

'CONVICTED MURDERERS AND THE VICTORIAN PRESS: CONDEMNATION VS. SYMPATHY'

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Abstract

Almost half of those receiving the death sentence in late-Victorian and Edwardian England were reprieved. The process of deciding which murderers were to hang and which were to be spared became an increasingly public one, thanks to the growing intervention of the press. This intervention grew alongside the accelerated expansion in the numbers and circulations of newspapers in the second half of the nineteenth century. As the press became a larger part of national life, its more 'popular' and its more local segments carved out for themselves a new and ever more prominent role as major participants in public discourse over 'justice' vs. 'mercy' for condemned murderers. This involvement is a facet of Victorian and Edwardian newspapers that has previously been overlooked.

'I always ask to see the local newspaper reports in capital cases.'

Sir William Harcourt, Home Secretary 1882²

Key Words: Victorian and Edwardian Press, murderers, death sentence, condemned murderers

Introduction

In the nineteenth century 'media' meant newspapers. In the second half of the century in particular newspapers were growing very rapidly in numbers and especially in circulation, with technological breakthroughs like the steam press and political reforms such as the abolition of paper duty. This press played an increasing role in criminal justice: in publicizing criminal acts, reporting trials and (our focus here) discussing sentencing. This essay examines one aspect of the latter, which has yet to receive much scholarly attention: the growing role of newspapers in the decision whether to hang or reprieve condemned murderers.³ This examination will particularly note and explore a gap ever more apparent between the local and

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² The National Archives, Kew [henceforth NA], HO144/104/A21506.

³ Recently, this subject has been thoughtfully addressed in an article limited to Lincoln: John Tulloch, 'The Privatising of Pain: Lincoln newspapers, "mediated publicness" and the end of public execution,' *Journalism Studies*, 7 (2006), 437-451. Tulloch notes a shift during the mid-Victorian years in Lincoln newspaper coverage 'towards some identification with the condemned' [p. 440]. See also Carolyn Conley, *Certain Other Countries: Homicide, Gender, and National Identity in Late Nineteenth-Century England, Ireland, Scotland, and Wales* (Columbus, Ohio, 2007) which makes extensive use of newspaper reporting.

national press, and between 'popular' and 'elite' newspapers, over the disposition of such prisoners. Through the Victorian age, 'elite London' papers like *The Times* were generally severe on murderers, while such offenders evoked more sympathy from their local communities, and from more 'popular' London and national papers, like the *Daily News* and *Lloyd's Weekly News*. With technological improvements in printing and the removal of the advertisement duty in 1853, the stamp duty in 1855, and finally the paper excise in 1861, an inexpensive mass-market press was made possible. Thereafter, newspaper readership rapidly expanded, in particular moving down the social scale. As the audience widened, many papers, chiefly local but also the more popular national weeklies, devoted more space to reporting on crime and trials, and in doing so also tended to become more active in seeking mercy for those condemned to die. Holding more firmly to sterner notions, the elite press maintained a greater hostility to most murderers, who were overwhelmingly from the humbler classes, and continued to usually demand severe punishment. Such papers made exceptions, particularly in cases of 'gentlemen' finding themselves facing the gallows, but also sometimes for ordinary men and women. There were also times when sympathies for accused murderers crossed social lines, and nearly all papers would find themselves urging officials towards mercy.⁴

Through controversies over murder trials, the press became in the course of the Victorian era another venue for contending and coinciding outlooks and ideologies related to class, gender and views on personal guilt, responsibility and punishment. At the same time that it became more of a forum for such issues, the press also became an increasingly important player in its own right in the struggles over whether or not to execute condemned murderers. Home Secretary William Harcourt's interest in local newspaper accounts and opinions would have been scorned by most of his more austere predecessors at the Home Office. However, from his period of tenure onwards, perusal of local papers gradually became part of the official process of review of capital convictions, and by the end of the century newspaper clippings were

⁴ See Richard Altick, *Victorian Studies in Scarlet* (New York, 1970); Virginia Berridge, 'Popular Sunday papers and mid-Victorian society,' in George Boyce, James Curran, Pauline Wingate (eds), *Newspaper History from the Seventeenth Century to the Present Day* (London, 1978); Lucy Brown, *Victorian News and Newspapers* (Oxford, 1985); Christopher Kent, 'Victorian Periodicals and the Constructing of Victorian Reality,' in J. Don Vann and Rosemary T. Van Arsdell (eds), *Victorian Periodicals: A Guide to Research*, Vol. 2, (New York, 1989); Judith Knelman, *Twisting in the Wind: The Murderess and the English Press* (Toronto, 1997); Kevin Williams, *Get Me a Murder a Day! A History of Mass Communications in Britain* (London, 1998); Ginger Frost, "'She is but a Woman": Kitty Byron and the English Edwardian Criminal Justice System,' *Gender and History*, 16 (2004), 538-560.

expected to be sent, along with judge's reports and other official documentation, to Whitehall.

