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‘THE CAT, THE CANON AND *THE CHRONICLE*’: A NEGLECTED INCIDENT
IN THE LIFE OF THE REV CANON
WILLIAM GREENWELL*

C. STEPHEN BRIGGS

Llwyn Deiniol, Ceredigion

Introduction

THE REV. CANON WILLIAM GREENWELL¹ (1820–1918), is best known for prolific barrow-digging and as the angler who lent his name to a brightly coloured dry fly.² Born into a landowning family at Ford, Lanchester, on the River Browney, Greenwell attached importance to certain social responsibilities expected of Victorian churchmen and members of the minor gentry. Having ‘taken the cloth’ after illness prevented his following the law, he graduated from University College, Durham in 1839, where his pastorate would successively include two student college residences—Neville and Cosin Halls.³

* The material used here derives from an ongoing project, the primary object of which is a biography documenting Greenwell’s contribution to British archaeology. Research was begun as a post-doctoral study by Dr Anne O’Connor at Durham University 2004–7 which is being continued and jointly edited by the present writer and which also includes a handful of other scholars. I must first thank Anne, whose passion for Greenwell has been shared for a decade. Grateful thanks also go to Richard Ireland, Lecturer in the History of Law, Aberystwyth University, for sound advice on nineteenth-century legal policy and procedure; to Dr Richard Edwards, MD, Aberystwyth, for advice on neurology and alcohol-related illness; to Caroline Kerkham for editorial advice and assistance in genealogical research; to Roger Norris, former Librarian of Durham Cathedral, for references to obscure periodical publications; to Belinda Burke and other officers of the Architectural and Archaeological Society of Durham and Northumberland for valuable discussion, and finally, to numerous colleagues for encouragement to publish. All the views expressed and any factual errors remain entirely the author’s responsibility.

¹ As there were two Rev William Greenwells with separate livings in the Diocese of Durham during the mid to later nineteenth century, the form of Greenwell’s title is important. Although a minor canon since 1854, he only began using the title regularly in archaeological contexts around 1866. The other William Greenwell was the incumbent of Horton, Blyth 1855–97; *Crockford’s Clerical Directory* (1868), p. 278 [14].

² Arthur Burns, ‘William Greenwell (1820–1918)’, *Oxford Dictionary of National Biography*, [http://www.oxforddnb.com/view/article/33542, accessed 22 Jan 2014].

³ Neville Hall (1852–4), Cosin (from 1854); *ODNB*; *Newcastle Journal*, 2 Jul. 1853.

Greenwell went on to hold office variously in the libraries of University College and the Cathedral in Durham,⁴ whilst demonstrating himself no mean translator of early medieval Latin texts for the Surtees Society.⁵ Research and social responsibilities were undertaken conscientiously in such leisure time as could be snatched from clerical commitment, these extramural interests probably being optimally served through his lifelong bachelorhood.

Like many of the minor gentry, Greenwell probably had limited private means which, together with his stipend as a minor canon of Durham from 1854 and after 1865 (for his incumbency of St Mary-the-Less, near the Cathedral),⁶ would have offered sufficient financial independence to enable both extra-mural activity and philanthropy. After some prefatory digging, he began an intense excavation campaign in 1864,⁷ initially focused on the Yorkshire Wolds and Northumberland, which later widened into Scotland, East Anglia and, eventually, Wessex. Having developed a most effective relationship with the Press,⁸ he rapidly became established as Britain's best known performance barrow-digger. Fame was achieved by inviting well-known scholars and influential landowners to witness operations as he took the evidence from the ground, and he soon focused on producing a scientific synthesis of his investigations.⁹

From the Canon's early commitment to student welfare it might be suggested that he felt the need for a broader pastorate than was normally expected of his clerical remit. He was quite unconventional and appears to have been more of an eccentric than the average Victorian priest. Indeed, some of his commitments had serious implications for ecumenical and social reform. It is therefore of fundamental interest that, aged fifty, Greenwell's concerns for law and order were recognised by his election as a magistrate for the county of Durham on 5 February 1870.¹⁰

⁴ In 1843 and 1844 he was elected a curator of the University Museum; *Newcastle Journal*, 24 Jun. 1843 and 7 Dec. 1844. He was joint curator of the Cathedral Library from 1855 to 1858; *Newcastle Journal*, 3 Feb. 1844 and 19 Jun. 1858. Appointed Librarian to the Dean and Chapter and Keeper of the Rolls and Cathedral Charters in 1862, he kept that office for nearly fifty years; *Manchester General Courier and Lancashire General Advertiser*, 8 Jan. 1909.

⁵ E.g. *Bolden Buke 1181*, ed. W. Greenwell, Surtees Society, xxv (1852); *The Pontifical of Egbert, Archbishop of York 732–766, first printed from a MS in the Imperial Library, Paris*, SS, xxvii (1854).

⁶ Appointed minor canon 18 Feb. 1854; *Leeds Intelligencer*, 25 Feb. 1854. According to *Crockford's Directory* (1868), p.278 [15] his total stipend as canon and incumbent was £120. Such a sum would have made quite a comfortable living for an ascetic priest.

⁷ His most intense digging campaign was from summer 1864 until autumn 1869. Momentum slowed slightly during the 1870s and became a more occasional pursuit after the publication of William Greenwell and George Rolleston, *British Barrows: A Record of the Examination of Sepulchral Mounds in various parts of England (with description of figures of skulls, etc., by George Rolleston, M.D., F.R.S., (Oxford: 1877).*

⁸ C. Stephen Briggs, 'From Antiquarianism to Archaeology in *The Times* 1785–1900: some preliminary observations', in *Pursuits and Joys: Great Victorian Antiquarians and Intellectuals: The Lukis family of Guernsey and their Contemporaries*, ed. Heather Sebire (Newcastle: Cambridge Scholars Publishing, 2009), pp. 73–94 at 81–83.

⁹ Celebrity digging took off 1865–7 when Greenwell's invited guests included Sir John Evans, Sir John Lubbock and Augustus Lane-Fox (later General Pitt-Rivers). The term 'performance barrow-digging,' has been adopted here to reflect the similarity of Greenwell's activity to 'performance art'; W.Greenwell, 'Announcement of intention to publish 'A Decade of Skulls from Ancient Northumbria'', *The Archaeological Journal*, 22 (1865), 273–74.

¹⁰ He was sworn in on February 5; *Northern Echo*, 8 Feb. 1870. His first appearance on the bench was probably on 18 February; *Shields Daily Gazette* 19 Feb. 1870.

The present enquiry is based mainly on searches of digitised British and Irish newspapers. A vast amount of the archival material that should have survived to document the histories of many British institutions and individuals is now lost, and Greenwell's legacy is no exception. Few copies of incoming mail have survived, and he appears to have retained only vestigial financial accounts, while even some of his excavations remain without record. Although certain caches of letters have survived among his correspondents' literary estates, these shed only limited light on his character and personality.

Researching Greenwell's life and work through the contemporary Press has already helped document the social milieu he excavated in and aided better understanding of his sites.¹¹ It was therefore felt that in-depth investigation of the extensive journalistic legacy of 'the George Maw affair' might also help rectify some of the shortfall in an appreciation of the Canon's character. Ideally, to explore a legal problem like Maw's should involve courtroom records which, scattered among local and national record offices, are relatively difficult of access. Furthermore, it seems less likely that legal documents might offer the quality of insight into personality that can often be inferred from newspapers.

This essay is therefore a partial exploration of the historical record. It is hoped that eventually the questions raised and conclusions reached here will be complemented by exhaustive reference to original court, and perhaps even family, records.

By tracing events more or less as they unfolded, it is intended here to examine this unusual case; to consider the status, personality and health of the flogged man, and to explain Greenwell's part in having him punished. Discussion will then focus on how far his experience may have affected the victim's health and Greenwell's reputation. Whether or not the affair in any way affected practices of corporal punishment in British prisons will also be considered briefly.

Who was George Maw junior and why was he jailed and flogged?

The flogged man was George Maw, junior (c. 1821–83). Details of his background are presented in Appendix I. He was the second George of three generations from a respectable, middle-class, property-owning family in Bishop Auckland, Co. Durham. The eldest was a founder of the Darlington District Banking Co. in 1831.¹² Like his father, George Maw junior maintained and rented out industrial and residential premises. The third George went on to become a remarkably successful solicitor. All three were apparently involved in field sports and held minor positions in local public life.¹³

¹¹ Although the value of these accounts was already appreciated in Briggs, in Sebire, *Pursuits and Joys*, p. 81–83, work continues on comparing Greenwell's early newspaper with his later printed record of the digging.

