, University of Toronto, 1999), p. 397.

<sup>32</sup> P. King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006), p. 135.

<sup>33</sup> P. King, *Crime, Justice and Discretion in England*, p. 272.

<sup>34</sup> 25 & 26 Vic c.18 (1862).

Criminal Court for stealing goods from a shop in Fulham, though it is unclear from the record whether his punishment was carried out.<sup>35</sup>

### *Ubiquity*

The detail so far serves to underline James Sharpe's warning to historians that accounts of eighteenth- and nineteenth-century changing legal practice as a 'simple record of progress' are often problematical in the extreme.<sup>36</sup> Public attitudes to corporal pain remained generally ambivalent in the early years of the new century, sustained by a culture of public humiliation that was extremely familiar to many. Public corporal punishment survived as an integral feature within the judicial regime until at least the 1830s, bestowed on those miscreants who chose to steal, plunder and pilfer across the capital. Whipping thereafter remained a well-rehearsed *private* penal option within the expanding English prison system, evidenced by the yearly returns submitted to Parliament confirming the sanction's use.<sup>37</sup>

Again, acute anxiety with rising levels of juvenile criminality early in the new century offers one explanation for such a dependency, and accounts particularly well for the return of public whipping sentencing after 1820.<sup>38</sup> Typically, one evangelical tract of

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<sup>35</sup> OBP, 20 September 1847, Michael Nagel (t18470920–2083). No newspaper accounts of this punishment have been located.

<sup>36</sup> J. A. Sharpe, 'Civility, Civilizing Processes, and the End of Public Punishment in England' in P. Burke, B. Harrison and P. Slack (eds.), *Civil Histories: Essays Presented to Sir Keith Thomas* (Oxford, 2000), p. 215.

<sup>37</sup> For example, 42 private whippings were carried out at Coldbath Fields House of Correction in the three years from May 1857: Parliamentary Papers, *Returns of Corporal Punishment inflicted in each Gaol and House of Correction in the United Kingdom, 1855-57* (1861) [3], p. 16-19; see also L. Radzinowicz and R. Hood, *A History of Criminal Law and its Administration from 1750: Volume 5. The Emergence of Penal Policy in Victorian and Edwardian England* (Oxford, 1990), pp. 689-711.

<sup>38</sup> H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (London, 1999), pp.17-34; see also P. King, 'The Rise of Juvenile Delinquency in England 1780-1840: Changing Patterns of Perception and Prosecution', *Past and Present*, No.160 (1998) pp.116-66; M. May,

the 1830s warned of the twelve thousand or so boys and girls marauding the capital's streets 'training for theft and vice': youngsters 'in such close juxtaposition with ourselves, living, as we have reason to fear, without God and without hope'.<sup>39</sup> When John Murray appeared before the Middlesex magistrates in 1828 for stealing cakes and buns from a baker's shop (a 'little hungry-looking boy' of about twelve years of age), the chairman of the court complained bitterly about the queue of boys waiting outside the room for a string of hearings relating to property thefts, many of whom, he believed, were members of organized gangs.<sup>40</sup> 'The only effectual mode of putting down this system is to send every one of them...out of the country for life' blustered the magistrate, later deigning it fit to give Murray a second chance by confining him for three months and ordering him to be 'twice well whipped'.<sup>41</sup> Earlier, in giving evidence to the 1818 Select Committee examining London's correctional institutions, the Newgate Ordinary, Horace Cotton, lauded the salutary effects of the lash, especially when troublesome boys were whipped and sent home to their families: 'the females of the family, the mothers and sisters, bewail over them, and that has a striking effect upon them'.<sup>42</sup> Police authorities also continued to advocate the use of public whipping in the more venial of theft cases deemed unworthy of transportation, and youths were routinely whipped at London's police offices throughout the 1800s.<sup>43</sup> Though the public aspect of the punishments had disappeared almost entirely by the

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'Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century', *Victorian Studies*, Vol. 17, No. 1 (1973), pp. 7-29.

<sup>39</sup> B. W. Noel, *The State of the Metropolis Considered* (London, 1835), pp. 28-9.

<sup>40</sup> *Morning Chronicle*, 17 September 1828.

<sup>41</sup> *Ibid.*

<sup>42</sup> Parliamentary Papers, *Select Committee on the State of Police of the Metropolis* (1818) [423], Minutes of Evidence, p. 173.

<sup>43</sup> Parliamentary Papers, *Select Committee on the Police of the Metropolis* (1828) [533], Minutes of Evidence, pp. 142 and 231.

mid-1830s, corporal pain nevertheless remained a central cog within the penal machinery thereafter, available to magistrates when dealing with petty offenders across all the metropolitan jurisdictions.

The sustained ubiquity of flogging is also particularly well-evidenced in the records of Bridewell from the first two decades of the nineteenth century, which clearly attests to how whipping (albeit private) was quickly resorted to by the summary courts, even for first time offenders. Twenty-one-year-old Elizabeth Watson, for example, arrived at Bridewell in May 1809 having been found guilty of disorderly conduct by the Lord Mayor, sitting as chief magistrate in the City. The young woman received a sentence of one month's detention plus the usual 'correction of the house' taking place there daily, usually performed in front of fellow prisoners and several attending officers.<sup>44</sup> Pilferers and petty thieves formed the majority of those punished corporally at the Houses of Correction, though other forms of social indiscipline were dealt with by way of the whip or birch.<sup>45</sup> In 1812, seventeen-year-old John Hughes, a watchmaker's apprentice, was whipped with four lashes in Bridewell for his 'insolent behaviour' after throwing 'an instrument at his master and wounding him in the forehead and giving him a black eye'.<sup>46</sup> Silvester Pinto was corrected at Bridewell later that year simply for 'not giving a good account of himself' when challenged in the street (that

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<sup>44</sup> GL, MS 33138/1, Bridewell Committal Books, 5 May 1809. The Penitentiary Act (19 Geo III. c. 74) stated that 'in order to prevent collusion....every private whipping should take place in the presence of three persons, who in the case of women are to be female': J. Chitty, *A Practical Treatise on the Criminal Law* (London, 1816), Vol. 1, p. 796.

<sup>45</sup> See J. Innes, 'Prisons for the Poor: English Bridewells, 1555-1800' in F. Snyder and D. Hay (eds.), *Labour, Law and Crime: An Historical Perspective* (London, 1987), pp. 42-122; R. B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660-1725* (Cambridge, 1991), chp. 7; E. G. O'Donoghue, *Bridewell Hospital, Palace, Prison, Schools* (London, 1923), 2 vols.

<sup>46</sup> GL, MS 33138/1, Bridewell Committal Books, 13 May 1812.

is, for vagrancy) while in 1824, Abraham Watson was flogged for ‘obstructing officers of the Hackney Coach Office’.<sup>47</sup> In August 1825, Samuel Vout was tied up at Bridewell in preparation for a whipping after embezzling £30 worth of shoes from his employer. The punishment, ‘so arranged as to impress him with a conviction that it would ultimately be inflicted’, was cancelled following a short delay (the cause of ‘considerable suspense’ to the prisoner), after the superintendant deemed Vout’s salutary ‘dread of punishment’ more effective than the whipping itself.<sup>48</sup>

The point emphasized here therefore is how whipping as a physical act was never simply an occasional or isolated undertaking conducted furtively behind high prison walls on a few exceptional miscreants. Flogging proved to be an extremely durable physical sanction that was recognized in both the public and private spheres. Even those whippings intentionally privatized were sometimes broadcast to the public inadvertently. As late as 1865, police magistrate Sir Thomas Henry related the necessity of removing private whipping at Bow Street office after ‘the screams of the boys [which] disturbed the neighbourhood, attracted an unruly crowd around the court, and caused so much angry excitement that it became necessary to discontinue the practice’.<sup>49</sup> Luke Owen Pike, in describing his own experience of a nineteenth-century prison whipping, also told of the screams emanating from victims: ‘the silence is broken only by [the officer’s] voice, by the descent of each successive blow, and by the cries and groans of the sufferer’.<sup>50</sup> Strollers walking casually by Houses of

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<sup>47</sup> Ibid., 1 December 1812; Ibid., MS 33138/3, 27 February 1824.

<sup>48</sup> Ibid., 17 August 1825.

<sup>49</sup> TNA, HO 45/7750, also quoted in L. Radzinowicz and R. Hood, *A History of English Criminal Law and its Administration from 1750. Volume 5: The Emergence of Penal Policy* (London, 1986), p. 715.

<sup>50</sup> L. O. Pike, *A History of Crime in England* (London, 1876), Vol. 2, p. 576.

Correction or police courts might, therefore, be subjected to the sound of bodily agony in the passage of a working day, experiencing fully, in audible terms, the visceral quality of the law's demands.

Whipping of unruly soldiers and sailors, of course, was equally well-known to those who worked in or nearby the capital's barracks and naval dockyards. Though the experience of watching military punishments was usually confined to the lower ranks ordered to line up at military establishments, the sinister sounds emanating from these sites nevertheless advertised audible signs of what was taking place.<sup>51</sup> 'Men are frequently convulsed and screaming, during the time they receive from one lash to three hundred lashes' recalled Sir Charles Napier in 1837, stating how each whipped soldier was for ever more regarded as a 'suspected character' in the eyes of the officer class.<sup>52</sup>

It is important to note here how the early criticisms levelled against military punishments arose precisely because floggings occurred away from the public eye. Typically, public outrage was excited in 1777 when recruit John Freeman was removed senseless from a whipping post in the Tilt Yard at Whitehall after receiving one hundred lashes: only half the number of total strokes sentenced and received to the sound of a solitary beating drum. The severity of the case drew heavy criticism in the *Morning Post*, which denounced the brutality inflicted by the supervising adjutant. The officer 'could hardly have enjoyed the bloody satisfaction unmolested' if the

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<sup>51</sup> P. Burroughs, 'Crime and Punishment in the British Army, 1815-1870', *English Historical Review*, Vol. 100, No. 396 (1985), p. 561.

<sup>52</sup> C. J. Napier, *Remarks on Military Law and the Punishment of Flogging* (London, 1837), pp. 155 and 163.

flogging had been conducted publicly, warned the paper, hinting darkly that the surrounding populace would have intervened in such suffering, had it been conducted in public view.<sup>53</sup>

In truth, such severe punishments were probably an exception rather than the rule. Flogging always represented the most terrifying part of a broad repertoire of military punishments that included *inter alia* the removal of leave rights, restriction of rations, hard labour and imprisonment.<sup>54</sup> Military flogging, however, remained mystified by its private nature (and, by implication, sinister application) and the use of the lash behind closed doors continued to generate public unease. These concerns, when considered in the context of civilian punishments, were probably justified. As Freeman's case had shown, prejudice and personal malice among supervisory officers might result in a ruthless and potentially fatal treatment of culprits. Military punishments were always much harsher than their civilian counterparts (sentences of five hundred lashes were not uncommon in the navy), and deaths at the hands of a merciless officer were occasionally reported. In 1836, for example, a Royal Marine was flogged to death at Woolwich Barracks and caused widespread public outrage.<sup>55</sup>

As the case of Governor Joseph Wall had shown in 1802 (sentenced to hang at Newgate for flogging to death soldiers in colonial Goree under his own enthusiastic

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<sup>53</sup> *Morning Post and Daily Advertiser*, 1 July 1777.

<sup>54</sup> N. A. M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy* (London, 1986), p. 210; M. Eder, *Crime and Punishment in the Royal Navy of the Seven Years' War, 1755-1763* (Aldershot, 2004) esp. chp. 6; J. Neale, *The Cutlass and the Lash. Mutiny and Discipline in Nelson's Navy* (London, 1985), pp. 25-41. (Neale describes the senseless polishing of 32 pound cannon balls amongst an array of degrading naval punishments).

<sup>55</sup> *Times*, 28 November 1836; *Examiner*, 29 November 1835; J. R. Dinwiddy, 'The Early Nineteenth-Century Campaign Against Flogging in the Army', *English Historical Review*, Vol. 97, No. 383 (1982), p. 318.



instruction) anger surrounding such examples of excess could spill over into public protest.<sup>56</sup> Wall was executed amongst near riotous scenes at the Old Bailey, in which *The Times* could describe a ‘ferocity unknown in civilized states’ amongst the crowd, which ‘we hope never to see repeated’.<sup>57</sup> The absence of publicity in such cases removed a check on possible excesses by disconnecting the putative supervisory role that crowds at punishments believed they tacitly possessed: a danger later highlighted by defenders of public executions who warned of similar excess and torture should hangings be conducted privately.<sup>58</sup> Solemn beating drums and the agonized howls of suffering servicemen merely added to the sensual shock of private military whippings, and excited images of brutality in the imagination of those who passed by tall barrack gates.

### ***Soldiers and slaves***

Of course, such excessive physical brutality had for years formed a central focus for British abolitionists campaigning against transatlantic slavery. Harsh punishment was part of the overall matrix of controls underpinning the colonial slave trade, exerted by nervous plantation owners in further flung and hence more vulnerable corners of the developing empire.<sup>59</sup> The spectre of insurrection among human chattel slaves had haunted the isolated reaches of Caribbean society for decades, countered by

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<sup>56</sup> For the background to the Wall case see J. Campbell, *The Lives of the Chief Justices of England* (London, 1874), Vol. 3, pp 147-8, which describes the ‘universal cry for vengeance on him’; also R. Southey, *Letters from England* (1807; republished New York, 1836), pp. 19-21.

<sup>57</sup> *Times*, 29 January 1802.

<sup>58</sup> See B. P. Block and J. Hostettler, *Hanging in the Balance: A History of the Abolition of Capital Punishment in Britain* (Winchester, 1997), pp. 60-1; J. Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London, 2002), p. 35.

<sup>59</sup> D. Paton, ‘Punishment, Crime and the Bodies of Slaves in Eighteenth-Century Jamaica’, *Journal of Social History*, Vol. 34, No. 4 (2001), p. 931.

sanguinary and often blood-thirsty reprisals meted out on truculent offenders.<sup>60</sup>

Central to the abolitionist cause were tales of the inhuman treatment of enslaved labourers at the hands of colonial floggers that revealed the shocking depth of racial degradation extant beyond the seas.<sup>61</sup>

An emphasis on female punishment in particular formed the focus of this debate, conterminous with reforms to female public punishments taking place in England. Vivid descriptions of lacerated black skin served to illustrate all the graphic inhumanities of the trade in its frightful operation: of the woman ‘brought out before the assembled gang, stripped of her covering, and thrown upon the earth’ (as described by Studholme Hodgson), or the menacing planters patrolling ranks of workers with whip in hand as a ‘physical reminder of the proximity and immediacy of pain’ and of entire field gangs of slaves whipped for their laziness.<sup>62</sup> Witnesses to the Select Committee considering the British slave trade in 1832 relived many of these vivid horror stories, and retold tales of pregnant slaves miscarrying during their corporal punishment, of slaves flogged to death at Montego Bay for inconsequential misdemeanours and of slaves whipped elsewhere simply for praying.<sup>63</sup> Such discourses served to strengthen the abolitionist cause by exposing the prevalence of

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<sup>60</sup> Ibid., p. 944.

<sup>61</sup> I. Haywood, *Bloody Romanticism: Spectacular Violence and the Politics of Representation, 1776-1832* (Basingstoke, 2006), chp. 1.

<sup>62</sup> S. Hodgson, *Truths from the West Indies: Including a Sketch of Madeira in 1833* (London, 1838), quoted in H. Altink, “‘An Outrage on All Decency’: Abolitionist Reactions to Flogging Jamaican Slave Women, 1780-1834”, *Slavery and Abolition*, Vol. 23, No. 2 (2002), p. 109; J. Walvin, *Questioning Slavery* (London, 1996), p. 60; D. Hall, *In Miserable Slavery: Thomas Thistlewood in Jamaica, 1750-86* (London, 1989), p. 175.

<sup>63</sup> Parliamentary Papers, *Select Committee on the Extinction of Slavery Throughout the British Dominions*, (1831-2) [721], Minutes of Evidence, pp. 28, 259 and 285.

uncivilized and debasing practices, many of which were so inconsistent with the modes of 'polite' civilized conduct evident at home.<sup>64</sup>

By any reasonable standard, the graphic descriptions of beaten blacks offered testament indeed to the inhumanity of the slave holding system. And yet such records should, perhaps, be balanced by evidence of incidence and reality. As David Brion Davis has pointed out, though the abolitionists quite rightly drew close attention to the inhumanity of severe whipping punishments from the outset, they nevertheless 'also appreciated the importance of the whip as a symbol of authority'.<sup>65</sup> By the early years of the nineteenth century some proselytizing abolitionists may have conflated their narratives of harsh flogging in order to reinforce their campaigns, when plantation owners were already exercising significant degrees of discretion, many of whom acknowledged a maxim that 'an ultimate sanction becomes diluted by too frequent use'.<sup>66</sup>

The symbolism of the whip and its affiliations with correctional discipline extended far beyond the colonies, and was particularly relevant in military circles. As Peter Burroughs has shown, many early nineteenth-century contemporaries believed strongly that the general ranks of the army were comprised largely of criminals and a general assortment of social detritus, famously characterized by the Duke of Wellington as the 'scum of the earth': men who would have been otherwise

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<sup>64</sup> Ibid., p.117; see also M. Turner, 'The 11 O'Clock Flog: Women, Work and Labour Law in the British Caribbean', *Slavery and Abolition*, Vol. 20, No. 1 (1999), pp. 38-58.

<sup>65</sup> D. B. Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Oxford, 1999), p. 464, fn. 135.

<sup>66</sup> Ibid.

‘congenitally incapable of behaving themselves’ in civilian life.<sup>67</sup> Similarly, Isaac Land has shown how the urgency to service increasingly complex technologies of naval warfare by the time of Trafalgar resulted in the imposition of stricter and at times frightful levels of corporal discipline in the Royal Navy, meted out on sailors who were regarded essentially as ‘unruly and childlike’.<sup>68</sup>

Navy whipping could be especially brutal. In his *Gleanings from Life’s Harvest*, John Brown recounted in graphic prose the physicality of naval discipline widespread during his days aboard ship, describing how

A man of powerful frame steps forth, who holds up the cat by the handle in his right hand and combs out the tails of it with the fingers of his left: he then grasps the ends altogether in his left hand, and swinging the whole round over his head, brings it down with concentrated force upon the back of his helpless victim...At about the fourth lash blood begins to flow, and trickles down upon the deck; the flesh next begins to get rotten with beating, having the appearance of scarified bullock’s liver...<sup>69</sup>

As with slavery, condemnation of military floggings was grounded not in the absolute right to impose the sanction *per se*, but rather in the excessive and sometimes merciless modes of implementation. Much of the pressure urging reform in military flogging was sustained by successively lurid narratives concerning the over-zealous treatment of wrong-doers, and evidence from newspaper accounts suggests that public tolerance of such excessive treatment was sometimes severely tested.

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<sup>67</sup> P. Burroughs, ‘Crime and Punishment in the British Army’, p. 548; also E. Steiner, ‘Separating the Soldier from the Citizen: Ideology and Criticism of Corporal Punishment in the British Armies, 1790-1815’, *Social History*, Vol. 8, No. 1 (1983), pp. 19-35.

<sup>68</sup> I. Land, ‘Customs of the Sea. Flogging, Empire, and the “True British Seaman, 1770 to 1870’’, *Interventions: International Journal of Postcolonial Studies*, Vol. 3, No. 2 (2001), p. 174.

<sup>69</sup> J. Brown, *Sixty Years Gleanings from Life’s Harvest* (New York, 1859), p. 88.

Public concern with the excesses of military punishments was catalysed once more during the 1830s by a series of fresh scandals involving disproportionately harsh military whipping, widely circulated in the press and a raft of anti-corporal punishment tracts. In 1831 John Shipp railed against ‘[that] destructive instrument of degradation, the cat-o’-nine tails’ and described how the whipping of repeat offenders in the army was so savage that few troops could bear to watch.<sup>70</sup> In 1834, when a soldier of the Scotch Fusiliers was brutally flogged at Charing Cross barracks, a flood of petitions protesting against its cruelty were received by Parliament: an event which, according to J. R. Dinwiddy, would have been ‘too commonplace to attract attention’ only a generation before, and which prompted the appointment of a Royal Commission to examine the overall structure of martial justice.<sup>71</sup>

What is clear from the detail contained within the Commission’s findings when it finally reported in 1836 is how the perceived propriety of inflicting corporal pain still retained many staunch defenders, only marginally influenced by the ‘high regard for the individual’ as often retailed in modern historical scholarship.<sup>72</sup> Many witnesses were critical only of the free use and unsupervised manner in which the lash had been employed, within a system of military discipline that had already softened through the

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<sup>70</sup> J. Shipp, *Flogging and its Substitute. A Voice from the Ranks: or, a Letter to Sir Francis Burdett* (London, 1831), pp. 5-21. Shipp described the many ‘terrific cries for mercy’ from fellow soldiers. William Cobbett also recounted how ‘at the flogging of a man I have frequently seen seven or eight men fall slap upon the ground, unable to endure the sight’: quoted in E. Smith, *William Cobbett: A Biography* (London, 1878), Vol. 2, p. 92.

<sup>71</sup> J. R. Dinwiddy, ‘The Early Nineteenth-Century Campaign Against Flogging in the Army’, p. 317; see also Parliamentary Papers, *Royal Commission for Inquiring into the System of Military Punishments in the Army*, (1836) [59], Minutes of Evidence.

<sup>72</sup> R. McGowen, ‘Punishing Violence, Sentencing Crime’ in N. Armstrong and L. Tennenhouse (eds.), *The Violence of Representation: Literature and the History of Violence* (London, 1989), p. 145.

increasing use of solitary confinement.<sup>73</sup> ‘The sight of corporal punishment has a great effect on many of those present...sometimes so powerful as to produce physical weakness and fainting’ stated the commissioners, describing how ‘the feeling seems to be almost universal [among comrades]...that no man is punished in that manner, in these days, who has not deserved it’.<sup>74</sup> Several witnesses to the enquiry (albeit long-in-the-tooth senior military officers hardened to the sight of bodily pain) vehemently defended the virtues of a rope’s-end as an appropriate chastisement essential to the effective maintenance of military discipline, and pleas to good order - above those of humanitarian consideration - resounded time and again from those deposing evidence. ‘I have never been able to discover any other means of punishment...both at home and abroad, in cases of notorious irregularities that required severe examples to repress them’ stated Lord Somerset, a sentiment shared by many of his fellow officers.<sup>75</sup>

The reluctance to cast aside corporal punishment in the military is important, and accords with earlier evidence demonstrating how the magistracy displayed an ongoing tendency to employ the pillory and civilian whippings. Though the Commissioners fully acknowledged that the incidence of flogging in the army had reduced considerably by 1830 (broadly in line with the general relaxations in corporal sentencing observed in the civil criminal code), few witnesses were so bold as to call for the abandonment of the whipping sanction outright.<sup>76</sup> When confronted with the undoubtedly roguish elements under their command most military officers felt few

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<sup>73</sup> See S. R. Frey, ‘Courts and Cats: British Military Justice in the Eighteenth Century’, *Military Affairs*, Vol. 43, No.1 (1979), p. 8.

<sup>74</sup> Parliamentary Papers, *Royal Commission on Military Punishments in the Army* (1836), Report, p. xii.

<sup>75</sup> *Ibid.*, Report, p. 29.

<sup>76</sup> *Ibid.*, p. x.

qualms in imposing the sternest of treatments upon recalcitrant and possibly mutinous troops, many of whom were forced upon them by the courts or who had simply ‘gone for a soldier’ in order to evade nuptial responsibility.<sup>77</sup> During the French wars in particular, standards of recruitment moved perceptibly downwards owing to an urgent need to swell the assorted ranks, flooding the army with thousands of young men unaccustomed to the demands of a military life.<sup>78</sup>

Indeed, it is noteworthy just how much of the enmity directed against severe military punishments before 1850 focused time and again on manpower rather than explicitly humanitarian concerns. One tract published by John Gardner in 1832, for example, bemoaned the disruptive effects of corporal punishment on future recruitment, by stating that ‘nothing has such a tendency to preclude young men of spirit, and who have an ardent wish to travel, from entering into the Army or Navy, as the dreaded thought of being sometime or other cruelly flogged’.<sup>79</sup> Critics of excessive whipping (including some deposing to the 1834 Commission) also highlighted the catastrophic effects on morale caused by military punishments, particularly when inflicted for relatively minor infractions. Though sensitivity to the suffering of service personnel certainly played a part in the demands for the reform of military justice, more

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<sup>77</sup> See C. Emsley, ‘The Recruitment of Petty Offenders during the French Wars, 1793-1815’, *Mariner’s Mirror*, Vol. 66, No. 1 (1980), pp. 199-208; S. R. Conway, ‘The Recruitment of Criminals into the British Army, 1775-81’, *Bulletin of the Institute of Historical Research*, No. 58 (1985), pp. 46-58; D. A. Kent, ‘“Gone for a Soldier”: Family Breakdown and the Demography of Desertion in a London Parish, 1750-91’, *Local Population Studies*, No. 45 (1990), pp. 27-42.

<sup>78</sup> T. H. McGuffie, ‘Recruiting the Ranks of the Regular British Army during the French Wars: Recruiting, Recruits and Methods of Recruitment’, *Journal of the Society for Army Historical Research*, No. 34 (1954), pp. 50-8 and 123-32; L. Colley, *Britons: Forging the Nation 1707-1837* (London, 1994), chp. 7.

<sup>79</sup> J. Gardner, *An Appeal to the British Public on the Inhuman and Disgraceful Punishment of Flogging* (London, 1832).

expressly economic concerns were articulated by the enemies of punitive military regimes.

### ***Revival***

Calls for changes to the system of military punishments were at times extremely lonely indeed, reflecting the generally ambivalent attitudes towards corporal punishment that existed at all levels of Georgian society. When Sir Francis Burdett and William Cobbett embarked singlehandedly on a crusade against flogging in the military early in the new century, for example, their campaigns received little by way of support. In 1809 Cobbett was fined and sentenced to two years imprisonment in Newgate for a libel criticizing the flogging of Yeomanry troops at Ely: an action which badly tarnished the anti-corporal punishment prospectus with a radical agenda and which (according to Francis Place) left Cobbett so politically isolated that he was unable to secure legal representation.<sup>80</sup> Three years later a motion tabled by Burdett calling for limitations to be placed on all military flogging was trounced in a House of Commons ballot, defeated by a majority of seventy-nine votes to six.<sup>81</sup>

Something of the confidence in the utility of whipping punishments was demonstrated publicly in 1823 when pioneering legal reformer Henry Grey Bennet moved in the House of Commons to bring in a Bill abolishing the sentence of civilian public

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<sup>80</sup> BL Add. MS 35145, f. 9 (Place severely criticized Cobbett for this action, branding him a ‘sad coward’ for hiding behind the anonymous article and his subsequently disastrous performance of self-defence in court); *Cobbett’s Weekly Political Register*, 1 July 1809; E. Steiner, ‘Separating the Soldier from the Citizen’, p. 34; R. Ingrams, *The Life and Adventures of William Cobbett* (London, 2005), pp. 91-102.

<sup>81</sup> M. W. Patterson, *Sir Francis Burdett and His Times*, Vol. 1, p. 315.



whipping outright.<sup>82</sup> During the subsequent debate, Bennet unpacked the rhetoric of his fellow reforming evangelicals by condemning the whipping post as ‘the last relic of a barbarous system of punishments which it was high time to get rid of’.<sup>83</sup>

According to Bennet 6,959 separate offenders had been flogged nationwide over the previous seven years, ‘to the disgrace of the age in which we live’.<sup>84</sup> Bennet’s oratory is important not only for the genuinely innovative reformist ideals contained within its rhetoric, but also for the hostility it received in response. Sir Robert Peel, recently ensconced as Home Secretary and ever ready to employ his characteristically phlegmatic parliamentary pragmatism, warned grimly against progressing reforms too quickly. Rising towards the end of the debate, Peel reminded the House that

it was peculiarly incumbent upon those who advocated the necessity of mitigating the severity of the penal law...to beware of rendering such an experiment impractical, by narrowing too much the scale of minor punishment.<sup>85</sup>

Echoing these concerns, John Cam Hobhouse also voiced his apprehension of any hasty moves to amend secondary penalties, notwithstanding his condemnation of excessive whipping as ‘a species of torture which the spirit of the English law did not justify’.<sup>86</sup> Rapid reductions in the arsenal of available penal options, he feared, would lead to judicial instability, by removing the discretionary array of punishments at hand. Parliament risked abandoning a legal penalty that many believed was possessed

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<sup>82</sup> R. Thorne, ‘Bennet, Henry Grey (1777–1836)’, in H. C. G. Matthew and B. Harrison (eds.), *Oxford Dictionary of National Biography*, (Oxford, 2004); online edn, Jan 2008. [<http://www.oxforddnb.com/view/article/37179>, accessed 4 Jan 2008].

<sup>83</sup> *Hansard’s Parliamentary Debates*, New Series (1823), Vol. 8, col. 1437.

<sup>84</sup> *Ibid.*, col. 1438.

<sup>85</sup> *Ibid.*, col. 1441.

<sup>86</sup> *Ibid.*, col. 1439

of a genuinely reformatory quality, particularly when applied to youthful offenders.<sup>87</sup> Rather than upholding Bennet's undisputed humanitarian principles, most supporters for the bill focused their criticisms on the variability of whipping whenever it was implemented: the 'lightness or severity' of which, according to MP Stephen Lushington, depended almost entirely on 'the feeling or caprice of the gaoler'.<sup>88</sup> The bill eventually fell, thirty-seven MPs voting for the motion against seventy recorded noes.<sup>89</sup>

Taking these debates as a whole (the criticisms levelled against military, slave and civilian whipping), one might find some value in the idea that changing public attitudes towards corporal penal practice by 1800 were indeed 'progressive', thereby upholding Norbert Elias's claims of widening 'civility'. Certainly, questions of how, where and when flogging should take place were receiving considerable consideration by this time, resulting in significant policy reviews. The sudden suspension of public female whipping at around the time of the 1779 Penitentiary Act, through to the total abolition of outdoor female whipping in 1820, represented a clear trajectory of legal reforms as an output of moral sensibilities, complementary to the changing perceptions of women's role in society.<sup>90</sup> Legislation passed during the 1810s post-

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<sup>87</sup> Sir Thomas Baring, for example, believed 'that boys might be whipped with less impropriety than men; and that though the punishment might tend to reclaim young delinquents it had no such effect on old ones': *Ibid.*, col. 1441.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*, col. 1442.

<sup>90</sup> For an overview of the expansive literature addressing this theme see R. Sweet, 'Women and Civic Life in Eighteenth-Century England' in R. Sweet and P. Lane (eds.), *Women and Urban Life in Eighteenth Century: "On The Town"* (Aldershot, 2003), pp. 21-42; H. Barker and E. Chalus (eds.), *Gender in Eighteenth-Century England: Roles, Representations and Responsibilities* (London, 1997); A. Vickery, *The Gentleman's Daughter: Women's Lives in Georgian England* (New Haven, Ct, 1998); R. B. Shoemaker, *Gender in English Society, 1650-1850: The Emergence of Separate Spheres?* (London, 1998).

dated earlier revolutions in Hanoverian penal practice which, by the 1790s, had already defined public whipping as an exclusively male preserve.

Yet it would be mistaken to over-state these legal and social advances. As the transportation predicament demonstrated, whipping was quickly resorted to as a pragmatic response whenever specific crises arose; a feature of the criminal law demonstrated equally well by the redeployment of the pillory in the 1790s. In spite of the penal innovations implemented after the 1770s (when the hulks were requisitioned as makeshift prisons and hard labour imposed on convicts employed on the Thames) the judiciary was nevertheless swift to resort to these *older* forms of punishment once the mechanism of American transportation seized.<sup>91</sup> Military corporal punishment, too, retained emphatic advocates, particularly during the phases of military expansion geared towards fighting protracted campaigns in North America and France. Genuine humanitarian concerns with the barbarity of whipping sentences was tempered by an abiding confidence in the salutary qualities of the whip on recalcitrant slaves, soldiers and criminal youths alike, and many proposals for reform were attached with strong caveats that whipping be preserved in limited yet nonetheless readily available forms.

