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Conduct Unbecoming an Officer and a Gentleman: Honour and Dishonour in the Court Martial Records of the Marines Ashore, 1783-1793

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**UNIVERSITY OF
PLYMOUTH**

**Conduct Unbecoming an Officer and a Gentleman: Honour
and Dishonour in the Court Martial Records of the Marines**

Ashore, 1783-1793

by

Lee-Jane Giles

**A thesis submitted to the University of Plymouth
in partial fulfilment for the degree of**

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I would also like to thank my husband, research assistant (although some of the photos from the last trip were blurry, not that I'm complaining obviously), fab driver, sounding board, purveyor of pick and mix and wine, Steve. Thanks for the continued patience and sorry for all the paper work hoarding.

And one more; thanks also to my long-suffering friend Carolyn, who also stood a stint as a research assistant (next time remember the charging cable!) and has put up with my absence and distractedness, thank you!

Is/Was – Are/Were

Front cover reference: Image is of Lieutenant George Dyer aged 22. Dyer was a Plymouth marine officer who eventually became Major George Dyer. He features as a court member in the case of Captain James Meredith discussed in Chapter one of this dissertation, see Appendix 4. This image was painted in 1780 by the renowned portrait artist James Northcote and was exhibited at the Royal Academy in 1781. Purchased by the Royal Marines Museum in 2003.

Author's Declaration

At no time during the registration for the degree of Research Master has the author been registered for any other award without the prior agreement of the Doctoral College Quality Sub-Committee

Work submitted for this research degree at the University of Plymouth has not formed part of any other degree at the University of Plymouth or at another Establishment

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Abstract

Conduct Unbecoming an Officer and a Gentleman: Honour and Dishonour in the Court Martial Records of the Marines Ashore, 1783-1793

This dissertation is an examination of the Marine Corps during the late eighteenth century. The main focus of the research is upon the officer corps and specifically examines the connections of masculine interactions, through the use of the charge ‘conduct unbecoming an officer and a gentleman’, in constructing behaviour which was considered as either honourable or dishonourable. A focus on this type of behaviour, and more importantly on transgressions of ideal behaviour, within the brotherhood of the officer corps can demonstrate how male representations were linked to validation and group values.

Previous Marine Corps historiography has tended to focus upon the operational identity of the corps, either by reviewing its administrative framework, its presence in key naval operations or by prioritising the nature of its amphibious warfare. Much of the historiography of the Marine Corps has tended to avoid engaging with the analytical frameworks and wider discussions linked to gender, socio-cultural, spatiality, and material, representations. The Marine Corps also features infrequently within wider maritime and military history, usually as a comparison of numbers or as an aside.

Through a study of empirical evidence in the form of courts martial records, Admiralty letters and Marine Corps letters, newspapers, and other forms of contemporary literature, the chapters within this dissertation will highlight the ways in which marine officers defined themselves and each other in relation to superior officers, junior officers, officers from the Navy and Army, women, and other members of contemporary society such as tradesmen and landsmen.

Contents

Page 1 - Glossary

Page 2 - List of Illustrations and List of Abbreviations

Page 3 - Introduction

Page 20 - Chapter One - The Vindicated Captain and the Vindictive

Lieutenant: Disrespect towards a superior officer

Page 35 - Chapter Two - The Convivial Lieutenant and The Brawling Majors:

The Public Face of Honour

Page 51 - Chapter Three - Fraud, Theft and Independent Means

**Page 65 - Chapter Four - Georgian Women within the Court Martial Records of
the Marines Ashore, 1783-1793**

Page 82 - 87 - Conclusion

Page 88 - 100 - Appendixes

Page 101 - 112 - Bibliography

Glossary

Brevet Major – A commissioned officer who temporarily held a higher military rank without the appropriate or corresponding pay and allowances. This was usually conferred upon an officer for outstanding service, gallantry, or for meritorious conduct.

Captain Lieutenant – Generally used in the British Army; a Captain Lieutenant ranked above a First Lieutenant but below that of a Captain. Carried out the duties of a Captain but with a Lieutenant's pay and allowances.

Cashiering – Dismissal from the service. It was used in cases of serious misdemeanours or disgrace and could involve some form of public display.

Half Pay – Half pay could act as a retainer for officers who might be recalled. Up until 1791 half pay was the only form of pension for officers no longer fit to serve. In the cases herein it was used as a form of punishment. Half pay was generally paid until the officer died or found other means to provide for themselves.

Sutler – Sold provisions to the Corps either by maintaining a store in the barracks or from a wagon/tent when troops were in the field.

List of Illustrations

Title Page - Lieutenant George Dyer, painted by James Northcote, 1781. Held at the Royal Marines Museum, Southsea.

Page 17 - Image of Captain Lieutenant Watkin Tench. Image accessed from <http://www.navy.gov.au/biography/lieutenant-general-watkin-tench>

Page 28 – Captain of Marines, an aquatint by H. Merke after T. Rowlandson, published by R. Ackermann, 1799, held at the National Maritime Museum.

List of Abbreviations

TNA – The National

Archives

ADM – Admiralty Papers

RMM - Royal Marines

Museum

NMM – National Maritime Museum

**Conduct unbecoming an Officer and a Gentleman: Honour and
Dishonour in the Courts Martial Records of the Marine Ashore, 1783-
1793**

Introduction

In September 1784 Major Campbell and Major Johnston, both of the Marine Corps, found themselves before a general court martial, tried for conduct unbecoming, after publicly brawling on the parade ground at the Chatham Barracks. Both men had been in full uniform and the incident happened just after Johnston, who was duty officer, had dismissed the evening roll-call. Tempers, along with voices, became raised, canes were waved, and fingers pointed. Insults, of the ‘most grave, illiberal and abusive Language’, along with a blow had been delivered and swords almost drawn, before both these senior officers were placed under immediate arrest.¹

The records show that both men defined and defended their conduct within the context of honour, with each taking great care to paint themselves as the most honourable officer in respect of the incident which focused upon the public naming of those involved in a divorce case. Most face-to-face cultures have concepts of a desired masculinity which often demanded a public demonstration of ‘manliness’.² However, for the eighteenth-century officer and gentleman, differences between conduct and public responses to such behaviour could have consequences, such as loss of livelihood and position. In such societies, masculinity must be

¹ TNA ADM 1/5490, Court Martial of Major Johnston, Sept. 1784, p. 56.

² See Jean G. Peristiany (ed) *Honour and Shame: The Values of Mediterranean Society* (London: Weidenfield and Nicolson, 1966)

won and continually affirmed within a societal context and for the marine officer of this period that perhaps meant considering a less physical, more restrained response towards perceived slights.

Inevitably then the conferring and maintenance of masculinity carried visible competitive overtones; honour, in such instances, had to be won, maintained and defended.³ For the officers of the Marine Corps, honour operated within a restricted social setting which endorsed a code, or structure of relations based on reputation, prestige, esteem and rank. This code allowed for conduct to be compared to an idealised set of contemporary standards based on obligation and duty, both to one's brother officer, the Marine Corps in general, and towards certain members of the public. The public nature of this case, the rank of the men involved, the delicate nature of the incident that caused the ruckus in the first instance, and the words uttered and blow delivered, along with others which fall under the category of conduct unbecoming, can, as the following chapters will demonstrate, highlight areas where an officer's honour may have been compromised and called into question.

Historians such as Philip Carter and Boyd Hilton, have suggested that the period from the late seventeenth-century through to the eighteenth-century saw the emergence of what has been termed as 'polite society', or the development of social refinement and politeness.⁴ As the British nation grew in prosperity and power, so too, it is argued, did certain members of the populace grow in tolerance and civilisation, embracing a certain type of manliness; one that existed upon the idea of the 'refined' gentleman, whose behaviour, poise and emotion was to be emulated as the ideal embodiment of manliness.⁵ This refined gentleman, virtuous as he was

³ David G. Gilmore (ed), 'The Shame of Dishonour' in *Honour and Shame and the Unity of the Mediterranean* (Washington, D. C: A Special Publication of the American Anthropological Association, 1987, no. 22), p. 9.

⁴ See for example, Philip Carter, *Men and the Emergence of Polite Society, Britain 1660-1800* (TaylorandFrancis, 2000); Boyd Hilton, *A Mad, Bad and Dangerous People? England 1783-1846* (Oxford: Clarendon Press, 2006); Dror Wahrman, *The Making of the Modern Self: Identity and Culture in Eighteenth-Century England* (London: Yale University, 2004); Owen Brittan, 'Subjective Experience and Military Masculinity at the Beginning of the Long Eighteenth-Century, 1688-1714' *Journal for Eighteenth-Century Studies*, Vol. 40 (2) (2017), pp. 273-286.

⁵ Carter, *Men and the Emergence of Polite Society*, p. 1.

polite, shunned violence and boorishness, in favour of self-control, kindness, careful listening, and generosity. The very traits of character which were prominently featured within eighteenth-century behaviour guides and conduct books such as *The Polite Gentleman* or the edited volumes of Lord Chesterfield's *Letters to His Son* first published in 1774, which gave advice concerning the proper behaviour ones needed to exhibit in public spaces.⁶

The debates that occurred both in these manuals, and within eighteenth-century society at large, give us a clear picture of the qualities which were seen to determine both what was, and what was not, acceptable conduct for a gentleman for this time. Central to this debate was the notion that the true gentleman was seen through his manners, Carter characterises the culture of the eighteenth-century as one of aspirations and self-doubt, as men struggled to not only gain, but also maintain, a reputation for gentlemanliness.⁷ Of course, prescriptive literature does not, on its own, constitute a reliable picture of historical reality, but it can lend a focus as to why men behaved in the way in which they did.⁸ Male behaviour, both individual and group, is an important focus, and male dominated institutions such as the Royal Navy, Army, and as this dissertation will argue, the Marine Corps, are demonstrative of how behaviour norms can be influenced by group validations and values.

The historiography of the navy is quite substantial, and provides a lively field of discussion, however, little is known of the third branch of the military service, the marines, who made up nearly a fifth to a quarter of voted naval strength throughout most of the period 1755-1802.⁹ Whilst it is true to suggest that the marines were considered as a subordinate branch of the navy during the period under discussion, the Marine Corps was an institution

⁶ Anon, *The Polite Gentleman; or Wit a-la-Mode* (London, 1760); Lord Chesterfield, *Letters to His Son on the Art of Becoming a Man of the World and a Gentleman* (London: William Tegg, 1872)

⁷ Carter, *Men and the Emergence of Polite Society*, p. 8.

⁸ Robert B. Shoemaker, *Gender in English Society 1650-1850: The Emergence of Separate Spheres?* (Essex: Pearson Education Limited, 1998), p. 5.

⁹ Britt Zerbe, "That most useful body of men": the Operational Doctrine and Identity of the British Marine Corps, 1755-1802', Unpublished PhD (Exeter University, 2010) accessed online (03/01/2018) <https://ore.exeter.ac.uk/repository/bitstream/handle/10036/117786/ZerbeB.pdf?sequence=2>

which operated from its own divisional barracks, organised its own recruitment, and followed a particular set of procedures and legislation as it strove to establish itself as a force in its own right. Eighteenth-century naval history has undergone a recent resurgence and seen much work in areas as diverse as naval finances, medicine, shipboard life, ballads, social make-up and recruitment; the British army and militia forces have also started to see a move away from a history which considers only the battles, tactics, and famous men, the same cannot be said for the marines.¹⁰

When the history of the Marine Corps has been considered this has largely focused upon its operational records, written as it often was by retired marine personnel, a tradition which has carried on into the present.¹¹ There has also been a more general narrative of their entire history, as with Lieutenant Paul Harris Nicholas's two-volume history of the Royal Marines, which was originally published in the nineteenth-century and has undergone numerous reprints, highlighting how sparse the field of Marine Corps history is.¹² However, there has been limited academic scholarship which looks solely at the Marine Corps. The most recent, which looks at the wider history of the development of the marines as a force, is that by Britt Zerbe.¹³ Although a useful source for analysing the operational identity and development

¹⁰ See for naval example, Janet MacDonald, *The British Navy's Victualling Board, 1793-1815: Management, Competence, and Incompetence* (Woodbridge: The Boydell Press, 2010); David Boyd and Sally Archer (eds), *Health and Medicine at Sea, 1700-1900* (Woodbridge: The Boydell Press, 2009); Ellen Frances Jones, 'Masculinity, Materiality and Space Onboard the Royal Naval Ship, 1756-1815', unpublished PhD (Queen Mary, University of London, 2016); James Davey, 'Singing for the Nation: Balladry, naval recruitment and the language of patriotism in eighteenth-century Britain' *The Mariner's Mirror*, Vol. 103 (1) (2017), pp. 43-66; Ellen Gill, *Naval Families, War and Duty in Britain, 1740-1820* (Woodbridge: The Boydell Press, 2016); S. A. Cavell., *Midshipmen and quarterdeck boys in the British navy 1771-1831* (Woodbridge: The Boydell Press, 2012); see for army and militia, Matthew McCormack and Catriona Kennedy, *Soldiering in Britain and Ireland, 1750-1850: Men at Arms* (Basingstoke: Palgrave Macmillan, 2012); Jeannie Hurl-Eamon *Marriage and the British Army in the Long Eighteenth Century: 'The Girl I Left Behind Me'* (Oxford: Oxford University Press, 2014); Matthew McCormack, *Embodying the Militia in Georgian England* (Oxford: Oxford University Press, 2015)

¹¹ For example, Major Alexander Gillespie, *An historical review of the Royal Marine Corps: from its original institution down to the present era, 1803* (Birmingham, 1803); Major L. Edye., *The Historical Records of the Royal Marines, 1664-1701* (London, 1893); Colonel B. Edwards., *The Formative Years 1803 to 1806: a perspective of the Royal Marines in the navy of John Jarvis, Earl of St. Vincent and Horatio, Lord Nelson* (Southsea: Royal Marines Historical Society, special publication 31, 2005).

¹² Paul Harris Nicholas, *The Historical Records of the Royal Marine Forces, Vols 1-2* (London 1845, reprinted 1893, 2009, and 2018).

¹³ Britt Zerbe, *The Birth of the Royal Marines, 1664-1802* (Woodbridge: The Boydell Press, 2013).

of the Marine Corps the huge scope of the work means that Zerbe only engages briefly with the social aspects of the Corps. The absence of a more general social history of the marines is something which Zerbe does tackle in a chapter discussion on how marine officers were viewed by their Royal Naval counterparts when serving onboard a ship.¹⁴

There has been limited engagement with the history of the marines from historians concerned with either the navy or the army, this may be due to the fact that the marines inhabit both spheres, yet they are distinctly different from either branch, which may induce some historians to draw away from fully including them in their studies. When the marines have been considered within the wider naval lens of academic study they are often written about only fleetingly or as a comparison to the navy, such as with Mark Barton's study of duelling in the Royal Navy and James Davey's work on the navy during the Napoleonic Wars.¹⁵ N. A. M. Rodger's academic study of the Royal Navy from 1649 until 1815 only mentions the marines on twenty separate occasions.¹⁶

Such an oversight has meant that the social and cultural aspects of the marines have been largely overlooked. This is an important omission; like the navy and army the Marine Corps did not operate in a vacuum, separated from contemporary society and cut off from cultural influence. Whilst this is now an accepted argument for the study of naval history the same cannot be said for the history of the marines. The marines were a separate operational force which followed a different framework from the army, for instance officer commissions could not be bought nor passed through the family line as with the army and navy. A better understanding of the differences and indeed the similarities between the services and society

¹⁴ Britt Zerbe, "The Marine Officer is a Raw Lad, and therefore Troublesome": Royal Naval Officers and the Officers of the Marines, 1753-1797', in Richard Harding and Helen Doe (eds), *Naval Leadership and Management, 1650-1950 essays in honour of Michael Duffy* (Woodbridge: The Boydell Press, 2012).

¹⁵ Mark Barton, 'Duelling in the Royal Navy' *The Mariner's Mirror* Vol. 100 (3) (2014), pp. 282-306; James Davey, *In Nelson's Wake: the Navy and the Napoleonic Wars* (London: National Maritime Museum, 2015)

¹⁶ N. A. M. Rodgers, *Command of the Ocean: A Naval History of Britain, 1649-1815* (London: Penguin Books, 2006)

in general can lead to a richer understanding of British military history. Whilst the social history of the marines is bereft of academic scholarship it is also clear that the history of the Marine Corps has rarely been considered within wider historical frameworks such as masculinity.

As the following chapters will demonstrate, sociability, camaraderie, public affirmation and honourable reputation overlapped and informed one another.¹⁷ By analysing how these aspects converged, both in private and public social settings, a picture emerges of how individuals negotiated socio-cultural stereotypes and normative expectations. This is important in understanding how these men understood and defined not only themselves but also each other in relation to their environment and the social situations that they lived within. That honour was of such concern and importance to the officer corps is summed up in the defence pleas given by the officers whose cases are examined here, for example marine officer Captain Douglas, tried for conduct unbecoming in December 1792, stated in his defence plea that he would sooner ‘embrace death than sully my Honour’.¹⁸

Honour is a cultural attribution, specific to certain societies, which is related to particular clusters of values and idealised norms and is often linked to the opinion someone holds of the qualities which are desirable either in oneself or another.¹⁹ According to David D. Gilmore, honour pivots upon the importance of respect, both in terms of respect paid and respect due, to not only individuals but also to the groups in which they belonged.²⁰ Honour therefore is dependent on and also generative of the desire for esteem which is contingently based upon status and social relations. These social relations, which connect individuals to not just families and communities, but also professional institutions and groups, stress the importance of honour based upon a social understanding concerning obligations and duties.²¹

¹⁷ See Brittan, ‘Subjective Experience and Military Masculinity’, pp. 275-276.

¹⁸ ADM 1/5491, CM of Captain Daniel Douglas, December 1792, p. 12.

¹⁹ Carolyn Strange, Robert Cribb, and Christopher E. Forth (eds), *Honour, Violence and Emotions in History* (London: Bloomsbury Academic, 2014), p. 10.

²⁰ Gilmore, *Honour and Shame*, pp. 2-18.

²¹ Strange, Cribb and Forth (eds), *Honour, Violence and Emotions*, p. 10. The idea of duty is further explored in

Thus, in eighteenth-century Europe at least, honour inspired conduct which could be considered and recognised as such and allowed for a code of behaviour which managed reputation.²² The instances where honourable behaviour and reputation were questioned allows for a reading of the type of conduct which was considered as acceptable for certain groups, or certain individuals, to exhibit. Officers of the Marine Corps were expected to behave in a particular way and an understanding of the obligations and duties expected of them highlights contemporary thought surrounding what made an officer not just an officer, but also a gentleman. The Court Martial Records of the Marines Ashore are the best surviving evidence of the dilemma faced by officers in interpreting an unwritten code of honour and the problems this could present.²³ Specifically the charge ‘conduct unbecoming an officer and a gentleman’ allows for a reading of the ways in which an officer could offend the normative values imposed upon him. Such an offence carried serious consequences, such as loss of livelihood and status, even into civilian life. The military officer was also a gentleman, and reputation, as this dissertation will demonstrate, was a key factor in maintaining an outward projection of male validation. Marine Lieutenant Woodruffe stated in his defence speech in May 1785, that to be accused of behaving in a scandalous manner would see him ‘publicly and notoriously branded with the basest and most abandoned profligacy of manners’.²⁴

John Byrn has stated that the study of British naval courts martial is important, as not only does it contribute to our knowledge of military jurisprudence and criminal law, but it also offers a window on the social conditions and behaviours aboard a ship.²⁵ The same therefore

Gill’s *Naval Families* which examines patronage systems and familial ties to highlight cultural trends as well as representations of male behaviour and identity within a naval setting; Cavell’s *Midshipmen and quarterdeck boys* provides a useful discussion of how young naval recruits acquired the title of ‘gentleman’ and the extent to which this was reflected by wider opinion.

²² Alexander Welsh, *What is Honour? A Question of Moral Imperatives* (London: Yale University Press, 2008), pp. 9 and 12.

²³ Arthur N. Gilbert, ‘Law and Honour among Eighteenth-Century British Army Officers’ *The Historical Journal* Vol. 19 (1) (1976), p. 76.

²⁴ ADM 1/5491, CM of Lieutenant John Henry Woodruffe, May 1785, p. 13.

²⁵ John D. Byrn, *Publications of the Navy Records Society, Vol. 155: Naval Courts Martial, 1793-1815* (Farnham: Ashgate, for the Naval Records Society, 2009), p. xvii.

can be argued for a study of the Marine Corps courts martial, with one difference; the study of the court martial records of the marines ashore allows for an insight into the social conditions and behaviours of officers who lived and worked in a military barracks. These men would have come into frequent contact with the rest of society, wither through their wives and sweethearts, traders and merchants, hawkers and prostitutes, tavern owners and landladies, friends and family, or just walking through the streets of barrack towns. Such a cosmopolitan turn to the testimonies within the courts martial which form the main body of this dissertation certainly seemed to have had an impact upon the cases discussed herein.

Naval courts martial were the highest level of enforcement of the criminal code decreed by *An Act for Amending, Explaining and Reducing into One Act of Parliament the Laws Relating to the Government of His Majesty's Ships, Vessels, and Forces at Sea*. Or simply the Consolidation Act of 1749.²⁶ This Act consisted of thirty-six Articles of War, detailing virtually every naval offence and their corresponding punishment. The offences which fell under the Articles of War consisted of social offences, such as drunkenness, theft and murder, as well as specific military crimes, for example, mutiny, desertion, cowardice, and unofficerlike behaviour. The composition of the courts was also laid out within the Consolidation Act, as were the oaths that were to be used. The Act also limited its jurisdiction to those men whose offences had been committed whilst they were on full pay and whose offence had been committed within three years of a formal letter of complaint. This is something which comes up within the trial of Captain Meredith, discussed in Chapter One. One of the offences that his Commanding Officer wished to see him tried for was omitted by the court due to the length of time which had passed. The Consolidation Act stipulated that tribunals were to consist of 'no more than thirteen, but no less than five, flag officers, captains, or commanders.'²⁷

²⁶ Byrn (ed), *Naval Courts Martial*, p. xvii.

²⁷ Byrn (ed), *Naval Courts Martial*, p. xviii.

