A Dangerously Empty Space: Crime and Punishment on English Wastelands

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ABSTRACT
This article examines instances of criminal activity and capital punishment occurring on English wastelands, such as commons, heaths, moors, and forests, between 1730 and 1830. A broad range of information drawn from newspaper reports, assize records, court proceedings and local histories enables comparison of human experience on wastes when encountering criminal activity and/or any resulting punishments. Detailed accounts of crime and punishment on historic wastelands are sparse, with the majority of information relating to public perceptions concerned with safety and place-making. This article considers the extent to which those perceptions were accurate, identifying entanglements between three discrete processes: elite desires to ‘improve’ wastelands; the use of wastes to reinforce ritualised punishments; and increased media reporting of crime that was often coupled with sensationalism. Examination of the sources above demonstrates a variable and highly localised place-making founded on negative emotions, which popularised tropes of wastelands being places of fear and lawlessness.

KEYWORDS
Wasteland; crime; execution; gibbeting; emotion; memory

Introduction
At the Spring Assizes in 1799, brothers William and Robert Drewett were found guilty of robbing the Portsmouth Mail. They were sent to the gallows on Horsham Common and their corpses were transported to North Heath Common to be hung in chains. For the judiciary, the sentence was part of an undisputed process of prevention through example. Almost a century later, oral histories of the 1870s demonstrate that for the local communities using North Heath Common the Drewetts’ crime and resulting punishment were still causing disruption and shaping popular perceptions of the common. Not only were accounts of the crime passed down in storytelling, but older residents would still ‘point with fear and trembling to the place where the gibbet stood’ (Sussex Archaeological Society 1871, 215). As sensational as these oral accounts may have become by the late nineteenth century, they also speak to how emotional experiences and collective memories of crime and punishment altered public perceptions regarding wastes.

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This paper draws on the principles of scholarship used in the history and geography of emotion. In the social sciences, the connection between emotion, memory, and perception, and the attachments that humans make to specific places is well-established (Smith et al. 2016), and the emotional turn, in history, has been transformative in rethinking the merits of analysing emotions (Barclay 2021). By moving away from emotion as a purely biological response, it is possible to identify victim and witness testimonies of fearful experiences on wastelands, such as crimes and/or acts of punishment, in a way similar to methods used to establish past perceptions of landscape (Mileson and Brookes 2021). Although the paper engages with quantitative data of crime and punishments on wastes, it was not the primary aim of the paper to produce a new comprehensive dataset of all events of this kind across England and over a hundred-year period. Simply put, there are methodological complications when compiling datasets of that kind. Rather, the research sought to understand the emotional responses of humans to these types of landscape after crime and/or punishment took place. Victim and witness testimonies do exist, albeit in limited forms, and help to explain individual, and, to a lesser extent, collective responses, to wastes that contributed to negative feelings about these places. Crucially the evidence suggests that in some instances these experiences were felt regardless of whether trauma was directly experienced by an individual or not.

The research for this paper was conducted as part of a wider three-year study of urban commons for the AHRC-funded project, Wastes & Strays: the Past, Present, and Future of English Urban Commons. A key aim of the wider research project was to provide a deep understanding of the past and present uses of urban commons in order to devise new imaginaries of culture, wellbeing and diversity in the future. The research in this paper provides an important contrast to this, and existing historic analysis, which predominately focuses on human uses that are broadly framed as positive (e.g. agriculture, pannage, estovers, recreation) and then juxtaposed with the gradual decline of these spaces following the removal of these rights (Bowden et al. 2009). Similarly, more recent characterisation of former wastes (typically identified as green spaces today) emphasises them as positive places of health and wellbeing. While the paper does not dismiss these positive characterisations, present-day society can also view green spaces as dangerous, disordered and lawless (Jorgensen and Tylecote 2007, 444). For example, oral history interviews conducted for Wastes & Strays included expressions of negativity to urban commons because of frightening experiences or perceived threats (Dee 2022). It can be contended that our own fears about the threatening nature of these spaces are rooted in the past—mapping human response to crime and/or punishment on wastes is one facet then of what constitutes that landscape, but an important one that is often underexplored.

Defining wasteland and the varying perceptions associated with them is complex and varies considerably depending on the period of study. Patches of wasteland, whether they were commons, heaths, or pockets of woodland, varied considerably in size, appearance, legal status, uses, and attitudes towards them from local communities (Waites 2012, 1–12). In other words, the appearance, legal status, use, and perception of Mousehold Heath, Norwich, was (and still is) very different from Hampstead Heath, London, despite the commonality of the place name ‘heath’. The dataset produced for this paper combined these variable types of landscape within the umbrella term ‘wasteland’—broadly characterised as uncultivated land between the Middle Ages and the period of parliamentary enclosure, and land that could be socially and politically contentious for
elites by the seventeenth century. In addition, the proximity of wasteland to settlement between 1730 and 1830 is used as an underlying factor in analysis, because source material relating to experiences of crime and/or punishment were richer at these locations. Although defining relative scales of settlement and development for the period is highly variable by county, many wastes (even those beyond the urban periphery) were subject to increased urbanisation during the eighteenth and/or nineteenth centuries.