As with the pillory, this retrograde resort to older forms of tried and tested penal practice is also nicely illustrated by the revival of ritualistic public flogging in London as an emergency device employed to stem the worrying tide of riverside and warehouse plunder. During the 1780s and 90s a steady flow of thieves trooped before the City Magistrates charged with riverside thefts, many of whom were dealt with summarily through gaol committals and the usual 'correction of the house'. In May

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<sup>91</sup> C. Campbell, *The Intolerable Hulks: Prison Shipboard Confinement 1776-1857* (Tucson, Ariz., 3<sup>rd</sup> edition, 2001).

1785, for example, when Aaron Braithwaite was charged by Lord Mayor Richard Clark with ‘stealing a small quantity of Tobacco upon the Quay’ he was summarily whipped and confined in Bridewell for a fortnight, whilst in June 1787 Peter Fenny was whipped and imprisoned for a week for being ‘a pilferer upon the Quays’: sentences which by then were not at all uncommon.<sup>92</sup> From 1800 onwards, however, a more noticeable shift to whipping outside dock facilities and warehouses in the metropolis can be discerned. By example, during the calendar year of 1800, seventy-one of the 120 whipping sentences ordered by the Old Bailey were conducted in public. Of these, twenty-two stated explicitly the precise location of the whipping, eighteen of which were centred on commercial wharves or storage sites.<sup>93</sup> Among those listed that year were Bear, Cox’s, Young’s, Galley and Porter’s quays, as well as tobacco warehouses on Tower Hill and those of the East India Company at Haydon Square. In May that year Thomas Rainsley was whipped one hundred yards ‘near the India Warehouses in Crutched-Friars’ as punishment for stealing a meagre nine ounces of tea from premises belonging to the United Company of Merchants.<sup>94</sup> Whippings outside the new London docks on the Isle of Dogs and along Thames Street also appear with regularity within the records of the City and Middlesex Sheriffs. Between January 1809 and January 1810 inclusively the shrieval retinue trooped to the new docks east of Wapping on no less than five separate occasions in order to conduct ritualistic whippings there.<sup>95</sup>

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<sup>92</sup> LMA, CLA/004/02/007, 4 May 1785 and CLA/004/02/031, 25 June 1787, Mansion House Justice Room Books.

<sup>93</sup> OBP, 1 January to 31 December 1830 survey (all whipping offences); also *Morning Chronicle*, 1 October 1800, which noted of this change in locality.

<sup>94</sup> OBP, 28 May 1800, Thomas Rainsford (t18000528-20).

<sup>95</sup> TNA, T 90/169, Sheriffs’ Cravings, City and Middlesex, January 1809 to February 1810.

This evidence, of course, may be indicative simply of better policing and theft detection rates around these commercial premises, partly in consequence of the efficiencies achieved by the newly formed Thames Police at Wapping. Patrick Colquhoun after all made no secret of his avowed intention to suppress the ‘immense depredations’ and ‘considerable plunder’ complained of by river merchants when he formed the organization in 1798.<sup>96</sup> An explanation for the appearance of the scourge along the waterfront may also be found in the greater willingness among merchants of tobacco, sugar and other consumable goods to actively pursue and prosecute thefts committed against their property.<sup>97</sup> Either way, such detail is instructive inasmuch that it demonstrates clearly how whipping (like the use of the pillory) appears to have regained something of its momentum in the early years of the new century as fears of robbery increased; something that was detected once more by the press in the 1820s when whipping was again resorted to by the magistracy in response to concerns with juvenile delinquency.<sup>98</sup>

### ***The domestic sphere***

Corporal punishments, both formally and informally implemented, were common enough amongst rich and poor families alike.<sup>99</sup> Unruly children, pupils and

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<sup>96</sup> P. Colquhoun, *A General View of the Depredations Committed on West India and Other Property in the Port of London* (London, 1799), p. 1; Iatros (G. D. Yeats), *A Biographical Sketch of the Life and Writings of Patrick Colquhoun* (London, 1818), p. 26.

<sup>97</sup> See P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991) pp. 402-41; R. B. Shoemaker, *The London Mob*, p. 82.

<sup>98</sup> *Times*, 14 December 1825. The newspaper lamented how ‘many persons have regretted that the learned persons who preside at the Old Bailey sessions, appear to be reviving the custom of flogging convicted criminals’.

<sup>99</sup> J. Walvin, *A Child’s World: A Social History of English Childhood, 1800-1914* (Harmondsworth, 1982), pp. 46-60; L. A. Pollock, *Forgotten Children: Parent-Child Relations from 1500 to 1900* (Cambridge, 1983), chp. 5. For discipline in the domestic sphere see M. R. Hunt, ‘Wife Beating, Domesticity and Women’s Independence in Eighteenth-Century London’, *Gender and History*, Vol. 4, No. 1 (1992), pp. 10-33; also J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The*

apprentices were sometimes flogged within the domestic, workplace or school setting, where the birch or rod were routinely employed as accepted aids to order. In common with other pamphleteers, John Bird highlighted in 1799 how ‘a master may correct and punish his apprentice in a reasonable manner, for abusive language, neglect of duty or other default’, though warned punctiliously against ‘maiming or wounding him’ unjustly.<sup>100</sup> Several of the young men and women admitted to the City Bridewell were lodged there by direct order of the magistrates specifically because domestic flogging had failed.<sup>101</sup> Eighteen-year-old Samuel Histe, for example, received the lash in Bridewell in 1813 for ‘coming to work very late in the morning, insolence and for violently resisting his master in attempting to correct him’.<sup>102</sup> Similarly, John Woolferston was committed to the House of Correction in 1814 for ‘striking his master several blows in the face when being corrected by him for misconduct’.<sup>103</sup> Earlier, when Thomas Martin was convicted of stealing two silk handkerchiefs during a public execution in 1774, his father appealed directly to the justices sitting at Hicks Hall to ‘lay some corporal punishment on him’ instead of transportation, it ‘being his first offence’.<sup>104</sup> Two young offenders who appeared before the Union Hall magistrate for a robbery in 1828 were admonished and summarily dismissed by the court, but not before they were taken to the rear of the office and whipped ‘at the request of their

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*Shadow of Our Refinement* (London, 2004), pp. 29-30, in which he describes the pre-existing ‘social resonance’ of violence in Early Modern society.

<sup>100</sup> J. B. Bird, *The Laws Respecting Masters and Servants, Articled Clerks, Apprentices, Manufacturers, Labourers and Journeymen* (London, 1799), pp. 32-3.

<sup>101</sup> See A. Levene, ‘“Honesty, Sobriety and Diligence”: Master-Apprentice Relations in Eighteenth- and Nineteenth-Century England’, *Social History* Vol. 33, No. 2 (2008), pp. 193-4.

<sup>102</sup> GL, MS 33138/1, Bridewell Committal Books, 8 December 1813.

<sup>103</sup> *Ibid.*, 8 February 1814.

<sup>104</sup> LMA, MJ/SP/1774/07/073, Middlesex Sessional Papers, n.d.

parents'.<sup>105</sup> As for public schools, according to at least one account 'the "swishing" of youth became quite a pleasurable reminiscence' for many old boys, which was as familiar to William Thackeray at Charterhouse as 'the cake-woman and the half-holiday'.<sup>106</sup>

Such treatment could be particularly harsh. In 1815 Elizabeth Fry described in her journal how she was forced to intercede in the whipping of her son ('poor Johnny') on hearing his plaintive screams, discovering that his tutor 'had whipped or was whipping [him] in a manner truly unmerciful, which I stopp'd'.<sup>107</sup> John Bee, in acclaiming the corrective qualities of the lash, lauded the whipping of youngsters as a 'sovereign remedy' for waywardness, particularly when applied against petty larcenists: in his view, 'incontestably the most effectual' punishment available.<sup>108</sup> Indeed, Bee's enthusiasm for soundly thrashing wrong-doers extended to the use of domestic whipping in the home, by advocating an occasional 'good lacing round the room' for unruly school children, an experience that Francis Place also recalled at the hands of his own father.<sup>109</sup> This litany of violence betrayed ambivalent approaches to corporal pain early in the nineteenth century and demonstrated the ubiquity of physical action as a prop to the social order.<sup>110</sup> Corporal violence often began at

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<sup>105</sup> *Times*, 24 May 1828.

<sup>106</sup> 'Whipping at Police-Stations', *London Review of Politics, Society, Literature, Art and Science*, Vol. 10, No. 249 (1865), p. 371.

<sup>107</sup> BL, Add. MS 47456, f. 271, Fry Diaries, 2 January 1815.

<sup>108</sup> J. Bee, *A Living Picture of London for 1828* (London, 1828), p. 298.

<sup>109</sup> *Ibid.*, p. 297; M. Thrale (ed.) *Autobiography of Francis Place, 1771-1854* (Cambridge, 1972), p. 59.

<sup>110</sup> S. D. Amussen, 'Punishment, Discipline and Power: The Social Meanings of Violence in Early Modern England', *Journal of British Studies*, Vol. 34, No. 1 (1995), p. 4.

home, and doubtlessly diluted the sensitivity of those who witnessed the sight whenever it was administered judicially on the street.<sup>111</sup>

What remains remarkable about ‘street’ events is just how geographically diverse they proved to be. Even until a relatively late period judicial flogging could be encountered in the capital’s thoroughfares, and few commercial districts were spared the site of bleeding backs and tearful culprits. Whippings might be witnessed on numerous occasions, even possibly by accident. On one day alone in October 1777 one man was whipped up Villiers Street towards the Strand for stealing pewter pots, another along Bedford Street in Covent Garden for stealing bread, whilst a third was whipped along Long Acre for stealing clothes.<sup>112</sup> In the course of a typical year various petty criminals might be whipped across a multiplicity of London locations, adding a familiarity to the events for broad sections of the metropolitan populace. Sample years from the record of Sheriffs’ cravings (whereby statutory fees of £6 for mobile whippings and £3 for static punishments were claimed) usefully illustrate this point. Between 1814 and 1818 inclusively, Sheriffs’ officers covered considerably wide areas of London in order to carry out the punishments, from Hammersmith, Marylebone and Leicester Square in the west, to Enfield, Hackney and Wapping in the east, and as far afield as Hendon and Barnet to the north.<sup>113</sup> Whippings conducted

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<sup>111</sup> J. S. Cockburn takes this point further, arguing that ‘many sectors of English society appear to have concurred in the use of physical punishments, and when the working class was able to institute its own penal regime, it often replicated the philosophy and forms of the system under which it had suffered’: J. S. Cockburn, ‘Punishment and Brutalization in the English Enlightenment’, *Law and History Review*, Vol. 12, No. 1 (1994), p. 178.

<sup>112</sup> *Morning Post and Daily Advertiser*, 30 October 1777.

<sup>113</sup> TNA, T 90/170, Sheriffs’ Cravings, Middlesex and City Sessions, January 1814 to December 1818.



south of the river were administered independently by the Surrey Sheriffs, who were equally active with their punishments in Bermondsey, Southwark and elsewhere.<sup>114</sup>

Some changes in this geography of punishment can be discerned however, especially after 1800 when whipping was effectively banished from the more well-to-do purlieus of the West End. Prior to this date little discretion appears to have been exercised in respect to where whippings were implemented. Between 1796 and 1799 for instance, William Atkins was whipped from Bond Street through to the corner of Grosvenor Square, Edward Trigg was whipped along Pall Mall and the Haymarket for a petty larceny and Henry Weatherall was whipped along Oxford Street from the corner of Bond Street to Orchard Street: punishments that occurred in close proximity to the fashionable thoroughfares of the Grosvenor and Portman estates, and which (much like the erstwhile execution procession) no doubt troubled the more sensitive of well-heeled residents and shop keepers in the vicinity.<sup>115</sup> Even royalty, it seems, were not spared the sight of the spectacle. In April 1790, a man was brought up to the gates of St. James's Palace and tied to a cart's tail before being whipped to the top of fashionable St. James's Street, pursuant to his sentence for 'stealing the chairmen's cushions out of their chairs'.<sup>116</sup> Whipping locations after 1800 were, however, largely restricted to the St. Giles's end of Oxford Street as a western boundary, and thereafter generally occurred at key public interchanges east of this location: Charing Cross, the Strand and Seven Dials, for example, as well as the major through-routes across the

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<sup>114</sup> For example see *Star*, 29 November 1798. Peter Shildman was publicly whipped outside St. Margaret's Hill Sessions House in the Borough following his conviction at the Surrey Quarter Sessions, for stealing 'a quantity of salt-petre bags'.

<sup>115</sup> TNA, T 90/168, Sheriffs' Cravings, Middlesex Sessions, January 1796 and September 1799; LMA, COL/SF/02/016, Bailiffs' and Sheriffs' Cravings, Middlesex Sessions, January 1797.

<sup>116</sup> *Whitehall Evening Post*, 20 April 1790.

City. Middlesex whippings were otherwise confined to the out-parishes beyond the main metropolitan conurbation in order to parochially frame the punishments, such as those conducted at Hackney, Shadwell, and the Ratcliffe Highway.<sup>117</sup> The greater use of public whipping posts outside the Old Bailey Sessions House and on Clerkenwell Green further confined this new topography of punishment, though whipping events were still occasionally witnessed far and wide. As late as 1826, for example, Timothy Tims was sentenced to be publicly whipped for two hundred yards in Uxbridge, after he was found guilty at the Old Bailey of stealing a truss of hay.<sup>118</sup>

Such evidence serves to re-emphasize Peter Borsay's observation that the ways in which civic rituals and ceremony were deployed in towns in the late eighteenth century were increasingly confined and restructured as high society retreated into 'privatized spaces'.<sup>119</sup> The elite's sensitivity to physical pain at their very doorsteps, of course, certainly helps to explain this phenomenon, though again, one should not overestimate the speed and influence of this factor. Although the spatial redistribution of public whippings went some way to removing the spectacles from the more respectable territories of residence, it should be borne in mind how the complex social groupings of the Georgian capital never remained hermetically sealed from one another. As Gatrell has recently described, metropolitan society in the new century remained a blended hotchpotch of public components: a mosaic of human activity in which 'even the greatest in the land had to cope with London's promiscuous

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<sup>117</sup> TNA, E 197/24, Bills of Sheriffs' Cravings, Middlesex Sessions, January 1800 to December 1805.

<sup>118</sup> OBP, 7 December 1826, Timothy Tims (t18261207-71).

<sup>119</sup> P. Borsay, "'All the Town's a Stage': Urban Ritual and Ceremony 1660-1800" in P. Clarke (ed.), *The Transformation of English Provincial Towns 1600-1800* (London, 1984), p. 237; also G. T. Smith, "'Civilized People Don't Want to See That Kind of Thing': The Decline of Public Physical Punishment in London, 1760-1840" in Strange, C (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), pp. 42-5.

residential patterns, bizarre intermingling of high and low life, and uncomfortable encounters and intimacies'.<sup>120</sup> Increasing individual mobility and higher volumes of horse-drawn traffic around the capital after 1800 ensured that even on the point of their legal abandonment whipping spectacles remained a familiar feature to London's middling and commercial classes, as well as the metropolitan unwashed masses hurrying to and fro.<sup>121</sup>

### ***Public responses***

How, then, were flogging punishments received by the population at large and what part did crowds play in these unique urban spectacles? As Robert Shoemaker remarks, the relative paucity of surviving first-hand accounts relating to spectators at London whippings is perhaps indicative of their general insignificance; a feature that Morgan and Rushton have also noted of public floggings carried out in northern England.<sup>122</sup> By the final quarter of the eighteenth century whipping rituals may have become so incidental to Londoners that they 'attracted very little attention at all from passers-by' and remained the 'ridiculous farces' as belittled by *The Times* in 1786.<sup>123</sup> The relatively light treatment of some culprits may have also contributed to such attitudes. Surviving evidence suggests that a broad degree of discretion was often employed by the whipper, and it is likely that some floggings were little punishment indeed to some

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<sup>120</sup> V. Gatrell, *City of Laughter: Sex and Satire in Eighteenth-Century London* (London, 2006), p. 53. In 1810, for example, Daniel George was sentenced to be whipped 100 yards along busy Marylebone High Street for stealing pewter pots: OBP, 6 June 1810, Daniel George (t18100606-93).

<sup>121</sup> See R. Porter, *London: A Social History* (London, 1994), pp. 225-8.

<sup>122</sup> R. B. Shoemaker, "Streets of Shame?", p. 249; G. Morgan and P. Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London, 1998), p. 134.

<sup>123</sup> R. B. Shoemaker, "Streets of Shame?", p. 249; *Times*, 7 June 1786.

of those who stood with bared backs and tied wrists.<sup>124</sup> (The canting term to be whipped - 'teased' - is perhaps not insignificant in this respect).<sup>125</sup> During a public whipping conducted outside Newgate in 1780, for example, Samuel Curwen witnessed one man so severely flogged that 'he cried loudly' throughout, though that of a second man (who 'seemed like an old offender') was carried out only 'moderately'.<sup>126</sup> Another account tells of how London's deviant youth considered a Newgate whipping to have been little more than 'good fortune', and that if some 'could have shortened their durance for a week' they would have gladly offered 'to take two whippings instead of one...and come back to their breakfasts in good spirits'.<sup>127</sup> Newspaper accounts of public whippings also described them as 'trifling' in some cases, and as noted above, criticism voiced in Parliament regarding the variability of the sanction confirmed that the discretion of legal officers often made the severity of the punishment difficult to regulate; a situation recognized by Patrick Colquhoun when he advised that the 'unpleasant duty' should not be exercised 'with a degree of severity [more] than is necessary'.<sup>128</sup>

And with so many individuals publicly whipped in the capital each year, the public's acquaintance with the sight of scarified shoulders may indeed have fostered a degree

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<sup>124</sup> Robert Shoemaker has suggested that this variability is explained by concessions to age and social status, though it may also have been linked to bribes: R. B. Shoemaker, *Prosecution and Punishment*, pp. 188-9. William Fuller described how he bribed his flogger in Bridewell with half a crown 'but he afforded me little favour... [and] struck home at every stroak': W. Fuller, *Mr William Fuller's Trip to Bridewell* (London, 1703), p. 9.

<sup>125</sup> BL, Eg. MS 3710, f. 49 (Notebook of Sir John Silvester).

<sup>126</sup> G. Atkinson (ed.), *The Journal and Letters of Samuel Curwen* (Boston, Ma., 1864), p. 305. Curwen noted that the second man 'seemed unused to stripes' and would 'carry the marks of legal vengeance...[as] proofs of his folly and wickedness' forever.

<sup>127</sup> 'The Schoolmaster's Experience in Newgate', *Fraser's Magazine*, Vol. 5, No. 29 (1832), p. 523.

<sup>128</sup> *Times*, 7 June 1786; P. Colquhoun, *A Treatise on the Functions and Duties of a Constable* (London, 1803), p. 18.

of crowd apathy. After the sessions at the Old Bailey concluded in September 1779, for instance, no fewer than seventeen convicted thieves were marched promptly out of Newgate and whipped in short order at a post set up in the Sessions House yard, ‘some receiving one dozen and others two dozen strokes’ in accordance with the gravity of each respective offence.<sup>129</sup> Multiple whippings of several petty offenders on the same day (commonly conducted immediately after the end of each judicial session) may well have engendered a more casual response among some of those who passed by, which in itself was the cause for some concern.<sup>130</sup> One anti-flogging tract in 1827 pointed directly to the casual nature of the audiences that usually attended, and claimed that ‘the disgusting brutal exhibition of a public whipping must operate far more injuriously on the spectators than that of capital punishment, inasmuch as it is unattended by any of those circumstances of solemnity which accompany death’, adding that ‘the vulgar rabble collected to witness a public whipping, will, by the complacent view of such spectacles, soon be converted into a ferocious blood-thirsty mob’.<sup>131</sup>

Unlike execution crowds, however, and to a lesser degree those that gathered around the pillories, it seems unlikely that knowledge of most crimes punished this way would have been easily acquired. Such information was lost in the sheer volume of petty theft cases passing through the courts each month, and static whippings in

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<sup>129</sup> *Gazetteer and New Daily Advertiser*, 22 September 1779.

<sup>130</sup> Whippings were still occurring immediately after each session in 1818: Parliamentary Papers, *Select Committee on the State of the Police of the Metropolis* (1818), Minutes of Evidence, p. 173.

<sup>131</sup> Anon, *Observations on the Offensive and Injurious Effect of Corporal Punishment* (London, 1827), p. 18.

particular were conducted quickly after each session concluded.<sup>132</sup> In describing the prosecution of a man for stealing brass weights from a City merchant in the 1780s, one report applauded the swiftness of English justice by describing how the culprit was brought before a magistrate at noon, committed to Newgate, tried at the Old Bailey, convicted, sentenced, whipped and then ‘sent about his business’ by five o’clock, all on the very same day.<sup>133</sup> Though possibly apocryphal, such a story nevertheless confirms how rapid conviction rates may have sometimes instilled an ostensibly transient quality to legal proceedings, and effectively removed any chance for public interest to incubate. As such, these cases may well have imparted a merely ‘inquisitive’ characteristic to the whipping crowd, with many spectators drawn to the spot out of what Patrick Colquhoun denounced as the ‘idle curiosity’ often witnessed there.<sup>134</sup>

Whipping sentences by the 1790s were at any rate reserved for minor, non-capital offences doled out by the courts with remarkable alacrity, and it is perfectly conceivable that the punishment remained a subordinate interest to many people in the capital. That said, some limited evidence does suggest, however, that whipping was occasionally employed tactically for serious non-felonious offences whenever a maximum degree of publicity was demanded. In 1786, for example, William Wright was sentenced to be ‘twice openly and publicly whipped until his body be bloody’ for attempting sodomy on William Carter, whilst in 1795 William Smith was imprisoned

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<sup>132</sup> 781 non-violent thefts were dealt with by the Old Bailey in 1800, for example: OBP Survey, January to December 1780, theft, all subcategories.

<sup>133</sup> *St James’s Chronicle*, 19 January 1786.

<sup>134</sup> P. Colquhoun, *A Treatise on the Functions and Duties of a Constable*, p. 18. For the swiftness of eighteenth-century legal justice see J. H. Langbein, ‘The Criminal Trial before the Lawyers’, *University of Chicago Law Review*, Vol. 45, No. 2 (1978), p. 277; A. N. May, *The Bar and the Old Bailey, 1750-1850* (Chapel Hill, NC, 2003), p. 96.

and publicly whipped for ‘assaulting Mary Martin, an infant of 6 years intending carnally to know and abuse her’.<sup>135</sup> In 1795 Edward Vernon was imprisoned in the Clerkenwell House of Correction and publicly whipped for ‘assaulting John Elliott, a parish boy 9 years old’, a crime which by then typically commanded a spell in the pillory.<sup>136</sup> Clearly, use of the whip was occasionally considered a viable sanction for an array of offences other than simple property thefts, even at the end of the century, though in comparison to pillory sentences a whipping may have seemed a light punishment indeed for some of those so sentenced. In 1772 the *Westminster Journal* encapsulated what it saw as the ‘inefficiency and disproportion of our penal laws’ evident in the variable resort to the lash, describing how

two persons were whipped around Covent garden pursuant to sentence; the one for stealing a bunch of radishes, which nature might have impelled him to do; the other for debauching and polluting his own niece, a crime that revolts nature.<sup>137</sup>

Such sentences nevertheless displayed intriguing vestiges of an older shaming doctrine. We can assume that in bestowing these penalties the Bench at once anticipated vocal and physical public reproof of the offenders, just as would an hour of shame spent trapped in the notorious ‘wooden nutcrackers’: testament to the perceived utility of an older, traditional punishment technique, and which once more complicates social histories that describe the judiciary’s retreat from unseemly civic rituals.<sup>138</sup>

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<sup>135</sup> LMA, CLA/047/LJ/06/01, f. 62, City of London Sessions, Sessions Books; TNA, HO 26/4, f. 66.

<sup>136</sup> TNA, HO 26/4, f. 69 (No newspaper reports of these whippings have been located).

<sup>137</sup> *Westminster Journal and London Political Miscellany*, 14 to 16 July 1772.

<sup>138</sup> P. Borsay, “‘All the Town’s a Stage’”, p. 237

Admittedly, whipping sentences for more serious ‘amoral’ offences were ostensibly experimental by 1800. In general, the grisly tales accompanying felonies or the salacious accounts relating to homosexuals trapped in the pillories were absent from the whipping scene, diluting much of the impact of the ungainly flogging spectacle. Whipping crowds consequently appeared more casual in their spectatorship, and lacked the social excitement whipped up by pages of sensational reportage and gossip that usually circulated for days in advance of other punishment events. A more muted response to the steady stream of tobacco pilferers, handkerchief thieves and shoplifters ordered for whipping can be definitely discerned, many of whom might simply have been convicted of stealing a loaf or two of bread.<sup>139</sup>

This is not to argue, however, that crowds completely disregarded the lash. In looking more closely at the record, large, and in some instances, substantial mixed audiences *did* sometimes gather to witness public floggings: large enough in fact to draw heavy criticism from complaining London moralists, and which confirmed the depth of public interest and participation in the events.<sup>140</sup> When Samuel Curwen wandered up Old Bailey in 1780 he was drawn into the ‘great crowd’ that gathered there, that dutifully informed him that two pickpockets were about to be flogged, including one who had recently ‘bought off the minister of justice’.<sup>141</sup> Similarly, a whipping event described by *The Times* in 1786 attracted a crowd of over five hundred people, drawn

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<sup>139</sup> Paul Griffiths has also made this point, stating that ‘the gruesome gallows must surely have had a more awesome and spellbinding impact on bystanders than a humdrum public whipping’: P. Griffiths, ‘Introduction: Punishing the English’ in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture*, p. 14.

<sup>140</sup> For example see Anon, *Observations on the Offensive and Injurious Effects of Corporal Punishment*, p. 19, which railed against the ‘brutal curiosity’ of the mob at a whipping.

<sup>141</sup> G. Atkinson (ed.), *The Journal and Letters of Samuel Curwen*, p. 305. Clearly, in this case prior intelligence of the crimes *had* been circulated well in advance of the whipping.



quickly together to watch the punishment in Old Bailey. Nearly forty years on, the same newspaper could again report the appearance of vast numbers around the same spot, amongst whom were ‘many females and children...assembled in the yard of the Old Bailey...to witness the disgusting and sanguinary spectacle’.<sup>142</sup> As well as the signs of the crowd’s conspicuous social diversity, one might also note here the choice of vocabulary used to describe such a gathering: a static ‘assembly’ deliberately congregating in order to observe the event, rather than an inconsequential rabble passing by in transit. The large numbers reported in these crowds alone suggest that whipping audiences were not simply idlers caught up in the moment as they strolled past Newgate on their way to Fleet Street, Smithfield and beyond.

Mobile whippings, too, appear to have drawn together significant numbers of citizens. In 1786, when four different offenders were whipped between the New Gaol in the Borough and St Thomas’s Hospital (and back again), the ritual took place ‘amidst a vast crowd of spectators’ following behind the carts in excitement.<sup>143</sup> Later, in recording his time as a prison official at the Clerkenwell House of Correction, G. L. Chesterton recalled one of his earliest judicial experiences in the 1820s as being the application of two public whippings relating to cases of purloined silk. The first of these punishments took place over a distance of one hundred yards in the Commercial Road, Whitechapel, amongst turbulent scenes of public interest:

Timely notice was given to the police, who mustered in sufficient force, and at my bidding, the public executioner hired a cart, and himself attended with a huge cat-o’-nine tails. The culprit was conducted to the spot by my officers, and made fast by the wrists to the cart’s tail, while I also repaired to the place selected, where I found crowds of assembled spectators...the cart moved slowly on, and as it

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<sup>142</sup> *Times*, 14 December 1825.

<sup>143</sup> *London Chronicle*, 14 October 1786.

travelled onwards, the cat fell heavily at intervals, on the prisoner's bare back, and at the conclusion, the condition of the skin amply proved the severity of the castigation.<sup>144</sup>

Again, we observe here the gathering of crowds in a neighbourhood well in advance of the spectacle. In this instance the punishment retinue arrived to find the spectatorship already fully formed and in excitable mood, illustrating well how whipping events in the 1820s still had the power to generate high levels of interest whenever public curiosity was aroused. Arch-flogger John Bee, in recounting his own experience of the immense crowds watching the flagellation of three Spitalfields weavers in February 1828, also detected the high levels of public interest in the event. 'I would have taken it all for the value of a pint of gin, but for the disgrace' grumbled one member of the crowd, a sentiment 'echoed by a dozen' more nearby; testament enough, perhaps, that the shaming implications of a public whipping were alive and well in the first quarter of the nineteenth century.<sup>145</sup>

The crowd's physical interactivity within whipping spectacles should also be noted. In December 1778, for example, as the public executioner whipped a seventy-year-old man around Moorfields for stealing pewter pots, a passing brewer's dray crashed into and overturned the cart, by which circumstance (according to the *Morning Post*) 'the poor man made his escape': a get-away almost certainly assisted by surrounding onlookers, given the culprit's advanced age and bound arms.<sup>146</sup> As witnessed above, spectators gathered along the routes of passing whipping carts and sometimes pursued

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<sup>144</sup> G. L. Chesterton, *Revelations of Prison Life; with an Enquiry into Prison Discipline and Secondary Punishments* (London, 1856), Vol. 2, pp. 134-5.

<sup>145</sup> J. Bee, *A Living Picture of London*, p. 298; *Times*, 9 February 1828.

<sup>146</sup> *Morning Post and Daily Advertiser*, 16 December 1777.

the Sheriffs' retinues with eagerness. As late as the 1820s six constables were routinely employed at each mobile whipping in order to keep the crowd at a comfortable distance, with a similar number standing guard around the whipping posts; provisions that represented a considerable financial burden to the City Corporation. In 1821, the City and Middlesex Sheriffs claimed a remarkable £149 in whipping fees after the conclusion of the April sessions alone, a figure not atypical of regular policing expenditure for the events at this time.<sup>147</sup> Far larger bodies of constables were also required to police the more controversial of cart's tail punishments from time to time, and whipping events sometimes proved extremely troublesome to civic authorities whenever a danger of popular disturbance was detected. In July 1810, for example, twenty-two additional constables from the City day patrols were requisitioned to assist in maintaining public order when a man was whipped along the entire length of Thames Street.<sup>148</sup>

When weaver James Dinard was sentenced to be publicly whipped one hundred yards along the Bethnal Green Road in June 1829, for cutting out silk from looms in protest at falling wages, civic leaders were left in a state of panic. Economic collapse in the East End textile trades had reduced the local working classes to a state of penury, fostering a simmering political discontent throughout the neighbourhood.<sup>149</sup>

According to the *Morning Chronicle* such was the 'agitated and feverish state of the

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<sup>147</sup> TNA, T 90/170, Sheriffs' Cravings, City and Middlesex Sessions, April 1821. For a comprehensive illustration of the rise in these costs see A. T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (London, 2004), p. 65.

<sup>148</sup> LMA, CLA/048/PS/02/21, Day and Night Patrole Books, 31 July 1810.

