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Capital Punishment, 1700-1934: A Case Study of Hull

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List of Abbreviations

HDM	Hull Daily Mail
HQSOB	Hull Quarter Sessions Order Books
QSOM	Quarter Sessions Orders and Minutes

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Introduction

This thesis explores capital punishment from 1700-1934 in one English locality, Hull. A series of questions are addressed throughout this dissertation in order to understand the role of the criminal justice system in Hull. These are: to what extent was capital punishment utilised in Hull in this period; what views, if any, can be uncovered regarding capital punishment in this locality; and, how does local experience fit into reforms in the criminal justice system in this period. This in-depth study will also consider contributions that one locality gives to current debates of the Bloody Code in the eighteenth- and nineteenth-centuries, and also the relatively unexplored perception of capital punishment behind prison walls during the twentieth-century. By focussing new research around these questions, this study demonstrates how the criminal justice system operated in Hull, making great use of the Quarter Sessions and newspapers to suggest Hull's autonomy as a judicial centre in the eighteenth-century, and how it conformed to national reforms in the nineteenth- and twentieth-centuries as the power of the central state expanded over peripheral settlements.

'The fact that capital punishment constitutes the most plain, the most deliberate, and the most thoughtful manifestation of legal interpretation as violence makes the imposition of the sentence an especially powerful test of the faith and commitment of the interpreters.'¹ These words, written by Robert Cover in 1986, coherently demonstrate how the sentencing of capital punishment was questioned by the arbitrary nature of its statutes; judges and juries were willing to reduce the severity of sentencing in order to conform to their own interpretations of how the criminal justice system should function.

This period from 1700-1934 experienced substantial changes in the English criminal justice system, including: the development of the so-called 'Bloody Code'; the spectacle of public execution prior to 1868; the decline and rationalisation of capital punishment in the early nineteenth-century; and the continuation of capital punishment from 1868 into the 1960s behind the walls of prisons. The eighteenth-century crowd witnessing public executions has been described as a carnival, usually taking place on a

¹ R. Cover, 'Violence and the word', *Yale Law Journal*, 95, 8 (1986), 1601-1629: 1622.

market day to maximise the number of people who could witness the popular event.² The manner of public execution was depicted as a form of free entertainment, particularly for the lower classes who were accustomed to death. Members of the crowd were able to manipulate large bodies of people into public political protests, evident with the Cato Street conspirators who were believed to be framed, resulting in the crowd trying to attack the hangman along with shouting obscenities during the proceedings.³ However, the condemned would also give messages to the crowd before they were hanged; this testimony is arguably why so many showed up to the event – they wished to hear the final words of the criminal. This is the case in Hull and will be explored further in this study. Despite any misconceptions that may have been accrued of a violent eighteenth-century society, there were only two confirmed executions in Hull during this period. In fact, Hull's criminal justice system promoted the use of secondary punishments, such as whipping and transportation, in order to relinquish execution as a punishment and thus were able to promote their own judicial agenda.

There were no executions in Hull during the nineteenth-century. This is not to suggest that the lack of executions led to the disengagement of society from execution, but rather stating that there were no executions in Hull between 1779 and 1901. The last Assize Court was held in Hull in 1794 and thereafter, the closest Assize Court was at York which was able to dispense the death penalty. Despite this, the nineteenth-century was a period that had a great number of national reforms which effected society with respect to both judicial reforms and the privatisation of capital punishment. These will be further discussed in Chapter Two.

Ten executions took place in Hull from 1902-1934, all of which were for murder.⁴ The period from the eighteenth- to the twentieth-century sees a dramatic shift in the attitudes and procedures towards execution. Where the eighteenth-century focussed on the theatrics and public nature of execution with a strong deterrence factor from the death, the twentieth-century restricted execution behind the prison walls, leaving the procedure of the execution to the minds of the public. Ultimately, however, reforms

² P. King, *Crime, justice, and discretion in England, 1740-1820* (Oxford: Oxford University Press, c2000), 340.

³ B. P. Block & J. Hostettler, *Hanging in the balance; a history of the abolition of capital punishment in Britain* (Winchester: Waterside Press, 1998), 32.

⁴ W. C. Irvine, *A brief history of Hull Gaol: introducing six years of utter madness* (Well Thought Out, 2013).

occurred primarily due to the failure of eighteenth-century hangings in curtailing crime - as they were expected to - through the use of public bodily punishments. By the twentieth-century, such reforms had replaced public punishment with private, humanised the event with as little suffering as possible, and addressed the exuberant number of reprievals issued in comparison to the eighteenth-century. In doing so, the smaller crowds that gathered outside prison gates for executions were largely made up from the same people that would try and secure a reprieve for a condemned prisoner – their family and friends, and those who supported the condemned.⁵ Some members of the crowd visited out of curiosity to the execution, and an even smaller proportion who were in favour of the execution of the condemned. Yet in Hull, evidence suggests that there were very few outbursts from the crowd who mostly remained quiet or even silent throughout the events.⁶

This study emphasises the chronology of execution in Hull from 1700-1934, analysing how Hull reacted to a modernising, humanitarian criminal justice system. This research was largely inspired by the seminal article 'Rethinking the Bloody Code in eighteenth-century Britain', published by King and Ward in 2015.⁷ In the article, King and Ward argue that there was a 'widespread reluctance of many areas on the periphery to implement the Bloody Code',⁸ of which many historians have neglected. Historians such as Hay and Gatrell have argued the general premise that English society was dominated by an overarching fear of the gallows, which was essential to the governance and control of English society in the eighteenth- and early nineteenth-centuries.⁹ King and Ward challenge this view by representing the disparity of execution across Britain, demonstrating that the extent of control over judiciary matters may not be as clear cut as once suggested and was limited the further the distance from London as the centre of state.¹⁰ It is true that histories of punishment have focussed largely on London and

⁵ L. Seal, *Capital punishment in twentieth-century Britain: audience, justice, memory* (Hoboken: Taylor and Francis, 2014), 101-103.

⁶ 'Coloured man executed for murder of woman at Hull', *HDM (Hull)*. 27 April 1932, 5; 'Execution at Hull Gaol', *HDM*. 3 January 1934, 5.

⁷ P. King, & R. Ward, 'Rethinking the Bloody Code in eighteenth-century Britain: capital punishment at the centre and on the periphery', *Past and Present*, 228, 1 (2015), 159-205.

⁸ *ibid*, 160.

⁹ D. Hay, 'Property, authority and the criminal law', in Hay et al, *Albion's fatal tree: crime and society in eighteenth-century England* (Harmondsworth: Penguin, 1977), 17-63; V. A. C. Gatrell, *The hanging tree: execution and the English people 1770-1868* (Oxford: Oxford University Press, 1994).

¹⁰ King & Ward, 'Rethinking the Bloody Code', 167.

the South; there is very little specific research that has been conducted on northern towns and cities in comparison to London. In order to gain a more accurate representation of crime in Britain, further local case studies like this one need to be conducted on towns and cities to understand their criminal past. In doing so, a wider range of research can be compiled by future researchers to gain a better representation of punishment in Britain, and not as current criminal histories do where the North is often neglected or referred to in minimal detail. At present, there is no comprehensive history of execution in Hull that addresses changes over time and how this effected local society. Therefore, this study will contribute to our understanding of the historiography of punishment and local criminal justice in the context of the underresearched northern city of Hull. In order to gain a better understanding of crime in the whole of Britain, case studies are essential in compiling original research that can be placed into a wider historiography to explain nationwide patterns, and not those that reflect only certain areas of the country.

The research questions in this study largely revolve around the extent of capital punishment in Hull in comparison to what the historiography has labelled crime in Britain, where often this is only relevant to London and the South. In order to understand how differently the criminal justice system in Hull functioned in comparison to larger communities, such as London, it is crucial to first understand the existing literature which can then be applied to primary research conducted both in the archives and online. Where the history of capital punishment currently fails to encapsulate a complete history of crime in Britain, this study aims to provide a step towards filling the areas of knowledge that are insufficient to be attributed to a wider historiography. There are four areas examined throughout this study that enable this. The Bloody Code pertains more towards the eighteenth-century, but the process of its rise through the Waltham Black Act in 1723 and eventual fall through reforms in the early nineteenth-century warrants discussion to establish a greater understanding of its use, or rather lack of, in Hull.¹¹ The attitudes towards the Bloody Code and execution itself are integral to this research; in order to demonstrate why the Bloody Code was utilised and how the

¹¹ *Black Act 1723*. 9 Geo 1, Chapter 22 (London); D. Taylor, *Crime, policing and punishment in England, 1750-1914* (Basingstoke: Macmillan, 1998), 127; P. Linebaugh, *The London hanged: crime and civil society in the eighteenth century*, 2nd edition (London: Verso, 2006), 18.

failed intentions led to its retraction from society, the opinions of the public are analysed to show how the significance of the Bloody Code diminished through time. Shifting opinions towards execution are clearly demonstrated through this study which coincide with the shift from public to private execution, and from corporal public punishments to incarceration. The process was far from instantaneous, but reformers such as Romilly, Mackintosh, and Peel had great influence in reforming legislation to achieve strides towards a civilised society.¹² It was thought that a civilised society would not allow the grotesque nature of public punishment to continue and in order to restrict this, the process needed to be reevaluated and placed behind the walls of the prison.¹³ Thus the shift from public to private executions, and indeed also punishments themselves, is a mechanism of change that runs throughout this study – the need for this change was exemplified by the increasing number of reforms and sway in public opinion to these matters.

Each chapter of this research highlights significant reforms that had taken place within each of the respective periods. These reforms relate directly to the processes of the criminal justice system and its operation in society, examples of which include judicial reforms within the courts and the law, and policing reforms, which demonstrate the changing nature of the apprehension of perpetrators, from the failed system of the parish constables and watchmen to the professional police force established under Peel's reforms in the nineteenth-century. This establishes a background to the period which is further supplemented by primary research to highlight the effects of such reforms in Hull. These reforms were borne largely from the necessity to change; overburdening reprieval rates in the eighteenth- and nineteenth-centuries solidified a dramatic reduction in the number of felons hanged for their crimes, with an initial movement towards the reprieved being transported for their crimes, and then further towards incarceration.¹⁴ The shift in punishments from the eighteenth- to the twentieth-centuries cannot be understated. Punishments in Hull during the eighteenth-century were constituted on the humanitarian values of the judges who gave them, working to

¹² R. McGowen, 'The image of justice and reform of the criminal law in early nineteenth-century England', *Buffalo Law Review*, 32, 1 (1983), 89-125.

¹³ R. McGowen, 'Civilising punishment: the end of public execution in England', *Journal of British Studies*, 33, 3 (1994), 257-282: 257.

¹⁴ Gatrell, *The hanging tree*, 7, 10.

their own agenda to limit the number of executions that they deemed too harsh of a punishment for the meagre crimes committed. Increased central power in the nineteenth- and twentieth-centuries led to a regimented system of punishment with a reduced number of crimes that could be sentenced to death. The role of media must also be addressed as a substantial factor that informed and swayed public opinion on executions, particularly in the nineteenth- and twentieth-centuries. This research makes great use of newspapers in Chapter Three, emphasising the ways in which news of executions was portrayed to the public around the country. The media of executions solidified the spectacle as entertaining in the eighteenth-century, passed through word of mouth and newspapers generating strong public interest in the event from both excitement and curiosity. By the twentieth-century, however, executions were solemn events, which is demonstrated by the ten executions that took place at Hull Prison.

Dissertation Structure

This dissertation is split into three chapters that each analyse a period of Hull's history. Chapter One focusses on the period from 1700-1794, where in 1794 the final Assize Court took place in Hull. Thereafter criminals whose cases warranted more substantial punishment which could not be concluded within the Quarter Sessions were sent to York for trial at the Assizes.¹⁵ Research into this period has demonstrated that only two people were executed in Hull in the eighteenth-century, a man named Wardale in 1731, and John Rogerson in 1778.¹⁶ Two executions in the 94 year period from 1700-1794 was very low, particularly as Gatrell has suggested that as many as 7,000 people were executed in the period 1770-1830 alone in England and Wales.¹⁷ Further, King and Ward argue that the execution rate for Yorkshire in the third-quarter of the eighteenth-century lay between 0.15-0.34 per 100,000 population per annum.¹⁸ Using these figures, it can be deduced that the execution rate for Yorkshire was low in comparison to

¹⁵ J. J. Sheahan, *History of the town and port of Kingston-upon-Hull*, 2nd edition (Beverley: John Green, 1866), 191; V. Dawson et al, *Our criminal ancestors: sources for researching your criminal past: an introduction to the criminal justice system and material held at the Hull History Centre and the East Riding of Yorkshire archives*. Available online: https://ourcriminalancestors.org/wp-content/uploads/2018/04/OurCriminalAncestors_HullEastRidingSourceGuide.pdf [Accessed 03/06/2019], 7.

¹⁶ Sheahan, *History of the town*, 189, 191.

¹⁷ Gatrell, *The hanging tree*, 7.

¹⁸ King & Ward, 'Rethinking the Bloody Code', 167.

London, where the figure lay between 2.01-3.85.¹⁹ This chapter aims to understand, making detailed analysis of Quarter Sessions records in Hull across an 86 year period, why there were so few hangings in Hull despite hosting their own sporadic Assize sessions during this period. Further, understanding what happened to those who could have been sentenced to death but were given secondary punishments is essential in creating this comprehensive history. It is clear from the Quarter Sessions records that juries refused to adhere to the punishments set by statutes for petty crimes – such as stealing goods worth more than a shilling – which could have had the accused executed. Instead, the devaluation of goods is prevalent in the courts, whereby stolen goods had their valuation reduced – in most cases to tenpence – to eliminate the perpetrator being sent to the Assize Court and receive the death penalty. Therefore the criminal justice system in Hull during the eighteenth-century displayed large amounts of autonomy against the government in London; rather than accepting statutes such as the Waltham Black Act, the magistrates in Hull were willing to protect their citizens over what they perceived to be unjust, severe punishments for crimes which were largely petty.

The focus of Chapter Two is the period from 1795-1901 where no executions took place in Hull. Despite this, there were significant reforms to the criminal justice system in Britain that are critical to understanding changing attitudes towards capital punishment and the failure of the Bloody Code in the eighteenth-century. The chapter is split into four areas that tackle areas of reform that interlink, creating a chain effect throughout this period; the reform of the Bloody Code, for example, initiated an increase in transportation.²⁰ The first section argues that changing attitudes towards the Bloody Code in the late eighteenth- and early nineteenth-centuries generated great public support towards the removal of public punishment. Attributed to this is enlightened thinking with reformers arguing that a civilised society could not continue the high reprieval rates exhibited in the criminal justice system for executions, and unruly crowds where the message of deterrence failed. The nineteenth-century exhibited the creation of the modern police force under Peel's Metropolitan Police Act of 1829, which created the first fully functioning police force in Westminster and areas

¹⁹ *ibid*

²⁰ H. Johnston, *Crime in England 1815-1880: experiencing the criminal justice system* (London: Routledge, 2015), 62.

of Kent, Surrey, and Middlesex.²¹ This undoubtedly made the apprehension of criminals in Hull much easier after 1836 when Hull launched its own modern police force.²² The end of public punishment in 1868 was the result of reformers working towards the idea of a civilised society, one in which execution would be confined behind prison walls and not on display to the public. Changing perceptions towards execution alongside the failure of the Bloody Code made this possible; by creating a physical barrier between the condemned and anybody gathered at the prison gates, there became an ambiguous perception of the event itself as the only representation of the hanging came from the few who directly witnessed it and the media. Finally, the end of transportation in 1867 caused a setback to the criminal justice system which was heavily relied upon throughout the eighteenth- and nineteenth-centuries.²³ Increasing imprisonment in Hull is clear in this period as three prisons were built in a hundred years, the final being Hedon Road Prison in 1869.²⁴

When executions returned to Hull in 1902, they were out of necessity of York Prison being transformed into a military prison; both Hull and Wakefield prisons had to adapt to accommodate those condemned to hang at the Assize Courts in their localities, which for Hull, was places such as York, Leeds, and Lincoln.²⁵ Chapter Three is formed of a series of ten case studies of those who were hanged at Hull Prison between 1902 and 1934. The chapter begins by analysing statistics of punishment during the turn of the twentieth-century where it is clear that incarceration became a widely used punishment, and capital punishment noticeably reduced. This coincides with nineteenth-century humanitarian arguments who fought for punishment that was rehabilitative as opposed to corporal punishments which had been shown not to deter further crime. The changing nature of the criminal justice system is examined, in particular the experience of crowds in this period and how the prison distributed information of the hangings to the public. Further, as hangings became enclosed behind the walls of the prison, the procedure of the event is mentioned to draw attention to

²¹ C. Emsley, *Crime and society in England, 1750-1900*, 4th edition (Harlow: Longman, 2010), 235.

²² A. A. Clarke, *The policemen of Hull* (Beverley: Hutton Press, 1992), 10-12.

²³ Taylor, *Crime, policing and punishment*, 143.

²⁴ H. Calvert, *A history of Kingston upon Hull from the earliest times to the present day* (London: Phillimore, 1978), 241.

²⁵ A. Young, *More murders of Hull* (Hull Daily Mail, 1995), 20; 'Executions in Hull', *HDM*. 8 December 1902, 3.

the differences between public and private executions. Here it is made clear that private executions catered towards respecting the condemned and providing minimal suffering. Finally, the case studies are discussed in detail to demonstrate who was being hanged at Hull Prison and why their crimes resulted in their deaths. Eighteenth-century executions were purposefully public with crowds to witness the event, whereas in the twentieth-century, crowds were much smaller and exhibited support for the condemned. Local views and experiences of capital punishment are therefore examined throughout this chapter with an emphasis on experience of execution behind prison walls in the early twentieth-century.

Methodology

Where most studies of capital punishment employ the Assize records for their research, investigation into the criminal justice system from an original angle is utilised in order to shed a new perspective on punishment. This study is primarily made up from analysis of the Quarter Sessions and newspapers which provide details the Assize records cannot. Local histories of Hull provide details of executions that occurred; examples of such include Gent's *History of Hull* and Sheahan's *History of the town and port of Kingston-upon-Hull*.²⁶ For this study, the Quarter Sessions for Hull were analysed from 1700-1786 which produced significant results.²⁷ Inevitably though, problems occurred from using this method of research and there were gaps in the available records. However, the research gathered far outweighed these problems. The Quarter Sessions for this period can all be found at the Hull History Centre on microfilm where all the data collated was taken from for this study. The first problem that arose from this method is that in some cases, and primarily between 1700 and 1730, the ink on many pages has bled through making the records illegible. Whilst this was unfortunate, the data on microfilms for 1730-1786 was easier to read; some sections had damage to them, but most was able to be read. The benefit of undertaking research through the Quarter Sessions is to demonstrate why so few people were sentenced to the Assize Courts in this period. In order for offenders to be hanged they had to be sentenced at the Assize Courts. However, magistrates had to refer cases to the Assize Courts in this

²⁶ G. Ohlson, *Gent's history of Hull* (Hull: Peck, 1867); Sheahan, *History of the town*.

²⁷ HHC, QSOM, C CQA/2, HQSOB.

period and as such, there is clear indication from the Quarter Sessions that this was mitigated as often as possible to limit the number of people at risk of the death penalty. This is further explained in Chapter One. Most researchers have taken Assize Court sentencing at face value when in fact, the process of the criminal justice system needs to be analysed to show how and why people were sentenced to death. Further, these underlying reasons behind execution rates can be compared to other cities and regions to look for patterns in their Quarter Sessions sentencing regarding a local system of punishment that negates the use of the Assize Courts.

Chapter Three makes extensive use of newspapers in order to provide details on the events of hanging and the opinions of those involved in the case and at the execution itself. The contemporary opinions of locals and the newspapers provide insight to the feelings of capital punishment and the condemned. They were, however, written with bias and attention has been paid in order to mitigate it where appropriate. Bias can be used to the advantage of a researcher, however. The *Hull Daily Mail* is the primary newspaper used in this study and was conservative by nature, advocating the retention of the death penalty which is arguably one reason why it followed Hull's executions so intently throughout the twentieth-century.²⁸ This works in favour of this research as the details given operate alongside local histories to create an image of capital punishment, and is aided by visual representation, further subjecting the readers to the physical embodiment of execution. Case studies in this research make prominent use of newspapers to demonstrate their individual effects on society and as a contribution to the criminal justice system. The scarcity of executions in the twentieth-century made them a source of entertainment for citizens – particularly if the execution was local – who could easily follow the developments in their local newspapers. This occurred on a nationwide level where newspapers as far as London and Dundee commented on the executions that took place at Hull Prison.²⁹ However, this was often in limited phrasing. Therefore the use of newspapers within this research accounts for the changing character of executions that occurred in the shift from public to private executions; where the crowd could no longer directly view the execution, newspapers became the

²⁸ C. Emsley, *Crime and society in twentieth-century England* (Harlow: Longman, 2011), 205-6.

²⁹ 'Execution at Hull', *London Daily News*. 23 December 1903, 11; 'Man charged with murder of child', *Dundee Evening Telegraph*. 2 August 1933, 1.

more prevalent source of information for citizens to learn of developments within execution cases and thus remain crucial for researchers in developing historical narratives of the period.

Literature Review

In order to apply relevant research to this study, critical titles to the historiography of crime and punishment are utilised to gain relevant understanding to areas such as changes in punishment across the vast period in question, the use of the Bloody Code in eighteenth- and nineteenth-century Britain, and the operation of the criminal justice system in society. As this study covers such a large time period, both broader and more specific titles are used to gain specific understanding of key events and changes in attitudes over longer periods of time. Block and Hostettler's *Hanging in the balance* is an important book that tackles the progression of hanging as a punishment from the Middle Ages to its abolition in the twentieth-century, creating a systematic and chronological approach to understanding hanging throughout history.³⁰ This discussion of capital punishment is informative and determines the use of hanging in society alongside arguments towards its reformation and eventual abolition. Two further titles that aided significantly in this research are Taylor's *Crime, policing and punishment in England, 1750-1914*,³¹ and Gray's *Crime, policing and punishment in England, 1660-1914*.³² Both analyse crime within a wide time period which, as with Block and Hostettler, allows for great scope of the changing attitudes to crime in this period. Gray's argument that the media plays an important role in the representation of crime is reflected in this study;³³ the media's role in the dissemination of crime and punishment knowledge cannot be understated as it created a gateway for citizens to become aware of local and national punishments. The media can even be argued to be the best surviving set of sources that allow a range of nationwide attitudes and opinions along the political spectrum to be analysed, whilst also focussing on significant events and public attitudes to these. Further, *Crime in England, 1815-1880* written by

³⁰ Block & Hostettler, *Hanging in the balance*.