'Some Signal Depravity': Reprieving Female Murderers

The easiest convicts to draw sympathy for were women, even though (or perhaps because) juries, bar and bench were all-male.⁵ The most common form of female homicide, the killing of one's own infant or young child, almost invariably drew pity. These defendants were usually either unmarried young women who were facing lives of social disgrace and destitution, or married women acting incomprehensibly. Infanticide was first addressed by statute in 1624, but murder convictions of women who killed their newborns were already rare in the early nineteenth century; indeed, after 1840 not a single woman was convicted at the Old Bailey for the murder of her own new-born child.⁶ The last woman to be hanged in England for the murder of her own infant, Rebecca Smith in 1849, only went to the gallows because of the truly exceptional circumstances of her crime: she used the cold-blooded method of arsenic poisoning, and after conviction she confessed to having similarly poisoned her *seven* other infants! In this case the press joined in a chorus of horror, the *Globe* calling her 'the annual and deliberate destroyer of her own offspring.'⁷ By 1879, when Emma Wade, an unmarried domestic servant in Stamford, quite clearly deliberately killed her infant and was convicted of murder by a reluctant jury at Lincoln, even the staunchly Tory *Lincolnshire Chronicle* urged its readers to add their signatures to the mass petition for commutation of her death sentence. Indeed, the paper went further and joined others to urge a change in the law to remove the death penalty from

⁵ On female murderers, see Mary Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes* (New York, 1977); Patrick Wilson, *Murderess: A Study of the Women Executed in Britain since 1843* (London, 1971) and Knelman, *Twisting in the Wind*. On the question of gender and murder, see Martin J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge, 2004).

⁶ Margaret Arnot, 'Gender in Focus: Infanticide in England, 1840-1880' (unpublished PhD thesis, University of Essex, 1994), p.138; several convictions and indeed executions of women for infant murder in the late nineteenth century were of so-called 'baby-farmers,' whose victims were not their own children. On infanticide, see Mark Jackson (ed.), *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000* (Aldershot, U.K.: 2002), and Josephine McDonagh, *Child Murder and British Culture, 1720-1900* (Cambridge, 2003).

⁷ *Globe*, 18 August 1849. On poisoning in nineteenth-century England, see Judith Knelman, 'The Amendment of the Sale of Arsenic Bill,' *Victorian Review*, 17 (1991), 1-10; Peter Bartrip, 'A "Pennurth of Arsenic for Rat Poison": The Arsenic Act, 1851 and the Prevention of Secret Poisoning', *Medical History*, 36 (1992), 53-69; George Robb, 'Circe in Crinoline: Domestic Poisonings in Victorian England', *Journal of Family History*, 22 (1997), 176-190; Ian Burney, 'A Poisoning of No Substance: The Trials of Medico-Legal Proof in Mid-Victorian England,' *Journal of British Studies*, 38 (1999), 58-92; Katherine D. Watson, *Poisoned Lives: English Poisoners and Their Victims* (London, 2004).

killings such as Wade's. Local efforts, supported by several papers, continued after her reprieve and won her release after only one year in prison.⁸

Changing public attitudes led to steadily diminishing punishments for infanticide.⁹ By 1895, when the destitute Amy Gregory strangled her six-week-old infant, whom she had left in the workhouse to nurse at 6 shillings a week, the popular *Star* dwelled on the 'heart-rending agonies' that she must have gone through, and expressed the hope that she would not have to spend very long in prison. This was too much for the conservative weekly *Spectator*, which, while approving of her by-now almost automatic reprieve from the sentence of death, chided those clamouring for her total exemption from punishment simply because she was a woman.¹⁰

Even stepmothers, traditionally stereotyped as wicked in legend and fairy tale, began to be viewed more sympathetically by popular newspapers. In 1867 Frances Kidder was convicted of drowning the eleven-year-old bastard daughter she apparently only discovered her new husband had after she married him. Despite much evidence at her trial that she had abused the girl for a long time before finally throwing her in the river, *Lloyd's Weekly*, the largest selling Sunday paper in the world, blamed her husband, who, it claimed, treated her cruelly and had exposed her to public shame by claiming her to be the child's mother. 'Some idea,' it went on, 'may be formed of the character of the man with whom the poor woman became connected,' it said, 'from the fact that he is actually at present cohabiting with the sister of the culprit, a girl seventeen years of age!' ¹¹ Kidder, against whom even her parents testified, nonetheless went to the gallows, becoming the last woman to be executed in public in England; that *Lloyd's* spoke for many, however, can be seen in the fact that on the day of her execution a crowd burned her husband in effigy.¹²

In attempting in 1872 to poison the wife of man she loved, the middle-class Christiana Edmunds instead poisoned his child. A classic villainess of the 'Fatal Attraction' sort, she was execrated in many papers and the subject, as 'the Lady

⁸ *Lincolnshire Chronicle*, 2 May 1879, p. 6; 6 May 1879, p. 2 and 9 May 1879, p. 5; National Archives, HO 144/83399.

