

The Tyburn Riot Against the Surgeons

*Poor Brother Tom had an Accident this time Twelvemonth, and so clever a made
Fellow he was, that I could not save him from those fleeing Rascals the Surgeons;
and now, poor Man, he is among the Otamys at Surgeons Hall.*

JOHN GAY, *The Beggar's Opera*

*Our penal laws punish with death the man who steals a few pounds; but to take by
violence or trepan a man is no such heinous offense.*

MARY WOLLSTONECRAFT, *Vindication of the Rights of Man*

I

'O yes! O yes! O yes! My Lords, the King's Justices, strictly charge and command all manner of persons to keep silence while sentence of death is passing on the prisoners at the bar, on pain of imprisonment.' The court room thus silenced by the crier, one of the king's justices arose from his seat and regarded the prisoner directly, his view unobstructed by the nosebags placed on the bench to sweeten the air otherwise fouled by the stench of the criminal. He then spoke the terrible words, 'The law is, that thou shalt return from hence, to the Place whence thou camest, and from thence to the Place of Execution, where thou shalt hang by the Neck, till the body be dead! dead! dead! and the Lord have Mercy upon thy Soul.' The prisoner, shackled, sometimes close to expiring from gaol-contracted typhus, occasionally with spirit enough to damn his prosecutor and the jury, was returned to the condemned cell in Newgate there to bide the time until the next hanging took place upon the gallows some three miles west of Newgate across London at Tyburn. There he was hanged, *in terrorem*, testimony to the Majesty of the Law, a Dreadful and Awful Example to Others, a Sacrifice to his Country's Justice.¹

1. The hanging sentence is quoted in Martin Madan, *Thoughts on Executive Justice with respect to our Criminal Laws*, 2nd edn, 1785, p. 26.

Albion's Fatal Tree

Or at least this was the hope. While terror, majesty, dread and some pity (as provided by the Ordinary of Newgate's last ministrations to the condemned) were the emotions that the state sought to arouse in the multitudes witnessing the hanging, the low slang and canting dictionaries that have survived to record the speech of the eighteenth-century London poor give us a different picture. In contrast to the solemn abstractions of the law the speech of the labouring class described the hanging with irreverence, humour and defiance.

The hanging words uttered by the king's justice were 'cramp words'. A hanging day was a 'hanging match', a 'collar day', the 'Sheriff's Ball', a 'hanging fair' or the 'Paddington Fair'. To hang, like a dance, was 'to swing', to 'dance the Paddington frisk', 'to morris'. It was 'to go west', 'to ride up Holborn hill', 'to dangle in the Sheriff's picture frame', 'to cry cockles'. After a trap door in the scaffold was introduced to replace the horse and cart which formerly had drawn away the support beneath the felon's feet, to hang was 'to go up the ladder to rest'; it was 'to go off with the fall of a leaf'. To be hanged was to be jammed, frummagemmed, collared, noozed, scragged, twisted, nubbed, backed, stretched, trined, cheated, crapped, tucked up or turned off. Awe, majesty and dread were riddled to their proper meaning, death by hanging. What was to dance at Beilby's Hall where the Sheriff plays the music? What was to ride a horse foaled by an acorn? It was to hang. Such a death was not pretty. Hanging was to have a wry mouth and a pissen pair of breeches; it was to loll out one's tongue at the company. A man hanged will piss when he cannot whistle.¹

The engine as much as the fact of the state's ultimate power became the theme of scores of proverbs, riddles, words and descriptions bearing evidence to the facts that London, as an older historian put it, was a 'city of the gallows', and that its people both recognized this and accommodated themselves to it, but upon their own terms.² The scaffold consisted of three posts, ten or twelve feet high, held apart by three connecting cross-bars at the top. It stood at Tyburn from the early Tudor period until 1783 when a new scaffold was constructed in Newgate. Tyburn was St Tyburn, the three-legged mare, the three-legged stool. As it bore fruit the whole year round it was the deadly nevergreen. It was the trining cheat, the

1. The most comprehensive eighteenth-century canting dictionaries are Anon., *A New Canting Dictionary*, 1725, and Francis Grose, *A Classical Dictionary of the Vulgar Tongue*, 1785, but see also George Parker, *A View of Society and Manners in High and Low Life*, vol. II, 1781, and Charles Hitchin, *The Regulator*, 1718. Eric Partridge's private edition of Grose's dictionary notes more than a hundred different cant denominations for the gallows. Only the number of names for money exceeded that for the gallows.

2. Alexander Andrews, 'The Eighteenth Century; Or Illustrations of the Manners and Customs of our Grandfathers', *The New Monthly Magazine*, 105 (1855), p. 370.

topping cheat, the nubbing cheat, the cramping cheat, or simply, the cheat.

Death by hanging, like most kinds of death in the eighteenth century, was public. Not isolated from the community or concealed as an embarrassment to it, the execution of the death sentence was made known to every part of the metropolis and the surrounding villages. On the morning of a hanging day the bells of the churches of London were rung buffeted. The cries of hawkers selling ballads and 'Last Dying Speeches' filled the streets. The last preparations for death in the chapel at Newgate were open to those able to pay the gaoler his fee. The malefactor's chains were struck off in the press yard in front of friends and relations, the curious, the gaping and onlookers at the prison gate. The route of the hanging procession crossed the busiest axis of the town at Smithfield, passed through one of the most heavily populated districts in St Giles's and St Andrew's, Holborn, and followed the most-trafficked road, Tyburn Road, to the gallows. There the assembled people on foot, upon horseback, in coaches, crowding near-by houses, filling the adjoining roads, climbing ladders, sitting on the wall enclosing Hyde Park and standing in its contiguous cow pastures gathered to witness the hanging. By the eighteenth century this crowd had become so unruly that the 'hanging match' became well known to foreign visitors and English alike as both a principal attraction of the town and a periodic occasion of disturbance.

The efficacy of public punishment depends upon a rough agreement between those who wield the law and those ruled by it. Whipping, ducking and the pillory, like public hangings, depended upon the public infliction of ignominy, execration and shame. As hangings were attended with disruptions, threatened rescues, disorders, brawls and riot, by the time of the eighteenth century order at them rested less upon community consensus in the justice of the sentence or in the manner of its execution than by the force of arms and the spectacular terror in the panoply of a state hanging. The fracture in conceptions of justice did not heal. In 1783 it was more firmly separated and the dangers to the body politic of this rupture were reduced by the removal of the site of execution to the safer confines of the prison walls in Newgate. Hangings were still public but, in the abolition of the procession to the gallows, a step had been taken towards privately inflicted punishment and a major source of disorder at hangings had been removed.¹

'All grandeur, all power, all subordination rests on the executioner: he is the horror and the bond of human association. Remove this incomprehensible agent from the world, and at that very moment order gives way to chaos, thrones topple, and society disappears'; so wrote de Maistre at

1. James Heath, *Eighteenth Century Penal Policy*, 1963, develops this theme.

the end of the eighteenth century. While his conception of state power had clearly become obsolete in the conditions of nineteenth-century England, very few of those concerned with grandeur, power and subordination in eighteenth-century England would have found in his formulation much to disagree with. Defoe recommended solitary confinement of the condemned in the days before hanging – no drink, no visitors, no light and the simplest food. Bernard de Mandeville writing in 1725 was equally distressed by the discord and chaos of hangings and recommended that a greater contingent of municipal and military officers should be present in the procession and at the hangings. Henry Fielding found in the disorders at the hanging one of the causes of the increase of robbery at mid-century. He advocated removing hangings from public view: 'a Murder behind the Scenes, if the Poet knows how to manage it, will affect the Audience with greater Terror than if it was acted before their Eyes.' After mid-century, criticism of the management of hangings became commonplace. That of Francis Place, while not important in his own day, is perhaps the most frequently quoted by historians. The public's support of the condemned, the felon's behaviour, the carnival atmosphere and the ineffectuality to deter criminals are indiscriminately mixed together in a sustained and curiously embittered attack upon the Tyburn hangings. 'No solemn procession, it was just the contrary; it was a low-lived, black-guard merry-making.' In a judgement uncritically accepted by several generations of historians he wrote of the people comprising the crowd at Tyburn: 'the whole vagabond population of London, all the thieves, and all the prostitutes, all those who were evil-minded, and some, a comparatively few curious people made up the mob on those brutalizing occasions.'¹

Few history-books of eighteenth-century England fail to mention the spectacle of public hangings at Tyburn. Indeed, so often is it, as a symbol of all that is bestial, violent and brutal in eighteenth-century society, counterposed to the architecture, taste, music and literature of genteel civilization that it has lost whatever accurate connotations it once may have had and has now entered the ranks of the historical cliché. A passing reference to the 'harshness of the criminal code', the 'brutal spectacle of public hangings' or the 'love of aggression of the London mob' and we are brought back to the civility of life in well-landscaped gardens, the Good Sense of the Hanoverian compromise, and the quiet accumulation quantified in account-books of London and Bristol merchants. Undis-

1. Daniel Defoe, *Street Robberies Considered*, 1728, pp. 52-4; Bernard de Mandeville, *An Enquiry into the Causes of the Frequent Executions at Tyburn*, 1725, pp. 23-4; Henry Fielding, *An Enquiry into the Causes of the Late Increase of Robbers &c.*, 2nd edn, 1751, p. 189; Brit. Mus. Add. MSS 27,826 (Place Collection, 'Grossness'), fo. 107.

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turbed except by these minor shoals, eighteenth-century English history, slowly, inevitably, meanders on, a broad river spreading peace and bounty to adjoining fields, carrying forward those mighty vessels, 'Trade and Commerce' and the 'Constitution'.

It is, certainly, a pleasant scene and one which we would be reluctant to upset were it not for the fact that amidst all the outcry, denunciations and arguments for the reform of public hangings nowhere are we told exactly why, year after year (there were as many as eight hanging days in one year), they were disrupted by brawls, disorders and tumults. The three-mile procession through the metropolis from Newgate Gaol to the gallows and the rather maladroit rituals of state hanging performed before sometimes thousands of people not only caused inconveniences to the commercial traffic into London, or nuisance to the Whig and Tory building speculators laying out the Augustan squares of the West End; the hangings also presented an increasingly intolerable irritation to the order of the City and the dignity of the Law.

The surgeons and physicians, their beadles and porters, were the most common targets in these disorders. By the beginning of the eighteenth century, at the gallows standing at the conjunction of the Tyburn and Edgware roads, we find that the history of the London poor and the history of English science intersect. Advances in one branch of medicine, anatomy, depended as much upon eighteenth-century penal practices as it did upon the idealist transmission of knowledge. (One historian ascribes the medical 'revolution' of the early eighteenth century to the scientific 'revolution' of the late seventeenth century, itself the product of the philosophical 'revolution' of the early seventeenth century.)¹ The law passed judgement in sable garments and executed sentence with the red towel of the dissecting room. A main cause of disturbances at hanging days lay in the relations between the judges sitting at the Old Bailey and the physicians and surgeons around the corner in Warwick Lane and Cripplegate. On the other hand, it appears as though a precondition of progress in anatomy depended upon the ability of the surgeons to snatch the bodies of those hanged at Tyburn.

II

An emphasis upon teaching and clinical experience characterized British anatomy in the eighteenth century. It was not the Royal College of Physicians and the Company of Barber-Surgeons, two corporations

1. Peter Gay, *The Enlightenment: An Interpretation*, vol. II, *The Science of Freedom*, 1969, pp. 12-13.

chartered in the sixteenth century to train doctors and surgeons, which took the lead in the promulgation of these new methods. Advances in the understanding of morphology, pathology and therapeutics upon which rested the pre-eminence of British anatomy in the eighteenth century grew out of the patient work conducted by anatomists at the private teaching schools and the hospitals of London, both of which had to proceed against the jealousies of the College of Physicians and the Company of Barber-Surgeons. At the beginning of the century the doctors of St Thomas's, St Bartholomew's and St George's hospitals began to train their own students and conduct their own dissections. The foundation of other hospitals (Westminster in 1719, London in 1740 and Middlesex in 1745) extended the teaching of anatomy to an even larger extent and, perforce, added to the demand for corpses.¹

William Hunter, the most important anatomist of eighteenth-century Britain, recalled his schooling at Guy's Hospital during the 1730s when the new methods of teaching were still unorthodox (and expensive): 'I attended as diligently as the generality of students do, one of the most reputable courses of anatomy in Europe. There I learned a good deal by my ears, but almost nothing by my eyes, and therefore hardly anything to the purpose. The defect was that the professor was obliged to demonstrate all the parts of the body upon one dead body.'² To attend a dissection cost five guineas and to perform a dissection cost seven. By the middle of the 1740s empirical experience in the dissection of corpses had become conventional practice in surgical training. A guide to trades and professions described the surgeon in terms which a generation earlier would have been unthinkable. 'The young Surgeon must be an accurate Anatomist, not only a speculative but practical Anatomist; without which he must turn out a mere Bungler. It is not sufficient for him to attend Anatomical Lectures, and see two or three Subjects cursorily dissected; but he must put his Hand to it himself, and be able to dissect every Part, with the same Accuracy that the Professor performs.'³

Owing then to both the changed methods of teaching anatomy and the creation of additional schools, the demand for corpses increased suddenly in the early eighteenth century. The Royal College of Physicians, by letters patent granted by Queen Elizabeth and renewed by Charles II, was allowed 'the Bodies of One or Six Persons condemned to Death

1. Richard H. Shyrock, *The Development of Modern Medicine: An Interpretation of the Social and Scientific Factors Involved*, 1948, and K. F. Russell, *British Anatomy 1525-1800: A Bibliography*, 1963.

2. Quoted in Samuel Wilks and G. T. Bettany, *A Biographical History of Guy's Hospital*, 1892, pp. 87-8.

3. R. S. Campbell, *The London Tradesman*, 1747, p. 50.

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within London, Middlesex, or Surrey for anatomical Dissection. . . ' and a royal grant permitted the Company of Barber-Surgeons the bodies of four executed felons a year.¹ These were the only authorized sources for getting corpses in London, and they permitted a maximum of ten corpses a year. The hospitals and private schools to whom the corpses were most necessary had therefore to rely upon illegal and hazardous methods. They either robbed graves or competed with the agents of the Physicians and Surgeons for the bodies of hanged malefactors.

In 1723, a year in which corpses were especially costly to obtain, a body-snatcher in Southwark was sentenced at Guildford Assizes to be whipped. The parish officers of the Savoy risked the violence of the mob when they returned the body of a condemned man to the surgeons after the Tyburn mob had put it in their graveyard. The Riot Act was read against 'several People' who assembled in St Giles's churchyard 'upon the Reasons they had to suspect some inhuman Practises with regard to dead Bodies, which it seems were no sooner interr'd than dug up and sold to Anatomists'. In 1736 the grave-digger of St Dunstan's, Stepney, who sold bodies to a private surgeon, felt the full fury of the courts' sentence upon him:

Sentence was executed upon him very severely by John Hooper, the then common Executioner; and on the Day appointed for him to be whipped; there was, perhaps, the greatest Concourse of People that ever was known. A Mob of Sailors and Chimney Sweepers rendezvouz'd in Stepney Church-yard, and when [the] poor Culpit was ty'd to the Cart, they led the Horses so slow, that he received some Hundreds of Lashes, the Hangman being encouraged by the Mob (who gave him a good deal of Money) not to favour the Delinquent, but to do his Duty.

Only a few months earlier the same hangman had to appear before the Court of Aldermen to answer charges that he sold the bodies of condemned criminals to private surgeons.²

Agents from the hospitals and private surgeons, we know, also loitered about Newgate prison on the morning of hanging days offering to buy the bodies of the condemned. John Wilkins, a veteran of the battle of Fontenoy, inquired after 'a Surgeon to purchase his Body' so that he could pay his expenses in prison. In 1752 William Signal sold his body to the surgeons in order to buy decent clothes to hang in, 'for, by G—d, he was resolved to die game'. John Hill lay in Newgate in 1744. On the morning of his hanging 'after Prayers was over, as he was going out of Chapel,

1. Petition of the President of the Royal College of Physicians, 5 February 1723-4. *CJ*, xx, p. 253; and Sidney Young, *The Annals of the Barber-Surgeons of London*, 1890.

