

TROZE

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# **The Unlucky Wrecker: William Pearse of St Gennys, Cornwall**

*By Cathryn Pearce*

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## **TROZE**

Troze is the journal of the National Maritime Museum Cornwall whose mission is to promote an understanding of small boats and their place in people's lives, and of the maritime history of Cornwall.

'Troze: the sound made by water about the bows of a boat in motion'  
From R. Morton Nance, *A Glossary of Cornish Sea Words*

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### **Cathryn Pearce**

Cathryn Pearce holds a PhD in Maritime History from Greenwich Maritime Institute (GMI), where she began her research on the history of wrecking. A former associate professor of history with the University of Alaska Anchorage's Kenai Peninsula College, she now teaches part-time for GMI, along with her duties as Secretary of the Publications committee and Member of Council for the Society for Nautical Research. She is currently involved in a research project on the history of coastal communities and lifesaving. She doesn't know if she's related to the wrecker featured.

This is an inaugural article for *Troze* as she takes up her position as its new editor. Thank you to Alston Kennerley for acting as editor for this edition.

# The Unlucky Wrecker: William Pearse of St Gennys, Cornwall<sup>1</sup>

*Cathryn Pearce*

## Introduction

Departing through the crumbling gate of the lofty fourteenth-century ruins of Launceston Castle, the wooden cart made the steep and treacherous descent into the town's narrow streets, and then made its way into the oak-wooded valley on the main roadway heading north. Carrying its human burden, an old man in chains, it headed to the gallows on the highest hill of St Stephen's Down. The day: Monday, the 12th of October, 1767. It is not known how William Pearse felt as he was conveyed in so ignominious a manner, but he must have been either petrified or numb or resigned to his fate. The size of the crowd that gathered or how far they would have travelled to view the spectacle is equally unknown. It is likely that the crowd was boisterous; they normally were on execution days. And Pearse's was the first execution in Cornwall for five years; it would be another four years until the next.<sup>2</sup>

Pearse was over eighty years old when he entered the annals of history as a 'wrecker'. He was unlucky. He was the first person to be hanged under the newly strengthened 1753 Wreck Act.<sup>3</sup> His name crops up in books and popular websites,<sup>4</sup> but his story has not been told within its historical context. This article investigates his case by analysing British State Papers, contemporary newspapers, and a rare, unique source—a pamphlet published just after Pearse's death, *A Dialogue between the Captain of a Merchant Ship and a Farmer Concerning the Pernicious Practice of Wrecking: as Exemplified in the Unhappy Fate of One William Pearse of St Gennis*.<sup>5</sup> Pearse's experience tells us much about the activity of wrecking, wrecking laws and the legal process, and what wreckers might have faced if they were caught.

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<sup>1</sup> The author thanks Prof Alston Kennerley of the University of Plymouth, Dr Martin Wilcox of the University of Hull, and Mr Tony Pawlyn of the National Maritime Museum Cornwall for their comments and corrections. She would especially like to extend her gratitude to Mr Pawlyn for sharing his transcribed notes from The National Archives (Hereafter TNA) Cornwall Summer 1767 Assizes sessions, ASSI 23/7.

<sup>2</sup> Thanks to Richard Clark and David Messop for the statistics. They are available at <http://www.capitalpunishmentuk.org/cornwall.html>.

<sup>3</sup> 26 George II, c. 19 (1753), 'An Act for Enforcing the Laws against Persons Who Shall Steal or Detain Shipwrecked Goods; and for the Relief of Persons Suffering Losses Thereby'. It is conventionally known by the shortened title of the 'Wreck Act'.

<sup>4</sup> John Rowe, *Cornwall in the Age of the Industrial Revolution*, Second Edition, (St Austell: Cornish Hillside Editions), 1953, 1993), p. 67.24, n. 36; A. F. Robbins, *Launceston Past and Present: A Historical and Descriptive Sketch*, (Launceston: printed and published by Walter Weighell, 1888), p. 268. Somehow the story was missed in the best-selling booklet by John Vivian, *Tales of Cornish Wreckers*, (Truro: Tor Mark Press, n.d.). For websites, see <http://www.capitalpunishmentuk.org/cornwall.html> and [http://www.jackiefreemanphotography.com/bodmin\\_executions.htm](http://www.jackiefreemanphotography.com/bodmin_executions.htm). Accessed 12 April 2014. The Bodmin site claims that Pearse was executed at Bodmin, but this is an error.

<sup>5</sup> Rev James Walker, *A Dialogue between the Captain of a Merchant Ship and a Farmer Concerning the Pernicious Practice of Wrecking: as Exemplified in the Unhappy Fate of One William Pearse of St Gennis, Who Was Executed at Launceston in Cornwall Oct. 12, 1767...* (London, Sherborne and Truro, n.p., 1768). Pearse's name was spelled both with a 'c' and an 's', depending on the source. Names were not standardized until the nineteenth century; even individuals would spell their names differently in the same document. This article will use the 's' spelling, as given in the legal documents.

**William Pearse**

William Pearse lived on the north Cornish coast at St Gennys, a modest hamlet perched among the hills near the Devon border, a half mile from the tiny slate port of Crackington Haven. The inhabitants were dependent on farming and slate production, and used to living in a rough, stony terrain. The landscape and coast there is sharp and unrelenting. Nearby is the highest sheer-drop cliff in Cornwall, at 773 feet, as are The Strangles, an area known for treacherous currents. Ships driven onto the rocks became kindling wood within seconds, their broken wooden walls spewing cargo and bodies. It happened all too often as shipping traffic to Bristol and Liverpool increased, both ports taking in trade from the expanding British Empire. But some ships were not even heading for Britain's western ports. Sometimes they made navigational errors and missed the entrance to the English Channel, or they were blown off course and driven towards Cornwall and Devon's fatal rocks.



Figure 1: Crackington Haven, photo by James Laing.

Source: CC licensed- Attribution-NonCommercial-NoDerivs 2.0 Generic.  
<https://www.flickr.com/photos/jameslaing/3454996505/in/photostream/>

And so, in 1767, the French ship *L'Adaldise*, Capt. Julian Masson,<sup>6</sup> met its fate and set in motion events that would impact on the history of wrecking. For somewhere near Crackington Haven, at a place identified as 'Cambech',<sup>7</sup> the ship splintered on the knife-edged rocks. A hundred people from all over the district rushed down to the shore; some to help salvage what they could for the owners or the local lord of the manor; and some to salvage for themselves. A few individuals came equipped with axes to cut open the hold to grab the cargo and stores. Masts, anchors, cables, ropes and other ships' furniture were carried away.<sup>8</sup> When their work was done, the participants melted back to their communities. But one individual, the elderly farmer William Pearse, after partaking in what the community believed was 'divine providence', was seized

<sup>6</sup> TNA ASSI 23/7.