⁹ In 1899 Home Office Criminal Memoranda noted that sentences on infanticides in the two decades 1861-1880 averaged somewhat over ten years, whereas those convicted in the 1880s averaged about seven years. Roger Chadwick, *Bureaucratic Mercy: The Home Office and the Treatment of Capital Cases in Victorian Britain* (New York, 1992), p. 293.

¹⁰ *Star*, 28 March 1895; *Spectator*, 6 April 1895.

¹¹ *Lloyd's Weekly*, 5 April 1868.

¹² Carolyn Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford and New York, 1991), p. 108.

Poisoner of Brighton', of one of the last of the classic murder broadside sheets. *The Times* called her attempt to 'scatter death throughout a town in pursuit of a selfish aim' an act of 'cold-blooded indifference' typical of 'the most vicious and cruel forms of criminality.'¹³ As was increasingly happening to women facing the death penalty, she was saved from hanging and committed to an asylum on the dubious grounds of insanity. It was left to the trial judge to sourly observe that while insanity 'seldom afflicted' poor defendants, 'it was common to raise a defence of that kind when people of means were charged with the commission of a crime.' Nonetheless, there was still widespread press satisfaction at this outcome. The liberal weekly *Pall Mall Gazette* confessed its relief at her reprieve, admitting that 'we have no better reason than the rest of the world for our satisfaction – namely, because she is a woman.'¹⁴

Even when women were on trial for the murder of their husbands, a crime that had until 1792 been considered 'petty treason,' their gender increasingly tended to be a factor in their favour with much of the press and public. Two cases within a year of Rebecca Smith's illustrate two ways gender operated upon the female murder convict's public image. Charlotte Harris, at Bath, had poisoned her husband – a method, like Smith's, repelling sympathy. That year especially had already seen several such murders; as *The Times* editorialized, they had cropped up 'almost monthly' and indicated, it suggested, 'some signal depravity in the social institutions of the age.' Indeed, her case, it argued, was a specially bad one – she had poisoned her husband in order to marry a rich old man; her crime was 'a specimen of murder,' *The Times* wrote, 'which, in its sublimated atrocity, transcends anything we have yet recorded.'¹⁵ Yet, when it turned out that she was with child, her execution was not only postponed (as the law required), it began to be questioned. As petitions for a commutation of her death sentence, many of them from 'ladies,' began to circulate in a variety of towns, some newspapers feared her hanging would present an

¹³ *The Times*, 17 January 1872.

¹⁴ Quoted in Jill Ainsley, "'Some mysterious agency': Women, Violent Crime, and the Insanity Acquittal in the Victorian Courtroom,' *Canadian Journal of History*, 35 (2000), 53. *The Times* reprinted the *Pall Mall Gazette*'s comments, apparently agreeing [26 January 1872]. The broadside, titled 'Trial and Condemnation of the Lady Poisoner of Brighton,' may be found in the British Library (11621.h.11). On insanity as an issue in Victorian murder trials and sentencing, see Roger Smith, *Trial by Medicine: The Insanity Defense in Victorian England* (Edinburgh, 1981); Roger Chadwick, *Bureaucratic Mercy*; Tony Ward, 'Law, Common Sense and the Authority of Science: Expert Witnesses and Criminal Insanity in England, c. 1840-1940', *Social and Legal Studies*, 6 (1997), 343-62.

¹⁵ *The Times*, 1 August 1849.

unedifying spectacle.¹⁶ Government eventually concurred with this judgment and allowed her a reprieve.¹⁷

Another husband-poisoner a few months later in 1850, however, also escaped execution, and in part because of the efforts of popular newspapers. The Londoner Anne Merritt was, unlike Smith or Harris, young, slight and good-looking, and had been browbeaten by the police inspector who had first interviewed her; even the judge was outraged by the defence's evidence that he had tried to entrap her 'in a most unmanly and unjustifiable manner.'¹⁸ When, after her conviction, fresh questions were raised about the medical evidence, several popular papers took up her cause. The *Daily News* urged reconsideration, and the *News of the World* claimed that 'It is like the memorable case of Eliza Fenning,' a servant girl thought to have been hanged in error in 1815 for supposedly poisoning the family she worked for. More conservative papers, on the other hand, concentrated their attention on the threat posed by the recent 'wave' of domestic poisonings.¹⁹ In this case, the 'popular' side won; Merritt's death sentence was commuted to transportation for life.