<sup>149</sup> See M. W. Steinberg, 'The Roar of the Crowd: Repertoires of Discourse and Collective Action among the Spitalfields Silk Weavers in Nineteenth-Century London', in M. Traugott (ed.), *Repertoires and Cycles of Collective Action* (Durham, N. C., 1995), pp. 57-88; D. J. Rowe, 'Chartism and the Spitalfields Silk Weavers', *Economic History Review*, Vol. 20, No. 2 (1967), pp. 482-93.

public mind in the district' it was supposed that the 'disgraceful part of the sentence' would be dispensed with altogether.<sup>150</sup> The event nevertheless proceeded as intended, attended by 'all the parochial and special constables of the district', including the twenty-one parishes of Tower Hamlets, plus various supernumerary officers from the Worship Street, Lambeth and Thames patrols.<sup>151</sup> *The Times* that month reported how ten thousand people turned out to watch the seventy lashes inflicted on Dinard; a crowd which, though 'exceed[ing] anything ever remembered on similar occasion' nevertheless remained compliant owing to the heavy police presence. 'Not a single murmur was heard, nor the slightest symptom of riot or insubordination manifested', continued the account, among scenes of potentially violent unrest.<sup>152</sup>

Thus we see how crowds attending whippings were at times deeply troubling urban phenomena, resulting in burdensome civil expenditure. Indeed, some evidence suggests that voluble public commentaries on whipping sentencing directly influenced how and where the rituals were implemented. In 1827, for example, the incumbent City Sheriff, Charles Farebrother, was embroiled in a bitter dispute with the Recorder of London, Newman Knowlys, over the whipping sentence of one William Crane. Crane was convicted on a charge of simple larceny at the Old Bailey in February that year, after stealing a side of veal from Newgate market.<sup>153</sup> The corporal part of his punishment was subsequently postponed by the Sheriffs as Crane languished in ill-health. *The Times* continued the story:

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<sup>150</sup> *Morning Chronicle*, 3 June 1829.

<sup>151</sup> *Ibid.*

<sup>152</sup> *Times*, 3 June 1829; *Morning Chronicle*, 3 June 1829.

<sup>153</sup> OBP, 15 February 1827, William Crane (t18270215-44).

The inhabitants of the market, who had inquired into the character of the convict, and learnt that the theft was his first known offence, prepared a petition to the Secretary of State...[stating] that the inhabitants would, if their petition were complied with, employ the prisoner after his liberation from prison, so that he would gain an honest livelihood; but that if the opprobrious punishment were to be inflicted, it would be impossible to restore him to society, so horrible a brand of iniquity being inconsistent with any honest occupation.<sup>154</sup>

A petition was prepared by Farebrother and presented to the Recorder, in the expectation that the latter would at once acquiesce to the force of popular compassion. Recorder Knowlys, it seems, was made of sterner stuff. The document was swiftly returned to the Sheriff, annotated with the word ‘scandalous’ on the reverse, whilst Knowlys publicly berated the officers for delaying the punishment.<sup>155</sup> The whipping, he protested, had been specifically imposed owing to the frequency of such depredations on the market, and it ‘had become necessary to inflict the punishment of flogging...upon offenders of the kind’.<sup>156</sup> Undeterred, Farebrother approached Home Secretary Robert Peel with the full details of the case, who proceeded to respite Crane’s whipping on the grounds that there would, indeed, ‘be every chance of a reform in his conduct’.<sup>157</sup> Relations between the Sheriff and Recorder of London thereafter descended into bitter acrimony, marked by an unseemly public wrangle mercilessly lampooned in satirical prints.<sup>158</sup> Matters were only finally resolved later that year once the Lord Mayor and Aldermen intervened.

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<sup>154</sup> *Times*, 4 August 1827.

<sup>155</sup> *Ibid.*, 2 October 1827.

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid.*, 4 August 1827.

<sup>158</sup> See GL, Anon, *Brothers in Law! Or the finishing flourish of a City Officer!!* (London, 1827?).

## *Conclusion*

Though many crowds at public whippings were undoubtedly thin, it would be wrong to remove from this history the cultural relevancy embedded in the events. As the Crane controversy usefully illustrates, civic authorities continued to pay close attention to the occasionally clamorous public sentiment surrounding whipping punishments, which in turn sometimes dictated civil policing policy. Even by the third decade of the nineteenth century, large and at times highly active audiences still arrived to witness whipping events. Although less controversial and relatively under-publicized in comparison to pillory and scaffold rituals, patterns of urban flogging nevertheless remained an integral component within the London experience. Rather than undergoing a wholesale cultural disintegration by 1800, as Greg Smith and Robert Shoemaker have previously described, there remains an interesting hint that these familiar spectacles represented a much more important part of urban street culture across remarkably wide area of the cityscape, and did so over a much longer period of time.<sup>159</sup>

This chapter has demonstrated how teleological histories dealing with the decline and abandonment of public whipping do not fit comfortably with the continuities evident in the punishment's use. To be sure, genuine concerns with the excesses of whipping punishments dominated debates between 1780 and 1850. Military flogging and the treatment of colonial slaves in particular raised many noisy protests, which have been quite rightly interpreted as a sign of softening popular attitudes towards excessive punishment and a repugnance of state imposed physical pain.<sup>160</sup> Though attitudes may

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<sup>159</sup> G. T. Smith, “‘Civilized People Don’t Want to See That Kind of Thing’”, p. 44; R. B. Shoemaker, ‘Streets of Shame?’, *passim*.

<sup>160</sup> J. R. Dinwiddy, ‘The Early Nineteenth-Century Campaign Against Flogging in the Army’, p. 330.

not have changed much in relation to physical punishment *per se* in the early nineteenth century, the public's acceptance of *ritual* violence does appear to have altered markedly. Modifications in criminal justice policy relating to the public whipping and pillorying of women and the burning of females at the stake offer the clearest signs yet of a shift in public sensitivities, and clearly help to explain the changing shape of penal practice.

Yet as has been shown, corporal punishment in all its guises still retained an important place in society during the first half of the nineteenth century, and we should remain cautious when employing terms of 'civility' when explaining penal change. Though growing sensitivities *did* undoubtedly contribute to the eventual privatization of flogging in the longer term, the route to this privacy was confused, contradictory and complex. Indeed, as with the pillory, magistrates were sometimes quick to *return* to public whipping when specific crises arose. The withdrawal of transportation options during the American war years, concern with rising levels of riverside plunder, and emerging anxieties relating to juvenile delinquency all stimulated a resort to these older and well rehearsed punitive techniques. Divided by a reluctance to change and a lingering confidence in older, eighteenth-century forms of physical justice, London's magistrates continued to rely heavily on summary public floggings when circumstances so demanded. Public whipping thus survived in relatively rude health until its abandonment in the 1830s; its demise explained as much, perhaps, by the new demands for orderly streets and concern with crowd activity as it was by a squeamish recoil from the sight of lacerated and blood-stained backs.

## Chapter Seven

### **1800 to 1830: Hanging in Context**

So far this thesis has described a history of relative stasis. Although the changes applied to executions after 1783 clearly marked the beginning of strenuous attempts to reconstruct the deterrent value of public punishments overall, the material presented here has illustrated how the magistracy were relatively slow to forsake older punishment techniques, and how, in consequence, the crowd's understanding and appreciation of public justice remained essentially the same. By tracing a broader continuum in popular responses to the time-worn public punishment experience, striking continuities in popular attitudes have so far been revealed: reactions to humiliation and physical suffering, such as that meted out on the Vere Street Coterie in 1810, that connected directly with a centuries-old and essentially brutal punitive tradition.

In the final two chapters of this study this unbroken line in popular responses to public punishments will be traced even further. What follows is a deeper examination of the crowd's general orderliness within the context of public spectacle, and the position of public hanging within the emerging nineteenth-century imperatives of leisure and organized spectatorship. Most importantly, what will be considered here is how, in instigating radical changes to English penal practice during the 1830s, the British political elite achieved a fundamental revalidation of the older moral values perceived in public suffering. By reserving execution for murderers only at this time, a different though nonetheless familiar public acceptance of penal violence was



achieved, characterized by a recognisably more stable crowd experience and active public interest.

### *A 'social revolution'?*

Many social historians have located the apparent softening of public behaviour after 1800 in the working class's assimilation of 'cultured' civic ideals: an advancement in social conduct that re-legitimized plebeian activity by exchanging the rough and tumble of eighteenth-century life for more orthodox, less threatening and peaceable alternatives.<sup>1</sup> Looking back to the days of his youth, Francis Place was able to wax lyrical about the deeply profound changes he observed over a long and colourful lifetime, describing in detail how the coarseness of Georgian London had given way to a distinctive and detectable urbane courtesy, where the 'grossness, the indecency, the positive nastiness...which pervaded more or less every class of persons in the kingdom' had been utterly swept away.<sup>2</sup> Where once he observed 'two women naked to the waist fighting within a ring of men and women' as he passed through the capital's streets, and himself had marauded across the capital in gangs of fellow apprentices ('all turbulent unruly fellows, scarcely under any sort of control'), he now considered London to be polite, decent and improved.<sup>3</sup> After surveying the metropolis in the 1820s, visitor John Corry similarly marvelled at the 'national amelioration of morals'.<sup>4</sup> 'Progressive improvement' he eulogized, 'distinguishes the age'.<sup>5</sup>

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<sup>1</sup> P. Burke, *Popular Culture in Early Modern Europe* (Aldershot, 1978; reprinted 1994), pp. 244-9; J. Walvin, *English Urban Life 1776-1851* (London, 1984), p. 137; P. Langford, *Englishness Identified: Manners and Character 1650-1850* (Oxford, 2000), p. 224; also B. Harrison, *Peaceable Kingdom: Stability and Change in Modern Britain* (Oxford, 1982).

<sup>2</sup> BL, Francis Place Collection, Shelfmark B. 905, Reel 22.

<sup>3</sup> M. Thrale (ed.), *Autobiography of Francis Place, 1771-1854* (Cambridge, 1972), pp. 73-4.

<sup>4</sup> J. Corry, *The English Metropolis, or London in the Year 1820* (London, 1820), pp. 34-5.

These forces of change bore down heavily on penal policy. By 1831, the pillory - for years the bugbear of civic reformers - had been consigned to the judicial rubbish heap as a consequence of the unseemly crowd responses it had been shown to occasionally elicit; responses among the plebeian masses that jarred violently against the social refinement which bourgeois contemporaries were now prone to expect. Like many among the elite, Hugh Fortescue, Lord Ebrington, berated the pillory as ‘a disgrace to the enlightened age in which we live’, so radically out of step with the cultivated social mores evolving elsewhere.<sup>6</sup> Such tirades were accompanied by the moral strictures espoused by a raft of reforming institutions: of the Society for the Suppression of Vice, for example, alongside a coterie of evangelical Sabbatarians, critics of pugilism and blood sports, and a host of other reform movements urging the annulment of various unruly parochial fairs and holidays.<sup>7</sup> These movements for change, though marked by what Robert Malcolmson termed the ‘persistent tension’ between behaviours of the old and new, were to prove highly influential.<sup>8</sup> ‘Merry England’, it has been suggested, was gradually abandoned in favour of formality, sobriety, and industry. ‘There was’ argues Ben Wilson, ‘an intolerant spirit abroad which sought to drive away noise, carnivalesque rowdiness, perceived nuisances and unconventional behaviour’.<sup>9</sup> What Gatrell labels the ‘City of Laughter’ was rapidly

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<sup>5</sup> Ibid.

<sup>6</sup> *Hansard’s Parliamentary Debates*, New Series (1814), Vol. 28, col. 762.

<sup>7</sup> See M. J. D Roberts, ‘The Society for the Suppression of Vice and its Early Critics, 1802-1812’, *Historical Journal*, Vol. 26, No. 1 (1983), pp. 159-76; H. Cunningham, ‘The Metropolitan Fairs: A Case Study in Social Control’, in A. P. Donajgrodzki (ed.), *Social Control in Nineteenth Century Britain* (London, 1977), pp. 163-84. For contemporary commentary see J. Scott, *An Account of Societies for the Reformation of Manners, and the Suppression of Vice* (Hull, 1807).

<sup>8</sup> R. W. Malcolmson, *Popular Recreations in English Society 1700-1850* (Cambridge, 1973), p. 126.

<sup>9</sup> B. Wilson, *Decency and Disorder: The Age of Cant 1789-1837* (London, 2007), p. 386.

becoming, it seems, a mirthless metropolis; the cheerless ‘Great Wen’ rent by class divides that William Cobbett so bitterly despised.<sup>10</sup>

The taming of popular culture in the early nineteenth century is now a familiar theme to students of social history. The historiography surveying the topic describes in detail a crisis of sorts during the period of industrialization; an era in which the labouring sort were rendered increasingly bereft of recreational relief. ‘Instead of a propitious centre for sociability’ states Marjorie Morgan, ‘the urban public sphere suddenly seemed...like a complex, unpredictable and threatening environment’: a view shared by many Marxist historians over the recent past who have used the case of leisure to describe a bleak age of attack on the poor.<sup>11</sup> Robert Malcolmson, for example, has highlighted the undermining effect of market forces on customary activities, as middle- class elites gradually withdrew their support for popular pastimes.<sup>12</sup> This decline in patronage was underpinned by a pernicious demand for greater employee discipline, achieved by removing permissible rights to social freedoms under the emergent imperatives of time and work-place obedience.<sup>13</sup>

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<sup>10</sup> V. Gatrell, *City of Laughter: Sex and Satire in Eighteenth- Century London* (London, 2006).

<sup>11</sup> M. Morgan, *Manners, Morals and Class in England 1774-1858* (New York, 1994), p. 97. For this traditional view see B. Bushaway, *By Rite: Custom, Ceremony Community in England, 1700-1880* (London, 1982); J. M. Golby and A. W. Purdue, *The Civilisation of the Crowd: Popular Culture in England 1750-1900* (London, 1984); H. Cunningham, *Leisure in the Industrial Revolution, c.1780-c.1880* (London, 1980).

<sup>12</sup> R. W. Malcolmson, *Popular Recreations in English Society 1700-1850* (Cambridge, 1973), esp. chps. 6 and 7.

<sup>13</sup> E. P. Thompson, ‘Time, Work-Discipline and Industrial Capitalism’, *Past and Present*, No. 38 (1967), pp. 56-97; M. Harrison ‘The Ordering of the Urban Environment: Time, Work, and the Occurrence of Crowds 1790-1835’, *Past and Present*, No. 110 (1986), pp. 134-68; C. R. Dobson, *Masters and Journeymen: a Prehistory of Industrial Relations 1717-1800* (London, 1980). For a discussion of resistance to the time/work imperative see J. Rule, ‘Against Innovation? Custom and Resistance in the Workplace, 1700-1850’ in T. Harris (ed.), *Popular Culture in England, c. 1500-1850* (London, 1995), pp. 168-88.

Can we relate this putative mollification of social behaviour to the punishment crowd after 1800? For some middle-class observers at least, nothing much appeared to have changed in the behaviour of the suspicious gallows mob, which continued to arrive with avidity and in strength of numbers well beyond the reforms of 1783; a situation shored by the Bench's generally consistent application of the death sentence until the 1830s. Between 1813 and 1829 London spectators still witnessed on average nineteen individuals executed every year at the Old Bailey, usually dispatched in batches of two or three, and for a multiplicity of felonious crimes.<sup>14</sup> The establishment of Surrey County Gaol at Horsemonger Lane at the turn of the century had further embedded capital punishment within the civic calendar, which now offered fresh opportunities for London's citizenry to attend a hanging event. Southwark and the Borough, though less densely populated districts of the capital at this time, represented an important hub in the Surrey judicial framework, with most condemned criminals sent to the new gaol there from the Kingston or Guildford assizes. Rebuilt after the ravages of the 1780 disturbances (commissioned in 1791 on plans using a three and a half acre plot in Newington), the Surrey county gaol was reconstructed with the publicity of executions firmly in mind.<sup>15</sup> Designed with a flat roof over the gated lodge as a platform to stage the spectacles, the building stood imposingly over Horsemonger Lane and the surrounding district, and afforded a broader degree of access to spectators every execution day, conforming to the new ideology of ritual 'theatrics'

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<sup>14</sup> Parliamentary Papers, *Return of Capital Cases Reported to the King in Council from Old Bailey Sessions, 1824-1834* (1835) [590]; *Times*, 1 January 1830 to 31 January 1834. For the regularization of hangings see S. Devereaux, 'Peel, Pardon and Punishment. The Recorder's Report Revisited' in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004), pp. 258-84.

<sup>15</sup> I. Darlington (ed.), *Survey of London Volume XXV: St George's Fields (The Parishes of St. George the Martyr, Southwark and St. Mary Newington)* (London, 1955), pp. 19-24.

engrained in the revised execution arrangements taking place across the Thames.<sup>16</sup> On the morning of Friday 4 April 1800, five prisoners inaugurally mounted ‘the new erected platform’ above the prison’s gatehouse, and the motley group of burglars, forgers and a returned transport were duly executed in front of a large and expectant crowd, drawn there by ‘the novelty of the spectacle’.<sup>17</sup>

We might begin, therefore, by examining the conduct of spectators at each location in order to usefully assess the influence of these institutional and administrative reforms on the execution crowd’s underlying behaviour. In so doing, a clearer picture of the consistency in punishment audience reactions will be revealed, as already noted in the crowd of 1807.

Horsemonger Lane prison was strongly reinforced as a seat of punishment less than two years after its completion with the sensational events surrounding the case of Colonel Edward Marcus Despard, executed on the morning of 21 February 1803. As military commander of Honduras during the 1780s, Despard had earned a reputation for petty tyranny over local settlers, many of whom had complained bitterly to London of his autocratic and inflexible form of government. Despard was subsequently suspended from office and recalled to London in disgrace, forced to wait on half pay for over a year while possible charges of insubordination were considered.<sup>18</sup> Following his eventual exoneration in 1791 Despard thereafter engaged

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<sup>16</sup> In comparison to the restrictions in place at the Old Bailey, the prison afforded relatively free public access to executions. The area remained undeveloped and few houses were built in the area until after 1810.

<sup>17</sup> *St. James’s Chronicle*, 3 to 5 April 1800.

<sup>18</sup> M. Jay, *The Unfortunate Colonel Despard* (London, 2004); P. Linebaugh and M. Rediker, *The Many Headed Hydra: Sailors, Slaves, Commoners and the Hidden Story of the Revolutionary Atlantic* (London, 2000), chp. 8.

actively in political radicalism by penetrating the murky world of the United Irishmen. In 1803 Despard was implicated in a plot to raise an uprising among militant Irish guardsmen, arrested and charged with treason, for which he was found guilty and sentenced to be hanged and beheaded alongside six of his co-conspirators.<sup>19</sup>

Popular responses to Despard's conviction consequently proved deeply unsettling to a government keenly alert to the dangers of political radicalism. Reporting to the Home Department shortly after the convictions, John Gifford, the stipendiary magistrate sitting at Worship Street office, warned explicitly of the discontent he detected about the streets, stating how local residents were now frequently enquiring 'when are these poor men to be murdered?'<sup>20</sup> Doubt cast on Despard's involvement in the case and the absence of genuine evidence indicating a revolutionary plot had earned him the sobriquet of 'unfortunate man' about the Borough: a moniker historian Roger Wells has shown to be probably justified.<sup>21</sup> At four o'clock on the morning of the executions, four regiments of mounted cavalry gathered in the vicinity and later positioned themselves around the Obelisk and Elephant and Castle nearby, while mounted patrols worked the Borough Road. This military power was complemented by the Surrey Yeomanry and second regiment of Life Guards, in addition to a strong force of local constables and the Bow Street patrol which kept watch for twenty-four

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<sup>19</sup> TNA, TS 11/122; M. Elliott, 'The "Despard Conspiracy" Reconsidered', *Past and Present*, No. 75 (1977), pp. 46-61.

<sup>20</sup> TNA, HO 42/70, f. 124.

<sup>21</sup> R. Wells, *Insurrection: The British Experience 1795-1803* (Gloucester, 1983), p. 249. For an alternative view that argues in favour of the plausibility of a revolutionary context for the plot see E. P. Thompson, *The Making of the English Working Class* (London, 1963; reprinted 1991), pp. 525-6.

hours.<sup>22</sup> Meanwhile a sky-rocket was sent to the keeper of the prison, to be used as a signal to awaiting troops under arms in the Tower should events descend into chaos.<sup>23</sup> Huge numbers of Londoners poured into the area in excited anticipation, with most reports suggesting that twenty thousand people eventually crammed into the area fronting the prison and spilling out into the Borough dyers' grounds nearby. At half past eight the seven convicts mounted the scaffold, where they were accordingly executed as the crowd stood in mute silence. After hanging for twenty-five minutes, each body was cut down, and the executioner proceeded to remove the heads with a dissecting knife and saw, displayed to the multitude over each side of the prison.<sup>24</sup>

Despard's demise usefully illustrates some of the difficulties authorities faced when second-guessing execution crowd responses early in the nineteenth century. The massive military presence readied to oppose 'a disposition to tumult and disorder had [it] manifested itself' at his punishment was subsequently relegated to the sidelines, as 'not the least appearance of tumult discovered itself'.<sup>25</sup> Even when Despard attempted to rabble-rouse the audience with a valedictory speech from the gallows, the spectators received it 'in the most perfect silence', who were otherwise described as 'peaceable' and 'orderly', with 'not the least tendency to riot or disturbance'.<sup>26</sup> Although some rough-housing was detected down amongst the mob (with several people losing shoes in the mire of mud that swamped the area following heavy

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<sup>22</sup> *Morning Herald*, 21 and 22 February 1803

<sup>23</sup> *Times*, 22 February 1803.

<sup>24</sup> *Morning Post*, 22 February 1803.

<sup>25</sup> Anon, *Memoirs of the Life of Col. E. M Despard, with his trial at large etc.* (Manchester, 1803), p. 39.

<sup>26</sup> *Ibid.*, pp. 45-6; *Morning Herald*, 22 February 1803; *Star*, 21 February 1803.

rainstorms), all remained peaceable. Indeed, convivial social mixing within the audience can be detected. The audience, though composed ‘chiefly of the lowest of the vulgar’, were complemented by the well-to-do, with ‘a considerable number of persons of genteel appearance’ also observed in the crowd.<sup>27</sup> Thousands of people flowed into the area ‘along the Westminster and City roads’, arriving from throughout London during the course of the morning.<sup>28</sup> Despard’s execution became a cosmopolitan affair, characterized by a relative orderliness and otherwise unexpected restraint.

Why had Despard’s execution resulted in such a passive response? Contemporary writers expressed surprise at the lack of reaction among the spectatorship, and suggested that the solemnity of the event, coupled with the new arrangements at the prison, had indeed rendered a contemplative, soporific effect on the public mind.<sup>29</sup> The close presence of a sizeable military force, of course, must have played a part in this (regarded as ‘extremely proper’ by *The Times*), and should not be discounted.<sup>30</sup> Yet what also seems clear is how the government seriously over-estimated the risks of disorder. The military forces attending that morning were rendered redundant by the crowd’s inactivity, with only the Southwark constables and Bow Street officers active amongst the audience. The people that arrived *en masse* did so to experience the uniqueness of the executions rather than through any sinister political motives, undoubtedly drawn to the spot by the grisly novelty of a beheading, so long out of

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<sup>27</sup> Anon, *Memoirs of the Life of Col. E.M Despard*, p. 39.

<sup>28</sup> *Morning Herald*, 22 February 1803.

<sup>29</sup> *Ibid.*, which described the ‘dignified process of deliberative justice, tempered with the most indulgent humanity’.

<sup>30</sup> *Times*, 22 February 1803.



memory in London. Despard's execution thus highlighted all the tensions bound up in the administration of public justice, and revealed the deep-seated political nervousness surrounding the motley crowd.

Government over-reaction in such circumstances was commonplace in the early years of the nineteenth century, provoked by an enduring perception of the gallows mob as an inherently dangerous phenomenon: fears that were sometimes well founded. In December 1816, four hundred men rioted in London after a radical political meeting in Spa Fields, Clerkenwell, ended in mayhem.<sup>31</sup> The following March, twenty-eight-year-old sailor John Cashman was escorted to a makeshift gibbet in Skinner Street (positioned close to the Old Bailey), and executed for stealing weapons from Andrew Beckwith's gun shop on Snow Hill during the disorder. The decision to localize the execution reflected the Bench's eagerness to mark his crime with infamy; an exceptional measure not witnessed in London for over twenty years and which caused immediate consternation in political quarters.<sup>32</sup> Economic distress and a recent spate of domestic disturbances had deeply unnerved the Liverpool administration, prompting the formation of a Secret Committee of the House of Lords in order to examine the dangers of revolution.<sup>33</sup> London in particular appeared at genuine risk. 'A traitorous conspiracy has been formed in the metropolis' warned the Committee when it reported in early February 1817, 'for the purpose of overthrowing, by means of

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<sup>31</sup> OBP, 15 January 1817, John Cashman, John Hooper, Richard Gamble, William Gunnell, John Carpenter (t18170115-64); Anon, *Last Farewell to the World* (1817), Rare Trials Broadside 912753, Special Collections Department, Harvard Law School Library.

<sup>32</sup> John alias Matthew Dunn had been executed in Carter Lane for murdering a parish watchman twenty-one years previously, though the site was only a stone's throw from the Old Bailey: see *Morning Post*, 21 April 1795.

<sup>33</sup> J. E. Cookson, *Lord Liverpool's Administration: The Crucial Years 1815-1822* (Edinburgh, 1975), pp. 107-12.

general insurrection, the established government, laws, and constitution of this kingdom'.<sup>34</sup> And against this background of alarm now came the execution mob.

Following Cashman's condemnation, Andrew Beckwith twice appealed to the Secretary of State, Lord Sidmouth, to reconsider the sentence, being 'desirous to remove the scene of death from his own door'.<sup>35</sup> Householder Henry Weeks similarly wrote to Sidmouth pleading for military support, warning that thirty thousand people were now expected to attend and that 'much agitation prevails throughout the town'.<sup>36</sup> Elsewhere the Lord Mayor laid plans before the Court of Aldermen to form a permanent mounted police force to patrol the streets 'so that there may be continually before the eyes of the people a moving force which will protect the citizens...whilst it checks every disposition to tumult or plunder'.<sup>37</sup> Emergency precepts were issued to all the City constables to attend the execution and the City militia and firemen from various insurance offices stood by in case of riot, while two squadrons of life guards were held in reserve at Grays Inn Lane and Blackfriars Bridge ready to obey 'any requisition for assistance from the Sheriffs' should it be required.<sup>38</sup>

According to the *Gentleman's Magazine*, the crowd that duly collected that morning 'exceeded calculation', composed chiefly 'of an inferior description' of person amongst whom 'strong symptoms of discontent evidently prevailed'.<sup>39</sup> Only through

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<sup>34</sup> *Hansard's Parliamentary Debates* (1817), Vol. 25, col. 412.

<sup>35</sup> *Times*, 13 March 1817.

<sup>36</sup> *Ibid.*; TNA, PRO 30/45/1, ff. 318-9.

<sup>37</sup> LMA, COL/CA/01/01/225, Aldermen's Repertory, 18 February 1817.

<sup>38</sup> *Times*, 13 March 1817; TNA, HO 41/25, ff. 108-9, London Disturbance Books.

<sup>39</sup> *Gentleman's Magazine*, 1817, p. 271.

the efforts of five hundred constables armed with staves were the crowd held back in abeyance behind wooden railings, as Cashman cheered defiantly ‘Hurrah, you buggers! Give me three cheers when I trip!’<sup>40</sup> The execution took place amid loud cries of ‘Shame!’ and ‘Murder!’ from the crowd, which pressed inwards on the cordon and took several hours to disperse.

Clearly, order at executions might potentially rest on a knife-edge whenever the anger of the mob was raised, more so when conditions were politically febrile: an older, eighteenth-century feature of executions (as witnessed in the Bethnal Green disturbances of the late 1760s) that, in spite of recent reforms, still represented a potential flashpoint for disorder. In assessing the Spa Fields riots of 1816, E. P. Thompson argued that ‘the authorities could scarcely have chosen a more popular victim’ than Cashman, and that his execution was always ‘likely to bring out all the sympathies and latent radicalism of the London crowd’.<sup>41</sup> At the time Henry Hunt was unequivocal in assessing the risks woven into the event, and recalled how witnesses to the hanging had ‘exclaimed that it was much better and easier to encounter death in such a way than to endure the lingering torture of being starved to death’.<sup>42</sup>

But how genuine was this political danger? Though disruptive enough, it is difficult to describe the crowd as genuinely ‘revolutionary’ on this occasion. Although the sailor’s rescue remained a definite possibility that day, it seems quite likely that the

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<sup>40</sup> *Black Dwarf*, 19 March 1817, quoted in E. P. Thompson, *Making of the English Working Class*, p. 664.

<sup>41</sup> *Ibid.*, p. 663.

<sup>42</sup> H. Hunt, *Memoirs of Henry Hunt* (London, 1822), Vol. 3, p. 460.

massive public response was stimulated principally by the perceived injustice of his exemplary sentence. Newspaper reports corroborate this viewpoint. On Cashman's death *The Times* reported cries from the spectators of 'Where are the conspirators? Why not hang them?'; hardly a symptom of dangerous mob solidarity with a broader political cause.<sup>43</sup> In declaring its support for Cashman in a leading article, the *Weekly Dispatch* later cast Cashman as an unfortunate dupe, whose 'ignorance and insensibility' had led to his downfall: a 'victim to the machinations of real culprits, who have escaped from punishment'.<sup>44</sup> 'A government that wishes to sustain itself without the aid of military force', warned the newspaper ominously, 'should always act as much as possible in conformity with the sentiments of the people, particularly in such parts of its domestic administration as come home to the feelings of the multitude'.<sup>45</sup>

Achieving a balance between efficient crowd management, an understanding of its sentiment and a recognition of the audience's independent autonomy was always a delicate problem; a situation aggravated by the government's manifest distrust of 'the people' in the years following peace with France. Revolutionaries appeared to lurk around every corner. In 1820 political radical Arthur Thistlewood and four co-conspirators were executed and beheaded on a specially modified scaffold outside Newgate, for their part in conspiring to murder the British cabinet. Initial reports revealing the plot aroused an immediate sensation throughout the capital. When Harriet, wife of Tory MP Charles Arbuthnot, visited the Cato Street hayloft where the

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<sup>43</sup> *Times*, 13 March 1817.

<sup>44</sup> *Weekly Dispatch*, 16 March 1817.

<sup>45</sup> *Ibid.*

conspiracy was uncovered, she noted ‘great crowds assembled round the door’ and about the streets in the area.<sup>46</sup> Tramping about London with his knapsack in search of a publisher, Samuel Bamford also noticed the ‘great sensation’ created by the crisis, which ‘was the subject of general conversation’ wherever he visited.<sup>47</sup>

With the events of Peterloo fresh in the minds of London radicals, political discontent simmered in the capital. Writing to Lord Sidmouth in April 1820, Lord Mayor George Bridges and Sheriff Richard Rothwell both appealed directly for military assistance at the forthcoming executions, stating how there were ‘strong reasons to expect that an attempt will be made to rescue the prisoners’.<sup>48</sup> One Commander de Thuisy similarly fretted over ‘the spirit of revolt’ he detected about the streets, and highlighted in correspondence to the government how the ‘spirit of the mob, and even of a superior class [is] extremely bad, and inclined to Revolution’.<sup>49</sup> Another frightened witness to the swirling crowds outside Newgate in the days leading up to the hangings also recalled the use of ‘language disgraceful to themselves’ among the mob, describing an ugly mood ‘alarming to those who felt anxious for the peace of the metropolis’.<sup>50</sup>

Military provisions on the day of the executions were subsequently commanding and extensive. On the morning of 1 May, six pieces of light artillery were drawn up on Blackfriars Bridge, and six detachments of Life Guards held in reserve at Smithfield,

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<sup>46</sup> F. Bamford (ed.), *The Journal of Mrs Arbuthnot, 1820-1832* (London, 1950), Vol. 1, p. 7.

<sup>47</sup> S. Bamford, *Passages in the Life of a Radical* (London, 1844), Vol. 1, p. 159.

<sup>48</sup> TNA, HO 44/6, ff. 107-10.

<sup>49</sup> TNA, HO 44/3, f. 149. A stream of anonymous letters threatening attack was also received at Whitehall. For example see HO 44/6, ff. 267-8: ‘Thistlewood’s blood is on your hands. You will have to answer for it you infamous Blackguard’.

<sup>50</sup> G. T. Wilkinson, *An Authentic History of the Cato Street Conspiracy* (London, 1820), p. 360.