³¹ Taylor, *Crime, policing and punishment*.

³² D. D. Gray, *Crime, policing and punishment in England, 1660-1914* (London: Bloomsbury Academic, 2016).

³³ *ibid*, 48-49.

Johnston,³⁴ and *Crime and society in twentieth-century England* by Emsley,³⁵ both focus on a singular century and demonstrate how the criminal justice system advanced. The failure of the Bloody Code led to emphasis being placed on reformatory and humanitarian punishments in the nineteenth- and twentieth-centuries, a topic addressed in both books with particular attention paid to penal policy and the experience of those sentenced to prison in these periods.³⁶ The decline of executions and rise of reformatory punishment is made clear from this study which adds to the current overarching historiography by including the case study of Hull; improving the knowledge over a broad time period is essential in creating a more substantial historiography of crime and punishment in Britain.

A prominent feature to this study is the Bloody Code which cannot be neglected in any historical study of punishment in eighteenth-century England. A substantial amount has been written on the topic because of its prevalence as a mechanism in arguing why contemporaries felt the need for capital punishment in this period. Extensive research has been conducted by Thompson in *Whigs and hunters: the origin of the Black Act*,³⁷ which analyses why the Waltham Black Act was created and uses the case study of Hampshire to generate an in-depth history. This addresses how the Bloody Code developed in its early stages, which is further supplemented in the historiography by titles such as *King's Crime, justice, and discretion in England*,³⁸ 1740-1820, and *The Bloody Code in England and Wales, 1760-1830*,³⁹ which is a very recent addition by Walliss. In particular, the idea of a 'Lottery of Justice' is portrayed by Walliss which is reiterated in this study regarding the random vindictiveness of executions in this period, based on the idea of deterring the public from committing the same crime.⁴⁰ However, like most other studies of capital punishment, this is mostly limited to the South. Hay's article, 'Property, Authority and the Criminal Law', addresses the Bloody Code extensively and is one of the older but prominent histories on this topic. He argues that eighteenth-century England had 'a society with a bloody penal code, an astute ruling

³⁴ Johnston, *Crime in England*.

³⁵ Emsley, *Crime and society in twentieth-century England*.

³⁶ *ibid*, 201-226; Johnston, *Crime in England*, 88-120.

³⁷ E. P. Thompson, *Whigs and hunters: the origin of the Black Act* (Harmondsworth: Penguin, 1977).

³⁸ King, *Crime, justice, and discretion*.

³⁹ J. Walliss, *The Bloody Code in England and Wales, 1760-1830* (Basingstoke: Palgrave Macmillan, 2018).

⁴⁰ *ibid*, 51-81.

class who manipulated it to their advantage, and a people schooled in the lessons of Justice, Terror and Mercy.⁴¹ The Bloody Code was engrained into society, and he argues that the ruling classes used a fear of the gallows to their advantage in trying to reduce crimes against their properties, which ultimately failed. Hay's arguments are discussed further in Chapter One, but the Bloody Code cannot be discussed without his contribution to the field in the argument that the ruling elite took advantage of their power over the judicial system to manipulate commoners. However, King and Ward's 'Rethinking the Bloody Code' addresses the Bloody Code directly which, as mentioned, they argue that increased distance from the centre of state led to the likelihood of less executions and more secondary punishments for crimes that warranted the death penalty.⁴² With regards to Hay's research, King and Ward demonstrate that whilst the ruling elite may have had significant control of the judicial system, this was not necessarily implemented nationwide. This article helps to place this research within the historiography of capital punishment by suggesting that Hull, situated in the North, has 'implications for our understanding of the limitations of the central state';⁴³ this case study will provide essential research to add to a growing historiography that will inevitably create a more coherent image of the criminal justice system in Britain.

Local histories are essential in case studies for establishing where current research lies and where there are gaps. Very few of the general historiographies of crime in Britain mention Hull, and if they do it is only in passing and not to analyse the criminal justice system. There have been some studies, such as Brown's *The class and culture of the prison*,⁴⁴ and *Discipline and disorder in English prisons*,⁴⁵ both of which refer to incarceration in Hull. Whilst these studies are focussed towards incarceration as opposed to execution, they still provide insight into Hull's criminal justice system during the period in question. Further, there are many books published regarding the ten executed at Hull Prison in the twentieth-century. Many of these are utilised in this study as they are good descriptive sources of the executions. Some of these books include

⁴¹ Hay, 'Property, authority and the criminal law', 62-63.

⁴² King & Ward, 'Rethinking the Bloody Code'.

⁴³ *ibid*, 205.

⁴⁴ A. Brown, *The class and culture of the prison: aspects of crime and the prison environment in nineteenth century England with particular reference to the East Riding House of Correction (1810-1877) and Hull Gaol (1829-1870)*. M.A. thesis (The University of Hull, September 1994).

⁴⁵ A. Brown, *Discipline and disorder in English prisons: aspects of policy and resistance 1840-1920*. PhD thesis (The University of Hull, April 1998).

Young's *More murders of Hull*,⁴⁶ Clarke's *The groaning gallows*,⁴⁷ and Irvine's *A brief history of Hull Gaol*.⁴⁸ These sources are, however, aimed at a public audience as opposed to an academic one which is evident in the colloquial writing. Where possible, to compensate for the lack of referencing in these books, newspapers are supplemented alongside the sources to demonstrate the accuracy as there are some discrepancies between these books. Despite this, the utmost care has been taken in ensuring that the information is correct by method of cross-referencing. This is better than simply disregarding the books for some minor mistakes that can be rectified through referencing. This is not to suggest that these books are unuseful, but quite the opposite; their descriptive nature gives background knowledge to the events which, through this study's research, is supplemented by further sources. As there are currently no studies that address the impact of capital punishment in Hull during this period, this research aims to fill the gap that is present and introduce a range of sources from both a local and wider historiography to assess this. A historian's main objective is to prove their sources are correct and the utmost care has been taken whilst undertaking this study.

⁴⁶ Young, *More murders of Hull*.

⁴⁷ A. A. Clarke, *The groaning gallows: the stories of murders and of men and women who faced the executioner in York, E. Yorks and N. Lincs* (Hornsea: Arton Books, 1994).

⁴⁸ W. C. Irvine, *A brief history of Hull Gaol*.

Chapter One: Public Executions and the Failure of the Bloody Code in Eighteenth-Century England

The first period for this study revolves around the eighteenth-century in Hull. It was during 1794 that the final Assize Court was held in Hull, from which time prisoners began to be transported to York in order to be tried at the closest Assize Court.⁴⁹ In the preceding decades to 1794, the Assize Court met sporadically; unlike their counterpart in York, the Assizes in Hull did not keep a strict agenda of meeting biannually throughout this period. Public executions, albeit very few, did take place in this period. There only appears to be two cases which resulted in public hanging in Hull during this period; that of a man named Wardale in 1731, and of John Rogerson in 1778. However, there is evidence that suggests in 1728, a man named Patrick was sentenced to death for stealing plate but later escaped before the execution took place. Further, in 1742, John Jennings may also have been hanged here, but this evidence is disputed between different sources and so a conclusive answer cannot be given. This begs answering a two-pronged question; why were there so few hangings in Hull, and what happened to those who could have been sentenced to death at Hull in this period? This will be analysed further in this study.

In order to understand the nature of capital punishment in Hull during the eighteenth-century, this chapter will focus on three areas to illustrate its incorporation – or rather lack of - into society. The basis of the court system in this period revolves largely around the victim pursuing their losses against the perpetrator in court, as opposed to the state prosecuting the accused. Therefore, crime was encapsulated under the victim's will to prosecute; if the value of goods stolen was not substantial enough to absolve judicial debts, it was unlikely they would demonstrate continued interest in the case.⁵⁰ Methods of policing and arrest were still closely linked to the courts and thus are incorporated into this. Through meticulous analysis, the activity in Hull's Quarter Sessions demonstrates that a lack of people were referred to the Assize Courts for their sentencing, furthering the notion that public execution was minimal, coupled with the active role of magistrates in diverting public execution in this period. A plethora of perpetrators were either acquitted of their crimes or received dramatically reduced

⁴⁹ Dawson et al, *Our criminal ancestors*, 7.

⁵⁰ J. A. Sharpe, *Crime in early modern England, 1550-1750*, 2nd edition (London: Longman, 1999), 61, 64.

sentences where, in more centralised areas of the country, this was more likely to have warranted the death penalty, although this is not to suggest that every person given the death penalty was hanged.⁵¹ The evidence in the Quarter Sessions is distinct in suggesting that Hull's magistrates wanted crime to be decided upon in the Quarter Sessions, with few cases ever reaching the Assize Courts. Conclusively, Hull's relationship with the so-called Bloody Code follows a Whig interpretation, that of advancing society towards liberty and enlightenment. In this respect, there was a complete lack of replication in Hull of the Bloody Code that was situated in London – rather the most common punishments were whipping, transportation, and from the 1750s, a gaol sentence accompanied with a fine, all of which were used in place of hanging as prescribed by increasingly harsh statutes. Without doubt, it is unmistakable that the ideals of the Bloody Code were not enforced in Hull as they were in London. Arguably due to the relative distance from the centre of state, influences could be mitigated in order to reflect a system of punishment that functioned better for the smaller community as opposed to that of a metropolis.⁵² Evidence to suggest this lies in the Quarter Sessions, which advocated leniency with sentencing to alleviate the use of the Assize Court and in particular, attempting to reprieve or severely reduce the sentence of those convicted of substantial crimes. Therefore one would argue that Hull's relationship with public execution in the eighteenth-century was marginal in comparison to larger settlements, such as London.⁵³ Evidence favours the impression of Hull aligning itself within King and Ward's theory regarding the distance from London being great and thus there were few hangings because of a lack of effective judicial control.⁵⁴

The historiography of crime in the eighteenth- and nineteenth-centuries has developed considerably in recent years with important conclusions that help understand human psychology and give a bottom-up historical approach, studying the attitudes of the people towards authoritative figures. Clearly, these two conclusions are not exhaustive, but provide two of the most important reasons to studying the history

⁵¹ D. Taylor, *Crime, policing and punishment*, 130.

⁵² King & Ward, 'Rethinking the Bloody Code', 159-205.

⁵³ For further discussion on London, see J. M. Beattie, *Policing and punishment in London 1660-1750: urban crime and the limits of terror* (Oxford: Oxford University Press, 2003), 448-462; Linebaugh, *The London hanged*; Gatrell, *The hanging tree*, 7.

⁵⁴ King & Ward, 'Rethinking the Bloody Code', 161.

of crime. Two of the most prominent authors, especially when trying to understand the meaning behind the Bloody Code, are D. Hay and V. A. C. Gatrell. They disagree with one another when looking at the reasonings behind the Bloody Code being introduced to society.

Hay's book, *Albion's Fatal Tree*, argues the work of five prominent historians (including himself) of the 1970s, all of whom were Marxist in their writing.⁵⁵ They believed in history from below, and that the Bloody Code was the answer for the local elite to protect their properties. In this respect, the elite were increasing the punishment of property crimes in an attempt to deter crimes against their estates. The most important chapter for this research, Hay's 'Property, Authority and Criminal Law' tackles the idea of deterrence and granting of clemency for capital crimes, thus effecting popular opinions towards the ruling elite.⁵⁶ He argues that the 'law makes enough examples to inculcate fear, but not so many as to harden or repel a populace that had to assent [...] to the rule of property.'⁵⁷ Property plays a key role in Hay's argument suggesting that property owners manipulated the law to their advantage as to deter property crimes and thus protect their assets from theft, which would account for the increasing number of property crimes punishable by death in this period. As a complete collection, the idea of 'the people' banding together against an autocratic elite is distinct throughout. Alongside *The Hanging Tree*, *Albion's Fatal Tree* provides crucial details towards understanding capital crimes in the eighteenth- and nineteenth-centuries, which is pivotal to gaining a grasp on the key historiography for this topic.

Written by Gatrell, *The Hanging Tree* is a fundamental book that highlights what the history of execution is missing and proposes to look at new areas, including how the middling sorts understood, viewed, and felt about execution.⁵⁸ In doing so, he proposed that by viewing hanging from those who observed it directly, we can gain a better understanding of attitudes to capital punishment and why reform came about in the nineteenth-century. He argues that the 'English people were very familiar with the grimy business of hangings',⁵⁹ but this does not take into account English people outside the

⁵⁵ Hay et al, *Albion's fatal tree*.

⁵⁶ Hay, 'Property, authority and the criminal law', 17-63.

⁵⁷ *ibid*, 57.

⁵⁸ Gatrell, *The hanging tree*.

⁵⁹ *ibid*, 6.

locality of London. Rather the work has a great focus on Tyburn which gives a representation of London, and little of England. Despite this, being a fundamental work on the topic that created great controversies in the field, Gatrell has implemented an emotional historical view to hanging and the gallows, looking at the views of the people to execution. Using this relatively new field of emotional history in a book that Gatrell himself declared would be provocative helps bring to light the importance of the field of emotional history. Whilst not linking specifically to Hull, *The hanging tree* provides vast insight into this period with attitudes to the gallows being prevalent throughout.

A more recent addition to the historiography comes from P. King and R. Ward. Their seminal 2015 article, 'Rethinking the Bloody Code in eighteenth-century Britain', homes in on the British geographical differences in relation to the Bloody Code.⁶⁰ By using statistical data, King and Ward were able to exemplify the geographical differences in the number of people executed in the third quarter of the eighteenth-century. Their most compelling argument examines the correlation between distance from the centre of state (London) and the number of capital crimes punished with execution, where they concluded that the Bloody Code was less effective in the peripheries.⁶¹ This article is critical to this research as it demonstrates how widespread the Bloody Code was, or rather, how it was perceived to be widespread but in reality, it was more focused on London as opposed to areas such as Hull. However, whilst national geographical differences are discussed, local case studies are neglected in favour of portraying a broader understanding of the scarcity of punishment on the peripheries. This study expands on this knowledge, creating one of the case studies needed to validate King and Ward's hypotheses and largely developing a fundamental historiography that incorporates northern communities and their criminal justice histories. Whilst analysing whether the Bloody Code was effective in Hull, this article provides clear evidence that suggests the Bloody Code was not effective outside of London on the peripheries, and even less so as far north as Hull.

⁶⁰ King & Ward, 'Rethinking the Bloody Code'.

⁶¹ *ibid*, 166-169.

Policing and the Courts in Hull

Courts in the eighteenth-century were used to distribute justice amongst the citizens of the state. In this period, the main source of prosecution was from victims themselves, and it was early forms of policing – such as the parish constabulary – that brought perpetrators to justice until the mid-nineteenth-century when policing reforms were enacted.⁶² There were three courts which engaged in criminal justice, working in a hierarchical motion in order to administer punishments to wrongdoers. These courts were the Petty Sessions, the Quarter Sessions, and the Assize Court, of which the Assize Court deliberated upon the most serious of crimes and was able to dispense the death penalty. Yet in this period, serious crime could be defined between stealing one shilling and committing a series of murders, of which the crimes encompassed between these could all be punishable by death.⁶³ In most cases, there is documented evidence from the courts themselves, but one problem historians of crime face is the so-called ‘dark figure’ of crime, that is, crime which was committed but never reported which could have been for many reasons, some of which remain unknown.⁶⁴

It is estimated that by the end of the eighteenth-century, ‘more than 80 per cent of criminal prosecutions were brought by the victims themselves’.⁶⁵ This makes it clear that the state did not prosecute individuals unless it effected the crown or government themselves, such as cases of treason.⁶⁶ In this respect, it had been made clear that crimes committed were due to the wrongdoings of one person (or group of people) to another, and as such, they should be the ones to convict and condemn the supposed criminal and bring them to justice, for the good of the people and their own welfare. The problem encountered here is that many people were not financially stable enough to prosecute somebody if a crime was committed upon them. The time needed in order to mount a successful prosecution may not have been viable for many, along with the distance that may have been needed to travel to the nearest town (or city) with the relevant court to dispense justice for the crime. Thus, the loss of time and money could

⁶² D. J. Cox, *Crime in England 1688-1815* (London: Routledge, 2014), 66.

⁶³ B. J. Davey, *Rural crime in the eighteenth century* (Hull: The University of Hull Press, 1994), 9.

⁶⁴ Sharpe, *Crime in early modern England*, 60.

⁶⁵ D. D. Gray, *Crime, policing and punishment*, 265. See also, C. Emsley, *Crime and society in England*, 188.

⁶⁶ *ibid*

have left somebody worse off than when they began the prosecution.⁶⁷ This returns to this 'dark figure' of crime, where crimes were committed but did not enter the courtroom due to the prerequisites for achieving a successful conviction and being reimbursed for the losses accrued from the crime was not always certain. Further studies may take heed in scouring archives in search of diaries which may provide vital insight into crimes committed but not reported, but even this will not provide the full scope of unreported crimes. Fortunately, it can be inferred that the crimes reported were those with more serious ramifications upon a community as the response of people prosecuting indicates that they had some severe wrongdoing done to them (or somebody they are prosecuting on behalf of) and wanted to amend this.

Often described as an early police force, constables were essential in the criminal justice system as they were locals who could arrest criminals in their parish.⁶⁸ Constables had 'an obligation to pursue any felonies reported to them,' often involving 'primitive detective work'.⁶⁹ However, their power of arrest was restricted to their parish which created problems if the perpetrator had left the locality. The most important job of the constable was providing evidence in Petty Courts, prosecuting petty crimes such as vagrancy and assaults.⁷⁰ In this respect, constables were not only to arrest criminals, but to provide evidence against them and ensuring their conviction in the courts. Despite this, constables were not treated well by communities, and the position was often abused in order to establish a willingness to have served the community, demonstrating a lack of respect to the position. Further, they were frequently assaulted for providing their services to society which could be argued that some constables showed incompetence in their position, or that they made unpopular arrests in a community that valued the perpetrator and thus were violently abused.⁷¹ However, evidence suggests that their investigatory skills were highly valued and that generally, constables worked for the greater good of their community attempting to apprehend and bring criminals before the courts.⁷² Consequently, the nature of constables during the

⁶⁷ Sharpe, *Crime in early modern England*, 61-65.

⁶⁸ Cox, *Crime in England*, 69.

⁶⁹ Emsley, *Crime and society in England*, 228.

⁷⁰ *ibid*, 200.

⁷¹ G. Morgan & P. Rushton, *Rouges, thieves and the rule of law: The problem of law enforcement in north-east England* (Harmondsworth: Penguin, 1977), 28.

⁷² Cox, *Crime in England*, 68; Morgan & Rushton, *Rouges, thieves and the rule of law*, 29.

eighteenth- and early nineteenth-centuries demonstrates their worth in society, apprehending criminals where needed and providing evidence to have them indicted. Whilst the role was occasionally abused, they were integral to creating a more harmonious society and reducing levels of crime.

The first place where the public would go to indict a suspected criminal is the Petty Sessions. Established in 1631, these were the lowest ranking of courts which would meet monthly in order for a magistrate to handle ‘the bulk of minor crime’⁷³. The trials could take place in a variety of venues, from the estates of the gentry to much more informal locations, such as the private room of a pub. Very little could be done in the Petty Sessions with regards to sentencing, seeing as they only tended to deal with administrative crimes, such as bastardy issues or road repairs. However, they did deal with petty physical crimes, such as drunkenness and minor violence.⁷⁴ The Petty Courts were used in order to stop trivial crimes being deliberated upon in the more serious Quarter Sessions, and as such, any crimes that warranted further investigation or authority were indicted for trial at the Quarter Sessions where a jury could decide on the offender’s fate. In fact, for the cases used in this study, only the Quarter Sessions and Assize Courts will be considered seeing as the Petty Courts had little authority in processing major crimes.

Thus, the Quarter Sessions were often where most forms of intermediate crimes were and occurred quarterly at Epiphany (January), the week following Easter (March/April), the Translation of St Thomas the Martyr (July), and finally Michaelmas (September).⁷⁵ Theoretically, they had a very wide jurisdiction to all offences minus treason, but they were not able to bestow an indictment of capital punishment and as such, cases that could warrant this – and cases that were deemed as difficult – were sent to the Assizes to be tried.⁷⁶ Where the Petty Sessions were conducted only by a magistrate, the Quarter Sessions had a judge and two juries – Grand and Petty – which were made up from local Justices of the Peace. Each jury served a different purpose; the

⁷³ B. Godfrey & P. Lawrence, *Crime and justice since 1750*, 2nd edition (Oxfordshire: Routledge, 2015), 54. See also, P. N. Walker, *The courts of law: a guide to their history and working* (Newton Abbot: David and Charles, 1970), 32.

⁷⁴ Sharpe, *Crime in early modern England*, 35.

⁷⁵ *ibid*, 34.

⁷⁶ A. Babington, *The rule of law in Britain from the Roman occupation to the present day: the only liberty: a short history of the rule of law in Britain*, 54 B. C.-A. D. 1975 (Chichester: Barry Rose, 1978), 190.

Grand Jury worked prior to the case to establish whether there was substantial evidence to condemn an individual and to ensure all the information provided on them was correct. The Petty Jury heard the case in court and was to decide upon the defendant's innocence or guilt, and also had an indirect role in the sentencing should the defendant be found guilty.⁷⁷ As seemed to be the case in Hull, petty juries often purposefully miscalculated the value of stolen goods in order to negate the defendant from being sent to the Assizes for their likely sentencing of death. The price for valuable stolen goods in the 1740s in Hull tended to be worth ten pence in order to stop the judge from sending the case to the Assize Courts for harsher punishment, and instead, many people such as Elizabeth Martin and William Booth who both stole goods worth ten pence, were 'sentenced to be whipped in the Hall tomorrow.'⁷⁸ Furthermore, at both the Quarter Sessions and Assize Court, as they dealt with more serious crimes (especially the Assize Court), those who were likely to be found guilty were often held in a gaol prior to their trial. In doing so, this meant that at the trial, many of the defendants had come straight from gaol and were often 'dirty, sick and suffering from a lack of sleep.'⁷⁹ This made the system of the Quarter Sessions unfair as the appearance of the defendant could easily have swayed the jury to a guilty sentence seeing as they would adhere to what the 'typical criminal' would have looked like.

The highest criminal court in the eighteenth-century was the Assize Court which was crucially able to dispense the death penalty should the need arise. Throughout the eighteenth- and early nineteenth-centuries, a series of acts were published that began to increase the number of crimes punishable by death, most of which related to property crimes such as grand larceny. The most notorious of such was the Waltham Black Act of 1723, which introduced fifty new crimes punishable by death and is arguably the start of the grand increase of crimes known as the Bloody Code.⁸⁰ Some crimes introduced by the Black Act were for the protection of private hunting forests and parks from poachers and fruit-pickers.⁸¹ What made the Bloody Code seem so intimidating was the total number of crimes punishable by death, which by the mid-eighteenth-century was over

⁷⁷ Gray, *Crime, policing and punishment in England*, 247-255.