Priscilla Biggadike, convicted in 1868 of fatally poisoning her husband, did not fare as well as Merritt, for she was charged with being assisted by her lover – a double crime in the public mind, if not in law. She drew decidedly less press support, although the radical weekly *Reynolds' Newspaper* made a desperate plea for mercy on class grounds: 'The woman,' it declared, 'was poor, ignorant, perhaps immoral and had no friends to plead in her behalf.' However, it concluded gloomily (and correctly) that 'it is not such as she to whom Home Secretaries extend mercy.' Foreshadowing the case of Christiana Edmunds three years later, *Reynolds'* complained that 'had she been the wife of a gentleman, a member of a family of the ruling class, then scientific evidence would have been forthcoming as to her insanity....Poverty makes all the difference....There is only law; there are two modes of administering it – one for the rich and one for the poor.'²⁰ Other national papers, however, passed over this issue,

¹⁶ NA, HO18/274/1.

¹⁷ *The Times*, 10 May 1850, p. 8b.

¹⁸ *The Times*, 9 March 1850.

¹⁹ NA, HO18/274/3. *News of the World*, 19 May 1850. On the Fenning case, see V.A.C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994), pp. 353-367.

²⁰ *Reynolds' Newspaper*, 3 January 1869. A sympathetic broadside account of her execution is in Charles Hindley, *Curiosities of Street Literature*, p. 204. John Tulloch, 'The Privatising of Pain', gives an interesting close account of just how her execution – the first private one in Lincoln – was reported in the local press.

and focused their accounts on her horrid method, users of which rarely evaded the gallows.

Another type of killing sometimes carried out by women was that exemplified by Fenning – by a servant of her employer. In 1872 the reading public was stirred by the case of Marguerite Diblanc, a Belgian charged with strangling her mistress, a wealthy Frenchwoman. The ‘Park Lane murder,’ as it was dubbed, was, unlike the foregoing, one of impulse: informed that she was to be dismissed without reference, Diblanc objected passionately, an altercation which ended in a murder. Citing her Latin temperament and the indignities she had had to put up with from her apparently sharp-tongued mistress, the *Daily News* and the *Daily Telegraph* portrayed her as a pathetic sight in the Old Bailey dock, the *Illustrated Police News* similarly in her prison cell, as the first two urged mercy. On the other hand, the conservative *Saturday Review* complained to its more select audience of a ‘growing disinclination to inflict capital punishment, especially on women,’ while *The Times* warned against England slipping towards the regrettable French mode of excusing crimes of passion.²¹ Despite their warnings, Diblanc indeed received a commutation to life imprisonment.

The 1889 conviction of an affluent and adulterous Liverpool wife of murdering her husband by gradually feeding him arsenic provided a long-running sensation for the press. Florence Maybrick, the American wife of a prosperous businessman, was on the one hand an admitted adulterer, whose denunciation for this moral offence by her judge, the eminent James Fitzjames Stephen, was thought to have ensured her conviction in the face of scientific doubts about the evidence. On the other hand, she was a young and beautiful lady, who had been badly treated for years by her much older and inveterately philandering husband – all of which garnered her much sympathy. Consequently, both national and local press divided. Some, like the *Liverpool Courier*, declared that her death sentence was ‘a warning to women who have severed themselves from women's attributes that they cannot henceforth hope to enjoy immunity from the just consequences.’ Others, like the *Liverpool Post*, trained their denunciation upon the men in the case - chiefly her paramour but also her husband, who had been the first to break the marital vows. ‘Popular feeling,’ observed the *Post*, ‘is incensed against the man who seduced Mrs. Maybrick from

²¹ *Illustrated Police News*, 22 January 1872 and many issues in the next months; *Daily Telegraph*, 3 May 1872; *Daily News*, 15 June 1872; *The Times*, 15 June 1872; *Saturday Review*, 22 June 1872.

the path of duty and rectitude and honour, and dragged her down to a position of degradation and shame....the public conscience revolts against [such men] going scot-free while their victims have to bear the full burden of their guilt and sin.’ After the sentence, the press increasingly swung in her favour, as the immoral life of her husband was excavated and recounted, and as the image of the noble and beautiful lady facing the gallows stirred chivalrous sentiments. A correspondent to the *St. James’s Gazette* saw the public outcry as less about her guilt than a revulsion against the hanging of a ‘young lady like the one just condemned.’ *The Times* agreed, while disapproving of this public sentimentality.²² Maybrick was reprieved, and served 15 years in prison.²³