The courts martial of the marines ashore followed the naval tribunals when it came to formal charges, which had to take the form of a written letter or statement, sent to the Lords Commissioners of the Admiralty, detailing the offence, when it was committed and where. If charges were not dismissed at this point, then the Admiralty could call for the establishment of a court of enquiry to look into matters and to ascertain whether or not to proceed to a court martial, as was the case for both Major Campbell and Major Johnston. This was also true for Army courts martial, and it was up to the actual divisions to keep the records of the regimental courts. For the Marine Corps as with the Army, it seems that few have survived, certainly none were found for the cases herein. Findings from the court of enquiry were sent to the Lords Commissioners who could then call for a court martial to be assembled.²⁸

Once all the court members were accounted for then the members of the court, in full military dress, were seated to the left and right of the court president, according to seniority. At this point the witnesses, audience, and prisoner were admitted, the warrant and charges were then read, and oaths sworn, all witnesses, except the first to give testimony, were then required to leave until called. The Judge Advocate who took the minutes of the court martial, transcribed the proceedings and sent the ensuing paperwork to the Admiralty. Prosecution witnesses were called first, individually, followed by the defence and each witness could be cross-examined, and the court could also ask questions for clarity. Once all witnesses had been called the prisoner usually entered upon his defence, either prepared and read in person or by an appointed proxy. There were instances where no defence was given, and the prisoner would just ask for mercy from the court.

Defences, when given, varied in length and content and offer an insight into the literary

²⁸ Both G. A. Stepler and Arthur N. Gilbert highlight the lack of surviving records for Army regimental courts during this period, see G. A. Stepler, 'British Military Law, Discipline, and the Conduct of Regimental Courts Martial in the Later Eighteenth Century' *The English Historical Review*, Vol. 102 (405) (1987), p. 860; Arthur N. Gilbert, 'The Regimental Courts Martial in the Eighteenth Century British Army' *Albion*, Vol. 8 (1) (1976), p. 53; some Royal Navy courts of enquiry records survive, specifically from the 1750s-1770s.

styles, rhetorical practices and self-representations, whilst also intermixing private and public concerns.²⁹ Court martial documents, as with other official documents, are sites of coexisting and plural narratives.³⁰ The defence testimonies, which in the cases discussed in this dissertation, often ran to a number of pages, draw attention to the ways in which an accused marine officer acted as an active participant within the trial and could assert the legitimacy of his actions in a spirited defence. As David Featherstone has demonstrated, courts martial functioned not simply as events designed to produce repentant subjects, but also as sites of continuing contestation.³¹ Often the court martial cases illustrated the spirited and often emotional defences of the accused as it became an exchange between them and the prosecutor, as can be seen with the case of Captain Meredith. This case highlights the opportunity that the accused had to respond to his accuser in front of his peers. Indeed, it was down to the court members to decide whether the gravity of the offence and the circumstances and character of the accused deserved death or a lesser sentence.³²

The court records used in this dissertation are held within the Admiralty papers at The National Archives in London. Marines who transgressed the rules whilst serving onboard naval ships would have been tried on those ships and accessing the naval records for the period in question would have taken far longer than the time parameters of this dissertation.³³ In 1783 the British signed the treaty of Paris, ending the war with America, in 1784 peace was declared with the Dutch. This brief period of peace ended in 1793 when France declared war on Britain. Reading the courts martial cases for these ten years without war will help to establish what the

²⁹ Ala Alryyes, 'War at a Distance: Court Martial Narratives in the Eighteenth Century' *Eighteenth-Century Studies*, Vol. 41 (4) (2008), p. 538.

³⁰ Ann L. Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

³¹ David Featherstone, 'Counter-Insurgency, Subaltern and Spatial Relations: Interrogating Court Martial Narratives of the Nore Mutiny of 1797' *South African Historical Journal*, Vol. 61 (4) (2009), pp. 766-787.

³² David Lemmings, 'Criminal trial procedure in eighteenth-century England: The impact of lawyers' *The Journal of Legal History*, Vol. 26 (1) (2005), p. 76.

³³ It is the intention that these records, along with those of non-commissioned officers and private marines, will be used in future research to more fully illustrate the concept of honour in the Marine Corps during the eighteenth-century.

marines were doing whilst they were not on full military duty. As highlighted, much of the historiography of the Marine Corps is concentrated upon its operational duty, therefore an insight in to the day to day social interactions of the men who made up the officer corps can paint a more rounded picture of the institution on general. It may be that military boredom played a role as men who were normally active sought to pass their time. A study of the use of the charge ‘conduct unbecoming and officer and a gentleman’ during times of conflict would of course give a clearer picture of this, but unfortunately the confines of the degree undertaken does not allow enough time for this.

By focusing upon those trials which deal specifically with conduct unbecoming this project will demonstrate the importance of those moments when an officer was called upon to not only describe his behaviour, but also justify and defend his actions to his superiors and his peers. These instances highlight the inherent tensions surrounding actual behaviour, suggested behaviour by those who were prosecuting the case, and how a defendant chose to depict their actions within a court setting. For such men honour allowed them to claim a certain right to respect, and these trials highlight the key moments when honour was enacted and defended, often in the men’s own words and justified in the context of the language of the day, an important point when considering the reach of polite society and sensibility. As the following chapters will demonstrate the social context, the often public nature of interactions, and the values and idealised norms of behaviour as prescribed by their ‘brother officers’, was of paramount importance to how marine officers perceived themselves in relation not just to other officers and junior officers, but also women and members of the public in general. For honour also needs to be understood in terms of reproduction through a gendered hierarchy, which does not depend on patriarchy alone as an explanation.³⁴

³⁴ Michael Roper and John Tosh (eds), *Manful Assertions: Masculinities in Britain since 1800* (London & New York: Routledge, 1991), pp. 10-11.

The focus upon masculinity in this way allows for a move away from the idea that male power and authority can only be considered in respect to patriarchal power. This is a crucial factor in understanding the impact that honour had on the behaviour of marine officers, and the policing of such behaviour. By moving away from a suggestion that hegemonic masculinity is the archetype framework for understanding male behaviour there is room for a clearer focus on how men of similar standing successfully or unsuccessfully navigated incidents concerning conduct. Masculinity, as R. W. Connell has stressed, in this sense needs to be viewed as a social construct which existed between different types of men as well as women.³⁵ This theme is explored throughout this dissertation; Chapter Four in particular looks at the ways in which marine officers considered their honour in relation to women. Male sexual exploitation and popular attitudes to marriage are explored within this chapter and David M. Turner's work on bigamy has provided a useful context for analysing contemporary sexual morals.³⁶ As Bernard Capp has highlighted, men's anxiety over sexual reputation was more important than historians have assumed, and how marine officers defended their reputations in this sense is illuminating.³⁷

Honour was also of concern to the group too, as Brian Lavery argues, the navy was powered by paternal relations and a network of patronage, creating as Jones terms it, a 'society founded on masculine congeniality'.³⁸ The 'congeniality' is also present within the officer corps of the marines. The records used here suggest that anxiety linked to collective honour could jeopardise the nature of group integrity and determined the outcome of a trial concerned with those who had behaved in a scandalous or shameful manner. The officer corps was an

³⁵ R. W. Connell, *Masculinities* (2nd Edition) (Cambridge: Polity Press, 2005), p. 76.

³⁶ David M. Turner, 'Popular Marriage and the Law: Tales of Bigamy at the Eighteenth-Century Old Bailey' *The London Journal*, Vol. 30 (1) (2005), pp. 6-21.

³⁷ Bernard Capp, 'The Double Standard Revisited: Plebeian Women and Male Sexual Reputation in Early Modern England', *Past & Present*, No. 162 (1999), pp. 71-72.

³⁸ Brian Lavery, *Shipboard Life and Organisation, 1731-1815* (Aldershot: Navy Records Society, 1998); Jones, 'Masculinity, Materiality and Space', pp. 16-17.

exclusive club which imposed its own distinct values upon its members. These values, which were dependant upon contemporary societal norms, were, as will be demonstrated, informally enforced to ensure that members learned proper behaviour. Group dynamics such as those exhibited within an all-male setting demonstrated that male dependencies were consciously recognised in the form of socioeconomic and mutual obligations, or rather a code of behaviour linked to status. However, where transgressions of this code caused the greatest anxiety, either to the perpetrator or to accusers, then the more formal machinations of a state institution and legislature could be engaged. As Arthur Gilbert has argued, violations of the code would bring peer group sanctions to bear, either via social or professional ostracism and the onus was often on the offender to clear his name and remove the stain of dishonour.³⁹ Men in this context were under direct public scrutiny and were therefore vulnerable to shaming through their own acts, whilst also experiencing continual peer pressure for conformity and accountability.⁴⁰

Also of importance was the social context and values of a contemporary society which saw officers as gentlemen. In order to gain an understanding of how contemporary society viewed the Marine Corps and other issues linked to crime, divorce and duelling, newspaper articles and reports will be used to provide some context. This will be done via a key word search of the newspapers held within the Burney online database. A large proportion of the population of England during this time period would have gained most of their information about crime, criminals, prevalence of crime, reports of the actions of government, births, deaths, marriages, accidents, bankruptcies, and naval engagements, from printed sources. These printed sources often took the form of newspapers, broadsides, cheap one-page ballads, handbills, cartoons, longer pamphlets and large omnibus editions.⁴¹ Newspaper sales during

³⁹ Gilbert, 'Law and Honour', p. 75; Lieutenant Woodruffe, during his defence speech, stated that he had never behaved in a manner which would allow anyone to 'fix so foul a stain upon me', see ADM 1/5491, CM of Woodruffe, p. 13.

⁴⁰ Gilmore, *Honour and Shame*, p. 101.

⁴¹ Peter King, 'Newspaper reporting and attitudes to crime and justice in late-eighteenth and early-nineteenth century London' *Continuity and Change*, Vol. 22 (1) (2007), p. 76.

the mid to late eighteenth-century were rising and, as Peter King has shown, by 1786 there were at least nine dailies, eight tri-weeklies, and nine weeklies, being published in London; King estimates circulation figures of at least 25,000 copies. This is echoed by Hannah Barker who indicates that newspapers were no longer confined to the gentry and middling sort.⁴² Newspapers were sent out from London along the postal routes to other towns and from there they were redistributed by hawkers and agents, in coffeehouses and taverns.⁴³

Reports from the London papers were also reprinted in the local provincial news, and these too had a sizeable circulation with an estimated fifty editions available for distribution in 1780.⁴⁴ *Felix Farley's Bristol Journal* 22 February 1783, carried a report concerning the incident between Sir James Wallace and Lieutenant Charles Bourne, which will be discussed in more depth in Chapter One.⁴⁵ This affair was widely reported in London's newspapers, and it would seem that newspaper reports of the event helped to prolong incident and generated hostility and bad feeling between the Marine Corp and Royal Navy.⁴⁶ Whilst newspapers and other printed material can give a view of popular opinions and representations they should be viewed with some caution.

Several of the newspapers available in London during the late seventeenth and eighteenth-century were overtly political. For example, the *Daily Courant*, London's first daily paper, was Whig in its politics, as was *The Flying Post*, whilst *Heraclitus Ridens*, owned by

⁴² Hannah Barker, *Newspapers, politics and public opinions in late eighteenth-century England* (Oxford: Oxford University Press, 1998), pp. 23-31.

⁴³ Ann C. Dean, 'Court Culture and Political News in London's Eighteenth-Century Newspapers' *ELH* Vol. 73 (3) (2006), p. 632.

⁴⁴ Marjorie Morgan, *Manners, Morals and Class in England, 1774-1858* (Hampshire: The Macmillan Press Ltd, 1994), p. 34.

⁴⁵ *Felix Farley's Bristol Journal*, 22 February 1783.

⁴⁶ The original letter from Bourne was printed in the *Morning Herald* on 22 December 1782; a report also appears in the *Morning Herald* on 28 December 1782, a longer account appears in *Parker's General Advertiser* on 3 January 1783, the *General Evening Post* ran an article on the appearance of Wallace in the Court of King's Bench, 11 February 1783, this account also featured in *London Chronicle* 8 February 1783, Bourne's sentence was also widely reported, see *Felix Farley's Bristol Journal* 7 June 1783; the reporting of the Wallace and Bourne affair would continue to regale the pages of newspapers for some more months.

William Pitt, was a Tory paper.⁴⁷ Political prejudices and overtones, and often selective publishing, within newspapers was highly evident as editors often printed letters which fitted their own preconceptions, and this is something to bear in mind when consulting newspaper reports.

As this dissertation will highlight, there was a degree of ambiguity for the marine officer in a society which placed such a value on officers behaving as gentlemen. Marine officers often lacked the means of independent wealth, and their economic status may not have been as comparative as the army officer. Britt Zerbe has stated that upper-gentry boys were more likely to join the Army or the Royal Navy, however, Evan Wilson has demonstrated that many naval officers came from comparatively similar backgrounds to many marine officers.⁴⁸ As Wilson argues, when it came to eighteenth-century social status, gentility was ‘the most highly valued characteristic’ which could be purchased, up to a point, but equally depended on behaviour and occupation.⁴⁹ During this period the naval profession was most certainly considered a sufficient profession for an officer to become a gentleman. Behaviour such as polite conversation, goodwill, good manners and ease in company, independence, the means to dress well and wear a sword, and the ability to follow the rules of good breeding and civility, were considered desirable traits for a gentleman to display.⁵⁰ It is true to suggest that naval officers were not always considered as the most refined of men, however, as Wilson demonstrates, by claiming to be gentleman, naval officers ‘expanded the boundaries of genteel behaviour’.⁵¹ Therefore, it could be argued, and Wilson does, that naval officers could and did view themselves and others as gentleman via displayed characteristics of gentility rather than entirely on birth.⁵² Whilst the

⁴⁷ William Speck, ‘Politics and the press’, in Michael Harris and Alan Lees (eds), *The Press and English Society from the Seventeenth to Nineteenth Centuries* (Cranbury, NJ: Fairleigh Dickinson University Press, 1986), p. 47.

⁴⁸ Zerbe, ‘The Marine Officer is a Raw Lad’, p. 80; Evan Wilson, *A Social History of British Naval Officers, 1775-1815* (Woodbridge: The Boydell Press, 2017).

⁴⁹ Wilson, *A Social History*, p. 186.

⁵⁰ Wilson, *A Social History*, p. 188.

⁵¹ Wilson, *A Social History*, p. 196.

⁵² See Chapter 8 ‘Naval Officers’ Social Status’ in Wilson, *A Social History*, pp. 185-222, for more on gentility.

Army and Royal Navy held better chances for quicker advancement than the Marine Corps, both the navy and marines needed relatively educated officer recruits, so they tended to draw from the merchant and lower gentry classes. Watkin Tench, who served as a witness in the case concerning Captain Meredith, was the son of a dance master, whilst Major Shairp, mentioned in Chapter Two, was the son of a prominent Edinburgh merchant.⁵³ As Lieutenant Woodruffe put it, to face the humiliation of losing his position as an officer would see him ‘destitute of fortune’ and many officers would have relied almost entirely upon their salaries.⁵⁴

Karen Harvey highlights social as well as cultural representations of masculinity can further contextualise the relationship between war and masculinity.⁵⁵ This area has seen little work, but military campaigns, and indeed the embodiment of military ideals, impacted upon society and particularly discussions of masculinity. Matthew McCormack and Kevin Linch have approached this topic in their article which looks at how military culture echoes a complex relationship between soldiers and wider society, which suggests that military and social attitudes may have been more closely linked than previously realised.⁵⁶ This dissertation will attempt to align itself with the body of work which considers military history founded on everyday contemporary practices and cultural ideas alongside the social interactions which shaped men’s attitudes, identity, and masculinity, both on an individual level and also in relation to a group.⁵⁷

⁵³ See L. F. Fitzhardinge, ‘Tench, Watkin (1758-1833)’ *Australian Dictionary of Biography* (Volume 2: MUP, 1967) accessed online Feb 2019 <http://adb.anu.edu.au/tench-watkin-2719> ; for Shairp see, https://www.ancestry.co.uk/genealogy/records/alexander-shairp_59185760 accessed online Feb 2019.

⁵⁴ ADM 1/5491, CM of Woodruffe, p. 20.

⁵⁵ Karen Harvey, ‘The History of Masculinity, circa 1650-1800’ *Journal of British Studies*, Vol. 44 (2) (2005), pp. 296-311.

⁵⁶ Kevin Linch and Matthew McCormack, ‘Defining Soldiers: Britain’s Military, c. 1740-1815’ *War in History* Vol. 20 (2) (2013), p. 147.

⁵⁷ Although a discussion on the cultural depictions and representations of the Marine Corps would have been a useful aid there was not scope within the confines of the ResM to allow for this, therefore the research here is primarily focused on the social representations as evidenced within the courts martial records of the Marines Ashore.

This dissertation will focus on those occasions when behaviour transgressed the normative values ascribed to an individual by the group in which he belonged. This can tell us much about the types of behaviour officers of the Marine Corps considered as appropriate and how individuals defended their honour in light of allegations of improper conduct. This is an important factor for understanding and recognising the variations of group dynamics, gender identity, and individual experiences which defined honour as a cultural ideal and sociable practice. Chapter One examines how officers considered their honour in the context of instances when their conduct was called into question by a higher ranked officer. Chapter Two will look at those instances where an officer's conduct was called into question during occurrences which happened directly in the public's gaze; in a street, or in front of lower ranked officers, men and visitors. The outcomes of the court cases for these instances demonstrate how the Admiralty viewed such transgressions when they were witnessed by so many. The instances where officers were accused of an actual crime will be discussed in Chapter Three, which will also provide an analysis of how honour was constructed in view of an actual theft allegation both towards other officers and those considered an officer's social inferior. How officers viewed their conduct and honour in respect of women will be examined in Chapter Four. This chapter will look at the occasions when women were discussed within the courts martial cases or came into direct contact with marine officers. Such an analysis allows for a clearer understanding of how women were viewed during the eighteenth-century by a powerful all-male institution, and society in general, and how this affected an officer's conduct and sense of honour. What these four chapters will suggest is that manhood was not only created culturally but also publicly and sociably sustained.

Chapter One

The Vindicated Captain and the Vindictive Lieutenant: Disrespect towards a superior officer

This chapter will consider how the courts and the Admiralty dealt with issues of honour and conduct in the officer corps when officers were accused of disrespect towards a superior officer. Many of these types of cases were dealt with either within the fraternity of the officer corps or by a court of enquiry, so those cases which do come before a general court martial highlight the exceptions of transgressed social behaviour and standards. By examining the cases which dealt with instances of social conflict it is the intention of the chapter to analyse the verdicts and charges in order to demonstrate the importance of the ways in which individuals violated the dominate contemporary ideologies relating to broad cultural codes.

The Australian Problem

Captain James Meredith was charged with ‘behaving highly improper [sic] as an Officer’ by his superior officer, Brevet Major Robert Ross.¹ Both Ross and Meredith were stationed in Australia having travelled there on the convict transport ships to aid in the setup of the colonies in New South Wales.² It appears that trouble occurred between the marines and convicts on a regular basis and there was some ambiguity as to whose jurisdiction the punishment of convicts fell under; was it the Judge Advocate of the territory or the

¹ TNA ADM 1/5491, Court Martial of Capt. James Meredith, 3-18 Sept 1792, Stonehouse; see Appendix 4 for full list of court members and witnesses.

² Ross commanded the ‘First Fleet’, four companies of marines sent with the convict ships to Australia in 1789, where they remained until 1791. Meredith was also part of that original detachment.

Commanding Officer?³ Ross believed that as he was Commanding Officer complaints concerning the convicts should be addressed to him, whilst many of the officers believed that such complaints should be brought before the Judge Advocate.⁴

It was for such a confusion that Meredith ended up placed under arrest in Port Jackson awaiting a court martial. It appears that Ross took it as a personal slight when Meredith took one of his private marines before the Judge Advocate after the man had been verbally abused by a convict. Ross stated in a letter, sent to the Admiralty and read in court, that he viewed Meredith's conduct in the affair as having an 'evil Tendency', and that for some time before this incident Meredith's conduct had been 'unbecoming the Character of an Officer and a Gentleman', and that Meredith's character had become stamped with 'Odium and Stain'.⁵ After issuing a verbal apology given in the presence of two other officers, Meredith refused to issue Ross with a written apology, and Ross not satisfied with this placed Meredith under arrest.⁶ Meredith's arrest became more and more tightly controlled and restricted as time went by and there seems to have been some personal animosity between the two men.⁷ Ross brought Meredith to a trial in England in September 1792, three years after Meredith's initial arrest.⁸ This was due to the fact that the officers stationed in New South Wales refused to try Meredith, believing that they did not have the official power to do so, therefore the men had to await the arrival of a supply ship to take those involved back to England.

³ ADM 1/5491, CM of Meredith, marines frequently made complaints about convicts to the Judge Advocate, p. 21.

⁴ ADM 1/5491 CM of Meredith, p. 16, the Judge Advocate was one of the colonies magistrates and acted as the Justice of Peace; Ross believed that he was given official power over the convicts by an Act of Parliament, which made him Lieutenant General of the territory, see Ross's questioning of Lieutenant Furzer, 3 Sept 1792, pp. 15-16, and within a letter read in court, p. 2; both Lieut. Furzer and Lieut. Long and Capt. Conner believed such complaints should be addressed to the Judge Advocate of the territory, pp. 16, 20, and 48.

⁵ ADM 1/5491, CM of Meredith, letter read in court, copied into the transcript by the court appointed Judge Advocate, dated 8 Feb 1790, pp. 2, 5 and 7.

⁶ ADM 1/5491, CM of Meredith, both Lieut's Long & Furzer, stated that Meredith had apologised to Ross in their presence, pp. 11 and 15.

⁷ ADM 1/5491, CM of Meredith, Lieut. Long's testimony mentioned that Meredith was first allowed to move one mile around head-quarters, this was later altered to keep within the sentinels, Long notes that Lieut. Kellow, also under arrest for a similar charge, was allowed greater freedom, pp. 24-25.

⁸ ADM 15491, CM of Meredith, Lieut. Long stated Meredith was placed under arrest 4 Oct 1789 'for unofficer like Behaviour', p. 24.



⁹ Captain Lieutenant Watkin Tench.

An Honourable Apology

The verbal apology that Meredith gave to Ross in front of two Lieutenants was not enough for the Commanding Officer. Ross demanded a written apology, a public acknowledgment, which would go on record, of his authority, which Meredith refused to deliver on several occasions. Meredith's refusal caused Ross to go to the Governor of Port Jackson to officially record that he would suspend Meredith and place him under arrest.¹⁰ In a letter Ross sent to the Admiralty outlining his actions he stated that for the sake of discipline he had to put a stop to the practice of taking complaints straight to the Judge Advocate.¹¹

Ross further charged Meredith with subverting the other officers, and it could be that Meredith had become a victim of Ross's need to demonstrate and cement his authority.¹² Ross

⁹ Image of Captain Lieutenant Watkin Tench, also part of the First Fleet. Tench gave evidence at Meredith's trial, see Appendix 4. Image from <https://www.navy.gov.au/biography/lieutenant-general-watkin-tench> accessed August 2018.