In an effort to be transparent, it is also worth highlighting that in the documentary record positive experiences in these spaces far outweigh negative ones. This can be attributed, in part, to problems of recording and preservation of material. However, it is also, unquestionably because many people did not experience negative events or were unaffected if they did. The numerous conflicts between communities and elite agendas during the eighteenth and nineteenth centuries, attest to the fact that wastelands were positive spaces of social and economic independence for many members of the lower classes. The inhabitants of Pockthorpe, Norwich, for example, ferociously challenged conversion of Mousehold Heath into a Public Park in the mid- to late nineteenth century because it was an important asset for them (City of Norwich vs Browne NRO, MS4392).

As an initial basis for the research, a dataset of wasteland where criminal activity and/or punishments (executions and gibbetting) took place was compiled for the period 1730–1830. These dates fall within a period of significance for the history of crime and punishment, as well as the history of wastelands. It saw increased criminal indictments and capital punishment rates at the same time as reform measures advocated for the relocation of executions to prisons. It also coincided with significant reductions in the number of wastes in England via enclosures. In an ideal scenario, examination would have taken place of every single waste in England during this period to identify numbers of sites relative to negative events. A dataset of that magnitude was beyond the scope of the wider research project from which this paper emerged, and would have been impossible due to archive closures during the Covid-19 pandemic when this paper was researched and written, during which only digital sources could be consulted.

A particularly helpful source in compiling evidence of executions and gibbetting taking place on wasteland was Capital Punishment U.K. (Clark 2002). This was cross-referenced with British Newspapers 1600–1950, British History Online and online catalogues for each County Archive (in some instances this produced further avenues of enquiry from which copies of original documents were obtained). In addition to the sites highlighted by Capital Punishment U.K, the same online searches were undertaken for all common lands in the gazetteer produced by English Heritage (Bowden et al. 2009, 83–90) to identify further sites used for execution and/or gibbetting, as well as using this as the basis from which criminal activity was analysed. A similarly lengthy analysis of British Newspapers 1600–1950, employing broad search terms like ‘common’ and ‘heath’, was also completed and resulted in some additional data. For those sites with proximity to London, the Proceedings of the Old Bailey also proved invaluable to check against named examples of wastes and/or criminal records. As such, the dataset represents a robust sample of the data available across England, but the primary aim of the research paper was to consider emotional responses to landscape, rather than produce a comprehensive dataset. It also provides some general conclusions to contrast with the already excellent county studies available (Dyndor 2015; Whyte 2003).
This analysis of newspaper reports, assize records, court proceedings and local histories identified sixty-two former wastes in England where crimes, execution and/or gibbetting took place. The dataset includes seventy-two crime accounts (21 confirmed; 51 suspected) and 1,515 instances of execution and/or gibbetting. Tracing the exact location of each of these events is difficult given the variability of the records. Archaeological investigation would be similarly unlikely to identify whether a gibbet, for example, was located on wasteland instead of adjacent pasture. What is more important, therefore, is that victims and witnesses associated these events with the waste rather than adjacent land, and that oral histories continued to pass down this association of negativity towards the waste, often for multiple generations after an event had taken place. Of equal importance is that the dataset is congruent with statistics of crime and capital punishment across England, but, importantly, provides a different perspective from publications that focus on urban crime and execution rates (Gatrell 1994, 7; King and Ward 2015; Wallis 2018). This was a period of significant landscape reform in England, and this paper therefore begins by briefly considering the shifting rhetoric concerning the value of wasteland between the seventeenth and nineteenth centuries before evaluating crime-rates on wastes.

‘Deformed Chaos’: Wasteland and Crime

Elite perceptions of the value of wasteland declined during the seventeenth century, particularly following the Civil War, when associating these types of landscape with negative language justified enclosure (Di Palma 2014, 22–25; Gee 2009, 47–50). Debates that focused on rebuilding the nation were pivotal in promoting the conversion of wastelands into agriculturally productive landscapes. A key feature of these arguments was that wastelands were unproductive and improperly used, but improvement was possible via enclosure and agricultural innovation. Negative language in pamphlets of the period transformed these already abstract spaces into vacant wildernesses—spaces of ‘deformed chaos’—that were at the moral and geographical margins of society. For the author of Wast Land’s Improvement (Anon 1653), for example, improvement went beyond notions of agriculture—‘inclosing, &c, the said lands, would be of an effectuall tendency to the anticipation and suppression of many robberies, thefts, burglaries, rapes and murders, which do much annoy this Commonwealth’ (Anon 1653, 3). It was imperative that these spaces become civilised because the vastness of the space, and its removal from towns, afforded opportunities for criminals to rob travellers, to steal grazing animals, or to rape and murder. Broadly characterising all of these types of landscape as wild was part of an improvement agenda that neglected local divergence. In reality, size, habitat, proximity to settlement or road networks, and numbers of users—all of which changed with seasons and over time—would have contributed to the individual and collective feelings of those actually experiencing each wasteland.

