MIDLAND HISTORY, Vol. 33 No. 2, Autumn 2008, 179–195

Death Recorded: Capital Punishment and the Press in Northampton, 1780–1834

Midland History Prize Proxime Accessit 2007

ZOE DYNDOR
University of Northampton

This article focuses on execution reports in the *Northampton Mercury* and Northamptonshire execution broadsides from 1780–1834 to determine how capital punishment was represented in the media. Although there has been an increase in literature discussing the reporting of crime in the press, there has been no study of execution reports in the late eighteenth and early nineteenth centuries. The use of a variety of media suggests reports in different mediums reflected their readership. Through a typical case study this article hopes to address how the criminal justice system was portrayed as its reform was imminent. In particular it will highlight how the formulaic style of reports gave messages about the reformative nature and efficacy of the execution process, and created an acceptable image of justice. Reports were not always indicative of the changes occurring society and criminal legislation, suggesting the importance of creating the image of an infallible criminal justice system.

KEYWORDS capital punishment, executions, newspapers, Northamptonshire, press

Thomas Pool and Catherine Parker were hanged for murder in March 1780, but the local newspaper, the *Northampton Mercury,* gave no detail about the event or the crime the pair were executed for. However, fifty-four years later when Thomas Gee was executed for arson the *Mercury* described the violent twenty minute struggle on the gallows when he was left to die by asphyxiation.[1] Execution reports in the press expanded alongside the general increase in crime reporting at the end of

[1] With many thanks to Matthew McCormack and Drew Gray for their help and comments on drafts of this essay. *Northampton Mercury* (hereafter *NM*), 6 March 1780, and 15 March 1834 respectively.

 DOI 10.1179/004772908X346848

the eighteenth and beginning of the nineteenth century, giving readers a more comprehensive picture of the mechanisms of the criminal justice system.[2] Newspapers and ephemeral sources provide a qualitative means of examining capital punishment, offering a nuanced understanding of literary representations of capital punishment and reactions to the practice. This research investigates the language employed in execution reports, the style and content of the articles, and how the press reported these events to the populace. The sources give insight into how executions were used by the authorities to convey religious and moral messages to Northampton citizens, while enabling the historian to engage with wider themes of representations of Hanoverian justice, the use of the gallows as a deterrent from crime and the collapse of the 'bloody code'.[3]

The primary source used here for execution reports in the eighteenth and nineteenth centuries is the *Northampton Mercury*.[4] This is a conventional example of a weekly provincial newspaper and followed the standard format; it was four pages long and the bulk of the newspaper consisted of advertisements and news taken from the London press. Local news was contained in the postscript section under the sub heading 'Northamptonshire' on the third page of the newspaper. Local news consisted of marriages and deaths, the weather and crime. According to Jeremy Black this was typical of the weekly newspapers.[5] The *Northampton Mercury* reported on all executions in the county to varying degrees, and additionally the executions in Bedfordshire and Leicestershire and the high profile executions across the country. The *Mercury* documented the offenders from Northamptonshire from trial to execution, and consequently the 'progress' of the offenders could be followed. In the 1780s crime reports were in the postscript section on the third page of the newspaper, usually taking up between a quarter of a column and one and a half columns, but by the late 1820s the crime reports had made the front page and there were detailed accounts on selected trials. The new format of reports, along with the greater number of cases at the assize courts, meant that in the weeks surrounding the Lent and summer assizes there could be as much as a quarter of the newspaper dedicated to crime.[6] Newspapers were not the only source of information about executions, there were numerous other publications detailing the trials, dying speeches, confessions and

[2] It has been shown that crime reports were a staple part of the London and provincial press by G. Cranfield, *The Development of the Provincial Newspaper, 1700–1760* (Oxford, 1962). Peter King has shown that there was an increase in column inches dedicated to crime in the London press in this period: P. King, 'Newspaper Reporting and Attitudes to Crime and Justice in the Late Eighteenth and Early Nineteenth Century London', *Continuity and Change*, XXII, 1 (2007), 73–112.

[3] For details on this see J. M. Beattie, *Crime and the Courts in England* (Oxford, 1986).

[4] The *Northampton Mercury* was one of two weekly papers in Northampton; another, the *Northampton Independent* was not printed until the 1830s. The *Mercury* was a Whig paper from when it formed, but by this period its Liberal views had toned down somewhat according to Adkins: Sir R. Adkins, *The History of the Northampton Mercury, 1720–1901* (Northampton, 1901), 64.

[5] For information on the standard four page paper and its content, see J. Black, *The English Press in the Eighteenth Century* (Kent, 1987), 252.

[6] This is based on an examination of the Northampton Mercury during the months of the Lent and Summer Assizes. Figures I have compiled for the county show convictions in Northampton rose dramatically between 1780 and 1830, though the number and proportion of executions decreased.

the executions themselves. Three booklets, two sermons and one set of verse were produced about executions in Northampton. These were only for the more notorious criminals of the county as such cases aroused public interest. The most common piece of execution literature, by far, was the broadside. Representations of capital punishment in Northamptonshire will be examined through these media, the varying styles of which can be explained by the different readership they were aimed at.

