

# **The Coroner in an Emerging Industrial Society: John Theodore Hoyle and Newcastle upon Tyne 1857-1885**

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## **Abstract**

In this thesis I examine the life and work of the Victorian coroner for Newcastle upon Tyne, John Theodore Hoyle. Beginning with the nineteenth century description of the coroner as the People's Judge, I establish a new definition of this epithet and use it as a lens with which to examine the life and work of a neglected but important branch of the Victorian judiciary. I use the character of the People's Judge in examining the extent to which the personality, interests, and approach of a legally qualified coroner shaped the role of coroner in the community of Newcastle upon Tyne.

I develop a biography of Hoyle from myriad small pieces of evidence. This is the central plank of the thesis and anchors the discussion and analysis which follows, in three broad areas: the dispute between medicine and the law in the coroner's court; inquests into the deaths of infants; and inquests associated with industrial expansion. My research uses micro-history, legal history, and biography to draw together disparate sources relating to Hoyle's life and work.

My research establishes that the coroner, a judge who lived and worked in the community he served, is an integral part of the jigsaw in building a picture of the governance of Newcastle upon Tyne, an emerging industrial society, in the mid to late nineteenth century. The impact of Hoyle's approach as a lawyer is central to appreciation of the coroner's role.

The thesis fills one of many gaps in knowledge of the nineteenth century coroner, and his work, by presenting a detailed study and analysis of the life and work of the coroner in the most northerly English town. My research has resulted in a database of material which will be used for further work and provides a template for such study.

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It goes without saying, any errors are my responsibility.

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# Chapter 1. Introduction

**Where Death has called away young men and women in their prime.**

**Some we knew that suffered long in bed, both night and day,**

**And others, in the best of health were suddenly called away,**

**When the appointed time has come, to Death we cannot say;**

**I'm not prepared to go just yet, call back some future day.**

**Death will take no bribery, or one thing would be sure,**

**The Rich would live, and Death would only call upon the poor.**

**We know there's danger everywhere, no matter where we go.**

*The Consett Choir Calamity—Tommy Armstrong*<sup>1</sup>

## 1.1 Why this Research?

In summer 2015 I visited the Victoria Tunnel in the Ouseburn, a formerly industrial area of Newcastle upon Tyne which is home to bars, shops, and restaurants.<sup>2</sup> The trip was organized by the social committee of Northumbria University Law School. It was a fine warm evening, but the Tunnel was cool and mildewy and, when the electric lights were switched off, it was impossible to see more than a few centimetres. In the inky darkness, accompanied by a recording of the rumble of an approaching coal tub, the tour guide told the story of the only fatality in the tunnel. In 1852 W Armstrong Coulson, a staithsman, was killed by a loaded waggon which was sent down the tunnel as he and two other men were inspecting repairs.<sup>3</sup> I was interested in coronial law. I had practised in the coroner's court as a solicitor, and I had recently designed an inquests module for the Northumbria undergraduate law degree. The account of the incident caused me to wonder whether there had been an inquest into the death in the tunnel.

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<sup>1</sup> Tommy Armstrong, 'The Consett Choir Calamity' (*The Tommy Armstrong Society*)

<[www.pitmanpoet.org.uk/TommyArmstrong/TommyArmstrong.htm](http://www.pitmanpoet.org.uk/TommyArmstrong/TommyArmstrong.htm)> accessed 6 October 2020.

<sup>2</sup> The tunnel was built between 1838 and 1842 to transport coal from a colliery at Spital Tongues, on the North side of Newcastle, to the Quayside.

<sup>3</sup> 'Fatal Accident at Spital Tongues' *Newcastle Journal* (Northumberland, 19 June 1852) 5.

As we emerged into the warmth of the evening, one of my colleagues asked whether I knew anything about Newcastle inquests. I didn't—but my interest was piqued. The next day, I registered for a two-week trial for the *British Newspaper Archive* and entered key words to search for the reports of the accident in the tunnel.<sup>4</sup> I read the accounts and discovered the inquest, held in the Tunnel Inn, Ouseburn, on 18 June 1852, had been conducted by the deputy coroner 'JT Hoyle, Esq'.<sup>5</sup> The coroner's name meant nothing to me, but it turned out to be a serendipitous discovery. In the spirit of research (forgive me—I was not registered for a doctorate at this point), I Googled Hoyle's name. The first search result contained a portrait of Hoyle in the Laing Art Gallery.<sup>6</sup> That was the beginning, and this thesis is the result. In the intervening seven years I have learned more about John Theodore Hoyle's life and family than I know of my ancestors. I have met some of Hoyle's descendants; transcribed hundreds of news reports of inquests; and analysed thousands of words to answer my central research question: was John Theodore Hoyle, Borough Coroner for Newcastle upon Tyne, the People's Judge? My quest necessitated exploring both Hoyle's life and his work. This thesis contributes to the history of the working of the law in the emerging industrial society and restores the importance of a hitherto neglected character, the coroner, who played a pivotal role in the community of Newcastle upon Tyne.

A question, which leads naturally from the above, is why did I decide to continue to research Hoyle, and the coronership in Newcastle? The short answer is, at first, it was merely an interest. The portrait was the catalyst: the man in the painting did not resemble my perception of a nineteenth century judge. Hoyle was not decked out in finery, nor was he displaying his wealth or power through trappings of office.<sup>7</sup> I wanted to find out more about the humble man who wore a dark suit and sat, hatless, on a plain chair without holding the gaze of the observer but engrossed in his book, the title of which was obscured in the online reproduction.<sup>8</sup> The more I looked, the more intriguing Hoyle became and after a few weeks my curiosity developed into a doctoral project.

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<sup>4</sup> *The British Newspaper Archive* <[www.britishnewspaperarchive.co.uk/](http://www.britishnewspaperarchive.co.uk/)>.

<sup>5</sup> 'Frightful Accident in the Spital Tongues Colliery Tunnel' *Newcastle Guardian and Tyne Mercury* (Northumberland, 19 June 1852) 5.

<sup>6</sup> Frederick William Bannister, *John Theodore Hoyle (1808–1885), Coroner of Newcastle (c1858)* Oil over Calotype (Laing Art Gallery c1858).

<sup>7</sup> Discussed further in Chapter 2.

<sup>8</sup> Figure 1 and Figure 2.



I assumed, wrongly, that Hoyle would have been the subject of historical research. The coroner was an important official in the nineteenth century community. His name and professional address were printed in directories and almanacs. He appeared alongside magistrates, councillors, aldermen and mayors, some of whom were immortalized in biography and contemporary hagiography. I searched in the library catalogue for Hoyle and drew a blank. He was not included in accounts of notable nineteenth century Newcastle men.<sup>9</sup> My search for an individual coroner broadened into a search for material about nineteenth century coroners and I was surprised to find that there was little academic literature.<sup>10</sup> What academic research there was either analysed the work of the medieval coroners, and the early development of the coroner's role, or concentrated upon the politician, founder of *The Lancet*, and campaigning coroner, Thomas Wakley and the coronership in Middlesex.<sup>11</sup> Much of the analysis reflected the nineteenth century focus on the influence of medicine in the coroner's court.<sup>12</sup> I found a small selection of coroners' memoirs and biographies and an even smaller number of local history pamphlets.<sup>13</sup> I identified several unpublished theses which discussed the coroner in an historical context.<sup>14</sup> The pertinent literature is discussed later in this chapter and, where appropriate, in Chapters 3, 4 and 5.

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<sup>9</sup> Such as William D Lawson, *Lawson's Tyneside Celebrities: Sketches of the Lives and Labours of Famous Men of the North* (William D Lawson, 1873) and Richard Welford, *Men of Mark Twixt Tyne and Tweed* (Walter Scott Limited, 1895). Nor was he portrayed in *The Monthly Chronicle of North-Country Lore and Legend* (5 Volumes, Walter Scott 1887-1891).

<sup>10</sup> My literature review sets out and summarizes what has been written.

<sup>11</sup> Ian A Burney, whose work is the most cited in discussion of the coroner, centres his work on Wakley see Ian A Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1926* (John Hopkins University Press, 2000).

<sup>12</sup> The debate was settled as late as 2013 in the Coroners and Justice Act 2009 which mandated that coroners must have a professional legal qualification.