⁷⁸ HHC, QSOM, C CQA/2/3, HQSOB Jan 1737-1752, 98R.

⁷⁹ Gray, *Crime, policing and punishment in England*, 260.

⁸⁰ For extensive discussion on this topic, see Thompson, *Whigs and hunters*.

⁸¹ Block & Hostettler, *Hanging in the balance*, 20-21.

150, and at its peak in the early nineteenth-century, was as many as 260 separate Acts, but these were minutely defined.⁸² These included but were not limited to murder, treason, and grand larceny. However, these crimes were limited for communities on the peripheries as the statutes were so specified that a citizen residing in Hull could not commit these, for example, defacing Westminster Bridge. Seeing as death sentences had to be served in an Assize Court, coupled with the sporadic meeting of the Assize Court in Hull, very few people were sentenced to death as many of the crimes did not relate to them as there was no possible way they could commit them in Hull. Further, those who had been sentenced to death were more often given a secondary punishment, such as transportation, in place of the death sentence.

The Assizes were a highly ritualised event,⁸³ occurring twice a year which was preceded by a colourful arrival of the judges from London, saluting them whilst firing a cannon from the South-end battery.⁸⁴ During the days before the trials were to begin, there would be balls, banquets, and time for the local elite to convene with the judges. As the Assizes were only held biannually, those waiting for their trial in the gaol may have been there for as many as six months and, as with the Quarter Sessions, these defendants would look rough and were often sick.⁸⁵ It must be emphasised here that the centralisation of the law in London left little room for particular treatment for the perpetrators. Those condemned of crimes worthy of the death penalty may often have felt the full force of the law seeing as the judges had very little local connection; this differs with the Quarter Sessions which were largely made up from the local elites who lived around the decision they made whilst the Assize judges were able to return to London post-trial. Assize judges were assigned to a circuit, of which there were six in total and Hull was encompassed under the Northern Circuit.⁸⁶ As with the Quarter Sessions, the defendant was assumed guilty until proven otherwise, which is the opposite of what is seen today. At present, we are used to the prosecution trying to prove the defendant committed the crime, but in eighteenth-century Britain, the defendant had to try and prove their innocence to the jury, often with little legal

⁸² Cox, *Crime in England*, 106. See also, Johnston, *Crime in England 1815-1880*, 61.

⁸³ Hay, 'Property, authority and the criminal law', 26-31.

⁸⁴ Sheahan, *History of the town*, 192.

⁸⁵ Gray, *Crime, policing and punishment in England*, 247-249.

⁸⁶ Sharpe, *Crime in early modern England*, 32; Gray, *Crime, policing and punishment in England*, 252.

experience and insufficient funds to hire somebody to represent them.⁸⁷ Once the short trial had concluded and the jury were to deliberate – which repeatedly happened huddled in the corner of the room seeing as the trials lasted for such a short amount of time. The judge would then pass sentence on the accused if they were found guilty. Yet, it has appeared thus far in the historiography that ‘the law came to appear both ludicrous and randomly vindictive.’⁸⁸ This has been seen with the reluctance of juries to condemn with the death penalty, with many perpetrators being given a lesser sentence which also coincided with the benefit of the clergy being removed, further increasing the number of crimes punishable by death.⁸⁹ The reluctance of sentencing with the death penalty demonstrates the disapproval of capital punishment for minor misdemeanours, such as petty thievery, of which other punishments were much more suited towards. Also, throughout the eighteenth-century, the granting of pardons became more routine than it had before, with trial judges reporting at the end of each circuit a list of people to the secretary of state of whom they deemed should be given mercy.⁹⁰ Evidently, this demonstrates the empathy judges showed for cases in which they thought the law was too harsh for the crime committed, and gives evidence towards why the number of perpetrators transported to America (prior to 1776) has been estimated at 50,000.⁹¹ Further, the end of the eighteenth-century and early nineteenth-century saw a stark increase in the number of convicts transported to Western-Australia, where at its peak in 1833, 7,000 were transported in a single year, and a total figure of 162,000 by 1868.⁹² This further highlights the declining nature of the Bloody Code into the nineteenth-century where convicts were increasingly more likely to receive a secondary punishment and be acquitted of their death penalty, thus contributing to the growth of the acquittal rate in this period.

⁸⁷ Gray, *Crime, policing and punishment in England*, 251, 259. Further discussion can be found in Walker, *The courts of law*, 33-45.

⁸⁸ R. McGowen, ‘Revisiting the hanging tree: Gatrell on emotion and history’, *The British Journal of Criminology*, 40 (2000), 1-13: 4.

⁸⁹ Cox, *Crime in England*, 107; Johnston, *Crime in England*, 61.

⁹⁰ J. H. Baker, *An introduction to English legal history*, 3rd edition (London: Butterworths, 1990), 590.

⁹¹ Gray, *Crime, policing and punishment in England*, 290-292.

⁹² Taylor, *Crime, policing and punishment in England*, 144; Gray, *Crime, policing and punishment in England*, 298.

Analysis of Hull's Quarter Sessions Records

Fortunately, many of the Quarter Sessions records for Hull still survive within the Hull History Centre.⁹³ As mentioned, the Quarter Sessions are instrumental to this project, highlighting how perpetrators were charged in the eighteenth-century criminal justice system. It is important to emphasise the specificity of Hull in this situation, as there was no official method of standardising law; local judges and juries were able to distort evidence and cases in order to fit their own agendas. As such, criminal justice in Hull could – and very much did – differ from that in London. In order to both divulge and analyse the data from the Quarter Sessions, three main topics are to be discussed. The first considers the prominent lack of execution in Hull during this period, of which only four have documented evidence for, albeit only one of these having conclusive evidence. This lack of executions is primarily a demonstration of Hull's magistrates neglecting the standards set by the courts in London; the permeation of the Bloody Code were therefore disregarded in Hull because of a failure in state power being extended to Hull and enforcing the use of the death penalty in order to increase the deterrence factor through public hangings. Consequently, if convicts were not being hanged for their crimes, they were given secondary sentences, one which was less severe in nature, including whipping and transportation. In Hull's Quarter Sessions, these came from two main areas; the first being the devaluation of goods stolen and as such, convicts could be tried and sentenced to lesser punishments, or as a result of the Petty Jury who may have been unable to find an indictment against the perpetrator despite there being evidence for this. This links to a further discussion regarding the nature of indictments, where in Hull there was an emphasis placed on deliberating upon indictments in the Quarter Sessions as opposed to the Assize Courts, hence removing the need for the Assize Courts and therefore from the outside influence of London. This gives further evidence in suggesting the Whig attitudes of Hull in the eighteenth-century, largely focusing on their own autonomous freedom of the criminal justice system without having to rely upon outside influences. This is by no means to suggest Hull as a separate state in Britain, but rather that there was an emphasis on producing their own local justice and judiciary freedoms in this period.

⁹³ The full collection for the Quarter Sessions records dates from 1506 – 1971 and can be accessed at HHC, QSOM, C CQA/2, *HQSOB*.

A common theme that transcends the historiography of capital punishment in Britain is that of an exceptionally high acquittal rate for those sentenced to death. It has been argued by Morgan and Rushton that 'most were let off at some stage or another',⁹⁴ of which compliments the works of other historians. Sharpe has been more specific, arguing that in the first half of the eighteenth-century in London, the acquittal rate was as high as 90 per cent, leaving only 10 per cent of those sentenced to death to reach the hangman's noose.⁹⁵ Interestingly, Sharpe also comments on the acquittal rate in the Elizabethan period being roughly one in four, demonstrating the profound change in acquittal rates in just one century - from roughly 25 per cent to 90 per cent.⁹⁶ This shows how, despite the threat of capital punishment being prevalent in the criminal justice system, looming over those who had committed crimes that warranted its use, the actual sentencing of capital punishment did not ensure one's demise at the gallows. In the early eighteenth-century, one could argue that there was a 90 per cent chance the perpetrator would not be sent to the gallows, but rather receive a lesser sentence. Further, a lack of judicial ethical guidelines in this period allowed for bribery to take place. Evidently, bribery was available to those who had a connection to the highest power in the courts, and the disposable income to pay them. Pardons, or credible witnesses to testify on the perpetrator's behalf, could therefore be financed and used to acquit the accused of their crime, thus absolving them from a chance of being sentenced to death.⁹⁷ This privilege given to the wealthy aligns itself with the belief that the Bloody Code developed from such acts as the Waltham Black Act of 1723, which introduced fifty new crimes punishable by death in order to subdue the poor and protect the property of wealthy individuals.⁹⁸ This argument is largely undertaken by Hay in 'Property, authority and the criminal law'.⁹⁹

However, despite such acts being introduced in the eighteenth-century which undoubtedly increased the number of crimes punishable by death, it is more plausible to argue that high acquittal rates did not stem from bribery and pardons, but rather from a failure to indict and prosecute perpetrators of crime. However, one's willingness

⁹⁴ Morgan & Rushton, *Rouges, thieves and the rule of law*, 139.

⁹⁵ Sharpe, *Crime in early modern England*, 92.

⁹⁶ *ibid*, 93.

⁹⁷ Block & Hostettler, *Hanging in the balance*, 19.

⁹⁸ *ibid*, 20.

⁹⁹ Hay, 'Property, authority and the criminal law'.

to indict somebody for their crime was largely based upon whether the prosecutor had the capital and the time to do so.¹⁰⁰ Further, the instilling of the Bloody Code in society led to further withdrawals of indictment, with many potential prosecutions being neglected, as reformers argued that execution for petty thievery was too extreme of a punishment, and thus the concept of a dark figure of crime is yet again noticeable.¹⁰¹ Those who neglected to convict, either due to the costs of prosecution or from the fear that the defendant would be executed, clearly leads to a problem for historians who are trying to disseminate and analyse this. Unfortunately, however, there is no way to accurately estimate the numbers associated with the dark figure of crime, and thus we must consider its existence but make use of the data in court records to effectively analyse the consequences of crime that were pursued to indictment. Towards the late eighteenth-century, the Bloody Code began to buckle under pressure with increasing numbers of indictments and an increasing number of reprievals issued.¹⁰² In fact, as little as five per cent of convictions led to death – a reprieval rate of 95 per cent at its highest.¹⁰³ With such a large percentage of perpetrators being acquitted of their crimes, the deterrence factor that the Bloody Code entailed was diminishing; with as few as one in twenty people given the death penalty actually being executed. Therefore, this lack of execution was the backbone to the diminishing role of the Bloody Code in this period. Despite this data originating from London, the situation in Hull fell more towards reprieving perpetrators of their crimes as opposed to hanging them, which is why we only see the potential of three public executions in eighteenth-century Hull.

A phenomenon featuring prominently in Hull's Quarter Sessions is that of the devaluation of goods in order to reprieve thieves of their crimes and ultimately, relinquish their obligation to appear at the Assize Courts.¹⁰⁴ One of the most profound and blatant abuse of the devaluation of goods comes from the Borough Sessions in Leeds in 1801, where Joseph Stenson was 'accused of taking one canvas bag value two pence, 500 shilling pieces value three pence, 500 sixpenny pieces value two pence and one gold half guinea value one penny.'¹⁰⁵ The total value of the coins equalled £38.0.6d.,

¹⁰⁰ Sharpe, *Crime in early modern England*, 61-65.

¹⁰¹ Gray, *Crime, policing and punishment in England*, 268.

¹⁰² Walliss, *The Bloody Code*, 55.

¹⁰³ Taylor, *Crime, policing and punishment in England*, 130.

¹⁰⁴ Gray, *Crime, policing and punishment in England*, 254.

¹⁰⁵ Taylor, *Crime, policing and punishment in England*, 195.

but for the purposes of the court, the value was simply six pence in order to negate Stenson being tried in the Assize Courts. Evidently this case is an extreme example but is a clear demonstration of the devaluation of goods in this period, which is mimicked in Hull's Quarter Sessions. It is critical to note that the theft of goods valued over a shilling made the perpetrator at risk of being sentenced to death.¹⁰⁶ With this in mind, thorough analysis of Hull's Quarter Sessions indicate a pattern of sentencing to those who had stolen goods, which makes up the majority of the Quarter Sessions records. Most stolen goods in the eighteenth-century Quarter Sessions for Hull are valued at ten pence, a value that is used universally throughout the century in order to prohibit the attendance of the individual at the Assize Courts. An example of how this was abused lies with the case of Anne Dodd, who in 1756 was accused of 'feloniously stealing and taking away Three yards of Striped Cotton of the Value of Tenpence'.¹⁰⁷ Further, Anne Dodd was indicted again four years later in 1760, for 'stealing and taking away Ten Yards of Green Silk Roll and the value of Ten pence'.¹⁰⁸ Clearly, both amounts of goods were not valued objectively; there were seven more yards of green silk in comparison to the striped cotton, of which was a lesser value. Additionally, Anne Dodd received the same punishment twice, which was to be 'Publicly whipped tomorrow at noon'.¹⁰⁹ Another example of the devaluation of goods is distinct with Anne Stuiolds, who in 1751 was indicted for stealing:

One... cloth cloak one muslin apron Two Blankets Four Silver Tea
Spoons ... four Yards of Luinon [sic] a ... Luinon mantle two Pillows one
Book called the Practice of Piety one ... Candlestick one Light coloured
Cloth Cloak one Large Silver spoon and one Pair of Cotton Gloves to
the Value of Tenpence...¹¹⁰

For stealing this large volume of goods, Anne Stuiolds was sentenced 'to be Whipped round the Town tomorrow at Noon.'¹¹¹ Surprisingly, in 1755 John Grant was also whipped around the town, but only for stealing 'one Silver Spoon of the value of

¹⁰⁶ Gray, *Crime, policing and punishment in England*, 271.

¹⁰⁷ HHC, QSOM, C CQA/2/4, HQSOB, Jul 1752-Oct 1766, 61R.

¹⁰⁸ *ibid*, 108.

¹⁰⁹ *ibid*

¹¹⁰ HHC, QSOM, C CQA/2/3, HQSOB, Jan 1737-1752, 163R.

¹¹¹ *ibid*

Tenpence'.¹¹² Considering the amount of stolen goods Anne Stuiolds was indicted with, it is clear that there were discrepancies between cases as John Grant received the same punishment for merely stealing one silver spoon, of which the Grand Jury valued them both the same – at ten pence. Further, the value of the silver goods in this period can be demonstrated by Gent's History of Hull, who gives awareness to their high value by mentioning them in a section regarding goods that 'belong to the Corporation of Kingston-upon-Hull',¹¹³ of which an assortment of silver goods were proclaimed to be owned by the town. In this respect, the declaration of goods is an indicator in demonstrating their worth, including candlesticks, cutlery, tankards, and cups; all of which had been shown to have been stolen in the Quarter Sessions records, thus demonstrating that they were undervalued in the court.

Throughout the analysis of the Quarter Sessions records, there were only a small number of cases where the value of ten pence was not given to a set of stolen goods. One of these such cases was against Ann Harrison, who stole 'a Piece of Silver called a Shilling of the value of Twelve pence',¹¹⁴ which was not devalued. However, despite the shilling being valued accurately, the speculation to the value of physical goods was arbitrary to those assessing them – they could easily be distorted in order to influence a lesser sentence for the perpetrator. This is crucial in understanding how juries were able to distort the value of goods in order to promote liberty in sentencing to those who had committed crimes. As most items were regimentally valued at ten pence, it is incredible that nobody noticed, or rather that nobody called into question the blatant abuse of the jury's power to value goods. However, the reasoning behind this could largely be to the reluctance of any court in sending perpetrators to the Assize Courts at the chance of being executed; it is likely this devaluing of goods was realised but was not acted upon. In this respect, the regulated valuation of goods at ten pence demonstrates a trait that was unique to Hull; whilst devaluation happened elsewhere in other courts, the valuation of most goods at ten pence was unique to Hull and is significant in demonstrating a mechanism behind the sentencing of perpetrators.

¹¹² HHC, QSOM, C CQA/2/4, HQSOB, *Jul 1752-Oct 1766*, 40R.

¹¹³ Ohlson, *Gent's history of Hull*, 199-200.

¹¹⁴ HHC, QSOM, C CQA/2/4, HQSOB, *Jul 1752-Oct 1766*, 108.

As mentioned, there were two distinct ways in which perpetrators of crime could escape the hangman's noose for crimes that warranted the death penalty; firstly, as a result of the devaluation of stolen goods thus negating the need for the Assize Courts, and further, as a result of the Grand Jury neglecting to provide an indictment to a case in the Quarter Sessions. In terms of secondary punishments, arguably the most important act in the early eighteenth-century was the Transportation Act in 1718 which provided an alternative solution to courts that were unwilling to bestow the death penalty on petty criminals.¹¹⁵ Secondary punishments are commonplace in the Quarter Sessions records for Hull, and where many cases should have been referred to the Assize Courts, secondary punishments were used as a countermeasure to this. This was perceived to be a lesser punishment than execution, yet still exhibited severity and regarded as the strongest punishment the Quarter Sessions could grant.¹¹⁶ As shown in Table 1, between 1734 and 1777, research into Hull's Quarter Sessions demonstrates that transportation, and both public and private whippings, were the most common secondary punishments given to those whose crimes warranted the death penalty. Despite this being a small sample size, evidence shows that more women were whipped

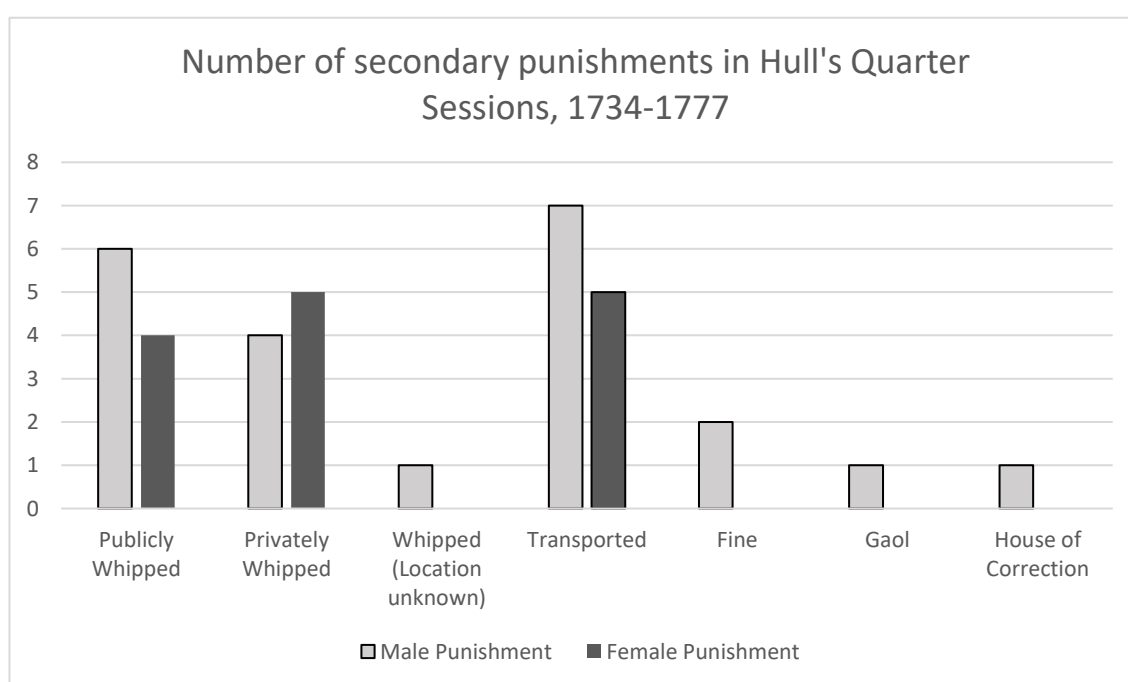


Table 1: A bar chart demonstrating the number of secondary punishments for crimes that warranted the death penalty at Hull's Quarter Sessions, 1734-1777.¹¹⁷

¹¹⁵ Taylor, *Crime, policing and punishment in England*, 142.

¹¹⁶ King & Ward, 'Rethinking the Bloody Code', 164-5.

¹¹⁷ HHC, QSOM, C CQA/2.

in private, and more men were whipped in public. However, where Beattie argues that more whippings were carried out in private than in public,¹¹⁸ it is clear from this research that it was the reverse for those that could have been convicted with the death penalty in Hull. King and Ward have also argued that 'transportation had quickly come to dominate the courts' sentencing practices' when it was introduced in 1718,¹¹⁹ which is also shown in this data as 13 criminals were sentenced to transportation from 1734 to 1777 in Hull, which was the most used secondary punishment in this period. In 1743, George Johnson was tried for stealing a silver beaker of considerable value. He was found guilty and sentenced 'to some of his Majesties Colonies and Plantations in America for ... seven years.'¹²⁰ Further, in 1749, John Day was indicted for stealing 'one Cotton Waistcoat ... Blow [sic, blue] and white striped Cotton ... one Pair of Blow [sic] Gray waisted stoking of the value of Tenpence',¹²¹ and was also sentenced to transportation. Whilst these two cases are not dissimilar in the estimated value of goods stolen, it is striking to note that Anne Stuiolds who, in 1751 stole a long list of items, was simply sentenced to be whipped around the town as opposed to being transported as she stole much more than George Johnson and John Day. It was commonplace until 1776 for those sentenced to transportation to be sent to America, as is demonstrated in the Quarter Sessions records, but after growing hostilities in the New World towards the end of the eighteenth-century, this had to be halted.¹²² Arguably, for the benefit of the state, transportation was preferred over imprisonment during the first half of the eighteenth-century due to its relative cheapness in comparison to imprisonment. As such, if a convict was not whipped for their crimes in Hull, it was more than likely that prior to 1752, they would be transported.¹²³ It must be emphasised that the ability to have the convicts transported lay within the jury's ability to devalue the goods they had stolen. As such, it can be argued that the general wellbeing and preservation of the lives of the convicts was at the forefront of decision making – an enlightened idea nonetheless.

¹¹⁸ J. M. Beattie, *Crime and the courts in England, 1660-1800* (Oxford: Clarendon Press, 1986), 461.

¹¹⁹ King & Ward, 'Rethinking the Bloody Code', 164-165.

¹²⁰ HHC, QSOM, C CQA/2/3, HQSOB, Jan 1737-1752, 51.

¹²¹ *ibid*, 133.