¹⁰ ADM 1/5491, CM of Meredith, pp. 1-2.

¹¹ ADM 1/5491, CM of Meredith, copied letter dated 8 Feb 1790, p. 1.

¹² ADM 1/5491, CM of Meredith, p. 1.

believed that he had been given this authority through an Act of Parliament, yet the court records clearly show that many of the other officers called as witnesses were unaware of this. Therefore, the trial itself could be viewed as another way that Ross could officially attempt to publicly exert his rank over the junior officers; for those officers to know their place.

To better understand how honour is played out in the officer ranks of the Marine Corps an appreciation of rank and status is necessary. Ross was at this time a Brevet Major; Brevet is the term given to officers who may have been promoted to a higher rank but were not paid the corresponding salary and may not have had the same authority.¹³ Rank, and the acknowledgment of it, was of such importance that at times Army officers would refuse to serve under those they deemed below them in seniority, and this was particularly so when it came to the distinct complexities if rank linked to terms such as brevet.¹⁴ Ross was commanding a colony of convicts and marines far from home, his need to be unchallenged and to stamp down on what he considered as ill-discipline is perhaps understandable in that context. Mutiny was a very real threat and although it was generally held that mutinies were directed by non-commissioned officers or private men this was not always the case as the ‘Midshipmen’s Mutiny’ 1791, later proved. Led by the fleet’s ‘young gentlemen’, or commissioned officers in training, this ‘mutiny’ struck a potentially serious blow to naval discipline.¹⁵

The unfair treatment of Meredith during his imprisonment is important and was noted by the court in their final verdict. During this period officers would not have spent time in a prison cell, mainly due to their rank and status as officers and gentlemen.¹⁶ As was highlighted

¹³ Brevet was generally awarded at the end of a successful military campaign, or upon a coronation, or to denote eligibility to promotion once a secured place became available.

¹⁴ Rory Muir, Robert Burnham, Howie Muir, and Ron McGuigan, *Inside Wellington’s Peninsular Army* (Barnsley: Pen and Sword Books, 2007), p. 157.

¹⁵ S. A. Cavell, ‘Social Politics and the Midshipmen’s Mutiny, Portsmouth, 1791’ *The Mariner’s Mirror* Vol. 98 (1) (2012), p. 30.

¹⁶ Officers could be imprisoned by civil authorities for issues such as debt, or via private prosecutions as happened in the case of Lieut. Henville in chapter 3, and Lieut. Bourne later in this chapter.

to the court, another officer, Lieutenant Kellow arrested under a similar charge, could go fishing and was given far greater freedom of movement than that given to Meredith.¹⁷ Fishing and hunting were important activities for the men and women of the convict colonies. This was the beginnings of the actual establishment of the colony and as such crops were not yet in full production, although the marines did have a vegetable garden, and the supply ships were often delayed. Rations therefore had to be eked out and supplementing their diet with fresh meat and fish would have been hugely important and a necessary means of keeping themselves alive.

The tightly controlled arrest restrictions not only denied Meredith access to fresh food but also denied him the same freedom as other officers under arrest, which would have been noted by all those in the territory. Indeed, French officers during this period who were taken as prisoners of war could be held as 'prisoners on parole'. This meant that they were given the freedom of the town or village in which they were held, whilst the rank and file would find themselves incarcerated within prisons.¹⁸ This system was part of a 'cosmopolitan customary law' which emerged in the eighteenth century.¹⁹ Thus the degree of spatial freedom reflected a social hierarchy which ultimately relied in the notion of honour. The fact that Ross did not permit Meredith the same privileges given to other officers, even foreign officers, under arrest highlights that the Commanding Officer not only considered Meredith as an unhonourable officer, but was also operating against acceptable standards, and could therefore be deemed to have acted unhonourably himself.

Meredith's brother officers testified that he had made a verbal apology and agreed that they too often took similar complaints to the Judge Advocate and further allowed that Meredith

¹⁷ ADM 1/5491, CM of Meredith, Kellow was placed under arrest for behaviour deemed by his 'Brother Officers' as 'derogatory to the Character of an Officer', p. 25.

¹⁸ Renaud Morieux, 'French Prisoners of War, Conflicts of Honour, and Social Inversions in England, 1744-1783' *The Historical Journal*, Vol. 56 (1) (2013), p. 61.

¹⁹ Geoffrey Best, *Humanity in Warfare: The Modern History of the International Law of Armed Conflicts* (New York: Routledge, 1983), p. 60, in Morieux, 'French Prisoners of War', p. 62.

had never acted in a disrespectful manner.²⁰ David Collins, the Magistrate for the colony during the incident, wrote to Captain Meredith, and the letter was produced as evidence in court.²¹ The letter stated that from when he had acted as Magistrate previous to 1789 and since, he had never known complaints to go through the ‘Channel of the Commandg. Officer of the Marine Battalion’.²² The confusion around who held jurisdiction in such matters is summed up in Meredith’s own words, ‘Unsuspecting of having committed Error, because my Heart knew not a Wish either to injure or offend my Commandg. Officer’, and that he had desired at all times to ‘comply with Majr. Ross’s Injunctions and Ideas of Service, when acquainted with them’.²³ Meredith also felt that he had fully atoned for the mistake by apologising in front of the two Lieutenants, before admitting that he considered the need for a written apology as ‘insidious and degrading’, ‘pitifull and dishonorable’, not towards himself, he added, but towards the ‘System of conducting the military Service of my Country’.²⁴ During the questioning of a witness, Ross stated before the court that he would take the word of any other officer above that of Meredith.²⁵ This was a highly inflammatory statement and one which Meredith brought up during his defence, calling upon witnesses to state whether he had ever behaved in such a way as to cause such a character aspersion. Meredith went further, sending a note to the Judge Advocate stating that he wished ‘Major Ross’s declaration, that “He (Capt. Meredith) was the only Officer of Marines on the Settlement, whose Word he wou’d not have taken”’ to be fully recorded in the minutes, Meredith further attested that the actions which Ross had accused him of demonstrating would be ‘so foul and dishonourable’.²⁶

²⁰ ADM 1/5491, CM of Meredith, see testimonies of Lieut. Furzer, pp. 18-19 and Capt. Tench, pp. 28-29 for more than one apology, see testimony of Lieut. Long, pp. 23 & 38 for opinion of Meredith’s conduct, see testimonies of Lieut. Long, pp. 15, 16, 62 and 28 & Lieut. Furzer, p. 18 for both conduct and taking complaints to the Judge Advocate.

²¹ ADM 1/5491, CM of Meredith, letter from D. Collins dated 13 Dec 1791, pp. 50-51.

²² ADM 1/5491, CM of Meredith, letter from D. Collins, 13 Dec 1791, p. 51

²³ ADM 1/5491, CM of Meredith, p. 43.

²⁴ ADM 1/5491, CM of Meredith, p. 44.

²⁵ ADM 1/5491, CM of Meredith, pp. 46 and 54.

²⁶ ADM 1/5491, CM of Meredith, p. 46.

This case also highlights that the line between prosecutor and defender can and did become blurred; often Ross mentioned to the court that it was not his character which was on trial. But for Ross the prosecution of Captain Meredith backfired spectacularly. During the trial Ross made repeated interruptions and numerous objections to questions posed by both the court and the prisoner, all objections were overruled. As the trial came to an end the court, after yet another objection from Ross, warned him that should he again interrupt they would ‘exercise the full Force of its Authority’ upon him.²⁷ Arthur Gilbert has remarked that if the defendant won his case, the prosecutor was as dishonoured as if he had himself been on trial.²⁸

The court returned a verdict of not guilty, further stating that the charge was ‘groundless and malicious’ and that Meredith had made atonement by giving a verbal apology. The court went on to note that his arrest had been malicious, long and unnecessarily severe, before it took the unusual step of ordering that Meredith’s character should ‘be vindicated in as public a Manner as the Impression to the injury of it may have been received’.²⁹ The court martial had allowed Meredith, a lower ranked officer, a public forum to make his case and clear his name of the character aspersions his accuser, his Commanding Officer, had prosecuted him for, turning the tables on social hierarchy and fundamentally proving his honour as an officer and a gentleman. However, this was not always the case.

The Vindictive Lieutenant

J. A. Lowe has called the case of First Lieutenant Charles Bourne and Sir James Wallace the most notorious Navy-Marine dispute of this period.³⁰ Bourne, whilst serving

²⁷ ADM 1/5491, CM of Meredith, p. 55.

²⁸ Gilbert, ‘Law and Honour’, pp. 78-79.

²⁹ ADM 1/5491, CM of Meredith, pp. 75 and 76.

³⁰ J. A. Lowe, *Records of the Portsmouth Division of Marines, 1764-1800* (Portsmouth: Portsmouth Record Series, 1990), p. lix.

onboard HMS *Warrior* off of Jamaica in 1782, was reprimanded by Wallace, the ship's captain, for insubordination. The standard punishment meted out was to ban Bourne from walking in the same side of the quarterdeck, and he would no longer be invited to dine with the Captain. Bourne responded to the reprimand by trying unsuccessfully to provoke Wallace to a duel. He also printed a letter in *The Morning Herald* which stated that Wallace had treated him with 'insolence and abuse' whilst he had been onboard the ship. Bourne also attacked Wallace in the street, causing him actual physical harm.³¹

This in turn led Wallace to bring the matter to the Court of King's Bench, pursuing Bourne for libel and physical assault, rather than directly to a court martial.³² This may have been down to the support Bourne had received from the officer corps, and the behaviour of Bourne being such that it could only 'merit correction from the laws of the country'.³³ Bourne had issued challenges at Jamaica, Bath and London, and had tried to provoke Wallace to a duel, alluding in the newspaper letter that Wallace had fled from his challenges. Upon reviewing these challenge's, the Admiralty and the Court of King's Bench declared that Wallace was under no obligation to accept, being as on two of the three occasions he had been away on active service, and the challenges had been issued by a lower ranked inferior officer.³⁴

Wallace was no coward, he had participated in a duel with another marine officer, a Mr. Perkins. The paper, which printed the event, noted 'his bravery as a Naval Officer'.³⁵ The Admiralty rightly upheld Wallace's stance that the other divisions, who supported Bourne, were complacent in encouraging 'an Inferior Marine Officer, to assassinate a Captn. in the

³¹ *The Morning Herald*, 23 Dec 1782.

³² Wallace appeared before the Court of King's Bench in Feb 1783, the trial then took place in June 1783, see *London Chronicle*, 8-11 Feb 1783, and *London Chronicle*, 5-7 June 1783; Wallace did apply to the Admiralty for a court martial after he went to the Court of King's Bench, see *Parker's General Advertiser and Morning Intelligencer*, 17 Feb 1783.

³³ *The Morning Herald*, 28 Dec 1782.

³⁴ *The Morning Herald*, 23 Dec 1782; *London Chronicle*, 5 July 1783.

³⁵ *London Chronicle*, 6 Feb 1783; the ambiguity regarding duelling and how it was viewed will be discussed in more depth in Chapter Two.

Navy for a deserved Reprimand'.³⁶ The court also declared that conduct of this kind from a junior officer towards his superior needed to be severely punished to provide an example to other officers should they wish to act likewise.³⁷ Bourne was acquitted of two of the charges Wallace levelled against him but was convicted at the Court of King's Bench of 'simple assault', fined in total £2000 and sentenced to two years imprisonment.³⁸ Such a harsh sentence demonstrates that in consequence of such incidents the civil courts were more willing and able to act than the Admiralty.

The lack of action from the Admiralty and the Marine Corps may have been down to the fact that the marine officers, including Colonels and Majors, of the Portsmouth Division passed resolutions supporting Bourne's actions and censuring the conduct of Wallace.³⁹ Several officers also accompanied Bourne to court on the day of his sentence to offer their support.⁴⁰ The resolutions passed by the Portsmouth Division were further endorsed by both the Plymouth and Chatham Divisions and sent to the Court of King's Bench. Wallace lodged a complaint with the Admiralty, who then called upon the officers of the three divisions to recant their resolutions and support of Bourne.⁴¹ The Admiralty pointed out that in order to keep up the 'Cordiality & Harmony between the Officers of the Navy and Marines' the officers should 'rescind their resolutions against Sir James Wallace'.⁴² The Admiralty further noted a year later in another letter to the officers of the three divisions 'that the only proper mode of redress under such circumstances, is by appeal to the decision of a Court Martial'.⁴³ Matters for the Admiralty were not settled until May 1784, when the officers did finally reconsider their support of Bourne and decided that courts martial were indeed the way to redress such

³⁶ TNA ADM 2/1175, Admiralty Out Letters (1783-1784), letter dated 18 Dec 1783, p. 193.

³⁷ ADM 2/1175, letter dated 18 Dec 1783, pp. 193-195.

³⁸ *London Chronicle*, 5-7 June 1783; *The European Magazine and London Review*, July-Dec 1783, pp. 288-291.

³⁹ *Public Advertiser*, 21 June 1783.

⁴⁰ *London Chronicle*, 8-10 July 1783.

⁴¹ ADM 2/1175 letter 1, 18 Dec 1783 p. 193 and letter 2, dated 22 March 1784, p. 308.

⁴² ADM 2/1175, letter dated 18 Dec 1783, pp. 193-195.

⁴³ ADM 2/1175, letter dated 22 March 1784, pp. 308-310.

incidents.⁴⁴

‘to deter others from similar Acts of Violence, Malice & Vindictiveness’⁴⁵

Batja Mesquita has stated that in any society, how one sees oneself and others is refracted through the lens of a particular cultural mode, such as status.⁴⁶ The predominance of status is expressed in many societies by the idea of honour, which involves not just maintaining one’s own honour, but also the honour of one’s family, or peer group. Being a member of a social organisation, in these instances belonging to the officer corps, gave one identity. As Morris Janowitz wrote, officers ‘were members of a cohesive brotherhood which claimed the right of extensive self-regulation’, and, as these chapters will demonstrate, when there was violation of behaviour norms the subaltern officers would enforce peer group sanctions.⁴⁷ Bourne’s reaction was one which, in his and his ‘brother officers’ eyes, would preserve his social standing amongst the ship’s crew. In Georgian society appearance was a key element of social belonging and status. What made the insult particularly humiliating for Bourne was the perceived slight to his honour as an officer and a gentleman in being reprimanded in a manner he constituted as demeaning. As with Meredith’s case there are links here too to the Midshipmen’s Mutiny. That ‘mutiny’ centred upon the treatment of a young midshipman, Thomas Leonard, and whether the punishment, a ‘mastheading’, meted out to him by the Captain of HMS *Saturn* was beneath the dignity of an officer and a gentleman. Leonard too was supported by the young gentlemen stationed at Portsmouth and the event soon became the

⁴⁴ ADM 2/1175, letter dated 5 May 1784, pp. 380-381; The Admiralty finally punished Bourne in October 1786.

⁴⁵ ADM 2/1175, letter dated 18 Dec 1783, pp. 193-195.

⁴⁶ Batja Mesquita, ‘Emotions as dynamic cultural phenomena’, in R. J. Davidson, K. R. Scherer, and H. H. Goldsmith (eds.), *Handbook of Affective Sciences* (New York: Oxford University Press, 2003), pp. 871-890.

⁴⁷ Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (Glencoe, Illinois: The Free Press, 1960), p. 216.

talk of the fleet, with letters expressing support sent round the ships.⁴⁸

Keith Oatley notes that members of these social hierarchies more or less accepted their status. However, he further remarks that conflict can and does occur in instances where one's position within the hierarchy is challenged. Oatley points to issues surrounding pride, shame, arrogance, and embarrassment as all being linked to social anxiety experienced by members of a social organisation. When an individual does not receive the proper respect they feel is their due, then shame and embarrassment is the overwhelming emotion which is often followed by 'the rage of retaliation'.⁴⁹ The escalation of Bourne's behaviour and his need to make the altercation public is explicit of this. Tom Scheff has described shame as 'the master emotion', and it is this which led to the events transpiring as they did.⁵⁰

What started as a private matter onboard a ship soon spread to the rest of the divisions and was reported extensively in the contemporary press. Indeed, it was even referred to as late as October 1784, two years after the start of the incident, in a report concerning aerostatic intelligence.⁵¹ Bourne was supported by his 'brother officers' and as Jan Plamper has stated, feelings such as trust, honour and loyalty not only divided individuals and groups but also brought them together.⁵² An officer that had refused a challenge could be subjected to peer group ostracism. The Solicitor General, acting on behalf of Bourne during the suit, pointed out in court that duelling was 'contrary to morality and law', he also noted that a 'man of honour' must either break the law or 'stand stigmatised'.⁵³ As Wallace was a superior officer who had refused the challenge, Bourne had resorted to trying to publicly humiliate him in the press in order to provoke a response. The refusal to duel led the other officers of the Marine Corps to

⁴⁸ Cavell, 'Social Politics', pp. 31-33.

⁴⁹ Keith Oatley, *Emotions: A Brief History* (Maldern: Blackwell Publishing, 2004), pp. 85-87.

⁵⁰ Tom J. Scheff, *Emotions, the Social Bond and Human Reality: Part/Whole Analysis* (New York: Cambridge University Press, 1997), p. 12.

⁵¹ *Morning Herald and Daily Advertiser*, 18 Oct 1784, the report alludes to a Lieut. Bourne as being the 'brother of the gentleman who had the contest with Sir James Wallace.

⁵² Jan Plamper, *The History of Emotions: An Introduction* (Oxford: Oxford University Press, 2015) (trans. by K. Tribe), p. 47.

⁵³ *London Chronicle*, 5 July 1783.

side with Bourne noting in their resolutions that ‘every senior Officer who should decline to render such personal Satisfaction’, should face censure; collective honour was therefore also at stake in this incident and this caused the Admiralty a great deal of trouble and embarrassment.⁵⁴ Male honour relied on the ability to defend oneself physically in the face of insults, a verbal retaliation would not have been deemed a sufficient response for a commissioned officer in defence of his honour. Whilst Bourne was imprisoned the other officers took over his duty, again demonstrating the support Bourne continued to receive from his ‘brother officers’ in defending his honour in such a manner. Honour, therefore, was a commodity that could be acquired, validated or lost through the judgement of others.⁵⁵

As the response from the Admiralty demonstrated, the process of moving from a bloodier martial response towards a judicial decision, which shunned physical violence, called for retaliation which allowed for a legal method to settle disputes where mediation had failed. That the other officers finally agreed with this is explicit of the resolution towards a more legal verdict. The opportunity to bring a prosecution via unbecoming conduct, which could cover a wide range of behaviours, was therefore a fundamental factor in the decline of duelling incidents from this period. As D. B. Nichols has noted, for the Army the charge of conduct unbecoming an officer and a gentleman emerged as a specific charge between 1700 and 1760, link this with the decline of actual duelling incidents involving military officers, as noted by Mark Barton, and there is a strong argument to suggest that this charge did have an effect on duelling.⁵⁶

The Court is of Opinion...

⁵⁴ ADM 2/1175, letter dated 5 May 1784, p. 380.

⁵⁵ Morieux, ‘French Prisoners’, pp. 72 and 75.

⁵⁶ D. B. Nichols, ‘The Devil’s Article’ *Military Law Review*, No. 22 (1963), pp. 116-117, in Arthur N. Gilbert, ‘Law and Honour’, p. 77.

The trials discussed in this chapter demonstrated that officers not only operated as a self-sanctioning body but also as a formal mediating organisation which tried to resolve violations linked to honour to the satisfaction of all those involved.⁵⁷ Disputes are a process in which, as Cyril Lemieux notes, ‘individuals displace and rework the social order which connects them’.⁵⁸ Meredith had to demonstrate to the members of the court that his behaviour had not gone against accepted norms of behaviour. His questioning of other officers to ask if they had done or would have done the same thing is indicative of this. This highlights the normative and moral resources which were used by marine officers in the eighteenth-century to legitimise their actions in situations of conflict.⁵⁹ Both Meredith and Bourne’s cases suggest that demonstrating how one’s behaviour was not out of the ordinary is a key factor, for Meredith it was key in gaining the support of the court and for Bourne it was instrumental in gaining the support of his ‘brother officers’.

As Joan Scott remarked, ‘changes in the organisation of social relationships always corresponds to changes in representations of power, but the direction of change is not necessarily one way’.⁶⁰ This was certainly true for Lieutenant Bourne whose behaviour was in direct contrast to that considered as appropriate towards a superior officer by the Admiralty. Yet Bourne’s actions gained the support of his peers at a time when it has been argued that the idea of redress for an insult came only from a duel. That it took the Admiralty many months to force the officers to backdown is an important consideration and suggests that although a more legal response was desired old habits die hard.

Bourne, in publishing his letter outlining how Wallace’s behaviour demanded he seek due satisfaction, courted public opinion for his conduct, appealing for their support, believing

⁵⁷ Gilbert, ‘Law and Honour’, p. 83.

⁵⁸ Cyril Lemieux, ‘A quoi sert l’analyse des controverses?’ *Mul Neuf Cent* 25 (2007), p. 193, in Morieux, ‘French Prisoners’, p. 57.

⁵⁹ Morieux, ‘French Prisoners’, p. 60.

⁶⁰ Joan Scott, ‘Gender: A Useful Category of Historical Analysis’ *The American Historical Review* Vol. 91 (5) (1986), p. 1067.

as he did, that he had acted as expected. This case in particular highlights how the reach of the press was growing during the eighteenth-century and how private information came into public circulation, influencing the development of public opinion and helping to bring about a shift from a bourgeois public sphere towards a 'powerful public sphere'.⁶¹ As both these cases demonstrate, men's gendered identities were constructed both in relation to inward perceptions and public projections of the normative standards imposed upon them by their peers. If it is supposed that gender is relational between two sexes then it is surely the case that masculine identity is and was shaped in relation to other men, as well as women and societal norms.⁶² The next chapter will look at how the Admiralty responded to incidents which happened between officers in full view of the public gaze.

⁶¹ Julia Bannister, *Masculinity, Militarism, and Eighteenth Century Culture, 1689-1815* (Cambridge: Cambridge University Press, 2018), pp. 161 and 162.

⁶² Jones, 'Masculinity and Space', p. 377.



63

⁶³ Image of a Captain of Marines, published by R. Ackerman, 1799. Image available online <https://prints.rmg.co.uk/products/captain-of-marines-no10-in-series-pw4976> accessed online August 2018.