¹² See M. M. Philips, *A History of Banks, Bankers, and Banking, in Northumberland, Durham and North Yorkshire* (1894), p. 237.

¹³ *Durham County Advertiser*, 19 May 1854. It should be noted that after 1870, the suffix 'junior' passed to his son when the flogged man adopted the title George G. Maw, Esq.

GEORGE MAW JUNIOR'S DETERIORATING BEHAVIOUR

Although during the 1840s and early '50s, George Maw junior was painted by the Press positively as a useful and responsible citizen, his character appears to have had a darker side. And whereas certain of his earlier misdeeds did reach the newspapers, for the greater part it seems likely that family or even class initially offered effective protection against adverse publicity. Exactly when his unpleasant side was first publicly exposed is not entirely clear, though as early as May 1854 he was summonsed at Bishop Auckland Petty Sessions 'by Mr Proud, of the Talbot Inn, for wilfully destroying certain newspapers, cards, &c, in the mess room of the Durham Militia Artillery'. Having agreed to write apologising to the officers for the insult, Maw paid expenses and damages and the case was dismissed.¹³

It was not until ten years later — only months after having raced a horse he called 'Roguish Lawyer' — that Maw again came to court, appearing for an assault on the Durham solicitor, Henry Marshall senior who may well have been the inspiration for the horse's name.¹⁴ Marshall had apparently sued Maw for a debt arising from unpaid professional services; having agreed to meet at a Red Lion Inn, Maw viciously attacked him. He was found guilty and fined £5.¹⁵

Of even greater moment was the breach of the peace brought against George Maw junior by his own father in May 1869. The hearing before Bishop Auckland bench disturbingly revealed how

complainant was so much excited for fear of his son, that he was almost unable to give evidence. It appeared that whilst ... [he]... was talking to a gentleman, [his son]...came up ... and used most violent and threatening language to him. He was afraid to live in the town for him. — Sergeant Harrison stated that when he went to serve the summons, [Maw jun.]...presented a gun at him. [His father] ... was afraid [his son]... would do him some bodily harm, and wished him to be bound over.

Strangely, in spite of its obvious seriousness, the case was dismissed.¹⁶

These altercations were probably the tip of a behavioural iceberg, since in 1870 it was revealed to Parliament that Maw was known for the outrageous violence of his temper and had six convictions (1862–70) for assault, being drunk and disorderly, wilful damage to property, and for obstructing an inspector of nuisances in the execution of his duty.¹⁷

By 1870, such public trust as had been vested in George Maw junior when young was largely dissipated. This is evident from the election results which dogged his attempt to join the local board of health that March, when the successful candidates polled 644, 613, 531 and 447, with Maw and another polling just 91 and 77 respectively.¹⁸ By the time of the elections for Guardians of the Bishop Auckland Poor Law

¹⁴ *Newcastle Journal*, 30 Aug. 1864.

¹⁵ *Ibid.*

¹⁶ *Durham County Advertiser*, 21 May 1869.

¹⁷ *Hansard*, 3rd series, 25 Jul. 1870, vol. 203, cols. 870–72.

¹⁸ *House of Commons Parliamentary Papers: Prisoners (Corporal Punishment). Return of the number of prisoners punished since 21st July 1864... by whipping;... &c.*, (HMSO, 1871, [497]), pp. 218–19.

Union, he must have already been on remand for assaulting Mr Edgar on 5 April.¹⁹ Four Guardians were needed, and whereas the successful candidates polled 870, 833, 799 and 738, Maw attracted only 283.²⁰

Greater ignominies were yet to come, and on 14 April 1870, Maw appeared before Bishop Auckland magistrates charged with assaulting Mr W. Edgar, builder. Edgar was both a member of the Board of Health and the vice-chairman of the Board of Guardians. Mr Proud, a local solicitor, prosecuted and 'Mr Maw, as usual, conducted his own case'.²¹ It appears that on his return from the hunting field,²² Maw took his horse on to the pavement in Newgate Street, then thrice rode 'at Mr Edgar on to the flags' whilst threatening him with the words: 'Now, Billy, I'll do for thee'. In mitigation, Maw explained that he was on his way to the Board of Health meeting where he expected to meet Edgar, but seeing him in the street 'rode around him, to be sure it was he'. Maw alleged that Edgar had then made faces at him. Responding, the bench opined that Maw 'had committed an assault of a gross nature...which could not be overlooked', and committed him to Durham Gaol for fourteen days with £1 7s. costs.²³ It later emerged that from the moment of receiving his summons to the time he was sentenced 'he was in a state of drunken, nervous excitement' and was apparently suffering from delirium tremens until his arrival at the prison.²⁴

Maw's sentence

Once in prison, Maw's 'incipient delirium or dementia' deteriorated to 'raving madness' probably owing to the poor dietary regime. Although he reported to the prison governor (Lieut.-Col. Armstrong) that he felt unwell, Armstrong retorted only that he was 'a—maniac'.²⁵ Maw's condition was already so distressed that he refused to acknowledge the prison rules; picked only about half his allotted quantity of oakum and would not attend chapel. Armstrong disallowed him from seeing his own doctor and prohibited a visit from his wife.²⁶ He was so disorderly that alleging Maw's insubordination, Armstrong straitjacketed him and ordered solitary confinement with bread and water for three days.²⁷ By the time that had elapsed, Maw was completely oblivious to reality.²⁸

¹⁹ *Northern Echo*, 21 Apr., *Newcastle Courant*, 22 Apr.; *Newcastle Guardian and Tyne Mercury*, *York Herald*, 23 Apr. 1870.

²⁰ *Northern Echo*, 12 Apr. 1870.

²¹ *Ibid.*

²² Maw was almost certainly returning from a meeting of The Durham County Foxhounds, which was intended to meet at Windlestone (Hall) on 5 April; *Newcastle Courant*, 1 Apr. 1870; *Newcastle Guardian and Tyne Mercury*, 4 Feb. 1871. The meet was on Easter Tuesday so the *Courant's* date appears to have been incorrect.

²³ *Northern Echo*, 21 Apr. 1870.

²⁴ *London Standard*, 8 Feb. 1871.

²⁵ *Ibid.*, 1 Feb. 1871; *Lancaster Gazette*, 'Alleged Newspaper Libel', 4 Feb. 1871.

²⁶ *The London Standard* described this as a 'severe piece of persuasion', 8 Feb. 1871.

²⁷ *Northern Echo*, 30 Apr. 1870. Numerous accounts were printed about Maw's experiences whilst incarcerated. Printed texts explaining what happened to him vary slightly in detail and even occasionally in fundamental interpretation.

²⁸ *London Standard*, 1 Feb. 1871.

During his incarceration, Maw had ‘laboured under the impression that he was bitten by snakes and rats’, and he emerged from it ‘in the belief that he was being led to execution’.²⁹ Thus, when the door was opened on Thursday morning, 28 April, quite unprovoked, he hit out at the warder’s face, kicked him, grabbed his hair, and again kicked him after pulling him to the ground. He then meted out similar treatment on his fellow prisoner, cutting his lip and ear. Another warder then rushed to the rescue and Maw was again straitjacketed.³⁰ Both victims were left with facial fist-marks.³¹

At this point, Lieut.-Col. Armstrong decided to have Maw flogged. He had obviously first counselled the prison’s assistant surgeon, but to expedite the sentence legally³² he needed authority from a visiting magistrate. Visiting Magistrates were members of the local bench nominated prison visitors by fellow JPs. They undertook a variety of duties, like prison inspections. Armstrong asked the two most local visiting justices who lived in Durham but they were ‘unavailable’.³³ A third declined to interfere on account of his relationship to Maw. Armstrong therefore felt obliged to call upon Canon Greenwell under the 58th regulation, which empowered any local magistrate to act under such circumstances.³⁴

Living near the Cathedral, Greenwell was relatively easy to find.³⁵ Once at the prison, he inquired of the staff to assess Maw’s fitness for the ordeal. Unqualified medically, at this stage the Canon was hardly going to argue with the prison surgeon, who later expounded how, before tying up Maw, he had found ‘nothing bodily or mentally the matter with him’.³⁶ ‘Thus, in the absence of Visiting Justices, and in the exercise of his discretion, and with perfect legality, Greenwell ordered Maw to receive 24 lashes.’³⁷

Having chosen the cat o’ nine-tails over the birch, Greenwell went on to witness the event.³⁸ Such a spectacle could offer no one any great peace of mind. The suggestion that Greenwell ‘exhibited Maw’s back, cut and bleeding to the other prisoners’³⁹ seems to have been a later mischievous assertion. It is certainly uncorroborated. Maw apparently bore the infliction in a half-stupified manner and left the prison at seven the following morning in a filthy and pitiable condition. When carrying him home, his coachman found him ‘incoherent and temporarily insane’.⁴⁰

First intimations of these happenings appeared on Friday 29 April, when Mrs Maw read about them in the *Durham Chronicle* first thing that morning. The paper stated

²⁹ *Reynolds’s Newspaper*, ‘The Canon and the Cat-o’-nine-tails’, 3 Feb. 1871.