For the working-class communities that used them, however, and regardless of how historically extensive or wild a tract of land may seem to contemporary users, wastes were not placeless. But acts of civil disobedience aimed at resisting enclosure often only served to reinforce notions of these spaces being ‘dangerously empty’ and providing locations for political dissent (Gee 2009, 48). By associating land with people denigrated as ‘worthless’—vagrants, criminals, prostitutes—pamphleteers reinforced elite
motivations for enclosure and popularised the notion that wastes required regulation and control. While this shift in language has been attributed to those advocating enclosure and improvement, an important and underexplored side-effect was the broad characterisation of wastes as criminally dangerous and, as a consequence, the implications for public perception.

The end of pre-publication censorship in 1695 stimulated the growth of popular publishing and newspapers. By the eighteenth century, increasing literacy and education resulted in greater numbers of people engaging with literature, which included a range of materials that featured wastelands alongside personal safety concerns. Particularly important were ballads, which increased in circulation as part of a written (instead of an earlier oral) tradition. Eighteenth century ballads, such as *The Cook-maid’s Garland* (BBO, 3(9b)), described the dangers of highway robbery when traversing roads that crossed wastelands. Similarly, the early nineteenth century ballad, *Hurrah for the Road*, actually named a waste in association with crime—‘Hurrah o’er Hounslow-heath to roam … Stop, stop’s the word, all dread to hear, your gold and your gems resign’ (BBO, fol.115). Notions of worthlessness were also furthered by the prejudicial remarks of improvement advocates (*Communication from Mr John Wagstaffe* NRO, COL9/74; Daniell 1850, 2–13) who emphasised the low social and economic status of the inhabitants using the space. Eighteenth and nineteenth century elites often blurred the line between poverty and criminality, so these comments just reinforced their concerns.

By the nineteenth-century newspapers appealed to a broader readership, and sensationalism of crime and crime-fiction started to merge within the same pages, resulting in thrilling tales (both real and imagined) that audiences lapped up. A short story, *The Murder Hole* (Anon 1829), is an excellent example—a pedlar-boy finds himself traversing a moor at night, and frightened by ‘its boundless wastes’, seeks shelter at the only remaining cottage. On waking in the night, he overhears the inhabitants murderous plotting and is then pursued across the landscape by murderers who are intimately familiar with its contours. This evokes the warnings alluded to by pamphleteers writing two hundred years previously—that wasteland was vast and dangerous. Thus there was a mythologising of wastes as locations for criminality, but a question remains, however, over the extent to which this was validated by personal experiences.

Using the three broad categories of crime in *Wast Land’s Improvement*—theft of animals, robbery, and rape and murder—I have quantified the crimes that took place on wastes and, more importantly, explored what personal experiences reveal about perceptions of wastes. Reports of criminal activity, proven or not, occurred at fifty-three locations following an examination of approximately three-hundred English wastes (Bowden *et al.* 2009, 83–90). There are a number of factors why reporting was low relative to the high numbers of wastes that existed before enclosure. Firstly, increased urbanisation during the eighteenth and nineteenth centuries resulted in more opportunities for criminal activity in densely populated urban spaces, with high rates of property-related thefts well documented for the period (King and Ward 2015; Landau 2010; McLynn 1989; Shoemaker 2017; Wallis 2018). Secondly, low-level property offences were more likely to be addressed at quarter sessions or informally in the community, especially in those regions furthest away from London (Wallis 2018, 29). Finally, some crimes would be under-reported, regardless of location. Taking all of this into account, even alongside repeated criminal activity at these sites, the data suggests that crime on
wastes either went unreported or else was far less frequent than pamphleteer propaganda maintained.

There are a number of conclusions that can be drawn from the analysis. Newspaper reporting and criminal prosecutions for crimes on wastes were most likely to involve robbery (just as in urban contexts). Even as the urban environment encroached upon wastes, there was no discernible increase in crime, nor did the types of crime change over time. By the late eighteenth century newspapers increasingly reported on crimes against people, such as highway robberies, but records from the Old Bailey show continuation of animal theft into the nineteenth century, which impacted personal livelihoods (OBPO, t18160710-70; t18181028-10; t18300218-111; and t18300527-59). The mixed nature of crimes was indicative, therefore, of the combination of uses in association with wastes—as sites of resource, recreation, and transit—as these sites evolved during the eighteenth and nineteenth centuries. These factual conclusions, however, are at odds with contemporary perceptions; highway robberies were more sensational for the press than more mundane cattle theft, and while there is no quantifiable increase in crime, this does not mirror how local communities felt (King 2007, 93–103). In the early nineteenth century, for example, elite males were refraining from going out unaccompanied on Clifton Down because of concerns that crime had increased (Latimer 1887, 83). In this regard, it is worth exploring these crimes relative to the experiences of their victims, as well as the criminals themselves.

Experiences of Travellers

When Wast Land’s Improvement was published in 1653, the location of wastes away from towns was considered a factor to their apparent danger. Victims were isolated from other people who might ordinarily provide assistance. By the eighteenth century, urban encroachment had diminished wasteland isolation for some sites, but wastes were still empty and threatening spaces. Furthermore, from an infrastructural perspective, wastes provided suitable locations for an expanding road network between settlements, so travellers could not avoid them. Wastelands provided opportunities for criminals to capitalise on the swelling urban population and increased travellers, whilst applying local knowledge of the area to make fast getaways. Highwaymen were the leading protagonists of property crime during the eighteenth and nineteenth centuries and were the subject of numerous newspaper articles, pamphlets, and plays, which has ensured that their exploits have been enshrined in popular imagination ever since (McLynn 1989, 56–82). Fear of highway robbery resulted in rigorous sentencing at the assize courts, but it also influenced public perception of the safety of travel and the safety of wastelands.