Chapter Two

The Convivial Lieutenant and the Brawling Majors: the Public Face of Honour

This chapter will examine how officers maintained and defended their reputations in court when faced with public humiliation towards their honour, and what for the Admiralty, consisted of a public embarrassment for the Marine Corps. As Graham Dawson remarks, masculine identities are ‘lived out in the flesh, but fashioned in the imagination.’¹

The Convivial Lieutenant

In May 1785 Lieutenant John Henry Woodruffe of the Portsmouth Division was charged with ‘behaving in a scandalous infamous manner, such as is unbecoming the character of an Officer and a Gentleman.’² The charges were laid out in two sections, the first charge stated that he had been repeatedly drunk whilst on guard duty and the witnesses called on this accusation spoke of Woodruffe being so drunk he was staggering, had to be helped to bed, and needed to be undressed.³ For the second charge, witnesses testified that Woodruffe had been seen ‘exceedingly drunk’, cursing, swearing, and demanding liquor. He was also seen in the company of ‘a Woman of the Town’ who was ‘the lowest kind of that class’, and to have insulted a ship’s Quarter Master, leading to an altercation in full view of the Dockyard gate

¹ Graham Dawson, ‘The Blond Bedouin: Lawrence of Arabia, imperial adventure and the imagining of English-British masculinity’, in Michael Roper and John Tosh (eds), *Manful Assertions: Masculinities in Britain since 1800* (London and New York: Routledge, 1991), p. 118.

² TNA ADM 1/5491, Court Martial of Lieut. Woodruffe, p. 1; see Appendix 3 for full list of court members and witnesses.

³ ADM 1/5491, CM of Woodruffe, testimonies of William Perkins, p. 2, Josiah Duke, p. 3 and John Denmade, p.4.

which drew a large public crowd.⁴ A letter had been sent to the Admiralty from the officers of the Portsmouth Division, which stated that Woodruffe's behaviour and conduct 'has been so infamous & derogatory to the honor of the Marine Corps', that they demanded the Admiralty look into it, and both matters came before a general court martial.⁵

Woodruffe argued that the evidence against him was exaggerated and given by those who harboured a grudge against him.⁶ He stated that any intemperance had been due to the fact that he had been recollecting upon and celebrating the anniversary of a great day 'which so much glory was showered on the British flag', and any excess should be considered the 'unguarded moment of youthful Emulation'.⁷ This was the only case concerning an officer, during the ten year period researched, that came before a court martial for neglect of duty due to alcohol. The fact that alcohol was left at the guard house by a man belonging to a local passenger boat suggests that the consumption of alcohol during the nightly guard may have been usual, and therefore such behaviour may not have been commented upon or worth noting, until it became excessive.⁸

It was the second charge concerning behaviour 'unbecoming the character of an Officer and a Gentleman' that Woodruffe was most concerned with, noting to the court that it was 'much more alarming to the feelings of a man of any sensibility'.⁹ The contemporary rhetoric surrounding ideas of sensibility was a staple of eighteenth-century society. Woodruffe noted to

⁴ The role of women within these court documents is an important factor and will be discussed in more depth in Chapter Four.

⁵ TNA ADM 2/1176, Marine letters out, 11 May 1785, p. 320.

⁶ Woodruffe was keen to point out that two of the prosecution witnesses, Lieut. Monteith (who had brought the incident at the Dockgate to the notice of his superior officers) and Josiah Duke (Woodruffe's servant) may have held a grudge against him, see ADM 1/5491, CM of Woodruffe, pp. 12, 14, 18 and 19.

⁷ ADM 1/5491, CM of Woodruffe, p. 11; he could be alluding to the Battle of the Saintes, which ended 12 April 1782 with a British victory against the French.

⁸ ADM 1/5491, CM of Woodruffe, testimony of John Denmade, he stated that the boatman brought a bottle of brandy and a pitcher and had left it in the Officer's guardroom, p. 4; a recourse to the letters from seamen compiled in Helen Watt and Anne Hawkins, *Letters of Seamen in the Wars with France, 1793-1815* (Woodbridge: The Boydell Press, 2016) does not show any commentary concerning officers being drunk on duty.

⁹ ADM 1/5491, CM of Woodruffe, pp. 4 and 13.

the court that to be charged with the ‘basest and most abandoned profligacy of manners’ would mean him to be ‘publicly and notoriously branded’.¹⁰ Refinement of manners and the ability of men to act politely were notable attributes for a gentleman of the eighteenth-century, and made up part of what Philip Carter has termed ‘a complex blend’ of conceptions of standards of acceptable polite or sentimental manhood.¹¹ This would of course have had serious ramifications for any gentleman, but perhaps even more so for one who may have been considered less of a ‘true gentleman’ in the sense of wealth and status, and therefore had to construct their gender identity upon the superiority of their character, conduct, speech, and moral personality.¹²

The court delivered a verdict of guilty. Dismissing Woodruffe from the service, although they did recommend that he be placed on half pay due to his father’s long service and death in service.¹³ The Admiralty however were less than sympathetic, and wrote that they considered the charges fully proved and due to his behaviour being ‘such as is unbecoming the Character of an Officer and a Gentleman’ could not recommend Woodruffe as ‘meriting your Majesty’s compassion’.¹⁴ Woodruffe had been seen to conduct himself in such a manner in full view of a variety of witnesses; marine officers, naval personnel, and the general public. He had made a spectacle of himself whilst under the influence of liquor and had drawn a large crowd to witness his behaviour. He had therefore brought shame upon not only his own conduct but also, by association, his ‘brother officers’, one of whom was instrumental in bringing the initial charge, and to the Marine Corps itself.¹⁵

For both Woodruffe and the Admiralty the main concern was the public aspect of his

¹⁰ ADM 1/5491, CM of Woodruffe, p. 13.

¹¹ Carter, *Men and the Emergence*, p. 2.

¹² Carter, *Men and the Emergence*, p. 6.

¹³ ADM 1/5491, CM of Woodruffe, p. 21; non-commissioned officers who were caught drunk on duty were reduced in rank rather than dismissed, as was the case of Corporal Chalker, who was drunk on the recruiting service, 8 July 1799, R. M. M. Portsmouth Division standing order book, p. 283.

¹⁴ ADM 2/1176, 18 October 1785, p. 503.

¹⁵ Chapter Three will discuss in more depth how shaming one’s ‘brother officers’ could affect the outcome in court.

actions. As his actions had been witnessed by privates, officers, naval personnel, and locals, the Admiralty needed to be seen to take a stand, these actions could not be dealt with by the officer corps alone as the letter from the Portsmouth officers proved. The initial charge is brought to the Admiralty's attention in the first instance by another officer who witnessed the altercation at the Dockyard gate and, according to Elin Frances Jones, it is the relationship between men that should be examined to understand how various forms of masculine identity were shaped.¹⁶ Woodruffe had stepped outside the boundaries of what was considered by the other officers as the correct behaviour for an officer and a gentleman, and the Admiralty agreed with this assessment. Therefore, marine officers, as a group of men, were able to define the way that they saw themselves individually, collectively, and in relation to the rest of society via affiliation to a group through shared practices and accepted modes of behaviour.¹⁷ Transgressors were punished in a public and institutionally determined way and they risked losing their livelihoods, status, and sometimes even their lives.

Robert Shoemaker has demonstrated that conduct-book writers during this period increasingly criticised male violence and insolence, and that along with sentimental novels and contemporary female writers such as Mary Wollstonecraft, encouraged a formation of an ideal masculinity which centred upon consideration and sensitivity towards others.¹⁸ But what happened when tempers, along with fists were raised, for the Georgian man was also a man of courage?

The Brawling Majors

On 6 September 1784 a court martial convened at the Marine Barracks in Chatham to consider the charges against Major Duncan Campbell and Major David Johnston, both of the

¹⁶ Jones, 'Masculinity, Materiality and Space', p. 377.

¹⁷ Jones, 'Masculinity, Materiality and Space', p. 377.

¹⁸ Shoemaker, *Gender in English Society*, p. 55.

Marine Corps.¹⁹ The first to be tried was Campbell, who faced a charge of exhibiting ‘improper Conduct and disorderly Behaviour by giving provocation to Major David Johnston’, whilst Johnston was charged with improper conduct and disorderly behaviour ‘by rendering an Insult to Major Campbell’.²⁰ The court, drawn from both the marines and the Army, heard evidence over eight days, from fifteen different witnesses, and defence speeches from both Major Campbell and Major Johnston, before finally delivering a guilty verdict against both men on 14 September 1784.²¹ This case and each man’s lengthy defence highlights the tensions that existed for military officers of this period when faced with conflicting modes of behaviour, caught between, as Arthur Gilbert has illustrated, the past and the present.²² The actions during the altercation and the language that each defendant utilised demonstrates the negotiation between how a marine officer defended his honour in a period when, as many historians have argued, sensibilities and polite behaviour were on the rise and the idea of a martial response was supposed to be in a decline, giving way to a ‘less bloody, legal resolution’.²³ To understand how the incident developed and played out it is necessary to get an idea of what occurred on the parade ground.

Campbell had returned to duty at Chatham Barracks after being on leave for twelve months following the death of his father. Upon his return he found that the reception he now met with from his ‘Brother Officers’ was very different from what it had been. He noted an ‘evident shyness’ from the officers to engage with him. Campbell believed that the men had been ‘poisoned’ by a letter that Major Johnston had written to Captain Ewart, also of the Chatham Division, leading to Campbell’s conduct now becoming a ‘very public topic’.²⁴

¹⁹ TNA ADM 1/5490, Court Martial of Major Duncan Campbell and Major David Johnston, Sept. 1784, p. 5; see Appendix 6 for full list of court members and witnesses for both cases.

²⁰ ADM 1/5490, CM of Campbell and Johnston, pp. 8 & 49.

²¹ ADM 1/5490, CM of Campbell and Johnston, p. 76.

²² Campbell’s defence runs to over six pages, whilst Johnston’s numbers nine pages; Johnston’s defence is actually delivered by Captain Kempe, ADM 1/5491, CM of Johnston, P. 53; Gilbert, ‘Law and Honour’, p. 86.

²³ Gilbert, ‘Law and Honour’, p. 86.

²⁴ ADM 1/5490, CM of Campbell, p. 26.

The letter, which Ewart had shown to the other officers, stated that Campbell was named as the main protagonist in the divorce proceedings held at the ecclesiastical court of Doctors Common. This case involved the wife of Major Shairp, another marine and a friend of Johnston's.²⁵ Campbell was adamant that he was not named within the proceedings, and he was keen to point out to the court that he had had no opportunity, despite many attempts to do so amicably, of defending his character to Johnston.²⁶ To be named in such a public manner and in such circumstances would have been deeply shaming and Campbell was keen to settle the issue and clear his name. Matters finally came to a conclusion on the evening of 26 July when both men met upon the parade ground, just after Johnston, who was on duty that day, had dismissed the men from their evening roll-call.²⁷

After heated words from both officers, violent gestures from Campbell, and some finger pointing and cane waving by Johnston, the words 'It is a damnable Falsehood' were heard to come from Campbell.²⁸ Both men moved further along the parade ground before stopping again. Two witnesses stated that it was now Johnston who was heard to utter 'Do you give me the Lie, Sir', before striking Campbell a blow to the face, which caused Campbell to stagger, knocking his hat and cane to the floor.²⁹ At this point Colonel Innes, who had seen the altercation from a nearby room, ran out and placed both men under immediate arrest.

Lies and Damned Eternal Lies

If, as Michel Cohen suggests, this period saw a rise of polite behaviour in the public

²⁵ The letter also mentioned the involvement of two other officers, Colonel Averny and Captain Burt, both of whom were acquitted of any involvement with Mrs Shairp, see ADM 1/5490, CM of Campbell, p. 29; divorce was a major issue in the late Georgian period and will be discussed in Chapter Four.

²⁶ Campbell mentioned to the court the numerous times he had tried to approach Johnston in London, see ADM 1/5490, CM of Campbell, pp. 27-28.

²⁷ ADM 1/5490, CM of Campbell, p. 8; R. M. M 2/7/4 papers of Major General Collins.

²⁸ ADM 1/5490, CM of Campbell, p. 12; witnesses suggest words were 'It was a damned Lie' see Adm 1/5490 CM of Campbell, p. 23; see Johnston's defence, which stated Campbell uttered those words, p. 54.

²⁹ ADM 1/5490, CM of Johnston, testimony of Serj. Over, and CM of Campbell, evidence of Serj. Cavendish, p. 64; Johnston suggested it was in fact Campbell who uttered those words, p. 54.

realm then it could be supposed that each man should have acted with decorum and with an eye to their audience.³⁰ But, as witnesses stated to the court, both men were visibly irritated with each other, speaking with ‘more vehemence’ at times, and certainly audible enough to be heard by those not only on the parade ground but also in overlooking rooms.³¹ The court testimonies can be used to examine the often contested relationship between ideal conduct and actual lived practice. These documents highlight the strategies used by men to construct their identities in light of social ideals and often conflicting actions, based on, in this case, the space they occupied, the company they were surrounded by, the build up to the actual event, and of course, the language used. Several witnesses stated that Johnston had tried to move the altercation from the parade ground to a more secluded space, mentioning that Johnston was seen to point to the rear of the parade ground at the beginning of the conversation, as if to move it out of the gaze of the surrounding buildings, highlighting that the men were well aware of watchers.³²

One requirement of the ‘refined’ gentleman was his ability to control his emotions during conversation; to not shock, embarrass or offend. Major Campbell stated in his defence that he asked Johnston to ‘calm down and let him finish and then he could have his turn.’³³ *The Polite Companion* exhorted its readership that self-control was central to a man’s character, and that the polite gentleman, when confronted with his less-disciplined counterpart, should endure such behaviour. The anonymous author stated that ‘A man must be Master of himself, his Words, his Gesture, and Passions...’³⁴ Male advice literature may not have been read by many, or even in the context in which it was written, and therefore cannot be taken as a true

³⁰ M. Cohen, “‘Manners Make the Man’: Politeness, Chivalry and the Construction of Masculinity’ *Journal of British Studies*, Vol. 44 (2) (2005), pp. 312-329.

³¹ ADM 1/5490, testimony of Lieut. Thomas Weston, p. 15; witness testimony of Serj. Moses Over, p. 23.

³² ADM 1/5490, defence testimony of Campbell, p. 31; testimony of Lieut. Colonel Preston, p. 8; testimony of Lieut. Hollingworth Phillips, p. 10; testimony of Lieut. Weston, p. 15.

³³ ADM 1/5490, defence testimony of Camobell, p. 31.

³⁴ Anon, *The Polite Gentleman*, p. 76.

reflection of Georgian life, but, as Matthew McCormack has highlighted, ‘Georgian readers may well have identified with its values’.³⁵ Yet, whilst such controlled and disciplined behaviour may grace the pages of conduct books, real life was perhaps less refined. The eye witnesses to the incident spoke of the heated body language both men demonstrated whilst on the parade ground that evening; describing them either as being ‘in a very warm Altercation together’, or having a ‘heated conversation’, and that they seemed to be having ‘high Words’ with each other.³⁶

‘I would pull him by the Nose for such ungentleman like language’³⁷

Matthew McCormack suggests that how individuals relate to themselves and each other effects the way that they behave.³⁸ This concept is clearly defined in the words of Major Johnston in his defence, as he appealed to ‘these men of honour’, asking them would they have acted any differently if they had been insulted and called a liar.³⁹ Johnston stated to the court that he ‘acted as I am sure they would have done’ and that after Campbell had ‘dared to insult me with such Language’ in a public space he would ‘sincerely Pity the Man, who, in the present Instance, could have made a sacrifice of his Feelings, to his Judgment’.⁴⁰ Johnston was suggesting to the court that he could not, after receiving an insult delivered in full view of other officers and junior ranks, keep his feelings in check. He further argued that like any man he had no choice but to retaliate and strike Campbell. Here Johnston was hoping to demonstrate that his inner most emotions must have an outward projection, as McCormack notes, this was

³⁵ Matthew McCormack, *The Independent Man: Citizenship and Gender Politics in Georgian England* (Manchester: Manchester University Press, 2005), p. 34.

³⁶ ADM 1/5490, testimonies of; Lieut. Colonel Harrie Innes, p. 24; Lieut. Colonel Preston, p. 8; Serj. Over, p. 23.

³⁷ ADM 1/5490, CM of Johnston, p. 54.

³⁸ McCormack, *The Independent Man*, p. 7.

³⁹ ADM 1/5490, CM of Johnston, pp. 51 and 54.

⁴⁰ ADM 1/5490, CM of Johnston, p. 55.

an important element within late Georgian vocabularies.⁴¹

The ambiguities in the way that honour was expressed during this period are implicit throughout this case. This is again made clear by Johnston who mentioned to the court that Campbell, after recovering from the blow, picked up his cane and hat ‘with that cool deliberation ... he knows so well to assume’.⁴² Johnston demonstrated to the court that it was Campbell, with his cool deliberation, who was acting outside the norms of honourable behaviour. Campbell’s behaviour was an act of pretence, whilst a truly honourable man had no need for a performance.⁴³ However, the Reverend John Trusler wrote that there were ‘two alternatives for a gentleman; politeness or the sword’ and that should a gentleman ‘ever be affronted in public company’ he should ‘be cool and make no reply’.⁴⁴ This summarising of what should be considered as honourable behaviour towards a slur within Johnston’s defence highlights how preoccupied men of this period were with the consideration of certain aspects of gentlemanly identity. As McCormack argues, honour, amongst other modes of manliness, ‘moulded their conceptions of themselves as men ... and it influenced their behaviour’ even down ‘to the minutiae of their everyday lives.’⁴⁵

Indeed, this connection between the language of honour and the experience of honourable behaviour is seen throughout this court martial. Johnston had stated to Campbell that if they were not on the parade ground he ‘would pull him by the Nose for such ungentleman like Language.’⁴⁶ Many cultures are concerned with honour demonstrated through appearance; how they look and what they say in public, and the act of pulling a nose is one way of demonstrating this importance. The nose is the most visible part of the face, proceeding the

⁴¹ McCormack, *The Independent Man*, p. 39.

⁴² ADM 1/5490, CM of Johnston, p. 55.

⁴³ Robert A. Nye, *Masculinity and Male Codes of Honour in Modern France* (London: University of California Press, 1998), p. 10.

⁴⁴ Reverend John Trusler, *A System of Etiquette* (2nd Edit) (Bath, 1805), pp. 54-55.

⁴⁵ McCormack, *The Independent Man*, p. 12.

⁴⁶ ADM 1/5490, CM of Johnston, p. 54.

man as he moves in society, visibly exposed to others. For Johnston to state that he would pull Campbell's nose was to suggest that Campbell was a liar, that the whole outward projection of himself was a lie, and that Johnston held this projection in contempt. Kenneth Greenberg has argued that the goal of such a gesture as to pull a nose was to shame and expose an opponent.⁴⁷ Campbell, by telling Johnston that he was 'giving the lie', had challenged Johnston's own sense of self by suggesting that he had falsely represented the events concerning the Shairp's divorce case and Campbell's role in it. To call some one out in this way had always been a great insult to a man of honour; William Shakespeare listed in his play *As You Like It* various causes of quarrels among gentlemen, noting that you can avoid a fight for all causes except 'the lie direct'.⁴⁸ Yet Johnston counteracts this accusation with one of his own by alluding to nose pulling.

'Would allow no Man breathing to treat me improperly' ⁴⁹

Peter Brooks has suggested that Georgian culture valorised gestures over language, with the essential notion that the gesture was the most ardent and intense means of communication.⁵⁰ There is detailed commentary concerning the gestures used by both the Majors in this court case. Johnston was described as using many hand gestures, there are remarks made about finger pointing and cane waving, just as there was in Woodruffe's case. Campbell stated to the court that at one point Johnston threatened to knock him down with his cane if he carried on contradicting him.⁵¹ Then there is the account of the blow that Campbell

⁴⁷ Kenneth S. Greenburgh, 'The Nose, the Lie and the Duel in the Antebellum South' *The American Historical Review*, Vol. 95 (1) (1990), p. 68.

⁴⁸ William Shakespeare, *As You Like It* (reprint, Cambridge: Cambridge University Press, 2004), in Robert Baldick, *The Duel: A History of Duelling* (London, 1965), p. 33.

⁴⁹ ADM 1/5490, CM of Campbell, p. 23.

⁵⁰ Peter Brooks, 'Melodrama, Body, Revolution', in Jacky Bratton, Jim Cook and Christine Gedhill (eds), *Melodrama: Stage, Pictures, Screen* (London: British Film Institute, 1994), p. 19.

⁵¹ ADM 1/5490, CM of Campbell, p. 30.

received. During the court martial Campbell was keen to suggest to the court that Johnston struck the blow whilst Campbell's head was turned and as he was leaving the conversation, therefore catching Campbell unawares. Campbell noted to the court that it was painful to tell the court and disgraceful to have suffered such an action. Indeed, many of the witnesses are expressly questioned over this factor.⁵² If Campbell could prove that his head had been turned when the blow was delivered then he would have discredited Johnston as a moral coward, a dishonourable trait in a gentleman and a marine officer.

The 'problem' concerning honour as expressed via a blow to another highlight the ambiguities surrounding honourable retaliation. Campbell was at pains to suggest that the blow was a cowardly act, whilst Johnston argued that it was an honourable one, but it was for the court to decide who was truly at fault. As Nye has demonstrated, a man could easily dishonour himself at the very moment that honour was expressly affirmed.⁵³ This was the position that both Campbell and Johnston found themselves in during the court martial. As noted, gestures were even more explosive than language, and perhaps one of the most dangerous gestures during this period was the drawing of the sword. Link this with the gravest and provocative insult a gentleman could deliver to another, 'giving the lie', the 'most gross, illiberal and abusive Language' and the utmost satisfaction for either man could only be sought in the duel.⁵⁴

Campbell had told Johnston that should Johnston 'be mad enough to strike me, I would instantly put him to Death', further stating to the court that he told Johnston that if he did not like what he had to say concerning the Shairp's divorce 'he knew where to find me'.⁵⁵ Robert Shoemaker highlights the case of Captain Richard Sowle, charged with murdering George

⁵² ADM 1/5490, witness testimony of Lieut. Wightman, who stated that both parties were facing each other at the time of the blow, p. 66.

⁵³ Nye, *Masculinity and Male Codes*, p. 13.

⁵⁴ Robert Shoemaker states that perceived affronts to honour were frequently settled by duels in the 18th century, see Robert Shoemaker, 'The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1600-1800' *The Historical Journal* Vol. 45 (3) (2002), p. 195; ADM 1/5490, CM of Johnston, p. 57.

⁵⁵ ADM 1/5490, CM of Campbell, pp. 30-31.

