

2018

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Low, P. (2018). 'The Changing Presentation of Execution in Newcastle Upon Tyne 1844-1863',
SOLON Law, Crime and History, 8(1), p. 38-52.

<http://hdl.handle.net/10026.1/14286>

SOLON Law, Crime and History
University of Plymouth

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THE CHANGING PRESENTATION OF EXECUTION IN NEWCASTLE UPON TYNE 1844-1863

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Abstract

The changing presentation of punishment, in particular execution, has been at the heart of much criminal historiography. However, little work has been done to examine the transition outside of London. Newcastle offers a fascinating perspective on any national picture of capital punishment, as it adopted changes far later than most, including close neighbours like Durham. This article questions why so late a transition occurred and what the motivating factors were. Focusing on executions between 1844 and 1863 it will show that far from being led by London, the decisions were largely reactive to immediate crises, chief amongst them an unruly crowd, and not underpinned by any ideological bent. In short, it will argue for caution in speaking of a unified national change in punishment when even to speak of a regional one is problematic.

Keywords: Execution, Newcastle, Punishment, Murder, Crowds, Crime, Civilising, George Vass, Margaret Doherty²

Introduction

On the morning of 14 March 1863 vast crowds surrounded the foot of Carliol Square Gaol in Newcastle upon Tyne. The windows and rooftops of surrounding buildings were crammed with people eagerly awaiting a rare spectacle.³ Atop the prison's imposing exterior walls stood the figure of a man, barely perceptible to many.⁴ The figure in question was George Vass, a prisoner whom only days earlier had passed his twentieth birthday in a condemned man's cell and was now moments from being launched into eternity.⁵ Charged with the brutal murder of Margaret Doherty, Vass briefly appeared under the beam of the scaffold and 'in the twinkling of an eye, the drop fell with a tremendous crash and the guilt-stained

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² Margaret Docherty was also variously referred to as Margaret Dockery – see Clare Sandford-Couch and Helen Rutherford's preceding article in this special issue.

³ 'The Execution of George Vass', *Newcastle Journal*, 16 March 1863, p. 3.

⁴ There are few surviving images of the now long demolished Carliol Square gaol, but a sense of the height of the walls can be seen here in this undated photo <http://lostbritain.uk/site/newcastle-gaol/> (accessed 3 Aug 2017).

⁵ In a cruel twist of fate the people of Newcastle had been out in force and in full celebratory mode on the night of his birthday to celebrate the nuptials of Prince Albert Edward and Princess Alexandra of Denmark.

soul of the murderer was sent headlong to eternity.⁶ His send-off was to be the last public execution in Newcastle.

Vass's execution and the few preceding it were unique in their presentation. Between 1844 and 1863, Newcastle upon Tyne experimented with its staging of capital punishment and despite an absence in the official record, the decisions surrounding the changes were captured in the detailed reports of these executions in the local newspapers. In as much, a study of this period in Newcastle's history is possible and offers a much-needed *regional* perspective into the shifting states of punishment in England.

1 A Punishment in Context

The spectre of the scaffold cast a long shadow over both eighteenth and nineteenth century England. However, its place as a valid focus point for academic study has been a relatively short one. Up until the late 1960s, with the notable exception of Leon Radzinowicz, mentions of crime in histories of the period rarely strayed beyond 'a few brief remarks on lawlessness.'⁷ This orthodoxy was most powerfully challenged in Douglas Hay et.al.'s *Albion's Fatal Tree*.⁸ Hay's assertion that the eighteenth century ruling elite 'cherished the death "penalty"', selectively applying it as an instrument of class justice, set the debate alight.⁹ Critics, most notably amongst them Peter King, argued that in the application of criminal law in the eighteenth century the 'key decision maker' was, in fact, the victim.¹⁰ Less contention arose, however, around the assertion that the gallows were 'central to all relations of authority in Georgian England'.¹¹

In the past few decades, the changing presentation of punishment has been at the heart of much criminal historiography. In this debate, the staging of execution has been the primary focus of study, perceived as the brutal apex of a system of public punishments. In one respect, a broad academic consensus exists around an observable transition from public rituals of punishment to a more private and hidden system of retribution; culminating in the

⁶ 'The Execution of George Vass', *Newcastle Journal*, 16 March 1863, p. 3.

⁷ Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, 4 vols., (Stevens & Sons, 1948-68), Joanna Innes and John Styles, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England', *Journal of British Studies* 25, 4 (October 1986) 380-435, p.381.

⁸ Douglas Hay et al, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, 2nd edn. (London: Verso, 2011).

⁹ Hay, *Albion's Fatal Tree*, p. 17.

¹⁰ Peter King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750–1800', *The Historical Journal*, 27, 1 (1984): 25-58 (p. 27).

¹¹ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994), p. 32.