The intended readership of the *Northampton Mercury* would have made a considerable impact upon the content of the articles in the newspapers, the amount of space given to each section and the style of the articles themselves. The *Mercury* would not have been available to everyone; newspapers were an expensive product and their price rose faster than inflation. The successive stamp duties on newspapers were the primary reason for this as the stamp rose from a half penny in 1776 to three half pennies by 1797. The price of the *Mercury* increased gradually from 2d in 1740 to 6d in 1815.[7] This made the price of newspapers far too expensive for many workers, and consequently the target audiences for the *Mercury* were the upper and middle classes with a greater disposable income. Governing men also believed that catering for a working class readership would 'bring down the country'; therefore newspapers catered for the tastes of the 'respectable readership'.[8] There are debates as to the actual impact of the press in the eighteenth century, how far newspapers were read privately and discussed, and whether their impact was greater in the country, or urban areas. It has been suggested that each paper could be read by between five and twenty people, though the top figure appears large for a provincial town like Northampton.[9]

In 1720 when the *Mercury* was first published, the editor made a decision not to include full crime stories in the newspaper as he felt those who wanted to read about crime could either not afford to purchase the newspaper or would not buy it regularly; he therefore chose to focus on politics and current affairs as the regular readership desired.[10] Crime as a whole was covered less comprehensively in the eighteenth century, and the first two decades of the nineteenth century, than it was into the 1820s. Coverage of trials in the press was a rarity, and details of the Lent and summer assizes were brief and to the point. In 1824 the way crime was reported in the paper changed dramatically. Crime took precedence and was on the front page of the newspaper. Although there was no specific editorial policy that outlines that crime reportage should be increased, there were likely contributing factors. Thomas Edward Dicey became editor of the *Mercury* in 1813 and desired to make the newspaper 'more readable and more comprehensive in scope' with more news in a larger 'blanket' paper. In the 1820s the *Mercury* also began to send reporters to the petty sessions, indicating that there was a drive for including more crime stories in the newspaper.[11] Esther Snell's analysis of the *Kentish Post* also uncovers an increase

[7] For national figures, see Black, *English Press*, 105–6. For Northampton prices specifically, see Adkins, *History of the Northampton Mercury,* 64.

[8] E. Snell, 'Discourses of Criminality in the Eighteenth Century Press: The Presentation of Crime in the Kentish Post, 1717–1768', *Continuity and Change,* XXII,1 (2007), 13–47; Adkins, *A History of the Northampton Mercury,* 70.

[9] Black, *The English Press*, 105, 302.

[10] Adkins, *History of the Northampton Mercury,* 36.

[11] *ibid*., 14, 39.

in crime reportage in the 1820s, suggesting this occurred not only in Northampton but on a more universal level.[12] Trials were now printed in agonizing detail, and the outcome of the assizes would be covered over several weeks, rather than one as it had been previously. Arguably the change was due to an increasing readership as newspapers became more widely available; however evidence suggests newspapers did not become accessible to a more composite populace until the 1830s. The *Mercury* did not decrease in price significantly until 1836, when the price dropped from 7d to 4 1/2d.[13] For workers the newspapers would still have been too expensive in the midst of poor economic conditions, low wages and high bread prices. In Northamptonshire agricultural depression was causing widespread distress for rural workers, and urban manufacturers suffered as competition for goods grew in the north.[14] There was a more practical reason for the rise of crime coverage in the *Mercury*: the Napoleonic Wars and American Wars had ended, leaving no war news and limited foreign news.

Broadsides were quite unlike the newspaper, and were aimed at quite a different, working-class audience. The stamp tax imposed on newspapers did not extend to broadsides as they did not contain any political material; this gave them the advantage of a wider market.[15] The poor would often club together to buy one collectively, and the pictures used would inform even the illiterate of the subject of the article. In light of the decision to focus on politics and foreign affairs in the newspaper, the *Mercury* reported murder and execution in broadside form during the early eighteenth century to cater for those who wanted to read about crime. The *Mercury* announced that crime accounts 'will be published…and sold by the men that carry the news'.[16] There were several sizes of broadsides produced: the most common in Northampton was the penny broadside. Broadsides could be double the size when there was a particularly large amount of information to report, or when there was a double bill of executions. There was a 'mounting tide' of broadsides in the mid to late eighteenth century, and this marked one of the peak periods of their production, though numbers in Northampton were low, reflecting the relatively low execution numbers. Overall there were fifty-eight executions in the county over the fifty-four years, and the peak years for executions were in the late 1780s and from the late 1810s to early 1820s. Figures compiled by Clive Emsley for the Oxfordshire, Norfolk and Middlesex assizes show that the patterns for conviction rates follow the national trend, as these were peak decades for executions in these areas. The actual numbers in Northamptonshire were relatively low, as there were twenty-two executions in the

[12] E. Snell, *Perceptions of Violent Crime in Eighteenth-Century England: A Study of the discourses of Homicide, Aggravated Larceny and Sexual Assault in the Eighteenth Century* (University of Kent Ph.D. thesis, 2004), 36.

[13] A. Jones, *The Powers of the Press: Newspapers, Power and the Public in Nineteenth Century England* (Aldershot, 1996), 16; W. G. Dickens, *Northampton Mercury 250th Edition Supplement* (1970).

[14] J. P. Dodd, 'Aspects of Agriculture in Northampton in the First Half of the Nineteenth Century', *Northamptonshire Past and Pres.* 6 (1988–89), 425–37; R. L. Greenall, *A History of Northampton and the Soke of Peterborough* (London, 1973), 83.

[15] T. Gretton, *Murders and Moralities: The English Catchpenny Prints 1800–1860* (London, 1980), 10. Even though it has been argued newspapers had a wider readership, the number of potential buyers was greater.

[16] *NM*, 1720.

late 1780s in Northamptonshire, but the other areas each executed more than five times as many in the same decade.[17]

William Blake noted the enormous sales of half penny dying speeches aimed at the poor in the 1770s and 1780s. In London there were separate sheets sold about the trial and execution, as well as different sheets for verses and woodcut prints. These were all touted on the day of the execution, and were later followed by sheets on the dying speeches and confessions. According to Gatrell murder was the 'big pull' and sold the most copies; lots of detail, narrative, and a picture were crucial selling features.[18] The other literature was aimed at those with more money to spend. The trial books were expensive at 6d to 8d and were aimed at a more selective audience, these were advertised in the *Mercury* and the price would have made them a likely consumable for the upper and middle classes. As the readership of the *Mercury* became slightly broader in the 1820s, and press coverage of crime was greater, the two mediums used common articles.