<sup>13</sup> John Taylor, *Autobiography of a Lancashire Lawyer Being the Life and Recollections of John Taylor Attorney at Law and First Coroner of the Borough of Bolton* (The Daily Chronicle 1883); Walter Lewin, *Clarke Aspinall: A Biography* (Edward W Allen, 1893); W Wynn Westcott, *Twelve Years Experiences of a London Coroner* (Baillière Tindall and Co 1907); S Ingleby Oddie, *Inquest* (Hutchinson and Co Ltd 1941); Robert Jackson, *Coroner: The Biography of Sir Bentley Purchase* (Harrap 1963); EA Williams, *Open Verdict: An Ex-Coroner Looks Back* (Oyez Publications, 1967); Peter Hatch, *On View of the Body: Observations of a Coroner* (Peter Hatch 1988); Brian Hall-Tomkin and Brian Hilliard, *West Country Coroner: The Notable Cases and Absorbing Career of North Devon's Coroner* (Countryside Books 1999); Sylvia M Barnard, *Viewing the Breathless Corpse: Coroners and Inquests in Victorian Leeds* (Words@Woodmere 2001); John Pink, *Coroners Inquests: Violent, Unnatural or Suspicious Deaths in Kingston upon Thames and Surroundings 1700-1750* (JRP 2002).

<sup>14</sup> MP McHugh, 'The Influence of the Coroner's Inquest on the Development of the Common Law And the Medico-Legal-System' (PhD thesis, University of London 1976); J Fenwick, 'Accounting for Sudden Death: A Sociological Study of the Coroner System' (PhD thesis, University of Hull 1984); Ian A Burney, 'Decoding Death: Medicine, Public Inquiry and the Reform of the English Inquest, 1836-1926' (PhD thesis, University of California 1993); Donald Prichard, 'The Office of Coroner 1860-1926: Resistance, Reluctance and Reform' (PhD thesis, Greenwich University 2001); Pamela J Fisher, 'The Politics of Sudden Death: The Office and Role of the Coroner in England and Wales, 1726-1888' (PhD

Initially, I was unsure how best to focus my research. I was interested in Hoyle himself, but I needed a research question to link his life and his work in Newcastle to make discussion of his life meaningful.<sup>15</sup> The eureka moment came when I read Elizabeth Hurren's exploration and analysis of the life and work of the coroner for Oxford from 1877 to 1894: Edward Hussey.<sup>16</sup> Hurren wove together details of Hussey's life with an examination of the influence a medically qualified doctor had upon the work of the coroner. She observed:

the social lives of coroners and their daily interactions remain relatively neglected in historical accounts (...) this is a curious omission given that the careers of many coroners must have been shaped by how they internalized changes in the law, their personal attributes, career paths, professional contacts, and communication skills.<sup>17</sup>

It occurred to me that John Theodore Hoyle, who was coroner for one of the leading industrial towns in the North during the industrial expansion in the nineteenth century, was a missing piece of the jigsaw required to thoroughly understand the development of nineteenth century Newcastle.

Hoyle was borough coroner from Spring 1857, although he had served as a deputy coroner since 1831. His work in investigating death, I surmised, guided, and influenced the lives of the community of Newcastle for almost half a century. Any examination of the lives and work of industrialists, mine owners, lead manufacturers, lawyers and ordinary people is incomplete without an understanding of the man who presided over judicial investigation of death. Death was ever-present in the emerging industrial society, and the coroner was the judge tasked with distinguishing between crime and natural death, accident and negligence. In contrast to Hussey who was a doctor of medicine, Hoyle was a solicitor, and I wished to discover whether his legal

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thesis, University of Leicester 2007); Fraser Joyce, 'Naming the Dead: the Identification of the Unknown Body in England and Wales 1800-1934' (PhD thesis, Oxford Brookes University 2012); Edward Kirton-Darling, 'Looking for Justice: The Family and the Inquest', (PhD thesis, University of Kent 2016) and Yvonne King Fisher, 'Coroners in London and Middlesex, c1820-1888: A Study of Medicalization and Professionalization' (PhD thesis, Open University 2020).

<sup>15</sup> Thank you to Professor TT Arvind who encouraged me, after my first supervision meeting, to pursue biography by lending me a copy of Professor William Cornish's lecture: *Life Stories and Legal Histories* (Selden Society Lecture July 2012).

<sup>16</sup> Elizabeth T Hurren, 'Remaking the Medico-Legal Scene: A Social History of the Late-Victorian Coroner in Oxford' (2010) 65 *Journal of the History of Medicine and Allied Sciences* 226.

<sup>17</sup> *Ibid.*

qualification influenced his work and thus provided a contrast to the narrative of increased medicalization of the inquest.<sup>18</sup>

In the next section I outline the structure of my thesis and explain the theory behind my research question: was the coroner in Newcastle upon Tyne in the period 1857 to 1885 the People's Judge? I explain how the lens of the People's Judge allows me to analyse Hoyle's work as a legally qualified coroner.

## 1.2 Overview: Aims and Objectives

In my thesis I examine the life and work of the Victorian coroner for Newcastle upon Tyne, John Theodore Hoyle, from 1857 to 1885.<sup>19</sup> I centre the research on Hoyle because the more I discovered about him, the more I began to appreciate the extent to which his personal attributes and experiences coloured his work. No judge works in a hermetically sealed bubble, and the values, opinions, and interests of the individual, to a greater or lesser extent, inform the judicial decision-making process, whether explicitly or implicitly.<sup>20</sup> My research discusses and analyses to what extent the personality, interests, and approach of a legally qualified coroner shaped the development and influence of the role of coroner in Newcastle upon Tyne in the mid to late nineteenth century.

The overarching question—and I shall define the term shortly—is: Was the coroner in Newcastle upon Tyne, from 1857 to 1885, 'the People's Judge'? There are then two sub-questions: what distinct characteristics can be identified to distinguish the work of a legally qualified coroner and, secondly, to what extent did the personality and interests of an individual shape the coroner's work in Newcastle upon Tyne?

The research that led to the answers to these questions was investigative and interpretive and combined microhistory and biography/life writing. Before I explain the methodological underpinning, this is an appropriate point to set out a brief history of the coroner in England and Wales which provides background for the methodology.

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<sup>18</sup> Burney (n 11).

<sup>19</sup> Hoyle qualified as a solicitor in 1831 and was a deputy coroner from approximately 1849. He was elected coroner in 1857 and the analysis of his work is from this date.

<sup>20</sup> See, for example, Charlotte Smith, 'The Disruptive Power of Legal Biography: The Life of Lord Phillimore – Churchman and Judge' (2020) 41 (2) *Journal of Legal History* 164; Penny Derbyshire, *Sitting in Judgment—The Working Lives of Judges* (Hart Publishing 2011).

### 1.3 (Brief) History of the Coroner

It is trite but true to say the coroner's office is of great antiquity. It is usually claimed that the office was established in September 1194 in the Articles of Eyre.<sup>21</sup> However, several scholars argue the office of coroner must have predated 1194 and that this date is simply the first formal record.<sup>22</sup> R Henslowe Wellington refers to authorities which date the office to the reign of King Alfred.<sup>23</sup>

Whichever date is accurate for its foundation, there is no doubt that the coroner inhabits the oldest judicial office in England and Wales.<sup>24</sup> The function of the early coroners is open to interpretation, but it is accepted that the investigation into death developed from the coroner's early role as protector of the King's finances. The early coroners were tax collectors and investigated death as a corollary, alongside ownership of found treasure, wrecks, and, possibly, crimes such as rape.<sup>25</sup> Gradually the peripheral tasks fell into abeyance and the coroner's supplementary function became his *raison d'être*: he was the judicial official charged with investigating sudden and unexplained deaths.<sup>26</sup>

From its earliest incarnation, the role of coroner was unique from other judicial appointments, and a link between the coroner and the people was embedded in its roots.<sup>27</sup> Medieval coroners were appointed as 'an important link between the itinerant

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<sup>21</sup> Matthew Lockwood in *The Conquest of Death: Violence and the Birth of the Modern English State* (Yale University Press 2017) refers to the 'creation' of the office in 1194.

<sup>22</sup> See Charles Gross, *Select Cases from the Coroner's Rolls, AD 1265-1413: With a Brief Account of the History of the Office of Coroner* (B Quaritch 1896); RF Hunnisett, *The Medieval Coroner* (Cambridge University Press 1961); Sara M Butler, *Forensic Medicine and Death Investigation in Medieval England*, (Routledge 2015).

<sup>23</sup> (CE 871-910); R Henslowe Wellington, *The King's Coroner— Being a Complete Collection of the Statutes Relating to the Office Together with a Short History of the Same* (William Clowes and Son Limited 1905).

<sup>24</sup> Scotland had a separate system. See Rab Houston, *The Coroners of Northern Britain c1300-1700* (Palgrave Pivot 2014).

<sup>25</sup> For a succinct history of the development of the office of coroner see Home Office, *Report of the Committee on Death Certification and Coroners* (Cm 4810, 1971) 107. For a persuasive argument that the role was established in 1194 see RF Hunnisett, 'The Origins of the Office of Coroner' (1958) 8 *Transactions of the Royal Historical Society* 85.