Capital Punishment Amendment Act 1868 which saw executions removed behind the prison wall.¹² However, both the rationale behind the changing presentation of capital punishment and the timescale over which it took place are still areas of deep contention. Indeed, Steven Wilf argues that ‘no debate [...] has provoked more controversy.’¹³ Dissent arose around the intentions of the reformers of punishment. Michel Foucault lit the touch paper when he saw in their actions not a burgeoning humanity but a desire to regain control over a spectacle that had lost its deterrent force.¹⁴ Acolytes of Sociologist Norbert Elias, chief amongst them Pieter Spierenburg, countered that the changes were instead the result of a wider European ‘civilizing’ movement.¹⁵ In as much, the increasingly hidden spectacle of execution was in line with a growing abhorrence of punitive and public displays of violence. More recently an uneasy middle ground has been struck by, amongst others, Gatrell in which he posits that whilst ‘we cannot deny’ that the end of public executions was a civilising moment, ‘none of this, however, means that 1868 marks a *humane* moment in British history.’¹⁶

Of the detailed scholarship on the rationale and ideological intentions behind the changing location and presentation of capital punishment in England, the focus has all too often been on London.¹⁷ There has been a deafening silence on the relevance of these models outside the environs of the capital. As is all too often the case with scholarship of the gallows, it is presumed that where London led the provinces eventually followed. In Devereaux’s insightful work on the removal of executions from Tyburn to Newgate in 1783, he cites similar changes in Chelmsford, Oxford and Liverpool (in 1785, 1787 and 1788 respectively) as being indicative of how other areas simply ‘followed London’s lead.’¹⁸ In this manner, the steady transition across the country of executions moving from unremarkable open land to

¹² On this consensus Richard Evans noted that, ‘In almost all major European states, the eighteenth and nineteenth century saw...the banishing of the more baroque cruelties from the scene of the scaffold.’ Richard J. Evans, *Rituals of Retribution: Capital Punishment in Germany 1600-1987* (Oxford University Press, 1996) p.895.

¹³ Steven Wilf, ‘Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England’, *Yale Journal of Law & the Humanities*, 5 (2013) 51-78 (p. 52).

¹⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans A. Sheridan, 2nd edn. (London, Penguin, 1991).

¹⁵ Petrus Cornelis Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984); Norbert Elias, *The Civilizing Process*, 2nd Edition (Oxford: Wiley-Blackwell, 2000).

¹⁶ Gatrell, *The Hanging Tree*, p. 590

¹⁷ Although not an exhaustive list, notable examples include Simon Devereaux, ‘Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual’, *Past & Present* 202, 1 (Feb 2009) 127–74. Randall McGowen, ‘Civilizing Punishment: The End of the Public Execution in England’, *Journal of British Studies* 33, 3 (1994) 257–82. James A. Sharpe, ‘Civility, Civilizing Processes, and the End of Public Punishment in England’, in Peter Burke and Brian Harrison (eds.) *Civil Histories: Essays Presented to Sir Keith Thomas*, (Oxford: Oxford University Press, 2000), 215–30. Wilf, ‘Imagining Justice’.

¹⁸ Devereaux, ‘Recasting’, p. 140.

the exterior of centrally located prisons can all too often be seen as a slow, untrammelled wave of progress from the capital outwards. Its laggard application in particular areas being indicative merely of that regions' disconnectedness from the centre.¹⁹ However, in one of the few examples of work that has been undertaken outside of the capital Steve Poole noted, regarding the comparatively rare phenomenon of crime-scene executions, that the provincial experience was 'protracted and patchy' and creates a far more 'uneven' picture of change.²⁰

So, what relevance do the models of change in London have for the wider provincial experience? With specific focus on the final three executions that took place in Newcastle upon Tyne between 1844 and 1863, this article will show that far from a simple replication of London's practice, the motivating factors behind the changes undertaken were myriad and complex.

The first section of this article will seek to show that owing to a comparatively low incidence of capital punishment in the region, the presentation of execution was not an immediate concern for the relevant authorities. A fact most clearly demonstrated in the lack of provision for its undertaking in the newly built Carlisle Square Gaol. It will then be argued that the changes that did occur in Newcastle were as much reactive as proactive and not expressly underpinned by any ideological bent or pressure to adopt any London model. In particular, an underlying fear of the crowd, entrenched by a fatal crowd crush at Nottingham in 1844 played a pivotal role. In as much, Newcastle differed in its execution practice from areas as geographically close as Durham, let alone London, thus complicating the notion that the regions of England experienced a simple and largely unified model of change in how they presented the execution spectacle.

2 Executions in Newcastle

In the period of this article's focus, between 1844 and 1863, Newcastle witnessed only three public executions. Indeed, between the turn of the nineteenth century and the eventual removal of execution from public sight, in 1868, only six executions took place; Less than one a decade. Neighbouring Durham, by comparison, had seventeen in the same period. The comparison is even starker when applied to London. At a single execution on the 5 June

¹⁹ In his work on the death penalty in America David Garland notes of France that its comparatively late transition away from public punishment should be understood as it being merely a 'laggard participant' in a wider observable change as opposed to an exception to the rule. David Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition* (Oxford University Press & Harvard University Press, 2010) p. 107.

²⁰ Steve Poole, 'For the Benefit of Example': Crime-Scene Executions in England 1720-1830', in Richard Ward (ed.) *A Global History of Execution and the Criminal Corpse*, (Basingstoke: Palgrave MacMillan, 2015) p. 94.