³⁰ *Ibid.*

³¹ *Northern Echo*, 21 Apr. 1870; curiously, the local MP believed the warder was attacked when he interposed between Maw and the other prisoner; *Hansard* 1870, col. 788–9.

³² *London Standard*, 1 Feb. 1871. There were apparently other visiting magistrates but they lived several miles away.

³³ *The Prison Discipline Act* 1863 (28 & 29 Vict., cap.126, acc 58).

³⁴ *Hansard* 1870, col.788–89.

³⁵ *London Standard*, 1 Feb. 1871.

³⁶ *Ibid.*

³⁷ HOC, PP 1871 [497], 218–19.

³⁸ *Falkirk Herald*, 21 May 1870.

³⁹ *London Standard*, 8 Feb. 1871.

⁴⁰ *Lancaster Gazette*, 4 Feb. 1871.

starkly that 'on Thursday...Maw had received 24 lashes for an assault upon a prisoner and a warder'.⁴¹

REPORTS OF THE FLOGGING

Rumblings about Maw's ordeal all but followed him through the prison gates, probably on the morning of 30 April, though the sources are not entirely clear on exactly when he was released. Voices of censure and outrage were quickly raised, one being in a letter addressed to the *Northern Echo* on 3 May. It demanded to know who had authorised the tariff and called 'for the most searching inquiry'.⁴²

THE PROTEST BY 'INDIGNANTS' AT BISHOP AUCKLAND

News travels fast in small communities, and Bishop Auckland was no exception at this time. The event inflamed sensibilities, uniting feelings of community indignation. Unsurprisingly, local concerns soon brought 'upwards of 500 inhabitants' together at a meeting convened in the Town Hall lecture room on Monday evening, 9 May.⁴³ Chaired by Mr John Armstrong, a grocer, the meeting's stated object was to decide whether to approach the House of Commons, the Home Secretary, or the magistracy to get a satisfactory explanation of what had happened in Durham Prison.

Carried unanimously, the first resolution, moved by Mr T. Smith, resolved that the punishment had been inhumane because Maw was suffering from delirium tremens. The second unanimous resolution appointed a committee of twenty of the town's influential inhabitants⁴⁴ to investigate the matter, and to ask that Messrs Pease and Beaumont (MPs) request that the Home Secretary institute the necessary investigations. They noted in passing that Mr Maw was still suffering acutely from the effect of the punishment, and that it was said to have affected his reason.⁴⁵

Local solicitors, Messrs Ward and Bowser, were appointed to address the committee's agenda. They initiated a vigorous campaign for justice which was pursued for several weeks. A week later, the committee's solicitor (Mr R. D. Ward) applied to the Bishop Auckland magistrates for an order to inspect the journal of the governor of Durham Goal with a view to obtaining information respecting the state of Mr Maw's

⁴¹ *London Standard*, 1 Feb. 1871. The *Chronicle's* news was repeated in the *Northern Echo* the following day (30 Apr. 1870).

⁴² *Northern Echo*, 'The Cat at Durham Gaol', 3 May 1870.

⁴³ *Northern Echo*, 11 May 1870; additions from *Newcastle Courant* of 13 May appear here in square brackets. Further accounts of Maw's incarceration were printed in the *Newcastle Courant*, 13 May 1870 and the *Durham Chronicle* and the *York Herald*, 7 May 1870, while another report on the 'indignation' meeting was intended for the *South Durham and Cleveland Mercury* on 7 May; *Northern Echo*, 6 May 1870. The figure of 500 protesters is probably open to interpretation.

⁴⁴ *Northern Echo*, 25 May 1870 an article titled 'The 'Cat' in Durham Gaol'. This quote is taken from the letter of 17 May from Bower and Ward solicitors to Rowland Burdon, Ferryhill, of the Durham Visiting Magistrates.

⁴⁵ *Northern Echo*, 11 May 1870; *Newcastle Courant*, 13 May 1870.

health during the time he had been in prison. Although the bench was not empowered to allow this, Mr Ward was given a recommendation to the governor.⁴⁶

The *indignants'* committee chairman wrote to a well respected local general practitioner, Dr George Canney, seeking his counsel on Maw's health and sanity both while in custody and after his release.⁴⁷ When recently visiting him, Canney had found Maw 'to be labouring under the form of insanity known to medical men as dementia,' and feared he 'may never recover'.⁴⁸

Having taken testimonies from the prison governor, its surgeon, Greenwell, Maw's son, and a prison warder, Canney was convinced that Maw's delirium had been exacerbated by three days of solitary confinement in a dark cell which had ended 'in a short paroxysm of maniacal violence, followed almost immediately by acute dementia, in which, harmless, helpless, and almost unconscious, he was tried, sentenced, and flogged; offering no resistance, and I am told, never uttering a word'.⁴⁹

Although this campaign had resolved 'to elicit truth' and achieve justice, it soon emerged that any hopes of real success would likely depend on the mood of politicians.

THE PARLIAMENTARY PETITION

Lobbied by the locals' solicitors, Arthur Pease, MP for South Durham,⁵⁰ approached the Home Secretary (the Rt Hon. H. A. Bruce) who raised questions in Parliament on 14 June.⁵¹ Welcoming this hint at Home Office interest, the following day the solicitors' dialogue continued through Pease. Impatient, they next requested Home Office clarification about what evidence was required, and from whom it would be taken. Then they wrote direct to the Home Secretary, and deduced that after Pease had raised the matter in the House of Commons 'an inquiry [had been] ordered'. At this stage Pease reassured the Home Secretary that witnesses could be found who would testify that Maw had certainly suffered delirium tremens and had definitely been 'discharged [from prison] in a most deplorable condition, both in body and mind'.⁵²

This communication crossed in the post with Pease's reply to the indignants' earlier request. He explained that if enquiries were to be made, they would be comprehensive; and indeed, having lobbied Bruce, Pease had promoted Canney as a highly

⁴⁶ *Northern Echo*, 17 May; *Newcastle Courant*, 20 May 1870 [where it appears three times: pp. 5, 6, 7]. The record is silent on the prison governor's response.

⁴⁷ George Canney, FRCS, MD (1819–75) entered his father's practice in Bishop Auckland in 1840 and served a distinguished clientele including three Bishops of Durham. Arguably the most reputable doctor in the locality, he was a strong freemason, supported the Mechanics and the local Grammar School, *Northern Echo*, 2 Apr. 1875 (death notice and obituary).

⁴⁸ Canney must have had a sound understanding of the condition, as his own son appears to have been an alcoholic: *Northern Echo*, 27 Mar. 1876. It is ironic that Canney had also fallen victim to one of Maw's earliest assaults: see *Durham County Advertiser*, 4 Apr. 1856.

⁴⁹ *Northern Echo* and *Newcastle Guardian and Tyne Mercury*, 21 May 1870.

⁵⁰ A. F. Pollard and C. Fell-Smith, 'Edward Pease (1767–1858)', rev. M. W. Kirby, *ODNB*, online edn, Jan. 2008. Joseph Pease (1799–1872): doi:10.1093/ref:odnb/21730 [http://www.oxforddnb.com/view/article/21728, accessed 22 Jan 2014]

⁵¹ *The Times*, 'Parliamentary Notices: Questions', 14 Jun. 1870 8B.

⁵² *Ibid.*

reputable and reliable medical man.⁵³ By now, expectations of a public inquiry were running high.

Pease conveyed the indignants' requests to Bruce on 13 June, but as the Home Secretary claimed he needed to be better informed, he intended deferring any public response for a week. Communications remained slow, however, and on 23 June Pease petitioned Bruce directly in the House of Commons to ask if he had received more information about Maw's case.⁵⁴

Up until that moment, the possibility of the Home Secretary instigating an inquiry had seemed strong. But in Pease's immediate reply, Bruce now acknowledged only that he had so far 'received a good deal of documentary evidence bearing on this subject'. This fell well short of the commitment the indignants sought. And indifference, if not even negativity seemed detectable in the cheers the MPs gaggled from the floor of the House during Bruce's brief explanation. The unwelcome cheering began when Maw's twenty-four lashes were mentioned, before more cheering broke out when Bruce implied that Greenwell had exercised his discretion wisely in authorising corporal punishment. Bruce then dismissed the very idea that Maw could have suffered delirium tremens at the time of the flogging. In public, at least, he appeared to have neither sympathetic experience nor charitable understanding of alcohol-induced mental illness.