<sup>26</sup> The duty to hold inquests into royal fish was formally removed in the Coroners Act 1887 s44. The investigation of treasure trove is still part of the modern role—see Coroners and Justice Act 2009 s29.

<sup>27</sup> A magistrate could also claim to be in, and of, the community. However, magistrates had a function embedded in the criminal courts, and had decision making powers, and they could order punishment to be enforced. They were appointed from the upper echelons of society and rarely had reason to mix with the general populace.

justices and local administration, and hence between the Crown and the People.<sup>28</sup>

The role fulfilled by the coroner meant that, rather than being a remote judicial figure sent out on circuit every few years like the judges of the Eyre, he lived and worked in the community for which he had responsibility.<sup>29</sup> Richard Sewell records that the early coroner had to be sufficiently wealthy to be able to 'answer to all manner of people', underlining that the coroner's jurisdiction encompassed the poorest and the most wealthy citizen.<sup>30</sup>

Little has been written about the coroner from the end of the medieval period until the nineteenth century, because of a paucity of sources.<sup>31</sup> However, by the early nineteenth century, it is accepted that the office had fallen into disrepute. Coroners were portrayed as greedy, ill-educated, and intemperate.<sup>32</sup> The Industrial Revolution, and the increased urbanization of the population, led to a resurgence in the utility of the coroner as he began to play a vital role in investigating death in the emerging industrial society. A general desire to provide answers for the families and friends of the deceased, linked to the requirement for statistical information following the Births Deaths and Marriages Act 1836 restored his prestige.<sup>33</sup> Proceedings in a coroner's court, held by inquisition, constituted a judicial act.<sup>34</sup> The coroner investigated any deaths reported to him of those 'slain, or suddenly dead'.<sup>35</sup> After 1836, the remit of the coroner sat between the criminal justice system, where the coroner's verdict in homicide cases meant his warrant had the same effect as an indictment from a grand jury, and the civil duty to register deaths.

Coroners continued to be appointed locally and were locally accountable. The inquest was the only means of impartial investigation into deaths; and coroners could hold administrative authorities to account. The coronership in some areas became a

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<sup>28</sup> J McKeogh, 'Origins of the Coronal Jurisdiction' (1983) 6 University of New South Wales Law Journal 191.

<sup>29</sup> The judges of the Eyre were travelling justices who descended upon communities to dispense the King's Law. Baker explains: 'The general eyres were not merely law courts, they were a way of supervising local government through itinerant central government. They begat fear and awe in the whole population.' JH Baker, *An Introduction to English Legal History* (Butterworths 1990) 19.

<sup>30</sup> Richard Clarke Sewell, *A Treatise on the Law of Coroner* (O Richards 1843) 6.

<sup>31</sup> There is a comprehensive research project at Oxford University on sixteenth century coroners- see *Everyday Life and Fatal Hazard in Sixteenth Century England* <<https://tudoraccidents.history.ox.ac.uk/>> accessed 5 March 2021.

<sup>32</sup> Charles Dickens' depiction of two inquests in *Bleak House* reflects the common perception of the nineteenth century coroner. Charles Dickens, *Bleak House* (Chapman Hall 1865) 151.

<sup>33</sup> (6 & 7 Will IV c 86).

<sup>34</sup> John Jervis, *On the Office and Duties of Coroners* (H Sweet W Maxwell and Stevens & Sons 1829).

<sup>35</sup> The law was as set out in the *De Officio Coronatoris* 1275-76 (4 Edward I).

campaigning ground for liberal politicians—in particular, Thomas Wakley—of whom more later.<sup>36</sup> In recognizing this focus, particularly in respect of deaths in custody or in workhouses, the coroner was characterized as the People's Judge.<sup>37</sup>

In the nineteenth century the necessity for a judicial investigation into unexplained death was accepted, but the coroner had no authority to investigate death on his own initiative. He had to wait for the death to be brought to his attention. In 1860, *The Select Committee on Coroners*, citing Sir John Jervis, emphasized that '[the] coroner ought not (...) in any case, to obtrude themselves into private families for the purpose of instituting inquiry but should wait until they are sent for.'<sup>38</sup> It was not the coroner's job to seek work. He was dependent upon reports from the community: the police, doctors, neighbours, family, or friends of the deceased.

Jervis noted in the preface to one of the first coroners' manuals, *A Practical Treatise on the Office and Duties of Coroners*, that the office of coroner '[was] of considerable practical utility, [and] requires no further confirmation than what experience affords.'<sup>39</sup> This view that the coroner played a pivotal role in society is clear from the interest shown in his work in the nineteenth century. Coroners' inquests were reported, often in gory detail, in the contemporary press and there was a market for both coronial statistics and for pamphlets discussing coronial reform.<sup>40</sup> The on-going dispute between magistrates and coroners kept many contentious issues regarding the coroner's duties in public view until partially solved by the County Coroners Act 1860.<sup>41</sup>

In 1858, the year after Hoyle was elected to the borough coronership in Newcastle, JJ Dempsey, a journalist, published a pamphlet which emphasized the importance of the coroner and championed its practical use to 'all classes of the community.'<sup>42</sup>

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<sup>36</sup> See the lives and work of the Middlesex coroners Thomas Wakley, Edwin Lankaster, William Baker and discussion in the thesis by Yvonne Fisher (n 14).

<sup>37</sup> See later discussion of Thomas Wakley, and Joe Sim and Tony Ward, 'The Magistrate of the Poor? Coroners and Deaths in Custody in Nineteenth Century England' in Clark M and Crawford C (eds), *Legal Medicine in History* (Cambridge University Press 1994) 245.

<sup>38</sup> CW Lovesy, *Sir John Jervis on the Office Duties of Coroners: with Forms and Precedents* (3rd edn H Sweet W Maxwell and Stevens & Sons 1866) 35.

<sup>39</sup> Jervis (n 34) iii.

<sup>40</sup> An example (of many) 'Inquests of 1862' *Newcastle Courant* (Northumberland, 24 July 1863) 2.

<sup>41</sup> For more see Pamela Fisher (n 14). The dispute did not concern Hoyle as a borough coroner. See later for explanation of the difference between county and borough coroners.

<sup>42</sup> JJ Dempsey, *The Coroner's Court, its Uses and Abuses; with Suggestions for Reform* (Hatton and Co 1858).

Dempsey eulogized: 'In the formation of the coroner's court what is found? A people's court!' and underlined the importance of the jury, guided by the coroner.<sup>43</sup> He argued: 'It is fearful to contemplate the social and moral results or the abuses of the sanatory and physical condition of the people which, did this Court not exist, might be perpetrated.'<sup>44</sup> Whilst this may be hyperbole, there is little doubt that his championing of the coroner in the light of the contemporary attacks on his purview by magistrates, and in anticipation of the investigation by a Select Committee, attracted attention.<sup>45</sup> The pamphlet sold sufficiently well to merit a second edition. It was reviewed in the popular press. A correspondent in the *Sherborne Mercury* wrote:

We quite agree with him [Dempsey], that the importance and usefulness of the Coroner's Court cannot be too highly rated. Its popular constitution as a 'People's Court;' and its being presided over by gentlemen of legal acumen strongly recommend it to public approval. It is a shield against oppression; it looks after the physical condition of the community.<sup>46</sup>

The coroner was not a relic of medieval monarchy or a forgotten backwater: he was a vital part of the civil society. The coroner's function in the mid-nineteenth century, a period of rapid social change and development, became increasingly significant, not only in investigating sudden and unexplained deaths, but in attempting to prevent future deaths.

Although the day-to-day death-investigation was common to all coroners, there were four distinct types, distinguished by the method of appointment. Jervis records them as: 'Official Coroners; Franchise Coroners; Coroners by Election; and Borough Coroners'.<sup>47</sup> The second two categories in the list were the most numerous—Hoyle was in the latter category. County coroners, responsible for a county, or part of a county, as drawn by the Boundary Commission, were elected by all men with the franchise. Borough coroners, appointed following the Municipal Corporations Act 1835, were, as the name suggests, responsible for a municipal borough.<sup>48</sup> A county coroner was qualified due to ownership of property; a borough coroner required 'no qualifications by estate, residence, or otherwise.'<sup>49</sup> It was simply a case of appointing

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<sup>43</sup> Dempsey (n 42) 6.

<sup>44</sup> Dempsey (n 42) 8.

<sup>45</sup> Dempsey (n 42) 3.

<sup>46</sup> 'Reviews' *Sherborne Mercury* (Dorset, 31 August 1858).

<sup>47</sup> See WN Welsby, *A Practical Treatise on the Office and Duties of Coroners: with Forms and Precedents by John Jervis* (Sweet and Maxwell 1854) 272, 3.