2. See Anon., *A Genuine Narrative of the Sacrilegious Impiety of John Lamb*, 1747, p. 6; *Worcester Journal*, 9 November 1723; *British Journal*, 9 February 1723; GLCRO (Mdx Div.), 'Confession of Thomas Jenkins, 9 April 1736', *Sessions Papers*, MJ/SP 58.

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ask'd a Gentleman, why he looked at him, do you know me? No, Friend, replied the Gentleman. I suppose, says Hill, you are some Surgeon, and if I had a knife in my Hand, I would slit you down the Nose.' A private surgeon in 1738 acquired the body of Isaac Mortished just after he was cut down from the gallows. In 1741 Elizabeth Fox hanged for a small theft was taken to St Thomas's hospital by the agents of their surgeons. That a considerable private trade in dead bodies existed is suggested by the fact that when Lavater, a Swiss anatomist, lectured at the Ashmolean Museum in 1710 he was able to obtain corpses from London without much trouble. The commerce in dead bodies was a dark, shoddy business and while the evidence for it must necessarily be scattered and indirect the study of anatomy in the eighteenth century could not have been done without it.¹

With the advance in understanding of anatomy and the corresponding development of private trade in corpses, we can find in the early eighteenth century a significant change in attitude towards the dead human body. The corpse becomes a commodity with all the attributes of a property. It could be owned privately. It could be bought and sold. A value not measured by the grace of heaven nor the fires of hell but quantifiably expressed in the magic of the price list was placed upon the corpse. As a factor in the production of scientific knowledge, the accumulated rituals and habits of centuries of religion and superstition were swept aside. Bernard de Mandeville, himself trained as a physician, but known mainly for demonstrating that 'private vices are public virtues' in *The Fable of the Bees*, wrote a series of articles for the *British Journal* in the months before Jonathan Wild was hanged in 1725. Addressed to 'men of business', they provide the first utilitarian defence in eighteenth-century England of the dissection of condemned criminals.

I have no Design that savours of Cruelty or even Indecency, towards a human Body; but shall endeavor to demonstrate that a superstitious Reverence of the Vulgar for a Corpse, even of a Malefactor, and the strong Aversion they have against dissecting them, are prejudicial to the Publick; For as Health and sound Limbs are the most desirable of all Temporal Blessings, so we ought to encourage the Improvements of Physick and Surgery. . .

However, even if the relatives of the dead felt themselves or their dead relation defiled by this procedure 'the Dishonour would seldom reach beyond the Scum of the People'. Mandeville wondered why the thieves who injured the public were not grateful for this opportunity of making

1. *The Ordinary's Account*, 21 January 1747; *ibid.*, 13 July 1752; *ibid.*, 24 December 1744; *ibid.*, 8 March 1738; *Daily Post*, 19 March 1741; and T. Hearne, *Remarks and Collections 1705-1735*, Oxford Historical Society, 1884-1918, vol. viii, p. 156.

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a useful restitution to it. By the end of the century some writers combined arguments of scientific utility with the language of political economy and wrote of the 'supply and demand' of dead bodies. Such arguments of scientific utility were still rare in the early eighteenth century and typically were mixed with the frank expression of class hatred. In retrospect we know that any justification utilitarian arguments may have had applied only to the practices of the private schools and the teaching hospitals, the sites of progress in anatomical knowledge.¹

Neither the Crown (which granted the bodies of condemned felons to the Physicians and the Surgeons) nor the legislature (which strengthened by law the royal grants) regarded the dissection of felons from the standpoint of science; far from it. They were motivated less by the hope of causing 'Health and sound Limbs' than by the anticipation of dishonour to the 'Scum of the People'. The Crown and Parliament were assisted in their punitive views by the backward, if not reactionary, attitude towards teaching maintained by the College of Physicians and the Company of Barber-Surgeons. In contrast to the empirical teaching methods of the private schools and the teaching hospitals, they taught their students by disputation and demonstration. The Company of Barber-Surgeons held four public lectures a year, each lasting three days, during which time a corpse was dissected. Lectures concluded with a banquet whose cost was the largest single item in the annual budget. Unaffected by the new teaching and research methods, both institutions nevertheless faced difficulties by the beginning of the eighteenth century in getting their bodies from Tyburn, difficulties caused in part by the increasing competition at the gallows from the agents of the private surgeons and the hospitals.²

In 1694 it cost the beadle of the Royal College more than thirteen shillings to get a body at Tyburn, twelve shillings to pay two men to help carry it away in a coach, six shillings for the coach, and another four shillings of miscellaneous expenses, thirty-five shillings all told. Twenty years later it cost the College twenty shillings just to pay the Sheriff to sign the warrant granting the College the body of the hanged felon. The College found that if it did not pay the Sheriffs' officers enough, the private hospitals would pay more and take possession of the bodies. In

1. Mandeville, *op. cit.*; William Rowley, *On the Absolute Necessity of Encouraging . . . the Study of Anatomy*, 1795, and Edward G. Wakefield, *Facts Relating to the Punishment of Death in the Metropolis*, 2nd edn, 1832, p. 207; Charles Singer and S. W. F. Holloway, 'Early Medical Education in England', *Medical History*, vol. IV, January 1960.

2. The Barber-Surgeons' Company, *Audit Book 1715-1785*, Guildhall Library, MSS 5255, vol. III; and N. Goodman, 'The Supply of Bodies for Dissection: A Historical Review', *Arris and Gale Lecture*, 1944, MSS at the RCS.

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1720 the President of the College 'acquainted the College with the difficulty of getting bodies from the gallows for publick dissection' and ordered a petition be drawn up to Parliament. After reviewing the Letters Patent of 7 Elizabeth and 15 Charles II, the petition went on to complain that

the felons and other Malefactors condemned to be executed in and about this City through the dread & fear which they generally have from an apprehension of their body's being dissected after their execution do very often prevail on their Confederates & other disorderly people to take & carry away the executed bodys in defiance of all legal authority in a forcible & violent mannèr whereby great dangers & mischief frequently happen to the persons who attend to have & take an executed body for your petitioners & the Sheriff's Officers who attend such executions sometimes pretend that they are not obliged or at least not able to assist your petitioners therein By which means your petitioners are deprived of the privileges granted them by the said Royal Charters & prevented from having such bodys for the publick use aforesaid and Malefactors are in some measure encouraged by assurance of having their body's rescued from a dissection which to some renders the Sentence of the Laws more terrible.

Apparently nothing came of their petition and three years later the President proposed that the College should attempt to obtain an Act of Parliament 'for securing executed Bodys'.¹ In December 1723 a draft of a bill was prepared and in February 1724 it was read for the first time in the House of Commons. In April the bill was read in committee of the House of Lords: 'The next Clause, Enacting a Confirmation of Powers formerly granted by Charles for the College of Physicians to take certain Bodies Executed for Felony & other Offences, for Anatomies, Read. After Debate, the same was agreed to be Left out, as were likewise the rest of the Clauses in the Bill the same relating to the Matter of Executed Bodies for Anatomies.'² This appears to have been the last attempt by the Royal College to assure to itself 'executed Bodys'; their *Annals* for the rest of the century contain no mention, at any rate, of attempts to do so.

Similar problems of mounting opposition at the gallows, escalating costs for obtaining bodies, and more frequent complaints to Parliament characterized the history of the Barber-Surgeons' Company during the first two decades of the eighteenth century. Unlike the Physicians, however, the Barber-Surgeons persisted at least into the 1750s in their

1. Envelope 45a., MSS Box 4, RCP Library; 'Cash Book 1664-1726' and 'Cash Book 1726-1778', RCP Library; *Annals*, vol. VIII (1710-21), p. 233, RCP Library; 'Petition to the House of Commons', Envelope 179, MSS Box 9, RCP Library.

2. *CJ*, vol. XX, 24 February, 10 March, 13 March, 17 April 1724. HLRO, MS of Proceedings (*Minute Book*), vol. LXX, pp. 207-10; also HLRO, 'Main Papers', 31 March 1724.

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attempts to obtain corpses from Tyburn. At the beginning of the century they customarily paid the hangman a Christmas box worth two and a half shillings; by the 1720s its value increased fourfold. The Company also paid a customary fee to the Sheriff's officers when a body was delivered successfully to the Company Hall. The beadles of the Company in addition to their regular salary were given encouragement of £2 for each body they seized at Tyburn. In 1718 'My Lord Chief Justice Parker's Tipstaff' was paid £1 'for taking up severall persons who rescued the Dead Body from the Beadles'. On several occasions the Barber-Surgeons prosecuted those who attempted to rescue the bodies from them, each time the costs of prosecution exceeded £15. If the condemned man's clothes were torn or lost after he was cut down from the gallows, the hangman (for whom the clothing of condemned felons was an important perquisite of office) had to be compensated for the loss. In 1724 hackney coachmen were paid £4 13s. od. 'for Damages done to their Coaches this year in fetching Body's from Tyburn'. Witnesses to the Tyburn riots had to be paid to testify in court. The cost of printing the Court of Alderman's orders permitting the Company dead bodies sometimes amounted to £5. Windows broken during rioting were replaced at the Company's cost. Constables had to be paid to protect the surgeons and their Hall during the four annual lectures.¹

At the time that the Physicians petitioned Parliament, the Barber-Surgeons at a cost of £20 petitioned the Secretary of State:

That within few years last past great Numbers of Disorderly and riotous persons have frequently assembled themselves at the Place of Execution and with open Violence forced away the dead bodyes from your Petitioners Beadle tho' assisted by the Sheriff of the County in obtaining your Petitioners right and particularly at the Past Publick Execution several of Your Majesty's Guards surrounded the Gallows and threatened the life of your Petitioner's Officer in case he offered to carry away any of the said Dead bodys but who such persons were or to what Regiment they belonged Your Petitioners have not as yet been able to discover. That your Petitioners have prosecuted Sundry of the said Rioters at Law from time to time But it is so very Difficult for your Petitioners to find out the names and places of abode of the persons who thus Interrupt them and such Prosecutions are attended with so much Expense to your Petitioners that your Petitioners cannot hope to Suppress this growing Evil effectively by any method within their own Power.

The Surgeons then reminded the Secretary of State of their usefulness to the Royal Navy (whose surgeons they examined) before concluding:

1. The Barber-Surgeons' Company, *Audit Book 1715-1785*, vol. III, Guildhall Library, MSS 5255; and Company of Surgeons, *Minute Book of the Court of Assistants 1745-1800*, vol. I, RCS Library.

'Your Petitioners Do most humbly Pray that your Majesty will be most Graciously pleased to permit and direct that a File or two of Your Majesty's Foot Guards shall upon your Petitioner's application to the Commanding Officer attend the Publick Executions from time to time to see that no Interruption be given to your Petitioner's Beadle in the taking away so many Dead Bodies yearly as are granted. . .'¹ The Foot Guards were often deployed in 'A File or Two' at Tyburn thereafter, but did not do much good. During the 1730s and 1740s the Barber-Surgeons frequently complained to the Court of Aldermen about the 'great Numbers of loose and disorderly persons [who] often assemble at the place and times of Execution'. The Court responded by ordering the attendance of both Sheriffs of London, by arousing the civil officers of Middlesex to guard the crowds at the hangings, and by providing arms to the sergeants and yeomen of the City compters who also attended as guards.²

The Christmas boxes to the hangmen, the petition to the Secretary of State, the bribes to the constabulary, the application to the War Office, the specially hired beades' assistants, the stream of complaints to the Aldermen, none of these policies secured a cheap and regular supply of bodies to the Surgeons. The cost of obtaining corpses was still high: in the period 1715-50 the Company disbursed over £465 for the purpose, an amount which averaged (assuming the Company got four a year) at £3 7s. od. a corpse. The account-books of the Court of Assistants of the Company supply us with the evidence to measure the difficulties the Barber-Surgeons faced at the gallows. The startling drop of costs in the period following the late 1740s, as illustrated in the graph (p. 77) reveals a deep change in the conditions of getting the bodies of executed men and women. Owing to the results of the Penlez Riots of 1749 and 'An Act for Preventing the horrid Crime of Murder' (usually called the 'Murder Act') passed in 1752, the balance of forces at the gallows shifted in favour of the friends of the condemned while the Surgeons won new legislation which partially removed the obstacles to obtaining bodies.

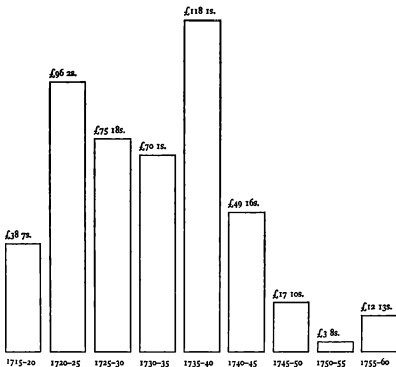
Except for a minority of surgeons and sympathetic observers, dissection was considered less as a necessary method for enlarging the understanding of *homo corpus* than as a mutilation of the dead person, a form of aggravating capital punishment. The preamble to the 'Murder Act' (25 Geo. II, c. 37) stated, 'it is become necessary that some further Terror and peculiar

1. PRO, SP 35/19/57. 'The humble Petition of the Masters or Governours and Assistants Livery and Freemen of the Company of Barbers and Surgeons of London.' See also Christopher Lloyd and Jack L. S. Coulter, *Medicine and the Navy*, 1961, vol. III.

2. Lond. Corp. RO. *Repertories of the Court of Aldermen*, CXI 83, CXXXIII 172, CXXXIX 264-5, CXL 377, CXLIV 311.

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Mark of Infamy be added to the Punishment.¹ And so dissection by the Surgeons and public exposure of the corpse was added to the punishment of death by hanging. Although the Parliament's sole interest in the law



The cost to the Barber-Surgeons' Company of getting corpses at Tyburn (five-year totals, 1715-60).²

was in making the death sentence terrifying, the Company of Surgeons, happy at this coincidence between the interests of criminal deterrence and its own, immediately appointed a committee to aid the legislature in its intentions. In addition to the reasons for criminal deterrence, the Ordinary of Newgate culled his scriptures to find in Genesis 6: 5-6 (where

1. For an account of the provisions of the Act and the circumstances of its passage, see Radzinowicz, vol. 1, pp. 208 *et seq.*

2. The figures used to make this graph were compiled from two sources: the Barber-Surgeons' Company, *Audit Book 1715-1785*, vol. III, Guildhall Library, MSS 5255, and for the period following 1745 (after the surgeons and barbers split company), the Company of Surgeons, *Minute Book of the Court of Assistants 1745-1800*, vol. 1, RCS Library.

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God grieves at the wickedness of man and repents of having made him divine vindication of the act. A provision denying Christian burial to murderers is singled out for particular praise 'lest the Earth should again be filled with Violence'. Finally the Ordinary brings to bear the dreadful prophecy of Revelation: 'But the fearful, and unbelieving, and the abominable, and murderers, and whoremongers, and sorcerers, and idolaters, and all liars, shall have their part in the lake which burneth with fire and brimstone: which is the second death.' Thomas Wilford, a one-handed workhouse orphan, saved twelve shillings and married a fruit-seller of St Giles-in-the-Fields. One evening in Dyot Street in a drunken fit of jealousy he killed her. After the court pronounced the new sentence upon him he 'was taken from the bar weeping and in great agonies, lamenting his sad fate'. He was the act's first victim.¹

In the first half of the eighteenth century empirical discoveries advanced the science of anatomy and established British predominance in the field. The private surgeons working in their own schools or in hospitals, without the help of the College of Physicians or the Surgeons' Company, made these discoveries. Their needs led to an enormous increase in the demand for corpses. Their struggle to obtain bodies from the gallows threatened the ancient privileges of the College of Physicians and the Barber-Surgeons' Company. This conflict, however, lay concealed beneath a far more serious antagonism. The combined demands of the Physicians and the Surgeons on one hand and the surgeons of the schools and the hospitals on the other produced an intolerable situation to the 'loose and disorderly Persons' gathered beneath the gallows' tree, whose violence against all types of surgeons intensified.

