

Last Dying Speeches, Trials, and Executions:

The Changing Format and Function of Crime Broadside, c.1800 – c.1840¹

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Stephen Basdeo²

Leeds Trinity University

The morning dawned [...] the clock had just struck eight, when the voice of a man in the street fell upon his ear. He heard the following announcement: - "*Here is a full account of the horrible assassination committed by the miscreant William Bolter upon the person of his wife [...] only one penny! The fullest and most perfect account – only one penny!*" - G. W. M. Reynolds, *The Mysteries of London* (1844-45).³

Introduction

As G. W. M. Reynolds' statement implies, crime broadsides were a regular feature of Victorian street life. Henry Mayhew in *London Labour and the London Poor* (1851) remarked how a 'very extensive [...] portion of the reading of the poor is supplied by "Sorrowful Lamentations" and "Last Dying Speech, Confession, and Execution" of criminals'.⁴ The association of crime broadsides with the poor persisted into twentieth-century historical criticism, even though they addressed readers of all classes.⁵ Indeed, crime broadsides were once denounced by F. W.

¹ A version of this paper appeared as the first chapter in my MA dissertation: Stephen Basdeo 'Dying Speeches, Daring Robbers, and Demon Barbers: The Forms and Functions of Nineteenth-Century Crime Literature, c.1800-c.1868' (Unpublished MA Thesis, Leeds Beckett University, 2014), pp.10-22.

² Stephen Basdeo is a PhD student at Leeds Trinity University. Under the supervision of Dr. Rosemary Mitchell and Prof. Paul Hardwick he is completing his thesis entitled 'The Changing Faces of Robin Hood'. Stephen's secondary research interests include the history of crime and historical constructions of criminality in the popular press.

³ G. W. M. Reynolds, *The Mysteries of London* (2 Vols. London: J. Dicks, 1845; repr. London: Printed for the Booksellers [n.d.]), p.42.

⁴ Henry Mayhew, *London Labour and the London Poor* (3 Vols. London: George Woodfall & Sons, 1851; repr. Oxford: Oxford University Press, 2010), p.93.

⁵ *Last Farewell to the World of John Cashman, for Burglary, who is Ordered for Execution on Wednesday next, Opposite Mr. Beckwith's House, on Snow Hill; Andrew Barton and James Frampton, for Highway Robbery, who will be Executed on Friday in the Old Bailey* ([London]: Pigott, Printer, Old Street, London

Chandler as catering 'to the vulgar instincts of the vulgar many' and falling 'below the dignified historian's line'.⁶ Thankfully, academics such as Vic Gatrell, Andrea McKenzie, and Phillippe Chassaigne now recognise the value of these sources and what they can tell historians about constructions of criminality in the past.⁷ Yet even by modern scholars broadsides are usually written about as though they were unchanging, static pieces of literature. The digitisation of broadsides by Harvard Library School of Law and the National Library of Scotland, however, has been especially useful for the research presented in this paper which examines change over time in the content of broadsides;⁸ no longer are broadsides 'so widely scattered as to be reassembled for the purposes of study only at a cost of pains and patience out of all proportion to their apparent merit'.⁹ This paper analyses broadsides relating to property theft between c.1800 and .1840. It is best to focus upon one type of crime because others provoked different responses in the press: murder was a sin against God, whilst forgery was viewed essentially an act of treason. The argument of this paper is that subtle changes occurred in the format and content of crime broadsides reflected changing public attitudes to criminality, thus building upon an undeveloped statement by Peter Linebaugh in *The London Hanged* (1991) where he stated that 'there has hitherto been a tendency to overlook the changing nature of broadsides'.¹⁰ This paper will show how late eighteenth and early nineteenth-century broadsides reflect the Georgian attitude to criminality, in which a degree of sympathy is extended to the condemned felon. This paper then shows how the content gradually evolved and manifested a typically Victorian view of criminality, where empathy with the accused gradually disappeared in favour of emphasising the offender's guilt and just punishment through an increased focus upon the

[1817]]. Harvard Library School of Law HOLLIS: 008108832; for example, 'Good people all a warning take' appears in this broadside and many others, implying that broadside publishers at least anticipated a wider readership for their wares.