<sup>7</sup> TNA ASSI 23/7. Unfortunately, this location has not been yet identified. T. Pawlyn, correspondence, 30 June 2014.

<sup>8</sup> An account of the plunder of *L'Adaldise* (though the ship is not named) is given in the Report of Mr Justice Yates, TNA SP 37/6 f. 122, 21 Sept 1767. He would have learned of this through witness testimony.

from his warm hearth and imprisoned at Launceston Castle on a felony charge of wrecking.

### Launceston Gaol

As Cornwall's only county prison and the last remaining building among the ruins, the gaol at Launceston Castle had a long-standing reputation. Eight years after Pearse's incarceration, penal reformer John Howard described its conditions:

This gaol...is very small...The Prison is a room or passage twenty three feet and a half by seven and a half, with only one window two feet by one and a half;—and three Dungeons or Cages on the side opposite the window; these are about six and half feet deep...They are all very offensive. No chimney: no drains: no water: damp earth floors: no Infirmary...The yard is not secure; and Prisoners seldom permitted to go out to it. Indeed the whole prison is out of repair...I once found the Prisoners chained two or three together. Their provision is put down to them through a hole in the floor of the room above... And those who serve them there, often catch the fatal fever...a few years before, many Prisoners had died from it...<sup>9</sup>

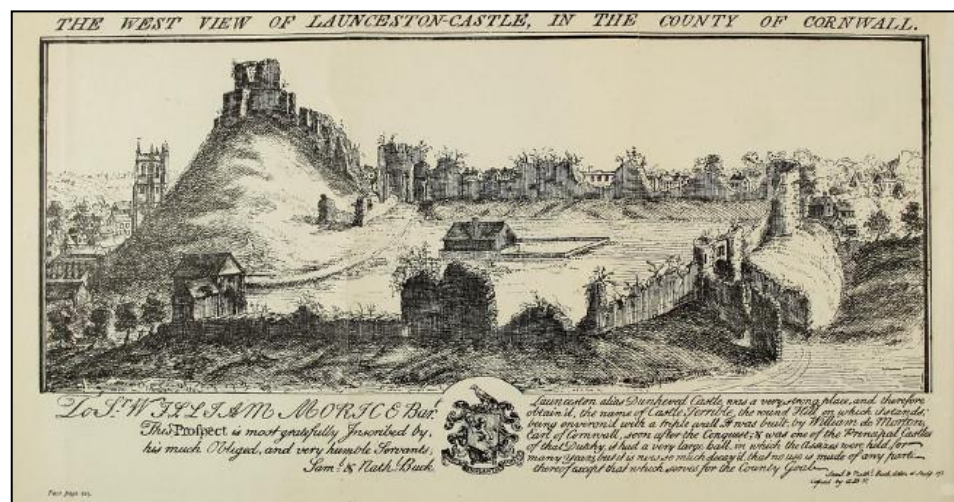


Figure 2: Launceston Castle, with the County Gaol in the middle. Original engraving by Samuel and Nathaniel Buck (1734).

Source: Image N070771. ©English Heritage

Howard also described the prisoners' diet: they were only allowed a three-penny loaf each for two days, although they had a choice of white or brown bread. A loaf of white bread weighed 1 lb. 10 oz, and brown, 2 lb, 2 oz.<sup>10</sup> Dr Borlase, a county magistrate, remarked that the gaol was 'a narrow wretched place for human creatures to be confined'.<sup>11</sup> It takes little imagination to visualise the suffering of the old man in these rough conditions as he awaited his trial, being eaten by vermin and the uncertainty of his fate. Visits by the chaplain would not have been comforting: prisoners, even those not yet convicted were exhorted to reflect on their crimes and the fear of God. Prison was not meant to be humane; it was meant to 'break their spirit'.<sup>12</sup> We do not know the date Pearse was

<sup>9</sup>John Howard, *The State of the Prisons in England and Wales, with Preliminary Observations*, First edition, (Warrington: Printed by William Eyres, 1777), p. 382.

<sup>10</sup>Howard, *Prisons*, p. 381.

<sup>11</sup>J. Wallis, ed. *The Bodmin Register; Containing Collections Relative to the Past and Present State of the Parish of Bodmin...from 1827 to 1838* (Bodmin: Liddel and Son, 1838), p. 83.

<sup>12</sup>V.A.C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868*, (Oxford: Oxford University

arrested and interned at the gaol, but it would have been after March and the Lent Assizes. He had to wait at least five months in those harsh conditions before his trial in August. It is a credit to his hardy constitution that he survived.

## Wreck Law

The laws against wrecking had changed dramatically during Pearse's lifetime. If he had been caught stealing from the wreck fifteen years earlier, he would have faced a maximum fine of triple the goods' value. Now he faced the death sentence. For in 1753, the passage of the Wreck Act appended another infamous 'Bloody Code' to the English justice system.

The 'Bloody Codes' were a series of statutes passed in the eighteenth century reclassifying crimes against property as felonies. This change in law was based on the ideas of John Locke, who argued for the 'sacredness' of property, an idea which had gained common currency among the elites. Indeed, the purpose of government, for some, was the protection and preservation of property. Thus crimes ranging from minor thefts such as pick-pocketing to more serious crimes such as burglary, theft of horses, cattle or sheep, housebreaking, arson, poaching, forgery, and the like warranted the death penalty. However, contrary to some opinions, the laws were not designed by the political oligarchy as a way of controlling people of the lower orders. Rather, they were developed piecemeal, in a reaction to events and locally focused, but so vaguely written that they could be applied anywhere.<sup>13</sup>

This pattern corresponded with the development of wreck law. Bills against wrecking were often put forward in response to a localised wrecking event, which was used as justification to create tougher laws. Beginning in 1709, eight early forms of the Wreck Act were brought before Parliament by lobbyists such as the merchants of Liverpool and the powerful East India Company, who had lost to coastal inhabitants portions of several rich cargoes which washed ashore in the Isles of Scilly and Cornwall. In 1714 Parliament passed the first major change in wreck law since the Middle Ages. Known as 12 Anne c. 18,<sup>14</sup> this statute listed wrecking offences such as 'entering a distressed ship without permission', and 'obstructing the saving of a ship or goods', which were given the penalties of 'double satisfaction' (fines) or 12 months in a House of Correction. 'Carrying off goods without permission', was to be punished by 'forfeit triple the value' of the goods. The felonies, which carried the death sentence, were 'deliberate wrecking by making holes in a ship', and/or stealing the pump off a ship.