¹²² Taylor, *Crime, policing and punishment in England*, 125, 143.

¹²³ Baker, *An introduction to English legal history*, 590.

Further, from 1752, it is noticeable within the Quarter Sessions records that more convicts begin to be sentenced to a fine accompanied with a gaol sentence. The first mention of a local gaol being used comes in this year, where, after failing to appear in court, John Brown and George Mars were both submitted to be held in the local gaol.¹²⁴ Whilst this wasn't the direct result of a sentencing, it demonstrates the time in which the local gaol began to be used for judicial purposes, and not just to hold perpetrators awaiting trial. The first sentencing of this nature was in 1756 when Haldenby Dixon was sentenced to gaol for four months, and also until he paid a £50 fine, 'for littering and Causing to be littered Several Paires of Half money and Coin Counterfeited to the Likeness and ... of good and true ... soveign [sic] Gold Coin of the Realm of Portugal ... Knowing the sauce [sic] to be Counterfeit'.¹²⁵ As will be seen with the public execution of John Rogerson in 1778, coining was punishable by death. On the contrary, the case of Haldenby Dixon shows that he was fined and gaoled for the offence, when he should have been referred to the Assize Courts as coining was, and still is, a major crime. It is clear then that the jury had a strong influence in the sentencing of convicts; the nature of hearing cases that should've been sent to the Assize Courts demonstrates an ownership of the criminal justice system in Hull. This means that those with judicial power in this period showed a willingness to pervert the course of justice, attempting – and succeeding – to have cases heard in a lesser court in order to negate the overarching influences from London seeing as the Assize judges visited from there, and also to become autonomous in their dispensation of judiciary punishments to favour the people, as opposed to the wealthy landowners.

Moreover, whether the case was heard in court was dependent upon the Grand Jury whom would review evidence in order to substantiate a prosecution. Even the slightest mistake may have halted proceedings, and as such, it was reasonably straightforward for a jury to refute an indictment on the smallest of grounds.¹²⁶ The intentions of the jury to sway the hearing may have been for many reasons, including a sense of civic duty to reprieve the individual, some relationship with the individual, or even bribery from the public or the perpetrator themselves to acquit them of their

¹²⁴ HHC, QSOM, C CQA/2/3, *HQSOB, Jul 1752-Oct 1766*, 6.

¹²⁵ *ibid*, 61.

¹²⁶ Gray, *Crime, policing and punishment in England*, 254.

crimes.¹²⁷ Ultimately, the Grand Jury had the authority to halt cases they seemed would not succeed in court, and as such, could use this as justification for their decisions on whether a true bill would be found against the perpetrator. This was the case in 1749, where Jonathan Dodson the younger was indicted for stealing five pounds of tallow, but the Grand Jury did not find a true bill against him, and thus Dodson did not have to stand trial.¹²⁸ A further case in the same year against Robert Burk and John Johnson, for stealing a list of items valued at ten pence, saw Burk receiving a true bill and Johnson to be acquitted. However, it seems that Johnson was indicted with a separate crime as both Burk and Johnson were 'to be transported ... [to] america for seven years.'¹²⁹ It is evident that the Grand Jury had the authority in order to dispense their own justice when necessary; whether this was due to a lack of evidence or for their own personal agenda, as a collective they were able to influence the judicial system in this period. The Assize Courts were only held periodically, and with judges from London having to deliberate on them, it is clear from the Quarter Sessions records that the magistrates attempted to limit the number of cases that needed to be heard either in Hull's own Assize Court (when it was held), or whether the perpetrators had to be heard in York's Assize Court. This can be suggested for Hull's magistrates to hold on to their autonomy over the criminal justice system in this period in being able to institute their own ideals of punishment. An unambiguous example of this is that of Haldenby Dixon whose case should have been heard in an Assize Court, seeing as the crime was a one that warranted the death penalty. By hearing and deliberating upon the case in the Quarter Sessions, Dixon was unable to receive the death penalty as the Quarter Sessions were unable to dispense this degree of punishment. Subsequently there was an emphasis on attempting to settle cases in the Quarter Sessions in order to mitigate the use of the Assize Courts which would bring a Londoncentric influence to Hull, which could potentially have attempted to radicalise the Whiggish judiciary system already in place. Further, this outside influence may have recognised the flawed system of devaluation that the Petty Jury used in order to mitigate the sentences bestowed upon the convicts and as such, may have tried to influence a change in the courts; if the magistrates were

¹²⁷ *ibid*, 261.

¹²⁸ HHC, QSOM, C CQA/2/3, *HQSOB, Jan 1737-1752*, 133.

¹²⁹ *ibid*, 120.

going as far to alleviate the crimes of some of Hull's citizens, there is little doubt in arguing that they wanted to change this system seeing as they had tried to protect it.

Executions in Hull during the Eighteenth-Century

Whilst the Quarter Sessions records demonstrate a clear lack of indictment to the Assize Courts, there were a small number of public hangings that occurred in the eighteenth-century. During this research, four potential hangings have been singled out, only one of which has conclusive evidence that demonstrates its occurrence. These are Patrick (1728), Wardale (1731), John Jennings (1742), and finally John Rogerson (1778), of whom there is categorical evidence to support that he was the last person to be publicly executed in Hull. Despite this, there was a lack of replication in Hull of the execution rates that were present in London, a topic that Peter King and Richard Ward tackled extensively in 'Rethinking the Bloody Code'.¹³⁰ To use King and Ward's argument, there was a 'widespread reluctance of many areas on the periphery to implement the Bloody Code',¹³¹ a statement which embodies the scope of the criminal justice system in Hull. The experience thus far of the autonomous nature of Hull's judiciary system is clearly reflected in this article, which firmly argues that the Bloody Code was neglected on the periphery as the citizens were able to ignore it. There were no pressing figures demanding that people be hanged for their crimes, and as such the magistrates and juries were able to conduct their own judicial freedoms.¹³² Therefore the executions that took place in Hull during this period were not inclusive in the local criminal justice system, but rather of a Londoncentric model of justice that focussed on deterrence as the main factor in executing criminals.

The first of the four cases of public execution was in 1728, where a man named Patrick was 'condemned for stealing plate' in Hull's Assize Court, 'but he made his escape.'¹³³ Gent makes a very similar proclamation in his *History of Hull*, saying that 'Baron Hall, and Justice Page, came to Hull; before whom one Partrick was condemn'd for stealing several Pieces of Plate'.¹³⁴ Unfortunately, there is very little written about

¹³⁰ King & Ward, 'Rethinking the Bloody Code', 159-205.

¹³¹ *ibid*, 160.

¹³² *ibid*, 194.

¹³³ Sheahan, *History of the town and port*, 189.

¹³⁴ Ohlson, *Gent's history of Hull*, 196.

Patrick and searches to acquire further information on this have proved unsuccessful. Despite this, there is a lot to be learnt from the small statement; the Assize Court was clearly present in the city in 1728, and considering the Assize Court was not a permanent fixture in the city, this establishes that a level of serious crime had been reached which warranted the calling of the court. Further, Sheahan and Gent established that the punishment was capital demonstrating that Hull was not completely neglecting the death penalty, but rather was only subjecting perpetrators to it sporadically.¹³⁵ As there is no further documentation of this event, it cannot be explicitly said what happened to Patrick, whether he was found and executed or evaded capture. However, even if Patrick were captured and forced to receive his punishment, it would not be unwise to consider that the sentence may either have been reprieved or downgraded to a secondary punishment. Even in London during the first half of the eighteenth-century, the proportion of people hanged who received the death penalty was only 10 per cent,¹³⁶ and so on the peripheries where the rates were lower than that of the metropolis, coupled with the fact there is no further evidence to substantiate the execution, firmly suggests that Patrick either escaped the hangman's noose or was absolved of his crimes. However, whilst this assumption can be made, one must consider the possibility of the evidence no longer existing, but from what we have, it is wise to argue that whilst he was sentenced with the death penalty, this was not necessarily carried out.

'A man named Wardale was executed here this year (1731), for murdering his wife.'¹³⁷ This is the small snippet of information Sheahan provides in 1866 regarding the execution of Wardale. Through cross-examination, Gent reveals that around the year 1732, 'a most miserable Wretch was executed, for stabbing his tender wife'.¹³⁸ Whilst no name is given by Gent, the crime fits the description given by Sheahan and thus is likely to be the same person. As with Patrick, further investigation on the name provided no documents that could substantiate the claims of both Gent and Sheahan. However, seeing as public executions were so rare, it is likely that Gent's account of the event is accurate; writing only four years after the execution itself, it is unlikely that this would be hearsay. Seeing as the Quarter Sessions were unable to dispense the death penalty,

¹³⁵ Hay, 'Property' authority and the criminal law', 57.

¹³⁶ Sharpe, *Crime in early modern England*, 92.

¹³⁷ Sheahan, *History of the town and port*, 189.

¹³⁸ Ohlson, *Gent's history of Hull*, 196.

it can be inferred that the Assize Court was held in Hull in 1731 and was used to provide Wardale with the death penalty. Further, documentation on this event would be difficult to find, or even non-existent, seeing as newspapers became more popular in Hull in the mid- to late eighteenth-century. In this respect, evidence found in older histories such as Gent's are likely to be the best evidence for this event for the current situation. Therefore, whilst the evidence does not give a definitive answer, it can be assumed that Wardale was indeed publicly executed in Hull in 1731. This is largely due to the substantial event being recorded less than four years after it took place; Gent's recollection of the event would be fairly accurate, even more so considering the enormous role capital punishment played in society which, as Hay has argued, the poor knew more about 'the terrors of the law than those of religion'.¹³⁹

The case of John Jennings is one disputed by different sources; the story itself of the prosecution remains the same yet the place of execution differs. George Borrow, writing in 1835, declared that in the year 1742, 'Jennings was executed ... at Hull'.¹⁴⁰ However, online sources declare that Jennings was in fact executed in York.¹⁴¹ This creates a problem, as the online source refers to the Newgate Calendar whereas Borrow's book does not give any references to the collation of information. Despite this, Borrow's information originated somewhere, but in this case the data from the Newgate Calendar seems more reputable than that of Borrow, so whilst there are no definitive conclusions to the execution of Jennings, the likelihood is that he was executed in York as opposed to Hull. As such, there is more evidence to suggest that Wardale was thus far the only person to be publicly hanged in Hull in the eighteenth-century.

The indisputable case of public hanging in eighteenth-century Hull is that of John Rogerson who, in August 1778, was found guilty of coining – which was high treason – and sentenced to hang.¹⁴² Rogerson provides great insight into the attitudes towards public hanging in the late eighteenth-century, along with showing utter remorse for his crimes in his last words before his death. The words of Rev. George Lambert, the first

¹³⁹ Hay, 'Property' authority and the criminal law', 30.

¹⁴⁰ G. Borrow, *Celebrated trials of all countries, and remarkable cases of criminal jurisprudence* [eBook] (Philadelphia: E.L. Carey and A. Hart, 1835), 591.

¹⁴¹ S. Hart, *Newgate Calendar: John Jennings* (2015). Available online: http://www.pascalbonenfant.com/18c/newgatecalendar/john_jennings.html [Accessed 12/06/2019].

¹⁴² Sheahan, *History of the town*, 191; HHC, L. 920. ROG, *Newspaper articles of the last public execution in Hull: including dying words of John Rogerson (c. 1778)*, 2.

minster of Fish-Street chapel, were recorded which give great insight and testimony from Rogerson in his final days. As would be expected in the late eighteenth-century, Rogerson was 'very ignorant ... and flattering himself with the hopes of a pardon, or at least a mitigation of the sentence.'¹⁴³ This coincides with recent historiography in signifying pardon rates in this period were much more likely than being executed.¹⁴⁴ Rogerson clearly understood this and as such, the death sentence did not ensure one's execution, but rather led to a final chance for reprieve which was much more likely to occur than being hanged. It is striking that he believed so strongly in this, which begs the question, did Rogerson believe his life was truly at stake or was he so sure that he would be pardoned? Due to the random vindictiveness of the Bloody Code coupled with there being no executions in two generations, this highlights the way in which convicts were able to assume the possibility of a reprieve until the noose lay round their neck.¹⁴⁵ The evidence firmly states the latter, in that he showed no remorse until after it was confirmed that he would be executed, to which Rev. Lambert recorded him saying "'If anyone would give me that tub full of gold", pointing to one that stood in the room, "with a promise of life and liberty, upon condition that I was to live my old course, I would sooner die than live."'¹⁴⁶ This demonstrates the level of remorse Rogerson faced with his actions upon knowing his fate. He goes further, to which his last words were:

I hope all youths in particular, and all others, will take warning by my untimely death, and above all things avoid bad company, for bad company has been my ruin, keep the Sabbath-day, honour your parents and be obedient to them in all things, if I had done so, I should not this day have brought such disgrace upon myself and them.¹⁴⁷

Undoubtedly, these words echo political propaganda that aligns itself with the Bloody Code, ideals that display public execution as a deterrence factor against the citizens viewing it attempting to ensure they do not reciprocate Rogerson's actions, and also for Rogerson to beg for mercy as a subtle demonstration of the hegemonic powers

¹⁴³ HHC, L. 920. ROG, *Newspaper articles of the last public execution in Hull: including dying words of John Rogerson (c. 1778)*, 4.

¹⁴⁴ Baker, *An introduction to English legal history*, 589-90; Johnston, *Crime in England*, 62; Morgan & Rushton, *Rouges, thieves and the rule of law*, 139; Gatrell, *The hanging tree*, 21, 440.

¹⁴⁵ McGowen, 'Revisiting the hanging tree', 4.

¹⁴⁶ HHC, L. 920. ROG, *Newspaper articles of the last public execution in Hull: including dying words of John Rogerson (c. 1778)*, 2.

¹⁴⁷ *ibid*, 4.

in England.¹⁴⁸ Published by Rev. George Lambert, whilst inspiring, these words could have been fabricated in order to sell pamphlets ascertaining the true message of the hanging; that of repentance and deterrence against a wider audience. Moreover, as the citizens of Hull had not seen an execution in 47 years, it seems rather to be the aim of the author for a short-lived economic venture as opposed to the true words from Rogerson himself.

Conclusion

Between 1770 and 1830, Gatrell has estimated that there were over 36,500 people sentenced to death in England and Wales, and of those, between 6,322 and 7,713 were executed.¹⁴⁹ Despite this, national hanging rates declined throughout the eighteenth-century, becoming stable at roughly 1.3 hangings per 100,000 people by the late 1770s.¹⁵⁰ As the final Assize Court was held in Hull in 1794, perpetrators that warranted the use of the said court had to be transported to York.¹⁵¹ From the information available across a wide range of sources, there only appears to have been two public hangings in Hull during the eighteenth-century; Wardale for murder in 1731, and John Rogerson for high treason in 1778. Both were for crimes that warranted the most severe punishment and in their individual cases; the Quarter Sessions did not possess enough judicial power in order to reprieve them of their crimes and as such, both had to be executed. King and Ward's article has played a pivotal role in demonstrating the geospatial differences in execution rates across Britain, which reinforces the argument that Hull rather successfully limited the number of public hangings in this period. Judicial freedom could be expressed in Hull through their autonomy in the Quarter Sessions in which magistrates and juries delegated their own punishments which they sought fit for the crime committed. These often fell to three punishments; whipping (both public and private), transportation to the colonies, and from the 1750s, a fine and submission to the local gaol. In undertaking an analysis of the Quarter Sessions records, this research has demonstrated the judicial freedoms sought for by the magistrates and jurors in Hull during the eighteenth-century, with an

¹⁴⁸ Godfrey & Lawrence, *Crime and justice*, 74.

¹⁴⁹ Gatrell, *The hanging tree*, 616-619.

¹⁵⁰ King & Ward, 'Rethinking the Bloody Code', 164.

¹⁵¹ Sheahan, *History of the town and port*, 191; Dawson et al, *Our Criminal Ancestors*, 7.

emphasis on secondary punishments and pardons for perpetrators of crime, where being sent to the Assize Court would have resulted in a death sentence. However, the historiography has demonstrated that being sentenced to death did not always result in being hanged, rather the chances were in favour of the defendant who, by the end of the century, had between a 90 and 95 per cent chance of being reprieved of their crimes and either pardoned or received a secondary punishment.¹⁵² This lack of both indictments and punishments for crimes reveals certain differences in the way crime was dispensed between Hull and London; with a possible total of four, but a more likely total of two executions in this period compared to thousands in London, there is no doubt in stating that Hull demonstrated judicial autonomy and its criminals escaped the gallows in this period. The distance from the centre of state affirmed their position in being able to govern their own legal matters and it is clear that a reformatory approach was taken to handling crime, in a manner that represented the values and virtues of the people through restorative means to their society, as opposed to trying to set an example with public executions.

¹⁵² Taylor, *Crime, policing and punishment in England*, 130; Sharpe, *Crime in early modern England*, 92.

Chapter Two: Humanitarian Reforms in the Nineteenth-Century Criminal Justice System

Research into the eighteenth-century has demonstrated that there were very few public executions held in Hull, and from 1794 with the disbanding of Hull's Assize Courts, to 1902 where the first private execution took place at Hull Prison, perpetrators who had committed a serious crime were tried in York's Assize Courts. During the period 1794-1901, there were no executions at Hull. As the final Assize Court was held in Hull in 1794, there was no court that could dispense the death penalty and thus local punishment was limited to transportation and imprisonment as the most serious punishments. Despite there being no executions in Hull during this period, there were significant changes in respect to the criminal justice system that related to capital punishment that need to be examined in order to provide context for the ten executions that took place in the twentieth-century, and how these differed from those in the eighteenth-century.

Whilst the Bloody Code is primarily associated with the eighteenth-century, it is important to discuss the attitudes towards it and the movement to reform in the nineteenth-century. In doing so, Robert Peel's reforms in this period merit great discussion on their amendatory properties with reference to the Bloody Code, and also to police reforms in this period from the 'old' to the 'new' police. Through these reforms, Hull was one of the first places to produce substantial changes to the 'old' police, reforming them and creating what was claimed to be one of the country's best and most cost-effective police forces in 1836.¹⁵³ Further, the end of public executions in 1868 demonstrates a move away from the public nature of hangings and, as Lizzie Seal has rightfully explained, hangings 'became a private, bureaucratic affair.'¹⁵⁴ Finally, the finished construction of Hull Prison in 1869 reaffirmed the changing attitudes towards execution, where rehabilitation had begun to be favoured over the threat of execution for property-based crimes, such as pickpocketing and grand larceny.¹⁵⁵

As discussed in Chapter One, eighteenth-century historiography is principally southern based which is a common theme in the nineteenth-century. There are few histories of this period that include Hull in its analysis, and fewer that have a sole

¹⁵³ Clarke, *The policemen of Hull*, 10-12.

¹⁵⁴ Seal, *Capital punishment in twentieth-century Britain*, 3.

¹⁵⁵ A. Brown, *English society and the prison: time, culture and politics in the development of the modern prison, 1850-1920* (Woodbridge: Boydell Press, 2003), 64.

dedication to Hull. However, general patterns and trends can still be utilised to involve research into Hull into the wider historiography. Helen Johnston has written extensively on the nineteenth-century criminal justice system in *Crime in England 1815-1880*,¹⁵⁶ exploring concepts of criminality and changing attitudes to crime, using case studies to demonstrate these concepts. This research makes great use of this work as it provides detail on the chronologies of reform through the criminal justice system in this period, analysing areas such as the shift from public to private punishments, transportation, and the centralisation of prisons, all of which this research focuses on. This is further supplemented by *Capital punishment in twentieth-century Britain* by Lizzie Seal,¹⁵⁷ whose first two chapters analyse attitudes in Britain during the nineteenth-century alongside major reformatory acts throughout the period that were essential towards development of the criminal justice system in the twentieth-century. National reforms were not made in Hull, and therefore using histories that have more of a focus on London is valuable in gaining an understanding on why critical reforms came to be. The few local histories that exist for Hull can then be supplemented to understand the response of these reforms in the locality. Clarke's *The policemen of Hull* gives insight into the development of Hull's 'new' police force during the 1830s,¹⁵⁸ along with further details of the force to 1974. The work is mostly narrative of these events, but it provides detailed information surrounding the development of Hull's police force in the nineteenth-century which, alongside further local sources, allows for a detailed analysis of how policing reforms were enacted in Hull. Many further studies are utilised for analysis in this chapter that help to understand significant reforms in the criminal justice system and how they effected Hull in this period; it is first needed to grasp an understanding of the reforms on a national level before being able to apply this to the locality of Hull.

The Move to Reform

One of the largest reformatory notions in this period revolves around the changing nature of attitudes towards the Bloody Code. Towards the end of the eighteenth-

¹⁵⁶ Johnston, *Crime in England*.

¹⁵⁷ Seal, *Capital punishment in twentieth-century Britain*.

¹⁵⁸ Clarke, *The policemen of Hull*.

century, there had been a shift in opinion regarding the success of public punishment in deterring the common criminal from committing crime. In fact, the use of corporal punishments had begun to decline from the late eighteenth-century, with public whipping for women being abolished in 1817, and for men in the 1830s.¹⁵⁹ As it has been seen in the previous chapter, the possibility of the death penalty featured heavily within the eighteenth-century criminal justice system, something which the most mundane of property-based crimes could be attributed with. Therefore, it can be argued that eighteenth-century punishment revolved around a fear of the death penalty, one which warranted little success due to society's acceptance of a hanging as a social event, along with the high rates of acquittal of the death penalty. In contrast, the nineteenth-century focused more upon reform of the individual through rehabilitation as opposed to the looming threat of the gallows. This is by no means to suggest that the gallows were not used in this period, in fact Gatrell has estimated that as many as 7,000 people were executed between 1770 and 1830, an average of 117 per year, compared to the period between 1837 and 1868 where he declares 347 were hanged, an average of 11 per year.¹⁶⁰ Despite these being public executions, it is unmistakable that the number of hangings declined substantially in a period where social attitudes towards attending executions had reversed; nineteenth-century society frowned upon visiting executions due to their grotesque nature which was criticised.¹⁶¹ This is evident amongst the middle-class who were clear in their distaste for public executions, and 'in breach of what should be the standards of correct conduct in the civilized world.'¹⁶² There is no doubt in arguing that the small numbers of people hanged in the nineteenth-century, compared to the eighteenth-century, was not coincidence – changing attitudes towards the severity of punishment, coupled with a focus on reforming the perpetrator and demonstrating that the deterrence factor of public hangings did little to halt further crime, allowed for a series of reforms in the nineteenth-century aimed towards the rehabilitation of offenders. This is why, from the 1840s, there were no executions but to those who had committed murder.¹⁶³

¹⁵⁹ Emsley, *Crime and society in England*, 262

¹⁶⁰ Gatrell, *The hanging tree*, 7, 10.