Paschal in a duel in 1751.⁵⁶ Sowle justified his actions by stating to the court that Paschal had insulted him with such an amount of abusive language that no gentleman nor officer could stand for it.⁵⁷ Mark Barton has demonstrated that incidents of duelling were particularly numerous among military personnel, noting that of the ninety challenges he has identified between 1749-1845, seventeen involved marine officers.⁵⁸ During his defence, Johnston highlighted to the court that in civil courts provocation had been admitted as a ‘Justification for Killing a Man’.⁵⁹

After staggering from the blow he had received Campbell told the court that Johnston urged him to follow him to his room so that Johnston could get his small sword, as Campbell was already wearing his.⁶⁰ Duelling has long been associated with honour codes, both as a way of maintain one’s honour and defending it against slurs. Steven Shapin remarked that in early modern England the duel was the ‘most typical and dramatic eruption’ of the divisional and aggressive traditions associated with honour culture.⁶¹ However, as Robert Shoemaker, Donna Andrew, and Jennifer Low have all demonstrated, there was a gradual decline in the incidents of duelling from around the beginning of the eighteenth-century.⁶² As seen with the Bourne and Wallace case in the previous chapter, many of the contemporary reports concerned with duelling linked it not to honour but with revenge and barbarous acts. A newspaper report of Bourne’s actions mentioned that it was ‘not the act of a Gentleman wanting only the vindication of his honour; it was rather an outrageous act of violence committed by a person whose passions

⁵⁶ Shoemaker, ‘Taming of the Duel’, p. 197.

⁵⁷ *Old Bailey Proceedings*, July 1751, 212-17, in Shoemaker, ‘Taming of the Duel’, p. 197.

⁵⁸ Barton, ‘Duelling in the Royal Navy’, p. 294.

⁵⁹ ADM 1/5490, CM of Johnston, p. 58.

⁶⁰ ADM 1/5490, CM of Campbell, p. 31; mentioned in testimonies of Lieut. Col. Preston, p. 50; Lieut. Collins, p. 65 and Lieut. Wightman, p. 66.

⁶¹ Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth-Century England* (University of Chicago Press, 1994), p. 108.

⁶² Shoemaker, ‘Taming of the Duel’, pp. 525-545; Robert Shoemaker, ‘Male Honour and the Decline of Public Violence in Eighteenth-Century London’ *Social History*, Vol. 26 (2) (2001), pp. 190-208; Donna T. Andrew, ‘Aristocratic Vice’: *The Attack on Duelling, Suicide, Adultery, and Gambling in Eighteenth-Century England* (Yale: Yale University Press, 2013); Jennifer Low, *Manhood and the Duel: Masculinity in the Early Modern* (Hampshire: Palgrave MacMillan, 2003).

had got the better of reason' and had a fatality ensued it would have been 'construed to be murder.'⁶³

The idea that duellists flouted the law is one which Arthur Gilbert explores. Gilbert, when discussing the eighteenth-century army officer, suggests that the very Article of War concerned with conduct unbecoming an officer and a gentleman was implemented by the Army as a means to reduce incidents of duelling, and therefore this Article of War could have had a direct effect on the decline of the duel.⁶⁴ As there was no legal way to settle disputes of this type the vagueness of the charges would have allowed for the military legal system to settle disputes linked to character aspersions, minimising personal attacks and providing a forum for the cases to be made in front of an officer's peers, allowing far more personal protection than any duel would have.⁶⁵ However, as Mark Barton has demonstrated, there was a grey area when it came to the legality of duelling for Royal Navy officers.⁶⁶ It was not expressly prohibited and in some cases officers were discouraged from using courts martial to deal with those who refused to duel, something which could lead to an officer being ostracised by his 'brother officers'. Shoemaker argues that the option and popularity of appealing to the law for redress rather than the duel appeared to increase in this time.⁶⁷ The *Star* carried a report in 1791 which claimed that a marine officer and a naval officer had made two attempts at fighting a duel but were interrupted by the magistrates and shook hands in court.⁶⁸ This is also something that the contemporary conduct books noted, with the Reverend Trusler writing that even military men at times 'appeal to the civil laws of their country, when challenged, instead of the sword'.⁶⁹

This incident seems to fit the supposition that a legal outcome would be necessary and

⁶³ *Morning Post and Daily Advertiser*, 11 July 1783.

⁶⁴ Gilbert, 'Law and Honour', p. 79.

⁶⁵ Gilbert, 'Law and Honour', pp. 86-87.

⁶⁶ Barton, 'Duelling in the Royal Navy', p. 54.

⁶⁷ Shoemaker, 'Taming the Duel', p. 54.

⁶⁸ *Star*, 25 Jan. 1791.

⁶⁹ Trusler, *A System of Etiquette*, p. 58.

preferred, as Lieutenant Colonel Harrie Innes rushed from one of the Barrack rooms overlooking the parade ground and placed both men under immediate arrest. Innes told the court that Campbell had a sword by his side and further stated that as the parade was a public place he felt that he had no alternative but to order their arrest, placing Johnston under arrest first as a means to prevent ‘immediate Consequences’.⁷⁰ The public nature of this altercation, which happened in full view of the lower ranks, other officers, and visiting members of the public, therefore directly influenced the arrest. Had the matter happened in private it is possible that other officers could have mediated between the two men. Barracks and parade grounds were places of intersection between the ranks, and they also served as places where the public would have meet marines. The need for the Marine Corps to act in a way which protected the collective honour of the institution, and particularly that of its officers, was of paramount importance. The corps was trying to establish itself as a professional service, one which would appeal as a mean of employment to the growing ‘middling’ sort.

The Court is of opinion...

As these cases highlight, male refinement and the understanding surrounding the construction of a ‘polite gentleman’ identity, was largely constructed in relation to other men.⁷¹ However, as Karen Harvey and Alexander Shepard have argued, the concern with politeness in the historiography of the late eighteenth-century risks oversimplifying our understanding of men and their relationships, and care needs to be taken with placing too much emphasis on didactic texts, men acted in a social as well as cultural world.⁷² Helen Berry has argued that there existed, within coffee house society and periodicals, a culture which included and

⁷⁰ ADM 1/5490, CM of Campbell, p. 24.

⁷¹ Carter, *Men and the Emergence*, p. 5.

⁷² Harvey and Shepard, ‘What have Historians Done’, pp. 274-280.

promoted a more impolite mode of thought.⁷³ It would certainly appear that ideas of how to conduct oneself in public were perhaps abandoned in instances of heightened emotion. During the altercation between the two Majors, Campbell reminded Johnston that he was wearing his sash. The sash would have symbolised to all on the parade ground that Johnston was that day's captain, a position of importance and responsibility. By highlighting this Campbell meant to stop Johnston's behaviour from escalating. However, Johnston counters in his defence that Campbell had only 'come to Insult and contradict', knowingly provoking him in full view of others in order to cause Johnston to act in a way to publicly dishonour himself. Both men would have been in uniform, and as Jennie Hurl-Eamon argues, uniforms were powerful images of masculinity, which helped to construct a military identity which men took pride in.⁷⁴ The mention of uniform in the defence speeches suggests that both men were well aware of this power and public perceptions of it.

As the trial of Major Campbell and Major Johnston demonstrate accusations linked to character aspersions could be complex. In this case the members of the court had to decide who had delivered the first insult and what type of insult could be considered legally and legitimately as a character aspersion.⁷⁵ The fact that both men are found guilty, Campbell for improper conduct and disorderly behaviour by giving provocation and Johnston for improper conduct and disorderly behaviour by rendering an insult, is illustrative of this. Even more so was the sentence, with Johnston receiving the lesser sentence, which suggest that the court believed that although he was guilty, he had been provoked, a defence which Johnston had made.

Masculinity, and therefore the modes of behaviour as demonstrated by men, was constructed through social relations and cultural representations, and were never static, often

⁷³ Helen Berry, 'Rethinking Politeness in Eighteenth Century England: Moll Kings Coffee House and the Significance of Flash Talk' *Transactions of the Royal Historical Society*, Vol. 11 (2001), p. 66.

⁷⁴ Hurl-Eamon, *Marriage and the British Army*, pp. 91-91.

⁷⁵ Gilbert, 'Law and Honour', p. 84.

conflicting and nearly always in a state of refashioning. As Nye has argued, the ‘problem’ of honour is that it is ‘never secure, required constant reaffirmation, and always open to challenge.’⁷⁶ Men constructed their masculinity in relation to each other and, as demonstrated in the case of Campbell and Johnston, who were equals in rank if not morals, these groups of men also varied in their ability to construct their own masculinity in relation to other power structures such as class and social position.⁷⁷ For Johnston his lesser sentence was never in doubt once he was accompanied into court by not only the Commanding Officer, but also his ‘brother officers’, showing their full support and further alienating Campbell. For Woodruffe it was the intersection of his ‘brother officers’ which pushed his case further along and into a general court martial.

Whilst it can be argued that there was a decline in duelling from this period onwards, it is perhaps too simple to state that this was due solely to the rise of politeness and sensibility. As can be seen from the cases discussed over the last two chapters, tempers could still be raised, swords could still be drawn and the threat was still present, what caused these cases to go no further was not solely the actions of the men involved, but was also directly influenced by the actions of those who witnessed the altercations, heard about them, either by word of mouth or via letters, or dealt with them in court. But how did the Admiralty, and a man’s ‘brother officers’ deal with those who were charged via a specific crime?

⁷⁶ Nye, *Masculinity and Male Codes*, p. 13.

⁷⁷ Merry E. Wiesner-Hanks, *Gender in History: Global Perspectives* (2nd Ed) (West-Sussex: Wiley-Blackwell, 2011), p. 88.

Chapter Three

Fraud, Theft and Independent Means

The Officer Corp was an exclusive club and imposed upon its members a distinct set of values; those who challenged these values would have faced certain sanctions demanded by their peers.¹ This chapter will consider those sanctions within the context of two specific crimes linked to officers; these were frauds and theft, involving both fellow officers and local tradesmen. To be accused of stealing from one's 'brother officers' was serious enough, breaking down as it did traditional networks of friendship, leading to distrust and ill-feeling, but to be accused of stealing from a tradesman was an equally serious accusation, one that could dramatically affect the decision of the court, the Admiralty, and ultimately the King. Officers were considered to be socially superior to men who pursued a trade such as glazing or carpentry, or who rented out rooms such as hostlers and landladies.

There was the further complication when considering the behaviour of officers in this context. Marine officers were already considered socially inferior when compared to an army officer. The cost of commission into the Army may have been far above the means of the types of men usually recruited as marine officers, who were drawn from the professional classes and untitled gentry. Access to money may have been limited for many of these men, their honour therefore rested upon their integrity, which would have been seriously compromised in crimes of this sort.² Marines themselves often saw the Marine Corps as 'little more than a subordinate branch of the Navy'.³

Frauds against tradesmen would have had far reaching consequences, not just for the

¹ Gilbert, 'Law and Honour', p. 75.

² Lowe, *Records of the Portsmouth*, p. liv; the lack of personal funds may have had something to do with the types of crimes officers were charged with.

³ Lowe, *Records of the Portsmouth*, p. liii.

culprit, but also for the rest of the division and the Admiralty, as it threatened the reputation of the Marine Corps as a whole, often became the talk of the town, and tradesmen could refuse to supply the division. This was certainly the case for Captain Thomas Pearce who was accused of stealing candle ends meant for the Officer's Guard Room. The theft was gossiped about in local taverns and was the talk of the private marine soldiers, before reaching the ears of the other officers who demanded that Pearce clear his name of this 'slandrous Report'.⁴ A reading of the court martial records suggests that this was a spurious accusation and his defence is plausible, however, he was found guilty, reprimanded and placed on half pay. It is possible that the court and the Admiralty needed to demonstrate what the consequences were for those men who were even suspected of behaving in a manner not conducive to that of an officer and a gentleman. They also needed to put a stop to the local gossip concerning the conduct of one of the marine officers. Marine officers needed to conduct themselves in such a manner as to be beyond reproach, to be more of a gentleman than those serving in the Army. This chapter will consider how the Admiralty dealt with those men who fell far below the standard required to be a marine officer.

'Frauds to a very considerable amount'⁵

One of the more prolific examples of ungentlemanly behaviour for the ten-year period of this project was fraud, with three cases, all occurring in Plymouth, reported.⁶ These frauds were committed by marine officers who had easy access to cash sums and accounts, these included officers acting in the capacity of Squad Officers, Quarter Masters and Barrack

⁴ TNA ADM 1/5490, Court Martial of Captain Thomas Pearce, 16-20 May 1769, p. 8.

⁵ ADM 2/1176, p. 43.

⁶ Arthur Gilbert states that conduct issues in the Army were linked to money, women, and character slurs, 'Law and Honour', p. 78.

Masters. Janet MacDonald notes that organisations such as the Admiralty have always been vulnerable to those who seek, by unlawful and immoral means, to enrich themselves, noting in the case of the victualling board that such frauds were carried out by pursers and junior officers.⁷ The main punishments in these cases were dismissal from the service, and in one case the officer was also tried via the local assizes. The sums of money involved were quite substantial and these frauds had often been going on for some time before the culprits were found out and brought to trial.

The first case of fraud occurred in October 1783 at the Stonehouse Barracks in Plymouth.⁸ The culprit was Captain Edward Henville who was Squad Officer for the detachment. The amount of money, whilst not specified, was hinted at being a considerable sum, and Captain Henville was dismissed from the service. He was also pursued through the local courts at the assizes in Exeter, on a charge of defrauding the government, where he was convicted, fined £1000, and sentenced to one year in prison, highlighting the seriousness of this particular crime.⁹ The matter was pursued further, with the Admiralty insisting that the family sold off land in order to pay back the debt. The Admiralty also noted that the Commanding Officer, Lieutenant General Bell, was negligent and shared some of the blame for the crime through his failure to keep on top of the administration of the barracks.¹⁰

A failure of this nature was also noted in the case of Captain Jackson in 1785. Jackson was Barrack Master at Plymouth, this time under the command of Major General Collins, and Jackson had not paid the tradesmen's bills for about five quarters – around fifteen months. Tradesmen often did not complain, nor actively pursue the debts owed to them, and it can be

⁷ MacDonald, *British Navy's Victualling Board*, pp. 160 and 163.

⁸ ADM 2/1175, Marine Letters Out, pp. 25, 26, 28, 29, 31, 38, 85, 155, and ADM 2/1176, pp. 43-44.

⁹ *Public Advertiser*, 17 August 1784.

¹⁰ He was placed on half pay, a recognised form of punishment, and replaced as Commanding Officer by Major General Collins, who had until that point been Commanding Officer at Portsmouth, see ADM 2/1176, p. 44.

summarised that this may have been down to worry over losing the chance to continue to supply the barracks. The money was advanced to Jackson by the Deputy Pay Master, with the Admiralty noting that the Pay Master had not noticed that the bills were not being paid and had not asked to see receipts for the entire period. Jackson was also given leave to go to London for ten days, yet five weeks later he had failed to return.¹¹

The next case occurred again at Plymouth in 1784 and involved Lieutenant and Quarter Master James Robinson.¹² Robinson was tried for misapplying the public money intended to pay tradesmen's bills. The case came before a general court martial, comprised of fourteen officers, with a total of fifteen witnesses called.¹³ The witnesses were mainly local tradesmen who supplied the Barracks either with bed sacking, oil, or slops, or provided services such as carpentry or printing.¹⁴ It appeared that Lieutenant Robinson, despite receiving money from the Pay Office to cover such transactions, had not paid their bills for some time, running up a debt of £359.8.10. Not paying tradesmen's bills was a serious problem as it could lead to the disruption of the smooth running of the barracks, tradesmen could refuse to supply the division, as was the situation for some of the officers based at Chatham in a different case.¹⁵

'were ever honourable'¹⁶

That these cases fall under the category of behaviour considered as un-honourable is made clear within Robinson's questioning of witnesses, where he highlighted to the court the juxtaposition of the nature of the crime, not paying tradesmen, and his usual upstanding

¹¹ ADM 2/1176, 4 Jan. 1785, p. 162.

¹² ADM 1/5491, Court Martial of Lieut. James Robinson, 19 Oct. 1784.

¹³ See Appendix 1 for full list of court members and witnesses.

¹⁴ ADM 1/5491, Sergeant Bible was also owed a sum of money from the prisoner totalling £29.3.6, p. 13; 11 tradesmen were called as witnesses for the prosecution.

¹⁵ Discussed later, see ADM 1/5491, Court Martial of Bogne, testimony of Mr Rose, Surgeon.

¹⁶ ADM 1/5491, CM of Robinson, p. 26

character.¹⁷ He asked Sergeant Mitchell to consider his conduct whilst working with him in the capacity of Quarter Master Sergeant, asking, ‘Did you ever know me to act inconsistent with the Character of an Officer and a Gentleman?’ and qualifying this with, ‘Did I always in your opinion, in Office act as a Man of Honor and a Gentleman?’¹⁸ He further noted in his defence speech that his intentions to replace the money, whilst unsuccessful, ‘were ever honorable’.¹⁹ But just how likely was it that he would have been able to replace the misappropriated funds? As already noted, the officers of the Marine Corp were unlikely to be independently wealthy, and this would have been known by the court.

Within the Articles of War there was no specific provision for fraud so a charge which took into account an issue of honour may have been more useful to try the culprit accordingly.²⁰ Robinson further appealed to the court, stating that debts of this kind had been run up by the recruiting service and that the only form of punishment meted out for such was to take the owed sum out of the officer’s pay.²¹ This was certainly the situation for a group of naval officers who were convicted of fraud in 1802; the men in question had been found to be overcharging for supplies onboard a number of ships and the money was recovered through their pay.²² Robinson also admitted to committing the crime but denied full responsibility for his actions, instead insisting that they were the actions of ‘an imprudent and inexperienced Head’, placing the onus instead on those who had placed him in a position of responsibility.²³ Robinson admitted guilt but in such a way as to mitigate full intent, focusing, as Dana Rabin suggests, attention away from the details of the crime and towards his mental and emotional state.²⁴

¹⁷ Dana Y. Rabin, *Identity, Crime, and Legal Responsibility in Eighteenth Century England* (Basingstoke: Palgrave Macmillan, 2004), pp. 3-4.

¹⁸ ADM 1/5491, CM of Robinson, pp. 19-20.

¹⁹ ADM 1/5491, CM of Robinson, p. 26,

²⁰ John D. Byrn, *Crime and Punishment in the Royal Navy: Discipline on the Leeward Islands Station, 1784-1812* (Aldershot: Scolar Press, 1989), pp. 203-210.

²¹ ADM 1/5491, CM of Robinson, p. 28.

²² TNA ADM 110/50, ff. 34-6, 20 Nov. 1803; NMM C/704, 4 Dec. 1804, in Macdonald, *British Navy’s Victualling Board*, p. 164.

²³ ADM 1/5491, CM of Robinson, p. 28.

²⁴ Rabin, *Identity, Crime and Legal Responsibility*, p. 94.

Robinson made one last plea for clemency in his defence speech, noting his situation to the court and hoping that the court members would show compassion and sympathy for his ‘present rank in Life’, and for his ‘hapless Wife and an increasing family’, he told the court that to go into further detail would ‘wound...my own sensibility in the recital’.²⁵ Sensibility was a valued emotion during the latter part of the eighteenth-century, and as Rabin argues, such language, as used in mitigation of punishment, reflected society’s preoccupation with questions concerning sensibility, responsibility and self.²⁶ This ‘culture of sensibility’ has been identified by G. J. Barker-Benfield, as the key factor in the ‘reformation of male manners’ in the eighteenth-century.²⁷ By utilising the emotional language of the day to appeal to the consciences of the members of the court, Robinson drew upon well-known images. He stated that he was a husband, a father, a provider, and a man of little means. This appealed to the patriarchal and paternal nature of the Navy and the Marine Corps at this time, with a preoccupation noted within contemporary society with men’s idealised status as wage-earners and providers, with dependants in the form of wives and children.²⁸ Those who displayed such qualities as sensibility, politeness and gentility, generally epitomised the idealised manhood valued within eighteenth-century society.²⁹ Robinson utilised the language of the day to promote concerns over the relationship between emotion and morality, within the context of sensibilities, using his gender as an essential part of the negotiation of responsibility within the court room.³⁰ The Marine Corps tended to draw officers from the untitled gentry and the professional classes, by highlighting his financial hardships, and stating his embarrassment at having to go into further details, Robinson revealed the dynamics that existed between

²⁵ ADM 1/5491, CM of Robinson, p. 29.

²⁶ Gill, *Naval Families*, p. 45; Rabin, *Identity, Crime and Legal Responsibility*, p. 2.

²⁷ G. J. Barker-Benfield., *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain* (London: The University of Chicago Press, 1992), pp. 55-65.

²⁸ Kristin A. Collins, “‘Petitions Without Number’: Widow’s Petitions and the Early Nineteenth-Century Origins of Public Marriage-Based Entitlements’ *Law and History Review*, Vol. 31 (1) (2013), pp. 1-60.

²⁹ Gill, *Naval Families*, p. 50.

³⁰ Rabin, *Identity, Crime and Legal Responsibility*, p. 4.

defendants and those who listened to their narratives.³¹

John Henry Woodruffe, the marine officer charged with being drunk on duty, also pointed out to the court that he was ‘Destitute of fortune and unprotected by the patronage of the Great and Powerfull’.³² This is a common argument and comes up multiple times in the cases examined for this project. Many officers would have been almost totally dependent on their pay, without the aid of patronage. He further noted to the members of the court that to dismiss him from the Marine Corps, which must have been evident to him as the most likely outcome of the trial, would be ‘worse than to deprive me of Life’, before going on to state that he would amend his behaviour and appealed to the judges’ ‘humanity as Men’.³³ Georgian men prided themselves upon their ‘manly independence’, to be deprived of the means of this independence would have taken away the recognition of his peers and his own sense of self-identity. It may have also forced him to seek obligation, if he could, from others.³⁴ As Matthew McCormack has highlighted, independence was linked to honour, these concepts not only moulded how Georgian men thought of themselves, but also how they related to those they interacted with; by appealing in such a manner as this Woodruffe was linking his masculinity to his inherent maleness as derived through his independence.³⁵

The court found Robinson guilty, ordering that he be dismissed from the service, however, they mitigated this with a recommendation to the Admiralty that they consider ‘the destitute Situation a Wife and family of young Children must be left in’, suggesting that the appeal that he made, and the language he employed did have some impact.³⁶

³¹ Britt Zerbe, ‘A Bridge between the Gap: The Martial Identity of the Marine Corps, 1755-1802’, in Kennedy and McCormack (eds), *Soldiering in Britain and Ireland*, p. 103; Lowe (ed), *Records of the Portsmouth*, p. liv.

³² ADM 1/5491, CM of Woodruffe, p. 20.

³³ ADM 1/5491, CM of Woodruffe, p. 20.

³⁴ McCormack, *The Independent Man*, p. 31.