<sup>48</sup> (5 and 6 Wm IV c 76).

<sup>49</sup> Welsby (n 47) 13.

a fit and proper person. Sir Edward Coke, quoted by Professor AT Thomson in 1836, set out what he believed to be the qualities required of a coroner:

[he should be] (1) probus homo; (2) legalis homo; (3) of sufficient knowledge and understanding; (4) of good ability and power to execute his duties according to his knowledge; and (5) of diligence and attendance for the due execution of his office.<sup>50</sup>

These elements are part of my definition of the People's Judge.

Coroners swore oaths of allegiance to the Crown. However, they conducted their business and ran their courts without national oversight.<sup>51</sup> The magistrates controlled the county coroners to some extent, but borough coroners were answerable only to the town council. Coronial law was piecemeal and coroners depended upon their common sense and understanding, guided by authoritative manuals, the most well-known of which was *Jervis on Coroners*.<sup>52</sup> Editions were published (in Hoyle's lifetime) in 1829, 1854, 1866, and 1880.<sup>53</sup> *Jervis* explained the duties of the coroner and the law governing his authority, which was common law but declared in the *De Officio Coronatoris* 1275. This legislation served the coroner as the primary written authority for his powers until the consolidating Coroners Act of 1887.<sup>54</sup> The rag bag of laws and rules is one reason why a man of legal learning was preferred for the role, despite Thomas Wakley's assertion that a man could learn all the law required to be a coroner in a few hours.<sup>55</sup> When Hoyle was appointed as coroner for Newcastle in 1857 the office had fallen into local disrepute, as will be discussed later, but it was universally recognized as a mechanism to prevent future death and a means of holding power to account.

Having outlined a brief history of the coroner, and having mentioned the People's Judge, I now define the People's Judge and explain how the term is used in my thesis.

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<sup>50</sup> AT Thomson, 'Lectures on Medical Jurisprudence, Now in Course of Delivery at the University of London' (1836) I *The Lancet* 209. Probus homo—a good man and legalis homo—a lawful man.

<sup>51</sup> This was the position until the appointment of a Chief Coroner in 2013 in the Coroners and Justice Act 2009. Coroners still have a great deal of autonomy.

<sup>52</sup> In 2021 *Jervis* is in its 14th edition – Paul Matthews *Jervis on Coroners* (14th edn, Sweet and Maxwell 2019).

<sup>53</sup> *Jervis* (n 34); Welsby (n 47); Lovesy (n 38) and Rudolph E Melsheimer, *Sir John Jervis on the Office and Duties of Coroners: With Forms and Precedents* (4th edn, EH Sweet Maxwell and Son Stevens and Sons 1880).

<sup>54</sup> (50 and 51 Vict c 71).

<sup>55</sup> See Charles W Brook, *Battling Surgeon: A Life of Thomas Wakley* (Strickland Press 1945).



## 1.4 The People's Judge

This section analyses the term 'the People's Judge' and its importance as the root of my research question. I explain the origin of the phrase, and its nineteenth century meaning, before setting out how I have extended and redefined it as an appropriate lens for examining the Newcastle coroner's life and work. Primarily, the phrase reflects Hoyle's fulfillment of the office of coroner for the benefit of all: he was a judge for 'the community at large'.<sup>56</sup> He was, as required, a good and lawful man with excellent legal knowledge and understanding and the capability to execute his duties diligently. As contemporary commentators noted, he had a 'large acquaintance amongst all classes' and was kind and considerate.<sup>57</sup> He exemplified the person of the People's Judge in the broadest sense.

As explained, the first coroners were tax collectors, not judges. They exercised an executive and administrative function. Over time the executive function became less important. The coroners' role evolved to become judicial and administrative through the investigation of sudden and unexplained deaths. The judicial function was the main reason a legally qualified man was accepted, by most people, to be best qualified for the job. A lawyer could examine, and cross examine, witnesses, make decisions whether expert evidence was required, and interpret the labyrinthine law that governed the coroner's office, and which had to be interpreted in the context of many types of accident.

To establish my use of the lens of 'the People's Judge' to examine Hoyle's work, I define three terms: the people; the public; and the community. All three are used by contemporary commentators and all have meanings ascribed to them by historians. I suggest, whilst the People's Judge has a narrow meaning in the nineteenth century, it is perfectly proper to extend the definition to embrace a wider interpretation for my research. The wider definition encompasses all the qualities required of a coroner in the nineteenth century.

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<sup>56</sup> The phrase is used in the nineteenth century to denote all classes of the community. See for example 'not for the benefit of one particular class but for the community at large' in a discussion about local taxation: *Newcastle Journal* (Northumberland, 20 October 1870) 3. In an obituary Hoyle was described a judge for the 'the community at large', see 'Death of Mr JT Hoyle' *Newcastle Weekly Chronicle* (Northumberland, 24 December 1885).

<sup>57</sup> 'Men You Know XIX' *The Newcastle Critic* (Northumberland, 1 August 1874) 60; *Personal Sketches: The Coroner* (np, 31 December 1880).

### 1.4.1 *The People*

'The people', as a term to describe a group or part of society, is a politically ambiguous phrase that carries connotations of popular approval and down-to earth empathy. In a radio broadcast in 2016, Howard Jacobson chose 'the people' as his word of the year and argued, 'the people, it seems, are whoever we want them to be; defined by whatever system of counting it suits any group to adopt'.<sup>58</sup> In my thesis I define the people to encompass the whole community.

This section discusses the nineteenth century use of 'the people', and then argues that this can be interpreted widely to include 'the public' and 'the community'. This discussion establishes the premise that JT Hoyle was the People's Judge for the whole of the community of Newcastle upon Tyne.

The etymology of 'People's Judge' must begin with Thomas Wakley. No study of nineteenth century coroners is possible without consideration of Wakley, the radical MP and coroner for Middlesex between 1839 and 1862. Wakley, through his campaigning and journalism in *The Lancet* and his championing of the coroner's role in holding authorities to account, by demonstrating its utility to a modern society, did much to restore the standing of the coroner's court after years of neglect.<sup>59</sup>

Wakley was born in Devon in 1795. He qualified as a member of the Royal College of Surgeons in 1817 and founded *The Lancet* in 1823, with William Cobbett, William Lawrence, and James Wardrop.<sup>60</sup> He was described by Douglas Cowburn, in terms in which he would most likely have approved, as 'one of the most fearless, capable and sympathetic coroners who ever served the public'.<sup>61</sup> Wakley is central to the notion of public service being identified as a key attribute of the coroner's work. The designation 'the People's Judge' was coined by Wakley to reflect his view that coroners worked for the ordinary man, but it was seized upon by his critics to suggest the refrain of 'the people' was more about Parliamentary ambition than his

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<sup>58</sup> Howard Jacobson, 'A Point of View' (BBC Radio 4, 26 December 2016).

<sup>59</sup> For discussion of Thomas Wakley see S Squire Sprigge, *The Life and Times of Thomas Wakley* (Longmans Green and Co 1897); Harry Hopkins, *The Strange Death of Private White: A Victorian Scandal that made History* (Weidenfeld and Nicolson 1977); Brook (n 55); Gordon HH Glasgow, *Pray Sir, How Many Paupers have you Boiled? Thomas Wakley, Workhouses and the Poor Law circa 1834-1847* (EAH Press 2012).

<sup>60</sup> Cobbett is mentioned in Chapter 2 in connection with Hoyle (n 349).

<sup>61</sup> A Douglas Cowburn, 'The Metropolitan Policeman as Coroner's Officer' (1929) 2 (3) *The Police Journal: Theory Practice and Principles* 397.

coronership.<sup>62</sup> However, the phrase gained traction and it came to describe the coroner as an advocate for the people in the face of misfeasance and pressure from above. ‘The People’s Judge’ is still associated with coroners today. It is used as shorthand by journalists and by coroners themselves.<sup>63</sup> For example, a letter in 2017 from the Senior Coroner for the City of Liverpool and the Wirral to a fellow coroner about judicial salaries concluded ‘Thomas Wakely (sic) (...) was known as ‘the people’s judge’—and so we all are.’<sup>64</sup> It is a phrase which resonates and is used without comment in several contexts, but which requires a definition for this thesis.

The ‘People’s Judge’ had a specific meaning when used by Wakley: ‘the only judge the people had the power to appoint. The office has been specifically instituted for the protection of the people.’<sup>65</sup> ‘The people’ in the context of the early nineteenth century, and the reference to election, has a much narrower remit than at first glance. In the context of the electorate for a coronership, ‘the people’ were men who held the electoral franchise. Indeed, the election of coroners in this context refers only to county coroners, who were elected by the rate payers. Hoyle was a borough coroner and therefore appointed by the town council—a smaller, more select, body of men.

