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## **The Watchman in the Vineyard\***

### **Historical Traces of Judicial and Punitive Practices in Lincoln**

**Nicholas Temple**

#### **Introduction**

Towering above the flat rural landscape of Lincolnshire is the majestic Gothic cathedral of Lincoln that stands as testimony to both human piety and divine worship. Located on the summit of a limestone ridge, and within the precinct of the former Roman settlement, the iconic profile of the cathedral has served for centuries as a potent symbol of the city and its rich history. The dominance, however, of this venerated place of worship overshadows a less apparent topographical relationship that was gradually to define the dual identity of Lincoln as both a pilgrimage destination and a stronghold for defence and incarceration. Partly revealed from the south aspect of the city (from Brayford Pool), the lofty bell towers of the minster are counterpoised by the fortified walls of the ancient castle that culminate in the prominent ‘observatory tower’ on the south side of the east gate. Both cathedral and castle confront each other as two key monuments in Lincoln’s history, that speak of the various accords, disputes, collusions and conflicts that have defined the relationships between church and state, canon and civil law, salvation and punishment.

**[Insert Fig.4.1: View of the upper town of Lincoln today, from Brayford Pool, showing the relation between the cathedral and observatory tower of the castle (left) (Photo by author)]**

The present investigation examines the history of judicial and punitive practices at both the castle and cathedral, from the Middle Ages to the 19<sup>th</sup> century, in the context of

their territorial and topographical relationships. My aim in the enquiry is to trace changes in the various deliberations of justice and punishment in the ‘upper-town’ of Lincoln, through the agency of architecture, urban space and topography. In particular, the study will demonstrate how acts of justice and injustice were circumscribed by a complex - and sometimes conflicting - interplay between adherence to changing religious/political practices and the emerging instrumental methods of punishment and imprisonment.

### **Contested Territories: The Outer Bailey and the Close**

Relations between the authorities of the castle, cathedral and the larger city of Lincoln were often confrontational, and disputes arose concerning both rights of jurisdiction and the levying of taxes for the sale of goods.<sup>1</sup> The catalyst for these disputes can be identified in the emerging territorial demarcations in the ‘upper town’, between the outer bailey and the cathedral precinct, which was to persist until 1832 when the precinct was subsumed into the parliamentary constituency of the city, and subsequently into the municipal borough.<sup>2</sup>

To understand the reasons for these earlier territorial and judicial divisions we need first to examine the building of the cathedral in the 13<sup>th</sup> century, when the dean and canons of the cathedral issued a petition (in 1255) to King Henry III for a licence to extend the building eastwards, so that it would breach the old Roman wall of the outer bailey. This initiative formed part of the scheme, instigated by Bishop St Hugh (1181-1200), to reconstruct and enlarge the earlier Norman cathedral in the Gothic style, following its destruction in an earthquake in 1185. However, the dismantling of the city wall, along its

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<sup>1</sup> In 1390, for example, the sheriff of the castle took action against the city mayor for interfering with the affairs of the Bailey, a situation that was not to be fully resolved until the 19<sup>th</sup> century. E.I. Abell & J.D. Chambers, *The Story of Lincoln: An Introduction to the History of the City* (Wakefield, 1971) p.179.

<sup>2</sup> Sir Francis Hill, *Medieval Lincoln* (Stamford, 1990), p.126. Finally, in 1845 both bailey and close became parishes of the city. *Ibid.*, p.101.

eastern and northern frontiers, meant that the minster and its clergy were no longer under the protection of the outer bailey, being exposed to potential attack from outside invaders.

**[Insert Fig.4.2: Plan of the ‘Upper Town’ of Lincoln (c.1400) indicating relation between the Outer Bailey of the Castle and the Cathedral Close. ‘A’ indicates locations of gates in the wall of the Cathedral Close and ‘B’, the gateways into the old Roman settlement (Drawn by author after Francis Hill)]**