¹⁶¹ Taylor, *Crime, policing and punishment*, 133; Seal, *Capital punishment in the twentieth-century*, 13.

¹⁶² J. Pratt, *Punishment and civilization: penal tolerance and intolerance in modern society* (London: Sage, 2002), 17-18.

¹⁶³ Johnston, *Crime in England*, 62.

Change did not occur instantaneously. It was a prolonged and resilient process undertaken to civilise the process of punishment, aligning with enlightened thinking. McGowen argues that humanitarian reform 'explains the attack on the death penalty in terms of a popular revulsion against the cruelty and irrevocability of death.'¹⁶⁴ Arguably, nineteenth-century society had begun to become more sympathetic to the condemned at the gallows, particularly due to the embarrassment of the event and the large crowds that gathered to witness it.¹⁶⁵ Reformers in this period latched on to this idea of the event being dehumanising and not producing its desired effect in deterring further criminal activity. In the 1760s, Beccaria argued that nobody should be able to take the life of another, regardless of the crime committed, and that small but inevitable punishments would be more effective in deterring potential criminals than one severe act committed against one in a group of many.¹⁶⁶ Romilly furthered this argument in the early nineteenth-century, remarking that death was mitigated in many cases of capital punishment as the punishment could not feasibly be carried out on all sentenced to death.¹⁶⁷ It was clear to Romilly that change was needed in the criminal justice system to ensure that punishment was fair and not randomly vindictive to those who experienced it. With reprieval rates for capital punishment as high as 95 per cent at certain points throughout the eighteenth-century, there is no doubt in suggesting that the system could not effectively continue to support this whilst continuing to deter would-be criminals from committing crime.

Continuing this argument in the 1820s, Mackintosh argued that laws 'should not only be just, they should appear to be just'.¹⁶⁸ This relates again to high reprieval rates that were evident throughout the eighteenth- and early nineteenth-centuries, reiterating that the punishments were not always upheld for the crimes committed. Evidently, this fits into the criminal justice system in Hull where goods were devalued in order to acquit the criminal from death, who would receive a secondary punishment in its place. The efficiency and impartiality of the criminal justice system was therefore called into question by key reformers in this period who fought to have it changed.

¹⁶⁴ McGowen, 'The image of justice', 90.

¹⁶⁵ Pratt, *Punishment and civilization*, 17.

¹⁶⁶ Block & Hostettler, *Hanging in the balance*, 24.

¹⁶⁷ McGowen, 'The image of justice', 99-100.

¹⁶⁸ Mackintosh quoted in McGowen, 'The image of justice', 124.

Beccaria argued that inevitable punishments would be more effective in deterring crime as opposed to sentencing many to capital punishment and having them reprieved, and Romilly advanced this suggesting that all sentenced could not feasibly be punished. Mackintosh's activism highlighted the inequalities in the laws themselves, and that punishments for crimes should be carried out if they were stipulated in the law. The creation of an unbiased and humanitarian criminal justice system was therefore paramount to change in this period.

A further factor towards the need for reform relies around an influx of prosecutions in this period, but this does not coincide with an increase in the number of crimes recorded. Taylor has suggested that the early nineteenth-century witnessed a rise in the number of prosecutions as the courts had become more accessible to all classes and not reserved to those who could afford to prosecute.¹⁶⁹ This is arguably in part due to the Prisoner's Counsel Act 1836, which allowed for defendants in felony trials to present their defence to professional counsel; defendants therefore had the right to be represented, where previously defence counsel was deemed as unnecessary in proceedings and prolonging sentencing.¹⁷⁰ Taylor's claims are substantiated by Gatrell who claims that 4,605 prosecutions took place in 1805, which rose to 18,107 in 1830 – almost three times that of 1805.¹⁷¹ Particularly in London, the courts were being used by a wider range of society with fees paid by the government if an indictment was found against the perpetrator. Yet whilst this is true, it does not completely explain a need for reform. The large number of specific statutes relating to capital offences has been argued to equal anywhere between 200 and 260 crimes at its peak in the early nineteenth-century.¹⁷² These statutes were so minutely defined that destroying Westminster Bridge and destroying Fulham Bridge were two separate statutes, as opposed to linking the two together to be the destruction of any bridge being capable of attributing the same punishment.¹⁷³ Therefore where historians have estimated the number of capital offences, there is no distinction between the number that applied to

¹⁶⁹ D. Taylor, *The new police in nineteenth-century England: crime, conflict, and control* (Manchester: Manchester University Press, 1997), 14-15.

¹⁷⁰ Gray, *Crime, policing and punishment*, 264; C. C. Griffiths, 'The Prisoners' Counsel Act 1836: doctrine, advocacy and the criminal trial', *Law, Crime and History*, 4, 2 (2014), 28-47: 28-29.

¹⁷¹ Gatrell, *The hanging tree*, 19.

¹⁷² For further discussion, see Block & Hostettler, *Hanging in the balance*, 21; Gray, *Crime, policing and punishment*, 272; Taylor, *Crime, policing and punishment*, 128.

¹⁷³ Emsley, *Crime and society in England*, 264.

those living in different areas of England. For example, a citizen of Hull who didn't leave the city was never going to be charged with destroying Westminster Bridge seeing as they had no direct access from Hull to destroy it. In this respect, the number of statutes that relate to citizens of Hull decreases further – where the total number of statutes seemed daunting, many were too minutely defined and lacked any representation to other areas of the country. Peel was successful in reforming statutes in the 1820s as Home Secretary by improving the definitions of the crimes; this did not mean reducing the severity of crimes, but rather grouping together crimes that were similar in nature.¹⁷⁴ Reform of capital punishment came largely in the 1830s and 1840s, where crimes that warranted the death penalty were often changed to a prison sentence, or transportation to Australia for seven years, fourteen years, or life.¹⁷⁵ Examples of reformed statutes removing the death penalty include cattle, horse, and sheep stealing, and also larceny in residential housing to the value of five shillings in 1832; returning from transportation in 1834; and rape in 1841.¹⁷⁶ From the 1780s, transportation to Australia became a more popular option for judges to sentence criminals who warranted the death penalty, with a peak in the 1830s which coincides with the reformation of legislation regarding capital punishment – upwards of 5,000 convicts were transported to Australia each year at the peak at this time.¹⁷⁷ The increase in prosecutions during the nineteenth-century can therefore be argued to have stemmed from the accessibility of the courts to all of society, but also to reforming legislation allowing for clearer definition of crimes, and a lack of guilt for those who thought a conviction against the criminal could lead to their death – something which was a major factor in a lack of prosecutions in the eighteenth-century.

The eighteenth- and nineteenth-centuries both saw a drastic surge in urbanisation as people moved to cities as industry started developing. This was no different in Hull, where the population increased sixfold between 1700 and 1830, and from 1801 to 1900, the population rose from 22,000 to 220,000 – a gigantic tenfold increase.¹⁷⁸ Such a dramatic increase in population in any city was bound to put

¹⁷⁴ J. Langbein, 'Albion's fatal flaws', *Past and Present*, 98, 1 (1983), 96-120:118.

¹⁷⁵ D. Hay, 'Crime and justice in eighteenth- and nineteenth-century England', *Crime and Justice*, 2 (1980), 45-84, 54.

¹⁷⁶ Johnston, *Crime in England*, 62.

¹⁷⁷ Emsley, *Crime and society in England*, 282-283.

¹⁷⁸ Clarke, *The policemen of Hull*, 8; A. Avery, *The story of Hull* (Pickering: Blackthorn Press, 2008), 38.

significant strain on governmental offices, such as the courts and policing. Yet during this period, it was Beverley that was the 'centre of justice' for the East Riding,¹⁷⁹ not Hull. Quarter Sessions were carried out in both Hull and Beverley, and due to the increasing urbanisation of Hull in the eighteenth- and nineteenth-centuries, Hull was prominent enough to manage its own law and order. Despite Beverley being the judicial centre of the East Riding, there were no Assize Courts and thus the death penalty had to be administered at York.¹⁸⁰ Aware of these increasing pressures, it is no wonder why Hull became one of the first communities – other than London – to establish an effective police force in 1836 to combat increasing levels of crime in the city. It has been suggested that criminals ventured to Hull in the 1820s and early 1830s to seek refuge, knowing the bustling city lacked an effective police force and judicial services in order to apprehend and prosecute them.¹⁸¹ This reputation was clearly not advantageous for the town and thus, the establishment of Hull's 'new' police force was vital to begin combatting the pressures against an increasing criminal population. Under the intense pressure of urbanisation in this period, social pressures relating to crime had to be countered in order to rid the city of its overabundance of a criminal population which was successfully achieved through policing reforms in the 1830s.¹⁸²

Peel's Policing Reforms and the 'New' Police

Known by Whig police historians as the introduction of a 'modern' police force, Peel's Metropolitan Police Act in 1829 began consolidating significant changes to systems of policing during the nineteenth-century, many of which are still relied upon today.¹⁸³ It is evident that previous forms of policing were ineffective in dealing with the pressures of growing settlements, particularly due to the high population densities produced from surges of urbanisation in this period. Coupling under the pressure from this urbanisation, police reforms were necessary in order to establish an equilibrium in communities. Undoubtedly, the Metropolitan Police Act started this process by bringing together 'Westminster, and parts of Middlesex, Surrey, and Kent, to be formed into one

¹⁷⁹ J. E. Crowther, *Beverley in mid-Victorian times* (Beverley: Hutton Press, 1990), 62.

¹⁸⁰ P. Hopkins, *The history of Beverley: from the earliest times to the year 2003* (Pickering: Blackthorn, 2003), 249-250.

¹⁸¹ Clarke, *The policemen of Hull*, 45.

¹⁸² J. J. Tobias, *Crime and police in England, 1700-1900* (Dublin: Gill & Macmillan, 1979), 76.

¹⁸³ Emsley, *Crime and society in England*, 235.

district'.¹⁸⁴ The Act was clearly successful as by September 1830, the new police in London employed 3,000 men.¹⁸⁵ In order to begin effectively policing a certain district, the boundaries had to be placed and the police force enhanced. The Act gave two commissioners the power and responsibility to ignore parish and local jurisdictions in order to carry out their work effectively by patrolling their beat and apprehending criminals. More importantly, they worked twenty-four hours a day – something which the watchmen policing bodies had not done and thus the Metropolitan Police were regarded as the first full-time police force.¹⁸⁶ Another distinct feature was that of the beat; the city was divided into beats which worked as a set route to be taken by officers in order to prevent crime from being committed. This was essential in assuring citizens' safety on the streets where the authoritative policeman was to halt perceived petty crimes and apprehend those committing them. The beat also allowed policemen to attain knowledge of the people living there and create relationships to ensure the good nature of the police.¹⁸⁷ The old system of policing with watchmen and constables relied heavily on public interaction, where the 'new' police were more proactive in their positions.

This system did not begin arriving in Hull until legislation was passed in 1835 allowing for municipal boroughs to replicate this new style of policing. A sub-committee established that other towns had patrols on a 24-hour basis, and that due to the increase of criminals in Hull, it should have the same.¹⁸⁸ Similarly to London, Hull was split into four distinct sectors further reduced to 1 mile square beats in order to maximise the effectiveness of the new police. Calculations were made which suggested a force of 110 men with 10 reserves strong, substantially stronger than the one chief and 39 constables prior to 1836.¹⁸⁹ Governmental subsidies from the 1835 legislation allowed for the increasing numbers in the force amounting to £5777. 4s. 0d, which was £1200 less than the projected amount by the Local Acts committee.¹⁹⁰ Whilst being under budget, Hull's

¹⁸⁴ *Metropolitan Police Act 1829*. 10 Geo 4, Chapter 4 (London).

¹⁸⁵ C. Emsley, *Crime, police, and penal policy: European experiences 1750-1940* (Oxford: Oxford University Press, 2007), 110.

¹⁸⁶ Tobias, *Crime and police*, 78-80.

¹⁸⁷ Emsley, *Crime and society*, 108.

¹⁸⁸ Clarke, *The policemen of Hull*, 10-12.

¹⁸⁹ *ibid*, 8, 12; L. W. L. Melville, *A history of the police in England* (London: Methuen, 1901), 270.

¹⁹⁰ Clarke, *The policemen of Hull*, 43; D. R. Welsh, *The reform of urban policing in Victorian England: a study of Kingston upon Hull from 1836 to 1866*. PhD thesis (The University of Hull. January 1997). Available online: <https://core.ac.uk/download/pdf/2731867.pdf> [Accessed 31/07/2019], 87.

police force was enrolled in October 1836 and sent to patrol the streets, of which the first figures in 1839 showed 2611 arrests, a third of which related to drunkenness.¹⁹¹ Further funding for boroughs came from the County and Borough Police Act of 1856 which introduced a system of annual inspections for police forces. Those forces who were efficient in their work were reimbursed twenty-five per cent of their expenditure on pay and clothing, something which was fairly costly for all major police forces.¹⁹² Aware of the success of the metropolitan police in London, it is no surprise to find that the new police in Hull were just as successful, far outweighing the old systems of constables and watchmen that were disbanded.¹⁹³ In fact, the force grew from 120 (including reserves) in 1836, to 135 in 1851, which shows the need for more policemen patrolling the increasingly urbanising Hull in this period.¹⁹⁴ This urbanising environment corresponds with a growing population, and thus the police force needed to expand alongside this in order to manage the growing number of people. New police officers could therefore patrol new beats leaving no area without significant police presence in being able to apprehend criminals. The ability to produce a substantially improved policing force to coincide with the rapid expansion of the city allowed for greater control over the criminal justice system in this period, a factor that proved to be important in keeping an equilibrium of peace in society.

The End of Public Execution

On 26 May 1868, the last public execution took place outside Newgate Prison in London which marked a change in the perceptions of execution to the public.¹⁹⁵ It was the changing perceptions towards execution that allowed for the reformatory nature of the criminal justice system in the nineteenth-century, coupled with the failure of the Bloody Code in deterring and instilling fear into citizens who watched public executions. Knowing that the acquittal rates, at times, reached as high as 95 per cent is substantial

¹⁹¹ Clarke, *The policemen of Hull*, 45.

¹⁹² Taylor, *The new police*, 36-38.

¹⁹³ Welsh, *The reform of urban policing*, 82.

¹⁹⁴ *Accounts and papers of the House of Commons* [eBook] (London: HMSO, 1852). Available online: https://play.google.com/books/reader?id=w6RbAAAAQAAJ&hl=en_GB&pg=GBS.PA289 [Accessed 30/07/2019], 399.

¹⁹⁵ Emsley, *Crime and society in England*, 291.

evidence in itself to demonstrate the failure of the Bloody Code,¹⁹⁶ but by privatising the event the government acknowledged the failure of deterrence and turned the event into a bureaucratic affair – one which would still punish those for the most serious of crimes but not in view of the public eye. Further, the movement towards privatising executions appealed to abolitionist groups who viewed hanging as entertainment as a deplorable act and thus fought for reform.¹⁹⁷ However, just as this appealed to these groups, this did not necessarily mean they were satisfied with the progress made, as groups still fought for complete abolition throughout the nineteenth- and twentieth-centuries, until the eventual abolition in 1965.¹⁹⁸

The privatisation of hanging created a physical barrier between the public and the hanged – perceptions therefore transformed from having seen the event with one's own eyes to that of hearing about it through media or the people that were there.¹⁹⁹ This transformation of public opinion created speculation in the minds of the public who had to resort to their imagination for understanding the process of execution behind the walls of the prison. Taylor has argued that 1868 was successful in the bid to subdue unruly crowds at executions, something which was prevalent in London at Newgate and Tyburn when they occurred.²⁰⁰ Yet in Hull this was not the case through the nineteenth-century due to criminals that warranted the use of the Assize Courts had to be sent to York as there were none in Hull post-1794, despite calls for the Assizes to be held annually in Hull.²⁰¹ Therefore there was a detachment from execution in Hull during this period; the newspapers still recorded those occurring outside of Hull but the physical representation was not seen in the locality. Whilst there is no evidence to support this, it can be suggested that crowds would have gathered for public whippings in Hull which occurred largely in place of executions with the reduction of punishments to satisfy the progressive ideology in Hull. It can also be argued that at the execution of Rogerson in 1778, there was a crowd as he urged that youths would understand his death was for a

¹⁹⁶ Taylor, *Crime, policing and punishment*, 130.

¹⁹⁷ Seal, *Capital punishment in twentieth-century Britain*, 14.

¹⁹⁸ Block & Hostettler, *Hanging in the balance*, 252-267; Emsley, *Crime and society in England*, 282-283; McGowen, 'Revisiting the hanging tree', 9.

¹⁹⁹ Seal, *Capital punishment in the twentieth-century*, 3.

²⁰⁰ Taylor, *Crime, policing and punishment*, 138.

²⁰¹ Sheahan, *History of the town*, 191-192.

major crime and not to replicate this.²⁰² Further, knowing that there were very few executions in Hull in the eighteenth-century, it can be assumed that this would have created a large gathering which may potentially have been reckless and rife with crime, as they were in London. With this information, one can infer that societal execution norms can be applied to public whippings for Hull, where statutory reform in the 1830s removed public whippings. Thus, whilst Hull was not particularly effected by the end of public execution in 1868, this did prepare the city for the ten hangings in the early twentieth-century by conducting them behind the prison walls. Shifting attitudes towards execution granted a bureaucratic encapsulant of the hanged themselves – the movement towards privatisation worked as a double-edge sword, removing the physical nature of crowds from executions where petty crimes were common, to creating a bogeyman behind the walls of the prison where the public could only speculate to the process of execution.

The End of Transportation and the Rise of the Prison

Increasing pressures to find an ideal solution to serious offenders was a key issue in the 1770s once transportation to the Americas had ceased to continue due to the American War of Independence. In the 1780s it was clear that transportation needed to be reinstated as it had previously been used as a secondary punishment as opposed to sentencing them to death. This secondary punishment alleviated a great proportion of those sentenced to death whilst providing a substantial punishment. It was decided in 1786 that transportation would continue after the ten-year hiatus and convicts would be sent to Botany Bay in Australia. This continued to 1867 when the last ship was sent to Australia.²⁰³ The end of transportation coupled with the end of public execution are factors that demonstrate a lean towards using the prison as a form of rehabilitation and punishment; where the prisoner used to be held in gaol before trial, the mid- to late nineteenth-century saw a move towards holding prisoners for punishment rather than just for trial.²⁰⁴ In fact, this had become the norm for most serious crimes by the

²⁰² HHC, L. 920. ROG, *Newspaper articles of the last public execution in Hull: including dying words of John Rogerson (c. 1778)*, 4.

²⁰³ Hay, 'Crime and justice', 55; Taylor, *Crime, policing and punishment*, 143.

²⁰⁴ Taylor, *Crime, policing and punishment*, 145.

1850s.²⁰⁵ Changing attitudes towards execution demonstrates that the public did not want to witness it, and this move towards keeping punishment private with the abolition of public punishments through the early nineteenth-century demonstrates a change in attitudes in comparison to large crowds that gathered for executions. This shift in opinion can be argued to be because the changing attitudes of punishment to be grotesque - something which the respected in society were to abstain from viewing.²⁰⁶

The use of detaining a perpetrator and holding them in a cell had gained popularity in Hull in the 1750s where convicts began to be sent to gaol for crimes, often with a substantial fine.²⁰⁷ There was a gaol built in Castle Street in 1786 which was later replaced in 1829 by the Kingston Street gaol. Yet in 1869, a prison was built on Hedon Road which still stands today as HMP Hull, which in 1878 was handed over to the government.²⁰⁸ Due to the close proximity between the construction of Hull Prison, and the end of transportation and public execution, there is evidence to suggest that Hull's prisoner capacity was expanded for increasing urbanisation, and in part, to hold the growing numbers of convicts that would arise from a lack of transportation. Further, this would allow Hull Prison to hold more petty criminals alongside those who were convicted in the Quarter Sessions. It must be reiterated that during this period, the most serious criminals were still sent to the Assize Courts in York as Hull lacked the correct judicial processes in order to grant the death penalty. With the removal of public punishment and increase in the use of prisons, there was a reversal from punishing a singular convict in a larger group, to punishing all that were convicted.²⁰⁹ In this respect, hanging with a high acquittal rate was being replaced by punishment and – in later years - rehabilitation in a prison. Where the decision was not so final as to end somebody's life, the acquittal rate for prisons was much lower and therefore punishment became more consistent and stable – the fear of receiving the death penalty (which did not necessarily mean one would be hanged) was replaced by consistent use of the prison. Punishment was therefore able to become less randomly vindictive and more dependable to pursue the conviction given in court.

²⁰⁵ Godfrey & Lawrence, *Crime and justice*, 76.

²⁰⁶ Johnston, *Crime in England*, 70.

²⁰⁷ HHC, QSOM, C CQA/2/4, HQSOB, Jul 1752-Oct 1766, 6, 62.

²⁰⁸ Calvert, *A history of Kingston upon Hull*, 241; HM Prison & Probation Services, *Hull Prison information* (2019). Available online: <http://www.justice.gov.uk/contacts/prison-finder/hull> [Accessed 31/07/2019].

²⁰⁹ D. Taylor, *The new police in nineteenth-century England*, 17.

Conclusion

Despite there being no executions in Hull during the nineteenth-century, there were still significant wider changes at the national level which are crucial for our understanding of changes in punishment during the nineteenth- and twentieth-centuries. This allows an understanding in the reasoning behind changes in the criminal justice system from John Rogerson's public execution in the late eighteenth-century to the execution of ten prisoners in the twentieth-century. In order to gain an insight into these differences, changes in policing, punishment, and perceptions must be considered, along with the factors towards reform in the nineteenth-century. Government acknowledgement of the failure of the Bloody Code is an essential factor towards reform in this period; by reforming statutes relating to public punishment, the government demonstrated their lack of faith towards a system of deterrence. Rather than attempting to instil fear into criminals, the high acquittal rates emphasise the failures of the judicial system. Further, the increase in prosecutions in this period whilst crime rates largely stayed the same validates the idea that reforms within the courts had provided the necessary benefits for all areas of society to engage in the judicial system. Increasing numbers of successful prosecutions therefore brought increasing numbers of people who needed to be punished. Alongside urbanisation in this period, clear reforms were needed in both policing and punishment to manage the growing numbers of criminals seen in urban centres – particularly in London. Peel's police reforms not only improved a system of policing dating to the Medieval period but began the process towards modern policing seen today. With the more substantial police force working on a 24-hour time-scale, this created safer urban environments which was essential for the safety of citizens in these growing areas. Additionally, the end of public punishment was the final acknowledgement of the failure of the Bloody Code. By removing the ultimate punishment from the public eye, the government were able to create a physical barrier between the highest judiciary punishment and the public. Finally, the termination of transportation in 1867 made sure reforms in punishment were imminent. Seen as an extensive secondary punishment, the lack of transportation therefore forced governments to have to find a solution to these convicts which came in the form of the prison being used both as a punishment and as rehabilitation. The culmination of these

factors demonstrates how, despite there being no executions in Hull during the nineteenth-century, significant reforms were achieved which, most importantly, prepared Hull for the executions in the twentieth-century. Without these reforms and the building of Hull Prison, it would have been unlikely that the twentieth-century executions would have taken place.

