

***Charlie Peace: His Amazing Life And Astounding Legend.***

Thursday 12th September 2013 – Notes from day 9 of rehearsals

Sight visit to Galleries of Justice Museum, Nottingham: The Legal System and Gaol

*“Charles Peace, I pass upon you the only sentence which the law permits in a case of this kind. That you will be taken from hence to the place whence you came and thence to a place of execution. And that you be there hanged by the neck until you are dead.” Justice Lopes in Charlie Peace by Michael Eaton*

**12th September 2013:**

Today the theatre arranged for the company to visit the Galleries of Justice Museum housed in Shire Hall, Nottingham. The galleries stand on the base of the original Saxon settlement, then known as ‘Snotta Inga Ham’, and dates back to 600AD. The aim of the trip was to give the company a sense of the atmosphere of a Victorian court and prison. During his life Charlie Peace stood trial five times, and spent a total of 18 years and 5 months of his life in gaol between his first arrest in 1851 and his execution in 1879. Within Michael Eaton’s play part of the final act takes place in the crown court in Leeds where Charlie’s final trial took place. The presiding judge was Justice Lopes, prosecution for the Crown Campbell Foster Q.C and for the defence was Frank Lockwood. The text for this scene was drawn from the original case transcript.

Charlie’s criminal activities coincided with the policing, judicial and gaol reforms of the Victorian era when formal procedures for arresting and charging victims were introduced. Prior to the Police Act in 1856 it fell to the victim of the crime to report, identify and catch the culprits, and the companions or parish constable assisted them. During the early Victorian era most prosecutions were carried out by private individuals and not by the police. Once a criminal had been apprehended the parish constable would act as a custodian and the criminal would be held in the local ‘lock-up’ until a trial could be arranged with the local magistrate. But even then it was down to the victim to arrange the witnesses.

By the mid 19th century, the Victorians had major concerns about rising crime, and by 1840 there were an average of 20,000 crimes per year. They were firm believers that crime should be punished, what that punishment should be and how it should be exercised. These options included transportation to Australia, America and Tasmania, penal servitude (hard labour) and execution by hanging.

As we waited for our guide in the lobby of the museum above us hung a *gibbet*, which is a metal cage in the shape of a torso. This particular gibbet was in fact the last gibbet used in the city of Leicester for the criminal James Cutt. A criminal’s dead body, which post execution may have been part boiled or coated in tar to make it last longer, would be placed in the gibbet before it was then hung in a place of public display. This was meant to act as a warning of the severity of punishment if you committed a crime in the region. It was a shuddering start to our tour.

When our guide arrived we were all given numbers. (Once convicted, criminals of the period were no longer referred to by name but by the number of their cell.) We were then taken up and into the Courts of Justice. As an ‘in-between job’ I sometimes help out with the assessments at a law school in London and the lectures often drive home to the

students the element of 'theatre' and 'performance' when cross examining a witness in court. This sense of theatre was no more evident than when we walked into the courtroom. As we sat on the legal benches our guide pointed out the various areas of the court and explained who would reside there. At the head of the court and raised above everyone was of course the presiding judge with the witness box to his right. At the opposite end was the dock where the alleged criminal would stand. To the criminals left as they looked at the judge were the legal benches with the barristers on the front row and their legal teams behind, and to the right of the dock the jury and also an area for the press and courtroom artist. In the centre of the room was a large table where legal documents and evidence would be placed for reference and at its head, below the judge facing the dock sat the court clerk. Finally, behind the dock was the general public (or audience) who sat or stood in the downstairs and upstairs gallery, split only by the large clock showing the passing of time. (This particular clock had been stopped at 10.45am, marking the time of the final court case to take place here). You could imagine the noise and hubbub at these trials, particularly for infamous cases such as that of Charlie Peace.

Order would be brought to the court with three loud bangs; everyone would fall silent and stand, as the judge would enter. To get a real sense of proceedings we were given a real life case with several of the cast given roles to be played out in situ. What struck me was how unfair the legal system seemed to be and how it was very much in its infancy. The jury was made up of local rich men with no women or people of a poorer background represented. The barristers were permitted to refer to previous crimes and at no point was the accused allowed to offer a defence. There also seemed to be no continuity to the level of sentencing in relation to the crimes committed. An 11-year-old child who steals a loaf of bread could get four years' hard labour whilst someone else who commits the same crime may get six months; one burglar may get four years penal servitude whilst another is transported to Australia.

At the end of our trial the judge asked our jury for their verdict. Guilty! The judge passed sentence and then ordered for us to be 'taken down.' The term was a literal one. Just behind the dock was a staircase leading to the prisons below the court. The Victorians had clear ideas of what prison should be like; they believed they should be unpleasant places where the criminal had to face up to their faults. New prisoners had their heads shaved and they were washed on account of vermin and nits. In the 1840s a new system of rules was introduced called 'The Separate System.' Prisoners were kept separate in their cells for long periods of time, only being let out for specific tasks. They were not allowed to speak and were tasked to do hard, boring jobs.

For instance, on the *treadmill*, or Chesterton's Everlasting Stepper as it was called, you would stand within a closed section facing the wall, hold onto a bar and walk up a rotating wheel. You would do ten minutes on followed by five minutes off for eight hours solid, in silence, climbing an equivalent of over 8,000 feet. As the prisoners walked on these treadmills the mechanism would in turn operate various machinery within the prison. Alternatively, you would have to operate a *crank* in your cell for a set number of rotations to earn your food ration. This crank however had no useful purpose unlike the treadmill and only turned paddles in a box of sand. Other tasks included *picking oakum*, which meant separating the strands of a rope and *pulling heavy carts* around. During exercise in the yard prisoners were chained together similar to a chain gang, but wore special masks so they could not see each other as they walked

*A Charlie Peace Blog 5: Rehearsal Day 9 - The Legal System and Gaol: a day trip*

repeatedly around in a circle. All these tasks were aimed at breaking the prisoner's spirit; whilst many died of disease a great many also went insane. Indeed, in 1866 whilst in Wakefield gaol, Charlie attempted to take his own life. He had smuggled a small ladder into his cell, cut a hole through the ceiling, and whilst attempting this daring escape running along the wall of the prison, due to some loose bricks, he fell into the Governor's office. Upon being discovered he was thrown in solitary confinement where he attempted to cut his own throat.

What was also notable at the Courts of Justice gaol, over the wall just below the exercise yard were the slums of Narrow Marsh. This area of Nottingham was overcrowded, filthy and poverty stricken and considered a breeding ground for diseases and crime. Prisoners could often hear raucous laughter from The Loggerheads Public House. It must have been yet another form of torture for prisoners. The stench of Narrow Marsh, snatches of shouted conversations over the wall between prisoners and friends and the risk of escape were constant problems for the staff of the prison. And it was in Narrow Marsh that the King of the lags, Charlie Peace, spent his time 'holed up' whilst he was in Nottingham on the run with a price on his head. But even whilst he was resident there he continued to pursue his life of crime but also met and fell in love with Susan Bailey, the Nottingham Nightingale when he saw her performing at Malt Cross Music Hall in St James Street, Nottingham.

As we walked around the exercise yard one final time before returning to rehearsals, we could see where some prisoners had etched their names into the brickwork. You felt this was a last acknowledgement of their existence but more importantly an acknowledgement of their name and not their number. We even found the name, 'Charlie.'

Neil Bull  
Assistant Director: Charlie Peace  
Nottingham Playhouse