Considering the rise of the press in this period, and increased coverage of crime in the newspapers, it is surprising that the study of crime reporting in the press has been so limited. Articles by Peter King, Esther Snell and Simon Devereaux have recently expanded the work, although hitherto work on both the London and provincial press has not been extensive.[19] No systematic investigation into newspaper reports on capital punishment has been undertaken. Broadsides have been assessed more comprehensively; however these have focused on metropolitan broadsides and local broadsides with interesting or unusual prints.[20] Little attention has been given to the average, standard broadside as produced for Northamptonshire, leaving a salient gap in the study of crime reporting, representations of capital punishment and the framework for legitimizing Hanoverian justice.[21] Investigation into this literature is essential as many would have derived their opinions of crime, justice, and punishment methods from the press. Not everyone would experience crime first hand, and the image of capital punishment portrayed in the press would have formulated many views held on the practice.[22] The sources give impressions of what went on at the executions themselves, and how the crowd behaved at the event. While this may be removed from actual events, some sense of the process of capital punishment and its function as a deterrent and religious example can be wrought, and certainly the impression conveyed to the people by the press can be ascertained.

[17] For executions from the Northamptonshire assizes, see Z. Dyndor 'Death Recorded: Capital Punishment and the Press in Northamptonshire, 1780–1834' (University of Leicester M.A. Thesis, 2007), 13–15. For comparative figures, see C. Emsley, *Crime and Society in England 1700–1850* (Longman, 1987), 205–15.

[18] V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770–1868* (2nd edn., Oxford, 2000), 174.

[19] See King, 'Newspaper Reporting'; Snell, 'Discourses of Criminality'; S. Devereaux, 'From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime and the London Press, 1770–1800', *London Jnl.*, XXXII, 1 (2007), 1–27.

[20] Two notable exceptions are: A. McKenzie, Tyburn's Martyrs: Execution in England, 1675–1775 (London, 2007); J. Sharpe 'Last Dying Speeches: Religion, Ideology and Public Execution in Seventeenth-Century England', *Past and Pres.,* 107 (1985), 144–67. This letter, however, related to the Stuart period.

[21] See Gatrell, *The Hanging Tree*; Gretton, *Murders and Moralities*, for discussion of broadsides.

[22] Snell comments on the problems of assuming readers were influenced by the texts they read, but argues that trends in reportage are still valuable as a gauge of potential responses to the discourse: Snell 'Discourses of Criminality', 7.

* * *

In the *Mercury* reports of executions were formulaic and contained certain stock phrases. Despite the less comprehensive reports of pre 1824, the conventions of the reports and specifically the descriptive language remained constant. At their most complete reports included details of the background of the deceased, their family situation and occupation, the crime they were hanged for and any other criminal activity they committed. Also accounted for were the behaviour at the scaffold, an account of dying speeches or letters, the execution itself and the number of people who attended the event. Although most execution reports were not so extensive and concentrated on certain features, the formulaic style of reporting reflects the ritualised events that occurred as part of the hanging process.[23] The condemned man was invariably referred to as 'the unhappy man', and his fate was likewise unhappy. The behaviour of the victim was usually penitent and becoming of his situation, and was either 'very affected' or 'very little affected'. When giving an account of the actual hanging, the victim usually 'hanged for the usual amount of time' before being cut down and either delivered for burial or sent for dissection. Any differences in the style of the articles were usually very subtle, highlighting the significance of variation in vernacular, which the readers would have been sensitive to. The use of such stock phrases implies there was little difference between the behaviour of the condemned at their executions, and that most accepted their fate with magnanimity. The attempt to make the condemned man appear penitent stems from the desire of the authorities to generate an impression of control and to maintain the social order by disseminating an implicit message about the efficacy of justice. The sense of legitimacy of the criminal justice system is reinforced by the fact that its supposed order is mirrored in the language and style of the articles.[24]

It cannot be said that there was a general report for the perpetrators of each of the different crimes. Of the ten articles about murders, three received only a line, which stated that the criminal had been executed and when the execution occurred. There was no other detail, as in the aforementioned report of Thomas Pool and Catherine Parker in 1780. The report on Richard Taylor's execution the same week was longer, detailing his age, previous criminal activities and behaviour at the scaffold.[25] Taylor was hanged for highway robbery. Despite opinions that murder was more saleable, in Northampton there was no more publicity for murders than for other crimes, and the *Mercury* especially did not entice its readers by regaling them with stories of murderers. The report of Thomas Gordon's execution was unusual, and his case was itself atypical due to a long and thwarted appeal process. On the scaffold Gordon, according to the *Mercury*, proclaimed that his mother had nothing to do with the crime and was not in the room at the time the victim was shot. The article then goes on to describe the victim's clothing, including a 'drab coat' and 'buff breeches'.[26] The

[23] There was a very structured order to the hanging itself, including the procession to the gallows, the chaplain's prayers and the condemned person's last words.

[24] The importance of toeing the authorities' line is highlighted in A. McKenzie, 'From True Confessions to True Reporting? The Decline and Fall of the Ordinaries Account', *London Jnl.*, XXX (2005), 55–70; H. Barker, *Newspapers, Politics and English Society, 1695–1855* (Oxford, 2000), 9–10.

[25] *NM*, 26 March 1780.