This was a great disappointment to the Bishop Auckland people, who, if nothing else, wanted Bruce to know that cases like Maw's needed 'a magistrate of long standing and ripe judgment, of whom there [were] plenty in and about the city of Durham ... instead of a clergyman comparatively young in years, of very recent appointment, and consequently possessed of no magisterial experience'.⁵⁵

Believing their concerns were being ignored, in July they again lobbied the Home Secretary, but now through Mr Gourlay (another South Durham MP).⁵⁶ This time Bruce disappointed them in Parliament by concluding 'that there was insufficient ground for the interference of the Home Office... and that the case did not call for further inquiry'.⁵⁷

THE *NORTHERN ECHO* EDITORIAL, 28 JUNE 1870

At the end of June an article appeared in the *Northern Echo* reviewing the state of play.⁵⁸ Written by the editor, John Hyslop Bell, it pointed out that offences like Maw's usually carried only a fine. He contrasted the official sceptical view of Maw's delirium with the one of the local indignants, which he felt was 'probably based on imperfect data'. Though hesitant, he settled on the side of the official interpretation. He then admitted that prison warders sometimes behaved insensitively; how they often faced

⁵³ Ibid.

⁵⁴ *The Times*, 'House of Commons', 24 Jun. 1870, 6.

⁵⁵ *Northern Echo*, 1 Jul. 1870.

⁵⁶ *Freeman's Journal*, 22 Jul. 1870.

⁵⁷ *Daily Gazette for Middlesbrough*, 'House of Commons Monday', 26 Jul. 1870; *Morning Post*, 26 Jul.; *Reynolds' Newspaper*, 31 Jul. 1870.

⁵⁸ *Northern Echo*, 'Editorial', 28 Jun. 1870.

violent prisoners, and that it was they who were responsible for running orderly prisons. Furthermore, since both prisoners and staff needed protection, staff should be reasonably entitled to recommend or even to choose appropriate punishments. He felt Greenwell would have considered these points before deciding to authorise. If not, the Canon is likely to have learnt them from the prison Governor. Bell went on to reflect that the Home Secretary would probably be unable to achieve much by holding an inquiry. And he mitigated public repulsion at the flogging of a sick man, arguing that in reacting to what may have seemed unjust ‘an individual has been pilloried instead of a system’.⁵⁹ He went on to denounce flogging as ‘a coarse and degrading punishment’ and advocated reforming prison discipline. Prison reform was definitely needed, though not at the expense of diminishing public safety. He concluded by reflecting optimistically that whatever may have been its down side, the open discussion provoked by Maw’s case might at the very least lead to beneficial prison reform.⁶⁰

THE DURHAM VISITING JUSTICES’ REPORT, 29 JUNE 1870

Whilst Hyslop Bell was penning out his editorial, Durham’s Visiting Justices were preparing to present their routine report at the Quarter Sessions in the library of the courts at Durham. Twenty-five Durham JPs were present, but Greenwell was not among them.⁶¹ He was in fact investigating prehistoric flint mines at Grime’s Graves in Norfolk.⁶²

The Visiting Justices’ report noted that ‘everything [had] gone satisfactorily in the county prison’, and went straight to the heart of the matter. ‘With regard to the affair of George Maw, the Home Secretary has instituted an inquiry into all the circumstances of the case, and the statements sent to him are produced in court. They require no further comment from us.’ And so the flogging business seemed to begin and peremptorily end. Interestingly, the report went on to note the great degree to which prisoners’ conduct and prison discipline had improved under its present Governor. Impressive statistics were produced to demonstrate the point.

Five minutes after receiving this report at the Quarter Sessions, Colonel Scurfield, JP, intervened quizzically with a contribution on the Maw case that he felt the public might have expected the magistracy would consider. He was concerned that Maw had been flogged shortly before the expiry of his prison sentence and felt that, under the circumstances, another more appropriate punishment could have been found. He was cheered by the audience as he went on to say that he felt the Visiting Justices ought to instruct the Governor of the gaol not to use the lash in such cases in future.⁶³

Although this plea obviously found sympathy among Scurfield’s fellow justices, their chairman, J. R. Davison, M.P., appeared non-plussed by it. And having first drawn attention to the Home Secretary’s interest in Maw’s case, then indicating how

⁵⁹ Was Bell in this passage perhaps referring to Greenwell, or even attempting to exculpate him?

⁶⁰ *Northern Echo*, ‘Editorial’, 28 Jun. 1870.

⁶¹ *Shields Daily Gazette*, ‘Durham Quarter Sessions’, 30 Jun. 1870; this carries a slightly different content from the *Northern Echo* ‘The Recent Flogging Case’, 30 Jun. 1870.

⁶² *The Leeds Mercury*, ‘The Grimes’ [sic] Graves: Remarkable Discoveries in Suffolk’, 28 Jun. 1870; *The Newcastle Courant*, 1 Jul. 1870.

⁶³ *Northern Echo*, fn. 61 above.

he felt it improper to comment upon the subject when Greenwell's libel case was under consideration by the Court of the Queen's Bench, he summarily dismissed any further discussion of the subject.⁶⁴

GREENWELL'S LIBEL ACTION

Bishop Auckland's campaign for a public inquiry was not the only controversial outcome of Maw's case. Indeed, as noted at the outset, having read two articles about it published by the *Newcastle Daily Chronicle*, Greenwell felt them to be libellous, and reacted by resorting to the highest court of the land — the Court of the Queen's Bench.

Greenwell's initial court application sought a firm view on whether or not the judges felt the newspaper had libelled him. The first hearing came before Lord Chief Justice Mellor, Mr Justice Hansen and Mr Justice Lush alongside Mr J. Coleridge, the Solicitor-General (assisted by Mr Beresford) on 13 June. The Canon's submission was read to the court after a brief rehearsal of Maw's case. His complaint concerned the *Chronicle's* two articles printed on 23 and 30 May. The first article noted how it seemed that Canon Greenwell had only been in the commission of the peace some six months.⁶⁵ It argued that the Prison Discipline Act — which should be amended — did not warrant Maw's sentence. What stung Greenwell most painfully however, was probably the claim that 'clerical magistrates are notoriously the most severe and merciless administrators of the law; and, as a rule have shown themselves the least fitted of any class for the discharge of judicial functions'.

There was some repetition in the second article (of 30 May) in which its writer concurred with Scurfield about the preferability of prescribing an alternative tariff. Its text was littered with judgemental language describing 'lawless proceedings; a barbarous act; brutal treatment and a prisoner ill-treated and half-killed [by] ignominious and degrading punishment'. Its writer's disrespect for clerical magistrates was again given full vent, and he accused Greenwell of being 'a secret tribunal composed of a single person...whose authorisation of the punishment ...was as illegal as it was brutal' (principally because officially, Greenwell had not been 'a Visiting Justice').⁶⁶

Greenwell's submission was for a criminal libel. Now defunct, it was a more serious offence than a civil suit. It differed principally in offering the potential for punitive measures rather than for damages alone. Greenwell countered the *Chronicle's* charges robustly in an affidavit which explained that he had been 'called upon to act' under the Prison Discipline Act and upon advice sworn by the gaoler and warder. He vehemently denied that Maw had suffered from delirium tremens at the time of the flogging, or that the punishment had nearly killed him. The flogging had been supervised

⁶⁴ *Shields Daily Gazette*, 30 Jun. 1870.

⁶⁵ Greenwell had actually been a JP for only sixteen weeks when Hawkes first wrote about the case (Feb.5 to May 23).

⁶⁶ The discussion here quotes from several reports on 14 Jun. 1870, including: *The Times*, 'Parliamentary Notices, Court of Queen's Bench, Westminster, June 13,' [8B]; *The Times* 'Ex Parte The Rev. W. Greenwell One of the Justices for Durham-In the Matter of the "Newcastle Daily Chronicle", [11C]; *Northern Echo* 'The Durham Flogging Case: Charge of Libel'; *London Standard* 'Court of Queen's Bench — June 13'; *Shields Daily Gazette* 'Action for Libel: Canon Greenwell v. The "Newcastle Daily Chronicle,"'; *Reynolds's Newspaper*, 19 Jun. 1870. Summarised in *Newcastle Courant*, 17 Jun. 1870.

medically without, he felt, any serious effects to health. The Solicitor-General noted Greenwell's account was supported by the prison's surgeon, Mr Boyd, who confirmed that every possible care had been taken of Maw.