Such were the factors causing the disturbances at Tyburn. The relative peace which settled at the gallows after mid-century resulted from the partial satisfaction of the interests of all parties. The Physicians, as appears from their records, ceased to obtain bodies from Tyburn by the third decade of the century. After 1752 the Company of Surgeons received a regular supply of them. The private surgeons got corpses from parish graveyards and from those of their own hospitals, but not from the gallows. This unsteady settlement arose not from arguments with the 'Scum of the People' but from their own protracted struggles.

1. *Minute Book of the Court of Assistants of the Company of Surgeons*, vol. 1, p. 50, RCS Library; *The Ordinary's Account*, 2 July 1752; *London Magazine*, vol. xxi, July 1752, p. 333; *British Weekly Journal*, 9 July 1752.

III

The surgeons and physicians called their opponents at the gallows 'loose and disorderly Persons'. To Mandeville they were the 'Scum of the People'. To the newspapers that reported the disturbances they were simply the 'Mob'. In the case of some of the disturbances, direct evidence survives which enables us to know much more about the members of the Tyburn crowd; but in the majority of instances we must infer their backgrounds from the type of appeals which the condemned felons often made to those they hoped would protect them from the surgeons. Those to whom the felons appealed for help and those actually initiating the battle for possession of the corpse can conveniently be described by five kinds of solidarities – the family, the personal friends, fellow workers, the Irish and sailors – though (as we shall see) these particular divisions were often transcended in the general passion of struggle.

Felons appealed first to their families. Martin Gray got into trouble when he violated his apprenticeship indenture to a Thames fisherman by marrying before his time was up. He became a pickpocket, was caught, and sentenced to transportation. He returned early from America, was caught again, and hanged in 1721. He said 'he was greatly frighted lest his Body should be cut, and torn, and mangled after Death'. He sent his wife to his uncle, a country grazier of some substance, who arranged the protection of Gray's body and secured its decent burial.¹ In the same year John Casey rode with his brother in the tumbril to the gallows, and successfully led the fight against the surgeons. James Caldcough had an incompleated apprenticeship as a shoemaker and five years as a common soldier in the second regiment of Guards behind him before he was hanged in 1739 for a highway robbery. The little money he had at the end was paid to a Newgate scrivener who wrote letters to his father asking him to attend the hanging and save his body.² Married to a house carpenter to whom she bore ten children, Sarah Wilmshurst was hanged for the murder of a bastard infant. 'How her Body was to be dispos'd off' was her only worry on the morning of her execution. She was assured on the route to her hanging that her 'Father & Brother would look after her Body, and have it decently interr'd in a Christian Manner'.³

One of the most striking demographic characteristics of the London population was its high proportion of the young, the geographically mobile and the unmarried. The migration to London of young town and

1. *The Ordinary's Account*, 3 April 1721, and *The Proceedings*, 4–7 December 1719.

2. *The Ordinary's Account*, 2 July 1739.

3. *ibid.*, 18 May 1743.

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country dwellers caused its growth, a tendency reflected in the fact that among those hanged two thirds were born outside London.¹ Family ties were often loose but not necessarily weak. For those sentenced to death, the last hours of life were often passed in locating and gathering them together. William Seston, 'not thinking his Pay sufficient' as a soldier, became a highwayman. He was hanged in 1728. His wife, whom he had not seen for three years, came down from Lancashire to protect his body at the hanging.² Matthew Lee, a shoemaker, was hanged for stealing a silver watch. His brother and sister travelled from Lincoln to guard his body and give it a Christian burial.³ Oliver White's father came down from Carlisle to protect his son's body from the surgeons and to watch over his grave at night.⁴ Samuel Curlis and his father were both tailors in Malden. In 1727 the son walked to London to find journeyman's work. He arrived in the summer ('cucumber time' as the tailors called this, their dull time of year) and not finding work he enlisted as a soldier. Four years later he was hanged for stealing a brown mare. His father left off work and walked the thirty-odd miles to London to see the hanging of his son. Beneath the gallows he took possession of his son's corpse and returned it to his home for Christian burial.⁵

Considering the distances travelled, the work forsaken at home, the cost of the way, and the dangers meeting them at Tyburn, substantial sacrifices by brothers, uncles, fathers, mothers and wives were made for the sake of this last union at the gallows. Indeed the surgeons sometimes found it simpler to get bodies if their agents masqueraded as the parents of the dead rather than try to insist upon their prerogatives by force of arms. Nevertheless, few of the total number of felons hanged were able to have their families with them; to secure a decent burial, to prevent the surgeons from taking their bodies, the condemned malefactors had to rely on others to perform this family office.

Samuel Richardson writing in 1740 described a Tyburn riot:

1. E. A. Wrigley, 'A Simple Model of London's Importance in Changing English Society and Economy 1650-1750', *Past and Present*, 37, July 1967, and D. V. Glass, 'Socio-economic Status and Occupations in the City of London at the End of the Seventeenth Century', *Studies in London History*, ed. A. E. J. Hollaender and William Kellaway, 1969, pp. 385-7, contain material on migration to London in the early eighteenth century. The figure of two thirds is based upon my own findings (as yet unpublished).

2. *The Ordinary's Account*, 20 May 1728, and *London Journal*, 25 May 1728.

3. *The Ordinary's Account*, 11 October 1752, and *Worcester Journal*, 19 October 1752.

4. *The True and Genuine Confession . . . of all the Malefactors that were Executed at Guildford*, 16-21 March 1738.

5. *The Ordinary's Account*, 16 June 1731. The Ordinary writes that Curtis was born in Malden, Sussex: I have been unable to trace this place, and assume he meant Maldon in Essex, but there was a Malden near Maidstone in Kent and another in Surrey.

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As soon as the poor creatures were half-dead, I was much surprised before such a number of peace-officers, to see the populace fall to hauling and pulling the carcasses with so much earnestness, as to occasion several warm rencounters, and broken heads. These were the friends of the persons executed . . . and some persons sent by private surgeons to obtain bodies for dissection. The contests between these were fierce and bloody, and frightful to look at.¹

James Clough, a Clare market vintner, murdered a fellow servant, Mary Green, whom he had been courting. When the tumbril passed their shop in Holborn on the way to Tyburn, Clough had it stopped, called for a pint of wine, and stated his innocence. His friends mobilized at Tyburn and defeated the surgeons. They buried him in St Andrew's graveyard.² Vincent Davis pleaded in court that he might be hanged in chains, not because he liked the idea of his corpse exhibited to travellers passing into London, but because even this humiliation he thought preferable to dissection by the surgeons. In prison he 'not only sent many Letters to all his former Friends and Acquaintances to form a Company and prevent the Surgeons in their Designs upon his Body; but at the Chapel strove to conceal his looks from those whom he suspected to be such'. His friends stood by his request; they buried him in Clerkenwell.³ Lot Cavenagh had survived service in the French and British armies, three tours at sea, and ten years of highway robbing around London and the southern counties of England before he was betrayed, caught, condemned, and hanged in 1743 for robbing a butcher. Dorothy Rowland wrote to him in Newgate,

Lot Cavenagh, you do very well know that I have been very much deceived by you; I need not tell you the Particulars for you know them right well; and notwithstanding that, I have endeavour'd to assist you to the uttermost of my Power to do that THING which you requested of me, touching the saving of your Body from the Surgeons; you speak threatening Words to me, telling me, that if you can, you will trouble me after you are dead.⁴

Friends included mistresses and lovers, comrades and neighbours. Included too were cohorts in crime, or 'fellow men' as they were called in the thieves' canting talk.

But if our Friends will stand by us,
Six and Eight-pence for to pay;

1. *Familiar Letters on Important Occasions*, 1928 edn, p. 219.

2. *Select Trials*, vol. III (1742), pp. 122-34.

3. The Ordinary's Account, 30 April 1725; *Select Trials*, vol. II (1742), p. 194; and Robert Hovenden, ed., *A True Register of all the Marriages, Christenings and Burials of St. James, Clerkenwell*, vol. VI (1720-54), The Harleian Society, 1893.

4. The Ordinary's Account, 13 April 1743.

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He takes his Cheve and cheves us down,
And they carry our Bodies away.¹

The surgeons could pay the hangman much more than 'six and eight-pence' to cut down and deliver the corpse. The drinking-song expresses the fellowship that existed among the London poor, but it scarcely reflects the realities and risks that the friendship could entail. John Miller was captured and incarcerated in Clerkenwell New Prison for attempting to rescue the body of his friend George Ward from the surgeons. John Clark lost his life for trying to save the body of his friend. 'I had been to Tyburn,' he said, 'to assist in carrying off the Body of my Friend, Joseph Parker from the Surgeons, and was seen by the Prosecutor.'²

The third type of solidarity expressed between the condemned and the Tyburn crowd, that of common experience in work, warns us against making too facile a separation between the criminal and the working class. Charles Connor was born, schooled and bred a sawyer in Shoreditch. After some years of service aboard a man-of-war in the Baltic and Mediterranean he returned to Shoreditch, and did journeyman's work for a Mr Blizard near Hoxton Square. He was hanged in 1735 for murdering his wife. From Newgate he wrote to his former master, '... and I begg of all Love that you would desire all such Friends, that shall come to see me Dye, that they will be so good as not to let the Surgeons have my Body, but to give me their Assistance, for my Brothers and other Friends have promised me so to do, which I hope in God they will, for my Desire is to lay by my Wife if possible I can. . .'³ Henry Bosworway, another sawyer, was hanged for killing one of his fellow journeymen during a fist fight at their lunch break in the Clerkenwell workshop. From Newgate he wrote to a fellow sawyer pleading with him to intercede with their master, 'I desire you'll go to Mr. Poregar and put him in mind, for he has promised to get a coch and some help to save my Body from the Surgeons and I hope the rest of my Fellow-Sarvents will be ther to assist.'⁴ Richard Tobin, a drawer, was hanged for stealing a peruke (valued at seven shillings) from a gentleman in the street. He wrote to his former master, the keeper of the Globe Tavern in Hatton Garden,

... take some Pity on me ... for my Friends is very Poor, and my Mother is very sick, and I am to die next Wednesday Morning, so I hope you will be so

1. Anon., *Villany Exploded: Or, the Mistery of Iniquity laid open*, 1728, contains the complete text of this ballad.

2. *The Ordinary's Account*, 6 August 1740; *ibid.*, 24 May 1736; *Reade's Weekly Journal*, 29 May 1736.

3. *The Ordinary's Account*, 22 September 1735.

4. *ibid.*, 29 June 1737.

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good as to give my Friends a small Triffl of Money to pay for a Coffin and a Sroud, for to take my Body a way from the Tree in that I am to die on . . . and dont be faint Hearted . . . so I hope you will take it into Consideration of my poor Body, consedar if it was your own Cace, you would be willing to have your Body saved from the Surgeons. . .¹

In the cooper's yard, the sawyer's pit, the apothecary's shop or brewer's house, master and man, if not doing the same job of work, cooperated to make the same product. In the paternalism characteristic of the period of manufacture, Capital and Labour did not oppose each other in inexorable contradiction. The sudden destitution which so often led to highway robbery or house-breaking came about as easily from the insecurities of credit and the vagaries of the market as it did from lay-offs or wage reductions. Catastrophe came to the master and his journeyman alike. Often they joined together in the Friendly Society, Benefit Society or 'Box Club' to defend themselves against a precarious existence. By the 1740s these clubs were common in London. The pennies set aside each month during the working years as dues to the club provided a sum which would alleviate the hardships of sickness or provide some relief to the widows and orphans of members. Mainly the money ensured members of a 'decent funeral'. The Friendly Society and the struggles against the surgeons were two forms of working-class cooperation in the face of death.²

When brick-makers came out to defend the bodies of two felons with several years of good standing in the trade against the surgeons, when bargemen came down from Reading to guard one of their own at his hanging, when the Hackney coachmen rallied to keep the body of a fellow coachman 'from being carried off by Violence', or when the small cottagers and market people of Shoreditch surrounded the tumbril of Thomas Pinks their neighbour in the village, 'declaring they had no other Intention, than to take Care of the Body for Christian burial', the evidence (while not allowing us to see the obligations of the Friendly Society at work) shows the depth of the mutuality of the poor, their solidarity in the face of personal disaster. Such evidence reminds us to be on guard against those glib explanations of urban crime of the eighteenth-century London poor which refer so easily to the anonymity of city life or that atomization of individuals accompanying the 'Process of Urbanization'.

Many of the labouring poor could not rely on the specific duties of the Friendly Society or the closely knit ties of workshop, but drew instead

1. *ibid.*, 30 May 1739. His plea was successful and Tobin was buried. *Register of Burials*, St Andrew's Holborn, 1726-39, Guildhall Library, MSS 6673/9.

2. M. D. George, *London Life in the Eighteenth Century*, 1965, pp. 292-5, contains a discussion of Friendly Societies in London.

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upon quite different sources of defence. The Irish, who supplied 16 per cent of the casualties at Tyburn in the first half of the eighteenth century, appealed to one another. George Ward, a carpenter from Dublin, was hanged in May 1736 for robbing a Clerkenwell watchmaker's house. After he was cut down, the surgeons moved in for his body. 'A terrible Battle ensued', and Ward's Irish friends beat off the surgeons. Edward Row, a fellow Dubliner, was one of them. He was hanged six months later, but the surgeons then triumphed.¹ William Rine, a veteran of ten years' service in the Irish Regiment in France, was hanged in December 1736 for robbing an innkeeper. The surgeons paid the Sheriff's officers £9 for their support against the Irish who had come to protect Rine. They paid another £2 to hire men to guard their Hall against a mob of Irish when his body was dissected.² While James Timms was in Newgate, he received a letter from a friend,

Dear Jamey -

I am sorry you take us all to be so ungrateful, as not minding that there was a Petition given in Behalf of you; but to no Purpose. I have been there very often and could not get to speak to you; we shall take Care of your Body. Dear Jamey, as you are a Dying Man, for the small Time you have to live, Mind your Soul.

All from your sincere Friend,
John Barry

P. S. I shall write to you To-morrow and bring you a Cap.

Some time later, on St Patrick's Day, 1741, James Timms and other Irishmen failed in an attempt to break out of Newgate. The next day, escorted across London by musketeers, Light Horse, and about 'forty of the Foot', he was hanged and his body taken by the surgeons.³

Michael MacGennis, born in Ireland, came to London and sold milk about the streets. 'He had been used to attend Executions and been often seen there, and to his Cost went there once too often: And, indeed, Pity it is, that such Numbers to the Neglect of all Business, should be so fond of flocking together at these Times, or that there should be so frequent Occasions of giving them Opportunity. But to come to the Point.' At the hanging of 11 November 1751 a sailor from Waterford, two Dublin publicans, and a Dublin calico-printer were hanged. MacGennis and 'forty or fifty' other Irish were there to protect the corpses:

1. *The Ordinary's Account*, 24 May 1736, and *Reade's Weekly Journal*, 29 May 1736.

2. *The Ordinary's Account*, 27 September 1736; *London Post & Daily Advertiser*, 27 September 1736; Barber-Surgeons' Company, *Audit Book 1715-1785*, Guildhall Library, MSS 5235.

3. *The Ordinary's Account*, part 1, 18 March 1741.

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They came unprovided with any Vehicle for that Purpose, and when the Bodies were cut down, the Friends scarce had thought of the Matter how to convey them away. The poor Fellow murdered had brought his Cart and Horses there as the Custom is to get a few Pence by letting People stand up in it to see the Execution. After it was over MacGennis and his Party, seeing the Cart near the Gallows, took it from the Driver by Force, and putting the Bodies into it, drove to Bayswater. There they staid drinking some Time. By and by they return'd towards Tyburn in Triumph, resolved against giving Way to any Opposition, and this unfortunate Man being as forward as any, has dearly paid for it. The Man was waiting, and upon their Return, for seizing hold of his Horse's Head, was treated very ill by several present; but being determined if possible, to recover his own Cart and Horse from them, would not let the Horses's Head go, tho' much threatened. This he persisted in, and upon that Account received a Blow with a Hanger, which did his Business.