Maybrick’s example ensured close attention to the treatment of future female poisoners, but did not necessarily assure their reprieve. Ten years later, in the last year of the century, the case of Mary Ann Ansell, found guilty of poisoning her sister in order to collect on an insurance policy she had taken out on her, became another cause célèbre. Many newspapers called for her reprieve.²⁴ She was, it was widely believed, if not technically insane then at least weak-minded, and should not be considered fully responsible for her act, however deliberate it seemed. The *Daily Mail*, for example, under the heading ‘A One-Sided Investigation,’ complained that the Home Office had not really tried to ascertain the character of her mind. ‘Whereas a penniless maidservant, without influence or good looks, loses her life for want of a fair inquiry into her sanity, a gentelady of fortune and beauty, as was Mrs. Maybrick, is accorded a reprieve after a trial in which some thousands of pounds were spent on her defence.’ ‘We have,’ it continued two days later, ‘no particular sympathy with Mary Ansell herself – we are as convinced of her guilt as was her judge; but we feel that, apart altogether from the moral guilt of the wealthy insurance company whose agent tempted her feeble intelligence, she has not had the fair play due to her family history [of mental weakness] and her sex.’²⁵

²² *Liverpool Courier* and *Liverpool Gazette* quoted in *Pall Mall Gazette*, 8 August 1889, p. 5; *St. James’s Gazette*, 9 August 1889, p. 5; *The Times*, 23 August 1889, p. 7. See Knelman, *Twisting in the Wind*, pp. 238-244. ‘It seems unlikely,’ Roger Chadwick has observed, ‘that had she been poor and middle aged her case would have stirred such a response.’ Chadwick, *Bureaucratic Mercy*, p. 308.

²³ On this case, see Mary S. Hartman, *Victorian Murderesses*; George Robb, ‘The English Dreyfus Case: Florence Maybrick and the Sexual Double-Standard,’ in George Robb & Nancy Erber (eds), *Disorder in the Court: Trials and Sexual Conflict at the Turn of the Century* (New York, 1999).

²⁴ Her Home Office file contains a large number of newspaper clippings sympathetic to her situation and criticizing the Home Office: NA, HO144/277/A61150.

²⁵ *Daily Mail*, 17 and 19 July 1899 (the second article was headlined ‘The Ansell Scandal.’)

However, after a re-examination the Home Office doctors found her to be fully sane. Still concerned at the furore, Home Secretary Ridley had his clerks compile a list of all women poisoners sentenced to death over the previous fifty years, and another list of all female murderers over the past decade. They concluded that women had become ever less liable to execution, except when employing poison. The head of the Criminal Department granted that 'women have as a rule less power of self control than men, and often act hastily under the influence of feelings and emotions to which men are comparatively or perhaps altogether strangers,' but that in cases of poisoning, premeditation was clear, and the capital sentence had generally been carried out. After speaking with the doctors, the Home Secretary agreed: 'This was,' he concluded, 'a most cold-blooded and premeditated murder committed for the sake of the insurance money...the report of the doctors leaves no ground for holding the prisoner insane or irresponsible for her acts. As to age there is no precedent or reason for holding the comparatively youthful age of twenty-two a sufficient reason for respite. There remains only the sex. Had a similar murder been committed by a man of twenty-two, there would have been no doubt that the law should take its course. I think that sex alone should make no difference in such a case, and that to hold otherwise will practically be setting a precedent for the abolition of capital punishment in the case of women.'²⁶ The law in Ansell's case did therefore 'take its course,' although the efforts of the press, this time unsupported as they had been in Maybrick's case by expensive lawyers, had forced the Home Office to take more careful and lengthy deliberation than was usual.

Tyrants or Wretches? Reprieving Male Murderers

Although Ansell hanged, in the new century the execution of a woman was to be a rarity; far fewer women than men were tried for murder, and hardly any of those convicted were seriously in danger of execution.²⁷ By comparison, most men convicted of murder in this era (as today) could draw on fewer reserves of public or press sympathy than could women. Yet there were certain kinds of killings that could, like those already discussed, range members of the public, and the newspapers that catered to them, on opposing sides. One was in peculiarly male environments where older, rougher, codes of behaviour still had force. The famous trial in 1884 of Tom Dudley and Edwin Stephens, captain and mate of the yacht *Mignonette*, which had sunk in the South Atlantic, for killing and eating their cabin boy, is a case in point.

²⁶ NA, HO144/277/A61150.

²⁷ See Wiener, *Men of Blood*.