In 1782, Francis Fearn was sentenced to public hanging at York Castle for the murder of a Sheffield watchmaker called Nathan Andrews. Because the crime was considered particularly heinous, the judge overturned the usual punishment of medical dissection in preference for transporting the body sixty-miles to Loxley Common to be gibbeted (Knipe 1867, 92). Fearn had tricked Andrews into accompanying him from Sheffield to High Bradfield to attend a pocket watch club for which Andrews took several examples to show members. The journey involved traversing Loxley Common and, on reaching a secluded spot, Fearn shot, stabbed and bludgeoned Andrews to death, robbed him, and hid the body in a copse. Fearn was an opportunist rather than a traditional highwayman,
but the case demonstrates the risks taken by travellers when moving between settlements and across wastelands. Although travelling in pairs or groups was preferable for protection, Fearn betrayed Andrews in a pre-meditated attack. The gibbetting of Fearn, close to the site of the crime, was intended to serve as a deterrent and it seems likely that this was the desired effect. The post from which his body hung was not removed until 1807, and oral histories of the crime and gibbetting continued in public memory throughout the nineteenth century (Knipe 1867, 92; Zimmermann 1863, 21–22).

The 1795 execution of the highwayman, Jeremiah Abershaw, on Wimbledon Common, and his gibbeting on Kennington Common, had a similar effect on public perception. Abershaw’s bravado regarding his death sentence was a gift for news reporters. The Norfolk Chronicle (1795) detailed his time in jail when he decorated his cell with scenes from his robberies using cherries, and his amusement at pulling faces at the execution crowd. Such exploits produced popular interest in viewing his execution, which was a vital part of a policy of deterrence. Abershaw’s persona was enhanced further owing to the use of his gibbet in subsequent highway robberies. Within a year of his gibbetting newspapers reported that highwaymen were coming out from under the gibbet on Kennington Common to stop coaches on the road into London (Hereford Journal and Hampshire Chronicle 1796). Like Fearn, Abershaw’s remains and the post from which his body hung were not taken down until the early nineteenth century, by which time ‘Abershaw’s gibbet’ had entered into use as a landmark reference (Caledonian Mercury 1800; Morning Chronicle 1807). Consequently, there was a spatial and temporal dimension to wasteland for the judiciary, which was different from community memory and landscape perception. For the judiciary wastelands were a space where crime and/or capital punishment took place. However, while crimes and subsequent punishments were rare, they were highly localised and engaged populations beyond the individual victim. Proposing group emotions without evidence is problematic (Barclay 2021), but oral accounts and place-name evidence indicate some instances of longer-term impacts on communities. People could continue to associate places with negative emotions because they knew that a crime had taken place within a familiar landscape, and because the site continued to be a reminder of crime when used as a place of punishment (Tarlow 2017; Tuan 1979). Such sites often became associated with ghosts and evil spirits, which pitted the secularity of the court and law against local folk belief and superstition.

**Experiences of Women**

Historic accounts of crime reinforce the discrepant experiences of using wastes for particular groups of people, such as women. The deposition of Elizabeth Berry provides one such example. In 1743, Berry accused Thomas Kill of sexual offences on Chelsea Common. According to Berry, Kill came to assist her in her attempts to wake her inebriated husband who had fallen asleep on the common, but raped her multiple times (OBPO, t17431012-15). Kill was acquitted following several positive character statements and the Council’s examination of Berry can be framed within misogynistic attitudes to women during the period. However, the case draws attention to the characteristics of wastes, why victims were vulnerable and why some users of wastes felt afraid. In her deposition, Berry went to great lengths to explain the vastness of Chelsea Common. It was large and although she cried out, she was at least a quarter of a mile from the nearest building.
and as the attack had occurred in October, at about eleven o’clock at night, Berry recalled ‘it was as dark a Night, I think, as ever I saw from Heaven’. By reinforcing her isolation, Berry was stressing her vulnerability, as well as justifying her inability to stop the attacks. The characteristics of vastness, coupled with an absence of people, meant that wastes could feel especially threatening to some individuals.

The case also legitimised community concerns regarding Chelsea Common. During the attack, Berry recalled the murder of Mr Smith on the common (date unknown). It was for this reason that Berry believed Kill’s threats that he would murder her if she did not comply. Furthermore, members of the Jury were able to corroborate her feelings of isolation. Addressing the court, a member/s of the Jury stated that ‘It is a very bye common; there’s a Foot Path cross it; but very few People care to go that way’. There is some sense of collective feelings of vulnerability on wastes when communities had knowledge of repeated criminal activity. Berry’s case was not the first or last time an attack took place. In 1770, Lucy Gill accused John Williams and John Taylor of attempted robbery while she was walking across the common. In their own defence, Williams and Taylor admitted that they only tried to kiss and molest Gill, not to rob her, but as this was not part of her original accusation they were acquitted (OBPO, t17701205-42). It was these repeated examples of crimes, community rumours, assize proceedings, and newspaper reporting that reinforced negative place-making, for some, and ensured that some wastes acquired a reputation for crime that was multi-generational.