Chapter Three: Execution in the Twentieth-Century, Ten Private

Executions at Hull Prison

This chapter will focus on the final three decades of execution that occurred in Hull, where a total of ten executions took place between 1902 and 1934. In 1902, Hull Prison saw its first execution on 25 March, that of Arthur Richardson, and the execution of Ethel Major in 1934 was the final and most controversial execution during this period. The twentieth-century also witnessed further humanitarian progression towards punishment, moving substantially towards the eradication of the death penalty which would be replaced as the most severe punishment by long-term imprisonment. As mentioned, previous reformers such as Romilly and Peel worked towards creating a more gratifying image of justice; one which would not attract the large, unruly crowds of the eighteenth-century, but rather would coincide with the civilising process occurring alongside both the enlightenment and urbanisation of the cities since the mid-eighteenth-century.²¹⁰ The idea of civilising society through the privatisation of capital punishment continued through this period; in order to be civilised, executions should be retained, but out of the direct eyesight of the curious public.²¹¹ In continuation with the previous chapters, reforms during this period that effected capital punishment legislation will be discussed. Examples of this include judicial reforms and the crucial advancements towards abolition in the 1960s. This chapter's main emphasis, however, will be placed on the period between 1902 and 1934 in order to analyse why executions returned to the city; the reactions of citizens will also be considered through the scope of newspapers to generate an understanding of opinions towards execution in this period.

Focus in crime history has been dominated by the eighteenth- and nineteenth-centuries. Recently, however, books such as *Murder and Mayhem*, edited by Nash and Kilday,²¹² have begun to highlight the importance of comprehensive history during the twentieth-century, making it more accessible to a wide audience by examining different areas of crime and punishment, some of which include the death penalty, hate crimes, and terrorism. This general history of crime enables further understanding regarding the

²¹⁰ McGowen, 'The image of justice', 96.

²¹¹ R. McGowen, 'Civilizing punishment', 257, 259.

²¹² D. Nash & A. Kilday (eds.), *Murder and mayhem: crime in twentieth-century Britain* (London: Palgrave, 2018).

different areas of crime history prevalent in this period, but the chapters most relevant to this dissertation are *Crime and Punishment in Twentieth-Century Britain*, and *Punishment: The Death Penalty and Incarceration*, by Nash and Kilday, and Johnston respectively. Much of this chapter makes use of newspapers and local histories to analyse the use of capital punishment in Hull during the twentieth-century, including the attitudes of crowds and the use of the judicial system. In order to compare this to a wider historiography, this chapter makes use of titles such as Pratt's *Punishment and civilization: penal tolerance and intolerance in modern society*,²¹³ and Emsley's *Crime and society in twentieth-century England*, to integrate the research conducted on local crime into a national historiography.²¹⁴ There is little literature about the history of crime and punishment in Hull that demonstrates where information has been collated from, although Ballinger's PhD thesis titled *Dead woman walking: executed women in England & Wales 1900-1955* has a plethora of information regarding Ethel Major, the only woman and final person to be hanged at Hull Prison.²¹⁵ In creating this comprehensive and analytical history of capital punishment in Hull during the twentieth-century, it has been essential to collate information from many different sources in order to cross-reference their information. The job of a historian would not be complete if the sources used were not checked for their reliability, and thus in many cases, multiple sources are used to exemplify this.

Reduction of the Death Penalty and the Movement to Abolition: The Roles of the Law, the Media, and the Prison

In 1900, a total of 20 people were sentenced to death in the Assize courts throughout Britain. During the same year, 728 were sentenced to penal servitude, 6430 to imprisonment, and 61 to other forms of custodial sentences. Further, in the magistrates courts, of the 616,731 offenders, 63,867 were imprisoned for their crimes, and due to magistrates being unable to administer the death penalty, nobody was sentenced to

²¹³ Pratt, *Punishment and civilization*.

²¹⁴ Emsley, *Crime and society in twentieth-century England*.

²¹⁵ A. Ballinger, *Dead woman walking: executed women in England & Wales 1900-1955*. PhD thesis (The University of Sheffield. September 1997). Available online: <http://etheses.whiterose.ac.uk/6066/1/416825.pdf> [Accessed 21/08/2019].

death from these courts.²¹⁶ These statistics demonstrate the sheer number of convicts sentenced to imprisonment in comparison to the number sentenced to death. With only 20 being sentenced to death compared to the combined total of 71,086 who served a custodial sentence, it is evident that incarceration had become the most popular punishment for serious crimes, especially since transportation had ended during the mid-nineteenth-century.²¹⁷ Following arguments made in the late eighteenth- and nineteenth-centuries, there was a continued humanitarian response towards punishment in this period, where punishment with a reformatory nature was chosen over the death penalty. Where the death penalty and transportation had been disregarded for their lack of humanitarian retribution, the penal system gave ample opportunity for a reformatory punishment of which the criminals could, in theory, return to society relinquished of their crimes and able to contribute to a civilised society.²¹⁸

From the beginning of the century, movement towards abolition of the death penalty had begun. In 1908, capital punishment was abolished for those under 16 years of age, and in 1932 for those under 18 years of age. Further, in 1922 those convicted of infanticide could no longer be executed and in 1931 pregnant women were exempt from execution.²¹⁹ These developments began to exclude certain groups in society from receiving the death penalty and, whilst they were not substantial, they demonstrate that there was some movement towards abolition. However during the early twentieth-century campaigning for abolition, as put by Emsley, was 'relatively dormant'.²²⁰ In the 1920s, Labour abolitionists started to come forward in order to try and remove the death penalty as a punishment, and even went as far to show that in countries where abolition had taken place, there were no adverse effects in doing so. However, where Labour put forward a suggestion of a five-year abolition period, Conservatives backed the preservation of the death penalty. This debate continued well into the 1930s, wherein a country majority wanted to keep the death penalty as opposed to committing to the trial period proposed by Labour.²²¹

²¹⁶ H. Johnston, 'Punishment: the death penalty and incarceration', in D. Nash & A. Kilday (eds.), *Murder and mayhem: crime in twentieth-century Britain* (London: Palgrave, 2018), 243-270:245.

²¹⁷ Godfrey & Lawrence, *Crime and justice*, 76.

²¹⁸ McGowen, 'Civilizing punishment', 275.

²¹⁹ Pratt, *Punishment and civilization*, 27.

²²⁰ Emsley, *Crime and society in twentieth-century England*, 205.

²²¹ *ibid*, 205-206.

The retention of the death penalty during this period can arguably be drawn to the public experiencing punishment in a different light prior to 1868 when punishment was public. Where public punishment used to be an event visited by thousands and the atmosphere described as being like a carnival, punishment in the twentieth-century was sheathed behind one major obstacle – the prison walls.²²² The press became the emissary of justice during the late-nineteenth- and early-twentieth-centuries, reporting on the cases in detail in order to keep the public informed on the news of executions. Typically, in eighteenth-century Britain the public could have attended and viewed an execution, however, the privatisation of executions physically separated the public from the perpetrator themselves. As a result, the entertainment value that was ascertained through the viewing of punishment was changed to be read or heard through word of mouth. Since the majority of Britain was for retaining the death penalty in the 1930s, it can be argued that whilst society became horrified by the grotesque nature of execution, they enjoyed or rather thought it was necessary to continue in order to keep the preservation and equilibrium in society. Furthermore, *The Times* complimented the move to private executions in 1868, as there ‘was no uproar, there were no barriers and, above all, there was no wolfish crowd of thieves and prostitutes waiting to see a man die’ at the first private execution.²²³ This move away from the crowd being entwined with the execution process was henceforth removed and left to those inside the prison who viewed the execution to verify its occurrence. The crowd, once full of enjoyment and excitement, was left to those who had tried to have the criminal reprieved, the family and friends, and the media. The raising of the black flag (until 1902) and ringing of the bells after an execution,²²⁴ combined with the attention brought from the media, were enough for the civilising society to take note and, in some cases, enjoy the excitement generated through the press of the event. Despite being excluded from the events in 1925, the press remained major figures in the dispensation of information around the event itself; primarily this was beforehand but, in significant or controversial cases, further details could be reported after the execution. After 1925, a death notice would simply be placed outside the prison which would inform the public of the recent

²²² King, *Crime, justice, and discretion*, 340.

²²³ *The Times*, 9 September 1868, 5.

²²⁴ Johnston, ‘Punishment: the death penalty’, 257.

execution at the prison.²²⁵ Prior to 1902, the press situated in Hull was only able to comment on cases that were outside of Hull itself, as there were no hangings at Hull Prison between 1869 and 1901. But as will be seen, post-1902, the prison walls were the physical barrier between the crowd and criminal to be executed, with the press acting as a temporal messenger for those who did not attend but still wished to read or hear about the execution that took place.

Ten Case Studies of Private Execution at Hull Prison

As previously mentioned, from 1902 to 1934, Hull Prison hosted ten private executions. These executions were made up from nine men and one woman, their ages ranging between 19 and 49, and the crime all were charged with was murder.²²⁶ The prison itself was not intended to be a hanging prison when it was being built, but it was by chance that York Prison was turned into a military prison in the early twentieth-century and thus a replacement was needed. Hull and Wakefield both had large local prisons and could hang those still tried at the Assizes, but then sent to be executed where their crime was closest.²²⁷ Each of the executions were documented extensively in newspapers across Britain, partly due to the fact that the public were still interested in 'all things deviant, gory and mysterious'.²²⁸ Particular attention must be paid to the mysterious seeing as the prison walls separated what the public could physically see and what they read in newspapers or heard through word of mouth. It is clear that the public still yearned for the stories behind executions – where the eighteenth-century crowd was able to witness the event, the twentieth-century crowd had to envision their own depictions on what the execution entailed. The extensive media representation was also due to there being so few executions per year that they turned into unique events, especially in locations such as Hull where there were even fewer than larger cities like London. On average, there were around 12 executions per year between 1900 and the end of executions in 1965, thus in this respect, the scarcity of execution was also an inhibitor for curiosity

²²⁵ *ibid*

²²⁶ Irvine, *A brief history of Hull*; Young, *More murders of Hull*; I. Charles, *Yorkshire executions: the crimes behind the hangings, 1864-1910* (David Firth, 2009).

²²⁷ Young, *More murders*, 20; 'Executions in Hull', *HDM*. 8 December 1902, 3.

²²⁸ D. Nash & A. Kilday, 'Introduction: crime and punishment in twentieth-century Britain', in D. Nash & A. Kilday (eds.), *Murder and mayhem: crime in twentieth-century Britain* (London: Palgrave, 2018), 1-30: 15.

amongst the locals – an event that happened infrequently was sure to entice citizens to read the stories of the criminals. For each of the ten cases in Hull, reprieves were sought after through letters, petitions, or both, but all were denied, despite extensive public support for many.

The procedure for hanging at Hull Prison was the same for each of the ten convicts. Once sentenced, the convict would be transported to Hull Prison, usually from the Assizes in York, and was then held in the condemned cell which was adjacent to the room where the execution would take place. This singular cell kept them away from the other inmates who were serving a prison sentence as opposed to being executed. The executioners would arrive the day prior to the hanging in order to assess the convict's physical characteristics to prepare the gallows.²²⁹ As there were so few hangings in Britain during the twentieth-century, it was not uncommon for only a small number of executioners to be employed at any given time. In the case of Hull Prison, William Billington, Henry Pierrepont, and Albert Pierrepont were the three executioners alongside their assistants across the thirty-two-year period, conducting three, two, and five executions respectively.²³⁰ It was the duty of the executioner to ensure the correct drop length was established for each individual execution, so that the vertebrae in the neck would break, causing instantaneous death, as opposed to a slower death by asphyxiation. Information taken by Irvine from the execution register highlights that, with the execution of Arthur Richardson, there was a drop length of 7.4 feet, calculated by Billington, as Richardson's height was 5'6" and weight was 133 pounds.²³¹ This was to ensure the most humane death possible, coinciding with the continued notion of the civility of punishment. The condemned would remain in the cell until word from the Home Secretary regarding a reprieve had been heard. If a reprieve occurred, the steps taken for the new sentence would take place, but if not, the convict would remain in the cell awaiting their execution. On the morning of the execution, many prisoners ate well despite this being their final meal; this was the case with Richardson. When it was time for the execution, which usually occurred at 9am, the executioner would enter the condemned cell, pinion the hands of the condemned and take them to the gallows. The

²²⁹ Johnston, 'Punishment and the death penalty', 256.

²³⁰ HHC, L. 364. 152, *List of prisoners hanged at Hull gaol (for murder)*.

²³¹ Irvine, *A brief history of Hull Gaol*, 45.

legs would be pinioned, the rope fixed, and the cap placed on the head. The lever would be pulled and, if the executioner had the measurements correct, death would be instant.²³²

Instead of taking each case chronologically and explaining how and why the criminals were sentenced and hanged, it is better to group the criminals together into categories that fit their crime. Whilst these ten executions were for murder, there were different motives behind each case that ultimately led to the deaths of the victim and their murderers. Most of the evidence for these cases comes from newspapers. This is because the cases were so well documented in local, regional, and national newspapers that further information was not needed for the parameters of this study. The aim of this section is to expand on current research to try and explain why there were so many executions in this period in comparison to the previous two centuries. Whether the perpetrator was guilty or not, the case still stands that in the early twentieth-century, ten people were hanged at Hull Prison and it must be considered why they were executed, and what the public response was.

The first motivation behind the crimes to be examined is that of debt. Arthur Richardson, executed in 1902, and Thomas Siddle, executed in 1908, can have their crimes attributed to debt as both were in significant circumstances that led to them to commit murder in order to secure themselves some money. In the case of Richardson, he murdered his Aunt, Sarah Hebden, knowing that she had a large amount of money in the bank and regularly 'kept from £5 to £10 of her own money in a tea caddy in the front bedroom.'²³³ After nobody had recently seen Hebden and knocking at her door led to no answer, on 28 November 1901, family gained entry to the house via the kitchen window to find her body, covered in blood with 'a pair of tongs which were terribly bent' close by.²³⁴ It was clear that Hebden had been bludgeoned to death, and with the tea caddy smashed open with no money to be found, it was also clear that she had been robbed.²³⁵ Richardson was in need of the money as he had a great deal of gambling debts to absolve. Despite being released from a six-month prison sentence on 20 November 1901 for robbing another aunt in Brigg, Lincolnshire, he had not been

²³² D. Goodman, *Foul deeds and suspicious deaths in Hull* (Barnsley: Wharncliffe Books, 2005), 70-74.

²³³ 'Execution in Hull, Confession by Richardson', *HDM*. 25 March 1902, 4.

²³⁴ *ibid*

²³⁵ Clarke, *The groaning gallows*, 67-74.

rehabilitated by six months in prison and thus, a week after being released, he had robbed and murdered Hebden.²³⁶ Siddle's debts were somewhat different from Richardson's, as he was bound by a committal warrant served by the Magistrates Court to pay maintenance arrears for his child with Gertrude Siddle, otherwise he would be sent to prison for 30 days on 10 June 1908. He saw Gertrude and his child on 9 June; clearly drunk, Siddle claimed that she may have had help from another man to pay for his child. Siddle berated her where possible and refused to pay her. He caused great damage to Gertrude's throat with a razor which had been bought before visiting her, clearly indicating that the crime was premeditated.²³⁷ The coroner reported during the trial that Gertrude's death was 'attributable to the cuts on the throat',²³⁸ clearly showing that her death was of a direct result to Siddle's actions. This case was heard in newspapers around Britain, such as in the *Manchester Courier* stating the arrest of Siddle in June 1908,²³⁹ and also in the *Lichfield Mercury* detailing the case in July.

Both cases here are undoubtedly caused by the inability to pay one's debt; Richardson's debt arose from gambling, while Siddle's came from not paying his maintenance arrears to his wife for their child. Similarly, both had letters sent to the Home Office in a bid to have them reprieved of their crimes. Siddle had great support from locals, boasting upwards of 3,500 people signing a petition to have him reprieved.²⁴⁰ Due to the drunken nature of the incident, Siddle's father wrote to Mr Ferens M.P. in order to try and secure a reprieve, stating that 'he did not know what he was doing, or what could have come over him',²⁴¹ arguing that he was not in a suitable state of mind during the incident. Despite 3,500 signing the petition, there was also great opposition to his case. When he arrived in Hull from York after being sentenced, on his way to the cab to be taken to Hull Prison, Siddle was assaulted both physically and mentally. It is reported that rocks and slurs were thrown by a huge crowd who had a strong distaste for his crime.²⁴² Evidently, whilst some were sympathetic for his state during the crime, others detested what he had done to his wife and for a brief moment,

²³⁶ 'Execution in Hull', *HDM*, 25 March 1902, 4; Irvine, *A brief history of Hull Gaol*, 46-47.

²³⁷ Clarke, *The groaning gallows*, 83-84.

²³⁸ 'Tyne-Street Murder: Inquest on the victim', *HDM*, 16 June 1908, 5.

²³⁹ 'Death for refused kiss', *Manchester courier and Lancashire general advertiser*, 12 June 1908, 17; 'Sentence of death', *Lichfield Mercury*, 17 July 1908, 8.

²⁴⁰ 'Execution at Hull this morning', *HDM*, 4 August 1908, 6.

²⁴¹ 'Date fixed for Siddle's execution', *HDM*, 18 July 1908, 3.

²⁴² Charles, *Yorkshire executions*, 209-210; Young, *More murders*, 46-47.

the carnival atmosphere from public executions could be exhibited upon the arrival of the criminal to Hull via train. In contrast, Richardson's case bore no success in finding a reprieve. Despite Richardson's mother sending a letter to the Home Secretary, this was inconsequential in the outcome of his case, and thus no petition was created in order to try and reprieve him.²⁴³ The lack of a petition in this case can also be owed to the local sympathy given to the death of Hebden; very few people wanted to align themselves with the murderer and thus many expressed 'deep sympathy [...] with the relatives of the dead woman'.²⁴⁴ Debt was a very clear factor behind the murders committed by Richardson and Siddle, both of whom had somebody to pay but could not afford to. Where Richardson resorted to stealing the money and thus murdering his Aunt, Siddle murdered the woman of whom he had a child with because of maintenance arrears.

A further factor regarding these murders, and the one that most fell under, was that of jealousy regarding love affairs. William George Smith, George Michael, Roy Gregory, and Ethel Major all committed murder for reasons of jealousy or a relationship breaking down. Jealousy describes the case of Smith well. Executed in 1924, Smith murdered his partner, Elizabeth Bousfield, with a razor in front of three of her children because he was under the impression that she had a sexual relationship with her employer, an 86-year-old man named Thompson Senior.²⁴⁵ This jealousy seems to have arisen from rage as opposed to being premeditated, however, seeing as Smith and Bousfield were arguing when the attack took place. The *Hull Daily Mail* seemed in favour of reprieving Smith, as '30,000 names [were] hoped for' the petition for his reprieve in the title of the 25 November 1924 edition.²⁴⁶ This is further reconciled by Smith handing himself in to the police immediately following the event, confessing he had cut a woman's throat.²⁴⁷

George Michael, executed in 1932, stabbed his wife to death on a claim of bigamy.²⁴⁸ Michael's case is interesting as two years prior to his execution, he was charged with the attempted murder of his wife, Theresa Michael, and injuring her

²⁴³ 'Execution in Hull', *HDM*, 25 March 1902, 4.

²⁴⁴ *ibid*

²⁴⁵ Young, *More murders*, 58-59; 'A vehement denial: Coroner's inquiry into East Hull tragedy', *HDM*. 15 August 1924, 10.

²⁴⁶ 'Petition ready: The ground of appeal against Hull man's sentence', *HDM*. 25 November 1924, 5.

²⁴⁷ 'A vehement denial', *HDM*. 15 August 1924, 10.

²⁴⁸ 'Coloured man executed for murder of woman at Hull', *HDM*. 27 April 1932, 5.

daughter, Agnes Calhoun. Despite being remanded multiple times, with the first being on 22 September 1930, Michael's wife testified that he was 'a good husband to her apart from his fits of temper',²⁴⁹ and he received a gaol sentence as opposed to penal servitude for his crime.²⁵⁰ 18 months later Michael was again at the Assizes, this time charged with the premeditated murder of Theresa May Hemstock, his ex-wife. Michael had 'declared his intention of attacking the woman. He had declared also his knowledge of the consequences to himself if he did commit the crime.'²⁵¹ In understanding the ramifications of his actions, Michael undoubtedly knew that execution or a long period of imprisonment with penal servitude was likely, but this did not deter him from murdering Hemstock. Further, the crime was committed in front of a police officer who was present at the scene, and thus the crime was evidently going to be charged as an officer witnessed the event. In fact, the vicious attack was only stopped once a man entered the house where the crime was taking place to knock Michael unconscious.²⁵² The *Hull Daily Mail* also reported that 'Michael had gone through a ceremony of marriage with Hemstock on November 13, 1929, but this was a bigamous marriage',²⁵³ emphasising Michael's claim that Hemstock was never truly his wife. Clearly the emotions brought out from such a discovery are immense, and with his previously known history of anger and violence, there is no doubt in suggesting that Michael was aware of the consequences of his actions. In this instance, the crime was committed knowing that Michael was likely to be extensively punished for it.

In 1934, Roy Gregory was hanged for brutally murdering his two-year-old stepdaughter in March 1933 and burying her in his cellar. It was not for five months after the murder that Dorothy's body was found by officials searching Gregory's basement in August, despite him telling the police he had sent her to live with some retired people in Snainton, and then later changed his story to say that he gave Dorothy to a traveller named Smith who adopted her and took her to London. Upon finding a child's sock and bricklayer's hammer in the basement, Gregory confessed to officers and later they found

²⁴⁹ 'Gaol for negro', *Leeds Mercury*. 29 November 1930, 3.

²⁵⁰ 'Hull woman stabbed', *HDM*. 22 September 1930, 1; 'Alleged stabbing', *HDM*. 30 September 1930, 5; 'The Hull stabbing charge', *HDM*. 8 October 1930, 6.