[26] *ibid.*, 22 August 1789.

individual character of the report could be due to a public familiarity with the case. Other reports of the executions of murderers were short or obscure: that of Benjamin Pearce, recalled how his father would brutally skin frogs. The article about William Grant, executed in 1832, focused primarily on his sleep habits during his last days, and gave a detailed narrative of his life.[27] The longest and most noteworthy articles were for those executed for robbery. The adage that the poor man would be hanged for the sake of the rich man's property certainly holds resonance here. Ostensibly there was often a certain glamour to the stories of the robberies and the lives of the men.[28] George Catherall was a highwayman and one such character; apparently he cried bitterly to God for mercy, and then, before the cap was put over his head, kicked off his shoes into the crowd. The author believed this was due to the 'vulgar expression' to die with his shoes on, meaning to be hung. The *Mercury* then went on to give details about Catherall: of his being a fine athletic man, a soldier and boxer, born to respectable parents.[29] These various reports demonstrate that, although there was much formulaic reporting, there were also some anecdotes included in execution narratives. This suggests there were some contradictions at work as there could be conflict between writing a good story and maintaining an authoritative set of values.

The execution of women was a rarity in the county: only three women were hanged, all of them for murder. It is difficult to determine how the female offenders were viewed as two of the three reports merely stated that they were hanged. Mary Clarke was executed for the murder of her husband, alongside her lover. The report mentioned that Clarke's two children visited her on the day of the execution, and that she was 'much affected'.[30] It appears there was no more consideration for women on the gallows than men, and there was no admonishment expressed for the hanging of a woman. Any generalizations are difficult as there were so few women executed, only 5% of the total executions in Northamptonshire. It has been argued that women's crimes received little attention in the press, and this is certainly true in the case of the *Northampton Mercury*.[31] Indeed the lack of words written about female offenders implies there was a taboo surrounding women who were executed. The fact that only women who committed murder were executed suggests that the authorities were reluctant to hang women for lesser offences.

In contrast to the *Mercury*, broadsides were more ad hoc and diverse in their language, though the layout was formulaic. These contained a picture, a headline of the crime the deceased committed, details of the life and death of the deceased, along with any speeches made. Broadsides advertised themselves as a 'full and particular account of the execution' or a 'full and true account' of the crime committed; they

[27] *ibid*., 22 March 1794 and 10 March 1832 respectively.

[28] B. P. Block, *Hanging in the Balance: A History of the Abolition of Capital Punishment* (Winchester, 1997), 21. King has shown that highwaymen received the largest proportion of column inches from the press, with burglary in second place. These crimes could represent over 50% of the crime reports in the press: King, 'Newspaper Reporting', 80.

[29] *NM*, 21 June 1826.

[30] *ibid*., 17 March 1821.

[31] P. King, *Crime, Justice and Discretion in England, 1740–1820* (2nd edn., Oxford, 2003), 197. Figures for the county are derived from the *Mercury* and selected assize records.

were given a 'sensational quality to appeal to and be purchased by the popular market.[32] The style utilized was more emotive and passionate than the newspaper articles, and gave away particulars of the crime and execution that the newspapers did not. Part of the reason for this was that execution broadsides had more space, were uniform in size and were filled with information. The newspapers were more constrained in the column inches that they could utilize, and the length of the articles would vary according to the other news in the paper.[33] That said the focus was undoubtedly different to that of the newspapers: articles were more composite, detailing crimes and intrigues surrounding the executed. These were integral parts of the ephemeral articles. The affair of the convicted murderers Mary Clark and Philip Haynes was emphasised when their execution was reported. The pair had allegedly attempted the life of Mr. Clark several times beforehand. There are some interesting anecdotes about the life of George Jennings, convicted of sheep theft, included in the broadside for his execution. His life of crime was attributed to the death of his father, which led him to 'loose and vicious habits'. It was also reported he had had one of his legs cut off, and left a wife and three children. Despite all of this his petition was not granted. James Linnell committed arson against a Mr. Thorn, and the broadside describes this as a crime of revenge as Linnell insinuated Thorn stole sheep from him. These are the types of incidents that the newspapers generally did not report, but the broadsides focussed upon. The different angle and supplementary information created a greater appeal for the broadsides, filling the rapacious desire for lurid news. Broadsides were not under the same restraints placed upon the newspaper to promulgate a preconceived agenda of social control, and could maintain equilibrium between this and more popular narrative.

Certain groups of criminals or individuals captured the imaginations of the press and the public, giving rise to multiple publications about them. Four of the 'Culworth gang' were hanged in 1787 for robbery, and the last dying speeches and confessions of the 'six malefactors' were sold in a variety of formats: from a double-sided broadside to a six-penny booklet.[34] The content of the different forms of literature was all the same. Each of the culprits is named and the crime they were convicted of stated; John Smith stole a silver watch and fifteen shillings; William Bowers a variety of items including fifteen shillings, clothes and meat; Richard Law a silver watch; William Pettifer four guineas and silver watch. Although serious, these were hardly remarkable or unparalleled crimes. The significance of the Culworth gang was due to the sheer number of crimes they committed. Members of the gang confessed to forty-seven crimes, all recounted in the booklet. Letters from John Smith to his wife and from David Coe to his parents were included in the booklet. These were both very pious and sorrowful, and warned against bad company and Sabbath breaking, while Smith begged God for forgiveness and stated that he wished to make his peace

[32] D. Cooper, *The Lesson of the Scaffold* (London, 1774), 26.

[33] Adkins indicates that the publishers of the *Mercury* required more pages for the paper, but were constrained by the stamp duties and financial implications: Adkins, *History of the Northampton Mercury*, 64.

[34] Northamptonshire Record Office (hereafter NRO), General Notes Crime: The Culworth Gang. For further details on the Culworth Gang, see; J, Gould, 'The Culworth Gang', *Northamptonshire Past and Pres.*, 53 (2000), 38–48.

with him. These letters were a subtle way of introducing the religious, moralistic side to the publication without making it the focus of the piece.