⁶ F. W. Chandler, *The Literature of Roguery* 2 Vols. (Cambridge: The Riverside Press, 1907), 1: 181

⁷ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994); Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London: Continuum, 2007); Phillip Chassaigne, 'Popular Representations of Crime: The Crime Broadside - A Subculture of Violence in Victorian Britain?' *Crime, Histoire & Sociétés / Crime, History & Societies* 8: 2 (1999), 23-55.

⁸ Harvard Library School of Law *Dying Speeches and Bloody Murders: Crime Broadsides* [Internet <<<http://broadsides.law.harvard.edu/faq.php> Accessed 11 September 2016] & National Library of Scotland *Word on the Street* [Internet <<<http://digital.nls.uk/broadsides/>>> Accessed 11 September 2016].

⁹ Chandler, *The Literature of Roguery*, 1: 181.

¹⁰ Peter Linebaugh, *The London Hanged: Crime and Civil Society in Eighteenth-Century England* (London: Penguin, 1991), p.89.

victim and the trial.¹¹ Hence 'Last Dying Speeches' gradually became the 'Trial and Execution' of a felon.

Context: Shifting Perceptions of Criminality during the Eighteenth and Nineteenth Centuries

During the eighteenth century, criminals could come from a wide variety of social backgrounds. Criminal biographies such as Alexander Smith's *A Complete History of the Lives and Robberies of the Most Notorious Highwaymen* (1719) usually highlighted the fact that most criminals such as the highwayman Ned Bonnet were 'born of very good and reputable parents'.¹² This was in order that, as Henry Fielding mused in a revised edition of *Jonathan Wild* (1743), the offenders ancestors 'might serve as a foil to himself'.¹³ Yet a criminal's family could be 'good and reputable' whether they were rich or poor. Social status had no bearing upon criminality because 'all men [were] equally tainted by original sin', hence 'criminals [were] not different in kind from other people, only in degree. Anyone might become a criminal.'¹⁴ Like Captain Macheath in *The Beggar's Opera* (1728), whose love of women and good living eventually brings him to the gallows, criminals were simply people with a tragic fatal flaw in their character, who had succumbed to their sinful inclinations.¹⁵ It is this idea that criminals could be 'everyman' which accounts for the sympathy extended to some felons in eighteenth-century criminal accounts.

The situation changed as the nineteenth century progressed, when the poor migrated to cities as a result of industrialisation and urbanisation. One effect of having so many people living in dire poverty in close proximity is that the areas where they do live become a natural breeding ground for crime. The early socialist writer Frederich Engels in *The Condition of the Working Class in England* stated that 'the incidence of crime has increased with the growth of the working-class population and there is more crime in Britain than in any other country in the world'.¹⁶ In the early Victorian press, then, references to 'professional criminals' and 'criminal

¹¹ Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge: Cambridge University Press, 1987), p.54.

¹² Alexander Smith, *A Complete History of the Lives and Robberies of the Most Notorious Highwaymen* ed. by Arthur Heyward (3 Vols. London: J. Morphew, 1719; repr. London: Routledge, 1933), p.56.

¹³ Henry Fielding 'Jonathan Wild' in *The Works of Henry Fielding* 12 Vols. (London, 1743; repr. London: J. Bell, 1775), 5: 4.

¹⁴ Faller, *Turned to Account*, p.54.

¹⁵ John Brewer, *The Pleasures of the Imagination: English Culture in the Eighteenth Century* 2nd Edn. (London: Routledge, 2013), p.351.

¹⁶ Frederich Engels, *The Condition of the Working Class in England* (1848 repr. London: Penguin, 2009).

classes' began to appear. This type of offender is represented, for example, by men such as Bill Sikes and Fagin in Dickens' *Oliver Twist* (1838), who inhabit an 'underworld' peopled by other ominous creatures. Thus the Victorian elites began to believe that there was a "criminal class", drawn from its poorest ranks, who was responsible for the majority of crime. In other words, there was now a sociological explanation for criminality. Criminals were no longer dashing highwaymen such as James Maclean, or lovable rogues such as Jack Sheppard. Instead they were largely portrayed as desperate and wicked fellows.