1800, eight men were executed at Newgate, two more than in the 68 years following in Newcastle.²¹ Testament to the regularity of such a spectacle in London can be seen in *The Times*' report the following day in which coverage of all eight executions amounted to a perfunctory four lines on their third page.²² The disparity in the figures for Newcastle are in line with recent studies, albeit focused slightly earlier in the period, that noted 'major regional differences' in the application of execution and the so called 'bloody code'.²³ Whilst it is not the intention of this article to detail why this disparity in application may have arisen, it is worth noting that reports of assize trials often mentioned the highly selective nature of judicial punishments. Testament to this can be seen in the *Durham County Advertiser's* report of an 1816 assize sessions, in which it noted that of the 24 prisoners sentenced to death at the sessions (ten at York, six at Durham and eight at Newcastle) 'only one prisoner was left for execution in each town as a dreadful warning to the depraved and dissolute.'²⁴

3 Changing Locations of Punishment in Newcastle and the North East

Whilst there was a marked difference in the incidence of the punishment's application, the early history of its presentation is more broadly in line with the practice in the capital. In his work on the crowd at seventeenth and eighteenth century executions, Thomas Laqueur asserted that the relevant authorities for administering hangings showed a 'perverse lack of interest' which permeated all areas of their presentation, ultimately making them 'unpromising vehicles for the ceremonial display of power.'²⁵ Perhaps chief amongst these failings was their 'unprepossessing' locations, places as such that provided an unhelpful background for conjuring up the awesome might of the state.²⁶ Even the Tyburn gallows,

²¹ Capital Punishment UK, online edn. www.capitalpunishmentuk.org/1800.html (accessed 1 August 2017).

²² *The Times*, 6 June 1800, p. 3.

²³ Peter King and Richard Ward, 'Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery,' *Past & Present* 228, 1 (2015), 159-205 (p. 160). Where there was marked differences in its application, the crimes punished and gender of the condemned were more broadly in line with figures from the capital, with all three of the people executed in Newcastle in this period being male and in all four instances the prisoners having been condemned for the crime of Murder.

²⁴ *Durham County Advertiser*, 24 August 1816, p. 2. A steady dismantling of the plethora of capital statutes, known posthumously as the 'Bloody Code', meant that by the late 1820's only a few of the most heinous crimes would receive the rope, chief amongst them Murder. Tellingly, in the case of Newcastle Upon Tyne, James O'Neill's execution in 1816 was to be the last public execution for a crime other than murder. For a detailed summary of the parliamentary process surrounding the dismantling of the Bloody Code see David D. Cooper, *The Lesson of the Scaffold: The Public Execution Controversy in Victorian England* (Ohio University Press, 1974).

²⁵ Thomas Laqueur, 'Crowds, carnival and the state in English executions, 1604-1868', in A.L. Beier, David Cannadine, James M. Rosenheim and Lawrence Stone (eds.) *The First modern society: essays in English history in honour of Lawrence Stone* (Cambridge: Cambridge University Press, 1989) 305-355, p. 309.

²⁶ *Ibid.*

the epicentre of English execution, were positioned at the 'exterior of a barnyard.'²⁷ The same could be said of executions in the North East. Executions in Newcastle up until 1850 were held on the Town Moor, a large expanse of common land more readily associated with travelling fairs and race days.²⁸ They were most often noted as having taken place on a 'temporary gallows' situated 'near to the barracks.'²⁹ Similarly in Durham, up until the early nineteenth century, executions took place on the unremarkable open land of Dryburn.

The first notable relocation of the gallows on the Northern Circuit was in York in 1801. Originally cited at Knavesmire, a woodcut of 1802 depicts the Knavesmire Gallows being transferred on a cart to York Castle.³⁰ As with London the decision for removal to the Castle was on the principal grounds that 'entrance to the town should no longer be annoyed by dragging criminals through the streets.'³¹ Reporting on the relocation, the *York Herald* stated 'thus will be removed from one of the principal Roads leading to the city, that disagreeable nuisance, the Gallows; It is a truly wise and salutary measure.'³²

Durham's eventual relocation of executions happened on similar grounds to York. By the turn of the nineteenth century, its gaol at the Great North gate had become the source of serious traffic congestion. One of the people most frustrated by this inconvenience was the Prince Bishop, Barrington Shute of Durham.³³ In an attempt to remedy the situation he pledged £2,000 towards the building of a new gaol.³⁴ The new site for the gaol was at Elvet, built adjoining the County Courts. Despite vast delays in the gaol's construction, which meant it didn't see its first prisoners until 1819, the first execution took place on the new site on the 17th August, 1816. Monkwearmouth Barber and Publican, John Greig, was the first victim of the new Durham gallows and his send-off marked a substantial transition in the presentation of execution in Durham.³⁵

²⁷ *Ibid.*, p. 311.

²⁸ Wilson, J, John. (c.1810) *Fair on the Town Moor, Newcastle* (Oil on canvas). Laing Art Gallery, Newcastle, online edn., <https://artuk.org/discover/artworks/fair-on-the-town-moor-newcastle-36406> (accessed 23 Jul 2017).

²⁹ In his history of Newcastle Thomas Oliver gave a brief description of the barracks and their relation to the gallows. See Thomas Oliver, *A New Picture of Newcastle-upon-Tyne: Or, an Historical and Descriptive View, Etc*, (Newcastle Upon Tyne, 1831). p. 78.