**Experiences of Criminals**

While the physical isolation of wastes and their characteristics of vastness could prove worrisome for local communities and travellers, these same features provided opportunities for criminals. Criminal reporting during the eighteenth and nineteenth century includes examples of the use of wastes as places of refuge (OBPO, t17860531-43), as hiding spots for stolen property (TWAM, AZ.NC/4/5-7), or for the burial of bodies (Leeds Intelligencer 1764).

Just as Fearn had made use of Loxley Common, natural features and dense vegetation provided the means to hide stolen goods or victims. One such example is Mousehold Heath, Norwich, which regularly featured in nineteenth century crime reports. Both Neil MacMaster (1990) and Nicola Whyte (2018) have conducted exemplar studies demonstrating the significance of the heath to local communities in the early modern and modern periods. As MacMaster (1990) has stated, the frequency of criminal reporting related to the broader political aims of gentrifying this part of Norwich following the heath’s enclosure and resulting reduction in size. Attributing illegal activities to the heath helped to draw attention away from years of neglect by the landowners, the Dean and Chapter’s Office of Norwich Cathedral, and to increase calls to convert the heath into a public park. Nevertheless, criminal reporting does indicate some validity in the association of the heath with criminality. In 1809, for example, workers discovered a fresh (empty) grave that police suspected to be the planned location for a body or stolen property, and in 1825, a large quantity of stolen cheese was found hidden in a gravel pit (The Norfolk Chronicle 1809; 1826). In other instances, the heath provided a location to evade police capture—in 1835 three men fled during a stop-and-search, and escaped onto the heath (The Norfolk Chronicle, 1835).
Of greater seriousness were the suspected instances of murder on the heath. In 1822, workers discovered human remains in a sand pit (*The Bury and Norwich Post* 1822). The inquest heard witness testimony from two sources. The first witness was a man who claimed the remains were those of a young woman and that he could pick out the persons who had robbed and attacked her. The second statement came from a group of boys who had witnessed a man with bloodied breeches and hands leaving the heath about eighteen months earlier. For the middle-classes seeking to convert the heath into a park, such events only served to demonstrate the extent of criminal activity that was going unreported because none of the witnesses had come forward at the time. In their view, regulation was necessary, as was the transformation of the heath into a public park where byelaws would codify unwanted behaviours. However, crime was only half the story—as many of these examples demonstrate the use of wastes as sites of punishment also affected people’s personal feelings about where they felt safe. The next section details the use of wastes as sites of execution and gibbeting and the contribution that such acts played in mythologising wastes as dangerous.

**Executions and Gibbeting: The use of Wastelands for Public Spectacle**

The national picture for execution rates varied during the long eighteenth century, but can be broadly characterised as falling into a chronological structure of four parts (Wallis 2018):

- 1718–1783: the Transportation Act brought about a secondary sentencing option for capital crimes, which saw a reduction in execution rates.
- 1783–1787: penal transportation halted because of American Independence and resulted in a boom in executions.
- 1787–1808: transportation to Australia, alongside reform desires, resulted in relatively stable execution rates.
- 1809–1830: indictments increased, because of concerns over radicalism; executions spiked again.

In addition to chronological variations, there were regional differences in criminal indictments and execution rates, and local differences in the retention of customs and attitudes towards capital punishment. Particularly compelling has been the idea that execution rates, for property offenders, decreased with distance from London meaning that spectators in ‘peripheral’ counties might only witness one hanging for property offences during their lifetime (King and Ward 2015, 165–183). Even after 1800, indictment rates were far higher in urban counties than rural, and there was greater pardoning of crimes occurring when moving away from London. However, those found guilty of murder were just as likely to receive a death sentence regardless of location.

Coupled with these statistical observations has been the desire in this research to understand the visual aesthetics of punishment and the effect on the execution crowd (Gatrell 1994; Wilf 1993). The judiciary sought to instil fear in audiences as a form of deterrence, but they were concerned that this messaging could be short-lived or lost on unruly crowds (Wilf 1993, 54). On the contrary, by the nineteenth century sensory experience and memories of those attending executions often mingled with the histories of
wastes. In addition, chronological and/or geographical variations were insignificant in relation to understanding community impact. In other words, one example of execution within a landscape might be just as, if not more, significant for negative place-making than hundreds of examples.

Gibbetting (hanging a body in chains) was similarly impactful. The practice of gibbetting provided a further form of deterrence for those who might carry out criminal acts which were considered especially wicked. As Zoe Dyndor (2015, 102–103) has highlighted, the Murder Act of 1752 legislated gibbetting (alongside dissection) as a form of post-execution punishment for convicted murderers, but gibbetting was an established practice from at least the Middle Ages and resulted in gibbet locations being recorded on maps or in documents, as well as being remembered in oral histories.

The use of wastes as sites of execution and gibbeting fall into two categories: those wastes in regular use as sites of execution, and those that were the location for the original crime. In both cases, wastes provided locations of spatial and topographical convenience for the congregation of large audiences (Gatrell 1994, 63; Poole 2015, 87), because they were more accessible than crowded and narrow streets within an urban core. The following section considers the impacts of this choice of location from three perspectives: country, county, and community. Doing so will determine whether use of wastes for execution and gibbeting contributed to feelings of negativity for members of the public and users of these landscapes.