In subsequent discussion between Lord Chief Justice and Solicitor-General, the former felt prisoners' treatment to be a matter of great public interest. He therefore advocated reasonable latitude in Press criticism of such matters. Conversely, the Solicitor-General urged that this was a case where journalism had overstepped the mark. They agreed there was widespread belief in the 'general severity of clerical Magistrates'.

In summing up, the Lord Chief Justice said the court thought that a rule for a criminal information ought to be granted, though he was anxious to make it clear that he considered 'the severity of a punishment inflicted by a judge or magistrate [to be a] matter open to the fullest and freest public discussion'. Overall, he felt that here the criticism 'went too far and seriously affected' Greenwell's character as a magistrate. It included some unfortunate judgemental language about facts 'which ought not to have been introduced by a public writer who was not prepared to prove them. On the whole, therefore, there was enough *prima facie* to entitle'... Greenwell ... 'to a rule to show cause why there should not be a criminal information. Rule *nisi*'.⁶⁷

This meant that Greenwell was free to prosecute a case for criminal libel against the *Chronicle* at the Court of the Queen's Bench. On 22 November, John Stanger, the *Chronicle's* (reputed) editor applied for a postponement of the case until after Christmas 1870, because he wanted its conclusion to be heard before the Lord Chief Justice who had conducted the initial hearing. That request was granted.⁶⁸

When eventually held, Greenwell's action occupied the best part of two days (30–31 January 1871).⁶⁹ Numerous reports of it were printed, some differing slightly in content or including minor factual errors, others leaning slightly to one side or the other. Several journalists were probably despatched to London to hear the proceedings at first hand. Interestingly, one of the most comprehensive was written for *The London Standard* (on 1 February 1871).

On the first day a good deal of familiar information was reviewed. On the second, arguments were heard intended to defend Stanger and the *Chronicle* on the one hand and to protect Greenwell on the other. But the most important point established was that whereas at the bottom of the first page of the paper Stanger's name affirmed him to be its 'printer and publisher', 'R. B. Reed, Joseph Cowen and Sidney Milnes Hawkes...[admitted that they actually] carried ..general and particular responsibility for the alleged libel'.⁷⁰ To discover such a fundamental flaw at such a crucial point in Greenwell's action might suggest that he and his legal team had done insufficient homework by naming Stanger in the first place. And as to who actually did write the offending texts, one Sidney Milnes Hawkes claimed full culpability. Said to possess

⁶⁷ *The Times*, 14 Jun. 1870.

⁶⁸ *London Daily News*, 'Court of Queen's Bench – November, 22. Sittings in Banco — (Before Justices Blackburn, Mellor and Hannen): The Queen v Stranger [sic]', 23 Nov. 1870.

⁶⁹ *The Times*, 'Court of Queen's Bench, Westminster', Jan. 31. Sittings in Banco', 1 Feb. 1871. [The court remained as constituted for Nov. 22, The Lord Chief Justice still being too ill to attend: see fn. 68].

⁷⁰ M. Milne, *The Newspapers of Northumberland and Durham: A study of their progress during the 'Golden Age' of the Provincial Press* (Frank Graham: 6 Queen's Terrace, Newcastle-upon-Tyne, 2, 1970), pp. 79–80.

'a most natural commanding indolence',⁷¹ at one time he qualified as a barrister, owned a London brewery at another,⁷² and had kept company with European revolutionaries,⁷³ before authoring the *Chronicle's* Elfin column. His declaration made it crystal clear that Greenwell had brought an action against the wrong man and Stanger had no case to answer.

Mr Justice Blackburn consequently had to dismiss Greenwell's case. He closed by repeating how it had been Greenwell's duty to order Maw's punishment before mitigating by asserting that if Greenwell had known Maw was too weak and unfit a subject for flogging 'it would have been as well to have stayed the punishment'.⁷⁴

Maw's case in British penal history

The George Maw affair brings into sharp focus three social or legal issues not only important in 1870, but of concern in varying degree today: prison reform, alcoholism, and corporal punishment.

PRISON REFORM AND CORPORAL PUNISHMENT

First, how best to incarcerate malfeasants is an age-old question. The treatment meted out to Maw – being held in a poorly-lighted cell with unremarkable 'prison food', then sentenced to straitjacketed solitary confinement in darkness on a diet of bread and water, were punitive norms until after the First World War. Maw's case is more unusual, if not of national significance, because two newspaper editors — Sidney Milnes Hawkes and John Hyslop Bell — used it to call for the reform of punishments and prisons. Hawkes promoted reform through his alleged libel in the *Newcastle Daily Chronicle* — then the best-circulating radical paper in the region, and arguably one of the most comprehensive⁷⁵, and Bell through his *Northern Echo* editorial of 29 May.

These contributions were significant because there were certainly other local editors — like the *Newcastle Courant's* — who believed 'wholesome use of the rod' was good for society and to oppose it amounted to 'maudlin sentimentality'.⁷⁶ The *Chronicle*, on the other hand, took the view that 'the brutality of a criminal can never

⁷¹ Ibid. p. 70, fn. 8. Hawkes was later identified as 'an editor of *The Newcastle Chronicle*' by the *Newcastle Guardian and Tyne Mercury*, 14 Oct. 1871.

⁷² S. M. Hawkes, [c.1850]. *The Swan Brewery*, Walham Green (undated pamphlet in The British Library); R. Woolley, 'Sidney Milnes Hawkes and the Swan Brewery', Walham Green, c.1850', *Journal of Brewery History Society*, 126 (2007), 2–16.

⁷³ <http://trees.ancestry.co.uk/tree/40722458/person/19529056337/storyx/6c996354-6820>: 'Sidney Milnes Hawkes and the Marsden Grotto', by Ian Wilson et al.

⁷⁴ *Leeds Mercury*, 'Flogging a Prisoner in the Durham Prison, Action against the Newcastle Chronicle', 1 Feb. 1871. From 1–11 February comparable accounts appeared across the land in at least 35 national and regional papers.

⁷⁵ Milne, *Newspapers*, pp. 69, 75–81.

⁷⁶ *Newcastle Courant*, 'Editorial: The Lash in Newcastle Gaol', 12 Mar. 1869; quoted in Milne, *Newspapers*, pp. 77–78.

be corrected by a counter exhibition of brutality ... Placing the lash in the hands of prison authorities affords fatal scope for the exercise of the caprices of power. It is thus doubly debasing, at once degrading the criminal and corrupting those who keep watch over his conduct'.⁷⁷ It seems odd that in court neither party mentioned the *Chronicle's* anti-flogging stance, as it could have become an important component of the paper's defence on the one hand, or of Greenwell's to argue that Hawkes was using his rhetoric to disseminate revolutionary ideas, a tactic in which the *Chronicle* specialised, on the other.⁷⁸ But the *Chronicle* anyway needed no such defence, because from the outset its three editors were obviously confident that Greenwell had fired at the wrong target.

The *Northern Echo* was a new and successful radical newspaper launched only in New Year 1870. Its owner, Joseph (later Sir Joseph) Pease, a Quaker industrialist and reformer must have supported Hyslop Bell's editorial stance at the time. Pease was also the MP who brought the indignants' concerns to the Home Office in June 1870. Towards the end of the century, however, Pease was among those would-be capital punishment abolitionists who began to view flogging pragmatically as an alternative deterrent to hanging: they saw it simply as the better of the two evils.

FLOGGING PRACTICE IN THE 1860S

The practice of flogging both inside and outside convict prisons slowly declined during the nineteenth century, a fact documented by the diminishing number of lashes given in each punishment.⁷⁹ Conservative opinion grew more favourable towards corporal punishment in the early 1860s, however. This was due to the reduction and eventual end of transporting convicts to Australia which resulted in much busier British prisons. More ex-convicts were consequently seen on the streets where their unwelcome presence naturally led to rumour- and scare mongering, particularly after several high profile muggings demonstrated how some ex-convicts possessed lethal skills with neck nooses. New laws were therefore passed in 1863–65⁸⁰ to placate growing fears of a new criminal class who had come to be known as Garrotting Ruffians. Strengthening the corporal punishment tariff for a wide range of offences became the consequent deterrent.