Wakley was a Liberal Member of Parliament from 1835 and a supporter of the Chartist cause. Part of his political agenda was to paint the coroner as protector of those who died whilst under the control of the state in prisons and workhouses. He therefore used ‘the people’ to refer to the poorest and most helpless members of society. Dorothy Thompson discussed the 1842 definition of ‘the people’ in *The Dignity of Chartism*.<sup>66</sup> She noted that the meaning was coloured by the Chartist perspective and highlighted the political nature of language. However, it was a term not used purely by liberals but across the political spectrum. ‘The people’ would have been understood to refer to a wide spectrum of society.

The coroner as ‘a man of the people’ was accepted in many circles in the nineteenth century. Pamela Fisher quoted a toast, given at a dinner in 1830 following the

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<sup>62</sup> Sprigge, quoting a letter to the *Morning Herald*, (n 59) 383.

<sup>63</sup> See for example, Matthew Hall, ‘Requiem for the People’s Judge’ *The Spectator* (London, 5 December 2009).

<sup>64</sup> André JA Rebello to Maria E Voisin, *Letter (Bristol City Council, 9 January 2017)*.

<<https://democracy.bristol.gov.uk/documents/s11453/Coroner%20pay%20ltr%20to%20Avon%20Coroner%20area%20Jan%202017.pdf>> assessed 16 February 2021.

<sup>65</sup> Sprigge (n 59).

<sup>66</sup> Dorothy Thomson, *The Dignity of Chartism* (Verso Books 2015).

election of a new coroner for Staffordshire (a county coroner): 'The coroner, the choice of the people.'<sup>67</sup> The people in this context, if taken literally, would have been the electors of the county, and not the wider 'people' as envisaged by the Chartists and radicals. It is unlikely that the toast master used the term literally: there was acceptance that the coroner was unlike any other judge. To extend the link between the coroner and the people, Ian Burney has noted that the coroner was the only judicial figure to whom the general populace had easy access.<sup>68</sup> Sudden or unexplained death had to be personally reported to the coroner for an investigation to take place.

Why would the coroner be viewed as a protector of the people? He occupied a unique role in the English legal system. He oversaw his own court, held the office for life, was answerable to the local bench if he was a county coroner or the town council if he was a borough coroner. He sat in an uneasy place between the criminal law and an administrative role. Whilst dealing with the dead he had great power over the living: he could indict murderers; judge suicides; and quash rumour by certifying natural deaths.

It is easier to identify who 'the people' in the nineteenth century did not include, than to list who was included. Certainly 'the people' were apart from the aristocracy and the nobility. However, the coroner was no respecter of rank and his role was to investigate all unexplained deaths. There was a view that the upper classes looked after their own and that a doctor would provide a death certificate for burial, so that a coroner would not be called in the event of an unexplained death but there are many instances where a coroner insisted on an inquiry.<sup>69</sup> He investigated deaths in the best addresses, and in the working-class areas. Therefore, whilst Wakley's term, the People's Judge, is of great utility and is an ideal starting point, the definition used in this research is not the same as that used by Wakley. I extend 'the people' to mean the whole community of Newcastle upon Tyne.

I equate 'the people' with 'the public' and, by analogy, 'the community'. Reference is made to 'the community' in historical literature, for the most part, without definition or

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<sup>67</sup> Pamela Fisher (n 14).

<sup>68</sup> Burney (n 14) 14. The magistrates could be called upon by the local community but only in extreme circumstances and they were likely to be less accessible than the coroner.

<sup>69</sup> The coroner was viewed as an intruder—if the coroner's investigation could be avoided then that was preferable. If the coroner was not alerted to a death, then he could not investigate.

explanation, presumably in the expectation that the term is common and has settled meaning. However, in this thesis it is important to be clear what the term means because of its use to delineate 'the people' in the context of the People's Judge. In the next section I explore the meaning of community in the nineteenth century and in relation to the role of the coroner.

#### **1.4.2 The Office of Coroner and the Community**

The 'Community', to refer to people from all levels of society in a defined area, has early resonance. Lawrence James, in his examination of the middle class, quoted a translation of a fourteenth century sermon: 'The order of these various ranks in the community ought to be like strings on a harp', in other words, 'in any community each man ought to keep his station.'<sup>70</sup> However, although the members of the community may have a place or a rank, they are still members of the same group.

At the end of the eighteenth century the term was widely used, as in this thesis, to include all classes of society. For example, in 1784 the *Hampshire Chronicle* referred to 'the lower ranks of the community'.<sup>71</sup> By implication, the writer assumed that the community referred to not only the lower ranks but other ranks too. Women were regularly referred to as a subset of the main community: for example, the 'Christian women of the community'<sup>72</sup> but sometimes counted separately, as in a letter from Joseph Chamberlain on women's suffrage which mentions 'special benefits both to women and the community'.<sup>73</sup> The term could include children. For example, Thomas Wentworth Beaumont, MP, referred to 'infants and younger children of the community'.<sup>74</sup>

The community was not necessarily confined to people that lived in a specific geographical area. Peter Rushton noted: 'The town was not necessarily the key community unit in Newcastle (...) the subjective community, as so often, was not equivalent to the administrative unit.'<sup>75</sup> Nevertheless it can mean all those in a

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<sup>70</sup> Quoted in Lawrence James, *The Middle Class: A History* (Abacus 2008) 13.

<sup>71</sup> 'Thursday's Post' *Hampshire Chronicle* (Hampshire, 23 August 1784) 1.

<sup>72</sup> 'British Women's Temperance Association' *Dundee Evening Telegraph* (Angus, 1 April 1878) 2.

<sup>73</sup> 'Mr Chamberlain on Woman Suffrage' *St James's Gazette* (London, 27 January 1883) 12.

<sup>74</sup> 'The Northern Union of Mechanics Institutes' *Newcastle Journal* (Northumberland, 27 August 1853) 5.

<sup>75</sup> Peter Rushton, 'Lunatics and Idiots: Mental Disability, the Community, and the Poor Law in North-East England, 1600-1800' (1988) 32 *Medical History* 34, 35 n5.

geographic area. My analysis of the newspapers published in nineteenth century Newcastle indicates that 'the community' was used to refer to the whole of the local populace unless qualified by a sub-group. For example, an 1862 editorial in the *Newcastle Guardian* boasted of: 'the estimation in which our journal is held by the professional and trading classes of the community.'<sup>76</sup>

In an example pertinent to the life of JT Hoyle, the *North and South Shields Gazette and Northumberland and Durham Advertiser* discussed the Licensed Victuallers Association and concluded: 'What the Association had done might very properly have been done by the community at large'.<sup>77</sup> The phrase 'not for the benefit of one particular class but for the community at large' was used in 1870 about local taxation.<sup>78</sup> 'The people' can be seen as analogous with 'the community', and by this all levels of society. In the context of this thesis, all the people within the boundaries of the Borough of Newcastle upon Tyne are subsumed in the 'community'.

How has 'the community' been used in connection with the office of the coroner? John Cooper explained, in the period in which the coroner was the King's tax gatherer, 'the community' could be punished if they refused to assist the coroner's inquisition.<sup>79</sup> There is no indication that the community in this context included all layers of society but there is an understanding that it included all the English-born inhabitants. The law was designed to protect the ruling Normans from the native population.<sup>80</sup>

The coroner's investigation was relevant to all members of the community and there can be no doubt that this debate as to its usefulness was wider than within the literate middle classes. As Fisher has pointed out, 'the coroner was part of the community, a man who would have been known to most people by sight, and perhaps also by reputation'.<sup>81</sup> Hoyle, unlike his near contemporary Edward Hussey in Oxford, who was a doctor of medicine and therefore regularly visited the homes of his constituents, was a commercial lawyer who would rarely, if ever, have been in the homes of the poor. However, his court was regularly constituted in public houses and

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<sup>76</sup> 'Editorial Notice' *Newcastle Guardian and Tyne Mercury* (Northumberland, 29 November 1862) 5.

<sup>77</sup> 'Anniversary Dinner of the Licensed Victuallers' Association of Newcastle and Gateshead' *North and South Shields Gazette and Northumberland and Durham Advertiser* (Durham, 4 Oct 1855).

<sup>78</sup> *Newcastle Journal* (Northumberland, 20 October 1870) 3.

<sup>79</sup> John Cooper, *Inquests* (Hart 2011) 5.

<sup>80</sup> See Hunnisett (n 25).