³⁰ The Knavesmire Gallows Moved to the Castle in 1802.

³¹ 'Executions in York: History of York' <http://www.historyofyork.org.uk/themes/executions-in-york> (accessed June 15 2017).

³² *York Herald*, 25 July 1801, p. 3.

³³ 'Capital Punishment in Durham', in Capital Punishment UK, online edn. <http://www.capitalpunishmentuk.org/durham.html> (accessed June 17 2017)

³⁴ *Ibid.*

³⁵ The building to which the scaffold was attached is largely unchanged to this day and one can still see the window from which the condemned would have stepped onto the platform and the stone

Reporting on Greig's execution, broadsides and local newspapers gave relatively detailed accounts of the new site of execution and the construction of the scaffold itself. 'The New Drop was erected upon the steps in front of the County Courts [...] the platform being upon a level with the centre window of the Grand Jury Room.'³⁶ With their raised platform and window entrance for the condemned, the executions that took place at Durham after 1816, bore a remarkable resemblance to the executions at Dam Palace in Amsterdam with which reformer Henry Fielding (1707–54) was so enamoured.³⁷ This new site of execution had several clear advantages for the presentation of an execution. Central, first floor windows led out from the Grand Jury Room and were at such a height as to remove the prisoner from direct contact or any chance of mingling with the 'vast' crowd in attendance.³⁸ Indeed at Greig's execution, the *Durham County Advertiser* noted the effect of this heightened scaffold on his composure stating that he, 'did not appear to notice the populace assembled to witness the execution.'³⁹ Secondly, directly in front of the Court there was a large open green which was advantageous for the authorities as it helped assuage fears of any serious crush, whilst simultaneously allowing for a large numbers of spectators.⁴⁰ The execution of Greig marked a tri-partite change in Durham's execution; the introduction of the new 'drop' technology, removal of the condemned from immediate contact with the crowd and the termination of the centuries old processional practice through the city.

4 New Gaol, Old Worries: Carlol Square and the Problem of Crowds

In spite of the changes in neighbouring Durham, a month after John Greig's execution, James O'Neil was processed through the centre of Newcastle on the back of a cart, streets lined with thousands of people, to meet his eventual end on the Town Moor; 'a scene

plugs above the central door, which have filled in the support holes for the gallows platform. <https://lastdyingwords.com/2015/11/05/dreams-death-durham/> (accessed July 14 2017).

³⁶ *An Account of the Conduct, Trial, and Execution of John Greig &c* (Marshall, Newcastle, 1816). Crime 1 (79). [Oxford, Bodleian Library, John Johnson Collection of Printed Ephemera](#) (JJ)

³⁷ Of Dutch executions Fielding noted, 'In Holland, the executions (which are very rare). are incredibly solemn. They are performed in the area before the ftadthoufe, and attended by all the ma- gistrates. The effect of this solemnity is inconceivable to those who have not observed it.' Henry Fielding and Arthur Murphy, *The Works of Henry Fielding, Esq: With the Life of the Author. In Twelve Volumes. A New Edition. To Which Is Now First Added, The Fathers; Or, The Good-Natured Man* (W. Strahan, J. Rivington and Sons, 1783), pp. 385–86. A Dutch execution was depicted in 1778 in the following work <https://www.rijksmuseum.nl/nl/collectie/RP-P-OB-84.998> Anon. *1778 Execution of JBF Gogh in Amsterdam, 1778.* Newcastle (Etching). Rijks Museum, Amsterdam.

³⁸ *Durham County Advertiser*, 24 August 1816, p. 2.

³⁹ *Ibid.*

⁴⁰ A nineteenth century image of Durham Assize Court appears in Mackenzie and Ross, *An historical, topographical and descriptive view of the county palatine of Durham*. 1834. It is available to view online: <https://community.dur.ac.uk/4schools.resources/Crime/Durhamprison4.htm> (accessed Aug 1 2017).

largely unchanged in centuries.⁴¹ Indeed, an execution similar to Greig's would not take place until 1850 in Newcastle. So, what caused this delay? In part, this was owing to the lack of a suitable prison for the administering of such execution in Newcastle. The planned construction of a new gaol at Newcastle was debated for many years. Writing in October 1820, the *Tyne Mercury* noted the lengthy and protracted nature of discussions 'about seven years ago, the erection of a new gaol in this town was first proposed; the project was then, as it has been when revived at intervals since...abandoned, on the ground of the immense expense which would become chargeable to the different parishes.'⁴²

Alongside the cost, the location of the gaol was the subject of heated debate. The initial 'feeling of many' was to locate the new gaol as close to the newly built Moot Hall law courts as possible.⁴³ However, after protracted discussions, the eventual site chosen was a large open piece of land known as Carliol Croft. By the turn of the nineteenth century, the Croft was the largest open space within the town walls. The location of the Croft was a controversial one and the concerns around it pay tribute to an underlying fear of the crowd. A letter appeared in the *Newcastle Courant* in 1822, signed by 'an inhabitant' dismissing sites like Carliol Croft as being too far away. It argued that the new gaol should be as close to where the prisoners were held as possible, for fear that the public would try and rescue a criminal from the gallows. Warning the reader that the days of radicalism with 'marshalled mobs in their thousands' were ever present and therefore, 'the public mind need only be possessed with a wrong and mischievous impulse, to rescue, in spite of all opposition, a favourite leader'.⁴⁴

Commencing construction in 1823, the new gaol was the work of Newcastle's most prolific architect, John Dobson, and took six years and cost £48,542 6s.⁴⁵ However, the original plans show no specific provision for execution. It would appear that in their plans for the gaol

⁴¹ *A true and particular account of the trial and execution of James O'Neil &c* (Marshall, Newcastle, 1816). Crime 2 (29) [Oxford, Bodleian Library, John Johnson Collection of Printed Ephemera](#) (JJ)

⁴² 'The New Gaol', *Tyne Mercury*, 3 October 1820, p. 4.