³⁵ McCormack, *The Independent Man*, p. 12.

³⁶ ADM 1/5491, CM of Robinson, p. 30.

**‘infamous as an Officer & Gentleman but also...as a Felon in the Eye of
Law’³⁷**

There was one court martial case which dealt with an officer accused of theft from another officer; the offender was found guilty of having stolen ten guineas and was instantly dismissed from the service. This case is interesting as the culprit was also being pursued by civil authorities for debts, and the Admiralty admit in a letter concerning the case, that a court trying a prisoner under court martial for what was essentially a crime of honour ‘may in some instances condemn him to Death.’³⁸ Again, this case evidences the fact that marine officers were not independently wealthy. Also, the punishment meted out to the officer in this case was rather different to that given to private marines for similar crimes, highlighting the seriousness that this particular type of crime was held in by the Marine Corps and the Admiralty. Obviously, the court could not expect an officer to be flogged for such a crime, but private marines were not expected to lose their positions for stealing even from mess mates.³⁹

Marine Captain Lieutenant Thomas Bogne, of HMS *Venus*, was tried in a general court martial at Plymouth in April 1785, for the ‘crime of ungentleman like Behaviour.’⁴⁰ The court was compromised of fourteen members, six of whom were Majors and above, highlighting the seriousness of the charge and due to a question of legal jurisdiction did not end until 19 July 1785.⁴¹ To briefly summarise the case: it would seem that Bogne, along with some other members of the ship’s crew, including John Holden, a naval officer, had gone out drinking and

³⁷ TNA ADM 1/5491, Court Martial of Capt. Lt. Thomas Bogne, 28 April 1785, p. 32.

³⁸ ADM 2/1176, Marine Letters Out, 16 July 1785, p. 400.

³⁹ Thomas Redding a private marine was whipped for theft in 1759, as was William Lewis, also in 1759, see TNA ADM 1/5298, Naval Court Martial records, 1759.

⁴⁰ ADM 1/5491, CM of Bogne, covering letter.

⁴¹ See Appendix 2 for full list of court members and witnesses; Bogne was part of the crew of HMS *Venus*, and there was a question as to where and how he should be tried, as part of it had occurred on land and part onboard ship. It was finally decided by the Attorney, Solicitor General and Navy Board, that he was to be tried by a marine ashore court martial as it did not fall within the ‘Cognizance of a Naval Court Martial’, see ADM 2/1176, 16 July 1785, p. 398.

gambling onshore. Whilst Bogne, Holden and Grier, an Army officer, had been sleeping off the excess in a tavern bedroom, Holden had been robbed of ten Guineas. Suspicion fell upon Bogne, who had initially refused to be searched in front of the tavern owner, but once Grier, the Army officer, stepped forward to be searched Bogne could only follow suit or risk dishonour. He was subsequently found to have ten Guineas in one pocket and a few assorted small coins in another, despite pleading poverty the night before. Bogne attempted to explain this by stating that he had drawn a bill in Belfast and did not wish to lend any money out so had kept quiet. It transpired that Bogne had substantial debts and he further refused to name the merchant upon whom he had drawn the bill, and as further evidence proved, Bogne had a history of drawing against bills that went unpaid.⁴² It is certainly plausible that Bogne had drawn case, he produced his accounts in court which showed a bill had been drawn for forty Guineas, and it may be that he knew that if the men were aware that he had such a sum of money, they would either borrow from him, or call in their own debts, leaving him worse off. However, the evidence he gave in his defence was not enough to go against the character aspersions heaped upon him by all but one of the witnesses, and the court finally found him guilty.⁴³

As with the previous case, Bogne also used his gender and masculinity within his defence; stating to the court that ‘My Bread, the subsistence of Myself & Family and honor, are now in your hands’.⁴⁴ Again the familiarity with a certain trope linked to patriarchal duty is clearly evidenced, highlighting the characteristics that would have been known to all; patriarchal duty towards one’s own family, and the duty one is owed by the government and King. As Ellen Gill states, during the eighteenth-century paternalism and patriotism often went

⁴² ADM 1/5491, CM of Bogne, testimony of Lieut. Carter, p. 41, mentions unpaid bill to Mrs Silver, landlady; see also testimony of Mr Rose, Surgeon, p. 32, mentions several of Bogne’s bills being returned unpaid.

⁴³ See Appendix 2 for full list.

⁴⁴ ADM 1/5491, CM of Bogne, p. 36.

together, with George III often seen as the ‘father’ of the nation.⁴⁵ Being so reliant upon their pay was a common factor for marine officers, as demonstrated by Lieutenant Andrew Searby, also court martialled for ungentlemanly behaviour in 1773, who appealed for leniency because he could only depend upon his commission.⁴⁶

Rachel Woodward stresses the importance of a gendered identity in the construction of ‘military masculinity’, stating that the process is critical to armed forces who set themselves apart from other social groups and institutions via specified gendered identities.⁴⁷ Woodward demonstrates that the military requires the inculcation within the group of an agreed upon set of values which are sufficiently potent to ensure solidarity. These values rely extensively on specific ideas concerning the necessary attributes of each individual within the group. This court martial case demonstrates the principle – Bogne’s behaviour warranted enough censor that letters were sent from other companies within the divisions requesting information concerning Bogne’s guilt and disgrace. He was also ostracised from the Mess, who sent Bogne a letter calling upon him to either clear his name or ‘they must decline any further intercourse with him.’⁴⁸ The reflected disgrace and dishonour to the Marine Corps, and to the officer corps in particular, was clearly evident within the court testimonies. Lieutenant Carter, who had been a friend of Bogne’s and messed with him on board HMS *Venus*, had pleaded with Bogne to clear his name as the other officers were ‘determined not to mess with him.’⁴⁹

Carter was also asked by the court if at any time he had ‘found yourself hurt at any reflection thrown on the Character of Capt. Bogne as a Brother Officer?’, to which he replied he had.⁵⁰ The officer brotherhood or fraternity was also seen in the Royal Navy, and officers

⁴⁵ Gill, *Naval Families*, pp. 69 and 4.

⁴⁶ See Lowe, *Records of Portsmouth*, p. lv.

⁴⁷ Rachel Woodward, ‘Locating Masculinities: Space, Place, and the Formation of Gender Identity in the British Army’, in Paul R. Higate (ed), *Military Masculinities: Identity and the State* (Westport, USA: Praegar Publishers, 2003), pp. 43-44.

⁴⁸ ADM 1/5491, CM of Bogne, p.9.

⁴⁹ ADM 1/5491, CM of Bogne, p. 33.

⁵⁰ ADM 1/5491, CM of Bogne, testimony of Lieut. Carter, p. 32; testimony of Holden, pp. 14-15.

were encouraged to form networks of support during training and their time at sea; part of the duty of an officer was to maintain these friendships. Jane Austen wrote of ‘Brother Officers’ in her novel *Persuasion*, so common was the idea of a familial link to one’s peers.⁵¹ To be accused of stealing from one of your ‘brother officers’ would have had terrible ramifications for the perpetrator, when considered in the context of the close working relationships these men had and the types of work which they were involved in.

Trust was an explicit part of the relationship of men who worked, fought, and lived side by side, and accusations of breaking that trust would have led to ostracization. To find oneself ostracised from this support network would have been an awful prospect. A similar incident occurred at Chatham, a group of officers sent a letter complaining of the general character of a Lieutenant Speed, charging him with having behaved in an ‘improper and ungentleman like manner in repeated instances’.⁵² The letter also requested that the Admiralty withhold Speed’s commission until they had investigated. The Admiralty declined the request, stating that there were no specific charges against Speed; rumour and malicious intent were not enough for an investigation. Incidents such as this highlight the perceptions of masculine ideals and demonstrate the types of social and professional pressures which acted upon the aspirations of officers or lower rank and were indicative of society and its changing social dynamics.⁵³

The court eventually reached a verdict of guilty and Bogne was dismissed from the Marine Corps. Compare that with the case of a private marine serving onboard HMS *Revenge* in 1805, who was flogged for stealing twenty-six shillings from a mess mate.⁵⁴ For private marines it would seem that there was not such an onus placed upon their behaviour, men of that sort would not have been expected to act honourably or as gentlemen, and the punishments

⁵¹ Jane Austen, *Persuasion*, (1817), in Gill, *Naval Families*, p. 69.

⁵² ADM 2/1180, Marine Letters Out, 15 April 1790, p. 232.

⁵³ Cavell, *Midshipmen and Quarterdeck Boys*, p. 96.

⁵⁴ NMM, AGC/P/17 letter from John Martindale Powell, 12 June 1805, in Watt and Hawkins, *Letters from Seamen*, p. 222.

meted out reflect that. The Marine Corp were keen to distance themselves from those officers who committed fraud or stole, as this could have reflected badly upon the service and have made recruitment from the mercantile or professional classes even more difficult if its officers were considered no better than common criminals. It could also be argued that due to the vagueness of the charge of conduct unbecoming there was opportunity to use this to get rid of unpopular officers, as Bogne appeared to be.

The Court is of Opinion...

As can be seen, conduct unbecoming an officer and a gentleman was considered a serious charge, as it should be. Men either lost their livelihoods and therefore their independence or had the very real threat of losing their lives for what was a crime of honour linked to personal conduct. To steal from one's 'brother officers' was one thing, but to defraud one's inferiors was another thing altogether. Officers were held, naturally, as being above the lower orders and ranks, and their behaviour and general conduct needed to reflect that. Behaving in a scandalous and infamous manner was not only damaging to their own reputations, but also to the reputation of the Marine Corps, which at this time had recently established itself as a force in its own right. As already discussed, naval officers who committed fraud against tradesmen were dealt with in a different manner, they were not stripped of their commissions and thus their livelihoods but had the money they owed taken from their pay, this was not an option given to marine officers. Indeed, Robinson highlighted this irregularity in his defence, pointing out that those with debts of a similar nature could be punished 'by a privation of pay until the misapplication was made good.'⁵⁵ The Marine Corp was quite visibly considered the lesser branch of military service when compared to the Army or the Royal Navy,

⁵⁵ ADM 1/5491, CM of Robinson, p. 37.

and this would have been clear to all members of society.⁵⁶ The Army had a reputation for being particularly untrustworthy, immoral and drunk, and it could be argued that the Marine Corp tried to maintain its own standards of acceptable behaviour, and maintain the integrity of its officers.⁵⁷ Indeed, Army officers were rarely dismissed when found guilty of unbecoming behaviour, unlike a marine officer on a similar charge.⁵⁸ It is possible that this was a system noted by the Marine Corps, as marines did not purchase their commissions, making it far easier for the Admiralty to dismiss a marine officer.

The preoccupation regarding standards of acceptable behaviour is also worth noting when considering the fact that most of these charges, when brought to the attention of the Admiralty, actually came from the perpetrator's own 'brother officers', either via unsubstantiated rumours or actual stated charges backed up with evidence, highlighting the damage such a charge could do to the collective honour of one's peer group.⁵⁹ The charge of conduct unbecoming an officer and a gentleman was a vague charge with no actual rules pertaining to what was or was not considered so, therefore what these cases demonstrated was that the normative values and pertinent modes of behaviour which were deemed correct were those expressed by an individual's own peers.⁶⁰

These correct modes of behaviour were then enforced, through means such as ostracism, sanction, or redress to higher powers, by those very same set of peers. The need for the Admiralty, the court, and a perpetrator's 'brother officers' to intervene and punish demonstrates the patriarchal and gendered nature of state institutions, revealing patterns of domination and submission in both the public and private arenas of society.⁶¹ This raises issues

⁵⁶ The view of the Marine Corps as a lesser branch may have something to do with the system of purchasing commissions. Purchases into the marines ended in 1755, but before that the purchase of a Lieutenant rank could be had for £200-£250, compared to £350-£400 for a comparative rank in the marching regiments.

⁵⁷ Brittan, 'Subjective Experience', p. 273.

⁵⁸ Gilbert, 'Law and Honour', p. 76, footnote 3; the Army commissioning system would have made this difficult.

⁵⁹ Lowe, *Records of the Portsmouth*, p. lvii.

⁶⁰ See Gilbert, 'Law and Honour', for more on honour codes.

⁶¹ Roper and Tosh, *Manful Assertions*, pp. 8-10.

of power relations between men and hierarchies based on concepts such as class, age and occupation.⁶² Even if the charges did not reach the stage of a general court martial, through the efforts of a man's 'brother officers', the suspicions surrounding one's conduct was potent enough to move the accused to bring the case to a general court martial themselves in order to clear their name, with prosecution sometimes the only means of defence. Although, as the case of Thomas Bogne demonstrated, this was not always successful.⁶³

But male behaviour needs to be examined in relation not only to other men and the institutions in which they worked, but also in the context of a gendered identity. Officers also committed frauds against landladies, running up bills on rooms and food. The next chapter will consider such crimes alongside other instances where women have appeared in the court martial documents examined here. This will allow for an understanding of gender and how it influenced such behaviour as conduct unbecoming an officer and a gentleman in relational terms.

⁶² See Malcolm Waters, 'Patriarchy and Viriarchy: an Exploration and Reconstruction of Concepts of Masculine Domination' *Sociology*, Vol. 23 (2) (1989), pp. 195-7, in Roper and Tosh, *Manful Assertions*, p. 10.

⁶³ There is some overlap and it seems certain that Bogne was aware of the other officers intentions to bring the matter to a general court martial and hoped to make a pre-emptive strike by bringing the matter up himself.

Chapter Four

Georgian Women within the Courts Martial Records of the Marines

Ashore, 1783-1793

The previous chapters have considered the occasions in which marine officers were deemed to have acted in ways which contravened a code of honour as prescribed by other officers primarily towards other officers. Honour was not only demonstrated through individual expression or external displays, it was also constituted through shared group values and institutions, which shaped and gave context to the way in which honour was expressed and evaluated over time.¹ This was often done, as this research has highlighted, in relation to status, class, rank and age; but honour and how it was expressed could also be linked to gender. Both Michael Roper and John Tosh have previously expressed a concern that a focus on all-male institutions which does not take into account the influence of women upon the shaping of masculinity fails to provide a proper historical significance to the concept of manliness.² The social and cultural world of the marine officer, as with all men, was moulded and shaped by the women that shared the experience of that same world. Removing women from an historical analysis would obscure the connections between masculinity and social power.

As this chapter will demonstrate, codes of honour could also serve as gender boundaries, and in order to fully understand how honour was conceptualised by the marine officer it is important to locate the difference between men in the context of not just men's power over each other as the previous chapters have done but also men's power over women.³ It was not patriarchy alone that influenced male behaviour and how individual men related to

¹ Strange, Cribb and Forth (eds), *Honour, Violence and Emotions*, p. 6.

² Roper and Tosh (eds), *Manful Assertions*, p. 3.

³ See Lynne Segal, *Slow Motion: Changing Masculinities, Changing Men* (London: Virago, 1990) for a fuller discussion on masculinity and assumptions on its context with regards to social power and hierarchies of gender.

each other and all male groups.⁴ Honour not only created boundaries in this context, it also defined groups. This chapter will highlight that what it meant to be an honourable officer and a gentleman was fully immersed in the structures of power and class which were manifested within wider social relations. These relations pivoted upon gender as well as status, class and age. This chapter will therefore examine the role, place, and perceptions of women within this martial world.

The Respectable Widow and the Woman of the Town: Officers and Status

Many of the court martial cases discussed within this dissertation have a concurrent theme and that is the plea of the men on trial for the court to consider in mitigation of their verdict the men's 'hapless' wives and children. Such a plea not only highlighted to the court their status as husbands and providers, but also the status of the wife as a person whose life and well-being rested solely on that of her husband's wage-earning potential. A statement such as this removed female agency and appealed to the Marine Corps, and society in general, preoccupied with the concept of patriarchy, whilst also pointing out to the corps its own responsibilities as an institution towards the officer's families. This argument, whilst not always successful, was taken into consideration and points to the corps continued efforts to establish itself as a reputable means of employment for those of the 'middling' class. However, whilst some women relied on their husband as the sole wage earner, for military wives in particular, this was perhaps more of an ideal than an actual lived experience. As previously discussed, marine officers, and therefore their families, may not have had independent wealth to fall back upon. Marines would have also been serving away onboard ships or in foreign territories for months and years at a time, and occasionally remittance was slow in reaching

⁴ Roper and Tosh, *Manful Assertions*, pp. 10-11.

families, if at all, therefore wives and families would have had to rely on other forms of incomes.

For military widows one such avenue was to open their houses as lodgings. If her husband had died whilst on active service, the widow would have received a pension equal to her husband's rank at the time of his death.⁵ Letting out reputable lodgings was an acceptable way to add to the family's means. This was the situation Mrs Elizabeth Bolton found herself in. Her husband, a Major in the Marine Corps, had died on active service leaving Mrs Bolton with her four children and she subsequently began running her home as a boarding house.

In May 1791 a gentleman, Ensign Mercer, and two ladies enquired to take rooms at her house. The ladies were introduced by Mercer as being the wives of Captain Douglas and Captain Cope.⁶ Rooms were let and the husbands eventually joined their wives. Mercer was introduced to one of the widow's daughters and having been described as a widower and a man of property by Mrs Douglas, he was, in a few weeks, wed to the daughter, also called Elizabeth. However, it transpired that Mercer's wife had not died but was in fact living in Plymouth. There followed a series of meetings between the Boltons and the original Mrs Mercer. It was also disclosed to Mrs Bolton, by another marine, that Mrs Douglas was not in fact married to Captain Douglas as he was already married to another woman who was living in Ireland with his family. Douglas also ran up a bill with Mrs Bolton concerning the lodgings taken for 'Mrs' Douglas.

Mrs Bolton brought the matter concerning Captain Douglas's behaviour to the Admiralty's attention in a number of letters sent over the course of a year to the Commanding Officer at Chatham. Mrs Bolton, along with her daughter, also gave witness testimonies to the

⁵ The amounts paid were fixed by royal orders and ranged from £16 a year for the widow of a 2nd Lieutenant, to £50 for the widow of a Colonel, the sum could be increased for dire need, in Lowe, *Records of the Portsmouth*, p. lxi.

⁶ TNA ADM 1/5491, Court Martial of Captain Douglas, 10 June 1792, letter from Mrs Bolton, p. 5.

court martial.⁷ The letters detailed the events that occurred and stipulated Mrs Bolton's status as a widow of a Major of marines, who had died whilst in service, reinforcing to the Marine Corps that she was a respectable widow and should expect treatment as such, especially from a fellow marine officer.

The experience of military widows in this respect illustrates the reciprocal relationship between the Marine Corps and the men and their wives and highlights how women were able to use gendered norms in order to seek assistance. The letters called on the Commanding Officer to intervene and secure the debt as the widow needed the money, indeed she asserts that the debt eventually led to her having to sell her house and take out loans from friends. Such claims demonstrated to the Marine Corps women's traditional role as wives and mothers, which reinforced the political and cultural discourse of the period, allowing some women the opportunity to exploit these gendered roles for assistance and material gain. By showing the Marine Corps that her husband had died in its service the impression is that he too fulfilled a role as both a marine in service to his King and country, a wage earner and a father. Such letters and court testimonies show that the Admiralty and the marines acknowledged both women's contributions and vulnerabilities.⁸ The vulnerability of the widow and the rapacity of Captain Douglas caused his 'brother officers' great offence, as no doubt did the widow's threat to have Douglas arrested, and in order to mitigate the repercussions towards the reputation of the officer corps, led them to pay off the outstanding debt to Mrs Bolton.

To compound matters still further, the widow mentioned that she was invited to visit Douglas at Chatham, along with her daughter, and stayed there with his supposed wife for three days.⁹ People worked within an understanding of propriety which shaped their behaviour and to have been unintentionally associated with a woman who was not married to the man she was

⁷ See Appendix 5 for full list of court members and witnesses.

⁸ Collins, "Petitions Without Number", pp. 1-60.

⁹ ADM 1/5491, CM of Douglas, p. 3, letter 1 from Mrs Bolton, 10 June 1792.

in a relationship with would have reflected upon the widow and her daughter. A. D. Harvey argues that there was an expectation that women should keep their distance from those women who had failed to measure up to an expected standard of behaviour.¹⁰ Therefore it would have been quite wrong to allow wives and daughters to mix freely with fallen women, as by association their honour and virtue would have been compromised. Wives and widows were respectable members of society who could be introduced to, visit and be visited by, equally respectable members of society, which clearly 'Mrs' Douglas was not.¹¹

Keeping company with the right sort of person was also of importance to the marine officer and this was certainly a factor that had an impact upon the final verdict against Lieutenant Woodruffe, who was accused of ungentlemanly behaviour and of being drunk on duty. The witness statement given at the court martial by Lieutenant Harvey Monteith, along with a number of others, mentioned that he saw Woodruffe, at six o'clock on the morning of 9 May, walking away from the altercation which he was involved with at the Land-port-Gate, in the company of 'a Woman who appeared to have a very ragged dress'.¹² This statement reinforced the idea to the court members that the woman that Woodruffe, a marine officer, had chosen to associate himself with, was one of the lowest class, and that he did so in a highly public manner. He was visible not only to a fellow marine officer, but also to a waiter, and a crowd of onlookers, which included naval personnel. As already discussed, the need for marine officers to behave in a way that elevated them above that of an army officer, or even a naval officer, was a key part of the way that the Marine Corps was trying to conceptualise and establish itself as an institution; their officers needed to be perceived as more honourable and to act more officer like, and the verdicts and statements of the men involved in these cases bear

¹⁰ A. D. Harvey., *Sex in Georgian England: Attitudes and Prejudices from the 1720s to the 1820s* (London: Phoenix Press, 2001), pp. 155-156.

¹¹ Leah Leneman, 'Wives and Mistresses in Eighteenth-Century Scotland' *Women's History Review*, Vol. 8 (4) (1999), p. 671.

¹² ADM 1/5491, CM of Woodruffe, testimony of Lieut. Monteith, p. 6.

that out. In his defence speech Woodruffe tried to distance himself from these accusations, stating to the court that to find oneself in such a situation as to be in the company of a ‘Woman of the Town’ was indeed improper, but he argued that just because such a woman was in the same place as him did not mean that they were in company together.¹³

The cases examined here suggest that gender also played a part in how a marine officer, and the Marine Corps, understood the role of honour and dishonour when faced with the duty of care it owed to those in need, such as military widows. Whilst honour did indeed define a certain type of masculinity when viewed in Woodruffe’s case, it also created a situation in which an active, positive response towards those considered as less fortunate, and therefore vulnerable, was expected and required. Honour, therefore, did not only create boundaries, it also defined groups, either positively, as with widows, or negatively, as with the prostitute.