Another of the more 'popular' criminals was the highway robber George Catherall, also known as Captain Slash. There were several broadsides printed about Catherall, most of them announcing the execution of 'Captain Slash'. Like other ephemeral sources, the content of these was always the same, but sometimes there was a line or two more printed if space allowed. Catherall was executed for committing two robberies, one a 'violent highway robbery' on eleven-year-old James Henley at Boughton Green fair, reportedly in front of many witnesses. Catherall was allegedly part of a gang of thieves and pickpockets who traveled around fairs in the country. The scandalous quality of the crime Catherall committed could be the reason for the large number of publications about his execution; certainly there were no other hangings in the county at the time for such a brazen, public act.[35]

One set of publications was about the alleged robbers of the Leeds Post, Huffman White and Robert Kendall. There was some controversy over the execution of Robert Kendall, and this led to a series of pamphlets written by Reverend Davies, and responded to by the Reverend Griffin. Reverend Davies was the chaplain who attended Kendall at the execution. He believed that the jury was mistaken in their convictions and that Kendall was innocent, which he expressed in a publication.[36] The reaction to this was outrage as the consensus was that Kendall was guilty. Reverend Griffin's long sermon in response to Reverend Davies expressed indignation at the arrogance and vanity of Davies' proclamation. Griffin's language was very pious, discussing sin, retribution and the devil. He pointed out the contradictions of the case, as Kendall expressed his innocence, but then made a confession as he went to the gallows. Griffin believed that Kendall's actions would promote criminal activity, as people would expect that they could be felonious and then still go heaven with a dying confession.

A verse sheet about the murderers Haynes and Clarke was another unique publication (see figure 1). The long verse told the story of how the two came to murder John Clarke, Mary Clarke's husband. Mary Clarke was portrayed as the villain who concocted the plan to murder her 'unhappy' husband. She was depicted with less empathy than she was in the broadside of her execution, which described ill treatment she experienced at the hands of her husband. Despite this Haynes and Clarke were portrayed as ruthless killers who plotted to kill Clarke. This was why their story was of such interest to the public. The verse sheet also showed two images, one of a male body hanging, and the other a female body. The images were accurate, unlike so many of the others used on broadsides in the county; signalling the notoriety of the pair made precision vital. There was also a book made, and advertised in the *Mercury,* containing an account of the trial. It was fifteen pages long and went into laborious detail, not at all 'popular' reading.[37] The verse sheet was easier to digest, and used five stanza rhymes to narrate events. The book cost 6d, which was expensive

[35] Northampton Library (herafter NL), *Crime and Punishment Ephemera*, 1–821.

[36] NRO, GK 51–94, 'A brief account of Robert Kendall, executed at Northampton 13th August 1813 by WP Davies *or* A Brand Plucked out of the Fire'.

[37] NL, *Crime and Punishment Ephemera*, 1–821.

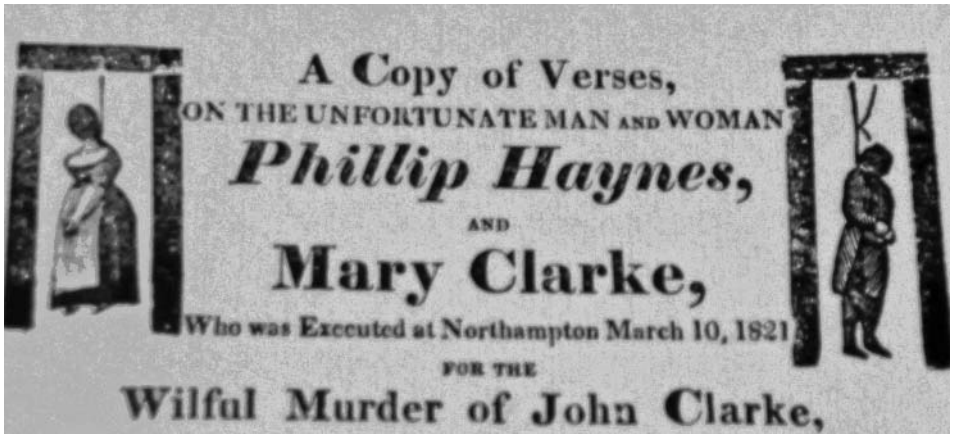

FIGURE 1 The picture used on the verse sheet detailing the murder of John Clark by his wife Mary and Phillip Haynes (Northampton Library, *Crime and Punishment Ephemera*). *Reproduced by kind permission of Northampton Library*

at the time, and highlighted the fact that these two publications were aimed at different audiences.

The more infamous the crime and the criminal, and the more scandal involved, the greater the amount of press. These sources date from across the whole period, indicating that publishers would cash in on these offenders if there was a market for it. As with the newspapers property crime was well documented, although here re-offenders attained some notoriety. The execution literature in Northampton catered for and appealed to a diverse market, and was available to most classes and budgets. Broadside articles tended to focus on the lives and intrigues of the executed, indicating a desire for a 'good story', but still upheld the lesson of the gallows through printing religious verses and religious commentary. Books and the *Mercury* promoted religion to a greater extent. The execution reports in these sources were primarily used to impart both implicit and explicit messages to the readers about the efficacy of the execution process and the legitimacy of the capital law.

* * *

The press was utilized as a mechanism to deter people from crime, as reports of executions served to inculcate the idea that capital punishment existed to maintain an acceptable social order, preserve morality and reinforce the lesson of the gallows.[38] One of the most important and widely used themes was the behaviour of the condemned and their final words. This was invariably reported from a religious angle. The chaplains were often referred to in the reports for extracting a confession, and making the condemned penitent. The chaplain had an important role at the execution: the scaffold was a stage on which 'the parson and offender acted out confession and repentance.' This was an essential feature of the process of punishment in Georgian England. On the theatre of the scaffold the condemned man exhorted

[38] Cooper, *The Lesson of the Scaffold*, 26.

moral lessons to the crowd in a direct and explicit way. One of the most common warnings given against an 'untimely end' was to avoid sabbath breaking and drunkeness, as Thomas Allen did when he was executed for robbery in 1787 and declared that these were his 'steps to ruin.' In a more theatrical style the author who reported the executions of Thomas Smith and James Cross in 1790 wrote, 'May this be a warning to the sabbath breaker and the drunkard to avoid those fatal rocks upon which their fatal bark was wreck'd!' George Julyan exclaimed that sabbath breaking was the 'great inlet to crime.'[39] Although reports were more reticent in the 1780s, the moral lesson was a consistent feature into the 1830s. Reports of this spectacle were clearly an important way of reinforcing the message, passing it on to those not present at the event itself, and letting the respectable know the crowd were privy to the moralization.