MacGennis took the bodies across London to Tower Hill. There he was apprehended, and four months later he had 'his Business' done to him at Tyburn. Irishmen protected his body and gave it Christian burial.¹

The Irish detonated several of the disturbances in the turbulent months of political and industrial struggle of 1768. Two of them, James Murphy and James Dogan, were found guilty of stabbing a sailor to death who was unloading coals in defiance of the all-river strike by the coal-heavers. They were hanged on 11 July. As the 1752 'Murder Act' was law they were also sentenced to be anatomized. Although the act provided a sentence of seven years' transportation for any person attempting to rescue the corpses as they were carted between the hanging at Tyburn and the dissection at Surgeons Hall, many must have intended to do this as the Sheriff thought it prudent to divert the carts from the normal route back to the City because it led through Irish territory in St Giles's. He circumvented the quarter by turning down to Grosvenor Square, Soho and Fleet Street to Surgeons' Hall. The Irish soon discovered the ruse and surrounded the Hall. A great number of Irish women assembled and prayed that 'their countrymen might live again'. The Foot Guards were ordered to disperse the crowd. A cry against the surgeons of 'Murder' became widespread.²

About a quarter of those hanged at Tyburn in the first half of the eighteenth century belonged to the 'deep-sea proletariat'. They had been to sea in the carrying trade to the East, the South Seas and North America or in the Royal Navy. The sailors who intervened at the gallows against the surgeons had many other reasons for hating the medical profession.

1. *ibid.*, 11 November 1751; *ibid.*, 23 March 1752; *The Proceedings*, part 2, 16-20 January 1752.

2. *Westminster Journal*, 16 July 1768.

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For one, hospitals were used as crimping houses¹ and detention centres for impressed and runaway sailors. For another, the chief killer of seamen was neither combat nor the hazards of the ocean, but diseases ('black vomit', 'ague', 'ship fever' and 'the bloody flux') which were made worse by the tetanus and gangrene caused by the ships' surgeons. Tobias Smollett, who sailed as a surgeon's mate to the bloody action at Carthage (1741), 'was much less surprised that people should die on board than that any sick person should recover'. In eighteenth-century sailors' slang the surgeon was called 'crocus', an elision of 'croak us', meaning to 'kill us'.² From about a dozen documented cases of gallows' riots initiated by seamen we will look at two.

James Buchanan, a Scot, ran away from school and boarded a ship at Newcastle which took him to Virginia and the American coastal trade. Years later, in October 1737, his ship, an East Indiaman, lay at anchor in the Wampoo River in China. Scottish sailors working another ship joined him in the evening to drink. Much later in the night the fourth mate, well known on board for his hot temper, ordered Buchanan to begin loading goods. He refused, they quarrelled, knives were drawn and the fourth mate slain. A year later Buchanan was tried by the High Court of Admiralty at the Old Bailey and sentenced to be hanged at Execution Dock in Wapping. The Admiralty expected trouble at the hanging; it ordered the Sheriff to mobilize a strong force and asked the parochial officers of Wapping to maintain order 'with a competent and sufficient Guard'. The weather was bitter on the day of the hanging: the wind came out of the north-east, snow had begun to stick on the warehouse gables and ice formed at the river's edge by the wharfs. A vast crowd of sailors assembled upon the quays and in wherries and lighters in the river. On the scaffold Buchanan usurped the prerogative of the Ordinary of Newgate. He conducted the service from the Presbyterian paraphrase and then led the throng in singing the twenty-third Psalm,

Yea, though I walk through the valley of the shadow of death,
I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.
Thou preparest a table before me in the presence of mine enemies:
thou anointest my head with oil; my cup runneth over.

The Sheriffs, tipstiffs, watch and constabulary could not assure the delivery of his body to the surgeons; 'some sailors got on the Scaffold and

1. Crimping house: 'a house used for the decoying and confining of men in order to force them into the army, navy, or merchant service.' (OED).

2. Eric Partridge, *A Dictionary of the Underworld*, 3rd edn, 1968; Smollett describes his experiences as a surgeon's mate in *Roderick Random*; and see, too, Lloyd and Coulter, *op. cit.*

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endeavour'd to cut him down; on which a scuffle ensu'd; but many other Sailors coming to the Assistance of those who first made the Attempt he was cut down . . . and his Body carry'd off with loud Acclamations of Joy, accompanied by a great many Sailors.' One of the assembled sailors had been in hiding afraid of being caught for a crime he had committed two years earlier. At the rescue of Buchanan's corpse he exposed himself to the presence of his enemies, was caught, and later hanged.¹

John Lancaster was born in 1726 in Black Lion Yard, Whitechapel. The time of his youth was divided between an apprenticeship to a velvet-weaver and education at the newly founded Methodist charity school at the Foundry on one hand, and, on the other, gambling at the skittles' grounds and drinking at alehouses. One Bartholomew Fair time he robbed the Foundry of some pieces of velvet and for fear of being caught went to sea. Years later he returned to take up weaving work in Spitalfields with a small garret master. With another journeyman working looms in the same shop he robbed his master of nineteen yards of velvet and sold them to a Jewish fence in Houndsditch. He was caught, convicted and sentenced to be hanged.

In Newgate his former teacher, Sarah Peters, whom Wesley described as 'a lover of souls, a mother of Israel', visited him several times and supervised his conversion. The procession of the ten condemned prisoners from Newgate to Tyburn was more like a revival meeting than a hanging match if we credit Wesley's account. Down Snow Hill, up High Holborn, and along Tyburn road, Lancaster stood in the tumbril exhorting the 'multitude' to prayer and leading the other malefactors in song,

Lamb of God, whose bleeding love
We still recall to mind,
Send the answer from above,
And let us mercy find.

Think on us, who think on thee,
And every struggling soul release!
O remember Calvary,
And let us go in peace.

At the tree 'a solemn awe overwhelmed the whole multitude', a fact to which a contingent of the Foot Guards who had been sent to reinforce the civil officers no doubt contributed. After the hanging Wesley detected signs of miraculous intervention in the fact that Lancaster's face was neither bloated nor otherwise disfigured. Disfigurement at the hands of

1. *The Ordinary's Account*, 22 December 1738; PRO, HCA 1/57 (*Examination Book*), fos. 27-31; *Reade's Weekly Journal*, 30 December 1738; *Craftsman*, 23 December 1738; *The Diary of Stephen Montague*, vol. II, Guildhall Library, MSS 205.

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the surgeons was prevented by a secular agency. 'A Company of eight sailors with truncheons in their Hands, looked up to the gallows with an angry countenance, the bodies having been cut down some minutes previous to their arrival. An old woman, who sold gin, observing them to grow violent, mildly said, "Gentlemen, I suppose you want the man the surgeons have got?"' They did. She directed them to Paddington where the sailors overtook the surgeons' men and rescued Lancaster. They carried his body in triumph across London, through Islington, Shoreditch and Coverele's Fields where they left his body with his mother, who gave him fitting burial two days later. The sailors had known Lancaster perhaps from Bart's Fair or the Moorfields skittles' ground. Perhaps they had been to sea together. Or perhaps they only heard his song across London,

O remember Calvary,
And let us go in peace.¹

In part because the evidence for each case is so sparse and in part for convenience's sake, we have described the people who fought against the surgeons at the gallows in five separate groupings. No doubt the procedure is arbitrary. The Irish for example had friends, families, comrades at work and of course had been to sea. They might (had the evidence permitted) have been as justly discussed in other contexts. But whether they acted at Tyburn in precisely the social groupings that we have identified or in others, these were the 'Scum of the People': a tailor from Essex, a country grazier, a London house carpenter, lost country relatives, sawyers, mistresses, innkeepers, market folk, weavers, sailors and soldiers, the Irish, coal-heavers and 'fellow men'. They were, as far as we can tell, of a piece with the London labouring poor as a whole, heterogeneous and defying a simple classification between the criminal class and the working class. For most of the period their struggles against the surgeons were noted only in passing by the press, by the Ordinary of Newgate's *Accounts*, and by the Barber-Surgeons and Physicians. Rarely was their fight dangerous enough to attract serious attention. When it was, as in 1749, other issues came to play. Nevertheless, the conclusion of the Penlez Riots seriously and permanently altered the balance of forces at Tyburn.

1. John Wesley, *Journals*, Everyman edn, vol. II, pp. 83-90; Silas Told, *The Life of Silas Told*, 3rd edn, 1796, pp. 63 *et seq.*; the Ordinary's *Account*, 28 October 1748; *The Proceedings*, 7-10 September 1748; Arthur Griffiths, *The Chronicles of Newgate*, 1884, vol. II, p. 116.

IV

The Penlez Riots of July 1749 began at a time of widespread unemployment in London. During the year preceding, more than 40,000 men were demobilized following the conclusion of hostilities of the War of Jenkins' Ear. Smollett noted one consequence: 'rapine and robbery . . . domineered without intermission ever since the return of peace.' In what is perhaps the first statistical study of the relation of crime to war and peace, Stephen Theodore Janssen found that the annual average number of persons condemned at the Old Bailey doubled after peace was declared. Indictments for felony in Middlesex were higher in 1749 than they had ever been in the century. Of the forty-four men and women hanged in London that year, more than half had been to sea. The discharged seaman arrived on shore flush with wages and eager to seek some relief from the months at sea in drink, gaming and sex. He found landspeople ready to help him: bum bailiffs, sharpers, panders and bawds. The riots began against these parasites.¹

On the death of his father, an Exeter clergyman, Bosavern Penlez came to London in 1747. He worked for sixteen months as a journeyman barber and peruke-maker. In April 1749, he left this work to become a gentleman's servant, taking up lodgings in Wych Street, only a few steps from the Strand where the riots of which he was to be the only casualty started. Penlez had nothing to do with the riots until they had almost run their course.²

On Friday evening, 30 June 1749, two sailors complained to one Owen, the keeper of The Crown, that they had been robbed of thirty guineas, two moidores (Portuguese coins) and their watches. Instead of receiving satisfaction from the bawdy-house-keeper they were given 'foul Language and Blows'. Accordingly, 'the honest Tar denounc'd Vengeance to his House, and repair'd immediately to his Shipmates and brother Sailors'. On Saturday evening their shipmates from the *Grafton* man-of-war invaded The Crown, and removed its furniture, bedding and pillows into the Strand to build a bonfire. They 'suffer'd no Injury to be done to the poor Damsels'. After the demolition of the contents of the first house was completed, General Campbell, at Somerset House a few hundred yards away, summoned the troops who 'loiter'd about, rang'd themselves

1. Tobias Smollett, *The History of England from the Revolution to the Death of George the Second*, 1804, vol. III, p. 294; Janssen, *Tables of Death Sentences*, 1772; and GLCRO (Mddx Div.), *Calendar of Indictments*, vols. II-V, MJ/CJ.

2. Short biographies of Penlez are contained in the Ordinary's *Account*, 18 October 1749, and *Select Trials*, 1764, vol. IV, pp. 272 *et seq.*

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on both Sides the Street, or stood very compos'd round the Remains of the Bonfire, as if that had been what they were sent to Guard, and not the Bawdy-Houses'. Other troops from the Tilt Yard were called in time to prevent the sailors from burning down another bawdy-house, The Bunch of Grapes, owned by Lord Stanhope. By three in the morning the sailors were dispersed.¹

On Sunday, 2 July, at nine o'clock in the evening, 400 sailors again assembled at Temple Bar and with hand bells ringing swung down the Strand 'threatening that they would pull down all Bawdy-Houses'. Lord Stanhope 'had Reason to fear that the said Mob would come and demolish his House', as the High Constable of Holborn Division, Saunders Welsh, later testified. The fear was justified; by midnight The Bunch of Grapes was burnt to the ground. The sailors then turned to The Star off the Strand in Devereux Court, only a few yards from Temple Bar. Its previous keeper had been hanged for a highway robbery; and its present keeper for six years, Peter Wood, was held in ill fame by the parish. Several informations had been laid against him as a disorderly house-keeper, and he had paid at least once a £20 fine for retailing liquors without a licence. By early morning the crowd had attracted several landmen, mostly neighbours like Bosavern Penlez who lived across the street from The Star, but others were said to have been there too. A nameless 'gentlemen', it was said, inspired and paid the mob to take apart The Star, whose windows, shutters, panes, sashes, furniture, pillows, bedding and curtains were either smashed or fired. A woollen-draper and burgess of the City of Westminster, Mr Wilson, applied to Saunders Welsh for troops from the Tilt Yard, and they arrived, drums beating, to disperse the mob late in the night of 2-3 July.

On Monday morning, the third day of disorders, the crowds began to

1. 'A Gentleman not Concern'd', *The Case of the Unfortunate Bosavern Penlez*, 2nd edn, 1750, pp. 17-22. I have relied most heavily on this pamphlet for a narrative of the riots. It is an attack on the frankly polemical and self-interested account of Henry Fielding, *A True State of the Case of Bosavern Penlez*, 1749, which however remains invaluable because it reprints the examinations and depositions that Fielding took on 4 July. *Remembrancer*, 8 July 1749, *London Evening Post*, 1-4 July 1749, and *Worcester Journal*, 6 July 1749, have relatively detailed accounts. Written evidence submitted for the trials at the Old Bailey in the eighteenth century survives only in patches, and the summer and autumn 1749 unfortunately is not one of them. See GLCRO (Mddx Div.), *Westminster Sessions Papers*, WJ/SP (1749), and *Middlesex Sessions Papers*, MJ/SP (1749); and also Lond. Corp. RO, *Sessions Papers* (1749). Although the trial was conducted at the expense of the Crown (see Bedford's letter to Sharpe, 6 July 1749, PRO, SP 44/185 fol. 152), the Treasury Solicitor's papers which usually comprise Crown briefs contain nothing on the case. The muster lists for *The Duke of Grafton* are missing for the summer of 1749; see PRO, Adm. 33/350-83.

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assemble again in the Strand, and at the same time Henry Fielding, the Chairman of the Westminster Quarter Sessions, returned to London from a short absence to a difficult situation. Not only had a slight incident been allowed to develop to a point where only the military could suppress the disorder, and this owing in part to the absence of early, decisive action by the magistracy, but by Monday morning attacks began against the constabulary, too. The authorities had only exacerbated the situation, so on Monday the bawdy-house-keepers took unilateral action: 'Great Diligence was used all Monday in removing the Goods &c. of certain Houses in Covent Garden, Bridges Street, some courts in Fleet Street, Gun-Powder Alley, King's Head Court, Shoe Lane & Old Bailey for fear of their being made the scenes of succeeding Representations.' Nevertheless, the mobs at the Old Bailey, mainly sailors, broke the windows and attempted to fire the bawdy-houses in the neighbourhood of the court. The beadle of the liberty of the Duchy of Lancaster had the windows of his house broken and his life threatened by sailors who attempted to rescue a rioter whom he had taken during the previous day. At Fielding's office in Bow Street a mob assembled 'in a riotous and tumultuous Manner' and rescued one prisoner. The constable of St George the Martyr deposed that despite an armed escort it was with 'the utmost Difficulty that the . . . Prisoners were conveyed in Coaches through the Streets, the Mob . . . crowding towards the Coach Doors'. On hearing that the sailors planned to continue 'their Work' that night, Fielding sent Welsh to the Secretary of War for troops. By noon a detachment of sixty stood ready at Temple Bar, and others patrolled the Strand during the day.

Fielding's decision to continue the policy of suppressing the disorders by recourse to the military was ill-judged and showed evident signs of panic in a situation where moderate action, such as the effective mobilization of the civil officers of neighbouring parishes (as would happen in October) or the exemplary punishment of a bawdy-house-keeper (as would happen in August), would have served his purpose at least as well. His pamphlet, published in November, took pains to show that the situation had deteriorated sufficiently to justify this decision, but the evidence adduced fails to do this. Saunders Welsh convinced Fielding that the house of the bankers, Snow and Denne, standing adjacent to The Star, was in danger; but whether the danger issued from the flames next door or from the designs of the sailors in the Strand, Welsh did not say. Fielding drew his own conclusion:

What *must have been* the Consequence of exposing a Banker's Shop to the Greediness of the Rabble? Or what *might we have* reasonably apprehended from a Mob encouraged by such a Booty and made desperate by such atrocious Guilt? . . . The Cry against Bawdy-Houses *might have* been easily converted

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into an Out-cry of a very different Nature, and Goldsmiths *might have been* considered to be as great a Nuisance to the Public as Whores [*italics added*].