Marine Officers, Sexual Propriety, and Public Reputation

In towns and cities across Europe the public visibility of prostitution, whether in the street or the theatre, the tavern or the brothel, ensured that it remained a central theme to the moral debate on sexual behaviour.¹⁴ The establishment of a gendered ideology which championed a femininity based upon a chaste and domestic image of womanhood, central to eighteenth-century culture, was in direct contrast to that illustrated by prostitution, which was deemed as vulgar and deviant. Prostitutes therefore subverted the cultural norms of eighteenth-century society and did so in a public and highly visible way, particularly so for those women who walked the street. It was this very public nature of prostitution which was a mitigating factor in the case against Lieutenant Woodruffe.

¹³ ADM 1/5491, CM of Woodruffe, p. 13.

¹⁴ Anne Lewis and Markman Ellis (eds), *Prostitution and Eighteenth-Century Culture: Sex, Commerce and Morality* (London and New York: Routledge, 2016), p. 2.

Lieutenant Oldfield stated to the court that Woodruffe had been seen very drunk in 14 April in the Star and Garter with a woman. When asked by the court if he thought the ‘Woman in the company with the Prisoner to be a Woman of the Town?’, he replied, ‘I looked upon her to be the lowest kind of that class’.¹⁵ A waiter from the Star and Garter also mentioned seeing Woodruffe in the company of ‘a Lady of the Town’ and that having been refused a private room he went ‘into the Coffe-room [sic], which is a common publickly room, with the Lady.’¹⁶ Pierre Jean Grosley, a French academician, reported in his *A Tour to London* (1772), that in 1765, prostitutes, or ‘Women of the Town’, as he called them, ‘were more numerous than at Paris’.¹⁷ As this court martial demonstrated, prostitutes drank in the same taverns, the same coffee-rooms, and frequented the same streets, as the urban population, they were not only confined to the bawdy houses, brothels or private homes.¹⁸ They were visible for who and what they were and were pointed out as such. Indeed, their trade would have depended upon that visibility. There appears to be no ambiguity for the men involved in this case as to what and who this particular woman in Woodruffe’s company was.

The visibility of prostitution in Georgian society was also central to Woodruffe’s defence. He stated to the court that every gentleman knew the behaviour of this ‘type’ of woman, and that if it was his association with this woman which the charge depended upon, then ‘few will be exempt from that foul charge’.¹⁹ Elizabeth Delinger argues that London prostitution should be seen as a form of pastime for the eighteenth-century male participant, similar to drinking in a tavern or attending the theatre; an urban leisure activity.²⁰ Indeed, the

¹⁵ ADM 1/5491, CM of Woodruffe, testimony of Lieut. Thomas Oldfield, p. 5.

¹⁶ ADM 1/5491, CM of Woodruffe, testimony of Joseph Sharp, p. 8.

¹⁷ P. J. Grosley, *A Tour to London: or, New Observations on England, and Its Inhabitants*, trans. T. Nugent (London: Lockyer Davis, 1772) Vol. 1, p. 55 in Lewis and Ellis, *Prostitution and Eighteenth-Century*, p. 1.

¹⁸ Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830* (London: Longman, 1999), p. 194; Elizabeth Campbell Denlinger, ‘The Garment and the Man: Masculine Desire in Harris’s List of Covent Garden Ladies, 1764-1793’ *Journal of the History of Sexuality*, Vol. 11 (3) (2002), pp. 357-394.

¹⁹ ADM 1/5491, CM of Woodruffe, p. 13.

²⁰ Denlinger, ‘The Garment and the Man’, p. 367.

court martial revealed that this type of behaviour was not in itself frowned upon, what was the fact that Woodruffe, as a marine officer, conducted himself in a highly public manner, and it is the fact that so many witnessed his behaviour and commented upon the company that he had chosen to keep that may have contributed to his downfall.

The fact that few would not succumb to the charms of the prostitute is also revealing, particularly so in a period which saw the publication of *Harris's List of Covent Garden Ladies*, suggesting again the visibility of the 'woman of the town' in this period.²¹ Woodruffe stated to the court that 'Every Gentleman know that such Women are for ever endeavouring to force themselves upon young men', this was not a polite nor refined genteel lady, there was no submissiveness alluded to, for the behaviour of the prostitute was to force her attention upon the innocent youth.²² Woodruffe used a received narrative as his defence of the tempted drunk and defrauded innocent youth, his transgression, he was at pains to stress, was relatively trivial when compared to the moral and sexual transgressions of the prostitute.²³ Whilst prostitution may have been visible it was not accepted and generated hostility, intensifying a debate which argued for the reformation of public social behaviour, one that would champion a sphere of female domesticity. As one moral reformer put it, prostitutes laid 'snares to rob and ruin the man'.²⁴ Such a statement was intended to portray the woman of the town as a wanton harlot who subverted the gendered norms of her sex in order to bring about the downfall of man and violated communal standards of sexual propriety.²⁵

Sexual propriety was also of concern in the case of Captain Douglas. The letters Mrs Bolton wrote and her evidence in court stated that Captain Douglas had a hand in securing the

²¹ *Harris's List of Covent Garden Ladies; or, Man of Pleasure's Kalendar* was an 18th century guide to London prostitutes, detailing names, addresses, descriptions, and prices.

²² ADM 1/5491, CM of Woodruffe, p. 13.

²³ Lewis and Ellis, *Prostitution and Eighteenth-Century*, p. 3.

²⁴ "The Evils of Adultery and Prostitution ..." (London, 1792), p. 14, in Denlinger, 'The Garment and the Man', p. 366.

²⁵ Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), pp. 3 and 231.

marriage between Mercer and her daughter knowing full well that Mercer's wife was alive. The 1604 Bigamy Act made it a felony to marry during the lifetime of the first spouse.²⁶ Appearances and identities could be easily faked during this period, and attempts could and were made to dupe unsuspecting spouses about status and wealth. David Turner states that the majority of those accused of bigamy were men, with soldiers and sailors featuring highly as defendants, this highlights the greater opportunity that such men had for travel and migration, a key factor in cases of bigamy.²⁷

The prosecution of such cases could provide a means of revenge. Revenge certainly seems to be the case here, as it was not Captain Douglas who had married the widow's daughter, yet he was the one pursued in the court for promoting the marriage. To promote a bigamous union would have been in direct contrast to the behaviour expected of a gentleman. By insinuating in their witness testimonies that Douglas was aware of Mercer's marital status, the Boltons tried to reinforce that Douglas had not exhibited the proper behaviour of a gentleman. Such behaviour highlighted the popular cultural narratives of Georgian England, which reinforced stereotypes of female victim-hood and concerns of female vulnerability.²⁸ The testimonies of the case demonstrated that the court, and therefore the Marine Corps, went to great lengths to establish whether Douglas himself had ever actually said that Mercer's wife was dead, and the final verdict acquitted him of any guilt on this point.²⁹

Mercer's bigamy only came to light after a tip off that the Boltons received from another marine officer. Appearances and behaviour were essential to carrying off this type of fraud, and it was often down to the community to police this. Mercer's first wife was instrumental in providing evidence to the Boltons, and met with both the widow and the daughter on a number

²⁶ Turner, 'Popular Marriage', p. 6; exceptions included if one's spouse was absent for seven years, or the marriage had taken place before either had reached the age of consent, or the marriage had been annulled in an ecclesiastical court.

²⁷ Turner, 'Popular Marriage', pp. 9 and 13.

²⁸ Turner, 'Popular Marriage', pp. 12 and 17.

²⁹ ADM 1/5490, CM of Douglas, p. 55.

of occasions, the last being two weeks before the court martial case. Support and collaboration from others were crucial in bringing a bigamous spouse to justice. In a case which came before the Old Bailey in 1754, Sarah M'Coomb testified to meeting her husband's first wife four or five times in the run up to his bigamy trial.³⁰ As David Turner has argued, these cases highlight the importance of female networks, in not only gathering evidence to prosecute bigamist husbands, but also attests to the ways in which women might resist exploitation and remove themselves from disadvantageous relationships.³¹ As the eighteenth-century progressed the proportion of men accused of bigamy increased and concerns about the vulnerability of 'gullible' women grew to include fears about the moral health and marital habits of the nation.³²

Whilst Captain Douglas was acquitted of promoting the marriage between Miss Bolton and Ensign Mercer, he was found guilty of all other charges which included; 'passing his Mistress as his Wife on Mrs Bolton and her family', 'allowing [Mrs Bolton and her daughter] to come to Chatham Barracks with his mistress and staying three days', and 'contracting a debt on account of Board & Lodgings for his Mistress', as well as breaking his arrest.³³ The verdict therefore suggests that the widow successfully argued that she had been deceived, thus protecting her reputation from Douglas's accusation that she kept a disreputable house and had knowingly allowed his mistress to stay. The court passed a harsh sentence that he be cashiered or ritually dismissed from the service, which highlights that the court found his treatment of the widow and her family to have contravened acceptable standards of behaviour expected of an officer and a gentleman. Cashiering was considered as a punishment for officers akin to a corporal punishment for a non-commissioned officer for a similar offence, so serious was the punishment.³⁴ However, on account of 'his length of service & his good military character' the

³⁰ *Old Bailey Proceedings*, April 1754, Alexander Nelson (tl 7540424-72) in Turner 'Popular Marriage', p. 11.

³¹ Turner, 'Popular Marriage', pp. 11-12.

³² Turner, 'Popular Marriage', p. 18.

³³ ADM 1/5490, CM of Douglas, pp. 54-55.

³⁴ *Rules and Articles for the Better Governance of His Majesty's Horse and Foot Guards...* (London, 1737), in Gilbert, 'Law and Honour', p. 79.

court mitigated the sentence and allowed him to go on to half pay.³⁵

Another aspect of sexual propriety which drew moral debate and public notoriety were those who were linked to separation and divorce cases. In the court martial of Major Campbell and Major Johnston, the two Majors tried for behaving dishonourably in September 1784, women appeared in two contexts, both as notorious ‘whores’ and an adulterous ‘weak’ wife. Campbell mentioned in his defence that the evidence which Johnston used to suggest that he was the main protagonist in the divorce case was given by ‘two Women/Whoares of notorious bad Character’.³⁶ As already discussed ‘whores’ were not considered as reputable women and their word was not given as much credence as that of a virtuous and respectable woman or widow.

Also considered as deeply untrustworthy was an adulterous woman, and it is the linking of his name to a divorce proceeding, which then became the talk of the barracks, that so incensed Campbell, and led to the altercation on the parade ground. As Bernard Capp has illustrated, men’s anxiety over sexual reputation was more important than historians have assumed and the exposure of being named within a proceeding of adultery and divorce would have been damaging to male honour.³⁷ Respectable men and women, and Campbell was at pains to make himself appear honourable and respectable, valued sexual honesty as part of their self-worth, which gave them a position of respect within their community.

Major Shaip prosecuted his wife in Doctor’s Commons on grounds of her adultery with Major Campbell, two other officers were also mentioned, although the evidence against Campbell was considered sufficient enough for him to be named and the other two to be acquitted. Major Johnston, a friend of Major Shaips, had heard of the case and had questioned those involved in the proceedings, which he then reported back to the officers of the division.

³⁵ ADM 1/5490, CM of Douglas, p. 56.

³⁶ ADM 1/5490, CM of Majors Campbell and Johnston, p. 32.

³⁷ Capp, ‘The Double Standard Revisited’, pp. 71-72.

As already highlighted, an officer's reputation and standing relied on his 'brother officers' and his honour could be made or broken according to a certain prescribed set of behaviours, having an adulterous affair with a 'brother officer's' wife would have transgressed the code of honourable behaviour.

A stable marriage was considered as necessary and central to a well-ordered society and state and being named in a divorce case was of huge significance in the Georgian period.³⁸ Gillian Russell has suggested that the 1790s witnessed the height of panic generated by adultery.³⁹ The *Whitehall Evening Post* published a letter titled 'A Sentimental Excursion through London' which extorted readers to 'Take a peep into Doctors Common, you'll find adultery a mere jest...The police laugh at it...The church winks at it...'⁴⁰ Such debates highlight the significance of adultery to a wider public audience. The fact that Major Shairp was granted a divorce was unusual and hints at the nature of the evidence contained within the adultery trial.⁴¹ Unlike the prostitute who deludes the innocent man, the adulterous wife in this case was portrayed by her husband as a weak woman who had been deluded by Major Campbell.⁴² In a letter written to the officers of the division, Major Shairp mentioned that this episode had become well known and that due to this 'unhappy affair' he had lost 'every Thing that is dear and valuable, except my Honour'.⁴³ Even though the matter of his divorce was common knowledge it was not his honour that had been damaged but Campbell's as the named protagonist in the affair.

³⁸ Donna T. Andrews, 'Adultery a-la-Mode': Privilege, the Law and Attitudes to Adultery 1770-1809' *History* Vol. 82 (265) (1997), pp. 7-8.

³⁹ Gillian Russell, 'Killing Mrs. Siddons: the actress and the adulteress in late Georgian Britain' *Studies in Romanticism*, Vol. 51 (3) (2012), p. 420.

⁴⁰ *Whitehall Evening Post*, 27-30 Dec. 1783.

⁴¹ ADM 1/5490, CM of Campbell and Johnston, p. 58, refers to a letter from Mr Jenner, a Proctor and states that a sentence of Divorce was pronounced; Adultery cases could be tried in English law in 3 main forums: the ecclesiastical courts, which included the Consistory Court and the Court of Arches at Doctor's Commons; the civil courts; and Parliament, which was the only means for a husband of acquiring a divorce, in Russell, 'Killing Mrs. Siddons', p. 421.

⁴² ADM 1/5490, CM of Campbell and Johnston, letter from Major Shairp, 29 March 1783, p. 41.

⁴³ ADM 1/5490, CM of Campbell and Johnston, letter from Major Shairp, 29 March 1783, p. 41.

By bringing the affair to the ecclesiastical court Shairp reinforced his honour within a moral debate revolving around sexual standards and fears about sexual improprieties. This was endorsed by the officers, who wrote in reply that they were ‘unanimously of Opinion, that your Military Character is by no Means sullied’.⁴⁴ The field officers also wrote that they had decided to ‘quit all Connexion and Intimacy’ with Campbell, thus also benefiting the standing of the officer corps in general as upholders of sexual propriety within the ‘brotherhood’ via shared values and standards. The fact that it was the field officers, senior men within the Marine Corps, who decided that Shairp’s conduct in the affair was beyond reproach, whilst Campbell’s incurred even further censure, for not only did they not mess with him or speak to him other than to carry out duties, but they also supported Johnston in court, is important. This supports quite clearly the idea that contemporary social policy was enforced in the Marine Corps via the most powerful to do so.

Taking Tea in the Bawdy House: Marine Officers and Discretion

In April 1785 Captain Lieutenant Thomas Bogne was court martialled for theft from a fellow officer. Within this case women appeared only by insinuation in the court testimonies and this is possibly due to the more private nature of their involvement, especially when considered next to the comparable case of Lieutenant Woodruffe and the more public face of prostitution. In Lieutenant John Holden’s witness testimony he mentioned that both himself, Bogne, and Lieutenant Grier, had taken ‘tea at a private house’, and that Bogne suggested to him that maybe he had left his money at the ‘house where they had tea’, as he had left his whip there.⁴⁵ As the trial progressed it later transpired that this ‘private house’ was actually ‘A House

⁴⁴ ADM 1/5490, CM of Campbell and Johnston; the field officers were, Major General Collins, Major General Marriott, Lieutenant Colonel Preston and Majors Jackman and Woods.

⁴⁵ ADM 1/5491, CM of Bogne, April 1785, pp. 2 and 4.

of ill fame, or Bawdy House' that the men had visited.⁴⁶ The fact that the men involved in the court martial who had visited the brothel held off calling it so until near the end of the case is interesting.

Prostitution, as already discussed, was a visible contemporary preoccupation, and bawdy houses, or brothels, were represented as places of entrapment for gullible males who were just as likely to be fleeced of their money and belongings.⁴⁷ All three of the men involved admitted to gambling before visiting the house and the fact that Bogne suggested to Holden that he may have 'left' his money there highlights that men would have been aware of the risk of having their belongings stolen in such places. Holden did indeed return to the house and inquired as to the whereabouts of his money and the whip that he had also left there, and whilst he returned with the whip, he was not so lucky with the whereabouts of his cash. Bawdy houses appealed to national insecurities and anxiety, yet they were firmly entrenched in Georgian society.⁴⁸ In 1758, magistrate and reformer, Saunders Welch, complained that 'bawdy-houses are kept in such an open and public manner [that] a stranger would think ... the whole town was one general stew'.⁴⁹ As Dan Cruickshank states, the Georgian bawdy house stood on the very margins of the law, outside the realm of responsibility.⁵⁰ Yet they were an accepted part of life, if not one that was openly acknowledged as such, and this is borne out by the court martial itself, which did not place any more emphasis upon the fact that the men had visited the bawdy house than to hear it as a factor of the case concerning the whereabouts of the men on the evening in question.

Jeannine Hurl-Eamon suggests a culture of hyper-masculine womanising was fostered

⁴⁶ ADM 1/5491, CM of Bogne, p. 13.

⁴⁷ Richard Symanski, *The Immoral Landscape: Female Prostitution in Western Societies* (Toronto: Butterworth Heinemann, 1981), p. 220.

⁴⁸ Michael McKeon, *The Secret History of Domesticity: Public, Private and the Division of Knowledge* (Baltimore: John Hopkins University Press, 2007), p. 195.

⁴⁹ Saunders Welch, *A Proposal to Render Effectual a Plan to Remove the Nuisance of Common Prostitution from the Streets of the Metropolis ...* (London, 1758), p. 8.

⁵⁰ Dan Cruickshank, *The Secret History of Georgian London: How the Wages of Sin Shaped the Capital* (Random House, 2010).

by both officers and privates, soldiers and sailors alike, highlighting both ‘Jack Tar’s whoring escapades on shore leave’ and the soldiers ‘womanising ways’.⁵¹ This type of behaviour was a deliberate means of proving their manhood and was a view shared by contemporary society with licentiousness key to martial prowess. George Farquhar’s Justice Balance in *The Recruiting Officer* attested that ‘you never knew a great general in your life that did not love a whore’.⁵² Such attitudes may explain why there was no further mention made nor censure given for Bogne having visited a bawdy house. The visit was kept private between the three men in question and only came to light through questioning. As seen in Woodruffe’s case, notoriety and public outbursts were not something that the Marine Corps encouraged, and those who fell below the expected standards could expect censure; had Woodruffe perhaps stuck discretely to the bawdy house, as Bogne did, then maybe he would have faced a different outcome.

Discretion was also of concern for the type of lodger Mrs Bolton allowed to live in her home. Taking in lodgers was widespread during this period, and as in many aspects of Georgian society, those seeking lodgings and providing rooms did so on a basis of reputation and social credit, which would have been of paramount importance.⁵³ A lodger was in someone else’s home and therefore was expected to behave according to the expectations of the landlord or landlady.⁵⁴ Mrs Bolton stressed in her letters, and in court, that she was unaware that Mrs Douglas, indeed Bolton emphatically asserted that had she known she would not have let the rooms. In a similar case which came up before the commissary courts, a Mrs Robertson, who ran a boarding house, stressed that had she been unaware that Margaret Aiken was not a married woman, she would not have allowed her to lodge.⁵⁵ The community believed in the distinction

⁵¹ Hurl-Eamon, *Marriage and the British Army*, pp. 8 and 10.

⁵² George Farquhar, *The Recruiting Officer. A Comedy ...* (London: Printed for Bernard Lintott, 1706), Act V in Hurl-Eamon *Marriage and the British Army*, p. 102.

⁵³ Joanne McEwan and Pamela Sharpe, ‘It Buys Me Freedom’: Genteel Lodgings in late-Seventeenth and Eighteenth-Century London’ *Parergon*, Vol. 24 (2) (2008), pp. 139-15=40.

⁵⁴ Benjamin Heller, ‘Leisure and the Use of Domestic Space in Georgian London’ *The Historical Journal*, Vol. 53 (3) (2010), p. 633.

⁵⁵ Commissary Court – extracted decree CC8/5/9 in Leneman, ‘Wives and Mistresses’, p. 683; Commissary courts had jurisdiction in marriages, divorce and bastardy, in Edinburgh, up to 1830, only the Commissary Court

between wives and mistresses, but they had to rely on the behaviour of the couple. If their behaviour conformed with that of a husband and wife there was no need for suspicion and the woman in question would be accepted as a wife by society. Mrs Bolton asserted to the court that she ran a reputable establishment and only took in ‘people of Character’, a clear attempt to distance herself from the accusations of Captain Douglas that she ran a common lodging house and took no notice of the type of lodger she let her rooms too.⁵⁶

Georgian Women in the Courts Martial: Virtuous and Vicious

This chapter has looked at the instances where women have been featured in the court martial records during encounters with marine officers. The records have demonstrated that women were regarded as both virtuous and vicious, gullible and wanton, victims and subverts, depending on the context of the social situation and the desperation of the male defendant at the time. Female gendered identities and spatial situations could be used by male defendants to appeal to the patriarchal nature of the Marine Corps, either in mitigation of the behaviour of a marine officer in defence of his actions or to induce the court to pronounce a lighted sentence. Before such matters came to court, whether they had acted honourably or not was decided via a strict code which was enforced by senior ‘brother’ officers. Honour, when considered next to gender in these cases, not only created boundaries, it also defined groups. Whilst women were often portrayed in the negative, using common tropes such as ‘a woman of the town’ or a duped victim, there were instances where they were able to use such gendered stereotypes to promote a desirable outcome for their own situation, as demonstrated by Mrs Bolton, who stressed her own gullibility and naivety to successfully highlight Captain Douglas’s failings as a gentleman

could pronounce a legal judgement as to whether a couple were married or not.
⁵⁶ ADM 1/5491, CM of Douglas, letter from Mrs Bolton, 10 June 1792, p. 5.

and a marine officer. The cases discussed here demonstrate that honour and dishonour are transmissible and contingent upon the circumstances in which the actions are played out.

The women encountered here were not hidden in the domestic sphere but were engaged in public settings. Importantly, it is the public nature of their interactions with the marine officers that could influence the final verdict of the court. The women portrayed here drank in taverns and coffee houses, ran businesses, brought up children alone, worked together gathering evidence against scurrilous men, brought prosecutions to court, provided testimonies and in some cases ruined reputations, whether desired or not. It was not just the prostitute that subverted and contravened approved modes of gendered behaviour for women which suggested they exhibit passive politeness, public invisibility, sexual submissiveness and social domesticity, but the mistress, the wife, the widow and the daughter too. Such gendered rhetoric contrasts greatly to the actual lived experiences of women and whilst these arguments have done much to highlight women's lives, relying on such grand narratives to heavily can in fact be damaging and limit women's historical experiences.⁵⁷ These documents have demonstrated that there must be an element of caution in reading too much into the dominant idea of the separate sphere argument for the eighteenth century. The ground between public and private was as blurred and messy as men and women's actual lives were.⁵⁸

⁵⁷ See Jane Randall, 'Women and the Public Sphere' *Gender & History*, Vol. 11 (3) (1999), pp. 475-488.