12 Anne passed as a temporary measure, but in 1718 it was made permanent. In addition to adopting 12 Anne 'in perpetuity', this new statute, 4 Geo. 1, c. 12,<sup>15</sup> also required that 'it be read in all parish churches and on the coast' in the Sundays before Michaelmas, Christmas Day, Lady Day, and Midsummer Day. The pulpit provided one of the few ways to educate the coastal people about the wreck law. It is doubtful how often this was done, and how much they absorbed the full meaning of the law. In 1737, lobbyists tried again to make the penalties harsher and to force the local hundreds to pay damages.<sup>16</sup> The list of

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Press, 1994), p. 40, 44.

<sup>13</sup> Clive Emsley, *Crime and Society in England, 1750-1900*, (London: Longman, 1996), Ch 1: Crime and the Law.

<sup>14</sup> 'For the Preserving of All Such Ships and Goods Thereof, Which Shall Happen to be Forced on Shore, or Stranded upon the Coasts of this Kingdom, or Any Other of Her Majesty's Dominions'.

<sup>15</sup> 'For Enforcing and Making Perpetual An Act of the Twelfth Year of Her Late Majesty, Intituled, An Act for Preserving of All Such Ships and Goods Thereof...'

<sup>16</sup> 'For the Better Preserving Ships Stranded or Forced On Shore, and the Furniture and Cargoes Thereof'. This bill was passed by the House of Commons, but was dropped by the House of Lords when Parliament was prorogued. *Journal of the House of Commons*, Vol. XXII, 1732-1737, pp. 858, 863, 879, 883.

wrecking crimes became even more detailed: they included ‘embezzling goods’—punished by fines, and if the shipwreck victims were robbed, then the inhabitants of the hundred would have to pay up to £100. Wounding or stripping live victims or dead bodies, and stealing salvaged goods became a felony, punished by transportation rather than death. This change reflected the increasing use of transportation as a punishment. The bill failed to become law; one of the major sticking points was the forcing of innocent people living in the hundred to pay damages to the ship and cargo owners.

The London merchants and insurers continued their quest to pass legislation to end wrecking. Finally, in 1753, they were successful. Enacted as 26 George II, c. 19, the new statute declared that if convicted, the wrecker is guilty of felony, and ‘shall suffer Death, as in Cases of Felony, without Benefit of Clergy.’ Capital wrecking offences now included the plunder, stealing, taking away or destroying of any goods or ‘Merchandize’ belonging to a ship which shall be ‘wrecked, lost, stranded, or cast on shore’ on the British coast, including cargo. It also incorporated the theft of ‘any part of the Furniture, Tackle, Apparel, Provision, or Part of Such Ship or Vessel.’ To allow some flexibility to the harsh capital punishment, the Act contained an escape clause. If goods were stolen from a wreck ‘without Cruelty or Violence’ the death penalty would not be invoked. Rather, petty larceny would be the charge. Thus Pearse’s pilfering of rope from the ship, if it was of trifling value and taken without violence, could have been treated as petty larceny.

Appropriating goods from a wreck was illegal by statute, but some victims preferred to circumvent felony trials. Owners often chose to offer rewards for the return of the stolen goods, thus ending the matter. Or they would sue offenders in a civil action of ‘trespass and trover’ if they had enough evidence. ‘Trespass and trover’ was the most common method of prosecution employed for wrecking offences.<sup>17</sup> ‘Trespass’ was legally defined as the obtaining of property by individuals who had no legal claim to it. ‘Trover’ allowed the owners to ‘recover the value of personal chattels wrongfully converted by another to his own use’; thus damages were paid rather than returning goods. If the verdict was for the owners, they were awarded damages which were calculated as the value of the goods with interest, plus the costs of the proceedings. If the defendant won the case, he would be awarded costs to cover his defence and the costs incurred by his witnesses.<sup>18</sup> Legally, the offence of wrecking was required to be tried in criminal proceedings before judges at the assizes, but this was rarely done. Indeed, magistrates, local juries, and merchant-victims did not always agree with statutory law, and did not want to be responsible for the execution of the perpetrator.<sup>19</sup> As Constable John Bray of Bude wrote when he refused to testify against a known wrecker, ‘I would not appear against him to be the causer of hanging a man, not for all the world.’<sup>20</sup>

## The Trial

William Pearse was not fortunate enough to be sued for trespass and trover, or be tried for petty larceny. Instead, he was charged in criminal court with a felony, with the real danger he would receive the sentence of death. Unfortunately, the full details of the trial no longer exist, although we do have the results recorded in the Gaol Delivery records for the summer 1767. We do not know who brought the charges; it could have been the owner of the ship or

<sup>17</sup>Cathryn J. Pearce, *Cornish Wrecking, 1700-1860: Reality and Popular Myth*, (Woodbridge: Boydell and Brewer, 2010), Ch. 6, esp. pp. 138-140.

<sup>18</sup>James Oldham, *English Common Law in the Age of Mansfield* (Chapel Hill, N.C., 2004), pp. 295-7.

<sup>19</sup>Peter King, *Crime, Justice, and Discretion in England, 1740-1820*, (Oxford: Oxford University Press, 2000), p. 9.

<sup>20</sup>Quoted in Pearce, *Cornish Wrecking*, p. 138.

cargo. Julian Masson was named as being owner of 30 pounds of cotton stolen by Pearse from the wreck. Another cargo owner was listed as 'unknown'.<sup>21</sup> In the eighteenth century, it was up to the victims to press charges.