'The Clamour against Bawdy-Houses was . . . a bare Pretence only,' he wrote. The mob consisted of 'Thieves under the Pretence of Reformation'.¹ No other evidence, not even the examinations that Fielding publishes in his pamphlet, corroborates these assertions. All other accounts say that sailors comprised the majority of the crowds. One observer went to considerable length to refute Fielding's view. He stressed the single mindedness of purpose of the sailors.

A boy who stole a gilt cage from The Crown was discovered carrying it off and the sailors took it from him to throw on the fire. 'Nothing is short was imbezzled or diverted.' Certainly the actions of the parishioners of St Clement Danes belie Fielding's picture of thieves out to pillage and loot. The matron of a cheesemonger's shop clapped her hands as The Bunch of Grapes was razed. 'A Gentleman not Concern'd' directly contradicts Fielding's view:

As to the Neighbours, who were at their Doors and Windows, seeing the Whole without the least Concern or Alarm, there was not probably one of them who, though as good and as loyal Subjects as any his Majesty has, and as well affected to the Peace and Quiet of his Government, imagin'd or dream'd there was any Spirit of Sedition or riotous Designs, in all these Proceedings, beyond the open and expressed Intention of destroying those obnoxious Houses.

One observer in St Clement Danes was quoted as saying that 'he hop'd to see [the sailors] all hang'd at *Tyburn*; for *G—d Z—ds* who knows whose House they may call a Bawdy-House next, and down with it', but he 'lay under Suspicion of keeping no better a House than he should do'.² For a time on Monday Fielding believed that 400 sailors had gathered at Tower Hill to raid the armoury in preparation to launching an insurrection. It is true that on Tuesday sailors assembled in Lemon Street, Goodman's Fields, to break the windows and to burn down reputed bawdy-houses; but they were dispersed without calling on the military.³ The only troops deployed at that end of town were a detachment of grenadiers sent to the Navy Pay Office, off Tower Hill, to guard a convoy carrying 'His Majesty's Treasure' to Portsmouth.⁴ Neither the course of events nor the evidence of

1. Fielding, *op. cit.*, pp. 48–50. Radzinowicz, vol. 1, p. 400, accepts Fielding's characterization of the rioters without criticism: they were, he writes, 'an unruly mob always ready to take advantage of any incident to create disorder and endanger public safety'.

2. 'A Gentleman not Concern'd', *op. cit.*, pp. 19–23.

3. *Penny Post*; *Or, the Morning Advertiser*, 5–7 July 1749, and *Worcester Journal*, 13 July 1749.

4. PRO, WO 4/46 (Secretary at War, *Outletters*), fo. 256.

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other sources bears on general pillage or insurrection. Fielding sought some justification for at least the former point in his policy to the arrested rioters, one of whom was caught with stolen property from The Star. An energetic prosecution of this case would make some amends for Fielding's precipitous actions by seeming to confirm the criminal intentions of the rioters.

On Monday morning two watchmen, one a shoemaker of the Liberty of the Rolls, the other a labourer of St Dunstan-in-the-West, apprehended Bosavern Penlez asleep in Bell Yard (off Carey Street and some distance from The Star) and found stuffed under his shirt ten lace caps, four lace handkerchiefs, three pairs of lace ruffles, two lace clouts, five plain handkerchiefs, five plain and one laced apron. Bosavern Penlez was taken to the Watch house where the constable of the Liberty of the Rolls was not able to find a witness to swear against him, so the following morning (Tuesday) Penlez was taken to Bow Street to be examined by Justice Fielding.

Peter Wood, the landlord of The Star, claimed at this examination and again subsequently in September at the trial that Penlez had stolen the linen during the gutting of The Star. Wood's oath did not mean much. John Nixon, the collector of the scavenger's rate in the parish, said of Wood and his wife, 'For my own Part I would not hang a Cat or a Dog upon their Evidence.' One of the officers apprehending Penlez claimed that he took the linen only after having been himself robbed of fifteen shillings in the house. By all accounts Penlez was drunk. He began drinking early in the morning and had wandered from one tavern to another along Temple Bar, the Strand and Somerset Stairs, until late on Sunday night he fell in with the mob at The Star. By his own account he could not remember how the linen got into his hands. At any rate he was one of seven arrested during the riots. One of these escaped, one died in prison, the indictments of two were found *ignoramus*, one was acquitted, one pardoned and Penlez himself hanged.¹ John Wilson and Penlez were tried under the Riot Act for 'being feloniously and riotously assembled to the Disturbance of the public Peace', despite the fact that there remains considerable doubt as to whether the act was ever read, as by law it had to be if prosecutions were to ensue under it. The jury found them guilty on 14 September, and the justices pronounced sentence of death. Nevertheless the court, at the jury's instigation, 'recommended [them] to mercy'.

Hundreds petitioned the King to pardon the two prisoners. The twelve jurors of Middlesex who had found Penlez guilty, themselves petitioned, not just upon grounds of 'Humanity and Compassion', but also on the

1. PRO, SP 44/85 (*Entry Books*), fo. 152, in which the Secretary of State, the Duke of Bedford, directs Sharpe to prosecute them under the Riot Act.

grounds that Peter Wood's testimony at the trial was untrustworthy, as later became clear by 'universal Representation'. Only the 'fatal Neglect' of the Court or of the defence to produce witnesses contradicting Wood's evidence had led them to their verdict.¹ In the first week of October, eighty-seven of the parishioners of St Clement Danes petitioned the Duke of Newcastle to intercede for a pardon. A week later 600 petitioners from St Paul's, Covent Garden, the Savoy and St Mary-le-Strand begged the King to demonstrate his royal clemency. At about this time 'several Gentlemen of Rank and Credit, accompany'd by a Reverend Divine, wen' in a decent solemn Procession, all drest in Black, to deprecate the Execution of the Sentence'. On the eve of the hanging other gentlemen waited on His Majesty at Kensington to petition for a respite of sentence. Partial success greeted these appeals. Wilson's sentence was respited on the evening before he was to have hanged, although, according to Fielding, it was not the pressure of many petitions which caused this but the intercession of 'a noble Person in great Power'. Penlez was not pardoned, and in Fielding's opinion the decisive fact for applying the rigour of the law to Penlez was that he, unlike all the others, was taken with stolen goods in his possession.

Of 400 Persons concerned in the same
Attempt he only suffer'd
Tho' neither Principal nor Contriver.

Such were the lines that concluded an inscription which the parishioners of St Clement's proposed to place on his tomb.² Deep parochial opposition to the hanging of Penlez arose not only because his role in the riots was incidental, but also because widespread sympathy existed for the object of the sailors' attack. A month after the riots concluded the Middlesex Quarter Sessions sentenced a woman to be whipped at the cart's tail along the Strand and back for keeping a disorderly house there. St Clement Danes had at one time a reputation for vigilance against such houses, and the government only a few years earlier had caused Petty Sessions to be held in order to suppress them.

In the days before the rioting began Fielding's own work as a magistrate concerned the suppression of bawdy-houses and the reduction of the 'profligate Lewdness' which he thought characterized his age. Later he would be accused of complicity with bawds 'by laying them under annual or casual contributions'. An author of a letter to the *London Magazine* thought the accusation was confirmed by the fact that in *An Enquiry into the Causes of the Late Increases of Robbers* (1751) Fielding failed to mention

1. PRO, SP 35/29, part II, fo. 52.

2. *Gentleman's Magazine*, October 1749.

prostitution or brothel-house-keeping as a cause of crime in London.¹ Certainly both some of those preceding and some following him in this office made tidy sums from these kinds of peculation and extortion. Only a few months after Penlez was hanged the Middlesex bench petitioned the Lord Chancellor against a justice in the east end of the city for keeping disreputable houses in Goodman's Fields.² Thomas Hurnall, one of the City's marshalls (1746-58), who took a prominent position in the procession carrying Penlez to his hanging, was discharged from office for extorting victuallers.³ There is, however, no reason to believe that Fielding added to his income by accepting 'the dirtiest money on earth'. Indeed, he suffered because he had not done so.⁴ His behaviour on 3 July was not influenced, therefore, by a material connection with Strand victuallers, or bawdy-house-keepers.

Nine days before the Penlez Riots Fielding took the lead in a case similar to the sort which touched off the rioting. He took evidence from John Lambert

who being upon Oath Says that between eight and Nine of the Clock last Night he was pickt up by a person now present who calls herself Ann Baldwin . . . in Drum Alley in Drury Lane who Carryed him into a house where they had some Liquor, Says that Baldwin . . . asked this Informt. what it was a Clock, Upon which he pulled out his Watch in order to tell her, at which time she feloniously and forcibly Snatched it out of his hand and run away with the Same. . .⁵

Only two days before the riots began, Fielding, as Chairman of the Westminster Sessions, delivered a charge to the Grand Jury in which he called their attention to several misdemeanours (which it was their duty to present) and 'particularly of such as do in a more especial Manner infest the Public at this Time'. To the first of these, 'profligate Lewdness', he devoted more than half of his attention. Profligacy, he argued, debilitates the body, endangers the soul and wastes livelihoods. It corrupts youth, destroys marriages and threatens future generations. He cited the legal authorities, Coke, Lambard, Pulton and Popham, to prove that it was a crime and recalled 'the exceeding Wrath of God against the Children of Israel for their Fornication with the Daughters of Moab' to prove it a sin. In a note of caution he reminded the Grand Jury that 'to eradicate this Vice [bawdy-houses] out of Society, however it may be the Wish of sober

1. *London Magazine*, March 1751.

2. W. J. Hardy and W. Le Hardy, eds., *A Calendar of the Middlesex Sessions Books and Orders of Court 1639-1751* (mimeograph, 1921), vol. XII, pp. 110, 123, 130-36.

3. Lond. Corp. RO, 'History of the City Marshalls', MSS 134-5, fol. 169.

4. See his introduction to *The Journal of a Voyage to Lisbon*, 1754.

5. GLCRO (Mddx Div.), 'The Information of John Lambert, 22 June 1749', *Sessions Papers*, MJ/SP/128.

and good Men, is, perhaps, an impossible Attempt; but to check its Progress, and to suppress the open and more profligate Practice of it, is with the Power of the Magistrate, and it is his Duty.¹ Fielding may have been reluctant to have recalled these words during the course of the next few days. Certainly when he came to write of the riots in November, the martial spirit replaces the reformer's; and we hear less of the dangers of 'profligate Lewdness' than of the possibilities of insurrection and general rapine. It appeared that the magistrate's duty lay less in bringing down bawdy-houses than in keeping them standing. Indeed, where in July he quotes Coke against adultery and fornication, in November he quotes Hale to argue that the pulling down of bawdy-houses is high treason. In July Fielding had nothing to lose, but in November not only did he have his own actions to defend but these and the case of Bosavern Penlez had become an issue in the Westminster election. The incident and Fielding's handling of it threatened to combine the grievances of the Opposition against the standing army, corruption and the Riot Act.

One person who failed to support the mounting campaign to pardon Penlez was a Member of Parliament for Westminster, Lord Trentham. When he was appointed a Commissioner of the Admiralty later in the summer he was obliged to re-submit his candidacy to the 'independent' scot-and-lot electors of Westminster.² During the polling, which began on 22 November (more than a month after Penlez was hanged), 'Penley's Ghost' came back to haunt Trentham, the government's candidate, in the form of nightly candle-lit processions winding through the streets of St Clements led by 'Penlez' shrouded in his coffin.³ Opposition propaganda produced acrostics signed by Penlez, suggested that Peter Wood campaigned for Trentham, and claimed that Penlez rose from the dead to vote for Sir George Vandeput, the Opposition's candidate. It parodied

1. *A Charge Delivered to the Grand Jury at the Sessions of the Peace Held for the City and Liberty of Westminster, 1749*, p. 49. This was not the only cause of embarrassment to the inexperienced magistrate (he entered the commission in December 1748), for it was at about this time that four well-known house-breakers robbed a merchant whose shop stood opposite Fielding's office in Bow Street; see GLCRO (Mddx Div.), 'The Information of John Bonen, 20 July 1749', *Sessions Papers*, MJ/SP/131.

2. Smollett, *op. cit.*, pp. 289 *et seq.* The definitive social analysis of the voting and a suggestive reconstruction of Westminster politics is found in Nicholas Rogers, 'Aristocratic Clientage, Trade and Independency', *Past and Present*, 61, November 1973. There is a briefer account of the election in George Rudé, *Hanoverian London 1714-1804*, 1971, pp. 159-61.

3. Sir Thomas Robinson wrote to the Duke of Richmond (owner of several Westminster properties), 4 December 1749, 'Penley's Ghost (wch they have carryed about in Triumph & surely a high insult on Government) has raised more People to vote for St. Clems. than there are Houses in the Parish.' West Sussex RO, Goodwood MSS, 51, fo. 60.

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Trentham's role during the campaign for a pardon in 'Peg Trim Tram's Sorrowful LAMENTATION':

Poor Penlez I might have saved,
But I did refuse the same
Tho' it were so justly craved,
By great Numbers of good Fame.
But, alas! it is too late, Sirs,
And I can't recall the Time,
Which has almost craz'd my Pate, Sirs,
For I own it a great Crime.
Mark the People, how they're rouzed,
Like to Lions in their Dens;
Mostly to Sir George espoused,
And asperse me with their Pens.¹

Trentham sought to deny these accusations in a handbill saying that he had no role in the *prosecution* of Penlez. Trentham's brother-in-law, the Duke of Bedford, the largest landholder of Covent Garden, printed about a quarter of a million squibs, broadsides and handbills in support of the Government's candidate.² As Secretary of State (1748-51), the Duke of Bedford might easily have prevented Penlez from receiving a pardon.

The election was said to have been one of the most expensive that the Government had experienced. The electoral management of the Duke of Bedford and Trentham ('bribery, threats and compulsions') was thought to have been especially 'scandalous and base' even by those without a direct interest in the election.³ Ninety per cent of the Opposition voters were tradesmen and shopkeepers in the victualling, provisioning and out-fitting trades. These were concentrated especially along the Strand. On the other hand, more than nine tenths (seventy-six out of eighty-three) of the magistrates polled voted for Trentham.⁴ Fielding, who owed his seat on the Westminster bench to his friends in the Pelham administration, supported Trentham to the extent of taking depositions in Bow Street which attempted to discredit the allegations of Opposition propaganda. Fielding's energetic prosecution of Penlez and Trentham's failure to intercede to acquire a pardon for him clearly implicated the administration

1. Anon., *T—t—m and V—d—t. A Collection of the Advertisements and Hand-bills, Serious, Satyrical and Humorous Published on both Sides during the Election*, Dublin, 1749, p. 39.

2. Rogers, *op. cit.*

3. Grove to Grimston, 5 December 1749. HMC, *Ducane MSS*, 1905, pp. 203-4. See also Joseph Grego, *A History of Parliamentary Elections and Electioneering*, 1886, p. 121.

4. Rogers, *op. cit.*

in the sorry affair. Penlez was hanged for stealing the ruffles of a cock bawd. But he was also hanged so that the Government by the severity of its retribution could lend support to its characterization of the riot and to the decision to rely upon the military to suppress it, as if the seriousness of the punishment determined the gravity of the crime. As it happened the actual hanging demonstrated the opposite. Sheriff Janssen, in marked departure from the policy followed in July, showed that threatening crowds could be handled quite differently.