<sup>81</sup> Pamela Fisher (n 14) 3.

he travelled to all areas of the town, from the finer areas to the working-class houses and the slums. Hoyle was known and recognized by the people of Newcastle. He was included as number 19 of 'Men You Know' in the *Newcastle Critic* in 1874, taking his place amongst an eclectic mix of politicians, clergymen, and actors.<sup>82</sup>

JD Havard, in *The Detection of Secret Homicide*, centred the coroner in his debate. He suggested 'medico-legal investigation of all violent deaths, and all sudden deaths of unexplained cause is of considerable importance to the community.'<sup>83</sup> He described the coroner's investigation as being 'of considerable service to the community'.<sup>84</sup> This echoes Dempsey a century earlier who had asserted: 'there cannot be a member of the community who doubts its [the coroner's court's] usefulness.'<sup>85</sup> Other work has underlined the broad remit of the coroner and his power across the classes. Mary McHugh concluded: 'the different social strata of the community are very much revealed in the Inquisitions', noting the coroner investigated, and was concerned with, all social classes.<sup>86</sup> Contemporary opinion agreed that Hoyle's services were 'cheerfully rendered, in the interests of the community at large.'<sup>87</sup>

Hoyle was elected as coroner in April 1857. His appointment was at a time at which the office was at the forefront of political debate.<sup>88</sup> The issues discussed in Parliament and the press and elsewhere, went to the heart of the coroner's role and function. Hoyle, who was well-read and involved in local politics, would undoubtedly have been aware of the battle between coroners and magistrates.<sup>89</sup> The Northumberland coroner, Stephen Reed, Hoyle's near neighbour, had disputes with magistrates and Hoyle's brother Richard, was a member of the Newcastle bench. It would have been a fruitful topic for discussion at the dinner table.<sup>90</sup>

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<sup>82</sup> The bound volume in Newcastle Central Library is annotated 'not another copy of this book in existence'.

<sup>83</sup> JDJ Havard, *The Detection of Secret Homicide: A Study of the Medico-legal System of Investigation of Sudden and Unexplained Deaths* (MacMillan 1960) xiii.

<sup>84</sup> Havard (n 83) xiv.

<sup>85</sup> Dempsey (n 42) 15.

<sup>86</sup> McHugh (n 14) 99.

<sup>87</sup> 'Death of Mr JT Hoyle' *Newcastle Daily Chronicle* (Northumberland, 26 December 1885) 8.

<sup>88</sup> See for example 'Coroner's Courts' *Morning Chronicle* (London, 27 December 1858) 3.

<sup>89</sup> Even though Dempsey's pamphlet was not reviewed in the Newcastle press.

<sup>90</sup> There are several references to dining in Hoyle's notebook *Richmonds Solicitors Box of Miscellaneous Papers* (Tyne and Wear Archives D3620).

### 1.4.3 *The Judicial Role of the Coroner*

In a Select Committee hearing in 1860, Edward Montague-Smith suggested that the coroner was ‘principally a ministerial officer, and that all inquisitions that he holds are ministerial, to assist the Crown.’<sup>91</sup> However the Chairman interjected: ‘He is the judge of a court of record is he not?’<sup>92</sup> This exchange demonstrated the uncertain and undocumented nature of the coroner’s role but underlined the accepted judicial function. The lack of a clearly defined position in legislation underlined the uniqueness of the office.

Hoyle swore numerous formal oaths in his professional roles.<sup>93</sup> He promised, when he was appointed as a Chancery Master Extraordinaire, to serve the King and ‘his People.’<sup>94</sup> Although there is no preserved evidence of the precise words of the coroner’s oath when he was appointed, the nature of the oath can be elicited from the evidence given by coroner William Baker to the Select Committee in 1859: ‘I am bound by the solemn oath which was imposed on me when I took office, to conduct it to the best of my ‘cunning, wit and power, both for the Queen’s profit and the good of the inhabitants within the county’.<sup>95</sup> The ‘cunning’ is interesting—however, the prevailing nineteenth century use of the word implied skill and expertise, not deceit.

In a letter in 1853 Baker reported that his duties had been principally exercised over ‘artisans and persons in the lowest grades of life’.<sup>96</sup> His use of principally, and not exclusively, emphasises, whilst inquiries into deaths at the lower end of the social scale were a major part of a coroner’s work, deaths in other levels of society were also investigated. The work and everyday existence of the mass of the population gave greater scope for accidents or incidents that caused death, and the poor and the workers were, of course, the greater proportion of the community. Baker explained that the coroner provided a ‘bulwark *for the security of human life*’.<sup>97</sup>

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<sup>91</sup> House of Commons Report, *Proceedings and Minutes of Evidence of the Select Committee on the Office of Coroner* (C (1st series) 3136 1860) para 898.

<sup>92</sup> *Ibid.*

<sup>93</sup> For a discussion of oath taking in elites in the nineteenth century see Albert D Pionke “‘I do swear’: Oath-Taking Among the Elite Public in Victorian England” (2007) 49 (4) *Victorian Studies* 611.

<sup>94</sup> *John Theodore Hoyle Oath of Masters Extraordinary in Chancery 1831* (The National Archives C 202/221/15).

<sup>95</sup> House of Commons *Costs of Prosecutions, the Expenses of Coroners’ Inquests etc* (C (1st series) 2575, 1859) 131.

<sup>96</sup> House of Commons (n 95) reproduced in the appendix to the report.

<sup>97</sup> House of Commons (n 95) William Baker to Lord Palmerston *Letter* (15 April 1853).



My definition of the people is synonymous with ‘the community’—meaning all levels of society and everyone within the boundaries of the Borough of Newcastle upon Tyne. Hoyle was the People’s Judge for all strata of society in the community of Newcastle. He worked ‘in the interests of the community at large’.<sup>98</sup> And what is more, ‘how he performed the duties of the office the public know. A more zealous, faithful servant the city’s authority could not have had’.<sup>99</sup> JT Hoyle was a liberal in political terms, but unlike Thomas Wakley did not view himself explicitly in the role of defender of the poor. Nor was he a ‘guardian of marginalized groups’.<sup>100</sup> He was not, in Wakley’s mould, a ‘representative of labour’; but he was pivotal to the smooth running of Newcastle society.<sup>101</sup> In a letter dated 1 March 1865, addressed to the mayor of Newcastle upon Tyne, Hoyle trenchantly stated that he was ‘the Queen’s Officer, elected for life, and responsible only to the legislature.’<sup>102</sup> In fact, his conduct of inquests reveals a more nuanced picture.

His legal qualifications and professional identity are key to establishing how he fulfilled his role as the coroner.<sup>103</sup> Therefore, a biographical chapter is central to this thesis to paint a rounded picture of Hoyle and his family.<sup>104</sup> In suggesting that he was the People’s Judge he is not a champion of the poor and marginalized, his role is wider than a narrow interpretation of the term. The qualities of the People’s Judge were empathy, fairness, use of legal knowledge and legal professional skills for the benefit of the whole community. Thus, reflecting Coke’s sixteenth century definition of the coroner in the challenges posed by the nineteenth century.<sup>105</sup>

## 1.5 The Literature on the Coroner

Much literature on the coroner’s court, most notably the work of RF Hunnisett, and more recently, Sara Butler and Matthew Lockwood, has examined the early history.<sup>106</sup> In contrast, the nineteenth century coroner, except for Wakley, has been

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<sup>98</sup> ‘Death of Mr JT Hoyle’ (n 87).

<sup>99</sup> ‘Death of Mr John Theodore Hoyle’ *Newcastle Journal* (Northumberland, 26 December 1885) 6.

<sup>100</sup> Sim and Ward (n 37) 245.

<sup>101</sup> Brook (n 55).

<sup>102</sup> ‘Newcastle Town Council’ *Newcastle Daily Journal* (Northumberland, 7 March 1865) 2.

<sup>103</sup> See details of qualification in Chapter 2.

<sup>104</sup> As established by Elizabeth Hurren, seeking to understand the life and daily work of the coroner is central understanding and analysing his work in the coroner’s court.

<sup>105</sup> Coke (n 50).

<sup>106</sup> Butler (n 22); Lockwood (n 21).

sparsely studied by academics. Most of the in-depth work has been undertaken by doctoral researchers. There is surprisingly little published academic literature on the coroner. However, four strands emerge from what there is: examination of specific inquests; professionalization; medicalization; and hidden homicide. None of these are the focus of this thesis, although they will inevitably be touched upon. However, it is important to discuss why this is the case. The most dominant theme examined by scholars of the nineteenth century coroner is the increased medicalization of the role of the inquest.<sup>107</sup>

Any review of the literature on coroners must start with Ian Burney's work which was the first study of the nineteenth and early twentieth century using the inquest as a lens. Burney is an historian of medicine and therefore, understandably, his thesis comes from a medical perspective. He used the inquest as a tool to examine the development of a political role for death investigation and documents an increasingly medicalized focus. This concentration on medicine, and arguable neglect of the law, is because Burney centres his analysis on Thomas Wakley and the Middlesex coronership. He starts in the 1830s and looks at the inquest as a means for Wakley's liberal politics. Contemporaneous accounts of Wakley's work suggested that he used the inquest to progress his political agenda and, because he was a doctor, used medicine as the conduit. Burney does not consider, because it was not one of his research questions, the role and importance of a legally qualified coroner. Nor does he examine the role of the inquest in investigating a death where the precise medical cause was not vital but when the law merely wished to know whether a death was natural or homicide. For example, the lines could be blurred in suspected cases of poisoning and in such cases medical evidence was vital.