Pearse was further disadvantaged in the timing and location of his trial. From 1716-1727, and from 1738, the county assizes were held in the spring at Launceston, near the Devon border, and in the summer at Bodmin. Launceston held the assizes by ancient right. The town of Bodmin and the gentry of Cornwall spent years attempting to relocate both assizes and the county gaol; they claimed that Bodmin was better situated. Launceston was eighty miles away from the most populous mining districts near Land's End. The Bodmin elite contended that because of the great distance

...many persons are debarred their right, by reason aged and infirme witnesses cannot be brought there [Launceston], and the great hazard and expenses of bringing other witnesses so farr renders many persons unable to prosecute criminals, or their juste suits to effect...and many gentleman, freeholders and suitors cannot attend the Assizes all that distance but att a very great expense and detriment, especially at the time of harvest and fishing, whereby justice is very much obstructed...<sup>22</sup>

In 1778, Bodmin was finally awarded the funds and statutory permission to build a new gaol.<sup>23</sup> But it was too late for Pearse. At the time of his trial, the sole county gaol was still at Launceston. It would cost the county 4d./mile to transport him to the trial at Bodmin and back to Launceston Prison.<sup>24</sup> Any witnesses for his defence would also have to make the journey, if they could afford to leave their work and homes. Presumably the witnesses came from near Crackington Haven; if so, they would not have had a journey nearly as long as Pearse.

And so, the old man was taken from his cell in Launceston along with the other prisoners and conveyed twenty miles over rough terrain, moorland and two river crossings to face the judge and jury at the Bodmin Assizes, with the trials beginning on Tuesday, 18 August and lasting until Friday, 21 August.<sup>25</sup> Their journey was difficult; the new, more direct turnpike road from Launceston to Bodmin was not built for another two years. Instead, the dismal group of prisoners with their guards travelled to Camelford first, along the wind-exposed main route over Bodmin Moor, and then they had to peel off and take the post road into Bodmin. The judges, too, followed this route, albeit in more style, as they continued on their assize circuit from Exeter.<sup>26</sup>

Riding the summer Western Assize circuit in 1767 were Sir Joseph Yates (1722-1770) and James Hewitt (1712-89). Beginning with Southampton on the 27 July, the two men heard cases at New Sarum, Dorchester, and Exeter. They had been on the road for over three weeks by the time they reached Cornwall. After the Bodmin Assizes, they were scheduled to attend the Somerset and Bristol courts, wrapping up by 29 August.<sup>27</sup>

Their arrival was greeted by pomp, circumstance, and ceremony. The sheriff of Cornwall and other local gentlemen rode out to accompany them into Bodmin and thence to their lodgings and to the court building.<sup>28</sup> Cornish historian

<sup>21</sup> TNA ASSI 23/7.

<sup>22</sup> Wallis, *Bodmin Register*, p. 87-8.

<sup>23</sup> Wallis, *Bodmin Register*, pp. 82-83.

<sup>24</sup> Howard, *Prisons*, p. 381

<sup>25</sup> TNA ASSI 23/7; *Sherborne Mercury*, 31 August 1767.

<sup>26</sup> Ian Thompson, 'The Judges Road', <http://www.michaelstow.org.uk/the-judges-road.html>. Accessed 14 June 2013.

<sup>27</sup> *London Gazette*, 4 July 1767.

<sup>28</sup> J.S. Cockburn, *A History of the English Assizes*, (Cambridge, 1972), p.65.



William Hals (1655-1737) believed that Assize hall, located in the old Greyfriars refectory, was the 'fairest and best in England', after 'that of Westminster'.<sup>29</sup> It was 60 feet in height, and 150 feet in length, filled with the splendour needed to emphasise the power of the law of the land. Judge Yates was to hear the criminal cases. He was an able and efficient lawyer, who was considered 'a man of integrity and industry, and was of a generous disposition.' He was also known for his 'near-foppish obsession with gentlemanly dress'.<sup>30</sup> One can imagine his grand entrance into the equally awe-inspiring assize court, and the fear and insignificance felt by those in the dock.

The trial did not go well for Pearse. Like other assize trials of the period, many cases were heard in one day, making them 'appear nasty, brutish and essentially short'.<sup>31</sup> Twenty-three cases were heard that week;<sup>32</sup> Pearse's was one of at least six felony cases. According to the local paper, William Pearse was convicted 'for stealing out of a ship that was wrecked', and sentenced to death by hanging. Several other individuals were also capitally convicted: Richard Williams for stealing sheep; James Jenkins, for burglary; Thomas Barrett for 'house-breaking'; and John Boy and John Youlton, for 'stealing out of a dwelling house'. At the end of the assizes, the judge had the prerogative to decide if he would recommend any of the capitally convicted for mercy. Four of the men were fortunate; they were reprieved immediately.<sup>33</sup> But Pearse and Williams were left contemplating their executions. Judge Yates did not believe that their cases were so forgivable.

## The Pardon Process

Felons could appeal for mercy from the Crown if they were able to find support. If capitally convicted, a royal pardon could commute their death sentences to transportation to the American colonies. Indeed, this avenue was used regularly to mitigate the cruelty of the 'Bloody Codes'. Thus the justice system used fear of execution as a way to deter crime; executions were an example to the crowd of what could happen if they transgressed the law. But it also had an outlet for appeal, so executions were not inevitable. As an old tenet states, "Men are not hanged for stealing horses, but that horses not be stolen".<sup>34</sup> It could also be said: 'Wreckers are not hanged for plundering ships, but that ships not be plundered.' Pearse was unfortunate that he was caught and convicted. But would his conviction lead to an exemplary hanging? Or would he receive a pardon?

The elite of Launceston believed this appeals process would save Pearse's life. They convinced their local MP, Humphry Morice, to intervene on Pearse's behalf. Pearse was known as 'an honest old Cock...and an honest Man in his dealings I never met with,' according to Rev. James Walker's pamphlet on wrecking. He was also 'very good to the Poor', who would 'rather give a Man a Shilling than wrong him of a Farthing'.<sup>35</sup> Many local people must have believed in his innocence, or at least that his crime was not so terrible that it should lead to his death.

Felons petitioning for mercy were lucky if they could get a cut-rate price on legal advice or obtain a petition written in appropriate language; most were not

<sup>29</sup>Cited in Daniel and Samuel Lysons, *Magna Britannia*: Vol. 3: Cornwall, (1814), 38. URL: <http://www.british-history.ac.uk/report.aspx?compid=50630> Date accessed: 15 June 2013.

<sup>30</sup>James Oldham, 'Yates, Sir Joseph (1722-1770)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/30194>, accessed 16 April 2013].

<sup>31</sup>Cockburn, *English Assizes*, p.109.

<sup>32</sup>TNA ASSI 23/7.

<sup>33</sup>*Sherborne Mercury*, 31 August 1767; TNA ASSI 23/7.

<sup>34</sup>Gatrell, *Hanging Tree*, p. 202.