Here there was no question of hanging, but of whether to prosecute at all, and if so, what to charge, what verdict to find and what sentence to issue. While national newspapers like the *Times* demanded their trial and conviction for murder, local papers, reflecting a readership familiar with the harsh conditions of seafaring and its codes, resisted prosecution and punishment for men who had managed to survive many desperate days on a raft.²⁸ In the end, a compromise outcome was arrived at: a murder conviction but a sentence of only six months' imprisonment.²⁹

More familiar to the criminal law than castaway cannibalism was child murder. If a man murdered his own child, he was increasingly likely – as had already become the case with the mother, if she were married (and thus lacking the obvious motive of avoiding public shame and exclusion) to be perceived as mentally disturbed, even when medical men did not agree. When the unemployed and aging William Viney's younger wife left him for another man in 1898, he cut the throats of their three children. Even though Home Office doctors refused to pronounce him insane, as with Mary Ansell the following year, many newspapers insisted on his lack of full responsibility when committing the killings.³⁰ The *Daily Chronicle* spoke for many when it declared that:

...the poor wretch who was sentenced at the Old Bailey yesterday to be hung for the murder of his three children at Leyton deserves some pity. The children had been deserted by their mother, and this had preyed on the man's mind – a weak mind in a half-starved body. His own account ... was that a power of darkness came over him and overwhelmed him, and that the idea came to him that it would be better to kill the children so that they might go to a better world...we cannot doubt that the Home Secretary will see his way to avert the death penalty.' He did.³¹

More common for men was murder of their wives. Trials for this offence bulked ever larger in the dockets of Victorian courts, outnumbering husband murder trials by a factor of ten to one (a much greater disparity than that of today, when in England they are only three to four times more frequent). These more and more often called forth conflicting newspaper responses, in which the notes not only of local sympathies but of class conflict could be heard. The great majority of these

²⁸ See A.W.B. Simpson, *Cannibalism and the Common Law: The Story of the Tragic Last Voyage of the Mignonette and the Strange Legal Proceedings to Which it Gave Rise* (Chicago, 1984).

²⁹ See *R v Dudley and Stephens* (1884) 14 QBD 273

³⁰ These and other cases of the 1890s show the lay public more ready to find insanity in 'senseless' murders than the consensus of the medical profession. The 'medicalization' of deviance here appears to have been powered as much by developments in lay opinion as by any 'imperialism' of the medical profession.

³¹ NA, HO144/559/A60446.

defendants were working class, and this fact had much to do with the nature of their media treatment. While elite and most national papers feared lower-class barbarism – emerging from what Matthew Arnold saw in London’s East End in 1868 – ‘those vast, miserable, unmanageable masses of sunken people’³² – some papers closer to the scene were inclined to argue for mercy. When in 1860 a Kirkdale shoemaker, Thomas Gallagher, stabbed his wife over and over until she died, the *Liverpool Mercury* sought to save him from execution, pointing out the capriciousness of the application of the ultimate punishment, and the unfairness implicit in the man’s low condition:

Several persons,’ [it noted] ‘convicted of murder at the present summer assizes have been reprieved. One in particular, a young woman, tried at Leicester for deliberately poisoning her master with arsenic, she fully confessing her crime. In this case there was premeditation, and some time elapsed during the periods at which she administered the poison. In the case of Gallagher there was not premeditation...’

Moreover, the paper observed, ‘probably Gallagher has no friends, and as he belongs to the lowest class of society, nobody will take the trouble to get up a petition....He is a Papist, and so was his wife....It is the duty of the priest, and all who love justice, to endeavour to save this wretch’s life.’ It concluded that ‘a man ought not to suffer merely because he is poor, and has no friends to plead for mercy’.³³ However, this call found no echo in the national press, and Gallagher hanged.

Similarly, when a casual labourer, George Poplett, was convicted of murdering his wife in 1874 after she left him for another man, his local newspaper described his marriage as a tragedy and noted that ‘a divorce, however, is a legal luxury far beyond the reach of men in Poplett’s position. Why, it asked, were the tragic facts of his marriage not properly brought out at the trial? The answer is a very painful one. Poplett had no means to enable him to be properly defended, and ‘even if [he] had possessed the means, he had not the time.’ With good lawyers, he could have delayed the process and perhaps won a manslaughter verdict. The paper compared his case to that of the Rev. J.S. Watson, who had murdered his wife two years earlier, but who had money for a real defence which had saved him from the gallows. However, other more detached newspapers failed to sympathize, one pointing out that Poplett had threatened his wife many times that if she left him he would kill her.³⁴ Of the murder trial the same year of another workingman, Jeremiah Buckley, *Lloyd’s*

³² Quoted by Gareth Stedman Jones, *Outcast London* (Oxford, 1971), p. 241.

³³ NA, HO12/127/42050.

³⁴ NA, HO45/9374/39497. See also *The Times*, 23,26, 28 November and 15 December 1874.