The 'Tyburn Fair' at which Penlez and fourteen others were hanged was fraught with danger. Rescues of rioters from the Bow Street Office had been attempted the previous July, and in one case had been successful. Crowds had gathered menacingly at the Old Bailey to protest at the imprisonment of other rioting sailors. In late September, three weeks before the hanging, some of the condemned prisoners sawed through their chains with tools smuggled into them by friends and attempted to break out. Less than a week before the hanging on 12 October it was reported 'that the Convicts under Sentence of Death in Newgate, having got a Quantity of Gunpowder, Chips and other Combustibles, convey'd to them, design'd to attempt an Escape, by Setting Fire to, or blowing up Part of the said Gaol'. The plan was discovered, and its perpetrators were placed under heavy guard and chained to the floor. All accounts of the unusually large crowd in the streets that day stress the prominence of sailors.¹ At the hanging gathered 'some thousands of sailors [appearing] armed with bludgeons and cutlasses', according to one observer. With the exception of Penlez all the fourteen men hanged were sailors; the one woman hanged that day was the daughter of a Rotherhithe publican and married to a seaman.² Attempts to rescue the condemned prisoners during the long, crowded procession were widely reported and feared. Order at the hangings in the year or so preceding that of Penlez was maintained by reliance upon contingents of the Foot and Horse Guards. In June 1748 a strong guard attended the execution. A party of Horse Guards was present at the hanging of October 1748 but did not (or could not) prevent the body of Lancaster from being rescued by some sailors. In March 1749

1. *Worcester Journal*, 28 September 1749 and 12 October 1749; *Remembrancer*, 23 September 1749; 'Philonomus', *The Right Method of Maintaining Security in Persons & Property to all Subjects of Great Britain*, 1751, p. 53.

2. The others hanged that day were (age and birthplace in parentheses) Philip Lacy (17, Mile End), John Graham (35, Londonderry), Thomas Hazard (24, Holborn), Thomas Mynott (24, Copenhagen), Thomas Arnold (40, Clerkenwell), Mary Dyman (22, Rotherhithe), John Collison (34, Maidstone), George Aldridge (19, Rumford), Thomas Robinson (22, Virginia), John Cross (25, Guinea), David Boyd (24, Northern Ireland), John Alford (27, Wiltshire), William Cavenagh (26, Dublin) and James M'Gennis (27, Dublin). The Ordinary's *Account*, 18 October 1749.

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the sailors rescued from the surgeons the bodies of Holly and Burk. The Foot Guards attended the April 1749 hanging, and in August a troop of horse guarded the hanging of two smugglers associated with the Hawk-hurst gang in order to prevent anticipated rescue attempts.¹

Theodore Janssen, Alderman of Bread Street Ward, Member of Parliament for the City and Sheriff of London, was in this last capacity responsible in law for the execution of the death sentence. Unlike many of his predecessors in that office he took this responsibility seriously. By a combination of daring, massive deployment of the civil officers and concessions made to the sailors at a critical juncture he averted a dangerous situation. Janssen himself rode at the head of the procession. With him were the High Constables of the five divisions (Westminster, Holborn, Kensington, Finsbury and Tower Hamlets), who with their petty constables formed an armed body of 300 foot and horse. The City of London's Upper and Lower Marshalls with their attendants marched two by two. The wardens of the two London compters with their livery servants and the Middlesex Sheriff's officers marched next. With swords drawn or javelins in hand, they made an altogether imposing array of municipal strength that set out with the six tumbrils from Newgate. As they left the jurisdiction of the City at Holborn Bars a party of the Foot Guards attempted to join the procession, but Janssen with the golden chain of office around his neck and the Sheriff's white wand in his hand waved aside the military support offered by the Crown. A mile and a half farther on at Tyburn the mounted civil officers formed a large circle around the gallows while the petty constables and officers on foot formed a smaller circle within.² 'The multitude of spectators was infinite. Though a rescue had been threatened by many . . . there yet was not the least disturbance, except during a moment at the gallows where a vast body of sailors, some of whom were armed with cutlasses and all with bludgeons, began to be very clamorous as the unhappy sufferer was going to be turned off.'³ Order was kept but at a price. The Sheriff avoided a battle at the gallows by taking responsibility for the dead bodies, which he delivered to the friends of the hanged. The 'vast Body of Sailors . . . assembled there to save the Bodies . . . from the Surgeons' left Tyburn without having to fight against the surgeons. Penlez was buried in St Clement's burial ground whose parishioners had raised a subscription for this purpose.

Praise for Janssen's dismissal of the Guards was widespread and long

1. *Penny Post*; *Or, the Morning Advertiser*, 22-4 June 1748; *London Evening Post*, 21-3 June 1748; *Worcester Journal*, 10 August 1749; and the *Ordinary's Accounts*, 28 October 1748, 17 March, 26 April and 4 August 1749.

2. *London Magazine*, October 1749; 'A Gentleman not Concern'd', *op. cit.*, pp. 54-5.

3. 'Philonomous', *op. cit.*, p. 54.

remembered.¹ He was lauded for a tactical victory in preventing a rescue or major disturbance during the hanging, but with more significance his decision was praised for political and strategical reasons. Thus 'Philonomus' in a 'Letter to a Member of Parliament' published two years later took the incident as an occasion for an essay in praise of the Saxon conception of the Sheriff. The Normans brought to England the principle of military law and military force, which 'is not the proper aid, and can very rarely, if ever, be called to the assistance of the civil magistrate, without infringing the constitution, or endangering our liberties'. A 'Gentlemen not Concern'd' found in Janssen's decision a 'Demonstration of Fact, that nothing could be falser than the Imputation of a riotous seditious Humour being prevalent among the People' and of the 'Right and Sufficiency of the Magistracy to protect itself in the Execution of its Office'. Here was a gesture which showed 'the old *British* spirit' and which proved 'that his Majesty's Reign was that of the Laws, and not of the Sword'. Thus the contrast between Fielding's and Janssen's approach to situations of potential or actual riot assumed a political form, and became a matter of principle.

However, the use of the troops to aid the magistracy in their duties had occurred before and would again without causing political objections. In January 1749 two sergeants and twenty-four men from the Tower assisted the officers of the Surrey Quarter Sessions in the suppression of a disorderly house in Southwark. In 1744 the Middlesex bench thanked the government for 'the provision of His Majesty's Guards whenever required' which included their use in the apprehension of suspected criminals. On the day after Penlez was hanged a journalist was assured that 'some of the Guards will be quarter'd in the Towns around London which are to Patrole the Roads and Foot-Paths from Town to Town from Five in the Even 'till Eleven'. In February 1750 a detachment of the Guards left the Tower 'to disperse a Mob of upwards of three Hundred Sailors assembled in Bartholomew Lane'. In February 1751 Fielding and Saunders Welsh in an ironic alteration of their policy of 1749 called upon a detachment of the Guards to help them raid a disorderly house in the Strand where forty-five people were seized. A dozen years later at the height of another period of rapid demobilization in the summer of 1763, the Guards were called several times to repel mobbing sailors who in March and September tried to prevent the magistracy from committing prostitutes to prison. At least eight sailors lost their lives in these confrontations.²

1. For example by Francis Place in the 1820s, see Brit. Mus. Add. MSS 27,825, fol. 77.

2. PRO, WO 94/5 (*Garrison Papers*), fos. 111-12; W. J. Hardy and W. Le Hardy, eds., op. cit., vol. xx, pp. 37-42; *Worcester Journal*, 19 October 1749; *Reade's Weekly*

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If Janssen's decision to dismiss the Guards did not result in a permanent shift in policy away from the use of the military in suppressing civil disorders, his decision at the gallows to reserve the condemned bodies for their friends had a more lasting effect. In the five or six years beginning in 1750 and from time to time after that, the municipal and county officials responsible for the execution of the death sentence used the authority and forces at their command to prevent the surgeons from appropriating the corpses of condemned felons. At the next Tyburn hanging all the 'proper Officers' were ordered to attend. At the hanging of 6 July 1750, we read that the felons were 'attended (as usual) by Mr. Sheriff Janssen with five High Constables, and their Petty Constables; and but a few of the London and Middlesex Officers . . . The Execution was over by a little after Ten O'Clock, and the Bodies being cut down by Order of the Sheriff, were delivered to their Friends.'¹

For a time a degree of order and the semblance of solemnity so often called for by the critics of Tyburn hangings was maintained by the removal of the most frequent cause of disorder, the claims of the physicians and the surgeons. Whenever John Taylor or Steven Roe, the Ordinaries of Newgate, take note of the manner of disposal of the hanged corpses in the 1750s, they invariably report that their 'Bodies were all carry'd off by their Friends; nor was there any Disturbance'.²

Isolated from other sources of tension, the gallows' brawls against the surgeons never developed into the full-scale danger to metropolitan order that we find in the Sacheverell, Wilkes or Gordon riots. Instead they inflicted only a minor but frequent irritant to the city's stability. The rioters were neither dangerous enough to provoke decisive intervention by the Government nor so weak as to enable the surgeons to achieve a victory of their own. But the disturbances were always a potential flash-point of full-scale riot. When combined, as they were in 1749, with the political issues of the Opposition and the general insecurities attendant on the sudden demobilization of the fleet, only the prudent action of Janssen prevented them from detonating a serious municipal explosion. Janssen capitulated to the surgeons' opponents. In the evening after Penlez was

Journal, 11 February 1751; *Annual Register*, 20 March, 6 September and 13 October 1763; *The Proceedings*, 14-20 September 1763.

1. *Penny Post*; *Or, the Morning Advertiser*, 7-9 February 1750 and 6-9 July 1750.

2. See the Ordinary's *Accounts* for 7 February, 26 March, 16 May, 8 August, 25 March 1750, 29 July 1751, 11 October 1752, 3 December 1753, 5 June 1754, 17 March and 12 November 1755. A search through a newspaper which otherwise regularly reported brawls against the surgeons reveals the same. See, for instance, *Berrow's Worcester Journal* for 6 July, 8 August 1750, 14 February, 31 October 1751, 19 October 1752, 4 October 1753, 20 November 1755, 26 May 1757, 20 October 1763, 5 January, 23 February, 15 March, 23 August 1764 and 21 February 1765.

hanged, there was no dissection in Warwick Lane; instead we read that 'Dr. Freake spoke the Herverian Oration before the President, Fellows, and the rest of the Royal College of Physicians . . . after which they had an elegant Entertainment in the Hall'.¹ At Tyburn in the years following mid-century the surgeons could get on a regular basis only the bodies of felons sentenced to be dissected under the 1752 'Murder Act'. The days of constant tumult at the gallows were over.

V

Having described the arguments of the surgeons' advocates in favour of dissection, identified those who opposed them, and recounted the 1749 riot which altered the balance of forces at Tyburn, we now may try to evaluate the significance of the struggle against the surgeons to the labouring poor.

The high mortality rates of eighteenth-century London (sometimes standing to baptisms at a ratio of two to one) may, unless care is taken, suggest that death could not have mattered very much. Infant mortality was high in all classes of society. In hospitals, ships and prisons death was omnipresent. The plague had disappeared but the toll taken by other diseases was great. A bad harvest or severe winter even in the metropolis brought with it an immediate increase in mortalities. Under these conditions, with death so common, a daily and public event, a toughness, even an indifference to death might appear to have been the typical response. However, this was not the case to the people who were hanged and who went to hangings. Their behaviour if anything suggests the opposite – the supreme importance of death.

Their attitude to death (even to the death of the most lowly) was a compound of Christian and quasi-pagan beliefs. While we probably can never disentangle all of them, there are some elements which we can identify with certainty. Let us first consider 'resurrection'. Properly speaking this was not an attitude to death but the last chance of escaping it. Nevertheless its prevalence explains in part the hostility to the surgeons.

As we have seen, in 1768 when the bodies of Murphy and Dogan (two militants of the coal-heavers' strike) were taken to Surgeons' Hall to be dissected, a crowd of Irish women formed outside the Hall praying that their countrymen 'might live again'. Their hope was not necessarily superstitious, because at times it was reasonable to regard the surgeons, not the hangman, as the agent causing death. During the first half of the eighteenth century the cause of death at Tyburn was asphyxia, not dislocation of the

1. *London Evening Post*, 17–19 October 1749.

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spine. A broken neck was decisive. Asphyxia, however, could result in temporary unconsciousness if the knot was tied, or the noose placed around the neck, in a particular fashion. The hangman was thus able to exercise discretion in carrying out his work; this was a well-known fact which gave rise to much negotiation and considerable interest in knotlore. To take one of the more famous examples of the practice, the hangman was bribed to adjust the noose in the proper way at the hanging of Dr Dodd in 1777. In the event Dodd died, but incomplete hangings without fatal strangulation were common enough to sustain the hope that resuscitation ('resurrection' as it was called) would save the condemned. In the sixteenth century 'resurrections' were so frequent and the costs incidental to them so substantial that the Barber-Surgeons ruled that the expenses thus entailed should be borne by those who brought the body to the 'Thanatomistes'.¹ William Petty in the seventeenth century attained considerable notoriety when he began to anatomize Anne Green, a murderess, and found that she revived under his scalpel.²

The successful revival of hanged people occurred several times in the eighteenth century. In 1709 John Smith, a former packer, sailor and soldier was left dangling from Tyburn Tree for two hours after he had been 'turned off'. He was cut down, taken to a near-by house where 'he soon recovered in consequence of bleeding and other proper applications', and for the next ten years of his life he was known as 'Half-Hanged Smith'.³ In August 1736 Thomas Reynolds was hanged for a Black Act violation in going about armed and in disguise while engaging in the destruction of a Herefordshire turnpike. The wife of another turnpike 'leveller' came to London to provide him with a coffin and a shroud: 'just as they had put him into his Coffin and were about to fasten it up, he thrust back the Lid, and to the great Astonishment of the Spectators, clapt his Hands on the Sides of the Coffin in order to raise himself up'. The hangman was about to string him up again, but was prevented from doing this by the 'mob', who carried the coffin to Paddington, where 'they put Sack and Brandy to his Mouth, and us'd other Means to recover him, and a Man

1. 'Yt ys agreed that yf any bodie which shall at anie tyme here after happen to be brought to o'r hall for the intent to be wrought upon by Thanatomistes of o'r Companie, shall revyve or come to lyfe agayne, as of late hathe been scene, the charge aboute the same bodie so revivinge, shall be borne, levied, and susteyned, by such person, or persons, who shall so happen to bringe home the bodie.' Minutes of the Court of Assistants (13 July 1587), quoted in Edward Wedlake Brayley, *Londoniana*, 1829, vol. II, pp. 33-4.

2. *Notes and Queries*, Second Series, vol. I (January-June 1856), vol. II (July 1856), edns., op. cit., vol. XX, pp. 37-42; *Worcester Journal*, 19 October 1749; *Reade's Weekly* p. 73; vol. XI (April 1861); Radzinowicz, vol. I, pp. 466-7; H. M. Sinclair and A. H. T. Robb-Smith, *A Short History of Anatomical Teaching in Oxford*, Oxford, 1950, pp. 12-13.

3. Alfred Marks, *Tyburn Tree; Its History and Annals*, 1908, pp. 221-2.

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wrap'd him in his Coat to keep him Warm. . . ' Reynolds expired while the 'mob' was returning him to town.¹ Three years later, after James Buchanan was rescued from the surgeons by the sailors following his hanging in Wapping, twelve affidavits were submitted to the High Court of Admiralty attesting to the fact that 'Buchanan is yet living'.² In November 1740 William Duell, aged seventeen, hung from Tyburn for half an hour before the surgeons took his body to their hall in Cripplegate. Richard Hoare, the Sheriff, reported:

just as they had taken him out of the coach, and laid him on a table at that place in order to make the necessary preparations for cutting him up, he was, to the great astonishment of the surgeons and assistants heard to groan; and upon examination, finding he had some other symptoms of life, some of the surgeons let him blood, after having taken several ounces he began to stir, and in a short space of time was able to rear himself up, but could not immediately speak, so as to be heard articulately.

Duell was not hanged again, but sentenced to transportation for life.³ In 1782 John Hayes revived after his hanging and remembered passing St Andrew's, Holborn, 'then I thought I was in a beautiful green field and that is all I remember till I found myself in the dissecting room'.⁴ At about the same time, a private surgeon in Gough Square purchased for dissection the body of a man who had been hanged. He revived, and the surgeon paid his passage to America.⁵

Life after 'death' therefore had a quite practical reality for those sent to Tyburn to hang, and for many of them their time in Newgate before the hanging day was spent in preparation for such 'resurrections'. Thomas Hill, born in the 'other end of the Town', served out his apprenticeship to a playing-card-maker. He went to Holland on the completion of his apprenticeship, to have a die made in order to be able to counterfeit the duty stamp on playing-cards. He was hanged for this. In the days before his execution he spent his time in Newgate mobilizing his friends to arrange a *post mortem* revival. 'He was cut down and carried to the Talbot in Tyburn-road by Mistake, the Mob that took care of his Body, was to carry him to Benjamin Boswell's where a Surgeon waited on Purpose to bleed him.'⁶ William Parsons served at sea in Jamaica and New-

1. *The Ordinary's Account*, 11 August 1736, and *Morning Post*, 23 August 1736.