To remedy this threat a further royal licence was granted for permission to build a high wall to enclose the precinct of the cathedral. Initially, this only surrounded the projecting east end of the edifice, but eventually it enclosed the whole cathedral, creating in the process a minster ‘close’ that was separated from the bailey. Later raised and crenelated in the early 14<sup>th</sup> century, with the addition of turrets, the wall was punctuated by a network of six secured gates, some of which still exist today - most notably the monumental West or Exchequer Gate. As part of the royal licence to create a cathedral close the dean and chapter also acquired legal rights of jurisdiction over the precinct which they were to vigorously enforce almost without interruption until the Civil War when disputes arose about the reinstatement of the ‘ancient privileges of the close.’<sup>3</sup> As Carl Estabrook states: “In the tumultuous decades leading up to the civil war, cathedral officials waged a symbolic battle to demarcate and delimit their sacred space more visibly, invoking royal adjudication to fend off the appropriation of sacred symbols by civic authorities.”<sup>4</sup>

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<sup>3</sup> *Ibid.*, pp.124-27.

<sup>4</sup> C.B. Estabrook, ‘Ritual, Space, and Authority in Seventeenth-Century English Cathedral Cities’, *Journal of Interdisciplinary History*, XXXII:4 (Spring, 2002), pp.593-620, p.593.

These rights included the establishment of a law court, located above the Galilee Porch on the west side of the cathedral's south transept, which had authority over all those inhabiting the close and working within its confines, including clergy and their secretaries:

...in a letter sent to the city authorities by Henry II, we learn that the dean and chapter were allowed to hold a weekly court....for every kind of dispute affecting the inhabitants of the Close. They were entirely free from interference, wither by the city or the castle, and were an independent community of their own.<sup>5</sup>

**[Insert Fig.4.3: View of the Galilee Porch, with original court-room on the 1<sup>st</sup> floor, located off the south transept of Lincoln Cathedral (courtesy of Chris Rees)]**

We should be reminded here that the disputes at the end of the Civil War, over the “ancient privileges” of the cathedral close (by then considered anachronistic practices), roughly coincided with the abandonment of the nearby castle as a defensive structure and its subsequent transformation into a county gaol and court, a topic for later discussion. In each case we witness significant changes in the judicial roles of castle and cathedral that in one sense could be said to constitute a defining moment in the history of the ‘upper-town’.

The trials held in the ‘Galilee Court’ imposed a range of punishments, including incarceration for serious offenders. It may seem surprising that the cathedral accommodated a prison.<sup>6</sup> Nick-named ‘le Wynde’ (meaning narrow lane or passage), and located in the north-west tower, the entrance to the prison was highlighted in a curious

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<sup>5</sup> Abell & Chambers, *Lincoln*, p.181.

<sup>6</sup> In some instances the roof space behind the triforium of medieval cathedrals was used as a makeshift prison. I am grateful to Professor John Hendrix for this information.

drawing executed in 1789 by Samuel Grimm, which shows a group of men (including the renowned botanist Sir Joseph Banks) crossing a ladder to a door in the tower.<sup>7</sup>

Trials within the cathedral precinct were not just limited to the Galilee Court. We know that the Chapter House was also periodically used as a court-room during the Middle Ages, only here for cases that extended beyond the jurisdiction of the close; in the early 14<sup>th</sup> century one of many trials to convict the knights of the heretical order, the Templars, was held here as well as for royal parliaments summoned by both Edward I (1301) and Edward II (1316).<sup>8</sup> Much later the Chapter House was used as a temporary county court, probably during periods when the court house in the castle was being reconstructed.

**[Insert Fig.4.4: Samuel Grimm (1786). Sketch of the interior shaft of the northwest tower of Lincoln Cathedral showing a group of men, including Sir Joseph Banks, crossing a ladder to the entrance to the old cathedral prison (courtesy of the Cathedral Library)]**

Whilst the cathedral, and its walled precinct, enjoyed over many years independence from the authorities of the castle bailey and the city, we know that accommodation within the close was used at various times by officials of the bailey to officiate their own judicial duties. Indeed, during the 17<sup>th</sup> and 18<sup>th</sup> centuries, the lodgings for the judge of the county court were located in various places around the cathedral, including College House which stood on the green near the Chapter House and leased

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<sup>7</sup> Nicholas Bennett, 'The 'Wynd': A Cathedral Prison', in Philip Buckler, Gavin Kirck, Nicholas Bennett, Mary Lucas & Anne Coltman, *Lincoln Cathedral: A Journey from Past to Present* (London, 2010), p.51.