<sup>35</sup>Walker, *Dialogue*, pp. 4-5.

that fortunate and could not afford to petition.<sup>36</sup> We don't know if Pearse had to pay costs, or if advice and support was freely given, but he had a high-powered legal team. Leading his defence was John Glynn, sergeant-at-law at the Middle Temple. Glynn would soon become the MP for Middlesex, as well as defence counsel for John Wilkes's famous libel case of 1768, so he was an up-and-coming star. He was a fellow Cornishman, originally from Cardinham, the grandson of John Prideaux of Padstow.<sup>37</sup> He must have been cognisant of the activity of wrecking, as the Padstow coast had seen much wrecking activity over the centuries. Pearse's other defence counsel was Alexander Popham. Popham would be elected MP for Taunton the following year.<sup>38</sup> It is intriguing to think that Glynn's and Popham's experience with the Pearse case may have influenced them, for in 1772 Glynn would put forth a bill to limit capital punishment, and Popham would become an avid prison reformer. Launceston's MP, Humphry Morice, sent the first dispatch to the government requesting Pearse's pardon on 31 August 1767. His letter gives some indication as to his motives and that of the other local politicians who supported Pearse's case. He said he could not help but become involved for political reasons. As the representative for the borough of Launceston, as well as the local lord of the rotten borough of Newport where he chose its MPs, Morice knew the local people were pushing for Pearse's pardon. He did not want to fall out of favour with his voters; elections were coming up within the year.<sup>39</sup>

Morice's reference to political concerns illustrates one of the key functions behind the advent of royal pardons. The governing elite believed mercy had a reciprocal purpose. It not only 'softened harsh law', but expected the reprieved felon, and those who pushed for mercy, to repay the king 'with gratitude and deference.'<sup>40</sup> It was also supposed to 'reinforce the bonds of deference locally as well as nationally.'<sup>41</sup> This prospect drove the local politicians to seek Pearse's pardon. Thus, on 3 September 1767, Sir Christopher Treise,<sup>42</sup> MP for Bodmin, sent in a formal appeal for mercy to the Earl of Shelburne, Secretary of State for the Southern Department and to General Henry Conway, Secretary of State for the Northern Department.<sup>43</sup> As Treise stated, the appeal was supported by 'many respectable gentlemen in the neighbourhood'. They emphasised that Pearse had been convicted 'for taking an inconsiderable quantity of cotton from a wreck'.<sup>44</sup> They must have hoped that personal connections would help their case. Serjeant Glynn, Pearse's counsel, was a good friend of Lord Shelburne, and this connection would serve him well in his quest for a parliamentary seat in the future.<sup>45</sup>

With the petition for mercy put into motion, Pearse, along with Richard Williams, the convicted sheep-stealer, had some respite in their sentences until a decision was made. This meant further time incarcerated in the prison at Launceston. The decision for Williams came in first. On Wednesday, the 2nd of September, he received his good news; he was given a reprieve and so would not

<sup>36</sup>Gatrell, *Hanging Tree*, p. 209.

<sup>37</sup>P.D.G. Thomas, 'John Glynn', *Oxford Dictionary of National Biography* (2004) Accessed 31/01/13.

<sup>38</sup>T. Seecombe, 'Alexander Popham (1729-1810)', *Oxford Dictionary of National Biography*, (2004), Accessed 31/01/13.

<sup>39</sup>*Calendar of Home Office Papers, 1766-1769*, Doc 548, Humphry Morice to Lord—, 31 August 1767, p.184.

<sup>40</sup>Gatrell, *Hanging Tree*, p.200.

<sup>41</sup>Gatrell, *Hanging Tree*, p.203.

<sup>42</sup>Treise is identified as 'Trerice' in the *Calendar of Home Office Papers*. This is an error.

<sup>43</sup>From 1688 until 1782, there were two Secretaries of State who shared responsibility for England and Wales. Their offices split responsibility over foreign relations. Thus the petitioners needed to make a plea to both men.

<sup>44</sup>*CHO, 1767-1769*, Doc 549, p. 184.

<sup>45</sup>[www.historyofparliamentonline.org/volume/1754-1790/member/glynn-john-1722-79](http://www.historyofparliamentonline.org/volume/1754-1790/member/glynn-john-1722-79). Accessed 10 February 2013.

be led to the scaffold on the 7th.<sup>46</sup> Pearse was to wait for further word on his sentence.

Morice became concerned when Pearse's reprieve did not arrive at the same time as Williams's. He sent another letter to Lord Shelburne, emphasising that 'the people of this neighbourhood are now more anxious than ever to have the other [Pearse] saved.' Morice opined that the people were 'persuaded that he is not guilty, and that the witnesses on the trial were perjured.' Once again, Morice conjured up concerns over the coming election: 'Needs not explain to his Lordship the situation one is in with voters of boroughs just before a general election, and how apt they are to fancy one has not done one's utmost if one fails of success in a point they have set their hearts upon.'<sup>47</sup> At last, Pearse's reprieve arrived. His execution was delayed 'till his Majesty's pleasure by further signified'.<sup>48</sup>

The tension for Pearse must have been great as he suffered in his insalubrious cell in Launceston Prison. He knew not if he would die soon or if he would be transported. Neither sentence was welcomed. Even transportation could mean death; convicted felons had to survive dismal conditions on the prison hulks awaiting their departure. Many died before they reached America.

Word came through a week later. Lord Shelburne explained that the cases for the two convicts had been referred back to Judge Yates, as was normal procedure. Yates was more lenient towards Williams; he recommended mercy for the sheep-stealer. Williams would be transported to the American colonies for life. Leniency was given 'because the prisoner's father, whose character was good, enjoyed a tenement by the life of his son.'<sup>49</sup>

The old man was not so fortunate. Pearse's crime was 'so abundantly worse', that the king 'does not think himself at liberty to extend the same mercy to him.' Shelburne commented that 'His Majesty's invariable rule to pay the greatest regard to the opinion of the Judges, not having his Lordship's knowledge' but that it is 'highly expedient that justice should take place, for the good of the community'. Morice was asked to inform the 'gentlemen' who had signed the petition, 'most of whom his Lordship has the honour of knowing personally' that His Majesty has denied 'so unhappy a case'.<sup>50</sup>

Judge Yates's report provides clues as to why he decided that eighty-year-old Pearse would be the first to die under the new statute. He wrote that 'In some respects the prisoner was not so criminal as others who were not brought to justice'. However, 'the inhumanity of plundering the distressed, and increasing the calamities of the unfortunate', meant that the judge refused Pearse mercy. The final sentence indicated the true reasons for the failure of the petition: 'As there were many common people in Court, I took the opportunity of inveighing very warmly against so savage a Crime, and of declaring publicly that no Importunities whatsoever should induce me to reprieve the Criminal.'<sup>51</sup> In other words, Pearse's execution was meant to be an example--a warning to all and sundry that wrecking would not be tolerated.

