CHAPTER 4

Murder and the Law, 1752–1832

On 26 March 1752, the Act for 'better preventing the horrid crime of murder' passed into law after moving swiftly through the Commons and the Lords and receiving royal assent from George II. The establishment of the Murder Act, as it is known, was a significant moment in the history of British criminal justice. It stood without change or serious challenge for eighty years and is unique in British history. The Murder Act established systematic juridical procedures for the execution and, critically, the post-mortem punishment of convicted murderers.

From 1752 to 1832, the punishment for anyone convicted of murder, even members of the nobility,[1] was execution by hanging. There is little new in this, considering the eighteenth century was the time of the Bloody Code—the name given after the fact to Britain's eighteenth-century penal code because of the high number of capital crimes on the books: over 200 by the 1820s.[2] However, the sentence for murder did not end with the death of the condemned. The corpse of the convicted murderer was then sent for anatomisation and dissection or handed over to the sheriff to be hung in chains ('gibbeted'). In either case, the punishment inflicted on the criminal corpse was, by intention and in effect, highly visible.

Gibbeted bodies were suspended thirty feet in the air, and stayed in place for decades as they decayed on display. For those sentenced to anatomisation, crowds trooped through inns and other convenient sites to see bodies cut and spread open. Then corpses were carted off to the

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much more secluded anatomy rooms where they would be dissected to their extremities, that is, until there was nearly nothing left, by surgeons or groups of medical trainees. These very public and intensely sensory punishments visited ignominy and humiliation on the condemned. They also deliberately prevented the interment of the body and performance of the customary religious and cultural rituals, denying both the condemned and their family the comfort and finality of a decent burial.

Reserved for the most unnatural of crimes, the Murder Act was intended to deter through terror the commission of future murders. In practice, the effects were both broader and more complex. To understand the changing power of the criminal corpse in Britain, the eighty-year lifespan of the Murder Act, defined by state-mandated and court-ordered punishments carried out on criminal corpses, is critical. This period witnessed a steep rise in the number of capital offences and a simultaneous and paradoxical overall reduction in the number of executions carried out, apart from a few moments in the 1750s, 1780s, and 1810s when execution numbers showed sudden and sharp spikes. Major developments in theories and practices of punishment associated with changing beliefs about the body took place in the eighteenth and early nineteenth centuries. In particular, older forms of punishment involving injury and maiming were gradually phased out and replaced by new types of punishment based on removal of the offender from society, imprisonment and hard labour.[3] The use of the pillory, the stocks, whipping, and burning gave way to incarceration in new facilities on land and on water, and transportation overseas served the dual purpose of punishment and extending the power and profitability of the Empire.

This chapter focuses on the law in order to trace the history of codified post-mortem punishment from its conception—by lawmakers, judges, executioners, the accused and others—to its creation under the Murder Act. We begin with an examination of the creation of the Act and the context in which it was proposed. Then we investigate how the Act operated in practice, including its uneven application across different geographical regions (the London metropolis, peripheral regions of England, Scotland, and colonial contexts such as Wales, Ireland and the overseas colonies). Next, we consider the impact of the Act, and the relationship of punishment under the Act to other forms of punishment in use during the same period for serious crime—in particular, transportation and incarceration on land and water—and the fate of the criminal corpses created by them. We conclude this chapter with attention to when and why the Murder Act was repealed, and its enduring legacy.

Making the Murder Act

The Murder Act was created during a period of unprecedented attention to crime and punishment in England and in the midst of a press-fuelled moral panic about crime in the capital. In February 1751, a House of Commons committee was established to investigate felonies and other offences. This was the first time a committee was tasked with a specific focus on crime and punishment. It included all of the Members of Parliament for London, Middlesex and Surrey, giving the committee a distinctly metropolitan character, and by 1752 had produced three orders: the Disorderly Houses Act, the Confinement at Hard Labour Bill, and the establishment of the Pawnbrokers Committee. The activities of the Felonies Committee made no sign towards the terms that would appear in the same year in the Murder Act. Rather, the Commons ordered Sir William Yonge and Sir George Lyttleton to bring a bill 'for the better preventing the horrid crime of murder' on 10 February 1752.[4] Why was murder singled out for special attention in this way?

Historian Richard Ward has convincingly argued that the Murder Act was introduced in response to a short-lived panic that arose in London as a result of several homicides that took place in the capital during late 1751 and early 1752, which were covered extensively in the press.[5] In the decade preceding the panic, murder prosecutions had been at or below the annual average for 1720–1759, and if we consider only civil cases (excluding the Admiralty) the 'spike' in murder prosecutions in London in 1751 actually only consists of 2 capital convictions. The increase was not as dire as may have appeared, but this was certainly not how it was portrayed in the press. The *Daily Advertiser*, *Penny London Post*, and *Read's Weekly Journal* all wailed about the impending deluge of prosecutions, and gave unprecedented attention in their pages to the crimes and prosecutions of murderers.[6] Crimes certainly occurred, but it was press reporting on (or more accurately, sensationalising) such crimes that caused murder to become 'a problem greater than the sum of its parts.'[7] Nonetheless, the press-induced panic in the mid-eighteenth century spurred rapid action from government in no small part because the primary audience for printed crime literature, British society's middling ranks, included some of the key decision makers for the criminal justice system—particularly those in London.[8]

It took less than a month to prepare the bill and present it before Parliament. After some discussion in the Commons during the first three weeks of March 1752, the bill was passed and put before the Lords who

made one significant amendment that stipulated severe punishment for anyone attempting to interfere in the post-mortem punishments mandated under the Act. On 26 March, the Act became law and stood until 1832, when key clauses began to be repealed.

The Act hastened sentencing and execution for those convicted of murder but most strikingly, under the Act convicted murderers were denied the comfort of the prospect of a decent burial; instead their sentence would include the terror of knowing their body was destined for public anatomisation and dissection or being hung in chains on public display and left to rot. The Act also changed the timeline of punishment for murder, making it more difficult for some to petition for pardon. Over its eighty-year lifespan, the impacts and entanglements of the Act went far beyond its original intent with significant implications for the developing professionalisation of medicine, but the Murder Act was first and foremost a tool for social control designed to create and harness terror to punish and deter.

The Murder Act introduced five specific measures designed to increase the terror of punishment and viscerally distinguish the crime of murder from all others. The clause stipulated 'the sentence of death should henceforth be passed upon murderers in open court immediately after conviction'. This shortened the possible window during which appeals or bargaining could occur that might soften the anticipated sentence. Similarly, the second clause required that the execution of those condemned under the Act be carried out two days after sentencing, with the exception that if it should fall on a Sunday the execution would take place on the following day (Monday). The combination of the first two clauses meant that punishment would now be much more rapidly inflicted. The third clause directed those convicted of murder to be held in solitary confinement and allowed a diet of only bread and water. The conduct of those condemned to die following capital conviction in Britain in the eighteenth century who had the means to pay for it can be described as riotous. It was not unusual for individuals in this situation to pay to have visitors and prostitutes brought to see them, and to entertain in as lavish a fashion as was possible. The well-off spent money on food, alcohol, and company to make the most of their last days, and those who lacked the means might be able to arrange sale of their corpse to anatomists and use the coin to procure entertainment or a measure of respite from the prospect of the punishment to come. Mandating solitary confinement, except of course for visits from clergy to promote proper

contrition and religious submission, and such a spare diet made it much more difficult for the condemned to ignore or subvert the impact and lesson of the punishment that awaited them.