**Variations in the use of English Wastelands as Sites of Capital Punishment**

Between 1730 and 1830, 1,460 people (Table 1) were executed across thirty-three English wastes (data from Clark 2022 was verified and enlarged).

The repetition of site-use varied considerably. Nineteen sites had fewer than five public hangings each because they were examples of criminals that were hung at the site of their crime. At the opposite end of the scale, six sites had fifty or more executions. Knavesmire (219), Kennington Common (269), and Penenden Heath (467) had the most sizeable datasets, indicating that executions were taking place on an annual basis because these locations were traditional gallows fields on urban peripheries. Study of the six wastes with the largest datasets revealed chronological patterns in keeping with the national observations of execution rates outlined above (Figure 1).

Between 1730 and 1780, execution rates were relatively stable, but most sites saw a rise in rates following the cessation of transportation to America during the 1780s. Relocation of executions within prisons after 1800 meant that execution rates fell. On the one hand, the data is consistent with opinion that provincial England followed the example of London and abandoned out-of-town gallows after the adoption of the drop system at Newgate (Gatrell 1994). However, there was no discernible geographical pattern to the

| Offence                                      | Number executed |
|----------------------------------------------|-----------------|
| Property Offences (e.g. burglary; smuggling) | 959             |
| Bodily Harm (e.g. murder; rape)              | 296             |
| Fraud (e.g. counterfeiting; forgery)         | 132             |
| Public Endangerment (e.g. arson; rioting)   | 66              |
relocation of gallows (Poole 2015). Nine wastes continued in use for public hangings, and while all saw a gradual decline up to the 1830s, there is no consistency in locations, assize courts, rates of executions, or the type of crimes committed. The abandonment of wastes as sites of execution indicates that decision-making was highly localised and related to the views of county administrators or a lack of popular objection.

There was geographic variation in the spread of the thirty-three wastes examined (Figure 2). By the eighteenth century, in large areas of England wastes were not used for the purpose of execution. Particularly noticeable was the absence of the use of wastes throughout Lincolnshire and East Anglia. Instead, by the eighteenth century, urban locations were favoured having replaced the earlier medieval practice of erecting gallows at parish boundaries where criminals were physically and spiritually excluded from the community (Whyte 2003). In the South-West, the limited numbers of execution sites on wastes coincided with single events occurring at the location of the crime and were also associated with the national increase in executions of the 1780s. The North also had fewer execution sites on wastes, so it is likely that many communities in northern counties never experienced a public hanging during their lifetime.

The national dataset suggests relative sparsity, or diminishing use, of wastes as sites of execution through the eighteenth century, but the inclusion of gibbeting sites does expand the numbers and spread of sites across England (Figure 3). It is worth noting that establishing a national dataset of gibbetting locations proved problematic in comparison to execution sites—comprehensive coverage would rely on commitment by researchers to analyse data from every county archive, which was not possible within this study. That being said, the gibbeting dataset did provide evidence of twenty-nine additional wastes and thirteen wastes that overlapped with execution locations, many of which can be traced in newspaper accounts because the crimes were considered so heinous. There was greater geographic distribution of wastes used for gibbeting sites, with the exception of North and South West England. In total, fifty-five criminals were punished in this way—the majority of whom were gibbeted between 1740 and 1770, which is consistent with Dyndor’s (2015, 107) suggestion that acts of gibbetting declined after 1752 because it was

Figure 1. Chronological distribution of executions occurring on wastes, 1730–1830.
more expensive than dissection. The dataset also highlighted a key difference in the choice of location for gibbeting in comparison to execution sites. There are a number of notable considerations for placement of gibbets, ranging from visibility to superstition, and there can be significant variation depending on the county studied (Dyndor 2015; Whyte 2003). Of the locations catalogued in this paper, only Durdham Down was used for multiple gibbeting events, demonstrating a repeated, historic, practice at this location. For the majority of the remaining single-use sites found in the database, newspaper accounts

Figure 2. English wastes used as sites of execution, 1730–1830.
and/or oral histories support assertions (Tarlow 2017, 39) that proximity to the site of the crime was a key factor in the location of these gibbets.

Preserving Judicial Reach: Wastelands and Pageantry at the Regional Scale

In 1752, Elizabeth Jefferies and John Swann (a servant) were found guilty of the murder of Joseph Jeffries, Elizabeth’s uncle, with whom she had lived in Walthamstow, Essex, from the age of five. The use of language in relation to the case is problematic, but there was