⁵⁸ Denise Riley, *Am I That Name: Feminism and the Category of Women in History* (Basingstoke: Macmillan, 1989), p. 49.

Conclusion

In 1737 *The Gentleman's Magazine* ran a satirical and moralising piece telling the story of Belville, a 'Man of the most consummate Honour'.¹ Belville gambled away large sums of money, cheated his tradesmen, had an affair with the wife of his best friend, accused another of lying and fought a duel.² His antics have a familiar ring, these behavioural traits can be seen within all the court cases that are examined within this dissertation. The article was reprinted almost word for word forty years later in *Universal Magazine* demonstrating that such behaviours were still considered as transgressions of a code of honour.³

This dissertation has looked at competing ideas and constructions of masculinity via the charge 'conduct unbecoming an officer and gentleman', in order to highlight how honour was based upon the normative values and behavioural standards as ascribed by a select few. Honour, as the preceding chapters have demonstrated, was a moral attribution which was dependent upon the conferral of public esteem and sensitivity to public opinion; those officers who transgressed this code were ostracised, shunned, censured and shamed. Such actions suggest that honour and shame are reciprocal and represent the integration of an individual into a group, in this case the officer corps of the marines.⁴ The practices, values, and structure of the fraternity of the officer corps reflected acceptable conceptions of both masculinity and femininity, and this along with public opinion, helped to establish an imagined ideal of the gentleman officer.⁵ This research has demonstrated how fundamental it was to the marine officer that he was affiliated with a group of peers through continual contact and shared

¹ *The Gentleman's Magazine*, 1737, p. 284-6, in Andrew, 'Adultery a-la-Mode', p. 5.

² Andrew, 'Adultery a-la-Mode', pp. 5-6.

³ *Universal Magazine*, Sept. 1777, pp. 124-6, Andrew, 'Adultery a-la-Mode', p. 6.

⁴ Gilmore, 'Honour and Shame', p. 3.

⁵ Hannah C. Hale, 'The Role of Practice in the Development of Military Masculinities' *Gender, Work and Organisation*, Vol. 19 (6) (2012), p. 699.

practices. Maintaining one's honour and the honour of the officer corps was of paramount importance, both to the individual and the group. This dissertation has shown how masculinity was used to establish or defend relations of power, highlighting the role that honour played in constructing an idealised representation of the officer and the gentleman centred upon conduct.⁶ Such social representations act to establish order which allowed the marine officer to orient themselves both in their social and spatial world.

Honourable behaviour was therefore also contingent upon the material world and the space that men occupied. Public spaces gave men the opportunity to be defined by their capacity for 'gentlemanly social performance'.⁷ These themes of self-control and politeness in public space provides a useful framework for understanding social rules and how they may have impacted on the construction of a masculine identity. It is this manly 'vener' of politeness which is discussed in Chapter Two, and most interestingly what happens when that veneer cracks, as seen with the brawling Majors.

Self-control, trustworthiness and deference were what made a man honourable, what made him dishonourable were behaviours associated with disrespect to a senior officer, as with Lieutenant Bourne, the numerous instances of frauds as committed by Captain Henville, Captain Jackson, and Lieutenant Robinson, theft as with Captain Lieutenant Thomas Bogne, neglect of duty as demonstrated by Lieutenant Woodruffe, and neglect of obligation as seen in the case of Captain Douglas and the widow Mrs Bolton. Interestingly, although self-control was a marker of manliness, Chapter Two has shown that there was room for arguing that self-control in the case of a received slight or insult was not solely the marker of the gentleman.⁸ Karen Harvey and Alexandra Shepard have demonstrated that there was a degree of negotiation

⁶ Stefan Dudink and Karen Hagemann, 'Masculinity in politics and war in the age of democratic revolutions, 1750-1850', in Dudink, Hagemann, and Tosh (eds), *Masculinities in Politics and War*, p. 6.

⁷ See Carter, *Men and the Emergence of Polite Society* for more on public space and politeness.

⁸ Tim Reinke-Williams, 'Manhood and Masculinity in Early Modern England' *History Compass*, Vol. 1 (9) (2014), p. 690.

between ideals of hard and soft forms of masculinity, and that it may be too simplistic to suggest that the eighteenth-century male experienced a fear of effeminacy along with a more general societal decline in violence.⁹ This is why it is important to explore different masculinities in various contexts that those which exist between men and women.¹⁰

The symbolic importance of gender in a social context is an important subject; Elizabeth Foyster has argued that the patriarchal ideal had costs for men as well as women in the formation of male identity.¹¹ Chapter Four demonstrates that the sexual restraint of women played a significant role in male honour.¹² The military sphere and military values are unique and provide a patriarchal framework for analysis, however, this is far from being the only explanation for forms of military masculinity. As R. W. Connell has clarified, relying too heavily on the assumption that hegemonic masculinity alone can explain gender relations and formations can take the focus away from the ambiguities and contradictions inherent in studying an area that is fundamentally based on human emotion and the actual lived experience.¹³ Structures of sexual dominance and power relations operated over many levels and the human factor cannot be overlooked. The men in these records contested their ascribed roles; they often failed to live up to their obligations and contemporary notions of what constituted an ideal form of conduct, whilst also embracing those self-same roles in defending their actions and highlighting where their honour did lie. It is interesting to note that the only time guilt was fully acknowledged was by Major Johnston who took some pride in admitting that he had indeed hit Major Campbell. Masculinity, and the values and meanings ascribed to

⁹ Harvey and Shepard, 'What Have Historians Done', p. 279; for a discussion on the decline of violence see John Tosh, 'Masculinities in an Industrial Society: Britain, 1800-1914' *Journal of British Studies*, Vol. 44 (2) (2005), pp. 330-342; for a discussion of effeminacy and French fops see Michele Cohen, *Fashioning Masculinity: National Identity and Language in the Eighteenth-Century* (London: Routledge, 2002).

¹⁰ Tim Hitchcock and Michele Cohen (eds), *English Masculinities, 1660-1800* (Oxon: Routledge, 2014), p. 2.

¹¹ Dudink, Hagemann, and Tosh (eds), *Masculinities in Politics and War*, p. xiv; Elizabeth A. Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (Oxon: Routledge, 2014), p. 3.

¹² Strange, Cribb, and Forth (eds), *Honour, Violence and Emotions*, p.11.

¹³ Connell suggests that hegemonic masculinity has been employed too simplistically and too homogeneously, which can reduce gender relations to a single dimension, see R. W. Connell and James W. Messerschmidt, 'Hegemonic Masculinity: Rethinking the Concept' *Gender and Society*, Vol. 19 (6) (2005), p. 843.

it by the marine officers in these court martial cases, changed as it was applied in, and to, different contexts; for Johnston his honour, which had been besmirched and insulted, was upheld in delivering a blow, however, Campbell, whose honour had been contested in the divorce case, believed that his honour was upheld in not retaliating. These instances therefore testify to the diversity of masculine identity and locate it within the shifting assumptions concerning subjectivity and society.¹⁴

An analysis of the military during this period provides a unique source of masculine authority.¹⁵ The rise of political and military modernity from 1750 has often intersected with the history of masculinity, this helped not only to produce, but also sustain and shape new configurations of state and society, politics and war.¹⁶ Unlike the Army or the Royal Navy, the marine officer faced the toughest sanctions of all for conduct unbecoming an officer and a gentleman, the loss of his status, his livelihood, his self-respect and the respect of others. This dissertation has demonstrated that the cultural and social impact of honour, and the idea of the ‘gentleman’ was not limited to the social elite and actually reached further down the social scale than has previously been investigated.¹⁷

The marine officer was certainly more vulnerable than the Army officer to having his name besmirched and maintaining greater control over his instincts and behaviour would have been of far greater importance, not just to the individual officer, who maintained a façade of the gentleman, but also to the Marine Corps, as it tried to establish itself as a professional institution. Therefore, the dishonour attached to the officer accused of conduct unbecoming enforced conformity to the dominant value system as ascribed by his ‘brother officers’ and

¹⁴ Antony Rowland, Emma Liggins, and Eriks Uskalis, *Signs of Masculinity: Men in Literature, 1700 to the Present* (Amsterdam and Atlanta, GA: Rodopi, 2000), p. 8.

¹⁵ John Horne, ‘Masculinity in politics and war in the age of nation-states and world wars, 1850-1950’, in Dudink, Hagemann, and Tosh (eds), *Masculinities in Politics and War*, p. 31.

¹⁶ Dudink and Hagemann, ‘Masculinity in politics and war in the age of democratic revolutions, 1750-1850’, in Dudink, Hagemann, and Tosh (eds), *Masculinities in Politics and War*, p. 18.

¹⁷ Harvey, ‘The History of Masculinity’, p. 307.

enforced through the Marine Corps and ultimately the Admiralty. This suggests that the Admiralty were aware of the need to push through a more professional set of standards, and the new procedural and administrative make-up of the Marine Corps allowed for such an occurrence. The Admiralty was able to do this through the charge of conduct unbecoming, which allowed for the dismissal of unsuitable officers. Such a fundamental difference between the Marine Corps and the other two branches of the British military services during this time period demonstrates why it is important to study the history of the Marine Corps in its own right rather than secondary to either the Royal Navy or the Army.

Some commentary on what happened to a few of the marines mentioned within this research must be made before this dissertation comes to an end. It has been difficult to trace the majority of the officers who appear; some may have left no further trace, slipping quietly back into their lives, whilst others may require more thorough research than the confines of this research masters project allow. However, the two brawling Majors do make a later, brief appearance within the Admiralty letters and the officer lists. In 1790 they both successfully appealed to the Admiralty to have the ‘mulct’ that they incurred returned. The ‘mulct’ refers to the loss of pay that their respective suspensions from duty induced. It was a common enough occurrence within the Army and the Artillery for such fines to be returned to officers who were penalised in this manner that note was made of the fact in the Major’s memorial to the Admiralty.¹⁸ Duncan Campbell then appears as a Lieutenant Colonel in 1796, although no further mention is made of David Johnston.¹⁹

Major Shairp, whose divorce case sparked the brawl between Major Campbell and Major Johnston, also appears later. Major William Shairp was living in Blackheath in 1795,

¹⁸ ADM 2/1180, Marine Letters Out, 1780 (Gabriel Stewart, Marine Pay Master, writing to the Lords Commissioners), pp. 159-160.

¹⁹ *List of the Officers of His Majesty’s Royal Marine Forces, with the Numbers of the Companies stationed at each of the Three Head Quarters* (London: Admiralty Office, 1803), p. 5.

and he was listed within the officer lists as having retired in 1791.²⁰ His son, Alexander, went on to join the marines, and his niece, Christiana, lived with him at Blackheath from 1795. Whilst in his care she met Lieutenant James Achorly, of the marines, they went on to marry at Stonehouse, Devon in 1802.²¹

A quick mention should also be made of Lieutenant George Dyer, whose image is used on the front of this dissertation. Dyer took part in the Battle of the Glorious First of June during the French Revolutionary Wars. He was promoted Major in 1805 and went on to become Major General of the Plymouth Division of Marines in 1811, before retiring as Second Colonel Commandant in 1816. He died at Minehead in 1817.

²⁰ *List of the Officers of His Majesty's Royal Marine Forces*, p. 35.

²¹ "At Stonehouse chapel, Devon, Lieutenant Achorly, of the Royal Marines, to Miss Christiana Shairp" in *The Naval Chronicle* Vol. VIII, (Cambridge: Cambridge University Press, 2010 reprint, first printed 1802), July to December 1802, p. 439.

Appendix 1)

TNA ADM 1/5491 - Court Martial of Lieutenant and Quarter Master James Robinson – held at Plymouth, Stonehouse Barracks, 19-21 October 1784.

Charged with – “misapplied the Public money intrusted to him for the payment of different Tradesmen Bills on the Public Service.”

Verdict – guilty, “under latter part of the 21st Article of the 4th Section, the 1st Article of the 7th Section, and the 18th Article of 14th Section of the Articles of War”.

Sentence – dismissed but recommended “to their Lordships Humanity & Notice”.

Court Members

Lieut. Colonel Duval – President Capt.

Henry Weir – Judge Advocate

Rank	Name
Capt.	James Campbell
Capt.	John Fletcher
Capt.	James Robertson
Capt. Lt.	James Meredith
Capt. Lt.	Chas. Money
1 st Lieut.	Robt. Kellow
1 st Lieut.	Rob. Mon***
1 st Lieut.	Jno. Thos. Hobbs
1 st Lieut.	Nichs. Nepean
1 st Lieut.	Nehemiah Augs. Hunt
2 nd Lieut.	Ralph Clarke
2 nd Lieut.	Jno. Burdwood

Witnesses

Name	Rank/Occupation
Mr. Burdwood	Slop Merchant
Mr. Clarke	Landlord (rented house to officers)
Mr. Haydon	Printer
Peirson	Sergeant in the Adjutant Office
Mr. Maurice	Stationer
Mr. S*ook	
Mr. Hamlyn	Oil Supplier
Mr. Nicholas	Carpenter
Mr. Harris	Glazier
Mr. Lockyer	Supplied bed sacking and scrubbing brushes
Mr. Stone	
Testament Bible	Sergeant
Mr. Booth	
Mitchell	Sergeant in the Squad Office
Clarke	Quarter Master Sergeant

Appendix 2)

TNA ADM 1/5491 – Court Martial of Capt. Lieut. Thomas Bog(y)ne – held at Plymouth, Stonehouse Barracks, 28 April – 19 July 1785.

Charged with – “having behaved highly disgraceful & unbecoming the Character of an Officer and a Gentleman”

Verdict – guilty, “under 21st Article of the 4th Section of Articles of War.

Sentence – dismissed from Marine Corps.

Court Members

Lieut. Colonel John Campbell – President
Capt. Henry Weir – Judge Advocate

Rank	Name
Major	Wm. Forster
Major	Geo. Elliot
Major	Benjn. A**i*
Major	Fra. Lindsay
Major	Robt. Ross
Capt.	Richard Bright
Capt.	Benjn. Weir
Capt.	David Cumming
Capt.	Jas. Campbell
Capt.	John Fletcher
1 st Lieut.	Geo. Elliot Vin***
2 nd Lieut.	Wm. Reynolds

Witnesses

Name	Rank
John Holden (Howden)	Lieutenant belonging to HMS <i>Venus</i>
Mr. Lawson	Purser – HMS <i>Venus</i>
Mr. Rose	Surgeon – HMS <i>Venus</i>
Barwell Carter	Lieutenant Marine – HMS <i>Venus</i>
Charles Hudson	Captain of HMS <i>Venus</i>
Collins	Major General – Commanding Officer – Plymouth.

Appendix 3)

TNA ADM 1/5491 – Court Martial of 2nd Lieut. James Woodruffe – held at Portsmouth 24 May

1785. Charged with – 1st: “for being repeatedly drunk on Guard”. 2nd: “For behaving in a scandalous infamous manner, such as is unbecoming the character of an Officer and a Gentleman.”

Verdict – guilty of both charges, “breach of 12th Article of the 4th Section, also of a breach of the 24th Article of the same Section of the Articles of War.

Sentence – dismissed, recommended for consideration to half pay – denied.

Court Members

Colonel John Tupper – President

Capt. Thos. Sterling – Judge Advocate

Rank	Name
Major	Thos. Arnott
Major	Saml. Davis
Capt.	Richd. Timpson
Capt.	Barthw. Williams
Capt.	Willm. Munro
Capt.	Thos. Archbold
Capt.	Robt. Anderson
1 st Lieut.	Richd. Harry Foley
1 st Lieut.	Carleton Atkinson
1 st Lieut.	George Hepburn
1 st Lieut.	John Nicholls Oldfield
1 st Lieut.	Richd. Pascoe

Witnesses (for first charge – “repeatedly drunk on Guard”)

Name	Rank
Samuel Murphy	Sergeant 69 th Company
William Perkins	Drummer 35 th Company
Josiah Duke	Private 67 th Company
John Denmade	Drummer 50 th Company

Witnesses (for second charge – conduct unbecoming an officer and a gentleman)

Name	Rank
John Bowden	Sergeant 41 st Company and Sutler
Thomas Oldfield	1 st Lieutenant
Harvey Monteith	1 st Lieutenant
Thomas Ross	Sergeant 41 st Regiment
Joseph Sharp	Waiter at The Star and Garter
John Dennett	Corporal and Acting Guard Sergeant 2 nd Company
Thomas Davis	1 st Assisting Dispenser, Haslar Hospital
John Carroll	Private 11 th Company
Robert Higgins	Private 65 th Company

Appendix 4)

TNA ADM 1/5491 – Court Martial of Captain James Meredith – held at Plymouth, Stonehouse Barracks, 3rd September – 18th September 1792.

Charged with – “behaving highly improper as an Officer”. Verdict – Charge is “groundless” and “malicious”.

Outcome – Public vindication of Meredith’s character.

Court Members

Lieutenant Colonel Thomas Duval – President

Lieutenant John -ickleson Martin – Judge Advocate

Rank	Name
Brevet Major	George Elliot
Brevet Major	Benjamin Adain
Captain	Francis O’Dogherty
Captain	William Henville
Captain	William Bowater
Captain	Thomas Strickland
Captain	Theophilus Lewis
Captain	John Smith Halliday
Captain	Richard Williams
Captain Lieut.	Robert Hill Farmer
Capt. Lieut.	Charles Berkeley Money
Capt. Lieut.	George Dyer

Witnesses for prosecution

Name	Rank
Arthur Dougherty	Private
Long	Lieutenant
Furzer	Lieutenant
Tench	Captain Lieutenant
Campbell	Captain

Witnesses for defence

Name	Rank
Martin Connor	Captain 6 th Company
Owan	Sergeant 12 th Company

Appendix 5)

TNA ADM 1/5491 – Court Martial of Captain Daniel Douglas – held at Chatham Barracks, 14th December – 22nd December, 1792.

Charge – 1st) “For Acting in a manner unbecoming the Character of an Officer and a Gentleman” 2nd) “For having broke his Arrest by appearing at a place of public Amusement ... contrary

to the 16th Article of the 14th Section of the Articles of War”

Verdict – with regard to 1st Charge “Acting in a manner unbecoming” – court acquits him of his having recommended and promoted marriage between Mercer and Miss Bolton knowing Mercer’s first wife to be alive. But guilty of 1) passing his mistress as his wife on Mrs Bolton and her family, 2) inviting Mrs Bolton and her daughter and allowing them to come to Chatham Barracks with his mistress and staying there three days, 3) contracting a debt on account of board and lodgings for his mistress, and also guilty of breaking his arrest as of 2nd charge.

Sentence – he be cashiered¹⁹ but as breaking his arrest arose from an error of judgement and taking in to account the length of service and his good military character he is allowed the provision of half pay.

Court Members

Lieutenant Colonel John Barclay – President

1st Lieutenant and Adjutant John Randolph Mackenzie – Judge Advocate

Rank	Name
Capt.	Thomas Stirling
Capt.	Edward Hill
Capt.	Henry Anderson
Capt.	Henry Bele

Capt.	John Macdonald
Capt. Lieut.	James Pearce
1 st Lieut.	Edward Squire
1 st Lieut.	Roland McCleverly
1 st Lieut.	Richard Gamble
1 st Lieut.	Jeremiah Mayne
2 nd Lieut.	John Simpson
2 nd Lieut.	Andrew Macintosh

Witnesses for prosecution

Name	Rank
Elizabeth Bolton	Widow
Miss Elizabeth Bolton	Daughter of widow
Bernard Mercer Esq.	Brother of Ensign Mercer
John Tupper	Colonel
Charles Jackman	Lieutenant Colonel
James Cassell	1st Lieutenant

Witnesses for defence

Name	Rank
John Randolph Mackenzie	Judge Advocate
John Agnew Connellan	1 st Lieutenant
John Gardner	Lieutenant and Adjutant

Appendix 6)

TNA ADM 1/5490 – Court Martial of Major Duncan Campbell and Major David Johnston – held at Chatham Barracks, 6th September – 18th September, 1784.

Charges Major Duncan Campbell – improper conduct and disorderly behaviour by giving Provocation to Major David Johnston on 26th July 1784.

Major David Johnston – improper conduct and disorderly behaviour by rendering an insult to Major Duncan Campbell.

Verdict – Both men were found guilty of the charges against them.

Sentence – Major Duncan Campbell, suspended for six months from duty and pay. Major David Johnston suspended for four months from duty and pay.

Court Members

Colonel John Martin – President

David Collins, Esq. – Judge Advocate

Rank	Name
Major, Marines	Edward Owen
Major, Marines	John Stretch
Captain, 22 nd Foot	Robert Lindsay
Captain, Marines	Samuel Stransham
Captain, Marines	William Conyers
Captain, Engineers	Gother Mann
Captain, Marines	Robert MacLood
Captain, Marines	Henry Anderson
Captain, Royal Artillery	Edward Fage
Captain, Royal Artillery	Thomas Ross

Captain, 22 nd Foot	Charles Lade
Captain Lieutenant, Marines	Daniel Douglas

Witnesses questioned for the prosecution – Trial of Major Campbell

Name	Rank
Preston	Lieutenant Colonel
William Hollingworth Phillips	1 st Lieutenant
Thomas Weston	2nd Lieutenant
Cavendish	Sergeant
Moses Over	Sergeant
Samuel Clark	Dockyard Labourer
James Berkeley	Capt. Lieut. and Adjutant
Harrie Innes	Lieutenant Colonel

Witnesses questioned for the defence – Trial of Major Campbell

Name	Rank
Ewart	Captain Lieutenant
Collins	Major General
James Berkeley	Capt. Lieut. and Adjutant
Charles Jackman	Major
Vincent Wood Esqr.	Surgeon General

Witnesses questioned for the prosecution – Trial of Major David Johnston

Name	Rank
Preston	Lieutenant Colonel

Phillips	1 st Lieut. (Not questioned)
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Witnesses questioned for the defence – Trial of Major David Johnston

Name	Rank
Philips	1 st Lieutenant
Weston	2 nd Lieutenant
Cavendish	Sergeant
Over	Sergeant
Samuel Clark	Dockyard Labourer
Collins	Lieutenant
Wightman	Lieutenant
Madden	Captain
Jackman	Major

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