The fourth clause of the Act is the one that sets it apart from all other penal legislation in British history: after execution by hanging, the bodies of convicted murderers were not to be allowed burial until they had been either anatomised and dissected or hung in chains. The use of dissection and hanging in chains—known as 'gibbeting'—were not new developments. Some individuals convicted of capital crimes before 1752 were gibbeted as an additional punishment and object lesson, and the corpses of some executed criminals were given over to the medical men through royal and other grants.[9] The power to punish the criminal corpse was based on an understanding common in England since the fourteenth century, but never enshrined in law, that 'the bodies of executed felons were at the disposal of the king.'[10] This was also the basis of earlier allowances by royal decree of a small fixed number of criminal corpses to the College of Barber Surgeons and College of Physicians for study (see Chapter 3). Before 1752, post-mortem punishments were discretionary in all but the crime of treason, for which sentence to being hanged, drawn, and quartered involved post-mortem punishment and public display of the body. The Murder Act formalised existing practices rather than developing new post-mortem punishments. In so doing, it established post-mortem punishment as both legally mandated *and* systematic for the first time in Britain.[11]

Concern over the potentially riotous antics of those awaiting execution, addressed by the first three clauses, was dwarfed by concerns linked to the behaviour of the disorderly, boisterous, and rowdy audiences that attended executions in eighteenth-century Britain. The Murder Act's final clause sought to prevent interference with the punishment of convicted murderers: attempting to rescue the condemned before execution was made punishable by death. The Act also made any attempt to rescue the murderer's corpse punishable by transportation overseas. It was designed to ensure that the punishments to which murderers were sentenced had as little chance as possible of being interrupted by the public or the family and friends of the condemned. Peter Linebaugh has demonstrated that the surgeons and their representatives who claimed bodies from the gallows—whether through legal means, such as the corpses accorded them through royal grant and upheld by parliament, or through only semi-legal means, such as the prearranged purchase of a

corpse from a condemned person or from the hangman—were the most common targets of disorder at the foot of the gallows before the advent of the Murder Act.[12] The preventative clause in the Murder Act sought to reduce the danger both of riot or unrest that might cause injury and property damage, and avoid subversion of the full punishment to which a murderer had been sentenced.

The motivations behind four of the five key clauses of the Murder Act seem clear, considered in the context in which the Act was created. However, it is less obvious why parliament should consider harm inflicted on a criminal's corpse to be either useful or appropriate to the goals of maintaining social cohesion or state control. Historian Peter King has discovered that there were debates before the advent of the Murder Act about how to most effectively add to the terror and infamy of the punishment meted out against murderers. These discussions were based on a perceived need to set murder apart from other crimes. When the eighteenth century began there were over 60 capital crimes, and by the end of the century the number had grown to over 200.[13] Penalising small theft *and* murder with the same punishment—death by hanging—seemed to offer little deterrent to, or differentiation from, the commission of one of the most violent and socially transgressive crimes. Further, as Elizabeth Hurren has identified, the principle of *lex talionis*—the idea that punishment should correspond in both degree and kind to harm done by the wrongdoer—directed that some additional punishment was required to restore social balance, and the impact of murder, not just on the victim but on society and social cohesion, meant that some additional punishment was needed.[14] The admittedly brief mid-century panic about violent murder in London spurred the creation of the Murder Act, but it was the issues of deterrence, differentiation, retribution and rebalance that gave rise to its specific content.

But harming criminal corpses as an additional punishment for murder was not the only option considered in the mid-eighteenth century. The possibility of using aggravated punishment, that is, pre-execution forms of physical retribution for the wrongdoing, was also proposed. In other parts of Europe, forms of aggravated punishment such as breaking on the wheel were used into the 1830s to punish individuals convicted of particularly heinous crimes.[15] The prospect of such protracted and excruciatingly painful torture and the humiliation of suffering it in public would no doubt have added the 'further mark of terror and infamy' intended by the Murder Act. It has proven difficult to unravel the precise

reasons behind the creation of the specific content of the Murder Act and the punishments it stipulated, due to a lack of parliamentary reporting.[16] What we do know is that up to a fairly late stage, additional punishments both pre-execution and post-execution were debated in the press and in parliament.

The option eventually taken up as the way to 'add some further terror and peculiar mark of infamy to the punishment of death'[17] was to inflict humiliating punishments on the body of the convicted murderer after their execution. The condemned would not suffer physical pain if their corpse were harmed. So how was harming a dead body an additional punishment?

The terror of post-mortem punishment arose from common and strongly held concerns regarding bodily integrity and proper burial.[18] The exposure of the body was a source of humiliation to the condemned and shame to their family and friends. Further, the desecration and destruction of the body precluded the anticipatory comfort of a burial in accordance with one's faith. Ward has noted that the formal use of post-mortem punishment and the prevention of the burial rites associated with Christian salvation (the 'proper' burial of an intact body) represented an attempt to assert the authority of the law over that of God by placing 'decisions over the spiritual salvation over criminals within the hands of the secular courts.'[19] Although there is nothing in Christian doctrine that requires the burial of a whole body for resurrection (and indeed, St Augustine is quite clear that God would be able to assemble a body for resurrection even in the case of those who had been consumed by wild beasts, or burned in a fire), there does seem to have been a superstitious feeling that the lack of a 'decent' burial would have repercussions in the afterlife. The exposure of criminal (and criminalised) bodies and denial of burial and its associated rites and comforts permanently excluded the condemned from their community. The post-mortem harms detailed in the Murder Act were intended to punish murderers beyond their death, and to humiliate and disgrace them and their kin beyond the execution.

Post-mortem punishment under the Murder Act was a calculated response to the needs of mid-eighteenth-century Britain. It satisfied the principle of *lex talionis*, acted as a deterrent to the commission of future murders by providing an object lesson to the public, and inspired horror in the condemned. It was 'above all else designed to be terrifying, exemplary and shameful.'[20]

Hanging in chains had been in use as a discretionary punishment since at least the seventeenth century, and its use under the Murder Act followed the form practised before 1752 (details of gibbeting are taken up in Chapter 6). The punishment of 'anatomisation and dissection' however, deviated from the previous use of criminal corpses by medical men. Under the grants made to surgeons and anatomists by the Crown, criminal corpses were used for medical research and training purposes, but only infrequently in forms accessible to the public. The post-mortem punishment of anatomisation and dissection critically involved a very public element, during which the execution crowd could witness first-hand the cut corpse spread open to their view. This allowed the public to see justice done in that the full sentence had been executed and also to partake in the deterrent example intended by the spectacle (see Chapter 5). Both post-mortem punishments detailed in the Murder Act involved public exposure and desecration of the body, and resulted in the obliteration of the murderer's corpse.[21] But how did the Murder Act function in practice, and did these additional punishments achieve their intended effects?