Yates must have known about other wrecking cases and spoke from experience. Not only was his father a sheriff of Lancashire, a county which saw many shipwreck and plundering cases, Yates himself was the legal representative for such powers as the corporation of Liverpool and the East India Company, both organisations which had incurred losses at the hands of

<sup>46</sup>*Sherborne Mercury*, Monday Sept 14, 1767.

<sup>47</sup>Morice to Shelburne, 4 September 1767, *CHO* Doc 551, p. 184.

<sup>48</sup>*Sherborne Mercury*, Monday Sept 14, 1767.

<sup>49</sup>21 September, *CHO*, p. 251.

<sup>50</sup>Shelburne to Morice, Doc. 564, *CHO*, 30 September 1767, p. 187.

<sup>51</sup>TNA SP 37/6 f.122.

wreckers.<sup>52</sup> Pearse's execution would send out the message to all coastal people: shipwrecks were not to be plundered, nor any of the goods embezzled upon pain of death. Overwhelmingly, Yates's legal opinion was for the protection of shipping trade.

Pearse was convicted for 'stealing an inconsiderable quantity of rope' from a wreck; why did the judge believe he had to make an example out of an eighty year old man? Old age was one of the foremost mitigating factors in royal pardons. Pearse's great age should have been in his favour, but it was not, although Yates commented on it.<sup>53</sup> The sentence was also particularly punitive considering Pearse's crime. The statute called for the death penalty only if violence was used in attacking a ship. Judge Yates admitted that Pearse had not 'brought any ax [sic] or other Instruments with him, or that he was personally guilty of any Open Violence'. He had only been seen 'going into and out of the Ship, and carrying away at one time a Coil of Rope & at another time a Bag of Cotton.'<sup>54</sup>

The harshness of Pearse's sentence was also perhaps owing to the wreck and plunder of the French ship, *La Marianne*, which was still fresh in the memory of those in government. John Rowe, author of the seminal book *Cornwall in the Age of the Industrial Revolution*, postulated that Pearse was one of the men who had plundered *La Marianne*.<sup>55</sup> He was mistaken. It is likely that he did not have access to the Gaol Delivery report, which names the ship as the *L'Adaldise*.<sup>56</sup> Both ships were French, however.

Going ashore near Perranzabuloe on the north coast of Cornwall in 1763, the *La Marianne*, commanded by Jean Francois Martinot, was plundered and the crew's clothes stripped from their bodies. Martinot filed a petition with the Crown demanding restitution. He was eventually awarded £400 in damages for his losses in having to pay exorbitant salvage charges over the two year period he remained in England seeking satisfaction. He seems not to have been able to prosecute anyone for plundering his ship.<sup>57</sup> However, his case had the proviso that 'a precedent for indemnification payments should not be set for plundered shipwrecks.'<sup>58</sup> One can hear the imperiousness in the award; it must have rankled the Treasury to pay out damages. Pearse's case occurred one year after Martinot was paid off.

## The Execution

And so, William Pearse was sent to the gallows on St Stephens Down. The local paper printed a few lines about his execution, including what was claimed as Pearse's last confession: 'he persisted to the last moment that he was not guilty of the crime he died for.'<sup>59</sup> We cannot know for certain if Pearse claimed he was innocent, believing his actions were not against the law or at least not against local custom. Or, he might have been showing last-minute defiance in the face of the terror of a slow death.<sup>60</sup> The news report was formulaic; we do not even

<sup>52</sup>James Oldham, 'Yates, Sir Joseph (1722–1770)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com/view/article/30194, accessed 16 April 2013.

<sup>53</sup>King, *Crime, Justice and Discretion*, p. 303; TNA SP 37/6 f.122.

<sup>54</sup>TNA SP 37/6 f.122.

<sup>55</sup>Rowe, *Cornwall in the Age of the Industrial Revolution*, p. 67.24, n. 36.

<sup>56</sup>TNA ASSI 23/7.

<sup>57</sup>Conway to the Lords of the Treasury, 15 January 1766, in *Calendar of Home Office Papers of the Reign of George III, 1766–69*, 5.

<sup>58</sup>Petition of John Francois Martinot, PP, *Calendar of Home Office Papers of George III, 1760-65* (London, 1878-91), 447; TNA T 1/450/31-32, H.S. Conway to the Lord's Commissioner of the Treasury, enclosure, 15 January 1766; Conway to the Lords of the Treasury, 15 January 1766, in *Calendar of Home Office Papers of the Reign of George III, 1766-69*, p. 5.

<sup>59</sup>*Sherborne Mercury*, Monday, Oct 19, 1767.

<sup>60</sup>Gatrell, *Hanging Tree*, p. 34.

know if reporters were present.<sup>61</sup> The condensed news report suggests not. It is surprising, considering his was an 'exemplary' hanging, and the first to occur under the new statute, that a fuller description of the execution was not printed. It was not even mentioned in the *London Gazette*, the *Annual Register* or *Gentleman's Magazine*, thus denying a national impact for Pearse's exemplary death.

Even for those present, a crowd including the local elites as well as the commoners, Pearse's execution may not have had the desired effect. Hanging was messy; he would have suffered great pain, dying from choking, maybe even struggling for minutes. Crowds were known to feel pity for the condemned.<sup>62</sup> And in Pearse's case, many local inhabitants had believed that the witnesses in his trial had lied. Thus it is unlikely the spectators took on the message that they should not take what God washed ashore for them.

### The Lessons of Wrecking

Why were the local people, including the 'gentlemen of the neighbourhood', so intent on his getting a pardon? And could Pearse actually believe he was not guilty?