Broadside Images

The public execution of criminals by hanging was a common occurrence in Britain. For example, a Londoner born in 1780 would have had the opportunity to witness four hundred hangings by 1840.¹⁷ Early broadsides usually contained a crude woodcut of a man being hanged, or the moment that they were 'launched into eternity'. These woodcuts did not depict the actual felon from the text, however, because they were stock images that were often reused on several occasions. The same woodcut, for instance, is used by the Leicestershire-based publisher, Martin, to depict the hanging of both Thomas Wilcox at Nottingham in 1820,¹⁸ and of William Oldfield at Bradford also in 1820.¹⁹

To a modern reader these images appear macabre. Precisely what individuals during the nineteenth century felt upon seeing such images may never be known. Gatrell does speculate, however, upon what contemporaries may have thought, arguing that they were 'totemic artefacts [...] symbolic substitutes for the experiences watched [...] mementoes of events whose psychic significance was somehow worth reifying'.²⁰ Gatrell further hints that the images may have allayed readers' fears regarding their own mortality, making them inwardly thankful that they were not upon the scaffold themselves.²¹ The further emotion that may have been elicited by the crude and macabre woodcuts is sympathy. Sympathy can be extended to a man depicted in the moment of dying upon the gallows, a point raised recently by Rachel Hall in her research

¹⁷ Gatrell, *The Hanging Tree*, p.32.

¹⁸ *Account of the Life, Character and Behaviour of T. Wilcocks, Who was Executed this Day, March 29th, 1820, on Nottingham Gallows, for Highway Robbery* ([Leicester]: Re-printed by Martin, Leicester [1820]). Harvard Library School of Law HOLLIS: 009799979.

¹⁹ *The Full Confession and Execution of William Oldfield, Innkeeper, of Bradford, Yorkshire, Who Suffered on Thursday Last, July 27, 1820, at York for the Murder of his Wife Mary Oldfield* ([Leicester]: Re-printed by Martin, Leicester [1820]). Harvard Library School of Law HOLLIS: 009799658.

²⁰ Gatrell, *The Hanging Tree*, p.175.

²¹ Gatrell, *The Hanging Tree*, p.243.

on American outlaws in visual culture.²² But by the 1820s broadside images began to become more detailed, and many were including images of the crime being perpetrated. For example, the only image included upon the broadside detailing the Epsom Murder and Highway Robbery in 1834 committed by Charles Cottrell is literally of the victim's brains being blown out.²³ Sympathy can easily be extended to a man about to die, but it is harder to empathise with a person who is depicted as committing a brutal criminal act.²⁴

Headline and Text

Broadside images alone are not sufficient to illustrate the argument of this paper because some obscure publishers were reusing eighteenth-century woodcuts as late as the 1860s,²⁵ thus it is better to concentrate upon changes in the textual content of broadsides. Headlines usually followed a similar formula of words. For example, there is *The Last Speech, Confession, and Dying Words of James Dormand* in 1793.²⁶ Similarly, nine years later there was *The Last Dying Speech and Confession of Ferdinando Davis, Who was Executed at Nottingham on Wednesday 31st March 1802* (1802).²⁷ Broadside recounted what their respective titles advertised: an account of the life of the criminal, their dying speech and last moments. A great deal of continuity is apparent in these late eighteenth-century and early nineteenth-century broadsides with the way that earlier criminal biographies presented their accounts of criminals' early lives. For example, James Dormand was born to 'honest and respectable parents'.²⁸ The same goes for the highway

²² Rachel Hall, *Wanted: The Outlaw in American Visual Culture* (Charlottesville, VA: University of Virginia Press, 2009), p.37.

²³ *The Latest Particulars: The Epsom Murder and Highway Robbery: Committed, as Supposed to be, by Two Ruffians, on Mr. John Richardson, Farmer of Bletchingly, Who was Robbed, and Barbarously and Inhumanly Murdered about Half-Past Six O'Clock in the Evening of Wednesday the 26th of February 1834, on his Return Home from Epsom Market* ([n.p.] [n.pub.], 1834). Harvard Library School of Law HOLLIS: 007076646.