<sup>8</sup> Bennett, 'The Cloister and Chapter House', *Ibid.*, pp.96-109, p.106. Furthermore, "Up until the outbreak of the civil war...sacred and secular authorities appropriated one another's sites and symbols to underscore status and claim legitimacy." Estabrook, 'Ritual, Space, and Authority in Seventeenth-Century English Cathedral Cities', p593.

from the dean and chapter.<sup>9</sup> The lodgings were later moved to a house in the ‘Minster Yard facing the east end of the Minster.’<sup>10</sup>

What emerges from this brief examination of the relation between the outer bailey and the close is that there existed a fluid – and sometimes contested - relationship between territorial jurisdiction and judicial authority. In spite of the close inter-dependence between cathedral and castle, from the period of William Conqueror and his loyal Bishop Remigius, the establishment of a bounded enclosure for the minster served as a catalyst for greater autonomy and self-determination for the cathedral authorities. This privileged position was no doubt aided by the declaration in the Magna Carta that: ‘the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired.’<sup>11</sup>

As Claire Brey reminds us, this clause ‘...confirmed the right of the church to elect its own bishops and other officials, without royal interference. It reflected the powerful influence of Archbishop Langton who was clearly eager to confirm the rights and freedoms of the Church, which John had challenged so persistently earlier in his reign.’<sup>12</sup> Moreover, the mere presence of the Lincoln copy of the Magna Carta (the ‘Lincolnia’) in the cathedral, where it was deposited in the treasury in 1215 and remained there for over 600 years, is likely to have been viewed by the clergy as further grounds for reinforcing their claim of independence, both from a judicial and political standpoint.<sup>13</sup>

At the same time, however, we should consider the authority of the English Church in the light of the particular and unique circumstances of Lincoln Cathedral’s foundation. Unlike Canterbury, Winchester, Norwich and Durham, which emerged as cathedrals from Benedictine monastic foundations, Lincoln was established in response to

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<sup>9</sup> Sir Francis Hill *Georgian Lincoln* (Cambridge, 1966), p.22.

<sup>10</sup> *Ibid.*

<sup>11</sup> Significantly, this is taken from the 1<sup>st</sup> of the 63 clauses in the Magna Carta. Quoted in Claire Brey, *Magna Carta: Manuscripts and Myths* (London, 2002), p.28.

<sup>12</sup> *Ibid.*

<sup>13</sup> By the 17<sup>th</sup> century the whereabouts of the Lincolnia was unknown, probably as a result of the turmoil wrought by the civil war, only to be rediscovered in 1800 by the Public Records Commissioners

different needs: ‘The vast size of the diocese [[that stretched from the Humber to the Thames] required a body of administrators and lawyers to ensure its smooth running.’<sup>14</sup> Hence, Remigius saw the need for this large diocese to have ‘a chapter of secular canons, each endowed with a prebend or source of income...’<sup>15</sup> We can only imagine the effectiveness of this significant body of legal experts in the cathedral when challenging any disputes arising with the castle sheriff or city authorities, thereby ensuring the longevity of the ancient privileges of the clergy referred to earlier.

The judicial and punitive actions of the close were largely inconspicuous to the attending worshipper or pilgrim, concealed behind the religious iconography of the cathedral; the prison was largely camouflaged by the monumental Norman west front of the minster, whose eschatological meanings were intimately associated with the symbolism of the triumphal gateway to Heavenly Jerusalem.<sup>16</sup> The court-room, on the other hand, would have drawn its own Biblical associations from the Galilee Porch to which it forms part; the title ‘Galilee’ suggests a threshold of a journey of faith that emulates Jesus’ journey from Galilee to Jerusalem, or alternatively as a point of departure from where the disciples were ‘commissioned’ by the ‘Risen Christ.’<sup>17</sup> In both cases we see notions of justice and punishment being recapitulated as acts of mercy and salvation. As I suggest elsewhere, ‘...the criminal represents the sinner par excellence, and is made into a good Christian through his forced penance/sacrifice consequent to trial.’<sup>18</sup>

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<sup>14</sup> Buckler, Kirck, Bennett, Lucas & Coltman, *Lincoln Cathedral*, p.102.

<sup>15</sup> *Ibid.*

<sup>16</sup> In Early Christian tradition the narthex, located at the west end of a basilica, constituted the most ‘secular’ part of the church, from where the uninitiated or catechumen could witness – but not participate in – the Eucharistic mass. This status of the west end may have contributed to the decision by the clergy to house the prison in the north-west tower at Lincoln.