2. See above, pp. 86-7.

3. *A Journal of the Shrievalty of Richard Hoare, Esquire, in the Years 1740-41* (privately printed, 1815), pp. 57-8; *Reade's Weekly Journal*, 30 December 1740; and *Craftsman*, 23 December 1740.

4. *Notes and Queries*, 5th series, vol. 1 (June 1874), p. 444.

5. *Memoirs of Joseph Brasbridge*, 1824, p. 224.

6. *The Ordinary's Account*, 17 February 1743-4.

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foundland and as a lieutenant in the Grenadiers, but mainly, he lived off his father's credit, and was a rake, a gamester and a sharper. In 1748 he was transported for forging a note upon his father's bankers; he returned a couple of years later to rob the same bankers on Hounslow Heath. He was hanged in 1751. His friends organized a defence against the surgeons and carried him to Paddington where 'an Experiment was intended to be tried on him to bring him again to Live'.¹ Jack Sheppard escaped twice from the condemned cell in Newgate, it once having been rebuilt to contain him. A final effort to escape during the procession to Tyburn was detected. He 'earnestly desired some of his Acquaintance, that, after his Body was cut down, they would, as soon as possible, put it into a warm Bed, and try to let him Blood'. He hung from the gallows for fifteen minutes before a soldier cut him down. There were others at his execution, however, who wished to take possession of his body. The surgeon's man, a bailiff, acquired Sheppard's body by giving it out that another man, an undertaker whom the bailiff in fact had hired as a decoy, was the agent of the surgeons. Several 'gentlemen' interested in burying Sheppard themselves discovered the ruse, informed the crowd of it, and led them in riot against the bailiff in Long Acre where he had conveyed Sheppard preparatory to moving him to Surgeon's Hall. The crowd was not entirely convinced of the good intentions of these nameless 'gentlemen', and the Foot Guards had to be called to ensure that not the 'mob' but these gentlemen took possession of the corpse. The coach which took Sheppard to St Martin-in-the-Fields had to be protected by two files of the Foot Guards 'marching on each side of the Coach with bayonets fix'd at the Ends of their Muskets'. There Sheppard was buried. The surgeons were not able to dissect him nor his friends permitted to try to revive him.² The attempt in April 1736 to revive a smuggler following his hanging in Edinburgh was the first incident which led to the Porteous Riots of that autumn.³

Death by hanging in the eighteenth century was problematical. While infrequent, the possibility of revival following a poorly executed hanging was a real one and reminds us that the theme of supernatural resurrection which guides Southey's ballad, 'Robrecht the Robber', and scores of folk tales about the revival of the dead to redress grievances could have a basis in actuality.

1. Anon., *A Genuine and Authentick Account of the Life and Transactions of William Parsons, Esq.*, 1715, p. 10.

2. *Select Trials*, 1742, vol. II, p. 156; Rev. Mr Villette, *The Annals of Newgate*, 1776, vol. I, pp. 266 *et seq.*; *British Journal*, 16 November 1724.

3. See *Gentleman's Magazine*, September 1736; D. G. D. Isaac, 'A Study of Popular Disturbances in Britain 1714-1754', unpublished PhD thesis, University of Edinburgh, 1953, pp. 130-41.

'We therefore commit his body to the ground; earth to earth, ashes to ashes, dust to dust; in sure and certain hope of the Resurrection to eternal life, through our Lord Jesus Christ; who shall change our vile body, that it may be like unto his glorious body. . .'.¹ So, the office of burial of the Established Church. None hanged at Tyburn left testimony that they expected their 'vile body' to become 'like unto His glorious body', but we cannot for that reason exclude from consideration a literal faith in the Resurrection of the flesh. So obvious was the need for proper treatment of the dead for the peaceful departure to an afterlife that it hardly needed to be mentioned. Exceptional and unusual beliefs, however, required stating and do survive in the evidence. Some regarded the resurrection of the flesh in ways quite different from those of the Church of England. Lot Cavenagh's former mistress, it will be recalled, promised to take steps to prevent the surgeons from getting his body. She assured him that she would have done this without his speaking 'threatning Words to me, telling me, that if you can, you will trouble me after you are dead'. The belief that the dead possessed the power 'to come again' was the last revenge of the dead upon the living; as such, it provides us with indications not only about the popular conception of death but also of popular notions of justice.

Elizabeth Boile ('Betty the Cook') was hanged in 1714 for stealing two gold rings. One of her former friends refused to visit her in Newgate, so 'she swore she would haunt him after Death'. Again, 'having a Smock at Pawn in Holborn, she call'd at the Pawnbroker's as she rid by to Tyburn; but her refusing to give it her, she in a very great Passion swore she would plague him for it after she was hang'd'.¹ Thomas Saunders, a sailor, hanged for house-breaking in 1723, said 'if any Thing should happen either to her [his wife] or his Child he believed it would be impossible for his Body to rest under Ground'. Burnworth, hanged for killing a thief-taker in the Mint in 1726, told one of his guards at the gaol before the hanging procession set out 'that if he did not take Care to see his Body decently buried after Execution he would meet him in a dark Entry and pull his Nose off'.²

The threat 'to come again' or 'to be troublesome' after death was directed not just against those who refused to perform some last kindness before death or responsibility after death, but also against those who brought about the death in the first place, as when during the election of 1749 'Penley's Ghost' was paraded in the streets against Trentham, who had failed to obtain Penlez a pardon. Mary Green, debauched by a baronet

1. Alexander Smith, *A Compleat History of the Lives and Robberies of the Most Notorious Highway-Men, Footpads, Shop-Lifts, and Cheats*, 1719, vol. II, p. 319.

2. *Select Trials*, vol. II, pp. 23, 360.

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early in the 1730s, bore him a child to whom a bawdy-house-keeper in the Minories, Ann Girlie, became godmother. Mary Green was hanged in 1745 for stealing fifteen guineas from a sailor who had come to London from Sheerness to collect his dead brother's back pay. Mary Green bore several grievances against Ann Girlie: first, she took five shillings in the pound from the earnings of her lodgers (not including rent); second, she turned king's evidence at the trial when her own life was not endangered; third, she did nothing to obtain a reprieve for Mary Green despite the good connections she maintained with the people of fashion in St James's. Mary Green therefore promised to haunt Ann Girlie and 'women of quality [who] glory in the misery of others'.¹ William Stevens was seventeen years old when he was hanged in 1748 for stealing half a pound of tobacco and six gallons of brandy from a shopkeeper's counter. He was indicted under a statute of Queen Anne (12 Anne c. 7) which removed benefit of clergy from the offence of larceny in a dwelling-house or shop without breaking in if the value of the goods stolen was forty shillings or more, thus making hanging the mandatory sentence. From the condemned cell in Newgate he wrote to his prosecutor, 'We are sorry you valued your Goods at three pounds, which an eminent Distiller says, were not worth half the Money. . . So you will hear no more from us, till after our Decease.'²

The principles which activated the spirits of the dead 'to trouble' mean or retributive prosecutors also governed the behaviour of the living in exacting a more material revenge. Cornelius Saunders, blind from birth, came to London from Amsterdam at the age of ten in 1740. For years he lived from hand to mouth in the outer eastern and northern parishes of London. In the spring and summer he was casually employed by street carters to call out vegetables and greens. He assisted the white coopers in making wash-tubs during the winter and autumn months; not regular work certainly, but it earned him a few pence and perhaps meals and drink. Even a scratch-as-scratch-can existence if implanted in a network of permanent acquaintances and membership in particular neighbourhoods had its own kind of security. He lodged in Lamb Street, Spitalfields, where he did domestic duties in the household of Mrs White, a victualler, in return for a place to sleep and the important perquisite of the empty wooden packing crates. These he supplied to the coopers in the Minories who remade them into wash-tubs, bathing-tubs, casks and household containers. In the summer of 1763, while fetching salmon kits from Mrs White's basement he came across her cache of savings, some thirty

1. *The Ordinary's Account*, 4 April 1746, and *The Proceedings*, 11-14 September 1745.

2. *The Ordinary's Account*, 18 March 1748, and for a good treatment of the law of larceny in dwelling-houses and shops see Radzinowicz, vol. 1, pp. 41-9.

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guineas hidden in a shoebox, and stole it. Blind Cornelius Saunders was well known in the neighbourhood; so the next day when he paraded himself in Moorfields decked in a new suit of clothes and silver knee-buckles, the constables sent out by Mrs White had no trouble in finding him and recovering the money. We cannot get closer to the resentments bred of thirteen years' service and dependence which led to this foolish theft, nor to the venomous spite of his benefactress which seems to have informed her day-to-day dealings with him. We do know that to the inhabitants of Spitalfields, Aldgate and the Minories Mrs White's prosecution at the Old Bailey was far more brutal than the case deserved, where a ducking at the conduit or a thrashing in the street (an extra-judicial and commonly administered direct punishment) would have been more usual. The strength of feeling against this recourse to the justice of the Old Bailey showed itself in the attempted rescue of Saunders on the way to Tyburn (it came to nothing) and again after his body was cut down from the gallows. 'The giddy multitude' protected his body from the surgeons and then 'for the purpose of riot and misapplied revenge' carried it across London to Spitalfields and Mrs White's house in Lamb Street. 'Great numbers of people assembled', forced open her door, carried out all her furniture and all her salmon tubs, and burnt them in the street before her house. A guard of soldiers was called; but 'to prevent the guards from extinguishing the flames, the populace pelted them with stones, and would not disperse till the whole was consumed'.¹

Similar episodes occurred in subsequent years. In 1764 a mob attempted to burn down the house of the prosecutor of John Dixon, a sailor found guilty of petty thievery. In 1774 the friends of two street robbers saved their bodies from the surgeons and ran riot against the prosecutor's house.² Those like Betty the Cook, Mary Green, Lot Cavenagh and William Stevens who threatened to haunt the living were not perhaps able to tap the wells of community feeling which brought out the men and women of Spitalfields and the Minories against the prosecutors of Cornelius Saunders and John Dixon. If the difference between efficacious social action and superstition needs no emphasis, we should note that their social functions in these cases were identical. Both the mobbing of prose-

1. *The Ordinary's Account*, 24 August 1763; *The Proceedings*, 6-11 July 1763; *Gentleman's Magazine*, August 1763; *Berrow's Weekly Journal*, 1 September 1763; *A Collection of Prints, Broadsheets, and Biographies Relating to Criminals Executed at Tyburn*, London Museum, L52.1.

2. *The Ordinary's Account*, 11 June 1764; *The Proceedings*, part ii, 2-7 May 1764; *Berrow's Worcester Journal*, 14 June 1764; *Gentleman's Magazine*, December 1774; and *Annual Register*, December 1774; in this section I have found suggestive Keith Thomas, *Religion and the Decline of Magic*, 1971, pp. 597-606.

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cutors and the belief in ghosts were designed to bring 'bad fame' upon the prosecutor, to terrify the prosecutor to the end of her days, and to deter others from hanging a person for a trifling offence. No doubt in some circumstances it may have been as difficult to live with the public curse of a dying man as to rebuild a razed house.

No evidence has come to light to show that the Tyburn crowd thought that somehow the dissection of felons impaired the specific powers of the spirits of the dead to return to the living. However, a belief in life after death, especially in the forms which we have described, was connected with beliefs about justice, the law and the value of life. In these cases therefore the added humiliation of the surgeon's scalpel to the hangman's noose rendered the injustice of the law all the more loathsome.

Despite regional and class differences a single rule may be said to have governed the folklore, ritual and superstition surrounding death and burial; meticulous attention to the proper forms of burial was required to ensure the peaceful departure of the dead. When death was violent and moreover willed by society, as in deaths by hanging, something of a corollary to this rule existed. Believing that the corpse possessed therapeutic powers, able to cure sickness and heal wounds, it appeared that even this most terrible of society's sanctions against wrongdoers was qualified in popular belief by the ability of the corpse to confer by magic some marvellous sign of health to society. In Dorset it was believed that touching the corpse of the hanged person would cure common skin complaints. A withered limb could be made whole by placing it upon the neck of a recently hanged man. It was believed in Somerset that any swelling would disperse by touching it with the dead hand of a man who had been publicly hanged. In the north of England a splinter from the gallows was thought to be a cure for the toothache. In Norfolk it was thought that the dead hand of the executed felon had the power to cure goitre or a bleeding tumour if applied to the affected part. In Wessex it was thought that ulcers and cancerous growths could be similarly cured. In the same place it was reported that sterile women went secretly to the gallows to be stroked by the dead hand in order to become fruitful.¹

Similar beliefs were common in London. Nurses brought children to the gallows to be stroked by the hands of executed criminals as a general guarantee of good health. 'A Halter, wherewith anyone has been hanged, if tied about the Head, will cure the Headache' was another view. Wood chippings from the gallows worn in a bag around the neck were said to be

1. J. S. Udall, *Dorsetshire Folk-Lore*, 2nd edn, 1970, p. 186; Robert Hunt, *Popular Romances of the West of England*, 2nd edn, 1871, p. 378; William Henderson, *Notes on the Folk-Lore of the Northern Counties of England and the Borders*, 1879, p. 145; and Elizabeth Mary White, *Rustic Speech and Folk-Lore*, Oxford, 1913, p. 59.

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an effective cure against the ague. John Morris, hanged in 1739 for robbing the Reading wagon, had his jawbone shot off during an earlier highway robbery. He saved the pieces and before he was hanged he distributed them to the prisoners in Newgate as a token or charm. In 1767 a young woman 'with a wen upon her neck was lifted up [to the gallows] and had the wen rubbed with the dead man's hands'. In 1777 when Dr Dodd was hanged 'a very decently dressed young Woman went up to the gallows in order to have a Wen in her face stroked by the Doctor's hand; it being a received opinion among the Vulgar that it is a certain Cure for such a Disorder'.¹ Visitors to London remarked on these practices with as much surprise as did later antiquarians. Meister, writing in 1789 about his tour in England, 'remarked a young woman, with an appearance of beauty, all pale and trembling, in the arms of the executioner, who submitted to have her bosom uncovered, in the presence of thousands of spectators, and the dead man's hand placed upon it'.² Twelve years earlier a French visitor recorded, 'Des femmes crédules touchent la corde d'un ou deux pendus croyant de se guérir de l'épilepsie ou de quelques autres maladies aussi grandes'.³ At a time when the monarchs of England allowed their thaumaturgical powers to lapse and no longer 'touched' those inflicted with scrofula, the 'death sweat' of executed malefactors was still held to possess the power to cure this disease, 'the king's evil'. Just before the coal-heaver, Murphy, 'was cut down at Tyburn a well dressed woman with a child about three years old in her arms, was permitted to pass up to the gallows, where she took the right hand of Murphy then hanging, and stroked it thrice over the child's left hand, which had four holes in it with the King's Evil'.⁴

The full significance of these gallows superstitions cannot be assessed without a greater knowledge than we now possess; nevertheless, the difference between them and surgical dissection is plain: where one honours the powers of the felon's corpse, the other humiliates it. When Mandeville defended the dissection of felons because it allows them to 'make a useful restitution to the Publick', he might with more justice have described these superstitions, for it is in them that the living acknowledged

1. John Brand, *Observations on Popular Antiquities*, 2nd edn, 1813, vol. II, pp. 582-5; *The Ordinary's Account*, 21 December 1739; *Gentleman's Magazine*, May 1767.