⁴³ In her work on Carliol Square gaol, Mollon noted that 'matters were further complicated by the fact that Northumberland's quarter sessions were also held in Newcastle, also in the Moot Hall and frequently on the same day. This meant that some provision had to be made for prisoners from both counties.' Mollon, *New Gaol*, p. 34.

⁴⁴ 'To the Editor of the Newcastle Courant', *Newcastle Courant*, 22 June 1822. Whilst the political agitations of the people of the North East may play second fiddle in the histories to that of Manchester or the Cato Street Conspirators of London, the area was no less radical than its better known counterparts. For a detailed assessment of Newcastle's radicalism in the period see Peter Cadogan, *Early Radical Newcastle*, (London: Sagittarius Press Limited, 1975).

⁴⁵ Mollon in her work on Newcastle Gaol noted how later reports incorrectly noted the cost at £35,000, describing why she suggested 'that the true cost was closer to £48,542' however 'it would seem the Corporation was not anxious to reveal the true costs incurred' which included, amongst other things, 'legal expenses, salaries of the architect and monies borrowed.' Mollon, *New Gaol*, p. 49.

the authorities never made proper provision for its undertaking, perhaps in large part owing to the limited incidence of capital punishment not making it a pressing concern.⁴⁶ This became apparent the year following the prisons completion when Jane Jamieson was sentenced to death, followed by dissection, for the murder of her mother. Despite the new building Jamieson was hanged at the usual spot on the Town Moor, a spectacle which had all the hallmarks of a fully public execution. Indeed, reports noted that whilst she was resigned to her death she 'lamented that she was to be hanged like a dog.'⁴⁷ On the morning of Saturday 7 March, Jamieson was collected from the prison and processed on an open cart through the principal streets of the town, a procession that covered roughly one mile and took just under 1 hour. She sat atop her coffin on a cart and was 'dressed in a black gown and black hat, with a green shawl over her shoulders which was laid aside at the place of execution.'⁴⁸ Numerous reports noted that the procession was 'accompanied by vast crowds of people all the way to the Town Moor.'⁴⁹ Testament to the size of the crowd can be seen in a surviving diary entry by apprentice surgeon, Thomas Giordani Wright, who noted that the procession 'passed...within sight of my window', a central apartment, but he chose not to partake with 'the assembled thousands who crowded to the last scene of her existence.'⁵⁰ Instead coldly noting that, he would 'most likely partake of the benefits accruing therefrom' at her dissection.⁵¹

5 A Murder at the Races: The Execution of Mark Sherwood

Fifteen years passed, following Jamieson's execution, until the grim spectre of the scaffold was to re-emerge in Newcastle. The latest victim of the rope, an Artillery pensioner named Mark Sherwood, sentenced for the murder of his wife Ann Blandford. In the intervening years Carloli Square gaol had become an established and imposing feature of the city centre. Significant architectural developments around it meant that the original open land on which the prison was built was now surrounded by heavily populated residential streets. On choosing the site for Sherwood's send off one broadside noted that, 'it was originally intended of the magistrates that Sherwood should suffer at the foot of Carloli Street,'⁵² a smallish side street to the North of the gaol. However, a fatal accident at a Nottingham

⁴⁶ For a detailed examination of the building of Newcastle Gaol see Mollon, *New Gaol*, p.34.

⁴⁷ 'Execution of Jane Jameson', *Newcastle Courant*, 14 March 1829, p. 2.

⁴⁸ *An account of the trial and execution of Jane Jameson &c* (Marshall, Newcastle 1829) (JJ). Harding B 9/2 (74).

⁴⁹ *Ibid.*

⁵⁰ Thomas Giordani Wright and Alastair Johnson, *The Diary of Thomas Giordani Wright, Newcastle Doctor, 1826-1829* (Boydell Press, 2001) p.293.