Detailed statistics on flogged malefactors were published after the first seven years' practice under these new measures. Data were recorded under three offender categories: two were offence and court specific, while a third listed those punished 'By Order

⁷⁷ *Newcastle Daily Chronicle*, 'Editorial,' 11 Mar. 1869 (referenced from Milne, *Newspapers*, pp. 77–78).

⁷⁸ Milne, *Newspapers*, passim.

⁷⁹ The references and background information on penal history which follow are drawn largely from L. Radzinowicz and R. Hood, *The Emergence of Penal Policy in Victorian and Edwardian England*, History of English Criminal Law and its Administration from 1750, vol. 6 (1986). An unsurpassed work of over 1100 pages, it presents a comprehensive digest of all relevant Parliamentary Papers, and includes thousands of references to contemporary and later studies of penal practice. At Durham, the average was six lashes of 'the cat' (House of Commons Parliamentary Papers. *Corporal punishment. Return from each gaol and house of correction in England and Wales ...*, [under various Acts 1858–61] &c., (HMSO, 1862 [3]), 11–12. Some prisons seem to have preferred to administer more strokes, though mainly of the birch.

⁸⁰ These various strands of new legislation were brought together under *Corporal punishment. Returns of the number of prisoners punished ... [under various Acts 1858–62]... &c.*, HMSO.1865 (85).

of Visiting Justices, Courts of Assize or Sessions &c'.⁸¹ This group accounted for 1,365 floggings out of a total of 5,650 in England and Wales over the seven years.⁸²

Records detailing every punishment by prison included each offender's age; initials; the nature of offence; dates of committal and punishment; who authorised that punishment (whether visiting justices, a Court or Sessions); numbers of strokes ordered and given; the mode of flogging (whether by birch or cat); under which Act whipped; and finally, the identities of all persons present when the punishment was inflicted.⁸³

These tabulated texts showed that only eleven men were 'whipped' in Durham Gaol from 1864 to 1871. All were authorised by Visiting Magistrates. Their ages ranged from sixteen (four men), through twenty, twenty-one and twenty-six (one each), to thirty (two) and forty-eight (two). Four were flogged for assaulting prison officers; one each for insubordination; two for wilful damage to county property and one for 'incurable bad conduct'.⁸⁴ Each offender received either twelve or twenty-four strokes and nine of them took the cat. Punishments were authorised variously by five visiting magistrates, identified as: J.F. Elliot, J. Fawcett, the Rev W. Mayor, A. Wilkinson and the Rev W. Greenwell. With one exception the floggings were overseen by prison staff, usually including the governor and/or deputy governor and as many as four warders together with the prison surgeon. Similar compositions of observer groups obtained nationwide.

At Durham, in the exceptional case of George Maw, the overseeing officers — 'Lieut-Col Armstrong, governor; W. Boyd, surgeon; J. Boyd, Deputy Governor; and four warders' — were joined by Greenwell. And if the recorded data are correct, he was only one of four magistrates nationwide ever to witness a prison flogging during that period. He was certainly the only cleric. The other JP attendances were at Leeds in 1869 and at Salford in March 1866.⁸⁵ Cogently to this inquiry, Maw's flogging of April 1870 was almost certainly his second at Durham, a point suggested by the record of someone with the same initials convicted on 27 June 1868 and aged forty-eight who was also given twenty-four lashes of the cat for assaulting an officer. It is clear that the authorities then inadvertently misrepresented his age (as forty-eight) when compiling the 1870 return. By then Maw was actually fifty. Although it is always possible that another 'GM' was punished in 1868, that seems unlikely, given the similarities in the circumstances of their conviction.

ALCOHOLISM

The third issue of concern to Maw's case was alcoholism. Although generally accepted that Maw was a dipsomaniac, it is impossible to know how far his condition was affected by a 'susceptibility to intoxication said to have been caused by a blow on his head early in life'. The malady indubitably made him 'one of those unhappy

⁸¹ 1871, [497].

⁸² *Idem.*, pp. 218–19.

⁸³ *Idem.*, *passim*.

⁸⁴ *Idem.*, pp. 22–23.

⁸⁵ *Idem.*, pp. 203 and 83 respectively.

victims to drink who are put forward by teetotallers as “frightful examples”. It must be clear from the several independent accounts of his state of mind, that if he was not suffering an alcohol-related problem, the legacy of an early head injury might even have given rise to a more unusual chronic neurological complaint like medial temporal lobe epilepsy.⁸⁶ Such a condition could have accounted for his descent into attacks of uncontrolled violence, though as his heavy drinking was actually well-known, alcohol-related illness does seem the more likely.

Although several affidavits were presented in the libel case actually denying Maw’s delirium or dementia whilst interned, and as his contemporaries appear to have believed that diagnosis, it has to be asked why a man of his social standing had never been treated. The answer is not difficult to find. In Victorian Britain the fundamental need to recognise, treat and cure alcoholism was never properly addressed because society signally failed to agree whether or not it was a vice or a disease. Taking initiatives from the American example, where, mid century reformatories were established to receive voluntary, paying patients, the British government continually failed to commit resources to finding solutions which could satisfactorily address cures for all classes of society.⁸⁷ It is therefore of interest here that Acts to help reform habitual inebriates were introduced unsuccessfully into Parliament throughout the 1870s. Although legislation enabling the establishment of Inebriate Reformatories was passed under an Act of 1879, Henry Bruce as Home Secretary rejected it in principle, preferring “to rely on the development of manners and morals, of education, and the control of liquor licensing to remedy the evil”.⁸⁸ Under further legislation passed towards the end of the century, faith eventually came to be vested in the licensees, who were expected to refuse to serve known habitual drunkards. This system failed spectacularly, and a more effective system of control was not achieved until after the First World War.

Canon Greenwell: lawgiver or lawmaker?

Greenwell’s involvement in Maw’s case raises serious questions about his character and judgement. Not the least of these is why he should ever have attended Maw’s flogging, let alone have accepted the prison visitor’s adjudicating role in the first place. With the benefit of hindsight, however, it appears that Armstrong, the prison governor, felt free to exploit Greenwell’s inexperience to help release his own frustrations on Maw and further reduce the prison’s falling punishment statistics by making an example of him. If a correct supposition, it was a cynical move, because Maw was a relatively defenceless gentleman alcoholic for whom society would have had limited

⁸⁶ J. A. French, P. D. Williamson, V. M. Thadani, T. M. Darcey, R. H. Mattson, S. S. Spencer and D. D. Spencer, ‘Characteristics of Medial Temporal Lobe Epilepsy: I. Results of history and physical examination’, *Annals of Neurology*, 34 (1993), pp. 774–80.

⁸⁷ Stephen S. Alford’s tract *On the Habitual Drunkards’ Act of 1879* (London: The Society for Promoting Legislation, 1880), explains how the 1879 ‘Inebriates’ Act’ was permissive but not compulsory. It also offers an enlightening account of a tour to visit American and Canadian Inebriate Homes, drawing from it lessons that might have better enabled the establishment of comparable retreats in Britain.

⁸⁸ Radzinowicz and Hood, *History of Criminal Law*, pp. 288–307.

sympathy. And Greenwell may have witnessed Maw's ordeal not because he was a sadistic voyeur, but because he felt duty bound to ensure fair play.

Greenwell's involvement led to a fourth legal aspect: his libel action. The form of his court application and its eventual rejection raises serious doubts about Greenwell's judgement. Why did he go to court? It must be presumed that by resorting to the High Court, he either idealistically sought a moral victory in the better interests of responsible journalism, or alternatively, he hoped for personal vindication to undermine the published statements impugning his good character and reputation. Perhaps both, though the second seems the more likely. Unfortunately, the outcome was hardly even a pyrrhic victory. It enabled an already bloodthirsty Press to continue to remind readers of his misjudged role in the flogging. Although he was well used to controversy, Greenwell cannot have imagined how such unending attention and notoriety could have resulted from his baptism of fire on to the Durham bench. And finally, whether or not it was successful, it is to be doubted that Greenwell's court action could ever have had much effect on moderating the behaviour of the fast expanding, highly competitive later-nineteenth-century Press.

Greenwell was probably unwise to have gone to court. Although the *Chronicle's* account was misleading and partly untrue, its efforts were not loudly condemned by the Queen's Justices. Hawkes had obviously said little that was not otherwise implied, spoken or printed, either by the Bishop Auckland indignant, or in other newspapers. And if it is true that 'Canon Greenwell settled his quarrels with...other local newspapers which commented adversely on the affair',⁸⁹ it is clearly important to see the evidence. Without that, it would appear that he was either unaware of, or chose to ignore, the broadcasting of further allegations and untruths.