Weekly complained that although Buckley 'in the most cowardly manner, beat his wife's skull with a poker,' he was convicted only of manslaughter instead of murder, and called for greater severity by the courts in such cases.³⁵ As the *Times*, roused by a Kent shoemaker's fatal beating and kicking of his wife, complained a few years later,

...An English novelist, whose heart was as good as his satire was keen, has said that if some domestic histories were laid bare to the eye of the world there would be seen seated by family hearths tyrants as cruel and despotic as Amurath or Genghis Khan. The records of our police-courts and the experience of every Judge who has gone circuit abundantly verify this hard saying. In most respects our lower classes will compare favourably with the corresponding orders in other countries....But one clear difference to their disadvantage is in regard to the treatment of their wives. Some Englishmen have not yet learnt the elementary fact that their wives have a few rights, and may not be beaten as they in their supreme pleasure think fit...³⁶

Yet even when in 1877 a farm labourer of Dolgelly, North Wales, Cadwaller Jones, murdered his mistress and then cut her body to pieces and buried them – a particularly horrifying and sensational case that enabled the declining broadside trade to momentarily revive – his local newspaper still took up his cause. Jones' poverty and ignorance – the court proceedings had to be translated into Welsh for him – was noted. Urging a reprieve petition, it cited his previous good character and explained away the carving-up:

It is not difficult to understand that when the man found himself in the presence of the decaying remains he discovered that their removal was not possible, and was thus led on to the mutilation which has done so much to add horror to the crime....The mutilation of the body was in no sense part of the original offence and ought to be completely dissociated from the act for which sentence of death was passed....that he premeditated her death, and ought therefore to suffer the extreme penalty of the law has not been proved. All the evidence goes to show that the act was conceived and carried out in an instant....the woman whose vicious character was well known followed him, and probably threatened to go to his wife and make disclosures to her, which would utterly destroy all his prospects of domestic peace. In a moment of exasperation he struck her a violent blow, it is believed, the handle of the churn or a stone, and at once hurried away from her. Had he at this stage gone back to Dolgelly and given himself up to the police he would not at the most have received more than twelve

³⁵ *Lloyd's Weekly*, 5 April 1874.

³⁶ *The Times*, 1 November 1879, p. 9.

months' imprisonment....no jury would have brought in a verdict of wilful murder....There is no time to lose [on a petition for mercy]...³⁷

Such a petition was indeed organized, and collected 8,000 signatures, but one notable holdout was Jones' wife, who from the time of his arrest had refused to see him. The local sympathy was not echoed at higher social or governmental levels, and he hanged.

In 1884, when a Birmingham tube cutter dragged his wife out of bed, accused her of infidelity and stabbed her to death, the local community rallied to save his life. Several Birmingham papers, moved by his previous good repute and his wife's grave 'aggravations', gave extensive coverage to the campaign for his reprieve, and encouraged readers to sign a mass petition. The *Birmingham Daily Post* observed that the prisoner 'had striven to reform [his wife]' and that 'if he had intended to kill her, he could have stabbed her in her sleep, rather than first waking her.' Eventually over 50,000 persons signed the petition, and the man was reprieved.³⁸

By this point, both the reading public and the electorate had been greatly expanded. In this situation, it was becoming an accepted role of local newspapers to assist reprieve campaigns, by for example publishing information on where petitions could be signed, and as the press aimed at an ever-wider audience, they did so in ever more direct terms. Urging mercy for a Southampton labourer who killed his wife after she walked out on him, the *Southern Echo* in 1895 headed its editorial 'Save from the Gallows a Widow's Son'.³⁹ The next year the *Birmingham Daily Post* returned to the fray to plead for early release of another local wife murderer whose life it had helped to save ten years earlier by winning him a commutation. John Norbury's wife, killed by a series of blows from a hatchet, had been, it pointed out, a dissolute woman, and Norbury had by then certainly suffered enough. 'Ten years of penal servitude, cut off hopelessly from home, friends, children, is an awful penalty,' it declared, 'and it is still more terrible in such a case as this, to contemplate the extension of it for the whole term of a man's life'.⁴⁰ The 20,000-signature petition the paper had supported helped convince the Home Office to set Norbury free ten years earlier than had been usual for reprieved murderers.

³⁷ NA, HO45/9439/65837. Even the less involved *Cheshire Observer* called the case a 'tragedy' and its report of the trial noted that 'there was a mildness in his expression that gave rise to much wonder that he could have been guilty of such a horrible crime. . .' (3 Nov. 1877, p. 7).

³⁸ *Birmingham Daily Post*, 27 February 1884; 5 March 1884; NA, HO144/272/A34607.

³⁹ NA, HO144/548/A57035 (Frank Miles, 1895).

⁴⁰ NA, HO144/288/B656.