⁵¹ *Ibid.*

⁵² *Execution of Mark Sherwood which took place this day August 23rd 1844 &c* (Crow, Gateshead, 1816). Murder and Executions 8 (11) [Oxford, Bodleian Library, John Johnson Collection of Printed Ephemera](#) (JJ).

execution in the same month, was to cause national scandal and put paid to Newcastle's plans. Following the execution of William Saville at Nottingham's Shire Hall, on 7 August 1844, a crush ensued caused by spectators rushing to leave the packed streets.⁵³ The tragedy unfolded on the steep steps of nearby Garners Hill. Eleven were left dead at the scene and many more injured, the majority of whom were under twenty, with one victim only nine years old.⁵⁴ Noting the effect of the tragedy on the decision surrounding Sherwood's execution, the *Newcastle Courant* stated:

The sad occurrence which was lately witnessed at Nottingham...has caused the idea to be given up of carrying the sentence of the law into effect upon Sherwood in the immediate vicinity in the gaol, as it is feared some serious accident might happen (as at Nottingham) from the want of space to hold the vast multitudes who usually attend such occasions.⁵⁵

Reports initially suggested that the usual site 'on the Town Moor, a little beyond the Barracks' would be used instead; the site where 'criminals have been put to death for six hundred years.'⁵⁶ However, Sherwood's execution was to be like no other before or after, instead it took place on the opposite side of the Town Moor 'erected on the race course fronting Morpeth Road.'⁵⁷ The racetrack itself was triangular in shape and just shy of two miles in length and had been in operation since 1721, hosting many hugely popular race days. It had a grandstand at its North End, built in 1800, that played host to wealthier patrons, whilst all others entered from the Southern end of the course.⁵⁸

On the day of the execution, numerous precautions were taken at the site of execution to ensure that Sherwood was removed from immediate contact with the crowd and any potential crush. However, despite these efforts, on the commencement of his procession from the gaol to the Town Moor one broadside noted that a 'dreadful scene of confusion took place' owing to 'the crowd assembled being so dense' the police finding it 'impossible to

⁵³Judith Rowbotham, 'A "dreadful Occurrence" in Nottingham', *Nottingham Post*, 16 August 2014, online edn., <http://www.nottinghampost.com/Judith-Rowbotham-dreadful-occurrence-Nottingham/story-22755375-detail/story.html> [Accessed 15 December 2017]. 'Mr William Saville's Crime', *Manuscripts and Special Collections*, 7 August 2016, <http://blogs.nottingham.ac.uk/manuscripts/2016/08/07/mr-william-savilles-crime> (accessed 1 Aug 2017) .

⁵⁴ David Wardle, *Education and Society in Nineteenth-Century Nottingham* (Cambridge University Press, 2010), p. 30.

⁵⁵ *Newcastle Courant*, 16 August 1844, p. 4.

⁵⁶ *Ibid.*

⁵⁷ *Execution of Mark Sherwood which took place this day August 23rd 1844 &c* (Crow, Gateshead, 1816). Murder and Executions 8 (11) Oxford, Bodleian Library, John Johnson Collection of Printed Ephemera (JJ).

⁵⁸ An 1869 Map of proposed works on the Town Moor shows the outline of the triangular race track and the position of the grandstand. <https://newcastlecollection.newcastle.gov.uk/maps/plan-proposed-public-park-town-moor-castle-leazes-0> (accessed June 7 2017). For a brief history of the course itself see <http://www.twsitelines.info/SMR/4022>. (Accessed 6 June 2017).

keep them back.⁵⁹ Floods of people had been entering the town from the early hours of the morning, with estimates of between 25,000 and 40,000 spectators. The *Newcastle Courant* noted:

Along the whole route...to the Moor, dense crowds had assembled; and the windows of nearly every house were fully occupied by ladies and others anxious to catch a glimpse of the convict...A large proportion of these had come from neighbouring towns and villages, accompanied by their wives and children.⁶⁰

Unlike the cart execution of old a new scaffold had been constructed, using the 'drop' technology and numerous reports gave extensive details of its construction:

The scaffold was erected on an extensive plane, from every part of which a distinct view of the mournful operations could be obtained. The beam was nineteen feet in height, the drop nine feet by eight, and the entire apparatus occupied a space ten feet by eight. This was surrounded by a staked octagon, about seventy yards between its opposite sides, and none but the representatives of the press and official personages were admitted within the enclosure.⁶¹

Although it was the product of a last-minute compromise, Sherwood's execution marked a middle ground between a fully public execution and the more hidden spectacle of a prison execution that was to follow. The processional element remained, but the crowd were removed from the immediate site of the gallows and their access to the condemned limited further by the height of the raised scaffold that largely concealed his body on release of the drop.

In a remarkably prescient diary entry, one spectator at Sherwood's hanging, who had obtained a spot 'about twenty yards from the gallows', noted that 'a time is fast approaching when such murder will be no longer be perpetrated...probably another will never take place in Newcastle at least we will hope so.'⁶² Sherwood's execution garnered hitherto unprecedented attention at the Town Council. In a meeting on October 9 a motion was raised to petition for the wholesale abolition of capital punishment and many of the proponents used the spectacle of Sherwood's execution to present their case. Speaking for the motion Mr Alderman Donkin opined:

I cannot conceive anything more horrible than taking a man from prison, parading him through the streets up to the Town Moor, and then hanging him like a dog (hear, hear). Moral Effect! Why more picking of pockets takes place at the foot of the

⁵⁹ *Execution of Mark Sherwood which took place this day August 23rd 1844 &c* (Crow, Gateshead, 1816). Murder and Executions folder 8 (11) Oxford, Bodleian Library, John Johnson Collection of Printed Ephemera (JJ).

⁶⁰ 'Execution and Confession of Mark Sherwood', *Newcastle Courant*, 30 August 1844, p. 3.

⁶¹ 'Execution of Mark Sherwood for the Murder of his Wife', *Newcastle Journal*, 24 August 1844, p. 2.