<sup>17</sup> Buckler, Kirk, Bennett, Lucas & Coltman, *Lincoln Cathedral* p.128 & p.131.

<sup>18</sup> This interpretation was used in a different context, to explain the symbolic intentions for the design of the Palazzo dei Tribunali in Rome by Donato Bramante in the early 16<sup>th</sup> century. Nicholas Temple, *renovatio urbis: Architecture, Urbanism and Ceremony in the Rome of Julius II* (Abingdon, 2011), p.116. Significantly, the Lincolnia was later moved to the room above the Galilee Porch where it was shown hanging on a wall in an oak frame. The decision to display the parchment document in this room may have been intended to recall its earlier role as a court-room before the Reformation, where the chapter undertook “truly to minister the office of stewardship of the Galilee.” Buckler, Kirk, Bennett, Lucas & Coltman, *Lincoln Cathedral*, p131.



## Civil Unrest and Strategies of Punishment

Whilst the Civil War signalled the demise of the ancient privileges of the clergy, that once sustained the judicial and religious codes of conduct in the cathedral close, the 18<sup>th</sup> century witnessed the abrupt closure to what was left of this tradition. This forms part of a more general transformation of the upper-town during the 18<sup>th</sup> and early 19<sup>th</sup> centuries, where cathedral and castle became fragments of a larger socio-political order.

An indication of the direction of these changes can be seen in an incident that took place in 1724. Following the destruction of the central spire of the cathedral by high winds in 1548, there was increasing concern about the stability of the remaining two spires on the west towers. A report by the appointed architect James Gibbs recommended that the west towers should be secured, but that their spires are removed. The implementation of these recommendations provoked a riot in the city. The secured gates of the Close were breached by a mob of five hundred protesters. According to the then Secretary of State, Lord Townshend, the reasons for the riot may not have been just about the proposed demolition of the spires but also a demonstration of the protesters' 'disaffection with the state', its prevailing injustices.<sup>19</sup> If we accept Townshend's assessment then the incident could be said to constitute not just an act of violence but also one of opportunism; trespassing the minster close (ostensibly to protest against the destruction of the spires) provided an opportunity to express more general issues of discontentment. In the ensuing confrontation the sacred precinct became the scene of mob riots against both the dean and chapter of the cathedral, as well as the city authorities.

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<sup>19</sup> Hill, *Georgian Lincoln*, p.40.

We should be reminded here of the historical significance of the gateways into the close. Mary Lucas describes the Exchequer Gate in these terms: ‘It marks the symbolic entrance to the peace and sanctity of the cathedral where the pilgrim leaves behind the hurly-burly of everyday life beyond the gate.’<sup>20</sup> The tranquillity of the close was abruptly disturbed, and the sanctity of the cathedral violated, by the riot. Consequently, the close was subsumed into the lawlessness of the larger city, which Daniel Defoe describes in rather scathing terms in 1720 as ‘...an ancient, ragged, decay’d and still decaying city; it is full of the ruins of monasteries and religious houses’, even stating that it was scarcely tolerable to call Lincoln a city at all.<sup>21</sup> No longer reserved exclusively for visiting pilgrims as a sacred enclosure, the minster precinct finally concedes to new – more prosaic - priorities; the construction of a turnpike in the 18<sup>th</sup> century, which passes through the close, resulted in ‘the dean and chapter giving up their right to lock the gates.’<sup>22</sup> This development provides an important backdrop to examining the later developments of the other enclosure in the upper town - the castle yard - during the early 19th century. Whilst the circuit wall of the minster yard was dismantled, and the close absorbed into the larger city, parts of the castle wall were reinforced and the surrounding derelict buildings along its dyke demolished through a programme of slum clearance.

### **Castle and Gaol**

Throughout the Middle Ages, the fabric of Lincoln Castle underwent a number of major additions and alterations, including the construction of more substantial fortified walls, towers and a larger keep, later called the Lucy Tower on the south side of the

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<sup>20</sup> Buckler, Kirck, Bennett, Lucas & Coltman, *Lincoln Cathedral*, p.18.