The presence of the chaplain justified the sentence of the courts and lent religious sanction to the gallows. Chaplains attempted to convince those facing execution that the only way to receive their penance was to confess their sins and suffer by death. According to contemporary reformer Elizabeth Fry, the chaplains 'broke their hearts so that they stand quiet, without kicking or bellowing.'[40] They were accused of terrifying or breaking the condemned men into submission. Most were reportedly very penitent and becoming, like Richard Wilson in 1784, when 'the tears ran down his cheeks' and he exclaimed he deserved the drop years ago. The report of forty-three year old Thomas Hanger was more unusual as he refused to make a confession, even though the clergy pressed him to. Those who did plead innocence were not likely to arouse much compassion in the newspaper. When, in 1794, John Higgins and Thomas Brown were both hanged for burglary, Brown, who declared himself innocent until the end, was described as a 'poor ignorant wretch' and 'object of commiseration.' Conversely Higgins, who acknowledged his crime, was said to 'meet death with great resolution.'[41] Clearly the authorities did not wish to indulge in sympathy for those who professed innocence. It was far better to admit the crime and seek contrition. The image of the chaplain as a humanitarian figure was important, as was the image of the repentant man. This message was reiterated in the newspapers and on the scaffold.

Like the newspapers, the broadsides confirmed the lesson of the gallows and gave warnings to others engaging in lives of crime. Many of the broadsides ended with announcements like the following: 'we trust the ignominious death of the young man will prove serious warning to all, particularly those who have been in anyway connected with him in his unlawful career.' The broadsides were not only a means of providing a newsworthy story. Again they moralized and tried to deter people from crime. Religion was promoted as the saviour from vice and way to a virtuous life. Some broadsides even contained religious verses or extracts from sermons. A copy of the entire prayer read out at the execution of George Jennings was included on the broadside, though it was more common to have a verse relating to the particular circumstances of the deceased. William Howell's broadside included the verse:

[39] H. Potter, *Hanging in Judgement* (London, 1993), 20–9; *NM*, 25 March 1787 and 24 March 1792.

[40] From Potter, *Hanging in Judgement*, 17– 18.

[41] Taken from the *NM* 29 March 1784; 9 June 1799; 29 March 1794 respectively.

Let better thoughts our minds employ
Let true religion be our guide
Let virtuous mind be all our joy
Nor malice in our breasts reside

This obviously advised the readers to live pious and worthy lives in order to get to heaven. Other verses related more specifically to the execution and criminal, and were seemingly from their own perspective. The verse for Thomas White was written as though from his point of view, admitting his sins and asking for redemption:

Confessions thou art Holy,
And I a sinner vile;
Upon me poor and lowly
Devine, Lord, a gracious smile.

Although there are variations in the verses, the underlying message is always the same; that a criminal life can only lead to suffering. Redemption may be given, but that cannot save the earthy lives of the felon. The verses are powerful and show the religious zeal that existed and was conveyed to the people at the time.[42]

The 'concourse' that attended the execution was referred to on several occasions. When the six malefactors were hanged in August 1787 the Mercury reported that more than five thousand were present on the 'unhappy occasion'. Huffman White and Robert Kendall famously robbed the Leeds post, and according to the Mercury the crowd was 'the most numerous on any occasion.' These were notorious criminals, and large crowds at executions of groups at this type were the norm. In 1819 new permanent gallows were built in Angel Lane at the rear of the county gaol; it has been suggested crowds attending the executions at the racecourse became too large and unruly, and this led to the commission of the 'new drop'.[43] Many people attended the first executions at the 'new drop', when five well known burglars were hanged, some of whom travelled great distances to see them. The immense concourse that attended the execution of Charles Clutton, found guilty of sodomy in 1824 superseded the crowds at the execution of sheep stealer William Longslow in the following year. When Thomas White was hanged for rape in 1830 the crowds were described as 'less numerous than might have been expected given that the last execution was four years ago.' James Linnell a year later attracted a greater crowd than had ever been seen when he was hanged for arson. The nebulous statements make it difficult to assess the actual crowds and number, even in relation to each other, as much rests on the reporter's opinion. The importance of the crowd in these ceremonies was illustrated best in the article about William Grant's execution in 1832 when it was reported there was only a small crowd present due to the early start of the execution, although on the appointed hour a vast number of people arrived.[44] In this report the crowd were conspicuous by their absence, signalling the significance of crowd attendance and relaying it to the readers. The broadsides did not give details of the crowds generally, no doubt as these were sold to those who attended the executions.

[42] NL, *Crime and Punishment Ephemera*, 1–182.

[43] R. Cowley, *Guilty M'Lud! The Criminal History of Northamptonshire* (Irthlingborough, 1998).

[44] *NM*, 4 August 1787; 20 March 1819; 14 August 1824; 20 March 1830; 10 March 1832.

Despite all of the admonishments and preaching to the crowd the reports indicated that few were touched by any moral sentiment.[45] Unusually the executions of Cross and Smith, both convicted of robbery, were viewed with much sympathy according to the Mercury, and the author of the article appeared to share the opinion of the crowds:

> There is an amiable trait in the human heart, that when a fellow creature comes to lay down his life as a forfeiture of his crimes, we are apt to forget his offences, however enormous, and view him with an eye of sympathy. In short, resentment is superseded by pity; so it was in this instance, the feelings of the multitude appearing to be interested in a high degree.[46]

The *Mercury* similarly reported that crowds showed 'disapprobation at the awful spectacle' of Thomas Gee's struggle on the gallows when his neck did not break.[47] Descriptions of the crowd like this were a rarity. This was perhaps because the crowd were supposed to learn from the executions rather than feel pity for those who were executed.