As a poor man, Pearse left no writings, and other than the news reports, no recorded words. However, in 1768, a year after Pearse's execution, James Walker, vicar of Perranzabuloe and St Agnes, used Pearse's story to create a morality tale of his own.<sup>63</sup> Written under the pseudonym of 'Jonas Salvage', this exceptional pamphlet uses the convention of a dialogue between a farmer and a captain of a merchant ship. It is a didactic piece, written to tap into its readers' pity and to argue for the immorality of taking goods from a shipwreck. Unfortunately, it is not known how many were printed, what its readership may have been, or what impact it might have had on those who read and listened to it being read. There is only one extant copy. But it is useful for reasons Walker did not intend. Through his pamphlet, we can get an idea what the local beliefs may have been regarding wrecking, how Pearse might have justified his activities, and why the local populace may have believed in his innocence.<sup>64</sup>

In the conversation between the captain and the farmer we learn about Pearse's good character; the farmer insisted that Pearse was an honest and humane man, who was generous to the needy. But the captain had a different opinion of Pearse and his activities. He broke the news to the farmer that Pearse

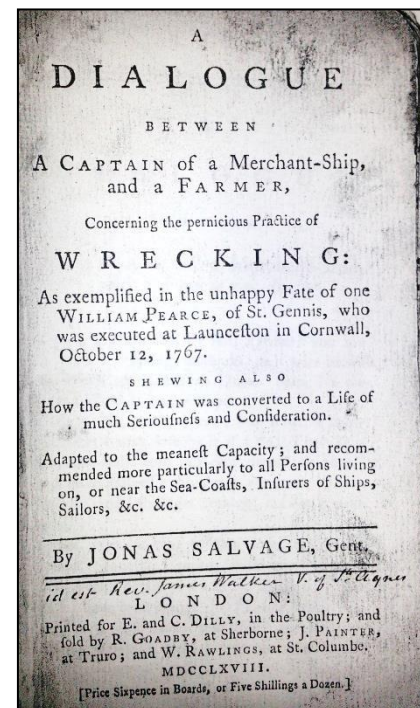


Figure 3: Original in the Cornish Studies Library, Redruth. Photo by the Author

<sup>61</sup>King, *Crime, Justice and Discretion*, p. 344

<sup>62</sup>Gatrell, *Hanging Tree*, p.37 and Ch. 2 'Death and the Scaffold Crowd', pp. 56-89.

<sup>63</sup>Walker, *Dialogue*.

<sup>64</sup>Historians have to tread carefully in extrapolating popular attitudes from contemporary literature, as it was ultimately intended for those who were literate and who could afford to pay the purchase price. See J. Barry, 'Literature and Literacy in Popular Culture: Reading and Writing in Historical Perspective', in T. Harris, ed. *Popular Culture in England, c. 1500-1850*, (London: Macmillan Press, 1995), pp. 69-94. However, in the present case, the interpretation of attitudes to wrecking is also based on extensive primary research by the author.

was ‘tucked up...and may all such honest Men be tucked up like him’ for wrecking. He commented facetiously ‘that for I take it for granted, from the Commonness of the Practice, and the Concourse of People we see on these Occasions, that all Farmers in general, nay Tinnners, and I fear I may say most that live on the Sea-Coasts, are some of Will Pearse’s honest Men’.<sup>65</sup>

By commenting about ‘all Farmers’ and ‘Tinnners’ Walker was alluding to the idea that these groups were almost solely guilty of plundering ships, and that attitude is played out in other writings of the era. In 1753, the tinnners bore the most opprobrium by George Borlase, Lt Gen Richard Onslow’s manorial steward. In trying to protect Onslow’s interests, Borlase argued for a more stringent wreck statute. Onslow was a large shareholder in the tin mines, and neither appreciated the loss of time that occurred when the tinnners went ‘wrecking’.<sup>66</sup> That the tinnners and farmers were involved in wrecking is true. They had the largest population in the coastal areas where ships and wreck came ashore. However, even fishermen were involved in wrecking, as was the occasional clergyman. And occupational boundaries were not nearly as rigid as we imagine. Many miners were involved in fishing and farming, and fishermen and farmers sometimes worked in the mines.<sup>67</sup>

The farmer is confused why someone like Pearse was hanged for something he considered common-place. It is likely that Walker was capturing some of the locals’ feelings about Pearse’s execution, and hence the charge that some of the jury were perjured. He introduces us to the wrecker’s beliefs as to what might be considered acceptable for harvesting a wreck. If a ship is ‘driven in before the Wind, is like to be bulged, and there is no Possibility of the Crew’s getting her off’, her cargo could be considered a legitimate target, for ‘why is it not better it should be saved, than to suffer it to be lost in the Sea, and no Man the better for it.’<sup>68</sup> This is the case especially if the captain and crew have abandoned ship, because they are ‘either lost, or perhaps have quitted the Ship for their Safety, or the Ship being insured through choice, that they may run no risque.’<sup>69</sup>

Claiming a ‘dead wreck’ was based on a popular understanding of the Statute of Westminster (1275) that stated ‘where a man, a Dog or a Cat escape quick out of a Ship, that such Ship nor Barge, nor any Thing within them, shall be adjudged wreck’. This line meant that if a ship wrecks and nothing on board is alive, the ship is legally a ‘dead wreck’ and thus liable to be claimed by the manorial lord who held ‘rights of wreck’ where the goods washed ashore. The coastal populace recognised ownership of the lord of the manor, but they also asserted their own rights of salvage. It was a ‘custom of the country’, to split goods —half for the finders and half for the lord, ostensibly as salvage payment, although some tenants felt all should go to the lord. In 1676, one woman in north Cornwall refused to accept a parcel of wrecked bacon brought by her son-in-law. She insisted it be handed over to the lord’s agent.<sup>70</sup> More commonly, popular understanding of the law had morphed it into an assertion that the finders could claim the cargo of a ‘dead wreck’ for themselves, and it is to this belief the farmer alludes.<sup>71</sup>

<sup>65</sup>Walker, *Dialogue*, p. 6.

<sup>66</sup> Borlase to Onslow, 1 February 1753; 5 March 1753, in T. Cornish, ed., ‘The Lanisley Letters: to Lt General Onslow from George Borlase, his Agent at Penzance, 1750-53’, *Journal of the Royal Institution of Cornwall*, 6, pt22 (1880), 374, 377.

<sup>67</sup> John G. Rule, ‘The Labouring Miner in Cornwall, c. 1740-1870: A Study in Social History’, (unpublished PhD thesis, University of Warwick, 1971), p. 76.

<sup>68</sup>Walker, *Dialogue*, p. 7.

<sup>69</sup>Walker, *Dialogue*, pp. 7-8.

<sup>70</sup>Royal Institute of Cornwall, HB/19/60, Basset Papers, Henderson Collection, Vol. 5.

<sup>71</sup>See Pearce, *Cornish Wrecking*, Ch. 2.