Making Criminal Corpses

> Criminals do not die by the hands of the Law. They die by the hands of other men.[22]

Over its eighty-year life, 1166 individuals were convicted of murder and sentenced under the Murder Act. Of these, 80% were sentenced to anatomisation and dissection and their corpses were handed over to the medical men following execution by hanging. A significantly smaller proportion, only 12%, was sentenced to hanging in chains, and the corpses of these individuals were gibbeted following execution on the gallows. Though the chances of a pardon for capital crimes other than murder fluctuated, they were consistently high for non-murder capital crimes—often hovering around 75%—the likelihood of securing a pardon for the convicted murderer was far more remote. Only 8% of those convicted under the Murder Act received a pardon and escaped execution and post-mortem punishment.[23] Here we trace the process of producing criminal corpses from individuals accused of murder, including sentencing, pardoning and execution. We also consider the outcome of a strategy attempted by a few individuals convicted and sentenced

under the Act to avoid their grisly fates. Finally, we survey the uneven geographic application of the Murder Act across Britain. This approach provides insight into how the Act operated in practice, not just in principle. Chapters 5 and 6 take up the story of the criminal corpses produced under the Murder Act, and follow them into the spaces, experiences, and impacts of anatomisation and dissection and of hanging in chains, respectively.

In eighteenth- and nineteenth-century Britain, serious crimes, including murder, were tried by Crown courts. Outside London, such trials occurred at the assizes, which took place twice a year in large towns according to a regular annual schedule. In the capital, such cases were tried at the Old Bailey. Following trial, those convicted of murder received their sentence in open court immediately following conviction. The judge donned a small black cap (on top of the required powdered wig) and passed sentence of death. Under the Act, the judge was also responsible for sentencing the condemned to the post-mortem punishment of anatomisation and dissection. Should a judge deem gibbeting to be a more appropriate punishment, they then gave the order for the murderer to be hung in chains which replaced the initial sentence of anatomisation and dissection.

The first conviction for murder under the Act occurred in June 1752 in London. Thomas Willford had been indicted for the murder of his wife, Sarah (née Williams), in May of the same year. Sarah had been brutally attacked with a knife on 25 May, and nearly decapitated. The record of the trial is short, and there seems to have been little question of Thomas's guilt—indeed, he offered no evidence in his own defence. The Ordinary of Newgate's printed account of executed Old Bailey offenders, dated 2 July 1752 noted that this was the 'first case after the new act of parliament', and recorded the sentence passed by the judge: 'Guilty Death. He received sentence immediately to be executed on the Thursday following, (being cast on the Tuesday before) and his body to be dissected and anatomized.'[24] Early and scrupulous attention to the clauses of the Act is evident: sentence was passed immediately after conviction, the date of execution was set for two days after sentencing, and the judge clearly indicated the post-mortem punishment chosen for the condemned.

After sentencing, there was still the possibility that a convicted murderer could be pardoned. However, judges were far less likely to show leniency to convicted murderers than those found guilty of property

offences. By reducing the delay between conviction and sentencing, and between sentencing and execution, the Murder Act significantly reduced the time and therefore the opportunity to organise petitions and make convincing pleas for clemency. But this was not the case in Scotland, where the stipulations of the 1725 Disarming Act (11 Geo I c.26) mandated delays between sentencing and execution—not less than 30 days if the sentence was pronounced south of the River Forth, and 40 days if it was pronounced north of the Forth. The Murder Act did not repeal this clause, and as a result, those convicted of murder in Scotland had as much time as those convicted of other capital crimes to send petitions to London asking for the Royal mercy.[25]

It is important to mention the difference between the pardoning process in the metropolis (London) and the rest of the country. Key decisions, including the granting of a pardon, were made by the assize judges in the provinces. In the capital, the Recorder of London provided reports to the king and his cabinet on capital convictions. The committee to which the Recorder reported could grant a royal pardon to the condemned or a conditional pardon that commuted their punishment from death to other punishments such as transportation, hard labour, or penal servitude.[26] In the case of clearly proven homicide, however, the pardoning system was seldom applied.[27] Murder was considered morally execrable and contravened the biblical edict 'thou shall not kill'. Pardoning in these cases was not popular: there was a strong public desire to see justice done on the body of the condemned, and this retaliation was sanctioned in both popular imagination and common law.[28] To give an idea of how pardoning functioned with relation to convictions for murder in practice, in London, of the 170 people convicted of murder and sentenced to dissection and anatomisation between 1752 and 1832, only 12 people were pardoned (and 10 hung in chains).

The clauses of the Murder Act also left little opportunity for those involved in deciding and carrying out a sentence to exercise discretion. For judges, gaolers, and the sheriffs and medical men involved in carrying out punishment, deviating from the Act's five key clauses was difficult. Given the swiftness of sentencing after conviction, the short timeline between sentencing and execution, and the binary choice faced by the judge between dissection and gibbeting, there was little opportunity to adapt, evade, or soften the sentence in response to local or contextual factors. The strict terms of the Act and harsh punishments mandated for anyone interfering in the execution of a sentence

of murder in this period go a long way to explain the paucity of clear instances of resistance. Beyond opportunity and deterrence, interfering in the punishments prescribed for convicted murderers was socially suspect.

The only sanctioned method of execution under the Murder Act was that the condemned be 'hanged by the neck until dead'. Execution was also governed by formal and informal protocols. Public execution sites regularly drew thousands—whether spectators or witnesses. To the dismay of the authorities, in the eighteenth century executions were rarely solemn occasions, and were instead treated by the public as capital entertainment events. Before the advent of the Murder Act, 'hanging days' at Tyburn usually involved the execution of groups of people, not single individuals, which helped give rise to large and riotous crowds eager to see the action. After 1752, the number of 'hanging days' increased due to the requirement that convicted murderers be executed two days after sentencing, or three should the second day fall on a Sunday.

Until 1783, those destined for execution in London travelled by open cart from Newgate prison to the gallows at Tyburn. The journey was a chance for the condemned to win the approval of the crowd by dying 'game', showing fortitude of spirit and disdain for the solemnity of the occasion. It was also a chance to drink at stops along the way, which provided some last enjoyment, could contribute to showing casual disdain for the event to come, and allowed many to anaesthetise themselves with alcohol before mounting the scaffold where they were met by the hangman and the priest. Close by, the crowd watched, bawled and conducted business, both legitimate and illicit (Fig. 4.1).[29] The beadles employed by the surgeons were also be on hand to collect corpses destined for anatomisation and dissection, or if gibbeting was the allocated punishment, the sheriff or his representative attended to collect the body.