Hatton Garden and Ludgate Hill. One hundred foot guards were positioned inside Newgate prison, while seven hundred constables held back the crowd behind an extensive network of barriers, constructed under the supervision of the City Lands surveyors.<sup>51</sup> Attending that morning was a massive and excitable audience, claimed in one report to have totalled nearly 100,000 people.<sup>52</sup>

Yet the crowd again behaved with notable decorum. When each prisoner was brought out onto the scaffold only a few shouts of ‘God Bless you Thistlewood’ were heard.<sup>53</sup> When James Ings ran onto the platform shouting ‘give me death or liberty!’ in a state of excited defiance only a handful of spectators reacted with muted cheers and muffled huzzas. Only after a surgeon ceremoniously cut off the conspirators’ heads and exhibited them to the crowd were clearer signs of unrest manifested. At this point the mob surged forwards, destroying the east end wall and railings around St. Sepulchre’s churchyard.<sup>54</sup> ‘Such was the feeling of horror excited in the minds of the crowd by this horrible spectacle’ reported one pamphleteer, ‘that every time the surgeon came forward to use his knife, they received him with repeated groans’.<sup>55</sup>

As with Cashman’s punishment, the fact that all passed off with relative calm drew palpable relief among City authorities. In an official dispatch to Lord Sidmouth, Lord Mayor George Bridges was able to report with some surprise how ‘the execution has

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<sup>51</sup> *English Chronicle and Whitehall Evening Post*, 29 April to 2 May 1820; TNA, HO 44/6, ff. 111-2.

<sup>52</sup> *Morning Post*, 2 May 1820.

<sup>53</sup> *Times*, 2 May 1820.

<sup>54</sup> GL, MS 3149/7, St Sepulchre Vestry Minutes, 9 and 15 May 1820. The railing and walls were repaired at the considerable expense of £63 and 10 shillings.

<sup>55</sup> Anon, *The Trials of Arthur Thistlewood, James Ings, etc. on a Charge of High Treason* (London, 1820), p. 137.

taken place in perfect quietness', suggesting that 'there has seldom been a more tranquil execution witnessed'.<sup>56</sup> Sheriff Rothwell, too, later briefed the Secretary of State that 'not the slightest disorder has occurred', and attributed the prevailing mood of calm to the presence of military forces, which had successfully 'secured the public peace'.<sup>57</sup>

Was this massive military presence really responsible for cajoling and containing the crowd's volatility? The sight of mounted troops in the avenues around the Old Bailey must surely have presented an awe-inspiring sight to many, particularly for those who chose to recall the tales of sabre wielding yeomanry cutting their way through the Manchester crowd. Yet the military presence on this occasion appears to have been mainly symbolic. Only civic constables actively policed the crowd during the morning, while a few horsemen trotted around its fringes. The civic authorities appeared uncertain as to how the military should present itself and remained mindful of inflaming unrest should the army antagonize the spectators, partially manifested when prisoner William Davidson spied the cavalry from the gallows and declared 'I see nothing but a military Government will do for this country'.<sup>58</sup> According to the *English Chronicle* 'a few low ruffians' spent the morning knocking the hats off soldiers whenever they were seen, 'heaping insult on men who were merely acting in the discharge of a painful duty'.<sup>59</sup> Although ready to intercede at a moment's notice,

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<sup>56</sup> TNA, HO 44/6, f. 135.

<sup>57</sup> TNA, HO 44/6, ff. 217-8.

<sup>58</sup> *Times*, 2 May 1820.

<sup>59</sup> *English Chronicle and Whitehall Evening Post*, 29 April to 2 May 1820.

the military were never called upon to respond, with the execution crowd marked by fascination and excitement rather than any deeper symptoms of tumult.

Clearly then, even the most contentious executions were never as troublesome as sometimes predicted, and crowds after 1800 were evidently inclined towards a generally high degree of good order; a particularly interesting feature of hangings when we consider the activities of other crowds over this period. The Burdett demonstrations of 1810, the Spa Fields disturbances in 1816, an attack on the Prince Regent in 1817 (when the state coach was stoned by an angry crowd in St. James's Park), rowdy provincial radical meetings and the social turbulences occasioned by the Queen Caroline affair of 1820-21 all demonstrated graphically the insurrectionary potentiality of a 'mob' when agitated; a situation addressed by the emergency legislation contained within the 'Six Acts' of the late 1810s that, among other measures, curtailed the freedom of association.<sup>60</sup> Indeed, these instances of periodic popular unrest have been identified by David Philips and other historians as a primary driver that ushered in a professionalized metropolitan police force in the late 1820s following years of bourgeois resistance, and almost certainly contributed in large measure to the abandonment of the pillory and whipping posts around this time.<sup>61</sup>

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<sup>60</sup> See S. H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge, 1988), pp. 163-77; J. Mori, *Britain in the Age of the French Revolution, 1785-1820* (London, 2000), p. 103; J. Epstein, 'Understanding the Cap of Liberty: Symbolic Practice and Social Conflict in Early Nineteenth-Century England', *Past and Present*, No. 122 (1989), pp. 113-4; R. Huish, *An Authentic History of the Coronation of His Majesty King George the Fourth* (London, 1821); J. Robins, *Rebel Queen: How the Trial of Caroline Brought England to the Brink of Revolution* (London, 2006), p. 306

<sup>61</sup> D. Philips, 'A New Engine of Power and Authority' in V. A. C. Gatrell, B. Lenman and G. Parker (eds.), *Crime and the Law: The Social History of Crime in Western Europe Since 1500* (London, 1980), p. 182; also V. A. C. Gatrell, 'Crime, Authority and the Policeman State' in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain, 1750-1950* (Cambridge, 1990), Vol. 3, esp. pp. 265-84. For an earlier view running counter to Gatrell's position see J. Stevenson, 'Social Control and the Prevention of Riots in England, 1789-1829' in A. P. Donajdzki (ed.), *Social Control in Nineteenth Century Britain* (London, 1977), pp. 27-49.



In contrast to these episodic dangers, however, we witness within the early nineteenth-century execution crowd a marked degree of order. Executions were certainly rowdy and exciting affairs, but after 1800 frequently displayed a measure of public restraint that demands greater attention. The execution of Prime Minister Spencer Perceval's assassin, John Bellingham, further illustrates this point. After shooting Perceval dead in the lobby of the House of Commons on Monday 11 May 1812, Bellingham was tried and executed for murder within the space of a week, after days of popular sensation. Only minutes after the assassination took place, intelligence of the misdeed had, according to one account, 'spread with amazing rapidity' throughout London.<sup>62</sup> Large, unruly mobs collected quickly outside Westminster Hall and were only repulsed once a detachment of the Horse Guards and a regiment of the City militia arrived.<sup>63</sup> As Bellingham was placed in a hackney-coach he was applauded by an 'ignorant or depraved part of the crowd' which huzzaed ominously 'Burdett forever' as he passed by, and execrated the soldiery 'as murderers' as they attempted to keep order.<sup>64</sup> Such scenes elicited acute political alarm. 'I am afraid London is to be filled with troops' wrote Earl Grey to Lord Grenville later that week, describing his 'dread' and 'apprehension' at the unfolding events.<sup>65</sup>

Yet as the week progressed, the turbulent mood of metropolitan society subsided. During his trial at the Old Bailey Bellingham persisted in declaring personal motives

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<sup>62</sup> Anon, *A Full and Authentic Report of the Trial of John Bellingham Esq* (London, 1812), p. 19.

<sup>63</sup> LMA, COL/CA/GAC/03/01, Aldermen's Repertory, 12 May 1812.

<sup>64</sup> *Times*, 12 May 1812; Anon, *A Full and Authentic Report of the Trial of John Bellingham*, p. 21.

<sup>65</sup> *The Manuscripts of J. B Fortescue Preserved at Dropmore* (London, 1892), Vol. 10, p. 251. (Grey to Grenville, 15 May 1812).

for killing the Prime Minister, stating remorsefully how he bore ‘no personal or premeditated malice towards that gentleman’.<sup>66</sup> Left to plead insanity for his life, Bellingham was consequently convicted and condemned in a case that has been subsequently judged highly prejudicial to a man who was in all likelihood mentally unbalanced.<sup>67</sup> Public doubt as to Bellingham’s sanity is certainly discernible in the subsequent crowd response as he mounted the scaffold, where he was met with what one report described as a ‘confused noise’ somewhere between support and catcalls, swiftly put down by shouts of ‘silence’ by large sections of the thirty thousand strong audience.<sup>68</sup> As Bellingham dangled over the trap in his death throes a ‘most perfect and awful silence prevailed’, where ‘not even the slightest attempt at a huzza or a noise of any kind’ issued.<sup>69</sup> Observing the execution crowd from his Newgate cell, William Cobbett noted the ‘half-horrified countenances’ of the people standing below him, recalling how he had seen ‘the mournful tears run down’ their cheeks.<sup>70</sup>

The contrast between these relatively calm audience reactions and the excessive police provisions that were made is striking, and echoes the sometimes overzealous supervision evident at London’s pillory and whipping events. The City Corporation, in asserting its own presence at public punishments, regularly felt fully justified in

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<sup>66</sup> OBP, John Bellingham, 13 May 1812 (t18120513-5): Bellingham’s case was one of frustration and desperation, brought to murderous action after failing to win adequate redress from the government over a bankruptcy charge laid against him.

<sup>67</sup> K. S. Goddard, ‘A Case of Injustice? The trial of John Bellingham’, *American Journal of Legal History*, Vol. 46, No. 1 (2004), p. 18; also M. Gillen, *Assassination of the Prime Minister: The Shocking Death of Spencer Perceval* (London, 1972), pp. 125-39.

<sup>68</sup> *Morning Chronicle*, 19 May 1812.

<sup>69</sup> *Ibid.*; Bod. Lib., John Johnson, Crime No. 1, *Some Account of the Trial and Execution of John Bellingham who was hanged at London, on Monday, May 18, 1811 (Sic)* (n.d, 1812?).

<sup>70</sup> W. Cobbett, *History of Regency and Reign of George IV* (London, 1830), Vol. 2, para. 133. For a fuller account of Bellingham’s execution see D. C. Hanrahan, *The Assassination of the Prime Minister: John Bellingham and the Murder of Spencer Perceval* (Stroud, 2008), chp. 23.

authorizing substantial expenditures on special constables ‘should the public be agitated’, alongside the Executive’s own occasional military assistance.<sup>71</sup> At Bellingham’s execution a platoon of Life Guards were ready to assist the civil power ‘if called upon to suppress any tumult which may be occasioned by the execution’, while a remarkable 218 constables stood by at a cost to the City of over £100.<sup>72</sup>

Yet as the events of 1817 and 1820 show, a distinct policy of evading frontal confrontation with the crowd remained dominant in policing strategy. William Cobbett again noted how the soldiery at Bellingham’s execution placed themselves deliberately ‘in convenient places, least likely to excite the people’s attention’ and many of the regular marshalsmen on duty in and around the Old Bailey could not recall seeing any of the additional constables at all.<sup>73</sup> After four years service policing the scaffold and pillories, constable Thomas Brand (who was accustomed to seeing the distinctive staves and truncheons of the various supernumerary officers) himself ‘never heard of one extra constable being employed on that occasion’, though later discovered that extra officers were indeed placed in reserve ‘under the Sessions House Piazza’.<sup>74</sup> Additional officers were close at hand, yet carefully hidden away lest they antagonize the people.

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<sup>71</sup> LMA, COL/CC/FNS/03/003, Special Finance Committee Papers, 1813. For this increase in expenditure see A. T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Columbus, Oh., 2004), chp. 3.

<sup>72</sup> TNA, HO 65/2, Police Entry Books, 17 May 1812; LMA, CLA/048/PS/01/34, Marshals’ Claims, Special Piece.

<sup>73</sup> W. Cobbett, *History of Regency and Reign of George IV*, Vol. 2, para. 133.

<sup>74</sup> LMA, COL/CC/FNS/03/003, Special Finance Committee Papers, 1813.

### *Execution culture*

These case studies serve to illustrate the depth of reciprocal respect for state and spectator autonomy that existed around the scaffold in the new century, and confirm a claim that the crowd's centrality within the hanging ritual was essentially unchanged: a place where 'the collective strength of the crowd was understood' but which was rarely as troubling as some contemporaries feared (as noted of eighteenth-century executions).<sup>75</sup> Punishment spectacles were generally allowed to run their natural course after 1800, with the state, in the words of Nicholas Rogers, 'privileging the assembled crowd as the conscience of the community'.<sup>76</sup>

Indeed, the post-Napoleonic war period represents something of a renaissance in London's hanging history, as illustrated by evidence put to the Parliamentary Select Committee on Criminal Laws in 1819.<sup>77</sup> 172 capital convicts sentenced in the jurisdiction of the London and Middlesex sessions were put to death during the period 1812 to 1818 inclusively, compared to less than half this figure (eighty-five executions) in the previous seven years (1805 to 1811 inclusively).<sup>78</sup> As Gatrell notes, as many felons were hanged in London in the 1820s as had been executed in the 1790s.<sup>79</sup> During the period 1800 to 1830 as a whole, Londoners still witnessed on average five or six execution days at Newgate prison every year, usually of two or

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<sup>75</sup> R. McGowen, 'Civilizing Punishment: The End of the Public Execution in England', *Journal of British Studies*, Vol. 33, No. 3 (1994), p. 273.

<sup>76</sup> N. Rogers, 'Crowds and Political Festival in Georgian England', p. 236.

<sup>77</sup> Parliamentary Papers, *Select Committee on Criminal Laws Relating to Capital Punishment in Felonies* (1819) [585].

<sup>78</sup> *Ibid.*, Minutes of Evidence, Appendix No. 2, p. 139. These data support Douglas Hay's argument that demobilization resulted in increases of petty theft: see D. Hay, 'War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts', *Past and Present*, No. 95 (1982), pp. 117-60.

<sup>79</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), p. 7.

three felons at a time, plus one or two hangings possibly conducted across the Thames at Horsemonger Lane.<sup>80</sup>

Until the early 1830s public hangings thus continued to act as a useful point of reference in the yearly cycle of urban life, and as such remained significant and consistent metropolitan phenomena. Many Londoners passing through the metropolitan judicial system, for example, could easily remember their whereabouts on certain days owing to a hanging having occurred, with the passing of an execution used to jog memories as a useful point of recall. In 1827, when James Grover appeared at the Old Bailey for stabbing John Williams in retribution for an affair with his wife, witnesses could easily remember the activities of the adulterous woman, who was observed at both Bartholomew Fair and a public execution. On 22 February that year, three days after Grover was imprisoned for the attack on his rival, neighbours had witnessed her on the arm of Williams in front of the Newgate gallows, acting as man and wife as four men were hanged in front of them. One female householder who had visited the gallows with her own husband that morning (interestingly, employed at the event as a Sheriffs' constable), recounted 'what a shocking thing it was for her (Williams) to look at such a thing' while her lawful husband languished in prison awaiting trial, particularly as 'she did not know how soon her husband might be in the same situation'.<sup>81</sup>

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<sup>80</sup> In 1816, John Townsend, an officer with the Bow Street patrol, expressed surprise at the multiple executions of ten or more felons which occurred only a generation before, believing that the growing reluctance to convict by London juries alone accounted for the decline: Parliamentary Papers, *Select Committee on the State of the Police of the Metropolis* (1816) [510], Minutes of Evidence, Appendix, p. 143.

<sup>81</sup> OBP, 6 December 1827, James Grover (t18271206-227).

As with the pillories and whipping posts, other public punishment traditions lingered on. In exceptional years felons were still dispatched at Execution Dock in Wapping, when murderers convicted at the Old Bailey Admiralty Sessions were ceremoniously conveyed by cart to the place of execution. In June 1809, John Sutherland, commander of the transport brig *The Friends*, was executed there for the wilful murder of his cabin boy William Richardson, amid a huge audience, it being widely judged that Richardson had been wrongly convicted.<sup>82</sup> When John Bruce was executed at Wapping in late December 1812 the execution retinue consisted of numerous constables, the Thames Water Bailiff bearing his Silver Oar aloft, admiralty officers and several City marshals on horseback, pursued by an excitable crowd down to the water's edge.<sup>83</sup> According to one account, 'the concourse of people filled every passage' as the procession drew near to the place of execution, and 'the difficulty of its proceeding became still greater, so that it was scarcely possible for the peace officers to clear the way'.<sup>84</sup> On the morning of 15 December 1814, an 'awful procession' accompanied four Malay sailors to Wapping, followed by a boisterous crowd along Cheapside, through Whitechapel and down the Commercial Road, attended *en route* by a strong force of one hundred constables.<sup>85</sup> Four males were

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<sup>82</sup> J. L. Rayner and G. T. Crook (eds.), *The Complete Newgate Calendar* (London, 1926), Vol. 5, pp. 41-5; D. Brandon and A. Brooke, *London: The Executioner's City* (Stroud, 2006), p. 168; BL, Anon Broadside, *Murder of a Cabin Boy! Fairburn's Edition of the Trial of J. Sutherland for the Murder of R. Wilson* (London, 1809).

<sup>83</sup> Preparations for hangings at Execution Dock were elaborate. Instructions for a ceremony in 1811, for example, included orders for 'Shields to get the shore washed' and the hiring of various carts, horses, scaffolding and additional men: TNA, HCA 1/112, 20 May 1811.

<sup>84</sup> BL, Anon Broadside, *Execution of John Bruce* (1812?), shelfmark BL 1609/5905 (35).

<sup>85</sup> *Times*, 16 December 1814; *Morning Chronicle*, 16 December 1814.

followed by the mob in similar fashion to Wapping in January 1817, and three years later John Pater was executed there for murdering his own brother on the high seas.<sup>86</sup>

Again, such evidence challenges the notion that Tyburn's sudden fall in 1783 represented a fundamental breakpoint in the punishment experience: the moment when, according to Michael Ignatieff, the public were forcibly 'locked out' from the judicial process.<sup>87</sup> The last execution procession to Wapping did not take place until almost fifty years after the Newgate reforms, when on the morning of Thursday 16 December 1830 - and after a decade's absence - George Davies and William Watts were sent to the waterside gallows for piracy. The sudden return of the Admiralty cavalcade that year occasioned vociferous complaints from several 'respectable' householders in the vicinity, who petitioned the Home Secretary, Lord Melbourne, to 'spare them and their families the painful and unnecessary visitation' of the procession, which, they believed, would draw 'persons of the worst feelings and character' along the way.<sup>88</sup> 'Contrary to expectation' reported *The Star*, 'the melancholy scene was gone through, without any disturbance', and all remained relatively calm.<sup>89</sup> Intriguingly, the abandonment of Wapping as the seat of Admiralty punishments was thus probably influenced by the noisy complaints of certain middle

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<sup>86</sup> *Times*, 8 January 1817; *Morning Chronicle*, 2 February 1820.

<sup>87</sup> M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* (London, 1978), p. 105.

<sup>88</sup> TNA, HO 44/23, ff. 108-9.

<sup>89</sup> *Star*, 16 December 1830. The event passed off relatively unnoticed in the metropolitan press. It remains possible that the sheriffs wished to play down the publicity of the executions in order to avoid social disturbance.

class residents in the area, redolent of those objections laid against the Tyburn crowd nearly half a century before.<sup>90</sup>

By the late 1820s, this enduring range of execution events continued to stimulate widespread public interest in the London gallows. Ghoulish tongues protruding from the mouths of strangled felons, prisoners in a state of collapse, bellicose convicts, a botched drop or two and the rumours of a beheading all added to the unpredictability and novelty of proceedings, akin to events that had existed one hundred years before. When William Harris was executed in 1825 he was so unnerved on the scaffold that he was unable to make any speech as he had intended and could only enunciate “innocent, murder”.<sup>91</sup> Conversely, when Thomas Norton was executed at the Old Bailey for murder in 1827, he died with shocking defiance: a ‘dissolute depraved character...of a ferocious disposition’ according to *The Times*, who passionately berated the surrounding crowd with choice words, cursing and profanity.<sup>92</sup> Some weeks later, Mary Wittenback was executed outside Newgate for poisoning her husband with a pudding laced with arsenic: a hugely popular event witnessed by an enormous crowd that nevertheless remained dutifully silent.<sup>93</sup> During her final moments a temporary stand collapsed, throwing eleven people into the crowd below

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<sup>90</sup> Simon Devereaux accounts for the longevity of Admiralty execution processions in the fact that very few occurred after 1800, and that they passed through the less salubrious maritime districts of Wapping: S. Devereaux, ‘Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual’, *Past and Present*, No. 202 (2009), p. 139.

<sup>91</sup> LMA, CLA/035/02/053, Newgate Visitors’ Book, 22 February 1825.

<sup>92</sup> *Times*, 28 August 1827; *Morning Chronicle*, 28 August 1827.

<sup>93</sup> OBP, 13 September 1827, Mary Wittenback (t18270913-9); *Times*, 18 September 1827.



(described ‘principally as women’), many saved by being ‘hoisted through the first floor windows of a house adjoining’.<sup>94</sup>

And where these older unpredictabilities survived, so too did a pre-existing folk culture. Touching of wens for example, (whereby the hand of an executed felon was brushed against the skin for its mystically curative powers), survived until a relatively late period.<sup>95</sup> Occasional reports of women queuing at the foot of the gallows, drawn there by the superstitious allure of the dead-man’s hand during the customary hour of suspension, pepper the records until at least the 1830s.<sup>96</sup> Some early attempts appear to have been made to remove the practice entirely. When John Davey and George Claxton were executed outside Newgate in June 1818, executioner James Botting complained bitterly to the Sheriffs for denying him the usual perquisite of charging for ‘touching’. Questioned by Sheriff George Alderson if anybody was awaiting the treatment that morning, Botting confirmed that two women were still in attendance outside, after which the Sheriff ‘permitted [him] to continue the practice and the executioner...proceeded to perform the unpleasant ceremony’.<sup>97</sup> Yet by November that year Botting was complaining to the Court of Aldermen that ‘the privilege of rubbing of persons afflicted with wens for which it was usual to receive two shillings and six pence for each person’ had again been prohibited, an action that had forced

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<sup>94</sup> Ibid.

<sup>95</sup> See M. Peacock, ‘Executed Criminals and Folk Medicine’, *Folklore*, Vol. 7 No. 3 (1896), pp. 268-83; also V. A. C. Gatrell, *The Hanging Tree*, pp. 81-2.

<sup>96</sup> This survival has also been noted in provincial hangings of the mid-1830s: see Z. Dyndor, ‘Death Recorded: Capital Punishment and the Press in Northamptonshire, 1780-1834’ (Unpublished MA dissertation, University of Leicester, 2006), p. 32.

<sup>97</sup> *Times*, 3 June 1818.

him to seek supplementary employment, which ‘he is totally unable to gain in consequence of his situation as executioner’.<sup>98</sup>

In 1824 Sheriff Sir Peter Laurie was compelled to issue precepts to his officers instructing them to once more refuse touching for wens, after observing another queue of women waiting eagerly at the base of the scaffold. Laurie condemned the custom as ‘accord[ing] with the days of superstition and ignorance’ and declared that it ‘ought to be abandoned in this enlightened age’.<sup>99</sup> A year later, however, the practice was carried out once more with the connivance of the executioner, John Foxtan, who again allowed women to form a line in morbid anticipation. After Patrick Welch was executed for murder that September:

an old woman, nearly seventy years of age, attended by a youth, stepped on the scaffold; the executioner placed his arm round her neck, and proceeded to rub it with the hand of the malefactor; he continued to do this until the poor old lady had nearly fainted away, when he desisted, but, after the lapse of a short time, renewed his exertions with the other hand. When he had finished, the woman put on her bonnet and shawl, and coolly walked off the scaffold.<sup>100</sup>

For some opponents of the execution crowd (like the complaining residents of Wapping) such reports, on the face of it, suggested that little ‘improvement’ had been achieved since 1783 at all. Neither did the other examples of reprehensible crowd activity. Petty larceny cases passing through the Old Bailey and lower magistrates’ offices, for example, illustrated only too well for most critics that the assumed moral indiscipline among the hanging mob remained rampant indeed.

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<sup>98</sup> LMA, COL/CA/01/01/22, Aldermen’s Repertory, 24 November 1818.

<sup>99</sup> *Morning Chronicle*, 6 July 1824.

<sup>100</sup> *Ibid.*, 20 September 1825.

### *Juvenile delinquents*

Alongside the latent political fears highlighted above, middle-class concerns with execution crowds after 1800 also focused heavily on the conduct of young men, reflecting a growing anxiety with the rise of juvenile delinquency; a trend that Peter King and Joan Noel have shown to have emerged early in the new century.<sup>101</sup>

Typically, when fifteen-year-old Edward Norman was charged in 1824 with picking the pocket of one Joseph Mee as he stood in Newgate Street watching the execution of Henry Fauntleroy, the magistrate, Alderman William Venables, railed against the prisoner's 'hardened and unconcerned' conduct in robbing someone in the very sight of the gallows.<sup>102</sup> Despite 'several females [joining] their tears with those of the afflicted father for his pardon', Norman was subsequently committed for trial at the Old Bailey, where he was found not guilty only two days later.<sup>103</sup> Though the Guildhall magistrates continued to deal with this sort of crowd activity summarily after appropriate chastisement, exemplary cases like that of Norman's were still periodically committed to the higher courts.<sup>104</sup> Seventeen-year-old William Ashton, for example, was convicted and ordered for transportation at the Old Bailey in September 1817 for stealing a pocket handkerchief belonging to Thomas Holland, a

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<sup>101</sup> P. King and J. Noel, 'The Origins of the "Problem of Juvenile Delinquency": the Growth of Juvenile Prosecutions in London in the Late Eighteenth and Early Nineteenth Centuries', *Criminal Justice History*, No. 14 (1993), pp. 17-41; P. King, 'The Rise of Juvenile Delinquency in England 1780-1840: Changing Patterns of Perception and Prosecution', *Past and Present*, No. 160 (1998), pp. 116-66; M. May, 'Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century', *Victorian Studies*, Vol. 17, No. 1 (1973), pp. 7-29.

<sup>102</sup> *Times*, 1 December 1824.

<sup>103</sup> *Morning Chronicle*, 1 December 1824; OBP, 2 December 1824, Edward Norman (t18241202-35).

<sup>104</sup> For the operation of this summary justice see D. Gray, 'Summary Justice and Social Relations in the City of London, c. 1750-1835' (Unpublished PhD thesis, University of Northampton, 2006); F. N. Dabhoiwala, 'Summary Justice in Early Modern London', *English Historical Review*, Vol. 121, No. 492 (2006), pp. 796-822; P. King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past and Present*, No. 183 (2004), pp. 125-72; T. Sweeney, 'The Extension and Practice of Summary Jurisdiction in England, c. 1790-1860' (Unpublished PhD Thesis, University of Cambridge, 1985).

local butcher (presumably having walked down from Smithfield), whilst watching John Caffin executed outside Newgate for rape on 25 August.<sup>105</sup>

Picking of pockets at Old Bailey hangings remained problematical for the City constables and cases were reported with a degree of regularity by the London press after most execution days. As Robert Strickland watched four men being cut down from the gallows in November 1819 he was approached by one spectator who ‘asked if I had lost anything’ after observing someone rifling his pockets.<sup>106</sup> Strickland was led to a suspect nearby, one John Jones, who was subsequently arrested by an attending constable and later transported for life on conviction of theft. When the Chinese sailor Acow passed *en route* to his death at Execution Dock in 1806 ‘a gentleman going along near Aldgate Church’ discovered £70 stolen from his person, whilst in January 1819 John Henderson, a ‘clerk out of employ’ caught a sixteen-year-old thief with a hand in his pocket while he, too, watched the spectacle of a hanging.<sup>107</sup> As noted, during the execution of Henry Fauntleroy for forgery in 1824, ‘several persons were stripped of their watches, money &c. by the pickpockets’ who were described as ‘extremely active’ that morning; bold enough to relieve one Mr Dowling of the *Morning Chronicle* of his pocket book containing several bank notes, possibly there to report such nefarious mob activity himself.<sup>108</sup>

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<sup>105</sup> OBP, 17 September 1817, William Ashton (t18170917-141); TNA, HO 6/2 (Recorder’s Report August 1817).

<sup>106</sup> OBP, 1 December 1819, John Jones (t18191201-29).

<sup>107</sup> *Morning Chronicle*, 19 July 1806; OBP, January 1819, Thomas Halford, (t18190113-24).

<sup>108</sup> *Star*, 30 November 1824; *St James’s Chronicle*, 27 to 30 November 1824.

We witness in these accounts some justification for the well-worn criticisms levelled against execution spectators' misbehaviour. The youthful elements passing through the courts after each execution day certainly attracted a good deal of attention from moral reformers, who regularly employed such detail as practical evidence of the failing deterrent effect of a hanging; more so on the attending young men who (as the execution crowd of 1807 has illustrated) were conspicuous by their presence. Thomas Wontner, for example, in recalling his time as an Old Bailey Advocate in the early 1800s, considered the execution crowd to have been little more than a hotbed of juvenile vice and depravity, characterized by the young audience's distastefully prurient interest.<sup>109</sup> When Catherine Welch was executed at the Old Bailey for infanticide in April 1828, the Newgate Ordinary Horace Cotton was shocked to see 'a number of charity children' arriving in front of the gallows in preparation for the event.<sup>110</sup> 'On their being seen by the Reverend Mr Cotton' reported one newspaper, 'he went to them, and admonished them as to the impropriety of their being at such a scene; they immediately withdrew': a rebuke which in itself demonstrated the proximity of young spectators to the unfolding Newgate spectacle.<sup>111</sup> According to Wontner, several criminals received 'their first ideas of crime...while witnessing an execution', and that many young men were inured to the spectacle: 'The [criminal] is not punished', he lamented, 'nor are his compeers intimidated'.<sup>112</sup>

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<sup>109</sup> T. Wontner, *Old Bailey Experience* (London, 1833), p. 187.

<sup>110</sup> *Morning Chronicle*, 15 April 1828.

<sup>111</sup> *Ibid.*

<sup>112</sup> T. Wontner, *Old Bailey Experience* (London, 1833), p. 198.

Evidence of a troublesome male constituency was also made clear enough by occasional reports of spectator injuries. In June 1826, for example, the massive crowd gathered around the gallows for a Newgate execution formed one dense mass stretching from ‘near Smithfield to Ludgate-hill’, with ‘every window and housetop...lined with individuals of both sexes’.<sup>113</sup> In attempting to pass by each other at the narrowest part of Old Bailey, two heavily laden carts collided and brought the area to a standstill. In the confusion, and with people reluctant to lose their vantage points, a young boy, Charles Hare, was killed, crushed between a rear wheel and post placed along the thoroughfare. Witnesses to the coroner’s inquest later spoke of the determination of the persons attending that morning not to give way, one deponent declaring that ‘it was a miracle that more lives were not lost’.<sup>114</sup>

The scope of juvenile criminality at executions, however - though worrying enough - was usually overblown. Though much crime undoubtedly went unreported at London hangings, two or three pickpockets standing before a magistrate after each execution day, drawn from a crowd of several thousands, scarcely constituted a crime wave. As the inquest of the 1807 disaster has shown, pickpockets, prostitutes and petty thieves were only part-constituents of the relatively diverse and colourful audiences that usually attended, that might just as easily contain pie sellers, children at play, well dressed ladies arriving by coach and passing tradesmen pausing between deliveries. John Jones, for example, a respectable though somewhat naive linen draper from Henley-on-Thames, may not have been alone in casually wandering up the Old Bailey

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<sup>113</sup> *English Chronicle*, 6 to 8 June 1826.

<sup>114</sup> LMA, CLA/041/IQ/02/039, no. 68, City and Surrey Coroner’s Inquests, 7 June 1826; *Times*, 8 June 1826.

after an execution had taken place in September 1830, simply to find out what was going on, losing his silk handkerchief to a surreptitious thief in the process.<sup>115</sup>

As noted of pillory crowds, London's thieves were always drawn to the spots where rich pickings from the well-to-do might be anticipated, or from where stolen goods might be quickly fenced, and their visibility should be of little surprise; it is their victims here that are again of special interest.<sup>116</sup> Most execution reports of this period highlight the presence of London's more respectable citizenry among the plebeian masses, usually picked out from the crowd by their dress. When three men were executed outside Newgate in April 1823 several 'respectably-dressed females, with young children in their arms' were seen, 'eagerly pressing through the crowd to obtain a nearer view of the culprits', while at an execution in June 1825 a reporter for *The Star* could describe how 'considerable sums were paid for admission within the inclosure (*sic*) round the scaffold, by persons of respectable appearance'.<sup>117</sup> Riff-raffish caricatures of the execution mob, therefore, were still clearly mistaken.

