

# the Dungeons™

## 18th Century Crime and Punishment in England

### Learning Objectives

#### PuPils should learn:

- ✓ What courtrooms and the judicial system were like in the 18th Century.
- ✓ That some punishments in the 18th Century were harsh and unjustified by today's standards.
- ✓ That we can deduce things about life in the 18th Century through understanding the nature of the judicial system.

#### Dungeon Links

Crime and Punishment is a key topic which features throughout the Dungeon.

### Using the Pupil Worksheets

Worksheets give pupils a brief overview of the unforgiving judicial system in the 18th Century. There were no police, victims had to represent themselves, and sentencing was harsh.

✓ **PuPil Worksheet 1** gives pupils background information on which to base their responses to the following activities. Pupils are also given a list of crimes which they must rank in order of seriousness from their own modern point of view, before deciding which were punishable by death in the 18th Century.

✓ **PuPil Worksheet 2** sets out a role play scenario and four characters which pupils can play. You could appoint other pupils as courtroom attendants if you would rather work in larger groups.

### Discussion Points

- ✓ Why were punishments so much harsher in the 18th Century than they are now?
- ✓ What does the legal system tell us about 18th Century society and how people thought then?
- ✓ Do you think that the way 18th Century courts were run was fair?
- ✓ What kind of problems did the justice system present both the victims and the accused with?
- ✓ Why might the common use of capital punishment be a problem?

### Extension Activities

- ✓ Ask pupils to conduct some online research into real trials that took place during the 18th Century. It may be interesting to look into trials that took place in your local area.
- ✓ Ask pupils to make a list of the factors that they think will result in a justice system that is truly fair, and to rank them in order of perceived importance.
- ✓ Brief pupils to write a newspaper article for 'The Daily Executioner' covering the trial they have just role-played. The article should be written from the point of view of an 18th Century journalist.

### TEACHER NOTES

ansWers: Pupil Worksheet 1 Activity 1 – they were all punishable by death!



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## 18th Century Crime and Punishment in England

18th Century courts were very different to courts today. The victim of the crime was usually the person who brought the case to court and presented the evidence. This meant that in most trials, the victim and the accused came face to face.

Prisoners were not allowed to see the evidence against them before trial. Before trial, the prisoner was expected to produce a written defence that was to be read aloud in court. This was a problem for the poor, who often couldn't read or write.

Generally judges were from a well educated, wealthy background, and frequently a lot older. In many cases they judged and condemned those from a much lower social class. They did not always give a very fair verdict, often adopting a 'guilty' or 'very guilty' approach.

### Cough Up!

Up until 1774, prisoners who were found not guilty through trial usually had to pay back the 'jailor's fees'. Because many could not afford to pay, they found themselves back in prison, this time as debtors.

## Guilty or very guilty?

This is the middle of the 18th Century and London is the jail capital of Europe. The jails stink, but not as much as the English justice system. It is unpredictable, disorganised and the toughest it has ever been. There is not really a police force, levels of crime are high and there is a need for low cost punishments. Punishments range from standing in the pillory, to branding, whipping and burning. Death is the penalty for over 200 offences. Even children are being hanged. This is not a good time to be on trial...



## PUPIL WORKSHEETS:

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### Activity 1

- a) Which of these crimes do you think is the most serious? With a partner, put them in order from least serious to most.
- b) Which of these crimes do you think were punishable by death in the 18th Century?

- ☐ Shooting a rabbit
- ☐ Adultery
- ☐ Piracy on the high seas
- ☐ Forging a birth certificate
- ☐ Communicating information to the enemy
- ☐ Setting fire to your own house
- ☐ Sheep stealing
- ☐ Cutting down fruit trees
- ☐ Stealing a pocket handkerchief
- ☐ Adopting a disguise
- ☐ Picking pockets
- ☐ Burglary
- ☐ Rebellion against the Government

#### Did you know

Some people believed hanging was not enough of a punishment for some criminals and they proposed "breaking on the wheel" instead.

In 1752, a law was passed that meant murderers were treated differently from \_\_\_\_\_.

Once convicted, they were fed only bread and water. After execution, their bodies were hung in chains before the public, then sent to the surgeons for dissection.

- ☐ Setting fire to your mother's house
- ☐ Passing of forged bank notes
- ☐ Being found upon the King's highway with a sooty face
- ☐ Murder
- ☐ Forgery
- ☐ Stealing of shop goods
- ☐ Associating with gypsies
- ☐ Poisoning the wells



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## The Trial

You are going to role play an 18th Century trial using the information on Pupil Worksheet 1 and the role cards below. Make sure that the court runs like it would have then, with the victim putting forward the case and the evidence, and the accused persons defending themselves. What will your 18th Century style verdict be?

## The Case

13th June 1729 – It is alleged that the two women, Mary Wetherspoon and Catherine Freeman, went into a grocer's shop in London City, where they saw there was only one person to serve them. Mary pretended to buy some flour, and while the shopkeeper was weighing it, used a piece of whalebone dipped in some sticky substance, to steal coins out of the till. The plot was uncovered as the last shilling fell from the whalebone to the counter, making a noise. It is said that the master of the shop missed some shillings at another time when the two women had been at the shop to buy some goods.



### Judge Snade

- ✓ Judge Snade is 45 years old. He has been a judge for fifteen years.
- ✓ He suffers from gout which means he is in pain most of the time and very grumpy.

- ✓ He has no time for criminals, regardless of how small the crime.
- ✓ He has the highest rate of sentencing accused persons to death, of any judge in London at the time.



### Prosecutor John Goldsmith

- ✓ John is a 38 year old shopkeeper who runs a grocery store 'Goldsmith and Son' in Central London.
- ✓ He has run his shop for 20 years.
- ✓ He lives above the shop with his wife.

- ✓ He runs the shop with his only son, Peter.
- ✓ He is a religious man, and feels very strongly that crimes against God and humanity should be punished.



### Persons accused – Catherine Freeman

- ✓ Catherine is twenty-four. She has been in and out of trouble since she was fifteen years old and she left her orphanage, but this is the first time she has been brought to trial.

- ✓ She has been using her whalebone technique to steal from tills for some time now and it has proven very profitable.
- ✓ She and Mary are neighbours.
- ✓ She has learnt to get by in life, she doesn't need to rely on anyone, resulting in a life of petty crime.



### Persons accused – Mary Wetherspoon

- ✓ Mary is twenty-one. She lives in the centre of London with her sick, elderly mother and provides her with full time care.

- ✓ Her father died when she was much younger and left them a small inheritance to live on, but this has recently run out and Mary has been forced to find other ways to find money.
- ✓ This is the third time she has stolen money from the till at Goldsmith and Son with the help of Catherine.
- ✓ However, she is not naturally criminal-minded and she feels very guilty about stealing from the grocer's shop.