⁶² Richard Lowry, *Diaries of Richard Lowry, Aug 23 1844. Diary*. DF.LOW/1/11..(Tyne and Wear Archives, Newcastle).

gallows than anywhere else in ten times as many days or weeks in the year.⁶³

Donkin's sentiments were not met favourably by all on the Council, but they were in line with several reports at the time of the execution. In particular one broadside noted that 'the Town Moor has got another victim, the disgusting apparatus of death has again raised its hateful head above the grass.'⁶⁴ Although not officially recorded, it was becoming apparent that the appetite for the repetition of such a public spectacle, amongst the opinion formers of the day was waning.

6 Another Brick in the Wall: Executing Patrick Forbes

The Nottingham crush was still the spectre at the feast some six years later, when Newcastle prepared for its next execution. In the run up to the hanging of Patrick Forbes in 1850, a report in the *Newcastle Journal* noted that whilst the decision on location ultimately lay with the Sheriff, he had called a special meeting with the local magistrates to discuss the matter. At the meeting 'there was a decided disinclination to make a parade of the prisoner, by conveying him in procession through the town to the Moor.' However, the Sheriff's suggestion that perhaps a van or 'covered vehicle' could be used to convey him was rebuffed by his lordships who stated that 'the sheriff had not any lawful authority to adopt the plan.'⁶⁵ The Sheriff's suggestion was not unprecedented in the region, indeed at the 1819 execution of twenty six year old watchmaker, Joseph Charlton, the newspaper reported that he 'was greatly afflicted at the idea of a public execution and expressed a desire that the gallows might be erected behind the prison, that he might escape the gaze of the multitude.'⁶⁶ This request, however, could not be complied with but a post-chaise was allowed him.

Following a 'survey and comparison of Carliol Square with the space in front of the prison at Nottingham' it was agreed that 'there seemed no reason to apprehend such a catastrophe in Newcastle from the locality selected.'⁶⁷ Despite grand central entrance gates leading out onto the biggest of the streets surrounding the prison, the eventual site chosen was against the North Wall of the prison. The scaffold was to face Carliol Street, one of three smaller

⁶³ Proceedings of the Town Council of the Borough of Newcastle for 1844. (Newcastle Upon Tyne, 1844). Newcastle Central Library, L352. p. 216.

⁶⁴ *Execution of Mark Sherwood which took place this day August 23rd 1844 &c* (Crow, Gateshead, 1816). Murder and Executions 8 (11) [Oxford, Bodleian Library, John Johnson Collection of Printed Ephemera](#) (JJ).

⁶⁵ 'Execution of Patrick Forbes', *Newcastle Journal*, 24 August 1850, p. 5.

⁶⁶ *Durham County Advertizer*, 17 April 1819, p. 2. It is worthy of note that the same report mentioned Charlton being of an 'honourable' family, further evidenced by the extraordinary attendance of some 2,000 people at his interment the same evening at Tynemouth.

⁶⁷ *Newcastle Journal*, 24 August 1850, p. 5.

side streets immediately facing the North Wall; the same spot initially mooted for Mark Sherwood's execution. Forbes' execution was set for 8am on Saturday 24 August, but as early as midnight on the Thursday before, masons had to make a huge hole in the wall for the prisoner to reach the scaffold. Creating the breach in the wall was a huge task. The thickness of the wall was some eighteen inches of freestone and took the masons a day and a half to complete. Eventually though,

The breach was made down to the basement course, nearly two feet above the level of the street and garden behind; the stairs leading to the platform were made to commence a short distance from the wall, and proceed direct through it, the prisoner landing on the platform, with his face to the public.⁶⁸

This drastic action was taken as it was feared that if the prisoner left through the front gates he would have to get through the crowd which would cause considerable excitement and danger. The authorities' fears of recovery attempts were now no longer hypothetical. In 1832, following his execution at Durham, William Jobling's body was gibbeted on a body of water called Jarrow Slake and, despite an initial heavy military presence and the widely published threat of seven years transportation, was surreptitiously stolen never to be recovered.⁶⁹

As Forbes stepped on to the gallows he was watched by an estimated 20,000 people who crowded the streets and every surrounding window and rooftop. He was swiftly launched into eternity and after hanging the customary hour, his body was taken inside the gaol. However, it was the behaviour of those watching that was the main focus of the newspaper reports that followed. The *Newcastle Journal* noted;

the composition of this crowd will be perfectly well understood by newspaper readers. Vast numbers were of that class which, in all large towns, delight in 'the horrible,' many were females of doubtful character, and not a few were recognised by the police as notorious pickpockets who doubtless plied their vocation as well as they could. Of course, no salutary impression, but the very reverse, could be produced on such parties by witnessing an exhibition so brutal and revolting.⁷⁰

After the grim spectacle the gaol wall was rapidly rebuilt. As one local newspaper put it, 'in a short time no trace of the fearful scene remained.'⁷¹

⁶⁸ 'Execution of Patrick Forbes', *Newcastle Journal*, 31 August 1850, p. 7.

⁶⁹ Ellen Wilkinson, *The Town That Was Murdered: The Life-Story of Jarrow* (London: Gollancz, 1939) p. 37.