Reports of young females active among the crowd also deserve particular attention. Such detail hints at the execution arena as a ghoulish space of sexual sociability that has not been generally considered hitherto. When William Condell and George Warner were executed in 1827, *The Star* lamented how 'we could not avoid noticing groups of young pickpockets and dissolute girls indulging in the most infamous

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<sup>115</sup> OBP, 28 October 1830, William Fogerty (t18301028-24).

<sup>116</sup> The proximity of Field Lane to Old Bailey was particularly convenient. John Silvester described one shop there where 'numbers of Silk Handkerchiefs hang at the window' with their initials picked out, supplied by 'pickpockets of every description, men, women, boys and girls': BL, Eg. MS 3710, f. 10.

<sup>117</sup> *English Chronicle and Whitehall Evening Post*, 29 April to 1 May 1823; *Star*, 20 June 1825.

language, and forcing their way through the crowd', possibly embarking on a morning of sexual intrigue.<sup>118</sup> Andrew Barton and James Frampton, both twenty years old when they were executed at the Old Bailey in 1817, were surrounded on the gallows by a crowd considered smaller than usual, but which contained an unusually large number of females, many presumably having personal connections with the unhappy men.<sup>119</sup> (Frampton had five surviving sisters, whose presence together with their friends must also account for part of this crowd).<sup>120</sup> The sexually precocious male element evident in the execution audience also, of course, drew its fair share of prostitutes, particularly in the idle hours awaiting hangings before dawn. The biographer of executioner William Calcraft described his subject's first attendance at a Newgate execution in 1828, when the crowd arrived there in an excited mood, amongst which he observed several young men climbing lampposts and eating hot potatoes. Also attendant that morning had been the 'swells from the West End' accompanied by their female companions in hired rooms above, observed to be 'lolling on the shoulders of their male companions, as is the custom with these delicate creatures'.<sup>121</sup> This moralizing disapprobation of prostitution aside, it nevertheless remains likely that the execution 'spree' represented an important area of sexual encounter and horseplay amongst young men and women awaiting the grisly denouement of events.

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<sup>118</sup> *Star*, 6 July 1827.

<sup>119</sup> *Times*, 15 March 1817.

<sup>120</sup> *Ibid.*

<sup>121</sup> Anon, *Life and Recollections of Calcraft the Hangman* (London, 1880), p. 6.



Nor, too, were the females strictly of the lowest orders. While the lady spotted by the *Morning Chronicle* reporter apparently ‘fashionably dressed, and attended by a footman in livery’ seen ‘treading the mazes of the multitude in search of a room’ from which to view Fauntleroy’s demise was probably an exception, one must acknowledge the complexity of the execution arena as a social environment.<sup>122</sup> The appearance of respectable women at an execution always attracted scornful commentary from the London press, more so during the Victorian period when changing values of female deportment placed execution-going among women under ever closer scrutiny.<sup>123</sup> Women of all ages nevertheless continued to arrive in strength of numbers at the events, many in fact bringing with them small children and babes in arms. ‘Now, then, missus – where are you shoving to?’ challenges one man in the retelling of Calcraft’s history, ‘yer ought to be ashamed of yerself to bring a hinfant like that to see four coves turned off’.<sup>124</sup> A cart that collapsed in Giltspur Street during Fauntleroy’s execution was seen to contain ‘men, women and children...thrown out over the horse’, while on the same day the *Morning Chronicle* reported how ‘the house tops all round were thickly peopled, indeed chiefly with women, both old and young’, including an elderly woman seen clambering across the roof tiles of a shoemaker’s shop.<sup>125</sup>

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<sup>122</sup> *Morning Chronicle*, 1 December 1824.

<sup>123</sup> M. Quinlan, *Victorian Prelude: A History of English Manners 1700-1830* (London, 1941; reprinted 1965), p. 137; also S. Morgan, *A Victorian Woman’s Place: Public Culture in the Nineteenth Century* (London, 2007), chp. 2.

<sup>124</sup> Anon, *Life and Recollections of Calcraft*, p. 6.

<sup>125</sup> *English Chronicle and Whitehall Evening Post*, 30 November to 2 December 1824; *Morning Chronicle*, 1 December 1824.

As with the pillory crowd, this female constituency was more likely to arrive when punished crimes offended female community values, particularly the sporadic cases of infanticide punished by death. Hence when Sarah Perry was executed on Monday 24 February 1817, for strangling her infant child in Manchester Square, the crowd that arrived that morning was comprised largely of a volatile, female membership: according to *The Times* a greater ‘concourse of women than we ever remember to have seen assembled on any similar occasion’.<sup>126</sup> Similarly, when Esther Hibner was executed at Newgate in 1829, for starving a parish apprentice to death, she was ‘assailed with a loud volley of yells from the people, particularly from the females’, who outnumbered the men in the crowd, and who greeted her death with three loud cheers, ‘satisfied that the vengeance of justice had overtaken so great an offender’.<sup>127</sup> As witnessed in pillory crowds, these vocal execrations issued by punishment audiences grew louder each time crimes offended specific economic, social or gendered crowd values, when hangings posed a more pointed relevance to many of those who watched.

### ***Publicity of crime***

The public’s rapacious curiosity in the legal system, fostered by a burgeoning print culture, extended well beyond the act of execution in the early nineteenth century, and in large part helps to explain the key features of continuity observed within this thesis.<sup>128</sup> Public punishment lay engrained in a metropolitan popular culture surrounding the mystique of crime. Large, sometimes boisterous mixed crowds would

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<sup>126</sup> *Times*, 25 February 1817; OBP, 19 February 1817, Sarah Perry (t18170219-31).

<sup>127</sup> *Times*, 14 April 1829; *Star*, 13 April 1829.

<sup>128</sup> P. King, ‘Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth - and Early-Nineteenth-Century London’, *Continuity and Change*, Vol. 22, No. 1 (2007), pp. 73-112.

regularly attend even the most modest of preliminary hearings sitting at the various magistrates' offices across London, and pursued suspects around the streets as they were conveyed between courts and prisons. During the hysteria occasioned by the Ratcliffe Highway murders of 1811, for example, magistrates at Wapping struggled to keep order during the interrogation of various suspects conducted there, such were the crowds that gathered, with local vigilantes threatening to undermine the course of proper legal investigation.<sup>129</sup> As with executions, most Old Bailey trials were attended by sizeable audiences of all classes packing the public areas (for a fee), who were otherwise content to wait outside for intelligence of sentencing.<sup>130</sup> Even the arrival of the Dead Warrant at Newgate stimulated formidable crowds to gather in feverous anticipation of reprieves, accompanied by what Edward Gibbon Wakefield described as 'scenes of passionate joy, wild despair, jealousy, envy, hatred, malice and brutal rage' both inside and out when the decisions were communicated.<sup>131</sup> When Elizabeth Roebuck was indicted for perjury at the Old Bailey in 1829 several 'well dressed and fashionable looking women' attended her case in the public galleries, some of whom 'appeared not in the slightest degree abashed at the most filthy and disgusting details which were drawn forth from some of the witnesses'.<sup>132</sup> Richard Patch, executed for murder at Horsemonger Lane gaol in April 1806, had the honour of three Royal Dukes and the Russian Ambassador watching the proceedings during his trial,

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<sup>129</sup> P. D. James and T. A. Critchley, *The Maul and the Pear Tree: The Ratcliffe Highway Murders 1811* (Harmondsworth, 1971; reprinted 1990), p. 73.

<sup>130</sup> For public arrangements at the Old Bailey see A. N. May, *The Bar and the Old Bailey, 1750-1850* (London, 2003), chp. 5.

<sup>131</sup> E. G. Wakefield, *Facts Relating to the Punishment of Death in the Metropolis* (London, 2nd edition, 1832), p. 142.

<sup>132</sup> *Times*, 25 February 1829.

accommodated in a box specially erected for them in the court.<sup>133</sup> Crowds flocking around the scenes of legal proceedings were therefore nothing new, and it is unlikely that audiences themselves saw anything odd or sinister in witnessing such cases terminating in a public execution: a trait of ‘unselfconscious’ curiosity as highlighted by Gatrell which in turn ‘propelled most scaffold audiences’ to attend the punishments down through the Victorian age.<sup>134</sup>

Descriptions of the execution spectatorship as a misbehaved crowd were, as a rule, a feature of eighteenth-century caricature, best consigned to the narratives of Mandeville and Fielding. The apparent violence of a Tyburn crowd of one hundred years before was rarely reported by the press after 1800, and by taking an aggregate view of the events, it seems clear enough that execution crowds were generally orderly phenomena.<sup>135</sup> Indeed, when placed within the context of the social disturbances that occurred at other social gatherings during this period, execution crowds appear distinctly placable. As the weeks of unrest during the ‘Old Price’ controversy at the Theatre Royal, Covent Garden, had shown in 1809, or the support shown for Sir Francis Burdett when a ‘continued mass of the blackest of blackguards’ smashed windows in Piccadilly, periodical social turmoil demonstrated to the government in startling detail how the gathering of crowds could still potentially end in violence.<sup>136</sup> As Donald Richter notes, urban society was still prone to an ‘alarming

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<sup>133</sup> Anon, *Account of the Trial of Richard Patch* (London, 1806); P. D. James and T. A. Critchley, *The Maul and the Pear Tree*, p. 58.

<sup>134</sup> V. A. C. Gatrell, *The Hanging Tree*, p. 245.

<sup>135</sup> B. Mandeville, *An Enquiry into the Causes of Frequent Executions at Tyburn* (London, 1725), p. 24.

<sup>136</sup> B. Wilson, *Decency and Disorder*, chp. 7; H. Wyndham (ed.), *Correspondence of Sarah Spencer, Lady Lyttelton, 1787-1870* (London, 1912), p. 97.

lawlessness' well beyond George IV's accession (at any rate until the advent of a professionalized police force in 1829), built on a 'heritage of crowd violence' occasionally displayed about the city's streets.<sup>137</sup>

Attempts by the magistracy to actively avoid contamination of the execution ritual, by arranging its timing outside that of other (unruly) public spectacles, also speaks of the crowd's behavioural propriety at hangings, both expected and achieved. Bartholomew Fair for example, the scene of much drinking and lawlessness so troublesome to the London Corporation, was never, it appears, allowed to interfere with executions occurring nearby. Of more than 150 execution days recorded in *The Times* taking place at Execution Dock, Horsemonger Lane or Newgate between 1800 and 1830, no execution event ever occurred during the week of Bartholomew Fair, proclaimed on 3 September and held over the following four days.<sup>138</sup> By 1815, the fair had developed to such an extent that it encroached on the Old Bailey itself and fifteen years later the booths and stalls erected there still 'overflowed into the adjacent streets'.<sup>139</sup> Similarly, during the 1820s Sir Robert Peel was advised to delay the meeting of the 'Black Cabinet' considering the Recorder's Report in order to 'avoid the display of Executions and festivities so near together', when a hanging threatened to collide with the raucous scenes expected at a Lord Mayor's pageant.<sup>140</sup> Executions, it seems, were

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<sup>137</sup> D. C. Richter, *Riotous Victorians* (Athens, Oh., 1981), pp. 1-5.

<sup>138</sup> H. Morley, *Memoirs of Bartholomew Fair* (London, 1859).

<sup>139</sup> P. Ackroyd, *London: The Biography* (London, 2001), p. 151; J. Timbs, *Curiosities of London* (London, 1867), p. 35.

<sup>140</sup> BL, Add. MS 40352, f. 120, also quoted in S. Devereaux, 'Peel, Pardon and Punishment', p. 271. For an earlier account of the mayoral ceremonies see E. Ward, *The London Spy Compleat, in Eighteen Parts* (London, 4<sup>th</sup> edition, 1709), pp. 293-8, which describes the 'innumerable Multitude of Gaping Spectators' and 'Hustles and Affronts of the unmannerly Mobility'.

considered a unique and separate urban entity, possessed of their own distinctive and, by contrast, relatively peaceable audiences.

### *Conclusion*

From 1800 to 1830, public punishments remained rooted deeply in centuries-old tradition. Touching of wens, cults of fame and infamy, conspicuous consumption, drinking and retail, sexual pursuit and familial conviviality all flourished, it seems, in relatively rude health; features of older eighteenth-century crowd activity that were widely tolerated, and which remained basically the same. Much of the vocal criticism directed against execution crowds during this period now focused heavily instead on a brand-new social concern: on the conspicuously male and supposedly criminal constituency, that betrayed shifting elite attitudes to the working classes in general. That the behaviour and interest of an 1830 execution crowd closely mirrored that of one hundred years before is striking, and stands as a direct counterpoint to a modern literature describing the teleological development of urbane 'civility', in which society rejected public punishments as a left-over from a darker age.<sup>141</sup>

Inadequacies in London's police may account in part for this cultural longevity. As political elites struggled to reconcile the demands for adequate policing with the established rights and freedoms of English liberty, and without any effective strategy for crowd management to depend upon, execution-going amongst the general public

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<sup>141</sup> For examples see R. B., Shoemaker, 'Male Honour and the Decline of Public Violence in Eighteenth-Century London', *Social History*, Vol. 26, No. 2 (2001), pp. 190-208; V. A. C., Gatrell, 'Crime, Authority and the Policeman-State' in F. M. L. Thompson (ed.), *The Cambridge Social History of Britain, 1750-1950. Volume 3: Social Agencies and Institutions* (Cambridge, 1990), pp. 243-310.

remained a highly autonomous and largely unchallenged affair.<sup>142</sup> As Robert Rainsford, magistrate at Queen Square police office, deposed to the Select Committee on Police in 1822, it was ‘always considered...an even chance whether the parish constables joined the mob or not’.<sup>143</sup> Though large bodies of civic constables and soldiers *were* routinely employed to keep careful watch over the more ‘dangerous’ proceedings as outlined above, few would dare cajole the execution mob directly. Soldiers lurked up alleyways and around corners whenever trouble was expected, yet rarely confronted the execution crowd head on.

Crowds of the post-1800 period were characterized by a civic maturity that contrasts sharply with the perceptible political anxieties of the day. As Emma Griffin notes, a notion of curiosity might thus be appropriately described: of a people fascinated by civic ceremony and mass phenomena, and who gathered ‘simply for the fun of the occasion’.<sup>144</sup> Whereas historians are right to highlight the growing political antipathy directed against crowds early in the new century (when the ribald hustings were replaced by the immobile ‘respectable’ meetings of the Chartist mass platform, for example) formidable assemblies of Londoners nevertheless still gathered unperturbed, and for a multiplicity of seemingly unrelated, disparate reasons.<sup>145</sup> Shows,

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<sup>142</sup> See S. Inwood, ‘Policing London’s Morals: the Metropolitan Police and Popular Culture, 1829-1850’, *London Journal*, Vol. 15, No. 2 (1990), p. 142; R. Paley, ‘An Imperfect, Inadequate and Wretched System? Policing London Before Peel’, *Criminal Justice History*, Vol. 10 (1989) p. 96.

<sup>143</sup> Parliamentary Papers, *Select Committee on the Police of the Metropolis* (1822) [440], Minutes of Evidence, p. 48.

<sup>144</sup> E. Griffin, *England’s Revelry: A History of Popular Sports and Pastimes 1660- 1830* (Oxford, 2005), p. 96; also D. Epstein Nord, ‘The City as Theater: From Georgian to Early Victorian London’, *Victorian Studies*, Vol. 31, No. 2 (1988), pp. 159-88. I do not wish to imply here that punishments were ‘fun’ occasions, rather to suggest that crowds often formed out of basic human instincts of curiosity.

<sup>145</sup> N. Rogers, ‘Crowds and Political Festival in Georgian England’ in T. Harris (ed.), *The Politics of the Excluded, c.1500-1850* (Basingstoke, 2001), p. 259; also J. Plotz, ‘Crowd Power: Chartism, Carlyle, and the Victorian Public Sphere’, *Representations*, No. 70 (2000), pp. 87-114.

demonstrations, exhibitions and so on all continued to attract large bodies of people around them, bringing together what *The Times* identified critically as the ‘silly class which flocks to scenes of mischief simply to see what is going on’.<sup>146</sup> Though at times undoubtedly rowdy, many crowds were light-hearted enough: the people who watched the exploits of the famous aeronaut Charles Green, for example, whose lift-off by balloon at Pentonville in 1821 caused a rush of onlookers, injuring a mother and child, the queues of people at the menageries and curiosities along the Strand or the masses huddled around the latest satirical prints displayed in City shop windows.<sup>147</sup> Like many foreign tourists to the capital, Erik Gustaf Geijer was particularly struck by a Londoner’s predisposition to form part of an inquisitive crowd, triggered by that ‘simple curiosity’ which he believed was ‘characteristic of the people’.<sup>148</sup> ‘A couple of persons need only stop in the street and pay particular attention to something for the whole perpetually flowing stream of people to be checked’ related Geijer, observing in one such crowd ‘coachmen, waggoners, painters’ lads, sailors’ among a *mélange* of trades-people and costermongers.<sup>149</sup>

Executions likewise remained socially uniting experiences, cultivated by the crowd’s privileged allowance to witness the sight of public death, and drew upon a well-established tradition of mass participation. Contemplative and mournful reactions were reported with a notable degree of regularity during this period, and highlight the

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<sup>146</sup> *Times*, 9 March 1848.

<sup>147</sup> *Times*, 2 August 1821. For curiosity collections see B. Assael, *The Circus and Victorian Society* (Charlottesville, Va., 2005), p. 62; R. D. Altick, *The Shows of London* (Cambridge, Ma., 1978), pp. 376-87. For print shops see V. A. C. Gatrell, *City of Laughter*, p. 235.

<sup>148</sup> E. G. Geijer, *Impressions of England 1809-1810. Compiled from his Letters and Diaries* (London, 1932), p. 167.

<sup>149</sup> *Ibid.*, p. 168.



powerful psychological impact of witnessing the execution scene. ‘Oh poor James! Oh, poor boy! God help you, poor child, you were led into it!’ cried the family of one of the notorious Bethnal Green gang, hanged in 1826 for a string of violent robberies, accompanied by the crowd’s heart-rending crying.<sup>150</sup> On the point of death ‘the most death-like silence reigned; here and there it was interrupted by the sobs of some, and an ejaculation of prayer from the scaffold’: a scene deeply affecting to those who witnessed it, and which prompted the attending Sheriffs to withdraw to the prison vestibule in tears.<sup>151</sup>

More than this, such symbols of plebeian engagement with the gallows before 1830 also speak loudly of a lingering acceptance of the condemned as a sinner within a shared moral world. Though Andrea McKenzie may indeed be correct to assert that middle-class perceptions of the condemned man changed significantly after the late eighteenth century - to one in which criminals were viewed simply as ‘deficient in intellectual and moral capacity’ and hence undeserving of inclusive public sympathy - for others among the crowd it seems older perceptions of the fallen ‘Everyman’ remained.<sup>152</sup> Such profound emotional encounters, when bound together by shared social experience, continued to energize the captivating effect of executions for those who chose to attend, and at the same time pacified the levity that might potentially occur.

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<sup>150</sup> *Morning Chronicle*, 30 November 1826.

<sup>151</sup> *English Chronicle*, 30 November 1826.

<sup>152</sup> A. McKenzie, *Tyburn’s Martyrs: Execution in England, 1675-1775* (London, 2007), pp. 90-1.

Why the execution crowd was rarely characterized by disorder now requires further consideration. Though notions of improving public conduct and civility must surely play a part in this story (if indeed the execution crowd had ever been truly riotous), other important factors were also at work.<sup>153</sup> An explanation for these stable features of the crowd must also lie in the changing facets of the capital code, on which the final part of this thesis concentrates.

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<sup>153</sup> For a discussion of the possibility of ‘improvement from below’ see T. Harris, ‘Problematizing Popular Culture’ in T. Harris (ed.), *Popular Culture in England*, pp. 20-5; L. Stone, ‘Interpersonal Violence in English Society 1300-1980’, *Past and Present*, No. 101 (1983), p. 29; R. Quinault, ‘From National to World Metropolis: Governing London 1750-1850’, *London Journal*, Vol. 26, No. 1 (2001) esp. pp. 43-4. Quinault argues that eighteenth-century society was more temperate than has been commonly described.

## Chapter Eight

### The Victorian Execution

Murders too! How we would lie trembling in our little beds as we talked them over! The dreadful Greenacre, who cut up the body of his victim, carrying the head wrapped up in a handkerchief on his knees in the omnibus.<sup>1</sup>

So wrote Edmund Yates in 1885, reflecting on his youth spent in London at the opening of the Victorian age. For many like Yates, murder and judicial revenge became the staple fare of a new generation of Londoners hungry for intelligence of crime and foul deeds. This was a period of rapid transition in the legal history of Britain, marked by the far reaching consolidation of the unwieldy capital code. Legal moves by Romilly, Mackintosh, Peel and Lord Russell, together with the activities of the three Royal Commissions on Capital Laws between 1833 and 1845, resulted in sweeping changes to the stock of capital statutes, so that by mid-1837 all but eight criminal offences remained punishable by death.<sup>2</sup> Of these, only murder remained actively punished capitally after 1840, so that homicide and hanging thereafter became intimately linked within the public mind. And with these sweeping changes emerged the grand Victorian murder narratives of the forties and fifties, leavened by the public's interest in the worst of London's misdeeds, and pollinated by a burgeoning print culture.<sup>3</sup> 'Atrocities [were] impressed upon me from my having

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<sup>1</sup> E. Yates, *Fifty Years of London Life. Memoirs of a Man of the World* (New York, 1885), p. 28.

<sup>2</sup> For the most thorough description of these changes see L. Radzinowicz and R. Hood, 'Judicial Discretion and Sentencing Standards: Victorian Attempts to Solve a Perennial Problem', *University of Pennsylvania Law Review*, Vol. 127, No. 5 (1979), pp. 1288-349; also C. Hibbert, *The Roots of Evil: A Social History of Crime and Punishment* (London, 1963; reprinted 2003).

<sup>3</sup> See M. Diamond, *Victorian Sensation, or, The Spectacular, the Shocking, and the Scandalous in Nineteenth-Century Britain* (London, 2003); L. James (ed.) *Print and the People, 1819-1815* (London, 1976), esp. pp. 21-40; T. Gretton, *Murders and Moralities: English Catchpenny Prints 1800-1860* (London, 1980).

heard them much discussed' remembered Yates, reflecting on the appetite for sensational, murderous detail easily detected by a young child.<sup>4</sup>

In this final chapter I wish to illustrate how the reinvigorated interest in capital punishment in the nineteenth century can be linked directly to what might be described as a new 'culture of murder': a direct response to the fundamental changes that took place in the types of crimes punished by death, that lent a fresh eschatological legitimacy to the English capital laws, and which - by extension - yielded a more serious context in which executions were conducted.<sup>5</sup> By divorcing the hanged felon from older notions of a shared moral fallibility, a more or less uncontested vision of the executed 'other' was realized: one which – arguably – had always existed, but which had been hitherto obscured by the troop of lesser criminals gracing the punishment stage.<sup>6</sup> In so doing, the continuity in the crowd experience beyond 1830 was assured by achieving a more or less consensual context. Execution audiences were now more closely allied to an organized 'modern' leisure spectatorship, in which the expected behaviour of onlookers was understood, and which lay right at the heart of London's crowd culture.

In initially noting the increasing irregularity of hanging in London after 1834, one might be casually tempted to assign a declining relevance to executions in line with their diminishing appearance. When sodomite Henry Nicholl stood upon the gallows

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<sup>4</sup> E. Yates, *Fifty Years of London Life*, p. 29.

<sup>5</sup> H. Potter, *Hanging in Judgment: Religion and the Death Penalty in England from the Bloody Code to Abolition* (London, 1993), pp. 35-8; M. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge, 2004), p. 27.

<sup>6</sup> A. McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London, 2007), chp. 3.

at Horsemonger Lane in August 1833, surrounded in his final moments by females whose ‘shouts manifested their abhorrence of the criminal’, few would have realized that his execution marked a radical step-change in the periodicity of metropolitan punishments.<sup>7</sup> The following year the streets of London remained free of executions for fully twelve months: a situation hitherto unprecedented in the history of the nation’s capital city and celebrated by *The Times* as positive proof that the law, once and for all, had been brought into ‘harmony with the spirit of the age’.<sup>8</sup> Execution crowds would wait another two years for a hanging to return to London’s streets, when John Smith and James Pratt were dispatched outside the reconstituted Central Criminal Court on the morning of 27 November 1835, having been caught *in flagrante delicto* in the throes of a homosexual tryst.<sup>9</sup> Executions at Newgate once again disappear from the record until 1837; a year in which the raft of capital crimes in England were further consolidated.<sup>10</sup>

### ***Murder sensations***

The execution of James Greenacre in May 1837 represented until then the largest execution event ever held at the Old Bailey, and encapsulated the torrid interest in the spectacle by this time. Convicted of the sensationally gruesome killing and dismemberment of Hannah Brown in the Edgware Road that spring (her head having been found bobbing about in the Regent’s Canal), Greenacre’s case raised public

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<sup>7</sup> *Times*, 13 August 1833.

<sup>8</sup> *Ibid.*, 15 March 1834.

<sup>9</sup> *Ibid.*, 28 November 1835; OBP, 21 September 1835, John Smith, James Pratt and William Bonill (t18350921-1934).

<sup>10</sup> *Times*, 1 January 1837 to June 1868. This survey includes all metropolitan executions as reported in *The Times*, and illustrates that although seven other crimes remained punishable by death only murder drew the ultimate penal sanction.

excitement ‘to the very highest pitch’.<sup>11</sup> When Greenacre first appeared at the Marylebone magistrates’ office, his coach was ‘seen to come down Paddington Street, followed by a mob of several hundred persons’, with some clinging to the sides of the vehicle in order to obtain a closer view.<sup>12</sup> The crowd then ‘gave vent to their indignation by the only means in their power’ by abusing the man so loudly that officers feared for his physical safety.<sup>13</sup> So menacing was the mob that day that the magistrates were forced to deploy extra constables in the area in order to maintain the peace, and the committal hearing was removed to the New Prison, Clerkenwell, for fear of local reprisals.<sup>14</sup>

When Greenacre’s trial finally came on at the Old Bailey the area outside the court already looked as if ‘the execution of some notorious criminal were about to take place’, with all the avenues blocked by arriving carriages of wealthy spectators who paid exceptional premiums to gain admittance to the public galleries.<sup>15</sup> Greenacre was eventually convicted of murder and sentenced to death on Tuesday 11 April 1837, the verdict greeted by ‘several well-dressed persons on the stairs...cheering the jury, and waving their hats’, the huzzaing of the mob outside described as being ‘of the most deafening description’.<sup>16</sup>

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<sup>11</sup> J. L. Rayner and G. T. Crook (eds.), *The Complete Newgate Calendar* (London, 1926), Vol. 5, pp. 286.

<sup>12</sup> C. J. Williams, *Greenacre, or the Edgeware-Road Murder* (Derby, 1837), p. 14

<sup>13</sup> R. Huish, *The Life of James Greenacre, from his Earliest Youth to His Execution at the Old Bailey* (London, 1837), pp. 319 and 346.

<sup>14</sup> *Times*, 28 March 1827.

<sup>15</sup> R. Huish, *The Life of James Greenacre*, p. 387.

<sup>16</sup> *Ibid.*, p. 432.

Though Greenacre's crime was indeed exceptionally repulsive, we nevertheless gain a tangible sense of 'spectacle' from such detail, which became a chief characteristic of the criminal justice system nearing mid-century. In confining only those convicted of murder to the gallows, a more sensational – and gruesome - aspect to the Victorian execution tableau materialized, underpinned by a generally universal acceptance of the death penalty for such desperate and bloody crimes. Indeed, many Londoners hankered for the blackest of details. Even at the earliest stages of enquiry most coroners' inquests, magistrates' courts and police offices attracted their fair portion of on-lookers hoping to catch a glimpse of the accused. When John Bishop, Thomas Williams and James May awaited their trials for 'burking the Italian Boy' in November 1831, two admission booths were erected at the crime scene in Nova Scotia Gardens, Bethnal Green, such was the prurient interest in the purported murder, with sightseers stealing floorboards, palings and gooseberry bushes as mementoes of the crime scene.<sup>17</sup> After guilty verdicts were reached on the men the immense crowd waiting outside the Old Bailey reacted with such 'loud and long-continued cheering and clapping of hands' that the court windows were ordered shut in order that the Recorder's sentence be heard.<sup>18</sup> Richard Gould, acquitted at the Old Bailey of murder in April 1840, was forced to remain under police protection at the Sessions House during the evening of his trial, 'it being feared that he might be subjected to personal violence from the crowds', in spite of the innocent verdict.<sup>19</sup>

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<sup>17</sup> S. Wise, *The Italian Boy: Murder and Grave-Robbery in 1830s London* (London, 2005), p. 142.

<sup>18</sup> Anon, *Burking the Italian Boy! Fairburn's Edition of the Trial of John Bishop, Thomas Williams, and James May etc.* (London, 1831), p. 22.

<sup>19</sup> OBP, 6 April 1840, Richard Gould (t18400406-128); *Times*, 20 April 1840.

This reinvigorated curiosity in murderous crime extended well beyond the courts. Mass public interest in the ghoulish also lay behind the phenomenal popularity of Madame Tussaud's waxworks in the West End, which from its permanent home in Baker Street in 1835 established itself as London's foremost visitor attraction. The queues of 'merchants, priests, scholars, peasants, school-boys [and] babies, in one common medley' awaiting admittance daily at the premises was testament indeed to London's insatiable appetite for all things macabre, which lingered in the capital for the better part of the century.<sup>20</sup> Among other exhibits in 1851, for example, Tussaud's catalogue that year gave details of the twenty-four assorted murderers and felons recreated in facsimile there, alongside intricate models of the guillotine and Bastille.<sup>21</sup>

Lurid reports of Greenacre's case stimulated the arrival of an unprecedented crowd at his subsequent execution. The *Morning Herald* described the streets as 'one dense mass of living beings' during the preceding evening, the ranks of which swelled hourly until daybreak.<sup>22</sup> By morning people were seen balancing on rooftops overlooking the Old Bailey, which took on 'more the appearance of a fair than the spot of execution'.<sup>23</sup> The fullest account of the spectacle appeared in the *Weekly Chronicle*, which devoted its entire front page to the event: an issue that carried a

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<sup>20</sup> P. Pilbeam, *Madam Tussaud and the History of Waxworks* (London, 2003); P. Chapman, *Madame Tussaud's Chamber of Horrors: Two Hundred Years of Crime* (London, 1984); J. Mead, *London Interiors* (London, 1841), Vol. 1, p. 137.

<sup>21</sup> Anon, *Biographical and Descriptive Sketches of the Distinguished Characters which Compose the Unrivalled Exhibition of Madam Tussaud and Sons* (London, 1851).

<sup>22</sup> *Morning Herald*, 3 May 1837.

<sup>23</sup> *Ibid.*



vivid illustration depicting the hanging scene and which reportedly sold 130,000 copies.<sup>24</sup> Here the reporters described the people before daybreak:

From this time all was bustle and confusion, and, till the crowd became too dense to admit of the free passage up and down, a sort of fair was held in the area in front of Newgate. Pie men were marching up and down the vacant spaces, selling “penny sandwiches” and “Greenacre tarts”, to those who had stomachs to digest, and money to pay for, such dainties.<sup>25</sup>

In spite of the barriers set up in the area, several young women required extrication from the crowd due to the pressure from onlookers, together with ‘three lads of 10 or 11 years of age’ rescued by an attending soldier.<sup>26</sup> When Greenacre finally arrived on the scaffold at eight o’clock that morning he was greeted by a tremendous roar, composed of ‘yells, groans and cheers...[of] reproach, revenge, hatred, and contumely’ from the spectators.<sup>27</sup> Greenacre died ‘unpitied by the populace’, who gazed at him with ‘shuddering curiosity from every window’.<sup>28</sup> ‘In truth’ recorded Robert Huish, ‘no criminal ever went to the scaffold with less sympathy’.<sup>29</sup>

### ***Public consensus***

The clarity of such negative public sentiment directed against convicted homicides certainly stands as a key feature of public justice by 1840, though it would be mistaken to describe this as a strictly mid-nineteenth-century phenomenon. Of all the offences enumerated by Patrick Colquhoun at the close of the previous century, for

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<sup>24</sup> R. D. Altick, *Victorian Studies in Scarlet* (New York, 1970), p. 60.