Outside London, executions were also public affairs, and were conducted either at customary hanging sites or, as Steve Poole has shown, at sites directly connected with the crime of the condemned. These in situ executions drew even stronger connections between the punishment of the condemned and retribution or restitution for their crime than other public executions. They contributed to the symbolic rehabilitation of space made dysfunctional by particularly socially transgressive crimes.[30] These crime scene hangings also included the procession of the condemned from the gaol where they were held to the execution site. Between 1720 and 1830, 'at least 211 people were taken in procession

Fig. 4.1 The idle prentice executed at Tyburn. William Hogarth 1795 (Wellcome Collection)

to the scene of their crime to be hanged' in England.[31] However, there were increased costs associated with hanging outside customary sites, and this contributed to their noted irregularity in our period of study.[32] Whether the execution occurred at a place relating to a particular crime or in a customary spot, it was intended to serve as an example to the wider community, to increase the terror of the punishment, and to confirm to the public that justice had been done.

But public executions in general became increasingly expensive and unmanageable over the course of the eighteenth century. The cost of hiring men to provide additional security to prevent injury or property damage should the crowd become disorderly was significant. The size of the crowd could also cause problems when the large groups attracted by the execution spectacle snarled up roads for a long time and impeded commerce. Important, too, was that the 'carnivalesque' nature of the execution crowd demonstrated that the sombre lesson intended by public punishment was not necessarily the message the crowd took away from attending hangings.[33] Moreover, in London the site of the Tyburn

gallows became highly desirable real estate in the second half of the eighteenth century, and the prospective (and lucrative) uses to which the land could be put were not compatible with the macabre and crowded execution days.

In 1783, Tyburn was abandoned as the site of execution in favour of an execution ceremony conducted on a platform attached to the exterior of Newgate prison. This ended the execution procession as the condemned now only had to travel from the prison to its wall. It also restricted crowd attendance and involvement because the space in which people could congregate to observe the event was much more limited. This reduced the scale of and opportunity for behaviours which did not accord with the intended moral lesson of the spectacle. The shift from public towards private capital punishment has been understood as relating to shifting sensibilities that found the gruesome spectacle distasteful and out of step with the changing social mores of the time, but Simon Devereaux has identified the move from Tyburn to Newgate not so much as 'a departure towards more modern practices' but as 'one of the last stages of substantial innovation in an older system of thinking' that represented an effort to preserve by improving upon a 'still repugnant' practice.[34] We return to the process and moment of execution in Chapter 5 including the way death occurred on the gallows in eighteenth- and nineteenth-century Britain. We take up the story and challenges of the execution crowd and their movement from places of execution to places of post-mortem punishment in Chapters 5 and 6.

Peter King and Richard Ward have identified striking variations in how the Bloody Code was applied in different parts of the United Kingdom. In particular, the greater the distance from the centre (London), the more limited the political reach and power of the British state. The result was that in peripheral regions of the country—and strikingly in regions where Celtic language traditions survived—it was much less likely that crimes which by statute should be punished with death would actually result in execution.[35] This phenomenon was particularly visible in a strong reluctance to hang property offenders. King and Ward noted, 'If the Bloody Code was often a dead letter on the periphery, it was primarily because the citizens of those areas chose to make it so.'[36]

But did this trend hold beyond property crimes punishable by death into other capital crimes? In a word, no. Murder was widely understood and felt to be a very different kind of crime than offences against property. The outer counties of England and Wales did not hesitate to

employ the full weight of the law against murderers. The closer social cohesion between citizens in peripheral regions that arose as a result of more flattened social strata outside the capital and a higher degree of interaction and interdependence occasioned by rural life may have worked to reduce the number of individuals hanged under the Bloody Code, but violent and deeply socially transgressive crimes such as murder were not regarded any more indulgently. In the western and northern counties of Wales and England, hangings of murderers occurred at a greater relative rate to hangings for property offences than in the metropolis.[37] Though the number of murderers was far higher in the capital compared to any other region, the Murder Act was applied more uniformly across the United Kingdom than other elements of the Bloody Code.

Impacts, Intended and Otherwise, of the Murder Act

Did the Murder Act achieve its intended ends, and what impacts, intended and unintended, did it have? To answer these questions, we consider first whether the Act was successful in adding a 'further mark of terror and infamy' to the crime of murder and do so by investigating the most extreme actions taken by those condemned under the Murder Act to avoid the punishment that awaited them. Then we investigate whether the Act deterred the commission of future murders and functioned as an effective social control. Finally, we examine punishment in the context of British crime and justice during the life of the Act (1752–1832) to find out how the provisions of the Murder Act in both law and practice fit into discourses of punishment more broadly in Britain, and with what import for the intended impacts of the Act.

An individual convicted of murder in Britain between 1752 and 1832 was not only sentenced to death by hanging and to post-mortem punishment, but was also subject to a legal requirement that these punishments would take place quickly and under sombre conditions. Visits to murderers awaiting execution were limited to the clergy. Along with the brevity and austerity of the pre-execution interval, this was intended to provoke an appropriately penitent spirit in the condemned. Confession and repentance continued to be the desired goal, as had been the case for some centuries already (see Chapter 3). It is difficult to determine to what extent the stipulations of the Act helped to achieve confessions and repentance of the condemned as the recorded versions

of these are neither more frequent nor more heartfelt than in previous periods. The pamphlets that frequently offered supposedly 'true' accounts of such lamentations were often written in advance so these popular accounts could be sold at the executions, making them unreliable sources for our purposes. One way of more effectively gauging the impact of the provisions of the Murder Act is to consider the instances in which condemned murderers in our period of study took extreme measures to escape elements of their punishment.

In six cases, individuals committed suicide after between being sentenced under the Murder Act and being taken to their execution. This represents a tiny fraction—only 0.5% of those convicted and punished under the Act—but their stories are significant for what they reveal about the lengths to which people were willing to go to avoid elements of the punishments that awaited them.

In the early modern period, self-killing was considered a 'desperate sin' in the eyes of the church and a felony under the law,[38] and the bodies of suicides were fiercely contested objects.[39] Anyone who willingly took their own life was at risk of being found culpable of committing a crime. A coroner's inquest could determine that a suicide was guilty of felo de se—committing a felony against themselves. The punishment for this crime was that all possessions were forfeit to the Crown and the body denied decent Christian burial. In much of England the body was interred at a crossroads or in a public way, face down, and depending on local custom, a wooden stake might be driven through the body.[40] This post-mortem punishment was intended in part to protect the community: the souls of suicides were known to be restless and malevolent. Staking anchored the ghost, and burying the corpse at a crossroads confounded the revenant, ensuring that it would not be able to return to the community and inflict harm on the living.[41] However, the legal penalty (confiscation of goods) and the customary penalty (post-mortem punishment) were only performed in cases of adjudged felo de se. Suicides could also be found non compos mentis and as such, not guilty of self-murder by reason of insanity or disordered mind.