²⁴ Rosalind Crone, *Violent Victorians: Popular Entertainment in Nineteenth-Century London* (Manchester: Manchester University Press, 2012), p.107; the representation of such violent acts, naturally, was also a part of the increasing demand on the part of nineteenth-century audiences for violent entertainment.

²⁵ *Life, Trial, Sentence, and Execution of Catherine Wilson, for the Murder of Mrs. Soames* ([London]: Taylor, Printer, 93, Brick Lane Spitalfields, [ca. 1862]). Harvard Library School of Law HOLLIS: 008120856.

²⁶ *The Last Speech, Confession, and Dying Words of James Dormand, Who was Execute [sic'] at Perth, on Friday 31st May 1793 for Highway Robbery* ([n.p.] [n.pub.], 1793). National Library of Scotland, Shelfmark 6.314(31).

²⁷ *The Last Dying Speech and Confession of Ferdinando Davis, Who was Executed at Nottingham on Wednesday 31st March 1802* ([Leicester]: Throsby, Printer, Leicester, [1802]). Harvard Library School of Law HOLLIS: 009799953.

²⁸ *The Last Speech, Confession, and Dying Words of James Dormand*.

robber Thomas Hopkinson who was executed at Derby in 1819. Born of 'respectable' parentage but:

He formed an intercourse with abandoned companions, and commenced that profligate career which brought him to his untimely end [...] his whole time was spent in the perpetration of almost every species of vice. The petty pilferings in which he first engaged, gradually, led him on to bolder offences: his mind became so familiarized with guilt, that he seemed scarcely sensible of its depravity; and thus, in the natural progress of iniquity, he was led on till he was "driven away with his wickedness".²⁹

That account is reminiscent of a 1724 account of the life of Jack Sheppard (1702-1724) who was said to have first turned to crime after having associated with the prostitute Edgeworth Bess, thereafter committing a string of robberies.³⁰ As already stated, in the eighteenth century all people were assumed to be capable of crime because everybody was guilty of original sin, and therefore anyone might become a criminal. A person usually became a criminal when they began committing small sins, such as the pilfering of farthings and marbles, and this gradually led them on to bolder offences.³¹

Yet by the 1820s broadsides began to include a mention of the trial in both the headline and the body of the text. They began to carry titles such as *Trial and Sentence*,³² or, as in the case of the burglar William Harley in 1836, *The Life, Trial, and Awful Execution of William Harley for the Chipstead Burglary*.³³ These later broadsides contained a very brief account of the life of the criminal. Indeed, all that is said of Charles Cottrell, the perpetrator of the Epsom robbery cited above, is that he was 'known to be a desperate fellow', thus associating him with the poor and dispossessed, or the criminal or dangerous classes.³⁴ The depiction of the trial in the main body of the text would have left readers in no doubt as to the felon's guilt. James Mitchell and John Sharp in 1825, for example, are depicted as being *unequivocally* guilty because 'after a few

²⁹ *The Life and Execution of Thomas Hopkinson, Jun.: Who Suffered this Day on the New Drop, in Front of the County Gaol, Derby, for Highway Robbery* ([Derby]: G. Wilkins, Printer, Queen Street, Derby [1819]). Harvard Library School of Law HOLLIS: 005949713.

³⁰ Anon. 'The History of the Remarkable Life of John Sheppard' in *Defoe on Sheppard and Wild* ed. by Richard Holmes (London: Harper, 2004), pp.5-6.

³¹ McKenzie, *Tyburn's Martyrs*, p.59.

³² *Trial and Sentence: A Full and Particular Account of the Trial and Sentence of James Mitchell and John Sharp* ([n.p.] [n.pub.], 1825). National Library of Scotland. F.3.A.13(99)

³³ *Life, Trial, and Awful Execution of William Harley, for the Chipstead Burglary at Horsemonger Lane Gaol, Old Montague Street, Whitechapel* (London: Carpue, Printer [1836]). Harvard Library School of Law HOLLIS: 007053667.