<sup>25</sup> *Weekly Chronicle*, 7 May 1837.

<sup>26</sup> *Ibid.*

<sup>27</sup> C. J. Williams, *Greenacre*, p. 23; *Weekly Chronicle*, 7 May 1837.

<sup>28</sup> *Weekly Chronicle*, 7 May 1837.

<sup>29</sup> R. Huish, *The Life of James Greenacre*, p. 458.

example, murder, he believed, was the crime most ‘justly’ punished by death.<sup>30</sup> And as Gatrell observes, the ‘biggest and most approving crowds’ of the 1700s were always those that came to watch the execution of people ‘least like themselves’ (in his definition, sodomites or murderers), whose crimes were universally execrated.<sup>31</sup> Hence, when despised murderer Frances Mercier made his final journey to Tyburn in December 1777, he was pelted so mercilessly with mud and refuse by the crowd that it was with great difficulty that ‘the peace officers could prevent their saving the executioner the customary trouble of his office’.<sup>32</sup> Like the violent treatment meted out to homosexuals in the pillory, or the eager hanging crowd that succumbed in 1807, an excited public response still manifested itself during the Victorian period whenever serious crime outraged public morals, and which paralleled the public’s reactions to murderers witnessed in London over a century before.

What had now changed, however, was the clarity of assumed guilt. With the refinement in capital sentencing having firmly taken root by the mid-forties, a clearer vision of the condemned man was offered. No longer was the platform graced with the ragged fallibility of a 1700s malefactor, whose conviction perhaps related to a despairing case of larceny or street robbery. Such desperadoes were now replaced by a coterie of blood-stained villains and poisonous plotters, whose punishments to many must have seemed morally sound. Moreover, new classifications of the ‘professional’ criminal classes were forged from a growing scientific discourse addressing the nature of innate human degeneracy, in opposition to earlier definitions of criminality as a

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<sup>30</sup> P. Colquhoun, *A Treatise on the Police of the Metropolis* (London, 1796), p. 272.

<sup>31</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), pp. 100-1.

<sup>32</sup> *Morning Post and Daily Advertiser*, 9 December 1777.

product of working-class dissolution.<sup>33</sup> Thus, earlier psychological connotations of the gallows as representing a symbol of ‘illegitimate power’ or the fate of the fallen ‘everyman’ were largely removed, and the crowd’s contempt for ‘ordinary’ hangings largely erased.<sup>34</sup>

These changing perceptions of the condemned were also reinforced by the new publicity of crime. The influence of a politically neutral, relatively cheap and readily available news-press (particularly once stamp duty on newspapers was reduced to a penny in 1836), coupled with the establishment of popular Sunday weeklies in the 1840s, played a vital part in stimulating this market for the sensational.<sup>35</sup> Rising literacy rates, the appearance of formal reading clubs and the popularity of borrowing libraries among the working classes all contributed to what Louis James has labelled ‘the demystification of the universe’, where the ignorance and illiteracy of the masses made way for a greater awareness of the wider world.<sup>36</sup>

In his *Everyday Table Book* of 1830, William Hone described vividly the burgeoning newsprint market of that decade: of the London Newsmen ‘running to and fro’ for fifteen hours at a time, hiring news-sheets ‘at so much each paper per hour’ in order to

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<sup>33</sup> See M. J. Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge, 1990), chp. 1; V. Bailey, ‘The Fabrication of Deviance: “Dangerous Classes” and “Criminal Classes” in Victorian England’ in J. Rule and R. Malcolmson (eds.), *Protest and Survival: The Historical Experience* (London, 1993), pp. 221-56; B. Godfrey and P. Lawrence, *Crime and Justice 1750-1950* (Cullompton, 2005), chp. 7.

<sup>34</sup> V. A. C. Gatrell, *The Hanging Tree*, pp. 103-4.

<sup>35</sup> V. Berridge, ‘Popular Sunday Papers and Mid-Victorian Society’ in G. Boyce, J. Curran and P. Wingate (eds.), *Newspaper History from the Seventeenth Century to the Present Day* (London: Constable, 1978), pp. 247-64; J. Flanders, *Consuming Passions: Leisure and Pleasure in Victorian Britain* (London, 2006), chp. 4; B. Clarke, *From Grub Street to Fleet Street: An Illustrated History of English Newspapers to 1899* (Aldershot, 2004); M. Harris and A. Lee (eds.), *The Press in English Society from the Seventeenth to the Nineteenth Centuries* (Rutherford, N. J, 1986).

<sup>36</sup> L. James, *Print and the People*, p. 27.

satisfy consumer demand.<sup>37</sup> At the shabbier end of the market came the glut of cheap broadsides and ballads still peddled by gangs of grubby street hawkers and newsmongers.<sup>38</sup> One ‘standing patterer’ who later detailed his first-hand experiences to Henry Mayhew described the appetite for crime as being driven principally by the ‘trades people’ of the town: ‘We lay on the horrors, and picture them in the highest colours we can...All we want to do is sell ‘em; and the more horrible we makes the affairs, the more sale we have’.<sup>39</sup> Likewise the ‘running patterers’ cruising London in expectation of rich pickings provided by recent horrors. John Pegsworth’s murderous activities in the Ratcliffe Highway in 1837 proved particularly profitable that year, being as it was in ‘a splendid quarter for working’.<sup>40</sup> Here there existed ‘plenty of feelings’ among local inhabitants, though elsewhere certain residents had ‘hearts like paving stones’.<sup>41</sup> Tales of murder swirled about the streets, stoked by the sheer weight of detail contained in these lurid prints.

This voracious demand for the macabre plainly troubled many social commentators, some of whom demanded greater working class restraint.<sup>42</sup> Writing in 1850, D. G. Paine deplored the ‘weekly meal of trash and corruption’ consumed by the lower orders, who seemed more familiar with the ‘frothy and licentious’ stories available in

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<sup>37</sup> W. Hone, *The Everyday Book and Table Book* (London, 1830), p. 63.

<sup>38</sup> For street ballads see E. L. O’Brien, “‘Everyman Man Who is Hanged Leaves a Poem’”: Criminal Poets in Victorian Street Ballads’, *Victorian Poetry*, Vol. 39, No. 2 (2001), pp. 319-39.

<sup>39</sup> H. Mayhew, *London Labour and the London Poor* (London, 1851), Vol. 1, p. 240.

<sup>40</sup> *Ibid.*, p. 229.

<sup>41</sup> *Ibid.*

<sup>42</sup> See M. Morgan, *Manners, Morals and Class in England, 1774-1858* (Basingstoke, 1994), p. 99.

the penny papers than the ‘more elevating and harmless portion of the press’.<sup>43</sup> German translator Max Schlesinger similarly shuddered at the English appetite for crime, describing how the daily reports of inquests, trials and executions kept ‘the families of England in breathless suspense for weeks at a time’.<sup>44</sup> ‘It is altogether incomprehensible how, and to what extent, this passion for the horrible has seized hold of the hearts of English men and women’, continued Schlesinger, ‘they yearn for something which will make their flesh creep’.<sup>45</sup> Writing in 1849 *Chamber’s Edinburgh Journal* railed against what it branded the primitive ‘Murder Mania’ sweeping the country, and berated the ‘fatal trash’ peddled in the London dailies.<sup>46</sup> The sordid details retailed by the press, it believed, conflicted with the ‘kindliness of spirit’ and ‘romantic refinement’ of the age, whose accounts of homicides were responsible for fertilizing dangerously murderous thoughts within the feeble minded.<sup>47</sup> Greenacre himself complained bitterly of the influence of the ‘trafficking newspaper press’ that cared not ‘for the truth or justice, or the life of any man’, but which in effect merely served to ‘feed the passions for the partial-minded and unthinking crowd’.<sup>48</sup>

Though unusually ghastly, Greenacre’s crime stood as a perfect example of how murder could deeply penetrate the popular psyche. Metropolitan sensations were

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<sup>43</sup> D. G. Paine, *The Task of the Age; an Enquiry into the Condition of the Working Classes* (London, 1850), p. 135.

<sup>44</sup> M. Schlesinger, *Saunterings In and About London* (trans. Otto Wenckstern) (London, 1853), p. 60.

<sup>45</sup> *Ibid.*, p. 61.

<sup>46</sup> *Chambers’ Edinburgh Journal*, 6 October 1849, pp. 209-10.

<sup>47</sup> *Ibid.*

<sup>48</sup> R. Huish, *The Life of James Greenacre*, p. 458.

promulgated by a ubiquitous demand for printed intelligence, and it is probably safe to assert that execution-goers of mid-century were immeasurably more knowledgeable of felonious crimes than their forebears. Indeed, such appetites were never as class specific as the critics portrayed. Writing in the 1830s, Edward Lytton Bulwer was confident that ‘the tender’ in particular were most susceptible to reading such lurid detail, declaring that ‘it is women who hang with the deepest interest over a tale...of gloomy and tragic interest’.<sup>49</sup> Charles Hindley similarly noted how the papers were ‘read by high and low’ in the 1830s and 40s, with most titles as likely to be taken by those ‘who lived and revelled in marble halls and gilded saloons’ as the lowliest working man or woman.<sup>50</sup>

That only the worst of London’s criminals were now sentenced to death served to incubate a fascination in the criminal law amongst *all* the classes. And once the assumed guilt of the condemned was more universally agreed upon, a less contested aspect to executions developed. The scrubby train of petty-forgers and robbers traipsing up the gallows steps before 1830 were, by mid-century, transplanted by a shocking parade of cold-blooded assassins and wife murderers, accompanied by gory tales of sharpened knives and poison, tawdry court battles and an untimely - yet essentially deserved - gallows death: tales which demonstrated well enough that public justice had been done.<sup>51</sup>

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<sup>49</sup> E. L. Bulwer, *England and the English* (London, 1834), p. 36.

<sup>50</sup> C. Hindley, *The Life and Times of James Catnach* (London, 1878), p. 154.

<sup>51</sup> B. Kalikoff, *Murder and Moral Decay in Victorian Popular Literature* (Ann Arbor, Mi, 1986), p. 57.

### *Crowds and the middle classes*

When Maria and Frederick Manning were executed atop Horsemonger Lane in November 1849, for murdering their lodger Patrick O'Connor, the hanging spectacle once again terminated weeks of sensational reportage.<sup>52</sup> Among the thirty thousand or so people who arrived to watch the hanging that morning stood an astonishing mixture of metropolitan society: the 'dregs and offscourings of the population of London' according to one press report, complemented by the well-to do 'from the fashionable clubs at the west end, and from their luxurious homes': 'one broad compact mass...with ten thousand differences'.<sup>53</sup> As James Davies describes, rather than the crowd's desire to witness the justice of a public death *per se*, in this case 'it was Maria Manning's personality that really caught the public imagination', particularly her denouncements of the trial process and the striking figure she had cut in court. John Forster for one, who attended the spectacle with Charles Dickens and three friends, was particularly enthralled by the image of Maria as she ascended the scaffold in a tight fitting black satin dress. 'There was nothing hideous in her as she swung to and fro afterwards...she had lost nothing of her graceful aspect' he wrote enthusiastically shortly afterwards: a scene so cathartic for Forster that he recommended it to any execution novice 'for his soul's sake...as he goes through measles for his body'.<sup>54</sup> (The sexual frisson elicited by the body of a hanged woman was, of course, all part of the allure, though theories of the 'eroticism' of female

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<sup>52</sup> See A. Borowitz, *The Woman Who Murdered Black Satin* (Columbus, Oh. 1981); W. M. Clarke, *The Bermondsey Murder. A Full Report of the Trial of George Frederick Manning and Maria Manning for the Murder of Patrick O'Connor* (London, 1849).

<sup>53</sup> *Evening Mail*, 12 November to 14 November 1849; *Punch*, Vol. 17, July to December 1849, p. 203.

<sup>54</sup> J. A. Davies, 'John Forster at the Manning's Execution', *The Dickensian*, Vol. 67 (1971), pp. 12-15.

executions have perhaps stretched this point).<sup>55</sup> By contrast, the death of the Mannings proved profoundly disturbing to Dickens: an event he famously felt compelled to condemn in the pages of *The Times*, especially the sickening displays of levity he saw down amongst the crowd. Here he witnessed the mob's 'fightings, fainting [and] whistlings' which were so 'inexpressibly odious in their brutal mirth' that the author later wrote of 'living in a city of devils', the memory of which tormented him for years.<sup>56</sup>

As John Carter Wood remarks, discussion of the 'humanitarian sensibilities' and a 'civilized mentality' within middle-class identities tends to gloss over the longevity of tolerance towards - and active engagement with - public punishment as an inconvenient contradiction of a putative 'civilizing process'.<sup>57</sup> Social historians understandably prefer to consider executions in the context of a progressive rejection of violence as the nineteenth century advanced. Middle-class repudiation of public punishments, they argue, represents important evidence of an increasingly sensitive strain of bourgeois humanitarianism, by which the privatization of public hanging stood as a natural corollary.<sup>58</sup>

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<sup>55</sup> H. Potter, *Hanging in Judgment*, p. 71; B. Kalikoff, 'The Execution of Tess d'Urberville at Wintonchester' in W. B. Thesing (ed.), *Executions and The British Experience from the Seventeenth to the Twentieth Century: A Collection of Essays* (Jefferson, N. C., 1990), pp. 111-21.

<sup>56</sup> *Times*, 14 November 1849; P. Collins, *Dickens and Crime* (London, 1962), p. 240; A. E. Simpson (ed.), *Witnesses to the Scaffold: English Literary Figures as Observers of Public Executions: Pierce Egan, Thackeray, Dickens, Alexander Smith, G. A. Sala, Orwell* (Lambertville, N. J., 2008), chp. 4.

<sup>57</sup> J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The Shadow of Our Refinement* (London, 2004), p. 24; N. Elias, *The Civilising Process. Vol. 1: The History of Manners* (trans. E. Jephcott), (1948, reprinted Oxford, 1994).

<sup>58</sup> For a summary of these arguments see C. Emsley, *Hard Men: The English and Violence since 1750* (London, 2005), pp. 152-8; also D. D. Cooper, *The Lesson of the Scaffold* (London, 1974), p. 176; J. S. Cockburn, 'Punishment and Brutalization in the English Enlightenment', *Law and History Review*, Vol. 12, No. 1 (1994), p. 177. The philosophical streams in these arguments are discussed in L. J. Morris, "'A Matter of Justice and Humanity": John Stuart Mill on Punishment' (Unpublished PhD Thesis, London School of Economics, 1999), pp. 20-4.



Critical contemporary discourses dealing with the nature of public punishment during the nineteenth century certainly continued to highlight the incongruous mix of congeniality and state sponsored death, from which some of the better-off increasingly recoiled in disgust.<sup>59</sup> Randall McGowen suggests that the middle class's withdrawal from the 'entertainment' elements contained within the events in fact served to redefine the hanging ritual as a conspicuously plebeian phenomenon, that consequently assigned a central position to a base and manifestly more 'unsuitable' audience.<sup>60</sup> A revived distrust of the lower orders, whipped up by the Chartist violence and garrotting panics of mid-century, reinforced the belief that a distinctly more troublesome and 'criminal' male contingent were now marauding the capital's streets: the 'raw and half-developed' working class as feared by Matthew Arnold, that was 'meeting where it likes, bawling what it likes [and] breaking what it likes'.<sup>61</sup>

Detractors of the execution 'mob' never had far to look for symptoms of this threat. Evidence from the London courts still demonstrated palpably what appeared to be a constant flow of petty thievery and violence around the scaffold: a situation made clear enough from the stories of gallows-crowd pick-pocketing appearing in the London press. When Richard Jefferies was executed in mid-October 1866, for

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<sup>59</sup> See B. Faulk, 'The Public Execution: Urban Rhetoric and Victorian Crowds, in W. B. Thesing (ed.), *Execution and the British Experience from the Seventeenth to the Twentieth Century: A Collection of Essays* (Jefferson, N.C, 1990), pp. 77-87; V. A. C. Gatrell, *The Hanging Tree*, pp. 595-601.

<sup>60</sup> R. McGowen, 'Civilizing Punishment: The End of Public Execution in England', *Journal of British Studies*, Vol. 33, No. 3 (1994), pp. 260-1.

<sup>61</sup> M. Arnold (ed. S. Lipman), *Culture and Anarchy* (New Haven, Ct., 1994), p. 71; also D. Goodway, *London Chartism 1838-1848* (Cambridge, 1982), pp. 68-128; R. Sindall, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?* (Leicester, 1990). For a definition of the criminal underclass within a local context see J. Davis, 'Jennings' Buildings and the Royal Borough: The Construction of the Underclass in Mid-Victorian England' in D. Feldman and G. Stedman Jones (eds.) *Metropolis London: Histories and Representations since 1800* (London, 1989), pp. 11-39.

example, Thomas Budget of Caroline Place, King's Cross, was attacked by a gang of youths as he pushed his way through the assembly, and 'had his clothes literally torn off his back' by assailants who ripped a leg off his trousers.<sup>62</sup> The *Daily News* continued the story:

Inspector Everett, in reference to this case, said that at the time there were between 2,000 and 3,000 person present, consisting chiefly of the greatest ruffians; and because a gentleman's servant, in a coffee-shop, saw what took place, and told the police that they had got three of the right prisoners, their companions broke thirteen windows in the [Lamb's] coffee-house. The inspector declared that this had been the worst execution he had ever known... There was a regular concerted mob, and whenever they wanted to hustle a person they gave a signal, and their victim was immediately surrounded by from fourteen to twenty people.<sup>63</sup>

Several other people were attacked that morning, including Henry Hulse, a grocer's assistant from the Euston Road, who left home at one o'clock to wait through the night at the Old Bailey. Already by two o'clock Hulse had been robbed of everything he had about him, including his hat and pocket book, while an hour and half later he was robbed once more, the thieves this time fleeing empty-handed.<sup>64</sup> The troops of pickpockets lining up at the Guildhall police court the next morning provided perfect ammunition for a hostile press eager to illustrate the deleterious effects that executions exerted on the public mind. 'There was a solemn execution, and the object of it was to deter people from the commission of crime; but instead of its being a deterrent, it seemed...that it was stimulant to the most impudent attempts at robbery',

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<sup>62</sup> *News of the World*, 14 October 1866.

<sup>63</sup> *Daily News*, 10 October 1866.

<sup>64</sup> *News of the World*, 14 October 1866.

stated Alderman Lusk summing up the cases before him, criticizing how the event had been nothing less than ‘a perfect saturnalia to crime’.<sup>65</sup>

Police courts sitting at the Guildhall and Southwark continued to deal with such cases in a summary manner in the nineteenth century, and magistrates seemed content to impose short periods of imprisonment with hard labour in most cases. When the corpse of Emmanuel Barthelmy was still hanging for the allotted hour at the Old Bailey in 1855, for example, eighteen-year-old William Thomlinson was taken up for stealing a silk handkerchief: a crime for which he was committed to prison for twenty-one days (a sentence mitigated by his father’s pleas for clemency).<sup>66</sup> Other forms of public disorder at executions received the police’s close attention. In 1855 John Bennett appeared before the City magistrates after he was repeatedly told not to stand on a chair in order to hawk some items of jewellery, stating (somewhat revealingly) that ‘[as] it was a public execution he had a right to be there...there were other persons singing songs and getting their living in other ways, while the execution was going on, and he thought he had an equal right to sell his rings’.<sup>67</sup> The sitting magistrate duly admonished Bennett for his conduct and discharged him summarily, in the end deeming it ‘not a very serious offence’.<sup>68</sup>

Fighting, swearing, and drunkenness at executions were all viewed dimly by the police. As the Mannings were about to hang at Horsemonger Lane in 1849, two

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<sup>65</sup> *Daily News*, 10 October 1866.

<sup>66</sup> *Morning Herald*, 22 January 1855.

<sup>67</sup> *Daily News*, 23 January 1855.

<sup>68</sup> *Ibid.*

women were arrested for fighting each other down amongst the audience: a fracas which ensued in Swan Street after Ann Collins initially brushed past Hannah Manning, who ‘could not help touching the defendant’, and which was later dismissed by a local magistrate as a trivial matter.<sup>69</sup> Crimes committed around the gallows were, however, occasionally remanded to the Old Bailey whenever deemed more serious. After Nathaniel Mobbs was hanged in November 1853, the *Morning Herald* reported the appearance of Charles Clark at the Guildhall police court, accused of stealing an engraved watch from Robert Porrett as he stood at the foot of the gallows. ‘It is too serious a case for me to deal with summarily, and I shall, therefore, commit you for trial’ stated the presiding magistrate Alderman Humphry, declaring that ‘the awful sight of a man being hung was no fear for you...it does not appear to have done you any good’.<sup>70</sup> Clark appeared at the following Old Bailey Sessions, pleaded guilty, and was jailed for six months.<sup>71</sup> In May 1858, John Parker, a billiard-table maker from Dean Street, Soho, appeared at the Old Bailey to testify how he was robbed at an execution by Daniel McCarthy, after he caught him with a hand in his pocket.<sup>72</sup> During the same sitting the captain of a merchant ship, James Dobrilovic, also brought charges against one William Meek, for stealing his watch outside the very building in which they stood: a case remarkable for the number of witnesses from among the anonymous crowd who were prepared to testify against the accused.<sup>73</sup> Both defendants were found guilty and given two and four year terms of imprisonment respectively.

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<sup>69</sup> *Morning Herald*, 14 November 1849.

<sup>70</sup> *Ibid.*, 22 November 1853.

<sup>71</sup> OBP, 28 November 1853, Charles Clark (t18531128-7).

<sup>72</sup> OBP, 10 May 1858, Daniel McCarthy (t18580510-517).

<sup>73</sup> OBP, 10 May 1858, William Meek (t18580510-518).

Such startling detail provided grist to the mill for certain sections of the middling and 'decent' classes and lent credence to their mental associations of an innate plebeian criminality with the unruly hanging crowd.<sup>74</sup> Many depictions of the execution audience, like that later sketched by Donald Shaw, were apocalyptic in gushing forth an alarmist rhetoric foretelling of social calamity, which described the 'surging mass...of men and women shouting, singing, blaspheming...as if hell had delivered up its victims'.<sup>75</sup> When William Hepworth Dixon described an execution scene in 1850 he too rattled off a similar tirade, in which he highlighted the 'chaos of yells, and shrieks and shouts' witnessed around the gallows, where 'a thousand rude, coarse, practical jokes are commenced, to break the monotony' of awaiting the drop; scenes he felt 'disgrace us in the eyes of Christendom'.<sup>76</sup> More remarkably still, in the mid-sixties Christian apologist Henry Rogers excelled with his own intemperate hyperbole by describing the Old Bailey crowd as a 'periodical cesspool for all the moral abominations of London', that drew together 'every loathsome reptile of vice and crime, to crawl and swelter in the blaze of day...raking all the social ordure into one rotting heap, the pestilential reek of which shares the light and poisons the air'.<sup>77</sup>

Occasional injuries in the crowd again added weight to these frightening images. In November 1849 several newspapers reported the death of Catherine Reid, who was

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<sup>74</sup> L. Keller, 'Public Order in Victorian London. The Interaction between the Metropolitan Police, the Government, the Urban Crowd, and the Law' (Unpublished PhD thesis, University of Cambridge, 1976), p. 28.

<sup>75</sup> D. Shaw, *London in the Sixties with a Few Digressions. From One of the Old Brigade* (London, 1908), p. 154.

<sup>76</sup> W. H. Dixon, *The London Prisons* (London, 1850), pp. 195-6.

<sup>77</sup> H. Rogers, 'Essays Theological and Philosophical No. 2: On Public Executions', *Good Words*, No. 6 (1865), pp. 104-12.

pressed to death against the barriers outside Horsemonger Lane and trodden over by the mob while her ‘tongue protruded from her mouth’.<sup>78</sup> A subsequent inquiry into the accident later held the pressure of the mob responsible for her death, the cause of a fatal case of apoplexy brought on by chronic overcrowding.<sup>79</sup> Two women, a small child and one Thomas Overall were also injured that same morning, the man carried to surgeons at Guy’s hospital who received him in ‘a very dangerous condition’.<sup>80</sup> In 1864, carman William Whitehead was hurried to St. Bartholomew’s hospital after falling off his wagon whilst watching an execution (screaming to be released through the pain of his broken ribs) and at the same event John Vorley, a cab driver, fell from the top of his vehicle and received a serious head injury.<sup>81</sup> Most accounts used a familiarly pejorative vocabulary in depicting these chaotically protean scenes of execution-going throughout the period 1830-1868, which in turn propagated the trope of the execution crowd as a savage and ignorant mass.

When Parliament addressed the subject of public executions in 1864, following another denunciatory outpouring that February, MPs too lined up to retail a catalogue of degradation attendant on the affairs. Executions, they believed, were ‘obscene’, ‘horrible’ and ‘revolting’, drawing together ‘the worst class in the community’ and the very ‘scum and refuse’ of the population.<sup>82</sup> Lord Henry Lennox, after visiting executions himself (to ascertain ‘whether the picturesque account often given in the newspapers of the devout and attentive demeanour of the crowd was true’), was

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<sup>78</sup> *Morning Chronicle*, 15 November 1849.

<sup>79</sup> LMA, CLA/042/IQ/01/012, Southwark Coroner’s Inquests, no. 189, 14 November 1849.

<sup>80</sup> *Morning Herald*, 14 November 1849.

<sup>81</sup> *News of the World*, 28 February 1864.

<sup>82</sup> *Hansard’s Parliamentary Debates*, 3<sup>rd</sup> Series (1864), Vol. 163, cols. 941-55.

shocked to witness scenes he felt were more akin to a Derby Day, full of ‘joking, laughing [and] pelting of oranges’, where hats were thrown in the air and general merriment prevailed.<sup>83</sup> In short, the place of death was merely a centre of high spirits and unchecked working-class mischief, contrary to the solemnity intended for the ritual.

### *Realities*

But what of the well-heeled visitors who themselves still arrived to take up their positions within the execution scene? What of the ‘respectable old City men on their way to business - with watch-chains and scarf-pins in clean white shirt-fronts’ standing in their ‘dozens’, as observed by Donald Shaw as he dropped the sash of his own rented window?<sup>84</sup> To be sure, many respectable Londoners struggled to understand the attraction of the gallows among their compeers and were quick to disavow execution-going within their social rank. Some, like MP Henry Rich, batted away such peccadilloes as a shameful and ill-considered mistake, by asking ‘Who...are the persons of any pretensions whatever to respectability [after] being convicted of having witnessed one of these exhibitions, do not forthwith feel it necessary to make some excuses for having done so?’<sup>85</sup> Others, like Luke Owen Pike, in recalling the execution crowd at Newgate, dismissed the people paying for rooms overlooking the scene as merely representing the ‘rich and idle’ of the leisured

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<sup>83</sup> Ibid., cols. 951-3.

<sup>84</sup> D. Shaw, *London in the Sixties*, pp. 158-9.

<sup>85</sup> *Hansard's Parliamentary Debates*, 3<sup>rd</sup> Series (1864), Vol. 56, col. 653.

classes, as likely to be seen lounging ‘at the theatre, or any other common spectacle’.<sup>86</sup>

Motifs of the ‘London Swell’ or gangs of ‘bucks’ arriving *en masse* at Newgate prior to a hanging abound in contemporary depictions of nineteenth-century executions. These well-to-do, beer-soaked rakes were typically lampooned in Thomas Ingoldsby’s description of the raffish Lord Tomnoddy, who first appeared in *Bentley’s Miscellany* in 1837: a scurrilous piece of rhyming poesy regularly retold over the following years when positive proof was needed of how uncivilized apparently ‘respectable’ spectators could be.<sup>87</sup> Ingoldsby’s inventive narrative describes the rakish adventures of Tomnoddy and his cronies during an evening carousing in the West End, finished off in preparation for an execution in a room overlooking Newgate:

The clock strikes Five!  
The sheriffs arrive  
And the crowd is so great that the street seems alive;  
But Sir Carnaby Jenks  
Blinks and winks,  
A candle burnt down in the socket, and stinks,  
Lieutenant Tregooze  
Is dreaming of Jews,  
And acceptances all the bill-brokers refuse;  
My Lord Tomnoddy  
Has drunk all his toddy,  
And just as the dawn is beginning to peep,  
The whole of the party are fast asleep.<sup>88</sup>

These scenes, though comical enough, were at times never too distant from the truth. In January 1864, when five men were executed at the Old Bailey for murder on the high seas, the *Morning Herald* launched an excoriating attack against the levity it

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<sup>86</sup> L. O. Pike, *A History of Crime in England* (London, 1876), Vol. 2, pp. 451-2.

<sup>87</sup> T. Ingoldsby, ‘Lord Sucklethumbkin’s Story’, *Bentley’s Miscellany* (June, 1837), p. 561.

<sup>88</sup> *Ibid.*



witnessed amongst the ‘respectable’ contingent of spectators. Behind the Holland and Venetian blinds of the local houses coarse laughter was heard, the opening of which revealed ‘members of the Upper Ten Thousand’ armed with ‘lots of substantial things in the shape of fowls and hams and tongues and sandwiches, of potent liquors, especially champagne and sherry, of cigars... of cards, with which to while away the hours till morning’.<sup>89</sup> Many patrons evidently arrived after stories were ‘whispered at the clubs’ that parties were ‘in course of formation’ to witness the execution.<sup>90</sup> In his remarkably detailed *Night Side of London*, James Ritchie also depicted a pre-execution evening scene at mid-century, and captured the arrival of the wealthier class of spectator:

But look at the windows, all lighted up and filled with gay company. Those two beautiful girls – let us hope they are not ladies – not English mothers or wives – who have just stepped out of the brougham, and are now gazing from a first-floor on the wild human sea beneath, will sit playing cards and drinking champagne all night.<sup>91</sup>

However colourful such illustrations appeared - and however caricatured of the participants they were - many remained proof enough that middle class participation in the events was still alive and well.

In fact most spectators were rather less abashed at their sojourns to the Old Bailey than some of these beguiling accounts imply, owing much to the perceived legitimacy of public justice previously described. Although medical student Shephard Taylor could complain bitterly of being ‘terribly squeezed by the ruffianly crowd’ at the Old Bailey execution of murderer James Mullins in November 1860, in the same breath he

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<sup>89</sup> *Morning Herald*, 23 February 1864.

<sup>90</sup> *Ibid.*

<sup>91</sup> J. E. Ritchie, *The Night Side of London* (London, 1857), p. 32.

owned that ‘the punishment was certainly richly deserved’ (enough, indeed, to bring him to the foot of gallows).<sup>92</sup> Thomas Rix Cobb, a well-educated clerk about town in the mid-1840s, similarly felt executions important enough to highlight them meticulously amongst the minutiae of his weekly appointments, recording each hanging day in his pocket diary as a memorable point of reference.<sup>93</sup> After a morning perusing the Sunday press in 1846, diarist Nathaniel Bryceson also found nothing untoward in taking a romantic stroll with his paramour to both Newgate and Horsemonger Lane prisons, out of curiosity for the respective hangings of Martha Browning and Samuel Quennell due to take place there the following day, and among the day-trippers to London on Easter Monday 1845, William Copsey simply took in an execution as the opening activity of a leisurely day in town.<sup>94</sup> Following a visit to the hanging of James Tapping at Newgate that morning, Copsey then met his wife and a friend in Covent Garden, visited two or three public houses and enjoyed a steamboat trip on the Thames. The day’s entertainment ended that evening in the Queen Caroline public house in Brooke Street, where Copsey quarrelled with a fellow drinker over the theft of a purse; an argument that resulted in a fight for which he was arrested, tried and eventually acquitted of assault.<sup>95</sup> Hence, a public execution might assume a distinctly ‘respectable’ feel for many of those who attended. And, of course, they were always free.