<sup>21</sup> Quoted in Hill, *Georgian Lincoln*, p.138. We have accounts, from the early 18<sup>th</sup> century, that testify to the political dimension of the proposed demolition of the spires, which some considered to be an act of vandalism. *Ibid*, p.41.

<sup>22</sup> Lucas, ‘The Close’, p.18.

enclosure. After the Civil War, Lincoln Castle became redundant as a fortification, resulting in the disbandment of its garrison of soldiers. It subsequently accommodated a courthouse and county gaol, the latter used to incarcerate debtors and those who required provisional detention either before a trial or deportation.

**[Insert Fig. 4.5: Bronze model of Lincoln Castle, as it appears today, showing Lucy Tower (bottom left), East Gate and Observatory Tower (bottom right), Cobb Hall (top right), Prison building (centre) and Crown Court and West Gate (top left) (Photo by author)]**

A more substantial purpose-built county court was completed in 1776, in the centre of the castle yard, whilst the gaol was located in the north east corner of the yard. As the name implies, the courthouse dealt with cases from the county of Lincolnshire, whilst the trials of those citizens within the city took place in the Guildhall, located in the Stonebow, which contained its own prison.<sup>23</sup> Hence, whilst the castle and its constable originally had control over the enclave of the outer bailey, defined by the extant boundary stones, the later introduction of a courthouse within the castle's inner bailey gave its magistrates judicial authority over the whole county.<sup>24</sup>

By the late 18<sup>th</sup> century, however, Lincoln Castle was in a ruinous state and was declared by the magistrates as unsuitable for a gaol, partly as a result of the security risks arising from buildings being erected immediately outside its crumbling perimeter wall.

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<sup>23</sup> Abell & Chambers, *Lincoln*, p.166.

<sup>24</sup> Hill, *Medieval Lincoln*, p.91.

Hence a petition was submitted to parliament in 1775 by the city magistrates to enable the trustees to purchase ‘the perpetuity of the castle yard for the use of the county for ever.’<sup>25</sup>

It was not until 1831 that an Act was finally passed which permitted the city authorities to buy the castle from the duchy of Lancaster, followed later by a Local Government Act of 1896 that formally concluded - after much dispute - that the castle and its adjacent judges’ lodgings lie ‘within the city’.<sup>26</sup>

The castle was the setting for a number of public executions. Originally these probably took place on the ramparts at the west gate, as was traditional practice away from the sacred precinct of the cathedral to the east. In 1400 however the west gate was blocked and the site for the executions relocated. By 1817 public hangings were held at Cobb Hall, a horse-shoe shaped tower constructed in the 13<sup>th</sup> century and located on the north east corner of the inner bailey. Significantly, the tower probably served as the castle’s prison during the Middle Ages, long before the construction of a purpose built prison in the castle grounds. During public hangings in the 19<sup>th</sup> century, crowds reserved places at the nearby taverns to watch the spectacle, giving Cobb Hall an infamous reputation as a dramatic ‘theatre of the scaffold’.<sup>27</sup>

**[Insert Fig.4.6: View of Cobb Hall, from outside the castle walls, and Water Tower in the background (Photo by author)]**

This brief overview of the transformation of Lincoln Castle into a gaol, with its regime of public hangings and assize courts, provides a useful background in which to trace

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<sup>25</sup> *Ibid.*, p.100.

<sup>26</sup> Hill, *Georgian Lincoln*, p.260; Hill, *Medieval Lincoln*, p.102.

<sup>27</sup> Stephen Wade, *Hanging at Lincoln* (Stroud, 2009), p.x. The frequency and extent of hanging as a practice during the late Georgian period is indicated by records; up until 1800 about one third of all prisoners in the castle were hanged in these public settings.

the judicial and punitive practices in the outer bailey. The period of John Merryweather's governorship of Lincoln Castle Gaol, from 1799 to 1830, is especially interesting in this regard. During this period we witness significant changes, some of which were initiated by Merryweather's own personal agenda. A native of Lincoln, Merryweather seems to have possessed a somewhat dubious character, having been both admired and reviled in almost equal measure by his contemporaries. His job as governor of the gaol led to protests from various quarters about his ability to manipulate the system for his own financial gain. As Brian Taylor explains, '[Merryweather's] appointment as keeper of the gaol. ....meant that he was responsible for debtors, prisoners awaiting trial, and those convicted prisoners who awaited their call to the gallows or the ships to transport them to distant colonies.'<sup>28</sup>

His management of the gaol was highlighted by a series of scandals, most notably allegations of having illicit sexual relations with female inmates and fathering daughters out of wedlock, one of whom lived with him in the governor's residence. At the same time Merryweather was noted for his eccentricities and interests. A keen astronomer, he also cultivated a garden within the castle yard, with the help of inmates, and was a collector of animals and birds, including a peacock. These various character traits and hobbies paint a picture of a man seeking to make his own life within the austere confines of the castle as pleasant and as enjoyable as possible, often at the expense of the inmates over whom he had responsibility.