²⁵¹ 'Coloured man to die for the murder of Hull woman', *HDM*. 4 March 1932, 16.

²⁵² Irvine, *A brief history of Hull Gaol*, 81.

²⁵³ 'Coloured man to die', *HDM*. 4 March 1932, 16.

Dorothy's body which had 11 major fractures to her skull.²⁵⁴ Undoubtedly, this is one of the more shocking cases that led to the hanging of an individual at Hull Prison, one which was vilified by the public for cruel act of violence against a child. This created an alarming response from women, many of whom attended the hearing in court to listen to the story of the missing girl who, by the time of the trial in August 1933, had been dead for five months but was only reported missing in late June.²⁵⁵ The public interest surrounding this case largely came from mothers wanting to know whether their children were going to be safe, coupled with a sense of moral justice coinciding with the apprehension of the child murderer. It was alleged during the trial that Gregory resented Dorothy as she was not his true daughter, despite Gregory courting his soon-to-be wife at the time she fell pregnant.²⁵⁶ This created extensive media representation due to the rarity of child murderers alongside the unusual nature of the crime being hidden for many months after it was committed. This is evident from the case being represented in many newspapers across Britain, including the *Dundee Evening Telegraph*,²⁵⁷ and *Coventry Evening Telegraph*,²⁵⁸ both situated great distances from the scene of the crime. The representation of Gregory's case can therefore be described as a dichotomy to what will be seen with Ethel Major – a reprieve in the case of Gregory was always going to be an unlikely situation due to the severity of the crime, but with Major's crime, despite not securing a reprieve from the Home Office, the public support for her was exceedingly greater than was seen with Gregory.

Ethel Major, the most well-known person to be hanged at Hull Prison during the twentieth-century, merits great discussion in understanding the process public support could play with reprieves. Major poisoned her husband's corned beef with strychnine, a strong poison, on 24 May 1934.²⁵⁹ This proved difficult for Major's case; by using poison, she demonstrated that the murder was premeditated, arguably due to the violent abuse from her husband.²⁶⁰ This violence was suggested to be borne from Ethel deceiving her husband and not stating that she had an illegitimate child named Auriel two years prior

²⁵⁴ 'Execution at Hull Gaol', *HDM*. 3 January 1934, 5.

²⁵⁵ 'Vanished baby girl', *HDM*. 30 August 1933, 10; Young, *More murders of Hull*, 84.

²⁵⁶ Irvine, *A brief history of Hull Gaol*, 89.

²⁵⁷ 'Man charged with murder of child', *Dundee Evening Telegraph*. 2 August 1933, 1.

²⁵⁸ 'Baby's body in cellar', *Coventry Evening Telegraph*. 30 August 1933, 8.

²⁵⁹ 'Calm reply to accusation of poisoning husband', *HDM*. 10 July 1934, 10.

²⁶⁰ Ballinger, *Dead woman walking*, 372.

to their marriage. Once Arthur discovered this deception, the couple's relationship is said to have deteriorated into abuse,²⁶¹ which therefore made it more difficult to secure a reprieve. In fact, throughout the trial, Major was portrayed as vindictive, which was surprisingly common for women in abusive relationships during the twentieth-century. Also during this period, as many as a third of women executed were done so for murder by poisoning.²⁶² Also found during the trial and documented in the newspapers was evidence of love letters between Ethel's husband and other women, another reason why Ethel committed the murder.²⁶³ This only exacerbated the public interest in the case, knowing that there were exceptional motives behind the murder as opposed to a randomly vindictive death. Further, newspapers gave regular updates on the trial, which created gossip and discussion between locals. Tensions were clearly rising between Ethel and her husband, as in 1931 she visited the local police to complain about his drunkenness and stated that she could not continue to live with him.²⁶⁴ Her motives for the crime lay in his infidelity and their worsening relationship, and whilst this does not support the committal of the crime, it highlights the growing tensions leading to it. Of the ten executions at Hull Prison, Major attained the most media attention which was published in great detail. The purposes of this study do not allow for an in depth analysis of each individual crime, but it is clear that the *Hull Daily Mail* followed this story extensively with front page stories, highlighting the significance of Major being a woman who murdered her husband.²⁶⁵ Citizens living in Hull in 1934 were undoubtedly aware of the trial taking place at the Lincoln Assizes – one did not need to buy the newspaper to see the large titles and pictures of the event, giving both readers and onlookers the chance to follow the story.

Each case here is individual in its own nature; Smith assumed that his partner was having a sexual relationship with her employer, Michael murdered his wife because of their bigamous marriage, Gregory murdered his stepdaughter because he was jealous she was not his child, and Major poisoned her husband because of his drunkenness,

²⁶¹ *ibid*, 363.

²⁶² *ibid*, 352.

²⁶³ 'Love letters denied by neighbour', *HDM*. 2 August 1934, 1.

²⁶⁴ Ballinger, *Dead woman walking*, 355.

²⁶⁵ 'Lincs. Woman's alleged poisoning of husband', *HDM*. 29 October 1934, 1; 'Accused widow's daughter as witness at poison trial', *HDM*. 30 October 1934, 12; 'Lincolnshire widow sentenced to death', *HDM*. 1 November 1934, 1, 12.

abuse, and cheating behaviour. Murder is an ambiguous term, and whilst it describes the taking of a life by another, it does not consider the prerequisites for the crime. Some cases were bound to create a greater public response than others, such as with Gregory, where the case of a child murder was unusual and uncommon. This is also reflected in the sentencing of the crime, where judges had their own opinions of the accused and took this into account accordingly. Where one judge may have given a long prison sentence, another may have given the death penalty, and this lack of uniformity demonstrated a major flaw within the criminal justice system.²⁶⁶ In Major's case, there was 'a strong recommendation to mercy',²⁶⁷ yet this was not adhered to by the judge, showing that in spite of others' opinions, the judges had the ultimate ruling. Reprieves were sought for in each of these cases, and particular attention was paid to Major's case in trying to achieve a reprieve, largely because of the living conditions she was subjected to prior to the crime. This generated sympathy from a large crowd, so much so that the mayor of Hull, Alderman Stark, sent a letter to the Home Secretary and the King and Queen, asking for a reprieve for Mrs Major and worked through the night to try and achieve this.²⁶⁸ Remarking on his failure, the Lord Mayor commented that he 'had the backing of all shades of opinion in Hull', along with many 'letters and telegrams and scores of telephone calls from various parts of the country expressing support.'²⁶⁹ A crowd of around 800 appeared on the morning of the execution, described as being well behaved despite the police expecting protests from the lack of a reprieve.²⁷⁰ Undoubtedly, Major's case sparked great discussion during her trial regarding the use of the death penalty in society. Where most agreed that the death penalty was essential in punishment, this agreement did not continue in Major's case, evident from the sympathy exhibited from all manners of people around the country at her death.

Smith also received significant response in order to try reprieve him from his sentence. It was reported in the *Hull Daily Mail* that a petition, organised by his solicitor, was 'hoped to secure 30,000 signatures' in the following days.²⁷¹ The petition stated that

²⁶⁶ Emsley, *Crime and society*, 192-193.

²⁶⁷ 'Lincolnshire widow sentenced to death', *HDM*. 1 November 1934, 1.

²⁶⁸ 'How Mrs Major met her doom: eleventh-hour effort fails', *HDM*. 19 December 1934, 1; Ballinger, *Dead woman walking*, 369.

²⁶⁹ 'Execution of Mrs. Major', *Yorkshire Post and Leeds Intelligencer*. 20 December 1934, 10.

²⁷⁰ *ibid*; Irvine, *A brief history of Hull Gaol*, 91.

²⁷¹ 'Petition ready', *HDM*. 25 November 1934, 5.

Smith was a military man, looked after Bousfield as best he could buying her gifts, and that the crime was committed because she antagonised him into losing self-control, thus demonstrating a lack of premeditation.²⁷² As with Major, Michael also received attention from MPs, with a petition being created by his solicitor which tried to attract some of Hull's 'best known citizens' to try and influence the Home Office in serving a reprieve.²⁷³ This, however, was denied, with Blackwell being unable to find any ground on which the crime should be reprieved.²⁷⁴ This was clearly a sensible decision on behalf of the Home Office as Michael had been sentenced to gaol 18 months prior to the murder for an attempted murder charge, and the murder itself took place in front of a police officer, demonstrating the malicious intent of his actions. Finally, whilst hopes of a reprieve were also sent with Gregory's case, the Home Secretary unsurprisingly denied these in what is the most shocking case of the ten executed at Hull Prison.²⁷⁵ What seems to be consistent with executions at Hull Prison was the behaviour of crowds being either calm or remorseful for the condemned. Whilst evidence suggests around 4,000 stood outside the prison on the morning of Smith's execution, this number seems large. Considering only 800 attended Major's execution, which was much more represented in the news than Smith's, it is likely that the crowd size was estimated at 4,000 and therefore overexaggerated.²⁷⁶ A smaller crowd of between 200 and 300 was recorded at Michael's trial in 1932 which, according to Figure 1 below, may also be slightly exaggerated. With regards to Gregory's trial, there was only a small crowd of 60 people, of whom many were women with their children.²⁷⁷ This was a visible statement of solidarity from mothers who wanted to demonstrate their disgust at Gregory's crime. Where at most executions the families and friends attended in support of their loved one, the case of Gregory drew a quietly hostile crowd in protest of his crime, rather than in protest of the punishment given. Furthermore, that fact that no 'hats or caps were removed' upon the strike of the hour in honour of the condemned demonstrates the lack of respect for Gregory and his crime.²⁷⁸

²⁷² *ibid*

²⁷³ 'Hull murder echo', *HDM*. 21 April 1932, 1.

²⁷⁴ 'No reprieve', *HDM*. 25 April 1932, 1.

²⁷⁵ 'No reprieve', *HDM*. 2 January 1934, 8.

²⁷⁶ 'The East Hull murder', *HDM*. 9 December 1924, 5; Goodman, *Foul deeds*, 32.

²⁷⁷ 'Execution at Hull Gaol', *HDM*. 3 January 1934, 5.

²⁷⁸ *ibid*



Figure 1: 'The morning watch – part of the crowd outside Hull Prison this morning awaiting official intimation that the execution of George Michael, the coloured seaman, had taken place.' 'Crowd at Prison', *HDM*. 27 April 1932, 5.

The final four cases to be mentioned of those executed at Hull Prison cannot be neatly placed into the above categories, rather their crimes were distinct and had unique motivations behind them. The first of the four, that of William James Bolton, was executed in 1902 for the murder of Jane Elizabeth Allen, and also tried to commit suicide on the night of the crime.²⁷⁹ Whilst this crime does pertain the theme of love and jealousy, it works better to be placed alone due to the suicidal nature of Bolton following the murder. Where Smith handed himself into the police following the murder of his partner, Bolton had tried to take his own life to escape the noose. Therefore, the extraordinary nature of this crime must be placed alone, as Bolton was the only person hanged in Hull Prison who tried to take his own life prior to the hanging itself. It was known that Bolton and Allen were engaged in a sexual relationship, but when Allen declared she would be marrying somebody else, Bolton became intensely angry at the news. Despite calming and staying with her that night, the next morning a lodger of Allen's heard her shouting and found her body, minutely alive, next to Bolton's who had wounds on his throat.²⁸⁰ The defence put up an 'inconceivable defence',²⁸¹ claiming Bolton killed Allen whilst semi-conscious, and thus the murder was therefore not premeditated. This did not sway the opinion of the prosecution or the judge, who sentenced Bolton to hang at Hull Prison.

The execution of Charles William Ashton in 1903 is a peculiar case as Ashton, who confessed to the murder of 16-year-old Annie Marshall, claimed not to know why he did it. In what has been described by the defence in the *Hull Daily Mail* as a 'moment of passion and excitement',²⁸² Ashton shot Marshall twice in the head, and then continued to drown her in the River Derwent, ensuring her death. Albeit, Ashton claimed he hoped that Marshall 'would go away' when he threw her in the river,²⁸³ demonstrating that he hoped the body would be washed downstream. His confession, young age, and lack of motive for the crime led to the jury recommending mercy, but the judge passed the death sentence.²⁸⁴ Ashton's case gives evidence to the claim that when passing sentence, judges were likely to submit on their own opinions of the crime

²⁷⁹ 'Bolton again remanded', *HDM*. 4 November, 1902, 3.

²⁸⁰ 'West Hull crime evidence', *HDM*. 7 November 1902, 3; Clarke, *The groaning gallows*, 75-77.

²⁸¹ 'Execution of Bolton', *HDM*. 23 December 1902, 4.

²⁸² 'Scampston murder', *HDM*. 1 December 1903, 3.

²⁸³ 'Confession of culprit', *HDM*. 25 September 1903, 4.

²⁸⁴ Charles, *Yorkshire executions*, 174-176; 'Scampston murder', *HDM*. 1 December 1903, 3.

and the criminal. Despite being recommended to mercy, there was no reduction in the punishment for the 19-year-old.

The case of John Freeman is complicated as the event itself was chaotic in nature, and thus details may be skewed in their collection. It was alleged that after a night of drinking at the Myton Tavern on 28 August 1909, John Freeman and his brother, Robert Freeman, returned to their home where an argument erupted between the brothers regarding Florence Freeman, Robert's wife. The brothers fought, during which John stabbed and cut the throat of Florence who then stumbled outside into a crowd that had gathered from the cries of "Murder!". She died shortly after on the way to the infirmary.²⁸⁵ This case gained significant interest in local news as it took up half a page in the *Hull Daily Mail* on 30 August 1909, and again on 19 November 1909, when Freeman was sentenced to death.²⁸⁶ It is clear from the trial that Freeman was very intoxicated on the night of the murder, at the police station later that night claiming he 'did not mean to kill her', not only demonstrating his guilt, but also giving evidence that showed that the crime was not premeditated.²⁸⁷ There were sixteen witnesses ready to be called in court, and despite relying on testimony from Robert Freeman for the events that transpired in the house, the jury found John Freeman guilty of wilful murder, and the judge passed sentence of death upon him.²⁸⁸ This sentencing could be argued to have arisen from a need for local justice; the events that took place inside the house cannot be reliably understood and thus the sentencing came about from what the Freemans had said during the argument. The majority of such came from intoxication and thus, creates what would be described today as an unreliable testimony that was used in court.

Finally, Hubert Ernest Dalton was sentenced to death in 1925 for the murder of a colleague, Francis Ward. What makes Dalton's case different to others is that he was the only person hanged at Hull Prison who did not murder a member of his family.²⁸⁹ Interestingly, Dalton was first tried in York where he claimed that the murder happened whilst he was having an epileptic seizure and thus, he was unaware of the incident

²⁸⁵ 'Shocking murder in Porter-Street, Hull.', *HDM*. 30 August 1909, 6.

²⁸⁶ 'Sentenced to death', *HDM*. 19 November 1909, 6.

²⁸⁷ *ibid*

²⁸⁸ *ibid*

²⁸⁹ Young, *More murders*, 74.

occurring; 'the jury disagreed on the question of his sanity.'²⁹⁰ This did not, however, halt proceedings when Dalton was again tried in Leeds two months later. During the trial, 'prison doctors found no sign of insanity or epilepsy in the prisoner'.²⁹¹ He was found guilty and the judge sentenced him to death with the evidence of Ward's money and two watches being found at Dalton's residence.²⁹² The motive for this crime seems to have been the acquisition of Ward's goods, namely his purse and his two watches on his person. The brutality of this case was shown in court, where it was proclaimed that Dalton had not only murdered Ward with a hammer, but the doctor had mentioned he returned sometime after and cut his throat,²⁹³ further suggesting that an epileptic seizure played no part in the murder.

As with those mentioned thus far, there was a tendency to appeal the crime once sentencing had been given in order to try and secure a reprieve. Ashton, Freeman, and Dalton all have evidence within newspapers regarding their appeals, but surprisingly, there is no reprieve attempt from Bolton. Considering that Bolton's case is not the most severe of the ten executed, this is surprising and could be due to Bolton trying to commit suicide after he had committed the murder. Despite this, there was mention of gradually increasing crowd presence outside the prison, with 'women in present in large force [...] chiefly of the poorer class, and some were taking an emotional interest in the rapidly approaching awful ceremony.'²⁹⁴ Undoubtedly, some members of the crowd were there to experience the spectacle of an execution, which, somewhat paradoxically, was uneventful for those on the outside of the prison who simply waited until 9am (in some cases this was 8am), knowing that the execution had taken place and confirmation of this was then posted outside the prison itself. The *Hull Daily Mail* records this, stating that after the execution, many people stuck around because of their 'morbid curiosity' in the event.²⁹⁵ This is unsurprising as Bolton's execution was the second to occur in Hull Prison; whilst Richardson was executed earlier in the year, the public had still to accept the movement of executions from York to Hull in this period.

²⁹⁰ 'Convicted at second trial', *HDM*. 9 May 1925, 1.

²⁹¹ 'Awaiting the end', *HDM*. 9 June 1925, 5.

²⁹² 'Convicted at second trial', *HDM*. 9 May 1925, 1.

²⁹³ *ibid*

²⁹⁴ 'Execution of Bolton', *HDM*. 23 December 1902, 4.

²⁹⁵ *ibid*

As for Ashton, Freeman, and Dalton, all tried to achieve a reprieve. The most significant response was in Freeman's case, who had a strong recommendation to mercy which the judge promised to forward 'to the proper quarter.'²⁹⁶ Freeman gained great support from the public, arguably due to the Mayoress Cecilia Feldman's response to the situation. Writing to the editor of the *Hull Daily Mail*, she said 'I think if my fellow-citizens will sign a petition for his reprieve his life may be saved.'²⁹⁷ Three days later, and one day prior to the scheduled execution, 6,000 signatures had been received on behalf of Freeman which was to no avail as the Home Secretary denied any such luxury.²⁹⁸ Ashton and Dalton both received a similar treatment; the Home Secretary declined 'to interfere with the sentence' for Ashton,²⁹⁹ and for Dalton a petition for a reprieve 'had unsuccessful results.'³⁰⁰ It is clear that despite having public support in trying to achieve a reprieve, particularly in the case of Smith whose petition was said to have gained over 30,000 signatures, the Home Secretary was unable to reprieve all of those sentenced to death. Regardless of not being able to achieve a reprieve, all had a crowd outside the prison gates on the day of execution. With the case of Ashton, some members of the crowd, who could have been relatives, 'seemed to have given way to their emotions' whilst waiting for the prison bell to ring,³⁰¹ signifying that the execution had taken place. According to the *Hull Daily Mail*, the crowd reached as many as four hundred people to which the police had no difficulty in keeping in order.³⁰² Further, at Freeman's execution there was said to be a large crowd gathered around the prison and one member of the crowd declared that Freeman's death was deserved, to which a neighbour replied with a threat.³⁰³ It is unclear whether the neighbour was that of Freeman's or the man in question, however, this demonstrates that within the crowd there was both hostility and support for Freeman during his execution. Finally, for Dalton the crowd that gathered was described as 'small knots of people', which later 'increased in strength' according to the *Hull Daily Mail*,³⁰⁴ as the execution drew closer. This seems to be

²⁹⁶ 'Sentenced to death', *HDM*. 19 November 1909, 6.

²⁹⁷ 'The condemned man Freeman', *HDM*. 3 December 1909, 6.

²⁹⁸ *ibid*; 'Execution of Freeman', *HDM*. 7 December 1909, 6.

²⁹⁹ 'Execution at Hull', *London Daily News*. 23 December 1903, 11.

³⁰⁰ 'Awaiting the end', *HDM*. 9 June 1925, 5.

³⁰¹ 'The East Riding murder', *HDM*. 22 December 1903, 3.

³⁰² *ibid*

³⁰³ 'Execution of Freeman', *HDM*. 7 December 1909, 6.

³⁰⁴ 'Hull execution', *HDM*. 10 June 1925, 8.

accurate, as further sources have claimed that the crowd was around 50 people large when the execution took place.³⁰⁵ It is clear that, regardless of the crime committed, each person who was condemned in Hull Prison during the twentieth-century had a crowd gather outside the prison whilst their execution took place. In most cases, these seem to be a mixture of those who were curious of attending an execution itself as had been done by previous generations prior to 1868, and those who knew the condemned, such as their family and friends. However, the condemned were never allowed to address the crowd as had been done in previous centuries, such as John Rogerson's appeal to youths in 1778 as his last dying words, deterring them from committing the same crime he did.³⁰⁶

A point which therefore needs to be addressed are the reprieve rates in the eighteenth-century in comparison to those in the twentieth-century. As has been addressed in Chapter One, the Bloody Code in the eighteenth- and early-nineteenth-centuries was rife with judicial corruption; judges were willing to create local punishments that suited the needs for their immediate localities as opposed to following the statutes made in London that were so well defined. This has been demonstrated by punishments from the Quarter Sessions in Chapter One with the devaluation of goods in Hull, highlighting a position that the local judicial system took, arguably in protest, against the central policy makers in London. The contemporary opinion amongst the higher classes in Hull seemed to be that punishments were too severe for the crimes committed, such as stealing goods worth more than one shilling. It has been suggested in the *Hull Daily Mail* that, from 1870 to 1902, there were 32 murders in Hull, of which nine were unsolved at the time, and six, including Bolton, were executed for their crimes. There were a further 20 cases of manslaughter and two charges of murder that were acquitted.³⁰⁷ Including these two murders, bringing the total number to 34, only two were acquitted – a total of 94.1 per cent were charged with the crime of murder. Of the total number, 17.6 per cent were sentenced to be hanged. In comparison to the eighteenth-century where up to 95 per cent of people were reprieved and given secondary punishments for capital crimes, punishment reforms had a dramatic impact

³⁰⁵ 'Execution at Hull', *Yorkshire Post and Leeds Intelligencer*. 11 June 1925, 10.

³⁰⁶ HHC, L. 920. ROG, *Newspaper articles of the last public execution in Hull: including dying words of John Rogerson (c. 1778)*, 4.

³⁰⁷ 'Execution of Bolton: Record of Hull murders', *HDM*. 23 December 1902, 4.

on the criminal justice system in this period, as shown by the above figures.³⁰⁸ Where criminals used to be charged with the death penalty and most given a reprieve whilst awaiting their punishment, the late-nineteenth- and early-twentieth-centuries saw very few criminals being charged with the death penalty with the reprieve rate being low to compensate for this. Being charged with the death penalty in the twentieth-century was more likely to lead to the punishment taking place, which could have been execution or a prison sentence. The eighteenth-century saw the reverse of this, where it was more likely a death sentence would be reprieved.