³⁴ *The Latest Particulars: The Epsom Murder and Highway Robbery*.

minutes' absence, [the jury] returned a *viva voce* verdict, finding the pannels [sic] guilty'.³⁵ That is a very simplistic representation of the facts involved: Mitchell and Sharp committed a heinous crime, had been found guilty by a jury of their peers, and sentenced to death. Justice had been served. The inclusion of the trial served an important function when many people's exposure to the workings of the judicial process would have been rare. It included people into the judicial sphere, and with the gradual focus upon the victim in the text, the trial allowed 'the whole community to unite against the criminal'.³⁶

Michel Foucault states that public executions during the eighteenth century, and their representation in print, effectively shamed both the executioner (the state) and the condemned. But when publicity shifts to the trial, and to the sentence, the execution of a criminal becomes something that justice is ashamed of but deems necessary to impose upon the condemned criminal for breaking the social contract.³⁷ Changing sensibilities and the rise of respectability during the nineteenth century meant that by the 1820s and 1830s the highwaymen depicted on broadsides were not the semi-glamorised and heroic individuals that they had been in the eighteenth century (unless they were historic, of course, as in William Harrison Ainsworth's novels). Instead they were simply felons who were deserving of their fate. While Charles Dickens (1812-1870) may have criticised public executions for their effect upon the morality of the spectators, he never argued that these men *should not* be executed, and in the latter part of his life he declared that 'I should be glad to abolish both [public executions and capital punishment] if I knew what to do with the Savages of civilization. As I do not, I would rid Society of them.'³⁸

One aspect of broadsides which appears to have remained constant was the moment that the criminal was 'launched into eternity', which was a common phrase to appear on broadsides. Other such phrases include burglars such as Thomas Boggington and Thomas Francis who in 1813 'met their awful fate'.³⁹ Being 'launched into eternity' through hanging was

³⁵ *Trial and Sentence: A Full and Particular Account of the Trial and Sentence of James Mitchell and John Sharp.*

³⁶ Chassaigne, *Popular Representations of Crime*, p.40.

³⁷ Michel Foucault, *Discipline and Punish: The Birth of the Prison System* Trans. by A. Sheridan 2nd Edn. (London: Penguin, 1977), p.9.

³⁸ Charles Dickens cited in Michael Fraser, *Charles Dickens: A Life Defined by Writing* (New Haven: Yale University Press, 2009), p.249.

³⁹ *The Trial and Execution, of Thos. Boggington, Sen., Thomas Francis, Thomas Norman, William Hasledon, alias Samuel Moss, for Burglaries; and Luke Marin, for Coining, who Suffered Death, this Morning, at the*

a painful, degrading experience: the hanged felon would feel cervical pain along with an acute headache as a result of the rope closing off the veins of the neck; sensory signals from the skin above the noose and from the trigeminal nerve would continue to reach the brain until hypoxia blocked them; male sufferers would have an erection after hanging due to the pooling of blood in the legs and lower body, and might also ejaculate while dangling on the rope.⁴⁰ These euphemisms, however, sanitised the state-sanctioned violence of the death sentence:⁴¹ it seems that 'it [was] ugly to be punishable, but there [was] no glory in punishing'.⁴² The execution really was something that the state was ashamed to have to impose.

Conclusion

The digitisation of crime broadsides in recent years has facilitated an examination of their changing format and content. This paper has shown that while their general format and appearance changed little over the course of this period, there were subtle differences that can be discerned from studying their content over time. The earliest broadsides represented continuity with an eighteenth-century view of criminality which held that all people were capable of committing crime because of original sin, and which consequently accounts for the sympathetic view of criminals in them. Broadsides from the 1820s and 1830s, however, told a different story. The inclusion of the trial inculcated a respect for the law, with death being presented as something that the justice system was ashamed to impose upon its offenders who were, if broadside accounts are to be believed, deserving of their fate.

Surrey County Gaol, Horsemonger-Lane ([London]: Printed by Jennings, 13, Water-Lane, Fleet-Street, London. [1813]). Harvard Library School of Law HOLLIS: 003184872.

⁴⁰ *Capital Punishment UK*, 'Hanged by the neck until dead! The processes and physiology of judicial hanging' [Internet] <http://www.capitalpunishmentuk.org/hanging2.html#pain> [Accessed 12/08/2014].

⁴¹ Crone, *Violent Victorians*, p.103

⁴² Foucault, *Discipline and Punish*, p.10.