The Northampton crowd appear to have participated in ceremonial customs.[48] The *Mercury* in 1834 announced that at the execution of Thomas Gee, 'several females regrettably, appeared on the scaffold to undergo the disgusting practice of rubbing the dead mans hand. We had hoped this ignorant practice had long since expired.'[49] Nine years earlier the *Mercury* was proud to declare the same practice had been suppressed at the execution of William Longslow. This showed the authors of the newspaper were not in favour of such popular practices, and suggested that readers of the paper were of a different sort to those who attended the executions. Anthony Babington has asserted that 'hanging [was] regarded as a popular pageant . . . it was conducted in an atmosphere more consistent with a national carnival than a solemn ceremony.'[50] Of course ceremony in the eighteenth century involved carnival and ritual elements, which would have been carried out during these ceremonies just like any other. Public hangings were viewed as another ritual in the political calendar, just like trials and elections. Although the procession of the electoral candidates would have been of a different nature to the procession of the condemned man on his way to the gallows, the ceremonial practice was similar nonetheless. All practices were formulaic and repetitive. They allowed for popular participation and gave the common man opportunity to engage in political action at some level.[51] The fact

[45] Cowley, *The Criminal History of Northamptonshire*.

[46] *NM*, 24 March 1792.

[47] *NM*, 15 March 1834.

[48] There were concerns from the City of London in September of 1781 that Tyburn hardened and brutalized rather than deterred: P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Middlesex, 1991), 303.

[49] *NM*, 15 March 1834.

[50] A. Babington, *The Power to Silence: A History of Punishment in Britain* (London, 1968), 53.

[51] For literature on crowds and ceremony see, N. Rogers, 'Crowds and Festival in Georgian England', in T. Harris (ed.), *The Politics of the Excluded c. 1500–1850* (Basingstoke, 2001), 235–62. For views on the hanging process as a ritual rather than a device of justice see Gatrell, *The Hanging Tree*. Sharpe, 'Last Dying Speeches' argues that executions were important social and cultural tools for ideological control in Stuart England. See also M. Foucault, *Discipline and Punish: The Birth of the Prison* (London, 1977), 47.

that crowds were able to attend these ceremonies en masse, and the associations ceremonies held in themselves go some way to explaining the behaviour that ensued. The *Mercury* certainly did not print details of all that went on at the executions, and the lack of information indicates that the reporting of the crowd was tamed for the readership, and depicted the crowd as they needed to be. Those who attended executions were allowed to watch because the governing classes believed that it would be a lesson and a deterrent against crime. The reports in the press simply imply that the crowds were there playing their part as a receptive audience, and absorbing the imperatives delineated to them.

Given the lack of sympathy or empathy towards the victims of the scaffold, and the attempts to legitimize capital punishment, there is little surprise that admonishments for the practice were few and far between. Aside from the actual accounts of the executions themselves, there were few other reports in the *Mercury* about capital punishment. Only two articles were published in the *Mercury* in this period arguing directly against capital punishment. The first was about hanging for the offences of sheep theft and horse theft, published in 1793:

> The present Summer Assizes will most probably be celebrated for the number of capital convictions . . . [it will] prove fatal to the lives of one hundred or one hundred and fifty wretches whose crime had been stealing sheep or horses . . . [This] is a crime to the forces of the law equal to murder. The benevolent mind shudders at the reflection.[52]

The article then went on to state that solitary confinement would be much more beneficial to those committing the crimes, and as an example to others. The article speculated that the men who committed these crimes were desperate, and often had little choice other than to steal. This article fitted in with the rhetoric of the time, advocating imprisonment rather than physical punishment.[53] The scarcity of articles such as these, however, indicated that there was not a great drive for changes in punishment in Northampton. The subject of the article was by no means unrelated to the situation in Northamptonshire at the time. In 1792 there were two capitally convicted and reprieved of horse theft, and one both convicted and reprieved of cow theft, while in 1793 there were three capitally convicted and reprieved of sheep theft. Although no one was actually hanged in these years, there were men sentenced to death.

The second article cried for the abolition of capital punishment as a whole. This was published in 1834, over forty years after the previous article. It was printed in both the Northampton Mercury and the Northampton Independent. According to the article the use of capital punishment 'disgusts the good and brutalises the bad', while rendering 'murder less revolting to the ignorant mind.' England was compared to Europe, where it was said the death penalty was less frequently used, and where there were, apparently, no greater problems as a consequence.[54] The article represented the growing opposition and distaste for capital punishment, and the distance in time

[52] *NM*, 17 August 1793.

[53] There was an increasing drive for the repeal of the bloody code, and for more humane, reformative forms of punishment such as imprisonment: R. McGowen, 'The Image of Justice and the Reform of the Criminal Law in Early Nineteenth-Century England', *Buffalo Law Rev.* 32 (1983), 89–123; R. McGowen, 'The Body and Punishment in Eighteenth-Century England', *Jnl. of Mod. Hist.*, 59, 4 (1987), 651–79.

[54] *NM*, 15 March 1834.

between the two articles shows how lengthy the process of the reform of the capital code was. It took over forty years for an article promoting the evils of capital punishment as a whole to be printed. The articles were taken from the London newspapers, where there was more written on punishment that was never included in the Mercury.[55] Views on the provincial attitude to the reform of the 'bloody code' are therefore difficult to determine, although it appears that reports to the Mercury's 'respectable readership' were not aiming to create a fervour for reform.