Figure 3. English wastes used for gibbeting, 1730–1830.
public suspicion that Jeffries’ uncle had sexually assaulted her and continued ‘in an incessaneous intercourse with her for several years’ causing at least two pregnancies (Jeffryes et al. 1752, 33–39). Jeffries’ admittance that the murder was committed to safeguard her inheritance ensured that the jury charged both with murder. Jeffries’ reaction to the specifics of her punishment are important. The Judge ordered that Jeffries should be transported by cart, and Swann be drawn on a sledge, twenty-six miles from the prison at Chelmsford to the gallows at Epping Forest (Manchester Mercury 1752). Cross-country routes were in existence between Chelmsford and Epping Forest, but there were advantages with using the better-maintained former-Roman road to London, which also intersected with the settlements of Ingatestone, Brentwood, Romford, and Ilford, ending at Walthamstow (at the south end of Epping Forest). Jeffries ‘fell into a fit’ on being told the particulars. In her view, ‘she did not mind dying, but thought it was cruel to carry her so far exposed’ (Manchester Mercury 1752). Given the reporting of the ordeal and the reaction of the spectators, her fears were well founded. The Manchester Mercury (1752) reported that the road from Chelmsford to the gallows had never seen so many people assembled. Spectators lined both sides of the road and enterprising persons had built scaffolds and hired out houses to the spectators. The journey took nine hours with only a short refreshment stop at Brentwood. The suffering of Jeffries and Swann cannot be understated. Swann would have been traumatised, and Jeffries fainted and had seizures.

By the eighteenth century, permanent locations or crime-scene locations had replaced earlier practices of having gallows scattered but closer to manorial courts, which meant that processions to gallows were standard (Poole 2015, 72–73). The purpose of processions was to create community-supported public acts of rejection of the convicted criminals and thus the crime. In the sentencing of Jeffries and Swann, the judge ensured that the populations of six settlements could witness their punishment. By the eighteenth century, processions reinforced the rule of law by converting largely urban decisions—in the courts—to a visual act attended by large crowds from the surrounding hinterland.

The procession of George Ruddock and George Carpenter at Warminster Common in 1813 serves as an example. They had been found guilty of the murder of William Webb, a farmer and well-respected in the community, and Mary Gibbons (a servant) following a botched robbery. They had been in Webb’s employment, but had been dismissed because Webb had no further work for them (Morning Chronicle 1813). Webb’s status, coupled with the violence of the attack within a private dwelling, resulted in the judiciary making highly visible example of Ruddock and Carpenter. The Hampshire Chronicle (1813) detailed the following in attendance (printed spatially to denote the hierarchical and physical arrangement of the procession):

A guard of Yeomanry,
Fifty Bailiffs and Constables, by three, with white wands,
Officer of the Sheriff, James Teukesbury, on horseback,
The Sheriff, Magistrates and Gentlemen in attendance, on horseback;
Captain of the javelin, on horseback,
Executioner, with a white wand,

The cart with the Rev. Mr. Bell and Criminals,
After the cart the Rev. Mr. Rowlandson, on foot,
The two Coffins carried on men’s shoulders,
Mr. Dowding, the gaoler, on horseback,
Bailiffs, &c.
Fifty Bailiffs and Constables, by three, with white wands, Javelin Men and Yeomanry surrounded the whole procession.

This procession took place thirty years after the abandonment of processions to Tyburn, but, in their case, visibility was central in judicial decision-making. The residents of Warminster Common included a community of tenants that were characterised as poor, uneducated, and unchristian by nineteenth century moralists (Daniell 1850, 2–13). Similar to other commons where local inhabitants relied on the common for sustenance and shelter (e.g. Mousehold Heath), this community was accused of holding illegal occupancy, which they refused to give up. In the nearby town of Warminster, which had been subject to regular ‘improvement’, crime was an issue but convictions were low. The tenants of Warminster Common were usually blamed so local officials used any opportunity to make an example of criminals.

A similar example had been made of Matthew Gardiner and John Whealer in 1783 (Reading Mercury 1783), and an examination of local histories confirms that the aims of the procession and execution had the desired effect on some spectators. A local resident at Warminster Common, who was in her early seventies in 1850, was still able to recount her memories of being a small girl when taken to see Gardiner and Whealer hang (Daniell 1850, 10).

The effort involved in transporting a prisoner from an urban prison to an out-of-town location was complex and costly. It also facilitated an act of pageantry on a large scale. With urban gallows and/or prison executions increasing, continued use of wastes as sites of execution preserved judicial reach over large hinterlands because county and urban administrators were visible through the act of procession. Equally important, is what Poole (2015, 81) has identified as a symbolic process of correction. An act of crime on a waste was disruptive for the community and changed their perspective of the space. The judiciary and local authorities had the ability to correct what had become dysfunctional space via visual justice. However, they did not consider the long-term consequences of these actions. As Whyte has demonstrated for Mousehold Heath (2018, 34), the entanglement of landscape value and meaning, alongside memory and local custom, was a frequent source of tension between communities and elite ideas. Far from reordering dysfunctional space, public execution and gibbeting caused disruption and created negative emotions and memories in connection with community places.