⁷⁰ *Newcastle Journal*, 24 August 1850, p. 5.

⁷¹ 'Execution of Patrick Forbes', *Newcastle Courant*, 30 August 1850, p. 2.

7 The Blackguardism of the Town was Indeed Fully Represented: The Final Public Execution in Newcastle

That same fearful trace was to reappear one last time, some thirteen years later for the final public execution in Newcastle; that of George Vass. In the intervening period, several key changes had been made to the prison architecture that affected the decision of the authorities in siting its location. Unlike at Forbes' execution, where a breach was made in the North-facing wall opposite Carloli Street, a report in the *Newcastle Journal* detailed that 'the gallows on this occasion will be erected at the south-west corner of the gaol, opposite the Railway Bank and George the Fourth public-house.'⁷² The paper went on to note why:

The Female Ward now stands near Carloli Street, and Mr. Robins, the governor, was afraid of the effect which the tragedy might have upon the minds of the female prisoners, so he wisely resolved upon having the scaffold placed in the southern portion of the Gaol, where there is a large vacant space.⁷³

As well as this new consideration, the old concern of the behaviour of the crowd was a key factor in the staging. Testament to their unpredictability was evident the night prior to the execution when attempts were made to bring Vass' coffin into the gaol:

As the evening of Friday approached the crowd became denser, and about half past eight o'clock a murmur was heard, a rush followed, and, on enquiring the cause, we were informed that it was the arrival of the coffin, which proved the case. The two men who carried it had much difficulty in passing through the crowd, and but for the police clearing the way, its arrival would, no doubt, have been somewhat delayed...It is impossible to describe the excitement of the crowd on the arrival of these articles.⁷⁴

No breach was made in the wall for Vass' execution, instead the scaffold was erected inside the high prisons walls, within about a foot of the top. One paper noted that 'nothing is visible from the street but the beam of the scaffold.'⁷⁵ Despite the efforts of the authorities though, it was the behaviour of the crowd and not the effectiveness or justness of the punishment that filled the newspapers. The *Newcastle Courant* noted that their 'conduct on this occasion was unseemly in the extreme. Shouts and cheers were repeatedly given; and many persons were trampled underfoot, or fainted from fear and exhaustion; whilst the crowd, unheeding the sufferings of a few, strove to obtain a nearer view of the scaffold.'⁷⁶ The *Newcastle Journal* opined that, 'the blackguardism of the town was indeed fully represented.'⁷⁷

⁷² 'Execution of George Vass', *Newcastle Courant*, 13 March 1863, p. 8.

⁷³ 'The Execution of George Vass', *Newcastle Journal*, 16 March 1863, p. 3.

⁷⁴ *Newcastle Journal*, 16 March 1863, p. 3.

⁷⁵ 'The Execution of George Vass', *Newcastle Journal*, 14 March 1863, p. 3.

⁷⁶ 'Execution of George Vass', *Newcastle Courant*, 20 March 1863, p. 2.

⁷⁷ *Newcastle Journal*, 16 March 1863, p. 3.

Despite the spectre of Nottingham and the best efforts of the authorities, a crush ensued and although there were no fatalities, several were injured and taken to the neighbouring police station at Manors.⁷⁸ In short, this was a crowd that was not conforming to the model of behaviour expected of it and was arguably only getting worse. As one newspaper put it,

'The conduct of the crowd thus assembled was, in one respect, about as bad as it could be and fully proved the folly of imagining that public executions have any salutary or restraining influences upon those who witness them.'⁷⁹

Conclusion

Vass' rooftop execution was the logical conclusion of a spectacle in crisis. One that required the public gaze for its legitimacy but found their attendance and behaviour increasingly unhelpful, inconvenient and abhorrent. In incremental steps, between 1844 and 1863, the Newcastle authorities had removed the condemned from interaction with the crowd to the point, in Vass's case, where he was no more than a head high above the prison wall, barely visible to any and more importantly largely inaudible to all. In doing so, severing any latent agency in his actions and words, a feature so characteristic of earlier public executions.⁸⁰ Unlike at neighbouring Durham and York, Newcastle never made specific provision for prison-sited executions and as such their staging in this period was piecemeal and reactive. This lack of provision was in part a result of the relatively limited incidence of capital punishment. Of the changes that were made, far from being driven by an ideological underpinning or London-led model, the chief concerns regarding the staging of these executions were the behaviour of the crowd and the safety of the prisoner and the public. So, what do the actions of the Newcastle authorities have to say regarding our wider understanding of the changing nature of punishment? Much as the early work on the 'uneven' geography of capital punishment has highlighted major flaws in the assertion of a universally experienced 'bloody code', so this article highlights significant regional variance in both the reasoning and timing of the changes to the presentation of execution.⁸¹ In as much, even to speak of a unified regional picture of change is difficult and thus must complicate the notion that the regions of England experienced a simple and largely unified model of, London led, change in how they presented the execution spectacle.

⁷⁸ *Newcastle Journal*, 16 March 1863, p. 3.

⁷⁹ *Ibid.*

⁸⁰ See the following works: Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (Hambledon Continuum, 2007); J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England', *Past and Present*, no. 107 (1985), 144–67.

⁸¹ King and Ward, 'Rethinking the Bloody Code', p. 162.