The captain voiced his objection to this argument: a lost crew did not mean that the cargo belonged to the coastal populace. Indeed, he explains that salvage rights were codified into law and that those rights were upheld by 'the Decision of any three Justices of the Neighbourhood, both to recompence your Labour, and to make you full Amends for any Hazards you may run.'<sup>72</sup> However, Walker did not discuss one of the most common fears of the populace regarding salvage: they were suspicious of the government. Many legal salvors had had bad experiences; their payments had been caught up in London bureaucracy, sometimes for years. Such was the experience of fishermen from the Isles of Scilly in 1793. They had to wait three years for satisfaction because of conflicts and jealousies between HM Customs and HM Excise.<sup>73</sup> Their traditional popular 'salvage' agreements meant instant payment, which sometimes determined whether a family would eat or not.

Thus far, the conversation focused on forms of wrecking that were seen by the local populace as completely acceptable. But then the captain moved onto violent wrecking. He narrated his own experience 'under the Hands of these Barbarians', an ordeal which the author claims 'is literally true'.

Twenty six years previously, [in 1741] the captain had been caught up in a great storm and had to run his ship on shore to save her. He believed he could have got her off on the next tide, but he did not get the chance.

'...instead of affording me [proper assistance]...the merciless Barbarians of the Country rushed on me like a Flood, cut the Cables from the Anchors, which I had dropt over the Stern of the Ship, in order to hale her off again, tore down her Rigging, and in a Quarter of an Hour made a Hole in her Side...and stript her in a very few Hours of her whole Cargo. Nay, while I was endeavouring to save some of the most valuable of my Effects, particularly my papers and a Silver Tankard, which I was coming over the Side of the Ship with, an inhuman Butcher of a Man, with a Hatchet uplifted, swore by his Maker he would cut off my Hand, if I did not let go what I had got, which I was obliged to. You'll not justify such Usage, I presume?

The captain's story horrified the farmer, who exclaimed that it was 'cruel indeed!<sup>74</sup>

The captain's depiction of the plunder of his ship bears close resemblance to the plundering of the *Isabella* in March 1741, and it may have been taken from a newspaper article. According to the *Sherborne Mercury*, the *Isabella* was on her return voyage from Madeira, commanded by a Capt Stafford. Caught up in a heavy gale, she entered Mount's Bay for safety. She must have been injured, for the paper reported that 'The country people came down in great numbers and cut her cables, and cut several holes in her bottom to sink her, and then stripped the ship and carried off the entire cargo'.<sup>75</sup> The paper made no mention of the fate of the captain or crew. The plunder of the *Isabella* occurred after a year of bad harvests and an unusually cold winter. A sharp rise in cases of property crime in the rural areas of England occurred; wheat was expensive.<sup>76</sup> Life was extremely difficult for those on the margins. It is not hard to understand why the coastal inhabitants might have taken advantage of a crippled ship. Despite this attack, violent wrecking was not common, nor was it an entirely approved popular

<sup>72</sup>Walker, *Dialogue*, p. 9.

<sup>73</sup>Pearce, *Cornish Wrecking*, p. 99; TNA CUST 68/16, Petition of William Hickens of Scilly to the Customs Commissioners, 27 May 1793.

<sup>74</sup>Walker, *Dialogue*, pp.10-11.

<sup>75</sup>*Sherborne Mercury*, 3 March 1741.

<sup>76</sup>J.M. Beattie, 'Crime and Courts in Surrey, 1736-1753', in J.S. Cockburn, ed. *Crime in England, 1550-1800*, (London: Methuen, 1977), p. 160.

behaviour. In a study of wrecking activity in Mount's Bay, only eleven ships out of 155 were reported by HM Customs in Penzance as plundered during a 122 year period; most occurred during times of hardship.<sup>77</sup> Like the winter and summer of 1741, the year 1761 saw great suffering. Pearse's crops might have been among those that failed.

However, in line with attitudes of the period, desperation and life on the margins was no excuse for plundering a ship. The captain pressed on about cruelty to survivors, voicing a belief that was common in accounts which emphasised the barbarity of the 'country people'. He asked if there was anyone in the farmer's parish who would 'not scruple to knock a Man on the Head, in order to make a Wreck of his Ship?' The farmer was aghast at the idea and thought not. The captain goaded him harder: did the farmer know of anyone who might not save life, but instead 'would readily lend both [hands] to make a Wreck of her?' The farmer demurred. No. The captain would not relent: has the farmer been 'a Partaker of Spoils' when the ship had been wrecked by others? The farmer had to admit that he had: 'Oh yes! I have often been to a Wreck, no doubt, and have sometimes made a good Hand of it.'<sup>78</sup>

As the captain pushed his argument against wrecking, he alluded to Pearse's fate. He told the farmer that if he was caught wrecking, he would hang, 'as poor Pearse was Yesterday; for 'twas not for the Value of the Thing he took (for he had but eighteen pounds of Cotton) that he was hung, but as being deemed as an Accessory in plundering the Ship, whose cables were cut, and she made a Wreck of as soon as the Sailors had left her.'<sup>79</sup>

We will never know if Pearse was involved in deliberate wrecking as Walker alleges, but most likely he was not. Justice Yates did not include the manner of the ship's wrecking in his report, other than she was 'cast Ashore'. We do know that the *L'Adaldise* was not a 'dead wreck'. Her captain and crew were saved. Some violence may have been used against the survivors, in that they were attempting to 'defend the Wreck', along with two Customs officials. It appears that the survivors were simply overpowered by sheer numbers, that 'the Country People were too numerous to be repelled'. Yates also said that Pearse 'was not as criminal as others who were not brought to justice'.<sup>80</sup>

We do know he was an unlucky wrecker. He was the first man tried and executed for wrecking under the new 1753 Wreck Act. He was unfortunate to be caught at a time when the elites wanted someone to hang as an example of the fate waiting for would-be wreckers. And his case was ill-timed, occurring so soon after the debacle of the wreck of *La Marianne* and the Government's vow not to pay indemnities for attacks on wrecks. But his story also shows us another side of wrecking; the experience of one individual among the nameless and faceless crowds who were involved in the opportunistic plundering of ships. His case reminds us that what the statute books defined as a criminal activity was sometimes an accepted custom rising out of centuries of belief and practice. Each individual involved in the crime—wrecker, ship owner, cargo owner, crew, legal salvors—all had a stake in the outcome. Thus the law and popular custom collided. In Pearse's case, the law won.

<sup>77</sup>Pearce, *Cornish Wrecking*, p. 108.

<sup>78</sup>Walker, *Dialogue*, p.11.

<sup>79</sup>Walker, *Dialogue*, p.17.

<sup>80</sup>TNA SP 37/6 f.122.