The broadsides also placed the crimes of the executed in the context of the time, to give an idea of why certain people were hung for the less serious crimes. When William Longslow was executed in 1825 the report stated:

> [I am] doomed to write of one of those solemn and awful spectacles which we were in hopes would not for some time have agitated and harassed our feelings, but crimes of sheep stealing have become so prevalent in this and adjacent counties, that the judge at our last assizes felt it his duty to make an example of the culprit.[56]

The extract highlighted several significant issues, and gave reasons for the hanging. It possibly related to the judge's charge addressed to the jury before the court went into session. The judge would make a speech about the issues relevant to the time and to the trial, which sheep theft would have been in these years.[57] It was made explicit that the execution was an exemplary one due to an increase of sheep stealing offences in the area; Longslow's crime was evidently one incident too many. The extract indicated that contemporary views that executions were not an ideal form of punishment were increasing.[58] The language used implies hanging was viewed, by this author at least, as a brutal, inhumane form of punishment that caused distress. There were large rises in convictions during the 'hungry year' of 1801. The years after the Napoleonic Wars coincided with a national upsurge in the more brutal, persistent punishment of offenders as society became threatened by dearth, unemployment and population growth. Despite this the increase in the actual number of hangings was marginal compared to the number sentenced to death. The number of felons hanged had to be acceptable to the public and had to be exemplary; the death sentences themselves remained high during these periods precisely because most were never intended to be executed. The multiple executions of the five malefactors, Minards, George, Panter, Taffs and Porter, were also supposed to set an example to others. The author of the account of these believed that if 'others are not deterred from

[55] Peter King shows that there was a significant amount of space given to opinions of the Criminal Justice System in *The Times*, though it was a less prominent feature in other London publications, as with the provincial press: King, 'Newspaper Reporting', 100–1.

[56] NRO, ZB 68.

[57] A selection of charges to the grand jury at assizes mention the significance of property crime: G. Lamoine (ed.), *Charges to the Grand Jury 1689–1803* (Camden Soc., 4th ser., XLIII, 1992), 444–50.

[58] For evidence of the increase in convictions during periods of dearth see H. Taylor, 'Rationing Crime: The Political Economy of Criminal Statistics Since the 1850's', *Ec. Hist. Rev.*, LI (1998), 569–90; J. Rule (ed.), *Outside the Law: Studies in Crime and Order 1650–1850* (Exeter, 1982). For views on exemplary hangings, see D. Jones, *Crime Protest and Police in Nineteenth Century Britain* (London, 1982), 8; D. Taylor, *Crime, Policing and Punishment in England 1750–1914* (London, 1998), 124; D, Hay (ed.), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (New York, 1975).

crime, their deaths will all have been in vain.' Writing on the criminal justice system was sparse, reflecting the imperatives that the press had to impart to the public. Despite the vehemence with which criminal issues were being fought, discussion in the provincial press on the subject was by no means replete. Lamentations of capital punishment were infrequent, and while perceptions of the practice may have been more altruistic in reality, the press was largely attempting to maintain the idea of the infallibility of justice.

The fact that the image of the crowd was tamed for the readership suggests that the newspaper portrayed the efficacy of the system. As there were so few references to the repeal of the 'bloody code', reports indicate that it was important for the authorities to appear in control of the execution process and the crowd. This was reinforced by the rise in conviction rates, both of which could maintain a public fear of conviction. Rhetoric advocating reform of the criminal justice system was limited, although the change in venues for the executions from a public to more private setting suggests that there were concerns about crowd involvement at executions, and crowd activity in general. The move to the 'new drop' therefore attempted to create a more acceptable atmosphere for the punishment, and remove the unruly mob. Despite changes in the length of crime reports and amount of crime reported in the *Mercury*, the execution reports remained functional and formulaic, constantly mirroring the image of an efficient criminal justice system. Its image had to be maintained as long as it was in place, to send messages to the populace about the control of the authorities.

* * *

The main function of press reporting of executions was to moralise and preach against crime, arguably as was the purpose of public executions themselves. Though they give little indication as to whether the crowd responded to such messages, they show people were attending the executions as was intended. Above all this gives credence to the idea that execution ceremonies were a part of the punitive process that the crowd could participate in, and the process of retribution was a popular one.[59] The style of the newspaper reports and their contents mirrored the highly ritualised process and theatre of the executions themselves, and demonstrated explicitly the centrality of religion and the moral lesson of the gallows within these ceremonies. As the bloody code drew to a close the moral lessons to the readers were more fervent, but the attendance at the executions shows that capital punishment was very much ingrained in popular ceremonial custom in Northampton.

This case study of execution reports shows that the provincial press represented capital punishment in a way that would have been acceptable to those in authority certainly in newspapers, though to a lesser extent in broadsides. Although there were some opinions raised against the process, the message given ultimately was about the reformative and moral benefits of capital punishment. The process was exalted as one of structure and thus functionality; the victims of the gallows were saved so long as they died penitent and played their part in the theatre of the scaffold with conviction.

[59] Rogers, 'Crowds and Festival in Georgian England'.

The specific language assigned to the execution reports indicated that felons were all viewed as a commodity of justice for public consumption. It was not until the 1820s that there began to be some commentary on the criminal justice system and the acceptability of execution as a form of punishment in reports themselves. By thi s time press reports indicated that the pubic was by no means in fervent agreement with the changing views; crowds were still large and unruly. Capital punishment was perpetuated as a lesson to the crowd, though by the nineteenth century it seems that these examples were less adhered to, and the press could not so easily maintain the moral representation of capital punishment that those in authority wished them to. As ideas of the criminal justice system were changing, and the bloody code collapsed, attempts to moralize were more fervent but the validity of the message was increasingly under scrutiny.

Notes on Contributor

Miss Zoe Dyndor, The Knowledge Exchange, University of Northampton, Park campus, Boughton Green Road, Northampton NN2 7AL, UK; Email: Zoe.Dyndor@northampton.ac.uk