Officials at the Home Office were, however, finally brought to exasperation three years later when several Newcastle papers stoked popular feeling for a particularly repellent murderer, a married farmer who had poisoned his pregnant mistress. While *The Times*' coverage emphasized how horribly the woman had died, the *Newcastle Chronicle*, in supporting the reprieve petition, stressed his rustic ignorance in claiming he probably only intended to kill the foetus:

He was a young farmer, [it pointed out] and we know what many young farmers are apt to be. Intellectuality is not usually their strong point; and even the most rudimentary knowledge of toxicology is not a requirement for growing turnips and fattening pigs for the market. There can be little doubt that he had heard at some time of strychnine as an unfailing preventive in certain delicate circumstances; and that he had no suspicion of its real character...

The facts of the case suggested otherwise to the Home Office. 'It is sad to think,' an official observed privately, 'how little care is taken by many local newspapers to think of the facts of the case before they endeavour to instruct the public mind as to the way in which it should go.'⁴¹ The man hanged.

By the turn of the century, as elite newspapers like *The Times* were yielding up coverage of 'sensational' matter such as murders to the ever-growing popular press, local and mass-market London papers had made use of such sensations to carve out a role as seekers of mercy for 'ordinary' persons facing execution. When a Grantham man beat his wife on the head with a hammer until she died and was convicted of murder in 1902, petitions were organized arguing that insanity ran in his family; the *Sun* backed them up with a headline, 'Five Generations of Coles Mentally Afflicted', and although an insanity defence had not even been raised at the trial, won a commutation of his sentence, prompting the *Sun* to boast that 'this is the second occasion on which we have succeeded in obtaining a revision of the death sentence.'⁴² A third occasion followed the next year, when the paper took the lead in organizing successful petitions for the reprieve of Thomas Gibbs, who had murdered his lover.

⁴¹ NA, HO144/273/A59699 (Walter Horsford, 1898).

⁴² NA, HO144/956/A63437 (Frank Cole, 1902); HO144/983/110126 (Thomas Gibbs 1903).

Conclusion

The twofold role of newspapers in criminal justice that was to be characteristic throughout the twentieth century was well established even before Victoria's death. Elite and politically conservative newspapers were ready to perceive social and moral dangers in an outburst of particularly offensive crime, and to urge firm punishment, while local, popularly-aimed and more liberal newspapers stood ready to take up the cause of mercy for those facing the gallows. On occasion, when a perpetrator was both cruel and not from the 'ordinary people,' all papers might unite in strong cries for (stern) 'justice'. When for instance at the beginning of 1901 Herbert John Bennett, a gentleman who it turned out 'had long lived a double life,' deceiving both women and creditors, was tried for killing his wife in order to marry another, more affluent, woman, he received an unusually long (for the time) trial of seven days which, it was later observed, 'inflamed the public imagination to the exclusion of the General Election results.'⁴³ After extensive and excited coverage, for which, complained the Lord Chief Justice, 'the Press has a great deal to answer,' all newspapers concurred in welcoming the murder conviction of this villain and none urged mercy. He did not receive any. Even here, however, the press could at the same time play the other side of the street: while Bennett was awaiting execution, the *Sun* greatly aggravated the Home Office by publishing a letter from him asking for help for his little daughter.⁴⁴

As often, however, when the press concurred in a murder case, it was in the direction of mercy. The year following Bennett's trial saw such an example, in another sensational case, the murder of William Whiteley, owner of one of London's leading department stores, by his illegitimate son, who then attempted to kill himself. There was great sympathy in the press for the perpetrator, Horace Rayner, stemming from both the ill treatment he had received from his father, who had refused to acknowledge him, and from the injuries suffered in his suicide attempt. When he was sentenced to die, 'then arose,' one author has recounted

a most astonishing state of affairs. A petition for Rayner's reprieve was drafted and supported wholeheartedly by the Press of the country. Crowds clamoured to sign it and [his solicitors'] offices were besieged.... Hundreds of thousands of people employed in factories and offices, and huge concerns, from the principals down to the office boys, signed it.'

⁴³ Sidney T. Felstead, *Famous Criminals and Their Trials* (London, 1926), p. 336.

⁴⁴ *The Times*, 28 February 1901; NA, HO144/567/A62336. For more on this case, see Edward Marjoribanks, *For the Defense: The Life of Sir Edward Marshall Hall* (London, 1929).

In this case it is particularly difficult to be sure how much the newspapers led the public, or followed it, but they certainly were in the midst of the action. The Home Secretary responded, Rayner was given a reprieve, and later released after serving only twelve years.⁴⁵ From this time forward, no controversy about execution or reprieve was complete without the energetic participation of the press.

⁴⁵ Felstead, *Famous Criminals*, p. 340. Rayner's Home Office file has not survived.