Burney's work is a study of the development of forensic medicine, and the inquest is the arena for this. He carried out an examination of Wakley and his political agenda, until 1862.<sup>108</sup> He then looked at the development of mortuary facilities and presented a study of deaths under chloroform, which was a new concern in the later nineteenth century.<sup>109</sup> Burney's analysis concluded with the Coroners Act 1926. He did not examine the period covered by my research, nor developments outside London.

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<sup>107</sup> Burney (n 11) and Burney (n 14). Burney's work emphasises the role of medical doctors in the coroner's court and, in the main, discusses and analyses inquests in London.

<sup>108</sup> Wakley's death.

<sup>109</sup> One of the first deaths under chloroform took place in Newcastle but there were few in JT Hoyle's period in office.

Although Burney does not take a chronological approach, there is an overlap in the general timeline between my work and his of approximately five years from 1857 to 1862. He considers four inquests in depth but primarily his work is on a macro level. The study presents a London-focused study characterized by linear progression. He does not analyze the mid to late nineteenth century and therefore there is little to assist my study, save for the general observation that Burney's findings of an increasingly medicalized inquest are not borne out in Newcastle in the court of a legally qualified coroner.

Taking the lead from Burney, much other work on the coroner uses Wakley as a starting point. Yvonne Fisher widens the field to include other London coroners but does not step outside the Capital and sadly was not granted access to original papers. She suggests, in a comprehensive chapter examining coronial manuals, an increasing professionalization of the role of coroner, and agrees with Burney that inquests became medicalized. She suggests this was driven by the Coroners' Society, in London, which was also a vehicle for Wakley.<sup>110</sup>

Pamela Fisher, in common with JDJ Havard, concluded that the coroner's court was a mechanism that led to homicides being hidden, based upon the tussle for power between magistrates and coroners.<sup>111</sup> Fisher carried out a macro-study, with a huge amount of work covering several counties, but again taking the lead from Wakley and county coroner elections. Her work provides a wonderful wide-ranging survey of the inquest from the late eighteenth century until the late nineteenth century through several lenses. Her wide qualitative study of coroners' work concluded that the system led to the underreporting, and possibly disguising, of homicide.<sup>112</sup> Fisher concluded, after studying an impressive array of coroners' inquisitions and sources from across the country, that it is:

unwise (...) to draw conclusions about the office or about any category of sudden or violent death without first acquiring a full understanding of the coroners concerned, their jurisdictions and any external factors that influenced how their duties were performed.<sup>113</sup>

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<sup>110</sup> Yvonne Fisher (n 14).

<sup>111</sup> Havard (n 83); Pamela Fisher (n 14).

<sup>112</sup> The geographical areas are in the Midlands. Durham is mentioned, but it is not clear why Durham was chosen as a comparator for the primary areas studied.

<sup>113</sup> Pamela Fisher (n 14), 22-23.

To this observation I would add that there should be analysis of, so far as is possible, internal and personal factors.

The link between the professional role of the coroner and an examination of their lives is underscored by coroners who have written about their profession. Mary McHugh, the first woman to be appointed as a full-time coroner, despite the title of her thesis suggesting a discussion of the development of the common law, developed a thesis with contemporary recommendations for reform.<sup>114</sup> Gordon Glasgow, the former coroner for the Metropolitan Boroughs of Sefton, Knowsley and St Helens spent his retirement researching and writing about coroners, including Wakley but also coroners from the North West of England. His work contains some biographical insight.<sup>115</sup> Donald Pritchard dealt with reform in his thesis and suggested the resistance to change in coronial circles was, to some extent, based upon the ancient history of the coroner's office and the link to the people.<sup>116</sup> His research was conducted during a turbulent period for the coronial service when the spotlight of the Shipman Inquiry and the Alder Hey Inquiry were occupying the headlines. It took an historical perspective, and a chronological examination of the reform of the coroner's court.<sup>117</sup> He concentrated upon the metropolis and discovered influences beyond the narrower medical focus of Burney's work.

The work of the coroner attracts not only historians and retired coroners. John Fenwick conducted a sociological study of the coronial system, covering a later period than my thesis.<sup>118</sup> Recent work has looked at deaths in custody and the role of the family in inquest proceedings.<sup>119</sup> This work is not of direct relevance to my thesis but has provided useful insight.

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<sup>114</sup> McHugh (n 14).

<sup>115</sup> Gordon HH Glasgow was awarded a doctorate by Cambridge University in recognition of his extensive scholarship on coroners. See bibliography—there is too much to list in a footnote - his work is referenced as appropriate.

<sup>116</sup> Pritchard (n 14).

<sup>117</sup> See House of Commons, *The Royal Liverpool Children's Inquiry Report* (Stationery Office, 2001) and House of Commons, *The Shipman Inquiry Third Report: Death Certification and the Investigation of Deaths by Coroners* (Cm 5854, 2003).

<sup>118</sup> Fenwick (n 14).

<sup>119</sup> Catherine R McGowen, 'Frustration of Purpose: Public Health and the Future of Death Investigation in England and Wales' (PhD thesis, London School of Hygiene and Tropical Medicine 2012); Maxwell McClean, 'The Coroner in England and Wales: Coronial Decision-Making and Local Variation in Case Outcomes' (PhD thesis, University of Huddersfield 2015); Melanie Pearson, 'Between Legality and Empathy : An Examination of the Coroner's Inquest and its Impact on the Emotions of Those Bereaved by Road Death' (PhD thesis, University of Essex 2020).

The themes to be drawn from the dedicated work on the coroner are increased medicalization, a political role, hidden homicide and suicide, and infanticide, and a system ripe for reform.<sup>120</sup> My research does not seek to replicate, support, or refute these authors' work. The focus of my research is a North East England coroner.<sup>121</sup> Although there is little written on North East coroners, a study, by Roy Thompson, of Northumberland coal mining includes a chapter devoted to the nineteenth century coroner for South Northumberland, Stephen Reed and his work in mining accidents.<sup>122</sup> Reed was an unsuccessful candidate for the Newcastle coronership following the Municipal Corporations Act.<sup>123</sup> Reed's approach to the role of coroner provides a contrast to that taken by Hoyle and this is referenced later.<sup>124</sup>

This overview of the literature on coroners now turns to discussion of the work which is of greatest influence on this thesis: Elizabeth Hurren's study of the life and work of the coroner for Oxford, Edward Hussey. Hurren had the benefit of a substantial archive of sources, including Hussey's published notebooks, and she emphasized the importance of understanding and analyzing the personal perspective of a coroner to fully inform discussion of his work.<sup>125</sup> As she observed, and as demonstrated by the work already outlined, 'the social lives of coroners and their daily interactions remain relatively neglected in historical accounts'.<sup>126</sup> The personal stories behind the statistics bring colour and context to an examination of the coroner's court. Hussey was a medical coroner and Hurren's insight into his role as he combined medical practice with the coronership provides a warrant for my research into the life and work of a legally qualified coroner. Hurren cautioned against generalizing about coroners. Until work is carried out to analyse and examine coroners across England

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<sup>120</sup> Victoria Holmes, 'Dangerous Spaces: Working-Class Homes and Fatal Household Accidents in Suffolk, 1840-1900' (PhD thesis, University of Essex 2012)—Holmes uses the work of the coroner, via newspaper accounts in the *Ipswich Journal*, to build a picture of domestic accidents and deaths; Edward Kirton-Darling focused his research on the family in the coroner's court in the twentieth and twenty first centuries in 'Looking for Justice : The Family and the Inquest' (PhD thesis, University of Kent 2016); Kirton-Darling discussed deodands in 'Searching for Pigeons in the Belfry: The Inquest, the Abolition of the Deodand and the Rise of the Family' 2014 14 (3) *Law, Culture and the Humanities* 439. Deodands were abolished in 1846 and therefore not relevant to Hoyle's coronership. Katherine Watson, *Medicine and Justice: Medico-legal Practice in England and Wales, 1700-1914*, (Routledge 2020).

<sup>121</sup> The North East is under-researched in many important areas.