By the second half of the eighteenth century, beliefs about suicide had changed dramatically. Juries were less and less inclined to render verdicts of felo de se, and instead in the vast majority of cases found suicides non compos mentis. This shift was due to a combination of factors. Most significant were a reluctance to impoverish and therefore punish the families of individuals who committed suicide and the decline of the

power of religion and folklore to explain suicide in favour of medical explanations.[42] Where a finding of non compos mentis was returned, goods were not forfeit and the deceased was allowed a quiet, night-time, Christian burial, often in the north side of the churchyard.[43] Michael MacDonald identified a striking drop in the proportion of verdicts of felo de se in cases of suicide from the mid- to the late eighteenth century.[44] This trend continued into the nineteenth century; however, there was still a minority of cases in which felo de se was consistently returned. These fell into two groups. The first was made up of marginal community members, including outsiders, paupers and those in disgrace. These individuals had little in the way of value or community ties to the places where they died, and juries were less likely to exercise discretion on their behalf.[45] If they had goods, these were forfeited, and the bodies buried in public highways. The second group was criminals. In fact, from about 1760, the felo de se verdict was principally used as a way to punish individuals indicted or convicted of a crime who would otherwise 'escape' punishment by taking their own lives.[46]

The circumstances of six individuals whose death by suicide prevented their execution under the Murder Act—Francis David Stirn of London (d. 1760), John Bolton of Yorkshire (d. 1775), Joseph Armstrong of Gloucestershire (d. 1777), John Fearon of Cumberland (d. 1791), William Birch of Gloucestershire (d. 1791) and Thomas Smith of Dorset (1804)—offer clear indications that they sought to escape the public spectacle of execution and bodily desecration of post-mortem punishment. In two of these cases, details allow a closer examination of the motivations of the condemned.

First, the case of Francis David Stirn, who was convicted of murdering Richard Matthews by gunshot on 12 September 1760. The Ordinary's Account suggests Stirn attempted to feign madness to escape conviction, and at his trial spoke at length about his wish and plans for self-destruction.[47] He was sentenced to execution at Tyburn in London after which his body was to be anatomised and dissected. At his sentencing, he asked for the use of a coach instead of the usual open cart for the journey to the gallows but it was denied, as 'it was the intention of the Legislature that such Criminals should be exposed to public View as a Terror to all Persons that they should not be guilty of the horrid Crime of Murder'. Hearing this, Stirn drank something from a pint pot, and fell ill later that evening and died about eleven o'clock that night.[48] Stirn committed suicide to escape the ignominies of the punishment that awaited him, both

the public and protracted spectacle of the execution. As we understand from the mention of his belief in bodily resurrection in the Ordinary's Report, he was particularly motivated to avoid the public and then private cutting and despoiling of his corpse.

Joseph Armstrong was convicted for petty treason on 12 March 1777 for the murder of his master's wife. He was sentenced to be drawn to the gallows on a hurdle, hanged until dead, then dissected and anatomised.[49] At seven o'clock on the morning of his execution, Armstrong, who continued to maintain his innocence, asked the gaolers for a few minutes by himself to devote to prayer. In that time he 'took a little strap, which it is imagined his mother hid in the straw, and tying this round his neck, he fastened it to a nail in the wall, and then by a sudden jerk dislocated his neck, and died before the people could open the door.'[50] Armstrong seems to have waited until the last moment for the possibility of a reprieve in the form of a pardon. When that hope was exhausted and possibly with the help of his mother, Armstrong took his own life. He had a clear and strong desire to avoid the punishments that awaited him as a convicted murderer. Perhaps he was also trying to avoid being confirmed as a murderer by accepting or experiencing the punishments mandated for that crime.

Suicide has been called 'the most private… of human acts'.[51] Certainly, self-inflicted death represented a way to avoid the horrors of public execution including of the public procession to the gallows, the drama staged there, and the humiliation of having the visceral, vulnerable, and vicious death of the short drop witnessed by the huge and carnivalesque crowd. However, the self-killing of those accused of or condemned for murder was considered one of the 'most heinous forms of premeditated suicide.'[52] So, did these individuals succeed in avoiding the post-mortem punishments they feared?

Stirn was tried posthumously, found guilty of felo de se, and his body sent for dissection. Bolton's corpse was also sent to the surgeons for dissection. Armstrong's corpse was hung in chains in the neighbourhood of Cheltenham on the direction of one of the judges who had convicted him, in part to prove beyond doubt he was dead even though the execution had not taken place.[53] Fearon had been sentenced to anatomisation and dissection, but after killing himself the night before his execution was convicted of felo de se and his corpse sentenced to be buried at a crossroads with a stake through the body.[54] Birch's body was also buried at a crossroads.[55] Finally Smith, though sentenced to anatomisation and

dissection, had his corpse hung from the gallows that was to have been his site of execution to 'gratify the curiosity of hundreds of spectators.'[56]

The treatment of these corpses shows that the state was invested in carrying out post-mortem punishment on the bodies of suicides who were convicted criminals. This reasserted authority in the face of the condemned's attempt to circumvent the public and post-mortem aspects of punishment by controlling the manner and timing of their own death. It also gave proof to the people that justice had been done, and demonstrated that those who broke the law had not escaped punishment by ending their own lives. The nature of the post-mortem punishment may have changed from sentencing, but in all six cases, some form of post-mortem punishment was carried out to affirm and demonstrate the power of the state and the criminal justice system.[57]

That these condemned murderers committed suicide did not change the fact that within three days of sentencing, they were dead and their corpses subject to punishment. So what did their actions accomplish? These men took back a measure of control at a time when agency was otherwise denied them. They succeeded in avoiding at least part of the punishment that awaited them, in particular their participation in the state-directed and crowd-mediated spectacle of execution. In some cases, they sought to avoid the post-mortem punishment to which they had been sentenced and were successful—but only in so far as a different post-mortem punishment was eventually carried out. That this group of men took such drastic action to escape even part of the punishment to which they had been sentenced is powerful testimony to the terror inspired by the provisions of the Murder Act. A similar observation was made in the late eighteenth century by Commodore Edward Thompson who noted that those punished under the Murder Act 'always confessed more dread at the dissection of their dead bodies than any particular distress about the death on the gallows.'[58]

In at least some cases, the Act successfully made the punishment for murder more terrifying and horrible for those convicted of the crime. But did the Act deter the commission of future murders? About thirty years after the introduction of the Act, Lord Loughborough remarked that the horror that came over condemned murderers when they were informed their bodies would not be buried but would be destroyed either on the gibbet or the slab made a strong impression on witnesses.[59] Of course, it is difficult to assess the deterrent effect of this law because of the challenge of finding traces of crimes that were not committed.