Local Decision-making at ‘tuck-‘em fairs’

Aside from the obvious punishment of the prisoner, public hangings acted as spectacles for the living. On sentencing John Scott to execution on Penenden Heath the judge declared, ‘you are to hang up as a spectacle to the rest of mankind’ (Leeds Intelligencer 1774). Collective response, while difficult to establish, was an intended outcome of punishment, but the reaction of the public to executions varied depending on the crime(s) committed and personal feelings toward the accused. It was sometimes within the remit of the crowd, and the local community that played host to wasteland punishments, to influence decisions on locations of gallows and treatment of exhibited bodies. Two examples from the early and mid-eighteenth century demonstrate this local action at
work, even if not always successfully. In 1734, the Corporation of Coventry rejected a petition from the community of Whitley Common asking for permission to remove Thomas Willdey’s hanging corpse (CA, BA/L/15/11/1). They found no justification in removing a corpse that was ‘inoffensive because it hangs on Whitley Common, distant from any roads’. The Corporation, primarily made up of residents of an urban setting, were missing the point that it was offensive for those living in the peri-urban surroundings of the common because they continued to make use of the waste as a resource and form of recreation. The case of Jeffries and Swann from 1752 mentioned above provides a contrast, because in this instance, the Justice allowed elite residents to choose the most appropriate location for the gibbet because they complained that it would be in view of their houses (Manchester Mercury 1752). The decision to select Epping Forest reflects the difference in status of those petitioning the authorities. While the key factor in the difference between these examples is likely to have been class, both signal the perception (especially by elites) that wastelands were appropriately empty spaces for the display of criminal corpses, and both demonstrate willingness by local communities to request changes in how their local spaces were used.

By the early nineteenth century, newspaper reports echoed shifting public reactions to executions on wastes. The removal of bodies, complaints of unprofessional behaviour by executioners, and low audience turnout were the methods that the public used to express dissatisfaction. For communities, such as those living in the surrounds of Penenden Heath, the spectacle of execution became a source of deep resentment. In 1819, eight landowners living in the immediate vicinity of the heath sent a petition to the County Magistrates requesting the immediate transfer of executions to the recently opened Maidstone gaol (KA, Q/GB/2). Not only did the petitioners feel that this was now the customary approach in England, but they also objected to the behaviour of the ‘mob’ who considered it a day of pleasure—known as ‘tuck-em fairs’ (a slang word for executions during the eighteenth and early nineteenth century)—which regularly resulted in the destruction of their property (Partridge 2003, 5666). It was fitting that a space that acted for common good should also be the location of communal spectacle, but for the communities that lived there the practice had become unpleasant and spilled-over into adjacent residential areas.

The experience of those residing near to wastes that were used for gibbeting could prove equally, if not more, unpleasant. Sensory experience and memory of hangings were not short-lived. In fact, it was on those wastes where capital punishment was rare that memories lingered most. Over multiple generations, these memories could morph into storytelling, particularly ghost stories, which further mythologised the space in the same way that places become associated with historic legends. At Durdham Down, for example, an early twentieth century account suggests that the corpse of Jenkin Prothero was cut-down in 1783, because rumours spread that he was descending from the gallows at night and haunting the streets of Clifton (Hudd 1904, 93). Denial of a Christian burial continued to be frightening long after the event, despite the well-documented reasons for corpse removal identified above. Local gossip, reminiscence, and storytelling about murders, creaking gibbets, and ghosts kept the stories of crime and punishment alive in public memory (Gatrell 1994, 117). Thus, while exploration of urban executions provides larger comparative datasets, an examination of wastes draws on the experiences of
smaller communities and the long-term impacts such actions had on their feelings towards a place that had importance in their daily lives.

**Conclusion**

Using wastes as sites for capital punishment was already decreasing in England by the 1830s. The removal of punishments and attempted reduction of crime fitted within Western objectives to gentrify green spaces. By the 1860s, the language of enclosure advocates, which had done so much to reduce the perceived value of wastes, had been largely successful as swathes of the English countryside were enclosed. In those parts of England where wastes survived, communities faced new pressures to transform wastes into English parks. In these new spaces, enforcement of byelaws by the police and/or park wardens resulted in codes of behaviour that did not eradicate crime, but strictly monitored it.

Past and present emotional experiences and the language used to express those feelings are not necessarily the same (Frevert et al. 2014). Although this paper has focused on negative emotions, not everyone found these spaces fearful or dangerous. Returning to Mousehold Heath in 1835, an author (Anon 1835) reflected on their feelings of exclusion following enclosure. Their sense of loss was more akin to grief and was a result of their own personal experiences with this waste. In a similar way, each encounter with crime on a waste was unique, but knowledge of a criminal event might produce a ripple effect within a community group producing collective feelings of fear in relation to place. Capital punishment, which was a visible mechanism used to deter crime, further reinforced notions that spaces could be dangerous, although these feelings were often highly localised because of the disruption that the events caused.

Statistical analysis is useful in providing a broader perspective on the use of wastes, but establishing comprehensive datasets (especially for locations of gibbetting) is difficult and would rely on a collective effort by historical experts to combine resources into a national dataset. Furthermore, studies that focus on analysis at the county level have been successful because they acknowledge that statistics do not reflect the impacts of crime and punishment for a particular location and community. The political and economic agendas of the elite to order and gentrify wastes shaped perceptions in explicit and implicit ways. The ‘improvement’ agenda was furthered by sensationalism in the press and popular media regarding particular crimes, and particular criminals and/or victims, while judicial sentencing, particularly gibbeting and processions, further reinforced perceptions of wastes as dangerous spaces. By establishing landmarks to both the crime and the criminals, the judicial process promoted negative place-making in response to wastes that was highly localised, and most effectively experienced by local residents.

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