Conclusion

The twentieth-century in Hull saw the most use of capital punishment within the time parameters of this study. Whilst there were at least two executions in the eighteenth-century, there were none in the nineteenth. The noose was reintroduced into Hull in 1902 because of York Prison being converted into a military prison, and in doing so, Hull and Wakefield Prisons had to accommodate hangings for crimes that warranted the death penalty in their respective localities. The walls of the prison, however, separated the hanging of John Rogerson in 1778 to Arthur Richardson in 1902. By making the punishment private, the grotesque nature of the execution was removed from society; large crowds did not gather to witness any final words and the eventual hanging of the condemned in this period, but rather, most attended to show solidarity for the condemned and their families and friends. Inevitably, some attended from natural curiosity of the event; with hanging not being seen in Hull for over a century, there is no doubt that the return of capital punishment sparked the interest of local citizens. Further, the ten executions that took place all occurred for murder, although the circumstances differed for each. Richardson and Siddle were bound by debt and saw murder as their only way out of paying, and Smith, Michael, Gregory, and Major's crimes were influenced by jealousy and love between their partners and themselves. The murder of Jane Allen committed by Bolton is interesting because of the suicidal nature of the event – Bolton was aware of the punishment his crime entailed and tried to end his own life to spare himself from the noose. Ashton's crime is regarded as unique as

³⁰⁸ Taylor, *Crime, policing and punishment*, 130-134.

there doesn't seem to be any motive behind it, rather it was a spur of the moment event. The chaotic nature of Freeman's murder of his sister-in-law demonstrates how the public could be split – whilst some signed the petition for his reprieve, many others detested his crime. Finally, Dalton's murder of his colleague demonstrates how pleas of insanity could be used in order to try and cheat the criminal justice system and ultimately escape the noose. However, Dalton's efforts were in vain, and he was sentenced to death after doctors found no evidence of his supposed epilepsy. Newspaper records are utilised in this study largely because of their attentiveness to provide the latest information for the intrigued eyes of the contemporary public. Whilst numbers of capital punishments had only ever been reduced in the nineteenth-century, the lack of execution in Hull during this time allowed for a great media representation in the twentieth-century when capital punishment returned to Hull. During this time, newspapers across the country reported on the crimes of those executed, but none so with more detail than the *Hull Daily Mail*, which captured the emotions and narratives of the local crimes. Whilst not all of the crimes committed by the ten were native to Hull, their executions were conducted there and thus, when a case that warranted the use of the death sentence became known, there was great media representation of the event. Executions therefore returned to Hull out of necessity, and each case demonstrated its own individuality during this period. By using case studies in this research, the narratives and reasonings behind the murders have been analysed in detail in order to represent how execution was performed, and how it was viewed by the public in twentieth-century Hull.

Conclusion

This study has looked at changes in capital punishment across a 230-year period in Hull. The use of capital punishment was incredibly low in comparison to larger cities, such as London, where a centralised government was able to promote and enforce the sentencing of the death penalty, particularly in the eighteenth-century. However, high reprieve rates ensured that few of the condemned were hanged at the gallows. The main objective of this research was to broaden the current historiography present regarding capital punishment in England, looking at the extent to which national reforms shaped punishment in Hull, with a decline in bodily punishments to more reformative incarceration. Through meticulous analysis of the Quarter Sessions and multiple newspapers, details regarding capital punishment in Hull have been uncovered and attributed to this research. This had to be compared to London in order to build on the suggestion that King and Ward presented that a greater distance from London was important in demonstrating lower numbers of executions – this has been the case for Hull. Therefore, this research not only expands on current historiography, but provides a case study to support the findings of King and Ward in 'Rethinking the Bloody Code'. Yet further research must be conducted in other towns and cities, particularly in the North that have been neglected from the historiography, in order to continue creating a wider picture of crime.

Investigation of the eighteenth-century focussed on applying research done on Hull's Quarter Sessions to a growing historiography of the Bloody Code. Contributing to this understanding of how the Bloody Code operated in Hull, a locality outside the direct vicinity of London, has demonstrated that capital punishment in this period was minimal in comparison to the courts of the metropolis. It is clear that the courts in Hull employed a range of strategies through which capital punishment was avoided. These included; the devaluation of goods, which is evident in the Quarter Sessions records and emphasises autonomy of the judicial system in Hull. The most common punishments throughout the eighteenth-century in Hull for crimes that, under the Bloody Code, should have warranted the death penalty, were both public and private whippings, transportation, and from 1752, gaol sentences and fines. Such evidence of public whipping for stealing goods worth more than one shilling is seen with the case of Anne Stuiolds who stole goods that were worth significantly more than one shilling but were

valued at just tenpence.³⁰⁹ The judge's willingness to reduce sentencing in favour of the perpetrator instead of sending them to the Assize Courts demonstrates the lack of following a standardised system of punishment; judges were able to distribute their own punishments in accordance to their perspectives on which crimes should warrant certain punishments. However, this all occurred with primitive policing which was largely ineffective in its role of apprehending criminals; once urbanisation began to increase and more citizens were living in Hull, it became clear that increasing pressures amounted towards a new system of policing being needed in the early nineteenth-century. Contributions to the historiography by prominent historians such as Hay and Gatrell have suggested that capital punishment was prevalent in English society, yet the case of Hull reveals that this is false. Where Hay has argued that capital statutes were established to 'protect every conceivable kind of property from theft or malicious damage',³¹⁰ the case of Hull shows that these were largely obsolete in a judicial system that was autonomous to the centre of state – without the power to enforce these statutes in Hull, the criminal justice system was therefore arbitrary and open to interpretation for towns on the periphery. Similarly, Gatrell argues that English citizens were 'very familiar with the grimy business of hanging' in the late eighteenth- and early nineteenth-centuries,³¹¹ but stating that all English citizens were aware of this is over-zealous because of the lack of research conducted in the North on capital punishment. Whilst this study maps one previously under-researched locality and adds it to the historiography of punishment, more local studies of the operation of criminal justice are needed to continue developing the debate.

As there were no executions in Hull during the period 1779-1901, Chapter Two continues focus on Hull in relation to reforms surrounding the criminal justice system in England. A focus on reforming the criminal justice system gained popularity in the late eighteenth-century when it became increasingly clear that the Bloody Code was not successful in deterring further criminals, and that a humanitarian approach to punishment argued by reformers such as Beccaria, Romilly, Mackintosh, and Peel, was needed. Also, the availability of the courts through reforms grew in this period, such as

³⁰⁹ *HQSOB*, Jan 1737-1752, 163R.

³¹⁰ Hay, 'Property, authority and the criminal law', 22.

³¹¹ Gatrell, *The hanging tree*, 6.

the Prisoner's Counsel Act in 1836, and whilst crime did not increase overall, the number of prosecutions rose primarily from those in lower classes who previously could not afford to prosecute. Increasing urbanisation was a major factor in warranting change, particularly with Peel's policing reforms in the 1820s and 1830s; better policing was needed in order to effectively apprehend criminals and increase the safety of citizens. The introduction of the new police in Hull in 1836 under the careful supervision of Alexander McManus, the first Chief Constable of Hull who kept the role for 30 years, undoubtedly improved upon the city's existing police force.³¹²

The ending of public executions and privatisation behind prison walls generated a new perception of execution nationwide. The prison walls created a physical barrier between the crowd and the condemned, where citizens had to rely on testimony from the small number who viewed the execution and from the media. This was not to be seen in Hull until the twentieth-century and thus the perceptions of citizens were restricted to media sources or local gossip unless they attended a private execution outside of Hull. In hanging towns and cities, however, the performance of execution shifted alongside changing opinions; the grotesque nature of hanging had been accounted for by many middle-class viewers, such as Charles Dickens, who encouraged privatisation to mitigate transference of violent thoughts to the crowd.³¹³ In Hull, the increased number of perpetrators sentenced to prison is clear; three prisons were built between 1786 and 1869, with Hull Prison on Hedon Road being the largest and completed in 1869 which served as the hanging prison for Hull in the twentieth-century. Punishment in England therefore changed from random vindictiveness to being able to punish all who had committed a severe crime with a prison sentence. Despite no executions taking place in Hull from 1779-1901, there was still significant change influenced by national reform and influential reformers. Opinions began to shift towards humanitarian punishment and the gallows became enclosed behind prison walls, changing the perception of punishment for citizens nationwide.

The return of execution to Hull in the twentieth-century saw ten executions between 1902 and 1934, all of which were for murder. By this point, execution had become regulated under the state which had extended its power in the nineteenth-

³¹² Clarke, *The policemen of Hull*, 14-16.

³¹³ Taylor, *Crime, policing and punishment*, 133.

century and was conducted behind the walls of the prison. This was a drastically different situation to what was experienced at the previous hanging in Hull which was a very public affair in 1778. Continued reforms in this period began limiting who could be executed by age and pregnancy status, slowly working towards total abolition. Where nineteenth-century reforms worked towards removing execution from public spaces, twentieth-century reforms revolved around the slow abolition of the death penalty. Whilst the last execution occurred in Hull Prison in 1934, the death penalty itself was not abolished until the late 1960s, where it was achieved temporarily in 1965 for a period of five years, and solidified in 1969 with the Murder (Abolition of the Death Penalty) Act.³¹⁴ The Act declared that 'No person shall suffer death for murder, and a person convicted of murder shall [...] be sentenced to imprisonment for life.'³¹⁵ Therefore the sentence given to those who would've received the death penalty was changed to life imprisonment which remains the harshest punishment courts can sentence today.

The role of the media played an important role in disseminating public opinion towards execution in this period. Views towards execution were established using newspapers, where extensive research has demonstrated that crowds at executions were largely made up of support for the condemned who believed the punishment did not fit the crime. Whilst undoubtedly some members of the crowd were there to experience the execution, most were there in support. This study further demonstrates the trial of the individuals before execution, and the experience of punishment behind the walls of the prison in Hull, which is an under-researched area in the history of punishment. Explicitly exhibited for Hull in this period, the role of the media in portraying punishment was significant in providing the public with details of the crime and the events leading up to the execution, such as reprieve notices. The scarcity of capital punishment in the twentieth-century made executions a pivotal story for the media to publish; particular attention was paid when a hanging was local, as seen in the *Hull Daily Mail* with extended articles following the cases of the condemned in Hull. In analysing the processes of execution in the locality of Hull, it is clear that execution

³¹⁴ J. Rowbotham, 'Execution as punishment in England: 1750-2000', in A. Kilday & D. Nash (eds.), *Histories of crime: Britain 1600-2000* (Basingstoke: Palgrave Macmillan, 2010), 180-202: 187-188.

³¹⁵ *Murder (Abolition of the Death Penalty) Act 1965*. Chapter 71. For further discussion, see Block & Hostettler, *Hanging in the balance*, 216-269.

returned out of necessity for York Prison being turned into a military prison in the early twentieth-century. Without doing so, hangings likely would have continued in York. What is learnt, however, is that there was great local support for the condemned in securing a reprieve. When the Home Secretary failed to issue a reprieve, communal gathering and solidarity demonstrated by locals at the execution in Hull confirmed their distaste for the event.

The historiography for the history of capital punishment needs to be expanded in order to create a wider picture of crime, and not one that is dominated by studies of the South and of London. This research has begun the process of expanding this historiography to be inclusive of Hull, highlighting the changes in the criminal justice system from the eighteenth- to the twentieth-centuries, ending in 1934 with the execution of Ethel Major. This study has aimed to address key issues within understanding how the criminal justice system functioned in Hull and to incorporate this into the wider historiography. With extensive analysis of the Quarter Sessions, Hull's judicial autonomy in the eighteenth-century allowed for the curtailing of punishments by judges who deemed execution too severe for the crime committed. King and Ward have argued that the peripheries experienced fewer executions than communities in the centre, which is demonstrated by this study as only two people were executed in the eighteenth-century in Hull. This goes further to give evidence against Hay's argument that the ruling class used execution to protect their property, as in Hull, the ruling elite discouraged sending criminals to the Assize Courts and gave secondary punishments that they believed suited the crime. Where punishment became uniformed under state power in the twentieth-century, execution was still used sparingly and a focus on rehabilitation through incarceration was dispensed. Where public execution was described as having the feeling of a carnival in the eighteenth-century, twentieth-century executions were solemn events that demonstrated the sheer distaste towards hanging in this period. The historiography of the criminal justice system in England is far from complete, and arguably never will be, but strides must be made to moving away from popular histories where sources have survived, to areas where sources may be limited but still provide great insight into the past. In order to truly understand punishment in England throughout this period, more research needs to be undertaken in underresearched communities nationwide. There is no doubt that King and Ward's

article has brought to light the gaps in our understanding of punishment and that further, local research like this study is needed in order to create a truly representative analysis of the progression of the criminal justice system in England.

Bibliography

Primary Sources

Unpublished Primary Sources

HHC, L. 364. 152, *List of prisoners hanged at Hull gaol (for murder)*.

HHC, L. 920. ROG, *Newspaper articles on the last dying public execution in Hull: including dying words of John Rogerson (c. 1778)*.

HHC, QSOM, C CQA, *Hull Quarter Sessions orders and minutes, 1506-1971*.

Published Primary Sources

Acts

Black Act 1723. 9 Geo 1, Chapter 22 (London).

Metropolitan Police Act 1829. 10 Geo 4, Chapter 4 (London).

Murder (Abolition of the Death Penalty) Act 1965. Chapter 71.

Newspapers

Coventry Evening Telegraph.

Dundee Evening Telegraph.

Hull Daily Mail.

Leeds Mercury.

Lichfield Mercury.

London Daily News.

Manchester Courier and Lancashire General Advertiser.

The Times.

Yorkshire Post and Leeds Intelligencer.

Other

Accounts and papers of the House of Commons [eBook]. London: HMSO, 1852. Available online:

https://play.google.com/books/reader?id=w6RbAAAAQAAJ&hl=en_GB&pg=GB.S.PA289 [Accessed 30/07/2019].

Secondary Sources

Books

- Avery, A. A., *The story of Hull*. Pickering: Blackthorn Press, 2008.
- Babington, A., *The rule of law in Britain from the Roman occupation to the present day: the only liberty: a short history of the rule of law in Britain, 54 B. C. – A. D. 1975*. Chichester: Barry Rose, 1978.
- Baker, J. H., *An introduction to English legal history*, 3rd edition, London: Butterworths, 1990.
- Beattie, J. M., *Policing and punishment in London 1660-1750: urban crime and the limits of terror*. Oxford: Oxford University Press, 2003.
- *Crime and the courts in England, 1660-1800*. Oxford: Clarendon Press, 1986.
- Block, B. P. & J. Hostettler, *Hanging in the balance; a history of the abolition of capital punishment in Britain*. Winchester: Waterside Press, 1998.
- Borrow, G., *Celebrated trials of all countries, and remarkable cases of criminal jurisprudence* [eBook]. Philadelphia: E.L. Carey and A. Hart, 1835.
- Brown, A., *English society and the prison: time, culture and politics in the development of the modern prison, 1850-1920*. Woodbridge: Boydell Press, 2003.
- Calvert, H., *A history of Kingston upon Hull from the earliest times to the present day*. London: Phillimore, 1978.
- Charles, I., *Yorkshire executions: the crimes behind the hangings, 1864-1910*. David Firth, 2009.
- Clarke, A. A., *The groaning gallows: the stories of murders and of men and women who faced the executioner in York, E. Yorks and N. Lincs*. Hornsea: Arton Books, 1994.
- *The policemen of Hull*. Beverley: Hutton Press, 1992.
- Cox, D. J., *Crime in England 1688-1815*. London: Routledge, 2014.
- Crowther, J. E., *Beverley in mid-Victorian times*. Beverley: Hutton Press, 1990.
- Davey, B. J., *Rural crime in the eighteenth century*. Hull: The University of Hull Press, 1994.
- Emsley, C., *Crime and society in England, 1750-1900*, 4th edition. Harlow: Longman, 2010.
- *Crime and society in twentieth-century England*. Harlow: Longman, 2011.
- *Crime, police, and penal policy: European experiences 1750-1940*. Oxford: Oxford University Press, 2007.

- Gatrell, V. A. C., *The hanging tree: execution and the English people 1770-1868*. Oxford: Oxford University Press, 1994.
- Godfrey, B. & P. Lawrence, *Crime and justice since 1750*, 2nd edition. Oxfordshire: Routledge, 2015.
- Goodman, D., *Foul deeds and suspicious deaths in Hull*. Barnsley: Wharnccliffe Books, 2005.
- Gray, D. D., *Crime, policing and punishment in England, 1660-1914*. London: Bloomsbury Academic, 2016.
- Hay, D., P. Linebaugh, J. Rule, E. P. Thompson & C. Winslow, *Albion's fatal tree: crime and society in eighteenth-century England*. Harmondsworth: Penguin, 1977.
- Hopkins, P., *The history of Beverley: from the earliest times to the year 2003*. Pickering: Blackthorn, 2003.
- Irvine, W. C., *A brief history of Hull Gaol: introducing six years of utter madness*. Well Thought Out, 2013.
- Johnston, H., *Crime in England 1815-1880: experiencing the criminal justice system*. London: Routledge, 2015.
- King, P., *Crime, justice, and discretion in England, 1740-1820*. Oxford: Oxford University Press, c2000.
- Linebaugh, P., *The London hanged: crime and civil society in the eighteenth century*, 2nd edition. London: Verso, 2006.
- Melville, L. W. L., *A history of the police in England*. London: Methuen, 1901.
- Morgan, G. & P. Rushton, *Rouges, thieves and the rule of law: the problem of law enforcement in north-east England, 1718-1800*. London: UCL Press, 1998.
- Nash, D. & Kilday, A (eds.), *Murder and mayhem: crime in twentieth-century Britain* (London: Palgrave, 2018).
- Ohlson, G., *Gent's history of Hull*. Hull: Peck, 1867.
- Pratt, J., *Punishment and civilization: penal tolerance and intolerance in modern society*. London: Sage, 2002.
- Seal, L., *Capital punishment in twentieth-century Britain: audience, justice, memory*. Hoboken: Taylor and Francis, 2014.
- Sharpe, J. A., *Crime in early modern England, 1550-1750*, 2nd edition. London: Longman, 1999.

- Sheahan, J. J., *History of the town and port of Kingston-upon-Hull*, 2nd edition. Beverley: John Green, 1866.
- Taylor, D., *Crime, policing and punishment in England, 1750-1914*. Basingstoke: Macmillan, 1998.
- *The new police in nineteenth-century England: crime, conflict, and control*. Manchester: Manchester University Press, 1997.
- Thompson, E. P., *Whigs and hunters: the origin of the Black Act*. Harmondsworth: Penguin, 1977.
- Tobias, J. J., *Crime and police in England, 1700-1900*. Dublin: Gill & Macmillan, 1979.
- Walliss, J., *The Bloody Code in England and Wales, 1760-1830*. Basingstoke: Palgrave Macmillan, 2018.
- Walker, P. N., *The courts of law: a guide to their history and working*. Newton Abbot: David and Charles, 1970.
- Young, A., *More murders of Hull*. Hull Daily Mail, 1995.

Chapters in edited books

- Hay, D., 'Property, authority and the criminal law', in Hay et al (eds.), *Albion's fatal tree: crime and society in eighteenth-century England*. Harmondsworth: Penguin, 1977, 17-63.
- Johnston, H., 'Punishment: the death penalty and incarceration', in D. Nash & A. Kilday (eds.), *Murder and mayhem: crime in twentieth-century Britain*. London: Palgrave, 2018, 243-270.
- Nash, D. & A. Kilday, 'Introduction: crime and punishment in twentieth-century Britain', in D. Nash & A. Kilday (eds.), *Murder and mayhem: crime in twentieth-century Britain*. London: Palgrave, 2018, 1-30.
- Rowbotham, J., 'Execution as punishment in England: 1750-2000', in A. Kilday & D. Nash (eds.), *Histories of crime: Britain 1600-2000*. Basingstoke: Palgrave Macmillan, 2010, 180-202.

Journals

- Cover, R., 'Violence and the word', *Yale Law Journal*, 95, 8 (1986), 1601-1629.

- Griffiths, C. C., 'The Prisoners' Counsel Act 1836: doctrine, advocacy and the criminal trial', *Law, Crime and History*, 4, 2 (2014), 28-47.
- Hay, D., 'Crime and justice in eighteenth- and nineteenth-century England', *Crime and Justice*, 2 (1980), 45-84.
- King, P. & R. Ward, 'Rethinking the Bloody Code in eighteenth-century Britain: capital punishment at the centre and on the periphery', *Past and Present*, 228, 1 (2015), 159-205.
- Langbein, J., 'Albion's fatal flaws', *Past and Present*, 98, 1 (1983), 96-120.
- McGowen, R., 'Civilising punishment: the end of public execution in England', *Journal of British Studies*, 33, 3 (1994), 257-282.
- 'Revisiting the hanging tree: Gatrell on emotion and history', *The British Journal of Criminology*, 40 (2000), 1-13.
 - 'The image of justice and reform of the criminal law in early nineteenth-century England', *Buffalo Law Review*, 32, 1 (1983), 89-125.

Websites

- Hart, S., *Newgate Calendar: John Jennings*. 2015. Available online: http://www.pascalbonenfant.com/18c/newgatecalendar/john_jennings.html [Accessed 12/06/2019].
- HM Prison & Probation Services, *Hull Prison information* (2019). Available online: <http://www.justice.gov.uk/contacts/prison-finder/hull> [Accessed 31/07/2019].

Theses

- Ballinger, A., *Dead woman walking: executed women in England & Wales 1900-1955*. PhD thesis. The University of Sheffield. September 1997. Available online: <http://etheses.whiterose.ac.uk/6066/1/416825.pdf> [Accessed 21/08/2019].
- Brown, A., *The class and culture of the prison: aspects of crime and the prison environment in nineteenth century England with particular reference to the East Riding House of Correction (1810-1877) and Hull Gaol (1829-1870)*. M.A. thesis. The University of Hull, September 1994.
- *Discipline and disorder in English prisons: aspects of policy and resistance 1840-1920*. PhD thesis. The University of Hull, April 1998.

Welsh, D. R., *The reform of urban policing in Victorian England: a study of Kingston upon Hull from 1836 to 1866*. PhD thesis. The University of Hull. January 1997.

Other

Dawson, V., H. Johnston & H. Shore, *Our criminal ancestors: sources for researching your criminal past: an introduction to the criminal justice system and material held at the Hull History Centre and the East Riding of Yorkshire archives*. Available online: https://ourcriminalancestors.org/wp-content/uploads/2018/04/OurCriminalAncestors_HullEastRidingSourceGuide.pdf [Accessed 03/06/2019].