The possibility of obtaining a pardon has been identified as reducing the deterrent effect of the Murder Act. Ward has found that during this period, it was 'believed that pardons ultimately brought more men to the gallows than they saved from it'[60] because 'the royal pardons all-too-frequently granted to condemned malefactors only served to undermine the terror of the gallows.'[61]

Punishment in Britain changed significantly over the life of the Murder Act. Physical punishments such as branding or burning were phased out at the same time as confinement-based punishments were on the rise. Though death on the gallows, with or without post-mortem despoliation of the corpse, was extreme and final, it coexisted alongside other horrific punishments that also produced various types of 'death' of the condemned. The forced relocation of condemned criminals to overseas territories often with a prohibition against return—known as transportation—was a key punishment employed by the British government. Clare Anderson has argued that execution should be considered alongside transportation, which was often an alternative to the gallows, and which produced the social death of the condemned even if they survived the journey, labour, and living conditions to which they were subjected.[62] In instances where execution as an event might cause unrest, or fail to serve the intended aims of the criminal justice system, transportation and the horror of separation and the unknown that it entailed, provided a useful alternative. Like the post-mortem punishments in the Murder Act, transportation allowed the state to make productive use of the bodies of convicted criminals. Transported convicts were used to build the overseas infrastructure of empire, their labour expanding the power and reach of the state just as the gibbeted or dissected corpse reinforced domestic public awareness of state power.

Unmaking the Murder Act

Debates and discussions over the intent and nature of punishment in the eighteenth and nineteenth centuries were energetic and took place in legislative, judicial, public, and domestic spaces. Common themes in these debates include improving deterrence and terror in the punishments for murder by adding aggravated punishment—such as breaking on the wheel or other pain-based pre-execution punishments—or extending the post-mortem punishments of the Murder Act to other capital crimes. Significantly, the most heated exchanges about crime

and punishment took place around the moral panics about crime that the eighteenth- and nineteenth-century press both reported and helped create.[63]

In the late eighteenth century there were two legislative efforts to extend the post-mortem punishments at the heart of the Murder Act to other capital crimes. William Wilberforce introduced the 1786 Dissection of Convicts Bill before the House of Commons in the wake of the war with America when a crime wave seemed to sweep the nation. It called for the bodies of executed criminals condemned for crimes including high treason, rape, arson, burglary, and highway robbery to be handed over for dissection.[64] The possibility of deterring crime through the terror of dissection was certainly a good fit as a response to the moral panic in London about the rising rates of violent crime. Though the Dissection of Convicts Bill was introduced by Wilberforce, it in fact originated with his close friend and medical advisor, William Hey, and was motivated by the insufficient legal supply of bodies to the anatomists. It was calculated that the Bill would have made available through legal means, on average, 70 additional bodies for dissection each year (an increase almost equal to the average annual number of corpses dissected under the Murder Act), and subjected those 70 'to the shame, ignominy and horror of anatomization.'[65] Though construed as mutually beneficial to criminal justice and medicine, the needs of criminal justice won over the needs of medical training and research. The 1786 Bill passed through the House of Commons but was later thrown out by the Lords: 'Applying dissection to offences beyond murder would, it was argued, undermine its effectiveness as a penal measure.'[66]

The second of these ultimately unsuccessful attempts was proposed to the House of Commons in 1796 by Richard Jodrell in the form of the Motion for the Dissection of Robbers and Burglars. Jodrell's concern was based on what he perceived as a recent and alarming increase in robberies and burglaries and his belief that the dread of dissection would 'serve to check this wave of criminality.'[67] Jodrell's particular concern was the prevention of bodysnatching, a crime of which he had a particular horror.[68] In this period, the theft of bodies from graveyards was on the rise and was an unpleasant and illicit way to source corpses for the growing needs of anatomy training. Had it passed into law, Jodrell's motion to extend dissection to the corpses of executed robbers and burglars could have benefitted anatomists and their students by significantly increasing the number of corpses legally available to them.

It was Jodrell's intention that such an increase would correlate directly with a significant decrease in bodysnatching. The motion was intended to serve two ends: first, by creating a stronger deterrent, it aimed to reduce the number of robberies and burglaries committed; second, by making more bodies legally available to the medical men, it would preclude the crime of bodysnatching. It was the deterrent terror of dissection, paradoxically, that spiked the motion's chances of becoming law. MPs considered dissection as a penal measure effective in the prevention of murder and were loath to 'break down the barrier which nature had established between murder and other crimes.'[69] Because of the perceived risk that the extension of post-mortem punishment to other offences would diminish the deterrent effect of the Murder Act and lead to an increase in murders committed, the 1796 Motion for the Dissection of Robbers and Burglars failed.

For eighty years, the Murder Act remained the state-sanctioned source of bodies for medical training, research and demonstration. Further, while it subjected a small proportion of the population to post-mortem punishment, in practice it also functioned to restrict those punishments from being extended more broadly to those convicted of other capital crimes. And, although it was becoming increasingly apparent that there was a real and pressing need for improved safe and legal access to bodies for anatomical training and research, in the late eighteenth century it was clear that with regards to the dissection of convicted criminals, the priority was that it serve the interests of the criminal justice system, not medicine.

In the end, it was medicine, and the gruesome set of crimes associated with filling the supply gap in corpses required by anatomists and medical men in training, that caused the Murder Act to be superseded by new legislation in 1832. In the first three decades of the nineteenth century, bodysnatching was becoming alarmingly frequent, and the desecration of graves for this grisly purpose was the cause of widespread public disgust and fear. As the legal pathway to obtain bodies for teaching and research, the Act was also linked in effect if not intention to the insufficiency of bodies available and therefore to the *il*legal activities and trade that arose to supplement the supply of corpses to the medical men during this eighty-year period.

In the 1820s, campaigns by surgeons for access to alternative sources of bodies for anatomical research and training gathered strength. In 1825 surgeons petitioned the Home Office for the bodies of people who

died in prisons, workhouses, or infirmaries. But a strong connection had developed between murderers and dissection that created durable prejudice against the use of the corpses of innocent people for anatomical work. Jeremy Bentham was a strong proponent of increasing the stream of bodies legally available for medical research and training, and worked to challenge the negative associations of dissection with criminality. In addition to drafting a 'Body Providing Bill' in 1826 that included a section repealing anatomisation and dissection in the Murder Act, he very publicly directed his body to be given for dissection after his death.[70]

It is also important to mention the effect that changing sensibilities in the nineteenth century had on the provisions for post-mortem punishment in the Act. From the late eighteenth century, capital punishment was increasingly becoming a private affair. In London, executions were relocated from Tyburn to Newgate Prison, and punishment was being shifted from a sensational public spectacle to a private, solemn, grim, and in some ways more terrifying event. Public opinion began to turn against post-mortem punishment and against gibbeting in particular. Very few instances of hanging in chains took place in the nineteenth century in Britain, and the practice was increasingly seen as a barbaric and disgusting display that did little except cause nuisance and revulsion for those who passed by. The last gibbet erected in Britain in 1832 was taken down after only three days because of the energetic protests it provoked from the local populace (see Chapter 6). In the 1820s, there were instances of inhabitants preventing a judge from gibbeting a murderer in Lincolnshire and older gibbets being disassembled and brought down. Gibbeting was 'effectively dead as a sentencing option by the mid-1810s'.[71] In this, Britain was broadly in step with developments elsewhere in Europe where post-mortem punishments, including display of criminal corpses (whole or in pieces) was abolished in the Netherlands, Prussia, the German states and Norway between 1795 and 1842.[72]

The Anatomy Act was brought before parliament in 1831 and became law in 1832. It made unclaimed bodies legally available to licensed anatomists for dissection and medical teaching and research. Specifically, the Anatomy Act allowed medical men access to the bodies of the poor—those who died in the workhouse or in prison.[73] It superseded part of the post-mortem provisions of the Murder Act, and from 1832 sentencing to anatomisation and dissection was not part of the punishment for murder in Britain. The Anatomy Act did not address hanging in chains,

because that punishment had fallen so far out of favour in Britain that it had largely been abandoned. In light of the public outcry following the two gibbetings that took place in the summer following the Anatomy Act's passage into law in 1832, the hanging in chains option of the Murder Act was repealed in 1834.