Under his governorship the gaol underwent a number of alterations and additions which include the following:

1. Judges' Lodgings built in 1812
2. So-called Observatory Tower in 1825

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<sup>28</sup> Brian Taylor, 'This Disgraceful Thraldom: John Merryweather Keeper of Lincoln Castle 1799-1830'. (unpublished dissertation), p.43.

### 3. Assize Courts/County Hall in 1826

The establishment of permanent lodgings for the judges of the assize court, directly opposite the east gateway and across the castle ditch in Castle Hill, formed part of a gradual process of institutionalisation of court facilities and proceedings in Lincoln. Constructed in white brick, this monumental and rather austere building, situated at the threshold to the gaol and in visible range of the County Court, served as a reminder of the authority of the judge in court deliberations.

On the south-east corner of the castle wall is a substantial mound and tower believed to date originally from the 12<sup>th</sup> century. Most probably used as a second keep to the castle, it was originally built in timber on a stone sub-structure. In 1825, with the aid of public funds, Merryweather substantially altered the medieval structure and surmounted the tower with a castellated round turret. Within the turret a cast-iron spiral staircase was installed to provide access to the observation platform at its summit.

**[Insert Fig.4.7: View of the Observatory Tower from the Castle walls (Photo by author)]**

The project was funded, it seems, on the understanding that a more effective guard tower was needed at this corner of the castle, to provide a high enough vantage point from which to survey the whole circuit wall. What we know however is that the turret was also used by the governor as his own personal astronomical observatory. As Samuel Bamford states: '[Merryweather] was not an educated man, but had a reputation of being an adept in

astronomy. He had a handsome mounted telescope and frequently spent whole nights in star-gazing...<sup>29</sup>

From the perspective of the security of the gaol, the outward appearance of the so-called observatory tower could be construed as a ‘camouflage’, designed to deflect attention from its secondary function. Merryweather’s attempt to benefit directly from such developments at Lincoln Castle also involved more substantial projects, in particular the construction of the new county hall, following the subsidence of the earlier court house - referred to earlier - soon after its construction in 1776.<sup>30</sup>

**[Insert Fig.4.8: View of the Crown Court from above the east gate**

**(Photo by author)]**

Robert Smirke, one of the leading architects in Britain at the time, was appointed to undertake the design in the ‘Regency Gothic Style’<sup>31</sup> The terms of the contract for the project quickly aroused suspicion, with E.J. Willson claiming that ‘There is some hidden intention in these terms [of the contract].’<sup>32</sup> The numerous deceptions that underlie these building projects at Lincoln Castle, during the governorship of Merryweather, partly reflect his management of the gaol. Again Bamford serves as a helpful source here. Imprisoned for his involvement in the notorious Peterloo riots in Manchester, Bamford served twelve months at Lincoln gaol:

All around the prison building I have thus sketched arose high stone walls, some parts of them appearing to be of great age. They comprised..... an area of about eight acres, one part of which was a large green in front of the gaol, on which the prisoners for debt took exercise; in the centre of this green was a

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<sup>29</sup> Samuel Bamford, *Passages in the Life of a Radical*, edited by Henry Dunckley (London, 1893), p.313.

<sup>30</sup> Hill, *Georgian Lincoln*, p.259.

<sup>31</sup> A description of Smirke’s design can be found in J. Mordaunt Crook, *Lincolnshire Architectural Society Reports*, ix (1962), p.151.