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<sup>92</sup> S. T. Taylor, *The Diary of a Medical Student During the Mid-Victorian Period 1860-1864* (Norwich, 1927), p. 14. Such an experience did not deter Taylor. He attended three more executions over the next four years.

<sup>93</sup> GL, MS 18770, Vol. 1, Diary of Tomas Rix Cobb 1845. Amongst the mundane diary entries of dental examinations and dinner appointments for June 1845 he recorded neatly on the first Monday of the month ‘Connor Hung. Called on Davisons’. It is unclear whether Cobb actually attended the executions himself.

<sup>94</sup> WCA, MS 0730 (Diary of Nathaniel Bryceson).

<sup>95</sup> OBP, 7 April 1845, William Copsey (t18450407-851).

Even by hiding behind curtained windows in thrill-seeking anticipation of the drop, better-off execution-goers still took their part within the scene. Ladies in crinoline peeking out at the crowd from above also smelled the hot potatoes, heard the hawkers' cries of nuts and oranges and listened to the mob's chatter of conversation, just as did the costermonger and her friends drinking bottles of beer down below. An execution crowd was always a sensory experience of the first order, as much to be observed, smelled and listened to as the sight of tottering felons trembling on the stage, even when viewed from afar through a pair of opera glasses, and as such prompted a fascination and eagerness to attend hangings among the Victorian middling-sort, as much as it had done for the likes of Richardson, Boswell and Reynolds nearly one hundred years before.

We might also plausibly locate nineteenth-century society's acceptance of executions within the histrionics of the Victorian funerary tradition. As John Morley shows, the mid-century period witnessed the emergence of a powerfully exaggerated attitude to death, in which the grief and honesty of familial and public feeling moved into central position within the mourning ritual.<sup>96</sup> The extravagance and 'celebration' of a Victorian death percolated well-down into the ranks of the lower orders (as witnessed in the near-ruinous attempts by many to provide for a 'decent' family funeral), and engendered an intimacy and obsession with the rituals of dying that became an accepted – and indeed expected - social norm.<sup>97</sup> What Pat Jalland has described as the 'emotional upsurge' attached to death in the mid-1800s, and the eschatological

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<sup>96</sup> Morley, J., *Death, Heaven and the Victorians* (London, 1971), p. 17.

<sup>97</sup> See J. Stevens Curl, *The Victorian Celebration of Death* (Stroud, 2000); J. Litten, *The English Way of Death: The Common Funeral since 1450* (London, 1991).

imperatives of achieving the ‘good’ death accompanied by suitable spiritual atonement, undoubtedly found expression in the formality of the execution ritual, and as such does much to explain the unembarrassed inclusivity of a hanging day as a public memorialization of mortality, alongside an acknowledgement of the justification for legally sanctioned killings.<sup>98</sup>

Critiques of executions were usually fashioned from second-hand reports retailed by a moralizing press, which delighted in pressing home a distinctly negative slant: an antipathy to the crowd that makes objective analysis of the events problematical. As Mark Harrison remarks, ‘since the crowd existed through the eyes of the commentators who were rarely crowd members themselves...its existence functioned largely to reflect the beliefs of the commentator’.<sup>99</sup> The veracity of newspaper accounts certainly needs to be considered in this respect, as several reporters contradicted one another according to their own moral compass. Hence when Thomas Cooper was hanged for shooting dead a policeman in 1842, the *Morning Herald* could record how the small crowd ‘did not evince the slightest expression of feeling when the wretched man first made his appearance upon the scaffold’, whereas *The Times* depicted a large audience apparently in a state of noisy drunkenness.<sup>100</sup> Indeed, one author in the 1830s exposed the practice of ‘interlopers’ fabricating execution reports in the press for purely evangelical purposes. ‘Dr R’, in ‘endeavouring to make himself popular, by attending all the executions in and about the metropolis’, was discovered

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<sup>98</sup> P. Jalland, *Death in the Victorian Family* (Oxford, 1996), p. 4; also G. Rowell, *Hell and the Victorians: A Study of Nineteenth-Century Theological Controversies Concerning Eternal Punishment and the Future Life* (Oxford, 1974).

<sup>99</sup> M. Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), pp. 38-9.

<sup>100</sup> *Morning Herald*, 5 July 1842; *Times*, 5 July 1842.

by one editor reporting the execution of a man who had been subsequently reprieved. The correspondent simply left the prison early and went home to compose the bulletin.<sup>101</sup>

Yet by reading between these impressionistic lines we often glean a different take on the execution crowd entirely. The unperturbed social mixing described above implies that for many people executions of the mid-nineteenth century were ostensibly serious and unthreatening affairs. Mayhew's shoeless pickpocket who 'did' four shillings in a hanging crowd ('two handkerchiefs, and a purse with 2s. in it – the best purse I ever had') did so because of the guaranteed intimacy with the relaxed wealthy patronage that was always in attendance there.<sup>102</sup> Whenever he usually 'went near a lady, she would say "Tush, tush, you ragged fellow!" and would shrink away'.<sup>103</sup> After Francois Courvoisier was executed in July 1840 for murdering Lord William Russell the *Morning Chronicle* retailed the usual vignettes of Newgate ribaldry by describing the 'many [people] sitting upon the barriers smoking and laughing, and pushing about their companions, throwing missiles of different descriptions at each other'.<sup>104</sup>

Though probably accurate for certain sections of the mob, other reports of the event were more circumspect in their analysis. 'Men stood smoking their pipes and relating anecdotes of criminals whom they had seen suffer on the same spot, while women stood with infants in their arms listening to their narratives', reported the *Morning Herald*, remarking on the justice of Courvoisier's sentence in light of so savage a

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<sup>101</sup> T. Wontner, *Old Bailey Experience. Criminal Jurisprudence and the Actual Working of our Criminal Law* (London, 1833), pp. 166-7.

<sup>102</sup> H. Mayhew, *London Labour and the London Poor*, Vol. 1, p. 441.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Morning Chronicle*, 7 July 1840.

misdeed.<sup>105</sup> ‘Everyone seemed anxious to know whether he, whose imperturbable serenity of demeanour had baffled justice, while death was but probable, would show the same equanimity’, continued the report, illustrating a level of benign consideration in the crowd usually neglected by the press.<sup>106</sup> When the drop fell, the audience met Courvoisier’s death with silent stoicism. ‘The general body of people, great as must have been their abhorrence of his atrocious crime’, reported the *Weekly Chronicle*, ‘remained silent spectators of the scene which was passing before their eyes’.<sup>107</sup>

Thus after sifting through the vilification of the contemporary news-sheets another dimension to the audience is often revealed. Between the drunks, whores and petty thieves apparently stalking Old Bailey we often witness sober, informed and reflective groups standing in eager anticipation, mirroring the similar composition and behavioural propriety noted of the 1807 crowd. William Makepeace Thackeray, in attending Courvoisier’s hanging in person, famously observed the ‘extraordinarily gentle and good-humoured’ restraint within the crowd: a signal to him that ‘the morals of the men are good and hearty’.<sup>108</sup> Thackeray’s often quoted description is worth retelling here specifically for the good order it illustrates:

People sauntered up, and formed groups, and talked to the newcomers asking those who seemed *habitués* of the place about former executions; and did the victim hang with his face towards the clock or towards Ludgate Hill? and had he the rope round his neck when he came on the scaffold, or was it put on by Jack Ketch afterwards? and had Lord W-- taken a window, and which was he?<sup>109</sup>

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<sup>105</sup> *Morning Herald*, 7 July 1840.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Weekly Chronicle*, 12 July 1840.

<sup>108</sup> W. M. Thackeray, ‘Going to See a Man Hanged’, *Fraser’s Magazine*, Vol. 22 (1840), pp. 150-8.

<sup>109</sup> *Ibid.*, pp. 151-2.

What emerges from Thackeray's narrative is a very different picture altogether. Although he acknowledged the appearance of the usual roughs and vagabonds at the outskirts of the crowd - identified by their 'coarse phrases' and indecent language at the final moment - Thackeray's execution-goer, though rather ragged around the edges, was a more contemplative citizen entirely: 'He has not been to Eton, and never read Horace in his life: but he can think just as soundly as the best of you'.<sup>110</sup> This decorous behaviour was demonstrated particularly well by the 'vigorous, orderly good sense, and intelligence of the people' he witnessed in the early morning.<sup>111</sup> The *Weekly Chronicle* also congratulated the behaviour of the mob at the same event, which it considered altogether 'decent and proper for the solemn occasion which had drawn them together'.<sup>112</sup>

Clearly, the animal depravity of crowds portrayed by the London press could be greatly exaggerated, a fact confirmed by independent witnesses who also occasionally deviated from such sentiments. In testifying to the Select Committee considering capital punishments in 1856, for example, police inspector Adam Sparry was struck by the general orderliness among execution spectators whenever he observed them: noisy audiences, he believed, generally reserved their catcalls 'more [for] the executioner than the culprit himself'.<sup>113</sup> In recalling the execution of Giovanni Lani in 1858, for murdering a Haymarket prostitute, Viscount Grey was similarly convinced

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<sup>110</sup> Ibid., p. 152.

<sup>111</sup> Ibid, p. 154. Antony Simpson believes that this crowd sophistication was used by Thackeray partly as a rhetorical device to define more sharply the hardening effects of witnessing an execution: see A. E. Simpson (ed.), *Witnesses to the Scaffold*, p. 106; also D. A. Thomas, 'Thackeray, Capital Punishment, and the Demise of Jos Sedley', *Victorian Literature and Culture*, Vol. 33, No. 1 (2005), pp. 1-20.

<sup>112</sup> *Weekly Chronicle*, 12 July 1840; see also V. A. C. Gatrell, *The Hanging Tree*, p. 67.

<sup>113</sup> Parliamentary Papers, *Report of the Select Committee of the House of Lords to Consider Present Mode of Capital Punishments* (1856) [366], Minutes of Evidence, p. 29.

that the majority of the people he had seen there were awe-struck by the occasion, which had been productive of a ‘very striking effect’ on those who came.<sup>114</sup> Unusually, one correspondent to *The Times* in 1864 was drawn to rebuff the ‘current fashion or folly’ for criticism of the events after observing an orderly Old Bailey execution in person, described by the author as ‘the most solemn sight I ever witnessed’; an event he felt could not help but appeal to the better nature of the multitude which stood with one ‘sudden and common emotion’.<sup>115</sup> After visiting two executions, Sir George Bowyer was likewise convinced that the ‘horrible accounts’ of hanging crowds were ‘greatly exaggerated’, believing that unseemly behaviour ‘was the exception and not the rule’.<sup>116</sup> Whilst mixing with the mob for an hour or two he had heard ‘many excellent remarks’, demonstrating well enough that ‘the object of the spectacle was clearly understood’.<sup>117</sup> And as for Tory MP Charles Newdegate, he believed that the hilarity reported amongst the crowd was simply ‘affected’, comparable to that of boys whistling ‘as they passed through a churchyard’ in order to efface their fears.<sup>118</sup>

Witnesses to the Royal Commission on Capital Punishment convened in 1866 also proffered similar views. Police Inspector Thomas Kittle, who attended three executions in an official capacity (and, revealingly, several others in his own time) was well placed to detail what he had seen. The audience, he believed, was a social blend comprised of (among others) ‘fighting men, costermongers...a few artisans’ plus

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<sup>114</sup> *Hansard’s Parliamentary Debates*, 3<sup>rd</sup> Series (1864), Vol. 163, col. 955.

<sup>115</sup> *Times*, 23 February 1864.

<sup>116</sup> *Hansard’s Parliamentary Debates*, 3<sup>rd</sup> Series (1868), Vol. 190, col. 1132.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*, col. 1138.



the usual 'persons of a superior class' watching from above, though in general he saw fewer women than were usually depicted, rarely encountered drunkenness and was convinced that public executions produced an edifying effect.<sup>119</sup> Some audiences, though resembling a jocular theatre crowd, simply stood dumbfounded when the moment of execution arrived, and presented little by way of trouble to the attending police officers.

James Payn, who in 1884 'rejoiced that the just punishment' of murderers was 'no longer a public spectacle', similarly pondered over what he had encountered among an execution crowd some twenty years previously.<sup>120</sup> Here he witnessed people dressed in caps or 'parti-coloured handkerchiefs' (to render a clearer view), offering a colourful scene much 'like the pattern in a kaleidoscope'.<sup>121</sup> The execution-goers were respectful to one another and made sure that attending soldiers were not pushed about, while elsewhere skylarking on each other's shoulders was tolerated 'and nobody seemed to resent it, even including the softer sex'.<sup>122</sup> Though critical of these amusements in the shadow of public death, Payn nevertheless described the pointed restraint that was at hand ('a certain purring satisfaction' heard all around), with the crowd augmented afterwards by people 'who had not nerve enough for a hanging'.<sup>123</sup>

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<sup>119</sup> Parliamentary Papers, *Royal Commission on Capital Punishment* (1866) [3590], Minutes of Evidence, pp. 109-10.

<sup>120</sup> J. Payn, *Some Literary Recollections* (London, 1884), p. 208.

<sup>121</sup> *Ibid.*, p. 209.

<sup>122</sup> *Ibid.*, pp. 208-9.

<sup>123</sup> *Ibid.*, p. 212.

The police that morning had even found time between their usual duties to rescue ‘a little dog in danger of being trodden to death’.<sup>124</sup>

Many crowds plainly remained relatively well behaved at executions, particularly at the point of death, which at times left the audience speechless save for a few horrified screams. This was the ‘sickening moment’ as described by Thomas Archer, from which even the Sheriffs sometimes recoiled ‘holding their fingers in their ears to stop the sound of the sharp click of the bolt and the thud of the falling trap’.<sup>125</sup> When James Mullins was executed for the brutal murder of Mary Emsley in 1860, a crowd of some twenty thousand people gathered outside Newgate in spite of the wind and rain.<sup>126</sup> The mob (‘the greatest crowd assembled there at an execution for many years past’) appeared satisfied with the justice of his sentence, with a murmur of vengeance heard down below the scaffold (one person stated how he ‘wished that he could inflict on Mullins seven years of the intensest (*sic*) sea-sickness, and then have the pleasure of tumbling him into the sea’).<sup>127</sup> Despite the composition of the audience described as being of the ‘roughest of the roughest’ and the sound of a few ‘bravos’ and ‘hurrahs’ heard from amongst Mullins’ friends, the crowd on this occasion remained almost completely silent, their behaviour described as ‘decorous and orderly’.<sup>128</sup> With the details of such heinous a murder now so widely published, and with a generally unified abhorrence of his crimes widely established, few, if any, could dispute the rationale behind the law’s ultimate sanction. And with this mutuality of public

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<sup>124</sup> *Ibid.*, p. 211.

<sup>125</sup> T. Archer, *The Pauper, The Thief and The Convict* (London, 1865), p. 188.

<sup>126</sup> *Times*, 20 November 1860.

<sup>127</sup> *Ibid.*; *Morning Herald*, 20 November 1860.

<sup>128</sup> *Morning Herald*, 20 November 1860.

sentiment more regularly assured, a greater level of seriousness was as likely as not realized.

### *New concerns*

The Victorian crowd's expectation of an execution day had in many respects changed very little. Public hangings remained one of the few genuinely democratic civic events in the capital where discrete social ordering might sometimes be temporarily suspended, just as had been the case a century before. Other public events and amenities in London, it should be remembered, remained highly segregated through careful mechanisms of admission and price.<sup>129</sup> Controversy raged through the 1830s, for example, when the Trustees of the British Museum refused to open their doors to the working classes during national holidays, for fear of what Richard Altick labels the 'pollution of the proletariat'.<sup>130</sup> Sitting later in 1841, the Parliamentary Select Committee considering access to the nation's monuments heard a catalogue of stories relating to the defilement of public buildings by the plebeian hordes. Among the witnesses, the Canon of St Paul's Cathedral, Sydney Smith, described with disgust the groups of working people who routinely wandered through the building, in spite of the hefty admission charge, and warned that 'if multitudes were [still] allowed to come [the Cathedral] must be given up entirely as a place of worship'.<sup>131</sup> Such enmity in this case was not entirely a matter of prejudice. Vergers were regularly complaining of the graffiti scored into marble-work by the unsavoury metropolitan riff-raff, and

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<sup>129</sup> For a discussion on the genesis of ordered urban environments see M. Ogborn, *Spaces of Modernity: London's Geographies 1680-1780* (London, 1998), pp. 114-5.

<sup>130</sup> R. D. Altick, *The Shows of London* (Cambridge, Ma., 1978), p. 447.

<sup>131</sup> Parliamentary Papers, *Report from Select Committee on National Monuments and Works of Art* (1841) [416], Minutes of Evidence, p. 4.

described how secluded aisles were frequently used by visitors as a public convenience.

Even the so-called ‘socially levelling’ experience of the 1851 Great Exhibition initially caused much hand-wringing over the wisdom in permitting access for the masses. The Royal Commission convened to administer the project at first refused to accept any working-class involvement in the exhibition whatsoever, and many wealthier inhabitants of the West End later voiced near-hysterical concerns at the prospect of attracting thousands of undesirables to the capital.<sup>132</sup> After proposals to allow free admission to all-comers had stimulated a flow of apoplectic complaints in January 1851, social segregation was achieved by maintaining higher priced tickets in the early days of the exhibition. The later compromise of the so-called ‘shilling days’ reserved for the labouring classes (carefully priced to admit only ‘respectable’ artisans and mechanics) initially drove away the ‘better sort’ from Hyde Park almost entirely.<sup>133</sup> On average, between three and four hundred policemen patrolled daily around the Crystal Palace in order to prevent disturbances and crime, and the Duke of Wellington - who too easily remembered the pro-reform rioters smashing his windows at nearby Apsley house twenty years before - instructed ten thousand troops to stand ready should turmoil engulf the capital.<sup>134</sup> What astounded contemporaries afterwards was the level of good order that prevailed amongst the six million visitors who eventually passed through the gates that summer: an unexpected level of tranquil

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<sup>132</sup> J. A. Auerbach, *The Great Exhibition of 1851. A Nation on Display* (New Haven, Ct., 1999), p. 47.

<sup>133</sup> See *Times*, 24 January 1851.

<sup>134</sup> J. White, *London in the Nineteenth Century: A Human Awful Wonder of God* (London, 2007), p. 269.

social mixing that has been used subsequently by historians to determine the high levels of social cohesion that existed in Britain by mid-century.<sup>135</sup>

Class relations, however, underpinned the discourses addressing the nature of crowds in any context. As the *Eclectic Review* perceptively observed, most critiques of punishment crowds were ‘not a question concerning public executions, but public assemblages of any kind’.<sup>136</sup> Renewed middle-class anxiety regarding fissures in the social order found new focus in the motley execution audience by the 1850s, which in Michael Jasper’s words came to symbolize ‘lower-class disposition and unrest’.<sup>137</sup> Behind an increasingly rancorous literature attacking the declining didacticism of the hanging spectacle lay a more subtle rhetoric betraying class fears following years of political stability.<sup>138</sup> Press descriptions offering two-dimensional images of the crowd reinforced the notion of a new compound social threat: the ‘sharper, thieves, gamblers, betting men, the outsiders of the boxing ring, bricklayers’ labourers, dock workmen...the rakings of cheap singing-halls, and billiard rooms’ as described by *The*

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<sup>135</sup> Parliamentary Papers, *Royal Commission for Exhibition of 1851* (1852) [1485], First Report, p. xxvi. For examples of this debate see P. Gurney, ‘An Appropriated Space: the Great Exhibition, the Crystal Palace and the Working Class’ in L. Purbrick (ed.), *The Great Exhibition of 1851: New Interdisciplinary Essays* (Manchester, 2001), pp. 114-45; J. Bell, ‘The Idea of the Crowd in the Nineteenth Century’ (Unpublished PhD Thesis, University of London, 2006), chp. 3; also, J. A. Auerbach, *The Great Exhibition of 1851*, pp.151-8. (Auerbach disputes the notion that true social integration occurred at the event, arguing that certain attractions only ever appealed to specific, class oriented tastes).

<sup>136</sup> *Eclectic Review*, No. 27 (1850), p. 38.

<sup>137</sup> M. Jasper, ‘Hats Off! The Roots of Victorian Public Hangings’ in W. B. Thesing (ed.), *Executions and the British Experience From the Seventeenth to the Twentieth Century: A Collection of Essays* (Jefferson, N.C; 1990), p. 146; D. Goodway, *London Chartism*, pp. 68-128; B. Harrison, ‘The Sunday Trading Riots of 1855’, *Historical Journal*, Vol. 8, No. 2 (1965), pp. 219-45.

<sup>138</sup> See J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (Harmondsworth, 1972), chp. 4; A. Silver, ‘The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot’ in D. J. Bordua (ed.), *The Police: Six Sociological Essays* (New York, NY, 1967), pp. 5-8; M. J. Wiener, ‘The Victorian Criminalisation of Men’ in P. Spierenburg (ed.), *Men and Violence: Gender, Honor and Rituals in Modern Europe and America* (Columbus, Oh, 1998), pp. 197-212.

*Times*, who ‘seemed to know nothing, feel nothing, to have no object but the gallows, and to laugh, curse or shout’.<sup>139</sup> Complaints about the lack of public restraint at the events (evidenced in the night-time rowdiness preceding the spectacle) were grafted to a more serious array of middle-class qualms relating to class stability, crime and juvenile delinquency, all grounded in a general distrust of ‘the working people’ and the capital’s ‘dangerous’ classes.<sup>140</sup>

Events of 1864 served to incubate many of these political anxieties. In January that year, Samuel Wright was executed at Horsemonger Lane Gaol for killing his paramour after severe provocation: a case which occasioned vocal public outrage and resulted in extraordinary scenes of support.<sup>141</sup> A procession of Lambeth working men to Westminster in order to petition the Home Secretary for Wright’s reprieve provoked alarm in the government, resulting in a substantial force of some five hundred Metropolitan Police officers arriving shortly before the hanging.<sup>142</sup> Handbills flooded the area imploring people to stay away, urging

Working men and women, go not near the avenging scene, but demonstrate to your government, with the dignity of Englishmen, your abhorrence by avoiding the execution. Men of Southwark, close your houses and shops – persuade your friends and neighbours to stay away from the bloody scene.<sup>143</sup>

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<sup>139</sup> *Times*, 15 November 1864.

<sup>140</sup> Lisa Keller makes the point that because crowds were dominated by the working-classes, by extension they were also assumed to contain a criminal element: L. Keller, ‘Public Order in Victorian London’, p. 28; also V. Bailey, ‘The Fabrication of Deviance’.

<sup>141</sup> For Wright’s case and petitions for a reprieve see Parliamentary Papers, *Papers and Statements of Transactions Connected with Offence of Samuel Wright* (1864) [366].

<sup>142</sup> *Morning Herald*, 13 January 1864; V. A. C. Gatrell, *The Hanging Tree*, pp. 102-3.

<sup>143</sup> *Morning Herald*, 13 January 1864.

As the execution grew nearer, public houses in the area evicted their clientele and locked all their doors. Houses opposite the gaol kept down their blinds so that it appeared to one reporter ‘as if a person lay dead within’.<sup>144</sup> Only four or five thousand people witnessed the execution that morning, with placards in the vicinity declaring ‘solemn protest against the execution of Wright’.<sup>145</sup> Some cries of ‘Bravo!’ and ‘God bless you lad!’ greeted the prisoner as he mounted the platform, and as the trap fell a few spectators yelled ‘shame’ and ‘disgraceful’.<sup>146</sup> After the execution was complete, a second procession then made its way to the Lambeth Baths in the Westminster Road, where a packed meeting debated a motion in favour of abolishing the death penalty outright.<sup>147</sup>

The flow of menacing anti-judicial literature urging a boycott of the spectacle caused marked anxiety within the government and City authorities alike, which sharpened into a minor crisis three weeks later when five murderers from the ship *Flowery Land* were condemned to hang at the Old Bailey.<sup>148</sup> The prospect of a return to multiple hangings in the capital stimulated a flurry of anxious correspondence between the Court of Aldermen and Home Secretary Sir George Grey, who urged on behalf of the Corporation that the spectacle be abandoned altogether in order that ‘the Metropolis might be spared the dreadful scenes that must inevitably occur’.<sup>149</sup> The executions

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<sup>144</sup> Ibid.

<sup>145</sup> *Express*, 12 January 1864.

<sup>146</sup> Ibid.

<sup>147</sup> *News of the World*, 17 January 1864.

<sup>148</sup> John Tomlinson Hibbert described to Parliament how the crowd were ‘frantic with excitement’ and roared with ‘disgust and indignation’: *Hansard’s Parliamentary Debates*, 3<sup>rd</sup> Series (1864), Vol. 173, col. 943.

<sup>149</sup> LMA, COL/CA/01/01/272, Aldermen’s Repertory, 9 February 1864.

nevertheless proceeded as planned attended by tens of thousands of people outside Newgate, and required the mobilization of a remarkable four hundred City and eight hundred Metropolitan police officers in ‘scenes of utter lawlessness and open rapine’.<sup>150</sup> The execution of railway murderer Franz Müller later that year, when perhaps fifty thousand people appeared around the Old Bailey to watch the spectacle, further aggravated these tensions, fomenting support for the Royal Commission on Capital Punishment, which eventually reported two years later.<sup>151</sup>

Testimony to the Royal Commission roundly condemned the nature of public executions, reflecting perfectly well these revived middle-class concerns. In a refined, sensitive and moral modern society, argued the commissioners, unembarrassed visitations to public executions simply had no place: a view in turn broadly accepted by Parliament. Gathorne Hardy’s *Punishment within the Prisons Bill* of November 1867 in consequence received general support one year later, after an initially ambivalent reception, and received final royal assent in May 1868 largely uncontested.<sup>152</sup>

The ending of public executions in Britain throws up complex and unresolved issues. Is it correct, for example, to neatly locate the abandonment of public executions in 1868 in the heightened sensitivities of the Victorian elite? How applicable is Gatrell’s

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<sup>150</sup> LMA, CLA/048/AD/10/012. (The City Police provided 363 constables, 7 Inspectors and 37 sergeants); *Daily News*, 23 February 1864; D. D. Cooper, *The Lesson of the Scaffold*, p. 17.

<sup>151</sup> Parliamentary Papers, *Royal Commission on Capital Punishment* (1866).

<sup>152</sup> Hangings were privatized by 31 Vic.c.24. A full description of these debates is given in D. D. Cooper, *The Lesson of the Scaffold*; also M. Jasper, ‘Hats Off! The Roots of Victorian Public Hangings’, p. 156; E. O. Tuttle, *The Crusade Against Capital Punishment in Great Britain* (London, 1961), p. 19.



condensed theory of ‘squeamishness’ and its apparently heavy impact on penal policy?<sup>153</sup> Sensitivity played a role of course, though represented just one part of this step-change in penal practice. It is the crowd’s part in this story that perhaps needs to be further highlighted. As Randall McGowen points out, the fundamental shift in attention paid to the apparently ‘barbaric’ behaviour of the crowd after 1850 had effectively ‘invalidated’ the previously tolerated autonomy of any public execution audience, which in the process masked a wider debate concerning the right to capitally punish felony outright.<sup>154</sup>

The point emphasized here therefore is how *political* fears associated with crowd formation also represented a central and important component within this reformist prospectus. In December 1867, when Irish Fenian sympathizers blew a hole in the side of Clerkenwell prison in an attempt to free Irish prisoners (resulting in the death of twelve people in the neighbourhood) social and political panic enveloped London amid a heightened sense of national crisis. All police leave was cancelled following the attack and thousands of troops dispatched to guard national monuments, gas works and shipyards against attack.<sup>155</sup> In total nearly eight thousand special constables were ordered to patrol the capital under precepts issued by the Lord Mayor, to defend against any ‘tumult and riot [which] may take place within the said City and Liberties’.<sup>156</sup> When Michael Barrett was condemned for the atrocity in early 1868, following dangerous scenes witnessed at an execution of Fenians in Manchester, civil

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<sup>153</sup> V. A. C. Gatrell, *The Hanging Tree*, pp. 595-601.

<sup>154</sup> R. McGowen, ‘Civilizing Punishment: The End of Public Execution in England’, p. 280.

<sup>155</sup> P. Quinlivan and P. Rose, *The Fenians in England 1865-1872* (London, 1982), pp. 95-6.

<sup>156</sup> GL, MS 1355 (List of Special Constables sworn in 1867-1868).

authorities once more panicked at the prospect of disorder. On the morning of Barrett's hanging huge detachments of regular police arrived in the area of Newgate, an additional four companies of special constables paraded at the rear of St. Sepulchre's church and watches were placed on all the sewers in order to prevent the placement of gunpowder.<sup>157</sup>

Yet such worries proved unfounded. Though the *Morning Herald* could once again describe the 'unpleasant looking scoundrels' in the beer shops during the night before the execution, most reports were moved to praise the crowd's unexpected decorum:

There was not struggling for places; there were few, if any, ribald songs; there was not attempt at street preaching or improving the occasion; and there was less noise and less confusion than at almost any previous execution.<sup>158</sup>

The *Daily News* marvelled at the 'unprecedented fact that the scum of the abandoned class, seen hitherto in bodies only at executions and Lord Mayors' shows, were not to be found', though could describe a few angry shouts of support that issued from deep within the audience.<sup>159</sup> Barrett went to his death in the presence of a smaller audience than was usual, which gazed at him dumbfoundedly and dispersed rapidly before his body was cut down. According to another report, the police (many of whom were 'in private clothes and armed with revolvers') 'never performed their duty with less difficulty' that morning, and one of their officers fainted at the moment of Barrett's death.<sup>160</sup>

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<sup>157</sup> GL, MS 3201 (Minutes of Special Constables Meetings 1867-1869); LMA, CLA/048/AD/08/001, Court of Aldermen, General Purpose Committee, General Papers, 1 February 1868.

<sup>158</sup> *Morning Herald*, 27 May 1868.

<sup>159</sup> *Daily News*, 27 May 1868.

<sup>160</sup> *Morning Herald*, 27 May 1868; S. J. Reid (ed.), *Memoirs of Sir Wemyss Reid, 1845-1885* (London, 1905), p. 131.

## *Conclusion*

By the 1860s something profoundly important had occurred in the context of English executions. With the rise of ‘terrorist’ offences now punished in public, the government could no longer trust the crowd to share a previously universal revulsion of murderous acts. With the arrival of the terrorist’s bullet and bomb, the execution arena suddenly represented a more precarious site of political contention, where new and frightening prospects lay in store; a moment of political crisis that demanded maximum security, achieved by executing felons securely behind firmly locked prison gates.

But as Michael Barrett’s execution fittingly demonstrates, Old Bailey audiences were rarely such dangerous things. The durable moral justice of public execution for murderers – already well-evidenced by the crowd’s approving sentiment during the eighteenth century - survived intact well into the Victorian period through the dramatic revision of offences for which men and women suffered, heavily mediated by an often salacious print culture that bolstered the perceived legitimacy of the law.<sup>161</sup> Thus, in spite of their grisly context, executions continued to possess a powerfully binding function in London society by exerting a moral relevancy that cut deeply across social divisions, and which must, therefore, be considered as an influential factor in the relative stability of class relations.

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<sup>161</sup> Such sentiments are plainly expressed in the later applications for the post of public executioner, some of which described the job as being that of ‘a public servant’ defending against ‘outrages on society’: LMA, COL/OF/02/62, 7 September 1883. See also G. T. Smith, ‘I Could Hang Anything You Can Bring Before Me’ in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004), pp. 285-308.