During its life, the Murder Act forged a strong and enduring connection between murder and dissection in Britain. Further, the Act bucked broader trends towards incarceration and away from bodily punishment in the eighteenth and nineteenth centuries. The spectacular, visceral post-mortem punishments required under the Act that we explore in depth in the next two chapters stand out and against the civilising trajectory popularly proposed for this period. Anatomisation and dissection and hanging in chains may have added the intended mark of 'terror and infamy' to the crime of murder and those convicted of it, but they also exceeded and escaped control of the state and took on new meaning and power.

Notes

1. Before the Murder Act, those of the nobility condemned for a capital crime were executed by beheading which was considered in line with their status. Execution under the Murder Act was a much more egalitarian affair: regardless of status, all convicted under the act were sentenced to 'hang by the neck until dead'.
2. See, Gatrell, V.A.C. (1994), *The Hanging Tree: Execution and the English People 1770–1868* (Oxford: Oxford University Press), p. 201.
3. See, Foucault, M. (1975), *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books); Ignatieff, M. (1978), *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Pantheon Books).
4. For more on these developments, see Ward, R. (2014), *Print Culture, Crime and Justice in Eighteenth-Century London* (London: Bloomsbury), p. 162.
5. See, Ward, R. (2014), *Print Culture, Crime and Justice in Eighteenth-Century London* (London: Bloomsbury), p. 167.
6. Ibid., p. 171.
7. Ibid., p. 202.
8. See, Ward, R. (2012), 'Print Culture, Moral Panic, and the Administration of the Law: The London Crime Wave of 1744', *Crime, History & Societies*, Vol. 16, 5–24.

9. On the longer history of hanging in chains in Britain, see Tarlow, S. *The Golden and Ghoulish Age of the Gibbet* (Palgrave 2017). Although some criminal corpses were given over to the medical men by the authorities before the advent of the Murder Act, dissection was not intended as a punishment and part of achieving the aims of the criminal justice system. The families of those whose bodies were given to the medical men under royal or other grants probably saw this as an additional punishment nonetheless.
10. See, Ward, R. (2015), 'Introduction', in Ward, R. (ed.), *A Global History of Execution and the Criminal Corpse* (Palgrave Macmillan), p. 24.
11. See, Ward, R. (2014), *Print Culture, Crime and Justice in Eighteenth-Century London* (London: Bloomsbury), p. 158.
12. See, Linebaugh, P. (1975), 'The Tyburn Riot Against the Surgeons', in Hay, D., Linebaugh, P., Rule, J.G., Thompson, E.P., and Winslow, C. (eds.), *Albion's Fatal Tree* (New York: Pantheon Books), pp. 65–118.
13. See, Gatrell, V.A.C. (1994), *The Hanging Tree: Execution and the English People 1770–1868* (Oxford: Oxford University Press).
14. See, Hurren, E.T. (2016), *Dissecting the Criminal Corpse: Staging Post-execution Punishment in Early Modern England* (London: Palgrave Macmillan); King, P. (2017), *Punishing the Criminal Corpse 1700–1840: Aggravated Forms of the Death Penalty in England* investigates more direct possible applications of the principle of *lex talionis*: some commentators in the 1740s and 1750s advocated that retaliatory harm be inflicted on the condemned before execution as retribution for the violent crimes they committed, and that the form of that punishment follow what the condemned had done to their victim. One writer 'optimistically believed that forcing the condemned through the "same process of pain and horror" as the victim would have a preventative role, because "the deliberating villain, designing the murderous blow, would from a sudden recollection that he might afterwards feel the same painful stroke … stay his hand in the work of horror" (King, *Punishing the Criminal Corpse* quoting *Old England or The National Gazette*, 1 February 1752).
15. Davies and Matteoni noted that breaking on the wheel was being used in the German states of Prussia and Hesse-Kassel into the nineteenth century. On this, and for a description of this punishment, see Davies, O. and Matteoni, F. (2017), *Executing Magic: Criminal Bodies and the Gallows in Popular Medicine and Magic in the Modern Era* (Palgrave), p. 2.
16. See, King, P. (2017), *Punishing the Criminal Corpse 1700–1840: Aggravated Forms of the Death Penalty in England*, chapter 2.
17. Murder Act.
18. See, Banner, S. (2002), *The Death Penalty* (Cambridge, MA: Harvard University Press), p. 81.

19. See, Ward, R. (2014), *Print Culture, Crime and Justice in Eighteenth-Century London* (London: Bloomsbury), p. 183.
20. See, Ward, R. (2015), 'Introduction', in Ward, R. (ed.), *A Global History of Execution and the Criminal Corpse* (Palgrave Macmillan), p. 10.
21. They also differed in important ways, as is discussed in Chapters 5 and 6.
22. Bernard Shaw, G. (2012 [1903]), *Maxims for Revolutionists* (CreateSpace).
23. On pardoning rates for capital crimes in this period, see King, P. (2000), *Crime, Justice and Discretion in England 1740–1820* (Oxford: Oxford University Press). On pardoning of those convicted under the Murder Act, see King, P. (2017), *Punishing the Criminal Corpse 1700–1840: Aggravated Forms of the Death Penalty in England*, chapter 3.
24. Old Bailey Online, Ordinary's Account, Thomas Wilford, Killing, murder, 25 June 1752, https://www.oldbaileyonline.org/browse.jsp?id=t17520625-31-off133&div=t17520625-31#highlight.
25. See, Bennett R. (2018), *Capital Punishment and the Criminal Corpse in Scotland, 1740–*1834 (London: Palgrave Macmillan).
26. See, King, P. and Ward, R. (2015), 'Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery', *Past and Present*, Vol. 228, 159–205, 183.
27. See, Hurren, E.T. (2016), *Dissecting the Criminal Corpse: Staging Post-execution Punishment in Early Modern England* (London: Palgrave Macmillan), p. 21.
28. Pardons given to those convicted of murder almost always consisted of a reprieve from execution. As Peter King has noted, it was 'extremely rare for the post-execution part of the sentence to be formally removed unless the offender had also been pardoned from the death sentence itself.' (King, P. (2017), *Punishing the Criminal Corpse 1700–1840: Aggravated Forms of the Death Penalty in England*, chapter 3.)
29. See, Gatrell, V.A.C. (1994), *The Hanging Tree: Execution and the English People 1770–1868* (Oxford: Oxford University Press).
30. See, Poole, S. (2016), '"For the Benefit of Example": Crime-Scene Executions in England, 1720–1830', in Ward, R. (ed.), *A Global History of Execution and the Criminal Corpse* (London: Palgrave Macmillan), p. 81.
31. Ibid., p. 78.
32. Ibid., p. 84.
33. See, Laqueur, T.W., (1989), 'Crowds, Carnival and the State in English Executions, 1604–1868' from Beier, A.L., Cannadine, David and Rosenheim, James M. (ed.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge: Cambridge University Press), pp. 305–355.
34. See, Devereaux, S. (2009), 'Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual', *Past and Present*, 172, 202.