<sup>32</sup> Quoted in Hill, *Georgian Lincoln*, p.260. Originally published in *Lincolnshire Notes and Queries*, x (1908-9), p19.

shrubbery, and the green was bordered on three sides by a long slip of garden ground, embracing the foot of the wall, appropriated to the use of the governor, and cultivated by the more orderly of the felons. On the wall opposite the governor's apartments was a round tower [Cobb Hall], on which executions took place; and an ancient keep, called Lucy's tower, in the rear of the jail – part of the original fortification – was now kept locked, and was tenanted only by owls, and an immense number of shell-snails, which completely formed the floor. In a hollow at the foot of this tower were seen the green heaps above the graves of felons who had died within the prison, and of criminals who had been executed; and on a more level plot behind the Town Hall [County Court], which building fronted the gates at the extremity of the yard, was the place of interment for the debtors, some with stones and inscriptions, and others with only the green mantle of their mother earth lapping over them.....High above the gates and prison walls, at a short distance outside, rose the towers of the venerable and magnificent cathedral. The Lady tower contained a pearl of bells which were only rung twice a year; on Lady and Michaelmas days. They were the sweetest-toned bells I have ever heard....the tower of the great bell Old Tom...boomed forth the hours to us, as they too slowly joined the eternity of the past.<sup>33</sup>

In addition to the activity of cultivating gardens the castle also contained, according to Bamford, some rather gruesome features including a “curiosity shop” for displaying “instruments of murder” used in executions.<sup>34</sup> What we can ascertain from these accounts, and our knowledge of Lincoln Castle during this period, is a strange mixture of the macabre and the tranquil. The castle would have served as a constant reminder to the prisoner of his own impending and brutal end, whether enacted in the public and humiliating spectacle at Cobb Hall (clearly visible from the castle yard) or his forced deportation to the colonies. At the same time, the setting underscored the deprivations to his liberty through the monotony of confinement, relieved only by the tantalizing views of the cathedral and the sound of its bells.

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<sup>33</sup> Bamford, *Passages in the Life of a Radical*, Vol.2, Chapter XXXVII.

<sup>34</sup> *Ibid.*



**[Insert Fig.4.9: View of the west towers of Lincoln Cathedral from the grounds of Lincoln Castle (Photo by author)]**

Bamford's portrayal of life in the castle yard sits somewhat uneasily alongside a representation of the new County Hall, published in 1837, which depicts the building in a verdant landscape with a roaming peacock. Here, the setting of judicial deliberations is presented as an Arcadian landscape – even a walled Garden of Eden (an ironic metaphor for a prison yard). It seems likely that the author of the illustration was consciously drawing upon a double – if strangely contradictory – connection; firstly the personal legacy of Merryweather (who we know owned a peacock referred to earlier), and secondly the prevalence of this species of bird in Early Christian symbolism to evoke rebirth and the redeemed soul.<sup>35</sup>

**[Insert Fig.4.10: Anonymous, View of County Hall (c.1837) showing peacock in the foreground. (From the Local Studies Collection, Lincoln Central Library, courtesy of Lincolnshire County Council)]**

The function of the castle, from the early 18<sup>th</sup> century, as a holding point for felons awaiting deportation to the colonies and 'plantations', may well have been partly due to its location within striking distance of Brayford Pool to the south, a busy inland port since Roman times.<sup>36</sup> The good navigation system of the River Witham and Fosdyke Canal (the oldest canal in Britain) that connects Brayford Pool to Boston to the east and Hull to the north (via the River Trent), gave Lincoln a strategically important location in the East

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<sup>35</sup> In 1828, the governing body of Lincoln Castle ordered that all the animals be removed from the gaol. Merryweather records in his diary that he complied with this order, 'except for a peacock for which he could not find a satisfactory asylum for a very old pet.' This may explain the presence of a peacock in the illustration, as a kind of testimony to Merryweather's governorship of the gaol. *Lincolnshire Archives Office, Keeper's Journal*, CoC5 1-1 (16<sup>th</sup> October 1828). For a study of the symbolism of the peacock in Early Christian iconography see Andre Grabar, *Christian Iconography: Study of Its Origins* (London, 1981).

<sup>36</sup> Hill, *Georgian Lincoln*, p.20.