What remains remarkable is the level of general good order that prevailed. Though certainly boisterous at times, executions continued to offer a familiar space of stable social interactivity within the rapidly changing cityscape. Little evidence remains to suggest here that the bulk of execution-goers were ever less embarrassed by the spectacles as the 1870s approached. And as the nature of crimes punished fundamentally changed, a more serious, considered public response was more often than not realized.

## Chapter Nine

### Conclusion

In this thesis I have considered public punishments from a hitherto rarely considered perspective. The methodology employed has been designed to consider the ‘view from the crowd’: to seek an understanding of the ongoing appeal and importance of public punishments within the cultural and social milieu. Too many former descriptions of the London punishment ‘mob’ conform to generally pessimistic views of eighteenth- and nineteenth-century mass behaviour: to Gustave Le Bon’s exaggerated notions of ‘ferocious’ and ‘savage’ group mentalities in which crowds essentially abandon themselves to manifestly ‘low instincts’.<sup>1</sup> Many histories of crime and the law are in turn bound up in standardized, yet widely accepted formulae in which whipping, pillory and gallows audiences are depicted as ostensibly threatening and disorderly phenomena: ‘pugnacious, aggressive, combative and abusive’ people, in the words of one historian, who were bent on indulging their aggressive proclivities in indolent and disrespectful behaviour.<sup>2</sup> This study thus revises a literature that has defined the crowd’s ‘altered capacity for self-regulation’ by establishing punishment crowds instead as self-motivated and rational participants, and as such represents a contribution to histories of eighteenth- and nineteenth-century mass phenomena.<sup>3</sup>

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<sup>1</sup> G. Le Bon, *The Crowd. A Study of the Popular Mind* (1895, reprinted New York, 1977), pp. 57-9.

<sup>2</sup> F. J. McLynn, *Crime and Punishment in Eighteenth-Century England* (London, 1989), p. 267.

<sup>3</sup> N. J. Smelser, *Theory of Collective Behavior* (London, 1962), p. 227; S. Prentice-Dunn and R. W. Rogers, ‘Deindividuation and the Self-Regulation of Behavior’ in P. B. Paulis (ed.), *Psychology of Group Influence* (Hillsdale, N. J., 1989), p. 94.

Most significantly, what I have traced here is a direct line of continuity in the punishment crowd experience, from at least the middle of the eighteenth century through to the mid-1830s. Public punishments thereafter were marked by a generally more universal, uncontested public approval once murderers only were sentenced to death: a radical reconfiguration of the criminal law that - though distancing the crowd from the homicidal 'social other' - nevertheless reinvigorated public interest in these important historical events. What I have argued here is that teleological descriptions of a decline in the relevance of public punishment have been largely overstated by historians, particularly the ways in which the reforms applied to executions in 1783 are portrayed as a crucial turning point in the application of penal practice.<sup>4</sup> Instead, this thesis illustrated how participation in and general support for public punishments was more consistent than has been previously allowed, and how the general progress of a 'civilizing' social trend after 1800 was distinctly uneven in its development.

### **Relevance and legitimacy**

This thesis deviates most significantly from the work of Robert Shoemaker and other historians to date in its refutation of their proposition that London crowds became increasingly disinterested in the central tenets of public punishment at the end of the eighteenth century; an apparent disengagement with the criminal justice system judged responsible for a related crisis in the utility of 'salutary terror'.<sup>5</sup> Perhaps one of the most important findings of the research presented here is the continuing relevance

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<sup>4</sup> For example see M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* (London, 1978), p. 105.

<sup>5</sup> R. B. Shoemaker, 'Streets of Shame? The Crowd and Public Punishments in London, 1700-1820' in S. Devereaux and P. Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004), p. 247; G. T. Smith, "'Civilized People Don't Want to See That Kind of Thing": The Decline of Public Physical Punishment in London, 1760-1840' in C. Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), p. 45.

of public shame and disgrace to the crowd and how impervious to thoroughgoing judicial reforms this remained. As the chapters relating to pillory and whipping events make clear, such spectacles retained an important position within a vivid popular culture, and reflected an older traditional faith in the role of public ignominy. The appearance of female bawds in the pillory, for example, drew substantial London crowds whenever deemed appropriate punishment by the Bench and reveals to us just how robust the public's (and judges') tacit approval of the sanction remained. Though the magistracy indeed became less inclined to use the penalty over time – owing to political concerns associated with crowd formation - it now seems clear enough that in relation to more closely defined 'amoral' misdeeds offending against core community values, vestiges of an older form of eighteenth-century community justice endured. Like the hapless 'old wretch named Richards' who was abused in the pillory on Clerkenwell Green in 1807, cases that affronted a sense of moral or civic decency, particularly when relating to women, children and sexuality, continued to elicit significant public responses within distinctly parochial contexts, suggesting that the device disappeared not, perhaps, from attempts by justices to assert a more efficient, privatized and 'modern' reformatory technique, but more precisely for the troubling political ground that the crowd itself still occupied.<sup>6</sup>

Though Robert Shoemaker's evidence of a decline in indictable mob violence at punishment events may indeed suggest that many people were 'less willing to become subsumed into the crowd' as the eighteenth century drew to a close, such conclusions in reality can never properly establish the crowd's implicit sentiment.<sup>7</sup> What this

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<sup>6</sup> *Times*, 9 October 1807.

<sup>7</sup> R. B. Shoemaker, 'Streets of Shame?', p. 247.

thesis has demonstrated is how the crowd's expectations of and participation in all public punishments can be construed as more consistent across time. In light of some of the crowd activities described – the 'discharge of mud and the hoots of popular indignation' aimed at fraudster Davenport Sedley in 1811, for example - the idea that the appeal of public shame grew increasingly irrelevant to metropolitan society appears rather disingenuous, confirming J. S. Cockburn's earlier suspicion that a concealment of cultural continuities has taken place in an historiography relating to penal change.<sup>8</sup> This thesis in consequence tenders a more expressly political explanation for both the reform of executions in 1783 and the disappearance of pillories and whipping posts by 1830, by locating these modifications in elite anxieties with the state of the social order; changes precipitated initially by the insurrectionary terrors that gripped the capital in 1780 and which lingered in London for decades thereafter.

This perspective in turn requires the reader to reconsider a more general concept of increasing intolerance of public violence in the later Hanoverian period, the exact timing of which – as Peter King has shown – is highly uncertain.<sup>9</sup> As chapter six has suggested, in many cases corporal pain was both an accepted and tolerated social norm: a mode of corrective action (as typified by John Bee's 'good lacing' around the room) that was practiced at all levels of metropolitan society. Such evidence again complicates a general understanding of Norbert Elias's 'civilizing process' and brings

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<sup>8</sup> *Times*, 2 December 1811; J. S. Cockburn, 'Punishment and Brutalization in the English Enlightenment', *Law and History Review*, Vol. 12, No. 1 (1994), p. 177.

<sup>9</sup> See P. King, 'Punishing Assault: The Transformation of Attitudes in the English Courts', *Journal of Interdisciplinary History*, Vol. 27, No. 1 (1996), pp. 59-60; R. B. Shoemaker, 'The Decline of Public Insult in London, 1660-1800', *Past and Present*, No. 169 (2000), p. 207; J. M. Beattie, *Crime and the Courts 1660-1800* (Princeton, 1986), p. 138.



into question the pervasiveness of a progressive movement towards refined societal norms.<sup>10</sup> Once some of the inconsistencies in the advancement of eighteenth-century penal practice were resolved - particularly once female whipping was abandoned together with the removal of burning of women for petty-treason – then some of the more discomforting elements of an older penal tradition, when placed within the bounds of a genuinely ‘civilizing’ impulse, appear to have been temporarily reconciled.

### **Crowd diversity**

The glut of critical commentaries relating to crowds in the eighteenth and nineteenth centuries in large part helps to explain the generally two-dimensional depictions of public punishment events as described herewith: a negativity embedded within the historical record that has presented certain challenges for this research. As Randall McGowen remarks ‘descriptions offered of the crowd were impoverished as well as tediously conventional’ and consistently failed to acknowledge the broader place of punishment crowd activity within metropolitan popular culture.<sup>11</sup> The periodical press in particular remained ever quick to pick out the unsettling ribaldry evident among the malodorous throng, and in so doing betrayed the function of eighteenth- and nineteenth-century journals as the ‘organ of middle class sensibility’.<sup>12</sup> Thus, on the very eve of execution’s privatization in 1868 the *Saturday Review* could still describe the hanging crowd as constituted of as ‘hideous...[a] collection of human beings as

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<sup>10</sup> J. Pratt *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London, 2002), p. 5; see also M. Cohen “‘Manners’ Make the Man: Politeness, Chivalry, and the Construction of Masculinity’, *Journal of British Studies*, Vol. 44, No. 2 (2005), pp. 312-29.

<sup>11</sup> R. McGowen, ‘Civilizing Punishment: The End of the Public Execution in England’, *Journal of British Studies*, Vol. 33, No. 3 (1994), p. 267.

<sup>12</sup> J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The Shadow of Our Refinement* (London, 2004), p. 22.

any city in the world can show', drawing out 'the blackguard element [which] has become so strong in the crowd of spectators that it is thought better to have no spectators at all': derisory sentiments indeed, that might well have been uttered by Mandeville, Fielding or Howard over one hundred years before.<sup>13</sup>

As chapter two of this thesis has shown, eighteenth-century critical discourses concerning crowd behaviour emerged from the strong doubts held by reformers that the deterrent aspects of the criminal justice system were at all effective (readily evidenced by the mob's apparent imperviousness to the pedagogy of the gallows) which in turn propelled the stereotype of the thoughtless execution 'yahoo' down through the following decades: a trite conceptualization of punishment crowd pathology which - when placed against the backdrop of so many disparaging descriptions - has sometimes been difficult to refute.<sup>14</sup>

Yet the reality of a punishment crowd's composition and behaviour often contrasted sharply with these pointedly negative depictions, emanating chiefly from the middle class's shifting concerns with the state of the social order. Eighteenth-century depictions of the lumpen execution mob in particular were notably formulaic in their construction and were employed principally in a reformist literature to illustrate the frightening deficiencies evident in the criminal law. What is most striking about descriptions of the punishment crowd after 1800 is the way in which the 'troubling' element in attendance became much more sharply defined, namely in the shape of a young, working-class male constituency, which - as the detail contained in the 1807

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<sup>13</sup> *Saturday Review*, 30 May 1868, p. 709.

<sup>14</sup> S. Douglas, *A Military Dissertation* (London, 1781), p. 41.

inquest has shown - was always highly conspicuous. As such, these new formulations reveal to us how the problem of juvenile delinquency materialized as a distinctive concern in its own right for the nineteenth-century elite and stands as a clear example of how the 'criminal' and 'dangerous' classes were much more closely identified.<sup>15</sup> Rather than reflecting any specific transformations in the physical behaviour or composition of the punishment crowd itself, this change in perception reveals new levels of social anxiety with plebeian behaviour overall, and historians should remain alert to the distortions created in contemporary narratives by this class-based aversion.

Undeniably, early morning rowdyism, swearing and drinking at executions remained problematical throughout this period. Execution crowds were at times particularly shocking to behold, especially for the phalanx of hoary evangelical detractors who remained quick to employ such encounters as evidence of shameful working-class dissipation. The contrast between the crowd's jocularly and the intended solemnity of each event continually troubled moral reformers, and for many provided tangible evidence of the public's failure to comprehend the pedagogic premise. Yet as discussed in chapter eight, for all this, the execution of felons - particularly by the 1840s - was a greatly uncontested, universally acceptable affair: sentiments invoked by the radical overhaul of the criminal statutes that in turn sustained crowd interest. In spite of the attacks levelled against the crowd's 'levity brutality and utter concern' spouted by supporters of privatized reform, execution audiences in truth probably understood well enough the meaning of the swinging corpse.<sup>16</sup> Though the crowd's

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<sup>15</sup> V. Bailey, 'The Fabrication of Deviance: "Dangerous Classes" and "Criminal Classes" in Victorian England' in J. Rule and R. Malcolmson (eds.), *Protest and Survival: The Historical Experience* (London, 1993), pp. 221-56.

<sup>16</sup> *Saturday Review*, 9 August 1856, p. 336.

bold conviviality at the foot of the scaffold was adduced as proof of its shocking indifference to death, we should not deny the audience's own ability to truly feel the horror and pain of a punishment once the creaking trap was released.<sup>17</sup>

As the biographical details arising from the 1807 accident have shown in chapter four, punishment crowds for the most part were highly complex, socially heterogeneous phenomena in which the general *mêlée* was striated by a multiplicity of both male and female occupations, ages and social ranks: a reality rarely considered by a disapproving contemporary elite, and which has been given short shrift by historical scholars to date. These were generally more 'respectable' Londoners than were usually described: the well-groomed medical students like Shephard Taylor, for example, who in 1860 watched James Mullins in his death throes, or the simple servant girl Elizabeth Tozer, killed under the feet of the mob in 1807. These fairly neutral, passive 'associational' characteristics of crowd formation have been traditionally disregarded by an academic discipline otherwise pre-occupied by mass phenomena as a means through which to analyse social protest, and as such remain generally absent in the associated literature relating to judicial punishment.<sup>18</sup>

### **Changing behaviour?**

The occasional riots, injuries and verbal obscenities of early Augustan hanging, pillory and whipping spectacles represent a perennially fascinating theme. The images which accompany these events are so spectacularly different to the modern eye that

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<sup>17</sup> R. McGowen, 'Civilizing Punishment', p. 271.

<sup>18</sup> Most notably in the work of E. P. Thompson and George Rudé. See also R. J. Holton, 'The Crowd in History: Some Problems of Theory and Method', *Social History*, Vol. 3, No. 2 (1978), pp. 231-2.

they now represent exemplars of the era's brutality.<sup>19</sup> By 1800, however, such excesses in public behaviour appear to have been relatively rare. Pillory punishments, for example, appear as largely discretionary, venial affairs when closer details are considered. Many of the punishments examined in this thesis are devoid of detail indicating a troublesome crowd response at events which, nevertheless, drew substantial and fascinated London audiences.

Two possible explanations for these benign late eighteenth- and early nineteenth-century crowd responses arise. Firstly, it is perfectly plausible that punishment events became more consistently stable places to be. As Francis Place observed of the pillory in the early 1800s, 'latterly the pelting was confined to what were considered the most obnoxious offences only' and outbreaks of violence were 'restrained by the better portion of the spectators'.<sup>20</sup> As the chapters presented here have illustrated, punishment spectators might well be judged less troublesome than their raucous historical forebears, implying by extension that at some point the crowd underwent a transitional shift in behaviour. Occasions of crowd violence around the gallows were rarely reported by 1790, and executions thereafter continued to be relatively trouble-free, even during the more vociferous periods of Chartist campaigning that produced a relative rise in popular action and street protest.<sup>21</sup>

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<sup>19</sup> A. McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London, 2007), p. 21.

<sup>20</sup> BL, Add. MS 27826, f. 174.

<sup>21</sup> John Stevenson has shown how, in spite of episodic political unrest, Victorian society moved gradually towards more tranquil social conditions: J. Stevenson, *Popular Disturbances in England 1700-1870* (London, 1979), p. 301-23.

The *potential* for violence at punishments, of course, always remained, and we should certainly not disregard those events when things went dramatically awry. The death of William Smith in the pillory in 1780, for example, and the reception awaiting the Vere Street Coterie in 1810, both displayed particularly hostile traits of public aggression that vindicated criticisms levelled against the crowd and raised new and sustained fears of popular action in the process. By pressing home the dangers of a lurking, criminal presence at executions, later Victorian press reports similarly revealed incessant political anxieties with the prospect of mob rule, in reports that were remarkably overblown in describing a shabby peripheral fringe.

Naturally, we should be highly cautious when comparing behaviour across time. The historical theme which underpins this viewpoint – of ameliorative forces at work on public conduct, resulting in a ‘transition to restraint’ - is highly dependent on the pre-existence of a former Rabelaisian punishment culture as a liminal point of entry, the profile, shape and extent of which is somewhat uncertain.<sup>22</sup> In considering the possibility of a ‘natural ordering’ process emerging at punishments by the late 1700s, we must first agree (at least to an extent) to the validity of an earlier, violent Hogarthian trope as fact: of the ‘swingeing sticks, and blood, that fly about’ at Tyburn, as detailed in the stark rhetoric of Bernard Mandeville, Henry Fielding and others.<sup>23</sup>

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<sup>22</sup> M. Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), pp. 21-2.

<sup>23</sup> B. Mandeville, *An Enquiry into the Causes of Frequent Executions at Tyburn* (London, 1725), p. 24; H. Fielding, *An Enquiry into the Causes of the Late Increase of Robbers, etc* (Dublin, 1751), pp. 92-3.

This image is in itself problematical, based as it is on historically fashionable assumptions of public disorder as inchoate behaviour amongst an eighteenth-century mob: a familiar representation of turbulent crowd misrule that is heavily mediated by sources inveighing against social indiscipline. To date, scholars have been curiously reluctant to challenge this ‘default’ contemporary portrayal of transgressive crowd behaviour as an authentic historical truth, as a result, perhaps, of relying too much on its use as a seductively convenient shorthand. Only recently have historians considered the possibility that more measured responses are to be found within the eighteenth-century punishment crowd experience, commensurate with a broader popular understanding of the metaphysical and eschatological meanings implicit in the executioner’s work: an important observation with which this thesis accords, and which evidently remained in place well into the nineteenth century.<sup>24</sup>

The second possible explanation for a change in public conduct, of course, is that crowds were simply dragooned by the agencies of state authority: part of the restrictive ‘ritual recoding’ of judicial punishments as posited by Michel Foucault, whereby hangings became ‘a school rather than a festival’.<sup>25</sup> As noted in chapter seven, military and policing provisions at certain punishments were at times formidable indeed, and in consequence may well have quashed the earliest symptoms of audience disorder. The presence of a well-armed soldiery close to the gallows at

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<sup>24</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), chp. 2. The most recent re-examinations of this theme are R. McGowen, “‘Making Examples’ and the Crisis of Punishment in Mid-Eighteenth Century England” in D. Lemmings (ed.), *The British and Their Laws in the Eighteenth Century* (Woodbridge, 2005), pp. 182-205; A. McKenzie, *Tyburn’s Martyrs* and S. Devereaux, ‘Recasting the Theatre of Execution’, *Past and Present*, No. 202 (2009), pp. 127-74. For an important reappraisal of nineteenth-century execution crowds see A. E. Simpson (ed.), *Witnesses to the Scaffold: English Literary Figures as Observers of Public Executions: Pierce Egan, Thackeray, Dickens, Alexander Smith, G. A. Sala, Orwell* (Lambertville, N. J.: 2008), chp. 1.

<sup>25</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison* (London, 1975; reprinted 1991), p. 111.

the more contentious of metropolitan executions – such as that of John Cashman in 1817, for example - may well have softened public behaviour considerably, and as such cannot be ignored as an important influence on public conduct overall.

Yet this thesis has sought to highlight continuities in the story of mass phenomena, in the sense that a ‘naturally ordered’ and ‘individuated’ sophistication can be detected among the punishment spectatorship throughout the period in question: a feature of crowd formation that has been relatively neglected by historians elsewhere.<sup>26</sup>

Throughout the period examined here crowds appeared relatively unfettered by the presence of state officials: a reflection, perhaps, of inadequacies in the arrangements made by London’s police. Constables and Sheriffs’ officers seemed frequently uncertain as to how they should manage large and unwieldy public spectacles, and even after the introduction of the professionalized ‘new’ police in 1829, executions still occasionally resulted in confusion and serious injury.

Again, we should be careful when assessing behaviour across time. Few, if any, accounts have been uncovered in the course of this research to suggest that these freedoms fostered a genuine sense of ‘festivity’ within a punishment audience: a conclusion that demands a substantial modification of Thomas Laqueur’s notion of the ‘carnavalesque’ operating within the Victorian mindset.<sup>27</sup> Having said that, most

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<sup>26</sup> By this I am alluding to Zimbardo’s pioneering ‘deindividuation’ theory of crowd disinhibition: P. G. Zimbardo, ‘The Human Choice: Individuation, Reason and Order Versus Deindividuation, Impulse and Chaos’, *Nebraska Symposium on Motivation*, Vol. 17 (1969), pp. 237-307. This position is echoed in the work of Clark McPhail, that challenges orthodox assumptions that crowds experience losses of ‘critical thought and self-control’ when in motion: C. McPhail, *The Myth of the Madding Crowd* (New York, 1991), p. 14.

<sup>27</sup> T. W. Laqueur, ‘Crowds, Carnival and the State in English Executions, 1604-1868’ in A. L. Beier, D. Cannadine, and J. M. Rosenheim (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989), p. 339.



public punishments were surprisingly appealing affairs, and at the same time we should not devalue their place as a unifying civic experience. Although Gatrell may well be right to assert that the scaffold crowd was always an ‘implausible’ locus for public revelry during the eighteenth and nineteenth centuries, we should nevertheless remain alive to the fact that the gallows crowd represented a distinctive node of ‘self-ordered’ yet animated social activity, however gruesome the context appeared to be.<sup>28</sup>

Rather, this thesis attempts to mediate a truce between the concepts of ‘compliance’ and ‘festivity’. Few metropolitan punishment crowds can be described fairly as ‘carnavalesque’ during the period studied here, disrupting depictions of judicial punishments as a metropolitan celebration. Conversely, the idea that the nineteenth-century execution spectacle became a strictly controlled, contrived and somewhat sterile affair, designed to foster public assent, is clearly misrepresentative.<sup>29</sup> What I have highlighted here is the prominence of a more decorous crowd temperament than is usually acknowledged, which can be traced as a direct line of continuity from the Victorian period back until at least the mid-1700s: a diametric development within a plebeian culture otherwise renowned for its occasional outbursts of spontaneous violence.<sup>30</sup>

Pejorative contemporary depictions of the punishment crowd, in a sense, have taken on a life of their own, colouring our understanding of these events and distracting historical attention. The chief objective of legislators in the 1860s, historians tell us,

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<sup>28</sup> V. A. C. Gatrell, *The Hanging Tree*, p. 94.

<sup>29</sup> For this representation see M. Ignatieff, *A Just Measure of Pain*.

<sup>30</sup> C. Emsley, *Hard Men: The English and Violence since 1750* (London, 2005), chp. 7; D. C. Richter, *Riotous Victorians* (Athens, Oh., 1981).

was ostensibly to rid society of an incognizant, truculent mob: a movement characterized by attempts ‘to preserve the death penalty while retaining for England the claim to be a civilized society’, that Gatrell distils down into a neat theory of defensive middle-class ‘squeamishness’.<sup>31</sup> Such histories are preoccupied with contemporary ‘respectable embarrassment’ as a primary motor for penal change, set within a larger framework of evolving elite sensibilities, and as such neglect the regular appearance of a substantial body of well-behaved execution spectators whose actions were rarely of much concern.<sup>32</sup>

‘Sensibility’ or ‘progress’ cannot account entirely for the adjustments applied to penal practice as outlined in the current historiography. A notion of ‘civility’ sits uncomfortably with the observation that a relative *return* to traditional penal sanctions occurred in the late eighteenth century, when magistrates were quick to summon the power of early modern shaming customs when faced with sporadic crises: the whipping of juvenile petty larcenist after 1800, for example, and the pillorying of miscreants convicted of embezzling government stores.<sup>33</sup> Though slowly slipping into desuetude, public whippings and the pillory were hastily redeployed when troubling circumstances so demanded, interrupting the linear flow of ‘progress’ sometimes invoked by historians when describing penal change.<sup>34</sup> Though the final privatization of public whipping and pillorying by the 1830s undoubtedly represented a clearer trajectory in the changing conceptions of how public space should be used - and a

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<sup>31</sup> R. McGowen, ‘Civilizing Punishment’, p. 278; V. A. C. Gatrell, *The Hanging Tree*, p. 595.

<sup>32</sup> R. McGowen, ‘Civilizing Punishment’, p. 281.

<sup>33</sup> See K. Wrightson, ‘The Politics of the Parish in Early Modern England’ in P. Griffiths, A. Fox and S. Hindle (eds.), *The Experience of Authority in Early Modern England* (London, 1996), pp. 20-1.

<sup>34</sup> D. Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford, 1990), pp. 213-4.

firmer transition towards a 'higher', more sophisticated reformatory penological technique - these explanations should not preclude the likelihood that the punishment of unhappy miscreants in the public sphere retained both perceived legal benefits and a pointed social relevance well into the new century.<sup>35</sup>

If popular responses to corporal pain were indeed less sensitive as suggested here, and if the crowd's behaviour was more consistently trouble-free through time, then teleological historical narratives of social and penal change become rather more problematical. The notion that a bourgeois 'civilizing process' and related decline in relevance of public shame underpinned the switch to highly privatized carceral sentencing in the early nineteenth century is disrupted by the simple observation that, throughout their own respective lifetimes, executions, pilloryings and whippings remained hugely popular events. In all this we should not lose sight of the fact that during the whole period studied here fundamental continuities in the crowd experience remained, defining an enduring, largely (though not exclusively) plebeian popular engagement with urban crime and punishment within an important historical construct.

It is the central contention of this thesis, therefore, that behind the fundamental adjustments made to eighteenth- and nineteenth-century criminal justice practice lay not only *a priori* changes in popular attitudes towards public punishment and the influences of a dominant, effete middle-class 'squeamishness', but also the elite's shifting perceptions of the 'mob' as a unified political entity. Although scholars now fully recognize the political responses to 'crowd power' in the 'long' eighteenth

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<sup>35</sup> Ibid., p. 158.

century – for example, in the context of revolutionary France and ‘monster’ Chartist meetings - there still remains a relative disconnection in this literature with regards to the punishment crowd specifically.<sup>36</sup> What this thesis has argued is that, rooted in the evolutionary practices of the Augustan and Victorian judicial complexes, lies an alternative meta-narrative relating to negative perceptions of ‘the people’ as a unitary political estate that consequently bore down heavily on the application of penal policy.

As chapter two suggests, such attitudes towards crowds proved highly influential. After decades of uneasy and declining toleration of the crowd’s participation in the rituals of death, the Gordon Riots exposed all the insurrectionary potentialities of ‘the London mob’ in action: a situation that figuratively ‘broke the back’ of the Tyburn procession outright. A relative ‘crisis’ in the conceptualization and application of public justice consequently materialized in the 1780s that required urgent and decisive administrative attention, resulting in the re-engineering of the hanging ritual in which the ‘brutal’ masses were banished from the Oxford Road. The unpredictability and perceived menace of execution audiences was carefully managed by holding the crowd back in strict abeyance before the highest court of the land: a startling departure from age old tradition which, in the long run, achieved little in allaying elite fears.

Yet for all the administrative tinkering with the means of punishment that occurred across the period studied here, there is little suggestion that the messages embedded in

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<sup>36</sup> For example see N. Rogers, *Crowds, Culture and Politics in Georgian Britain* (Oxford, 1998), pp. 176-214; P. A. Pickering, ‘Class without Words: Symbolic Communication in the Chartist Movement’, *Past and Present*, No. 112 (1986), pp. 144-62.

public punishments became any less powerful for the ‘man in the street’. It was, after all, the state that abandoned public punishments and not the people, who were content enough to turn up and fully engage with the processes of shame, humiliation and death until the very end. Historians perhaps need not be hesitant to reconcile the light-hearted community boisterousness of a punishment crowd with the spectators’ own acknowledgement of the propriety of the law in action: a contradiction in the expected norms of public behaviour that was so badly misconstrued by contemporary critics. Constituting a crowd in its own right, too, was always a remarkably attractive prospect, part of a broader nineteenth-century fascination with the trappings of public spectacle. As the *Saturday Review* later perceived

[when] a multitude of persons in the lowest class of society...feel the stimulus which is communicated by the meeting of any great number of people...they conduct themselves as they would...if they were assembled to see any pleasant or innocent exhibition.<sup>37</sup>

Thus, in spite of its high spirits, the crowd’s comprehension of suffering and pain were never entirely obscured, plainly demonstrated by their mute expectation at the terrifying moment of death. After all, enquired the writer, ‘who has not been at a funeral and seen sorrowing relatives enjoy a very comfortable lunch’ yet still comprehended fully ‘the sincerity of their grief?’<sup>38</sup>

Nineteenth-century public punishment audiences were never simply a hold-over from a darker, more barbaric age. The features of continuing stability that I have described of the crowd speaks of an enduring consensus embedded in the public sphere regarding the appropriateness of public suffering: one that can be traced back into the distant past through the public’s expectations, perceptions and understanding of

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<sup>37</sup> *Saturday Review*, 9 August 1856, p. 337.

<sup>38</sup> *Ibid*

judicial rituals. These remarkable events offered brief opportunities to participate in community shared experiences resistant to the impositions of time, work and behavioural discipline implemented from above: places of ‘choice, anonymity and freedom from supervision’, as detailed by Emma Griffin, within the emergent recreational paradigms of Victorian urban society.<sup>39</sup>

The wider implications of this thesis are varied. Clearly, the rigorous social interaction at the interface between state ritual and ‘the people’ which I describe throughout challenges the concept of a ‘degrading’ of the public sphere as the Victorian age matured.<sup>40</sup> Rather than withering away under a heavy weight of social controls, crowds at public punishments retained a significant presence within the bounds of civic ‘spectacle’. This thesis also challenges older descriptions of the nebulous London ‘mob’, which hitherto have failed to assign a fair degree of diversity, intellect and rationality to the city crowd. As the evidence has shown, tens of thousands of people were still enticed to scenes of punishment throughout the period studied here, suggesting that a genuine continuity in the appeal and relevance of public justice outlived supposedly ‘progressive’ penal change. By offering a more rounded, compelling picture of punishment crowds as sets of individual actors with a multiplicity of motivations to attend to, it is hoped our understanding of these important historical events will be better served.

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<sup>39</sup> E. Griffin, *England's Revelry: A History of Popular Sports and Pastimes 1660-1830* (Oxford, 2005), p. 32.

<sup>40</sup> I borrow this term from P. Lake and S. Pincus, ‘Rethinking the Public Sphere in Early Modern Society’, *Journal of British Studies*, Vol. 45, No. 2 (2006), p. 275.

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## **7. Internet Resources**

Bodleian Library: John Johnson Collection of Printed Ephemera:  
[www.johnjohnson.chadwyck.co.uk](http://www.johnjohnson.chadwyck.co.uk)

Harvard University Crime BroadSides: [www.broadsides.law.harvard.edu](http://www.broadsides.law.harvard.edu)

Newgate Calendar, 1740-1840: [www.exclassics.com/newgate](http://www.exclassics.com/newgate)

Old Bailey Proceedings Online: [www.oldbaileyonline.org](http://www.oldbaileyonline.org)

Oxford Dictionary of National Biography: [www.oxforddnb.com](http://www.oxforddnb.com).

## 8. Unpublished Theses and Dissertations

Bell, J., 'The Idea of the Crowd in the Nineteenth Century' (PhD thesis, University of London, 2006).

Dyndor, Z., 'Death Recorded: Capital Punishment and the Press in Northamptonshire, 1780-1834' (MA dissertation, University of Leicester, 2006).

Gray, D. D., 'Summary Justice and Social Relations in the City of London, c. 1750-1835' (PhD thesis, University of Northampton, 2006).

Gutherie, D., 'Law, Empire and the Bodies of Women: British Notions of "Civilization" and the Retreat from Public Punishments in England, 1750-1868' (PhD thesis, University of Essex, forthcoming).

Keller, L., 'Public Order in Victorian London. The Interaction Between the Metropolitan Police, the Government, the Urban Crowd, and the Law' (PhD thesis, University of Cambridge, 1976).

Morris, L. J., "'A Matter of Justice and Humanity": John Stuart Mill on Punishment' (PhD thesis, London School of Economics, 1999).

O'Byrne, A. F., 'Walking, Rambling and Promenading in Eighteenth-Century London: A Literary and Cultural History', (PhD thesis, University of York, 2003).

Smith, G. T., 'The State and the Culture of Violence in London, 1760-1840' (PhD thesis, University of Toronto, 1999).

Sweeney, T., 'The Extension and Practice of Summary Jurisdiction in England, c. 1790-1860' (PhD thesis, University of Cambridge, 1985).