CANON GREENWELL, ARCHAEOLOGICAL CELEBRITY

William Greenwell grew in stature as an accomplished scholar and respected 'performance digging' archaeologist over the decades after 1850. From 1864 his activities were regularly broadcast in newsprint, so that initially detailed accounts of his findings went straight into *The Times* well before being written up in scholarly journals or in his masterwork, *British Barrows* (1877).⁹⁰ His celebrity was achieved by cultivating a comfortable relationship with the Press which helped him publish numerous individual excavation reports in *The Times* during his first half-dozen years in the field.⁹¹ By 1870, routine syndication of such reports among newspapers could well have totalled several thousand nationwide. Meanwhile, he had also begun complementarily making regular appearances as a lecturer and exhibitor of antiquities. This enabled him to attain the sort of celebrity status today more often associated with footballers and pop idols than with men of learning.

Greenwell amassed one of the largest and most important private collections of prehistoric antiquities in the land, mainly from his own excavations. Most was

⁸⁹ Milne, *Newspapers*, p. 79.

⁹⁰ Greenwell, *British Barrows*.

⁹¹ see Briggs, fn. 8 above.

donated incrementally to the British Museum.⁹² Besides owning what he had dug up, he purchased artefacts competitively from dealers or at auction and acquired specimens by gift from well-wishers, as well as through cautious exchanges from fellow collectors.

Reflecting upon Greenwell's intended archaeological programme for 1870–71, those initial stormy weeks on the bench hardly affected his personal momentum in any obvious way. In fact, he was away from Durham during much of the Maw affair: at the end of March 'on tour' in East Anglia,⁹³ where he spent much of April in and around Grime's Graves.⁹⁴ Then, whilst Maw was being convicted and incarcerated, he was intermittently helping out his old antiquarian friend, the Rev W. C. Lukis of Wath (N. Yorkshire) at the Ripon Fine Arts Exhibition, which lasted from 18 April till late summer 1870. As some important components of Greenwell's collection were exhibited⁹⁵ it is unsurprising that he should have also given two lectures there. The first was on 14 May, when he was said to have made 'one of the most interesting evenings...for two hours, [speaking] extemporaneously on the life, manners and habits of the pre-historic people of the Wolds'.⁹⁶ His second presentation described 'Early Remains in the Museum,' on 6 July.⁹⁷

Additionally, nine days before Maw was flogged (19 April), Greenwell visited Dr Cloustone at *The Garlands*, the Cumberland County Asylum, to examine 'a splendid find of ancient British urns, incense cups, &c, many as perfect as just from the hands of the maker' which had been exhumed there by inmates and drawn by an asylum resident.⁹⁸ Given such heavy and distracting commitments, it is a wonder he was ever in Durham long enough to have been caught up in Maw's travails.

Amid a mild controversy about the site's original purpose, Greenwell continued to investigate Grime's Graves intermittently through the summer of 1870, punctuating that work with his further attention to Yorkshire barrows, an activity that also provoked the odd critic from time to time, if not even attract some opponents. But by 1870 he must have grown well used to archaeological brickbats.

How far the flogging affair affected Greenwell's media status as celebrity antiquarian is difficult to assess. If *The Times* were to be used as an indicator of his popularity, it is arguable that the slight decline in reportage between 1870 and publication of his

⁹² Greenwell's donations to the B.M. began in 1866 with 'a collection of flint implements found in Yorkshire' (*British Museum. An account of the income and expenditure ... estimated charges and expenses ...; number of persons admitted, and progress of arrangement; &c.*, (1866) [187]). Thereafter, he regularly gifted prehistoric material, the best-known donation being his amassed excavated grave-goods (*British Museum. An account of the income and expenditure...; number of persons admitted, progress of arrangement; &c.* (1878–9) [170]).

⁹³ *Leeds Mercury*, 'The Drift Gravel Beds', 5 Apr. 1870. William Greenwell, 'On the Opening of Grimes' [sic] Graves in Norfolk', *Journal of the Ethnological Society*, Ser. 2.2 (1870), pp. 419–39.

⁹⁴ *Bury and Norwich Post*, 5 Apr. 1870; *Ipswich Journal*, 9 Apr. 1870; *Leeds Mercury*, 'The Grimes' Graves: Remarkable Discoveries in Suffolk', 28 Jun. 1870; *Newcastle Courant*, 1 Jul. 1870.

⁹⁵ *The Times*, 20 Apr. 1870.

⁹⁶ *Leeds Mercury*, 14 May 1870.

⁹⁷ *Northern Echo*, 7 Jul. 1870.

⁹⁸ *Kendal Mercury*, 23 Apr. 1870; the history of Cloustone's 'find' and its subsequent interpretation is explained in: www.cumberlandnews.co.uk/did-asylum-patients-uneearth-a-bronze-age *Cumberland News*, 16 May 2008. If Greenwell was expecting Cloustone to relinquish these remarkable artefacts into his collection, he would have been sorely disappointed. Cloustone kept them and they were eventually presented to the Carlisle Museum established two years later.

British Barrows in 1877 might reflect a mild degree of censure. But his having already addressed over two hundred barrows by 1870, Greenwell may have chosen to do less digging thereafter. He could have thus been deemed to be less newsworthy simply because he provided fewer sensational discoveries to report.⁹⁹

GREENWELL'S NOTORIETY AND A POSSIBLE VENGEANCE ATTACK

Documenting Greenwell's undoubted notoriety at this time is difficult. Having bared his teeth at the Press, it seems probable that in the short term the papers would have fought shy of careless criticism. But sensation does sell newsprint, and in the immediate aftermath of the case even normally responsible journalists were tempted to keep alive animosities or even mockery of him. Hence, when discussing 'the prominent and active radicals' canvassing in the Durham parliamentary elections of May 1871, *The Carlisle Patriot* snidely noticed 'The Rev. Canon Greenwell, of flogging notoriety'.¹⁰⁰ But the most effective, fearless and entertaining pillorying of Greenwell was Maw's. He raced horses named 'Canon Greenwell', helping keep open his memory among steeplechasers until 1873.

Though potentially unsettling for him, it is to be hoped that Greenwell was able to laugh off such equine antics for what they were. It is much more likely that his equilibrium was seriously dented when, on 13 August 1871, John Parkinson, a local confectioner, tried to run him over with a horse and cart whilst he was out walking with 'W. Marshall, jun. Esq'. It cost Parkinson fourteen days in jail.¹⁰¹ As this Marshall may have been related to the solicitor with whom Maw had tussled in 1868, it is tempting to seek some connection between the two events. Alternatively the assault could have come from someone disgruntled by a conviction or fine handed down from the local bench.

However the public later saw him, Greenwell stayed his course on the Durham bench for over forty years, and in 1900 became chairman of Durham Ward Petty Sessions.¹⁰² Given his propensity for outspokenness, it is unsurprising to find that in 1905 his nonconformist views of the law were again reported in Parliament, this time when he had averred in court that dangerous motorists should be shot.¹⁰³ Fortunately, only humourless trouble-makers argued that he had meant it seriously.

⁹⁹ For a useful summary of Greenwell's digging activities see I. A. Kinnes and I. H. Longworth, *Catalogue of the Excavated Prehistoric and Romano-British Material in the Greenwell Collection* (1985), pp. 10–14. Numerically, his 'digging' appearances in *The Times* were as follows: 1864, 4; 1865, 5; 1866, 25; 1867, 11; 1868, 9; 1870, 4; 1871–2, nil; 1873, 2; 1874–5, nil; 1876, 1; 1877, 11 (mainly concerning *British Barrows*); 1878, 2; 1879, 1; 1880, nil. Reports appeared periodically thereafter until around 1900.

¹⁰⁰ *Carlisle Patriot*, 5 May 1871.

¹⁰¹ *Newcastle Daily Chronicle*, 28 Jul. 1871; *Newcastle Guardian and Tyne Mercury*, and *York Herald*, 29 Jul. 1871.

¹⁰² R. Norris, 'William Greenwell 1820–1918, F.R.S., minor canon and antiquary', in *Durham Biographies*, ed. G.F. Batho (Durham County Local History Society, 2002), p. 65.

¹⁰³ *Manchester Guardian*, 'Imperial Parliament: House of Commons Canon Greenwell and Motorists', 27 Jun. 1905.

George Maw: reformed alcoholic?