Midlands. Before the introduction of the railways, rivers and canals were the principal means of transporting goods to and from Lincoln, which also included prisoners. This activity was also personal to Merryweather who was a shareholder in the Witham Navigation Company, and personally took charge of accompanying criminals by river and canal to seaports bound for Australia and elsewhere.<sup>37</sup> His involvement in this company may have been prompted by an invention he submitted for a patent in 1816, which was a 'means of propelling boats and vessels through the water.'<sup>38</sup>

This broader geographical context of Lincoln Castle further underlines the emerging institutionalisation of incarceration during this time; the gaol benefited from the improved trading and communication routes to the colonies, at the same time as the growing efficiency of sentencing felons and committing them to permanent exile. These developments also closely paralleled more effective methods for hanging criminals; the most well-known, which was first introduced at Lincoln Castle Gaol in the 19<sup>th</sup> century, was the so-called 'long (or measured) drop'.<sup>39</sup>

During the time of Bamford, Lincoln Castle did not contain a chapel, an issue that was the subject of on-going complaints by the magistrates. However, Bamford's description of the view of the cathedral towers, with the periodic sound of chiming bells, would no doubt have served as a reminder to the prisoners of the rituals of worship during their exercise in the castle yard. With the introduction, however, of the 'separate system', participation in the life of the prison entailed a very different restrictive and repressive regime. This is most provocatively conveyed in the construction of a chapel within the

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<sup>37</sup> Taylor, 'This Disgraceful Thraldom', p.3.

<sup>38</sup> In the event his 'invention' was not successful. Taylor speculates that Merryweather's application for a patent may have been a '...ploy to entice the new steam packets on the River Witham to become more efficient and pay more tolls to the company of which he was a shareholder.' *Ibid.*, p.20.

<sup>39</sup> First introduced by William Marwood in 1872 at Lincoln Gaol, the 'long drop' was regarded as a quicker and more effective method of execution. It was 'designed to dislocate the cervical vertebrae and rupture the spinal cord...' V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford, 1994), p.46.

prison building, where each inmate was required to sit in isolation from his fellow prisoners, with only the view of the chaplain conducting the sermon. This arrangement resulted in a design where prisoners were confined to their own compartment – more redolent of a series of stacked wooden coffins than a layout of choir stalls or church pews. The separate system was soon, however, abandoned at Lincoln, as elsewhere in England, as a result of its inhumane treatment of prisoners, resulting in cases of insanity and even suicide. It also, coincidentally, signalled the end of Lincoln Castle as a make-shift gaol; felons were transported to a new purpose-built prison to the east of the city in Greetwell Road.

**[Insert Fig.4.11: View of the Chapel at Lincoln Castle Gaol, designed using the ‘Separate System’ (Photo by author)]**

## **Conclusion**

My examination of the history of judicial and punitive practices at Lincoln Castle and Cathedral, through their architectural/spatial adaptations, topographical relationships and shifting territorial jurisdictions, provides an intriguing story of the changing meanings of justice and their various forms of deliberation. It is a story that is both remarkable – in its complexity and spatial richness – and at the same time disturbing in the contradictions and violations it reveals. Underlying the investigation is the principle that comparative history can provide a lens to reveal the way certain buildings, over a period of time, variously serve as spatial registers of justice/injustice, even when these are not made legible or explicit through ritual or corporate action. Beyond, however, the performance of individual spaces as settings for specific judicial proceedings (such as the modern courtroom), the transitional or adaptive spaces of cities, that accommodate both formal and informal

renderings of just/unjust acts (sometimes arising from the influence of undeclared or conflicting political, religious and ideological agendas), provide the most productive settings for such an enquiry. What we have learnt from this investigation is the manner in which architecture and urban space are ‘implicated’ in the pursuit of justice, or conversely how they can just as effectively operate in covert ways to facilitate acts of injustice in the guise of legitimate authority.

The ambiguity of this relationship is made all the more apparent today with the location of the Lincoln copy of Magna Carta in the prison building, where it was transferred in the 20<sup>th</sup> century. Displayed in close proximity to the chapel, referred to earlier, we are reminded in this relationship of both the historical distance travelled, between the formalization of law for human rights and the development of institutional methods of punishment and confinement, and the binding topographical and symbolic connections between castle and cathedral, civil law and canon law, testified in the history and associations of the ‘Lincolnia’.

**\*With special thanks to Brian Taylor for useful sources and for permission to refer to parts of his unpublished dissertation “‘This Disgraceful Thralldom’: John Merryweather Keeper of Lincoln Castle 1799-1830’.**