2. J. H. Meister, *Letters written during a Residence in England*, translated from the French, 1799, p. 62.

3. F. Lacombe, *Observations sur Londres et ses Environs*, 1777, p. 186.

4. *Westminster Journal*, 11 July 1768. This aspect of the secularization of royal authority in England is discussed in Marc Bloch, *Les Rois Thaumaturges* (Paris, 1924) *passim*. For further instances of the healing powers at the execution see Gerald D. Robin, 'The Executioner: His Place in English Society', *British Journal of Sociology*, vol. xv (1964), pp. 234-53.

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the special powers of those extirpated by the law. It is as though these beliefs were sustained by another; namely, that those killed by the community through its own sanctions should by virtue of their extraordinary death be given an extraordinary opportunity of bestowing some beneficence on the health of the living. The belief seems to appear again at another hanging custom, that of the 'gallows' wedding'.

The ceremonies, the customs, the traditional behaviour of the condemned malefactor on his procession from the condemned cells in Newgate through the metropolis to the final exit at Tyburn have been the subject of many descriptions in books of 'popular antiquities' and those representing an older kind of 'social' history.¹ The bell-ringing at St Sepulchre's, the nosegays tossed from the balconies to the prisoners on their last journey, the apparent rules of precedence in the tumbrils, are examples of details which, culled from the descriptions of different hangings, are used to evoke a composite picture deprived of any significance except curiosity in the quaint. As the evidence about gallows' customs is so meagre, the temptation to draw such a composite picture is great; but it is one that must be resisted in order to isolate those details which provide, however incompletely, some clues to the unelaborated beliefs about death of those hanged and of those witnessing the hanging.

The two-thousand-word article on the word 'gallows' in Wright's *English Dialect Dictionary* gives it eleven main meanings, at least three of which refer to various attitudes of behaviour – saucy, wild, mischievous, wanton – which have no connotations of wickedness. One of these denotes 'smart in appearance', a meaning which undoubtedly derived from the felon's great care (at many eighteenth-century hangings) to appear well dressed or 'flash' at his hanging. Nathaniel Hawes had a fine suit of clothes stolen in the days before he was to stand trial in 1721; 'unless they are returned,' he said, 'I will not plead for no one shall say that I was hanged in a dirty shirt and ragged coat.' The punishment, *peine forte et dure*, was applied: 250 pounds of weights were piled on his chest to force him to plead. He was found guilty and died in rags.² In 1753 Richard Broughton and James Hayes, two Irish highway robbers, refused to enter the tumbril at Newgate 'without a clean Shirt and Stockings to be hanged in'.³ The friends of Russell Parnel gave him his proper dress in order to prevent him from confessing their part in his crimes.⁴

1. For example, John Laurence, *A History of Capital Punishment*, 1932; Gilbert Armitage, *The History of the Bow Street Runners*, 1932; Alfred Marks, *Tyburn Tree*, 1908; Christopher Hibbert, *The Roots of Evil: A Social History of Crime and Punishment*, 1963; and Patrick Pringle, *Hue and Cry: The Birth of the British Police*, 1955.

2. Arthur Griffiths, *The Chronicles of Newgate*, 1884, vol. 1, p. 253.

3. The Ordinary's Account, 23 March 1753; *British Weekly Journal*, 26 March 1753.

4. The Ordinary's Account, 13 January 1752.

English and foreign visitors at Tyburn were struck by the fact that the condemned malefactors treated the days of their hanging as a wedding. 'He that is to be hang'd or otherwise executed,' wrote a Swiss visitor, 'first takes Care to get himself shav'd, and handsomely drest either in Mourning or in the Dress of a Bridegroom.' Defoe wrote that criminals 'go to [their] execution as neat and trim as if they were going to a Wedding.'¹ As has been mentioned, by the end of the century the hanging day was generally known as the 'hanging-match'. 'To be noozed' in canting talk meant either to be hanged or to be married. The guillotine in Halifax was called the 'maiden'. Suggestions of marriage often appeared in the dress of those to be hanged. Three smugglers of the Hawkhurst gang all dressed in white. Paul Lewis in 1763 went to his hanging in a white cloth coat, silver laced hat, white stockings and white silk breeches. George Anderson was hanged for stealing eight shillings' worth of silk ribbon. Both his wife and mistress were in Newgate on the day of his hanging. He wore a white linen waistcoat and breeches trimmed with black ferret. Henry Simms, 'Gentlemen Harry', was a hackney coachman and 'as famous a Thief as ever yet adorn'd the Gallows'. He hanged for stealing a silver watch. At his execution he was 'cleanly dress'd in a White Fustian Frock, White Stockings, and White Drawers'. At the age of twelve John Redmond went to sea. At the age of seventeen he went to Tyburn. He had written his aunt and uncle 'desiring they would sent him some white cloaths to appear in on the morning he was to suffer'. In the ballad, Mary Hamilton goes to her hanging in 'robes of white'.²

Others hanged at Tyburn made the comparison between a hanging and a wedding explicit. When John Weskett was hanged for stealing a gold repeating watch and three gold snuff-boxes from his master, the Earl of Harrington, he wore a white ribbon in his hat because, as he explained, 'I believe I am come to an untimely End, in order that my Soul might be saved; and I look upon this as my Wedding-Day.' Thomas Reynolds, an Irishman whose patron fell at Culloden, 'went to be hanged with as much Satisfaction as if he was going to be married'. Lawrence, the fourth Earl of Ferrers, was hanged for murdering his steward. He prepared for his hanging by dressing in his 'white wedding clothes, which were of a light colour, embroidered in silver, and he said he thought this, at least, as good an occasion of putting them on as that for which they were first made'. The combination of the nuptial clothing of the hanged felon with the

1. M. Misson, *Memoirs and Observations in his Travels over England*, 1719, p. 124; and Daniel Defoe, *Street Robberies Considered*, 1728, pp. 52-4.

2. *Remembrancer*, 29 April 1749; *Berrow's Worcester Journal*, 12 May 1763; *The Ordinary's Account*, 17 June 1747; *ibid.*, 7 November 1750; *ibid.*, 11 June 1764.

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undercurrents of sexuality among the crowd at Tyburn opens Swift's ballad, 'Clever Tom Clinch Going to be Hanged':

As clever Tom Clinch, while the Rabble was bawling,
Rode stately through Holbourn to die in his Calling;
He stopt at the George for a Bottle of Sack,
And promis'd to pay for it when he'd come back.
His Waistcoat and Stockings, and Breeches were white,
His Cap had a new Cherry Ribbon to ty't.
The Maids to the Doors and the Balconies ran,
And said, lack-a-day! he's a proper young Man.
But, as from the Windows the Ladies he spy'd,
Like a Beau in the Box, he bow'd low on each Side.¹

The only other kind of death which in the eighteenth century was treated as a type of wedding was the premature death of a virgin or childless woman. From reports of funeral customs from all over the country we know that the corpse was often dressed in white, that the pall-bearers were young women, and that white gloves, white bonnets, white silk shawls, scarfs and sashes were customarily worn. The white gloves appear again at Tyburn: 'on voit les criminels traverser la ville sur des charettes, parés de leur plus beaux habits, avec des gants blancs et des bouquets,' a French traveller noted.² And again in a ballad fragment that Francis Place recorded,

Through the streets as our wheels slowly move
The toll of the death bell dismays us,
With nosegays and gloves we are deck'd,
So trim and so gay they array us,
The passage all crowded we see,
With maidens that move us with pity;
Our air all admiring agree
Such lads are not left in the City.³

The particular tragedy of the death of a virgin was felt by the living in the loss not only of one life but in the loss of a future generation, in the failure of that life to reproduce itself. Consequently, the funeral marking such a death pays particular attention to that fact by extensive borrowings from wedding customs: the final rite of passage combines in itself customs

1. *The Ordinary's Account*, 11 June 1764; *ibid.*, 7 November 1750; *The Life and Times of Selina Countess of Huntingdon*, vol. 1, 1839, pp. 401-8; Harold Williams, ed., *The Poems of Jonathan Swift*, Oxford, 1937, vol. 11, p. 399.

2. J. C. Atkinson, *Forty Years in a Moorland Parish*, 1891, p. 230; Mrs Gutch, ed., *Examples of Printed Folk-Lore concerning the East Riding of Yorkshire*, 1912, p. 136; Sidney Oldall Addy, *Household Tales with other Traditional Remains Collected in the Counties of York, Lincoln, Derby, and Nottingham*, 1895, p. 125.

3. Brit. Mus. Add. MSS, 27,825, fo. 155.

belonging to those that have not been carried out because of the untimely death. At Ophelia's funeral, she is 'allow'd her virgin crants,/Her maiden strewments'. Whether a similar sense of particular loss at the death of the condemned (who were usually in the full prime of manhood) was responsible for the marriage-like practices at some hangings would remain a matter of the imagination were it not for the survival of an unusual belief.

In 1602 John Manningham recorded in his diary, 'It is the custome (not the lawe) in Fraunce and Italy that yf anie notorious professed strumpet will begg for a husban a man which is going to execution, he shal be reprieved, and she may obtaine a pardon, and marry him . . . In England it hath bin vsed that yf a woman will beg a condemned person for her husband shee must come in his smocke onely, and a white rod in hir hand. . .'¹ This was certainly not customary practice at hangings in eighteenth-century Tyburn, although several acted as though it were. Eighteen maidens dressed in white petitioned the King to spare the life of Edward Skelton, condemned in 1686, on condition that one of them would marry him. In May 1722 John Hartley, called 'Pokey', was hanged. He was born in Shoreditch, schooled at the White Cross free school, and earned a living by serving the Honey Lane and Smithfield butchers and by robbing in the streets. His prosecutor refused to settle out of court or to reduce the charges ('he made his brags that he'd hang six of them, and get the money allow'd for taking them'). It was reported that 'seven young Women from that Neighbourhood [Honey Lane] having dressed themselves in White, and carrying white Wands in their Hands, went up to St. James's and presented a Petition to beg his Life; which if obtain'd, one of them was to marry him under the Gallows'. In Newgate 'Pokey' 'much desired that the six Maidens . . . might be successful in their Undertakings'. They were not and he was hanged.² Three years later John Eades, a nineteen-year-old boy from Southwark, was condemned. 'A Great many young Women in White' petitioned the King that he should be reprieved and sentenced to transportation, so that 'his Aged Father now in the Evening of his Days may not carry his Grey Hairs with Sorrow to the Grave'.³ In 1749 another John Hartley and his comrade John South were condemned at a court martial for desertion and enlistment in the French service during the previous war. 'South's Sisters, who live in the Strand, with the intended Spouse of Hartley, and four other Maidens dress'd in White, with great Humility waited on his Majesty and others of the Royal Family with a Petition in Behalf of the Deceased.'

1. *Notes and Queries*, 4th series, vol. iv (1869), p. 417.

2. *The Ordinary's Account*, 4 May 1722, and *The Proceedings*, 4-6 April 1722; *Weekly Journal or Saturday Post*, 5 May 1722.

3. PRO, SP 44/81 (*Entry Books*), fo. 407, and SP 44/253, fo. 527.

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It was unsuccessful, and with the full regiment out and drums beating Hartley and South were shot on Constitution Hill.¹

These cases remind us that the treatment of the hanging as a wedding (even when the king's mercy no longer encompassed this ancient custom) was not entirely symbolic. In most cases, however, not even the faint hope of a gallows' wedding was present; and the 'flash' clothes signified anticipation of divine union or a proclamation of innocence before God and the Sheriffs. In other cases they perhaps indicated a flaunting, ostentatious display of opposition to the severities of the law and the austerities of prison. In the case of some of those hanged the nuptial clothing recalls the violent experience of conversion described by the early Methodists. Charles Wesley, John's brother, preached at a Wapping hanging, 'Well is the Spirit compared to a mighty rushing wind: we heard the sound of it now, and the flame was kindled. Many felt the pangs of the new birth. Behold, a cry; "The Bridegroom Cometh"'.²

The possibilities of resuscitation after hanging, the widespread belief in the therapeutic powers of the malefactor's corpse, the view that the spirit of the dead could return to the living, and the treatment of a hanging as a wedding were some of the attitudes to death present among both the condemned and the Tyburn crowd. Suggesting as they do the complexity of plebeian conceptions of death and the gravity with which the fact of death was held, they contrast with the views presented by the surgeons and their advocates who mixed arguments of medical utility, traditional prerogative and penal retribution with attitudes of class hatred. In part they explain the hostility to the surgeons.

After all the complexities have been suggested (which perhaps can never be fully uncovered) we must finally return to what we most often find expressed by the condemned themselves: the simple, direct desire for a decent Christian burial, with its concern for order, propriety and the peaceful translation of the soul from this life to the next. Hanging removed a man by violence from this life. At least his soul should be allowed to enter the next in peace. This perhaps was the reason that Martin Gray 'was greatly frightened' by the thought of dissection. Sarah Wilmshurst wanted to be 'decently interr'd in a Christian Manner'. Thomas Pinks wanted 'Christian Burial'. Lot Cavenagh threatened his friends to make them do 'that THING' to save him from the surgeons'. Charles Connor

1. *Remembrancer*, 19 August 1749; *Worcester Journal*, 17 August 1749; PRO, WO 71/20 (*Court Martial Proceedings*), fos. 164-72. For some other cases of this practice see Hyder Edward Rollins, ed., *The Pepys Ballads*, Cambridge, Massachusetts, 1931, vol. III, pp. 248-54, and Narcissus Luttrell, *A Brief Historical Relation of State Affairs from September 1678 to April 1714*, Oxford, 1857, p. 168.

2. Charles Wesley, *The Journal*, 1849, vol. I, p. 215.

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said he wanted 'to lay by my Wife'. Richard Tobin begged his master for 'A Coffin and a Shroud'. Hundreds of men and women rallied at Tyburn to provide the condemned with this last mark of humanity. The arguments of scientific utility that Mandeville directed to 'Men of Business' were never presented to those beneath the gallows who performed only what was decent, like Joseph of Arimathaea. 'The Hanging Song' (the Fifty-first Psalm) which the condemned and crowd alike sang at the gallows stressed the sacrificial aspect of the execution and enjoined them, 'Do good in thy good pleasure unto Zion: build thou the walls of Jerusalem.'

VI

One historian of the eighteenth century wrongly concluded (perhaps from the evidence of mortality rates) that 'a callous attitude to life induced an indifference to death'.¹ We have seen that the proper, respectful treatment of the dead was a profound and serious concern to the crowds attending Tyburn hangings. Why, with death so frequent, should this have been so? In general terms we can offer some suggestions.

The relation of age-specific mortality rates to the dominant social relations of production and family organization gave to death a far greater significance to the living than it has in our own time. So important is death to such types of societies that its effects upon the living have been called a 'death crisis'. When death strikes young, while men and women are fully engaged in family life and when the family as such performs a critical role in the social division of labour, a social vacuum is created whose effect was not one of sentimental loss only, but of deep moral and material consequence. More than three quarters of those hanged at Tyburn were between the ages of twenty and thirty. They died when the men were at the height of their strength and the women most fertile. This combination of broadly dispersed age-specific mortality and small productive units (often family-based) which characterized the life of the eighteenth-century London labouring poor provided the circumstances which made death such a shock to the social relations of the living. The violence of that shock was formalized and to a degree assuaged by an elaboration of funeral rites, burial customs and beliefs about death which, to an age like ours accustomed to the concealment of death and the privatization of bereavement, appear as bad taste or as superstition.² To

1. J. H. Plumb, *The First Four Georges*, 1957, p. 20.

2. These suggestions owe much to Robert Blauner, 'Death and the Social Structure', *Psychiatry*, vol. XXIX, 4 (November 1966), pp. 378-94.

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the crisis that a death brought to the living was visited the additional ignominy of the law. The formalized customs of bereavement, depending as they often did upon the integrity of the corpse and the respect shown to it, were brutally violated by the practice of dissection. To the surgeons, their spokesmen, and the lords and squires sitting in Parliament, not only was humiliation at the death of one of the 'Scum of the People' a passing matter, but such further 'Marks of Infamy' as public dissection became a part of the policy of class discipline. Against that policy, with its shame and its disgrace, the men and women beneath the gallows' tree had to fight to provide decency for the dead and, like Antigone, to restore peace to the living in the bitterness of their loss.