35. See, King, P. and Ward, R. (2015), 'Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery', *Past and Present*, Vol. 228, 159–205.
36. Ibid., 159–205, 194.
37. Ibid., 159–205, 170.
38. See, MacDonald, M. (1986), 'The Secularization of Suicide in England, 1660–1800', *Past & Present*, Vol. 111, 50–100, 53.
39. See, Kästner, A. and Luef, E. (2015), 'The Ill-Treated Body: Punishing and Utilizing the Early Modern Suicide Corpse', in Ward, R. (ed.), *A Global History of Execution and the Criminal Corpse* (London: Palgrave Macmillan), pp. 147–169, p. 147.
40. See, MacDonald, M. (1986), 'The Secularization of Suicide in England, 1660–1800', *Past & Present*, Vol. 111, 50–100, 53–54.
41. See, Cherryson, A. Crossland, Z., and Tarlow, S. (2012), *A Fine and Private Place* (Leicester: Leicester Archaeological Monographs), p. 119. An alternative folkloric explanation is the crossroads, by their form, are self-consecrated, and thus burial at a crossroads could be construed as an act of mercy.
42. See, MacDonald, M. (1986), 'The Secularization of Suicide in England, 1660–1800', *Past & Present*, Vol. 111, 50–100.
43. See, Kästner, A. and Luef, E. (2015), 'The Ill-Treated Body: Punishing and Utilizing the Early Modern Suicide Corpse', in Ward, R. (ed.), *A Global History of Execution and the Criminal Corpse* (London: Palgrave Macmillan), pp. 147–169, p. 151.
44. See, MacDonald, M. (1986), 'The Secularization of Suicide in England, 1660–1800', *Past & Present*, Vol. 111, 50–100, 98.
45. Ibid., 50–100, 78.
46. For example, in a survey of suicide in the six northern counties over fifty years based on *The Cumberland Pacquet*, R.A. Houston found eighteen reports of *felones de se*, of which three mention unusual burials (1790-1791). See, Houston, R.A. (2010), *Punishing the Dead? Suicide, Lordship, and Community in Britain, 1500–1830* (Oxford: Oxford University Press), p. 202.
47. Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 14 September 2012), Ordinary of Newgate's Account, September 1760 (OA17600915). Ordinary's Account, 15 September 1760. Francis Stirn, Murder, Suicide then Dissected.
48. WEP 13 September 1760.
49. Assize Calendar E389/246/77d.
50. Gloucester Journal March 1777.
51. See, Cobb, R. *Death in Paris: The records of the Basse-Geôle de la Seine, October 1795–September 1801* (Oxford 1978), p. 101.

52. See, Kästner, A. and Luef, E. (2015) 'The Ill-Treated Body: Punishing and Utilizing the Early Modern Suicide Corpse', in Ward, R. (ed.), *A Global History of Execution and the Criminal Corpse* (London: Palgrave Macmillan), pp. 147–169, p. 151.
53. E389/246/77d.
54. LC 10 September 1791.
55. Sheriff's cravings: TNA T90/167 Birch's body 'to be buried in the cross roads near Tewkesbury as directed by the judge—he having committed an act of suicide after being convicted of murder'.
56. *Ipswich Journal*, 31 March 1804.
57. See, Healy, R. (2006), 'Suicide in Early Modern and Modern Europe', *The Historical Journal*, Vol. 49, Issue 3, 903–919. Róisín Healy discusses other European contexts in which the modern states responded to the threat suicide posed to the state monopoly on violence by seeking to prevent suicides after decriminalisation.
58. *Times*, 7 February 1785 (see, Ward, R. (2015), 'The Criminal Corpse, Anatomists and the Criminal Law: Parliamentary Attempts to Extend the Dissection of Offenders in Late Eighteenth-Century England', *Journal of British Studies*, Vol. 54, 63–87, 67).
59. See, Ward, R. (2015), 'The Criminal Corpse, Anatomists and the Criminal Law: Parliamentary Attempts to Extend the Dissection of Offenders in Late Eighteenth-Century England', *Journal of British Studies*, Vol. 54, 63–87, 78 (quoting Loughborough in: HOC Papers. PR; 5 July 1786, p. 160).
60. See, Ward, R. (2014), *Print Culture, Crime and Justice in Eighteenth-Century London* (London: Bloomsbury), p. 187.
61. Ibid., pp. 186–187.
62. See, Anderson, C. (2015) 'Execution and Its Aftermath in the Nineteenth-Century British Empire', in Ward, R. (ed.), *A Global History of Execution and the Criminal Corpse* (Palgrave Macmillan), p. 171.
63. See, Ward, R. (2012), 'Print Culture, Moral Panic, and the Administration of the Law: The London Crime Wave of 1744', *Crime, History & Societies*, Vol. 16, 5–24.
64. See, Ward, R. (2015), 'The Criminal Corpse, Anatomists and the Criminal Law: Parliamentary Attempts to Extend the Dissection of Offenders in Late Eighteenth-Century England', *Journal of British Studies*, Vol. 54, 63–87, 63.
65. Ibid., 63–87, 66.
66. Ibid., 63–87, 78 (quoting Loughborough in: HOC Papers. PR; 5 July 1786, 160).
67. Ibid., 63–87, 79 (quoting HOC Papers. PR; 11 March 1796, 287).
68. Ibid., 63–87.

69. Ibid., 63–87, 80 (quoting Chief Justice of Chester, James Adair, HOC Papers, PR, 11 March 1796, 289).
70. See, King, P. (2017), *Punishing the Criminal Corpse 1700–1840: Aggravated Forms of the Death Penalty in England* (London: Palgrave Macmillan).
71. Ibid., chapter 4.
72. See, Davies, O. and Matteoni, F. (2017), *Executing Magic in the Modern Era: Criminal Bodies and the Gallows in Popular Medicine* (Palgrave Macmillan), p. 3.
73. See, Richardson, R. (2000), *Death, Dissection and the Destitute* (Chicago: University of Chicago Press, 2nd Edition) for the Anatomy Act and its impacts.