After being flogged, George Maw continued in business while enjoying a competitive life in the field. Despite his propensity for violence when drunk, it was said that when sober he was ‘a kind and well-conducted man, of gentle habits and disposition’.¹⁰⁴ Whether or not his alcoholism was ever treated successfully, if at all, may never be known. Local lawmakers must have felt relieved when, in 1874 and under some pressure from the Temperance Movement, the Bishop Auckland Brewster Sessions failed several licence applications to serve spirits. George Maw’s was among them.¹⁰⁵

In the North East, society at large very much benefited when George Maw junior, the flogged man’s only son, qualified as a solicitor in 1871. He was to become ‘one of the leading advocates of the North of England’¹⁰⁶ and one of the most effective prosecuting lawyers in local courtroom memory whose ‘forensic achievements were numerous, and, in not a few instances, brilliant.’¹⁰⁷ Such an exceptional irony is unlikely to have been lost on the Rev Canon William Greenwell, J.P.

APPENDIX

The marriage of George Maw junior ‘in South Church, Bishop Auckland to Georgiana, the youngest daughter of the late Benjamin Grammer of Codnor Breach’, Derbyshire, was announced in *The Derby Mercury* on 9 December 1846. Georgiana and George had three children together: Annie, Georgiana and George who in 1870 were aged twenty-one, twenty and eighteen respectively.¹⁰⁸

During the 1840s and ‘50s Maw senior owned a farm, leased out the premises of at least one mill and ran a successful tannery. It seems likely that his son was largely dependent upon his father’s businesses. Unsurprisingly, therefore, in 1850 his occupation is described as ‘currier’¹⁰⁹ – one who colours leather after its initial tanning. Their tannery partnership was dissolved in 1852,¹¹⁰ and three years later its extensive premises, together with ‘housing for 30–40 workmen and families’ was offered to let by George Maw junior.¹¹¹ That he should have also announced that he was ‘retiring from business (aged only thirty-four) might suggest he had by then lost his appetite for tanning.’¹¹² But that he was also letting a well-appointed ‘genteel family residence’ alongside the works complex could be an early indication of fracturing family relationships, if not also of deteriorating industrial relations.

¹⁰⁴ *London Standard*, ‘Court of Queens’ Bench; The Queen v. Stanger’, 1 Feb. 1871.

¹⁰⁵ *Northern Echo*, ‘Adjourned Brewster Sessions: Bishop Auckland Division’, 29 Sep. 1874.

¹⁰⁶ *Hartlepool Mail*, 17 Oct. 1887.

¹⁰⁷ *Northern Echo*, Obituary of George Maw (the third), 14 Oct. 1887.

¹⁰⁸ George Maw was living apart from his wife and children — who all occupied ‘lodgings’ in the 1861 Census. His wife appears to have been living on rental income at that time.

¹⁰⁹ *Newcastle Guardian and Tyne Mercury*, 20 Apr. 1850. Contemporary adverts for property sales suggest that in his twenties and thirties George jun. was in partnership with his father.

¹¹⁰ *Morning Post*, 28 Jan.; *York Herald*, 31 Jan. 1852.

¹¹¹ *York Herald*, 23 Jun. 1855.

¹¹² *Ibid.*

Having quit tanning, George senior apparently continued in business elsewhere, partnered with non-family members in the Wear Valley Brewery at Bishop Auckland. That venture dissolved upon the death of a senior partner in 1861¹¹³ and went into receivership in 1863.¹¹⁴

Aged twenty-four, George Maw junior's name appeared on the *Prospectus of the Bishop Auckland Gas Company* as a provisional committee member.¹¹⁵ Although by 1852 he was its vice-president,¹¹⁶ it is not known how he fared in the company thereafter. A speculative property development begun near the centre of Bishop Auckland around that time was probably of his own initiative. Unfortunately, it almost certainly sustained financial loss when 'several new buildings' of his 'in an unfinished state' were 'much injured' in heavy rains.¹¹⁷ Without access to more detailed financial records, however, it is difficult to gauge the degrees to which father and son shared enterprises, and consequently impossible to gain better insight as to whether or not bad luck, poor management or personal tensions as early as this may have been caused by, or were actually causal to, George junior's increasingly erratic behaviour.

George senior certainly held responsible public positions from early in life. Initially his son followed suit. Thus, George junior had been appointed an overseer of the poor for the year 1848 in his home town, and by 1850, aged thirty, he had become a guardian of the poor.¹¹⁸ But whereas his father retained his seat, for George junior that responsibility seems to have lapsed by 1854.¹¹⁹ In 1851 he was sworn in on the Grand Jury of Durham County Sessions throughout an important trial,¹²⁰ which again might suggest a measure of public trust in his sense of social responsibility.

GEORGE MAW JUNIOR, FIELD SPORTSMAN

George Maw junior's most visible profile in the Press during the 'forties and 'fifties shows a man apparently living life to the full, not only as an active field sportsman, but also as a successful breeder of horses, game birds and domestic fowl. Thus, he subscribed to at least two events in the Sedgefield Hunt Club's steeple chase, near Durham, in the year it was first officially recognised as a racecourse.¹²¹ The second of these events was 'the first of the kind ever to be held' there. A fortnight later he took fourth place in the Tally-Ho! handicap (another steeplechase) also at Durham.¹²² Whereas his six-year-old chestnut gelding initially made the running in that race, his nags were placed on neither occasion.

¹¹³ *Newcastle Courant*, 2 Aug. 1861.

¹¹⁴ *Perry's Bankrupt Gazette*, 20 Jun. 1863.

¹¹⁵ *Newcastle Courant*, 31 Oct. 1845.

¹¹⁶ *Newcastle Guardian and Tyne Mercury*, 16 Feb. 1852.

¹¹⁷ *Ibid.*, 2 Oct. 1852.

¹¹⁸ *Durham County Advertiser*, 14 Apr. 1848; *Newcastle Guardian and Tyne Mercury*, 20 Apr. 1850.

¹¹⁹ *Durham County Advertiser*, 7 Apr. 1854; *Newcastle Courant*, 28 Apr. 1854.

¹²⁰ *Newcastle Courant*, 18 Oct. 1851.

¹²¹ *Yorkshire Gazette*, 24 Jan. 1846.

¹²² *York Herald*, 7 Feb. 1846.

Although steeplechasing usually involves an element of gambling, it is a matter of speculation as to how far Maw was a betting man. Whether or not he bred winning horses, during the 1850s his livestock certainly took prizes at local agricultural shows. In 1852 it was turkeys, goslings and ducklings;¹²³ then geese and turkeys in 1853.¹²⁴ In 1853 he was also awarded a first prize of £2 for ‘the best two-year-old colt for the field’.¹²⁵ By 1856 his expertise on horses qualified him to judge at the Stanhope Agricultural Show,¹²⁶ and in 1864 he raced a horse named ‘The Roguish Lawyer’ which, given his altercation with Henry Marshall the solicitor at that time, suggests he had quite a sense of humour.¹²⁷

That this humour was irrepressible if not also bizarre, is shown by the way he appeared to commemorate his incarceration in jail by naming one of his racehorses ‘Canon Greenwell’ (12 st 4 lb) and running it at 6 to 1 against, in the Crook Stakes (held near Roddy Moor Colliery) on April 26, a date almost coincident with the anniversary of his flogging. It came in unplaced!¹²⁸ By bolting in the first two races, his celebrity nag began by showing no better form when next run four times at Cartmel a month later. Then, having won the third race by six lengths (only to be disqualified for a weighing-in irregularity), the ‘Canon’ appropriately redeemed itself by eventually winning the ‘Consolation Stake’.¹²⁹

Odd equine ‘Greenwells’ may have survived a little while longer, for in 1873 another breeder (S. Aitkin) used the title on a steed which ran unsuccessfully in The Lothians Hunt steeplechases on 17 April.¹³⁰ Maw apparently carried on steeple-chasing for some years thereafter, though in fields from which horses of obvious clerical interest were absent.¹³¹

¹²³ *Newcastle Courant*, 20 Aug. 1852.

¹²⁴ *Newcastle Journal*, 20 Aug. 1853.

¹²⁵ *Newcastle Courant*, 26 Aug. 1853.

¹²⁶ *Newcastle Journal*, 20 Sep. 1856.

¹²⁷ *Ibid.*, 28 Mar. 1864.

¹²⁸ *York Herald*, 29 Apr. 1871.

¹²⁹ *Lancaster Gazette*, 3 Jun. 1871.

¹³⁰ *Falkirk Herald*, 19 Apr. 1873.

¹³¹ See for e.g. *York Herald*, ‘Durham Handicap’, 18 Apr. 1878; ‘Durham Hunt Cup’, 23 Apr. 1878. Thereafter, such events were being raced by the third George Maw.

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