<sup>122</sup> Roy Thompson, *Thunder Underground: Northumberland Mining Disasters 1815-1865* (Landmark Publishing Ltd 2005).

<sup>123</sup> Part of his coronial territory was hived off for the new borough coroner's area.

<sup>124</sup> Thompson (n 122).

<sup>125</sup> Hurren (n 16) 207.

<sup>126</sup> Hurren (n 16).

and Wales, it is not possible to reach common conclusions and, as in many areas of study, the London experience which has been studied in greatest depth may be the exception rather than the rule. The coroner's court was, even until 2013, a peculiarly local affair with little control and oversight from the 'centre'.<sup>127</sup>

Hurren records that Hussey did not make any mark on the national scene. However, she emphasized 'a coroner's personal attributes and innate negotiation skills also shaped their professional standing in the locality' and Hussey influenced his own community in Oxford.<sup>128</sup> As a result of his medical work, Hussey was adept at communicating with all social classes. Similarly, Hoyle was acknowledged as being able to communicate with all levels of society. Although he did not have the advantage of working with all classes in his professional life, as did a doctor, his wide interests brought him into contact with a significant spectrum of the community.<sup>129</sup> Hurren suggested 'empathy was an essential medical attribute'.<sup>130</sup> I argue that empathy was also a lawyer's attribute and one Hoyle demonstrated daily, and abundantly.

It is impossible to properly understand the localized work of the coroner, illuminated in Hurren's work, without examining the life of the man in the role.<sup>131</sup> Hoyle already had excellent community bonds when he became coroner.<sup>132</sup> Further, he did not have to deal with the conflict Hussey experienced when dealing with alleged medical negligence. Hoyle could be dispassionate and call for medical evidence in support of the law. Burney suggested coroners wished to keep the press out of court, but Newcastle inquests were open to the press, as evidenced by the detailed newspaper accounts and the specialist reporters.<sup>133</sup> This may be due to Hoyle's personal contact with the newspapers, through his own journalism. Burney suggested lawyers could not afford the price of publicity but in Newcastle publicity was extremely important and used to advantage. Hoyle saw benefit in broadcasting messages to the community. Burney developed a theory of a medically driven tribunal guarding the

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<sup>127</sup> See House of Commons, *Death Certification and Investigation in England, Wales and Northern Ireland: The Report of a Fundamental Review* (Cm 5831, 2003).

<sup>128</sup> Hurren (n 16). Hussey did play a small part nationally- he was consulted for the 1880 edition of *Jervis* (n 53).

<sup>129</sup> See Chapter 2.

<sup>130</sup> Hurren (n 16) 217.

<sup>131</sup> Hurren (n 16).

<sup>132</sup> *Ibid.*

<sup>133</sup> See (n 209) for the names of the reporters I have identified.

interests of the people but in Newcastle the tribunal was driven by the law and protected the community against medical zeal.<sup>134</sup> To co-opt the words of the journalist from the *Northern Star and Leeds General Advertiser* who, criticising Wakley when he trumpeted the success of the verdict following the death of James Lisney, in the workhouse in Hendon: ‘was it legal, was it constitutional’?<sup>135</sup> In Newcastle Hoyle, a legal coroner, ensured inquests were properly, legally, constituted.<sup>136</sup>

Burney’s conclusion, supported by later work by Yvonne Fisher, that inquests became more ‘professional’ is based upon an assumption that professionalism came only from medical expertise and the codification of practice in coroner’s manuals. In Newcastle the coroner was a professional man who had no need to assert his professional identity in the coroner’s court. Hoyle was a solicitor, highly qualified in the law and experienced as a deputy coroner when he assumed the full role in 1857. The court in Newcastle had fallen into disrepute due to financial irregularities, but Hoyle treated the court as a professional arena. He did not need to make his fortune as the coroner, he already had a highly successful legal practice and was secure in his professional abilities and widely respected. He had none of the drawbacks and insecurities exhibited by Hussey—or even Wakley. As a solicitor, he was experienced in handling evidence and questioning witnesses.<sup>137</sup> In short, Hoyle was ‘the right man in the right place’.<sup>138</sup>

Hoyle regarded medicine as a tool, alongside other expertise, to assist the legal function of the court. There is no evidence of increased medicalization of the inquest in Newcastle, beyond an expected improvement in the accuracy and usefulness of the science as the century progressed. Hoyle was accustomed to calling independent medical evidence to inform a case from an early stage in his career.<sup>139</sup> The use of medical evidence was part of his usual approach to a case. It was not a sign of increased medicalization. Medicine was always in a supporting role to the law.

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<sup>134</sup> See Chapter 3.

<sup>135</sup> ‘Poor Law Benefits Once Again’ *Northern Star and Leeds General Advertiser* (Leeds, 26 December 1840) 3.

<sup>136</sup> Burney (n 14) 48; Glasgow (n 59)

<sup>137</sup> See Chapter 2.

<sup>138</sup> As explained by his seconder— see Newcastle upon Tyne Corporation, *The Poll at the Election of Coroner for Newcastle upon Tyne on the 16th April 1857* (D Dunglinson 1857).

<sup>139</sup> See discussion about Archibald Bolam in section 2.8. Preliminary research, I carried out with Clare Sandford-Couch, suggests ‘forensic’ investigation by the police may have started much earlier in Newcastle than in other parts of the country.

Burney examined the politics of the inquest as a forum for Wakley's ambition and an appeal to the populace, playing off law and medicine, but that was not Hoyle's approach. There is no preserved evidence to explain why Hoyle was so keen to be the coroner, and conclusions must be speculative. When he first applied in 1835 it may have been to develop his legal practice but by 1857 this was no longer a concern: he was successful and wealthy. I suggest he saw it as a duty and within his power to make a difference to the community. He combined 'legal knowledge, dispassionate judgement, and large experience.'<sup>140</sup> He had a good relationship with the Town Council who paid his wages. He commanded respect from all levels of the community and was not afraid to investigate and hold doctors and employers to account. The inquest in the mid to later nineteenth century was not simply an arena for increased medical expertise. Coroners called expert evidence from other professions, under the umbrella of the legal inquiry. A lawyer was best placed to make decisions about where and when such evidence was needed. Burney's natural desire to place the dead body at the centre of the process loses sight, slightly, of the importance of other factors such as a view of the scene and the external factors: the bigger picture. Viewing the unguarded hole, the dangerous track or the broken bridge was equally important to the legal coroner as the precise medical cause of death.

Hoyle was a Liberal but there is no evidence he pushed a political agenda in office.<sup>141</sup> As the People's Judge, as I have defined it, his main concern was not to hold truth to power. He had a wide remit and used politics—with a small p—to seek to improve conditions and to investigate deaths for the benefit of the individual families and for the community. He did not campaign like Wakley, and use the coroner's court as a soapbox, or suffer like Hussey, who had to juggle conflicts of interest between his medical practice and his coronership. Once Hoyle became coroner party-political ambitions took a back seat.

My lens of the People's Judge is a re-imagining of Wakley's manifesto. Hoyle did not sit on a national stage and he was not influenced by London coroners: he was never

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<sup>140</sup> 'Police Violence in Newcastle' *Newcastle Guardian and Tyne Mercury* (Northumberland, 20 June 1863) 5.

<sup>141</sup> He was a member of the Liberal party and may have nursed political ambition in his early career—see Chapter 2.



a member of the Coroners' Society.<sup>142</sup> He did not need membership to define his professional identity.

What my research examines is the life and work of a legally qualified coroner working a long distance from London. This was a coroner who was not involved in a febrile election process nor a coroner who had his investigations and expenses investigated as excessive. His court was professional from the start. He investigated deaths and decided whether an inquest was required, or whether he could spare the family from the formal inquiry. He sought medical evidence when he thought it necessary but did not, as WW Robson a solicitor contemporary wrote, 'order the dissection of a dead body by two doctors to discover the effect, if any, produced in the human stomach, by eating suet, dripping and tea leaves.'<sup>143</sup> His professionalism and steady handling of the coroner's court gave great satisfaction to the people of Newcastle.

Having outlined my aims and objectives; set out a brief history of the coroner and discussed the related academic literature where the coroner is the focus of the analysis, the next section explains and defines the theoretical underpinning and the methodology for my research.<sup>144</sup> There would have been many ways to seek to answer the research question, but a combination of approaches allowed me to focus upon Hoyle; to examine his life and work, and develop the framework of the People's Judge.

## **1.6 Methodology: Legal History**

My research is based upon analysis of newspaper accounts of inquests; images; letters and official papers. Olive Anderson highlighted 'fortunate accidents of archival survival' in respect to her ground-breaking study of suicide in Victorian and Edwardian England.<sup>145</sup> I benefitted from some of these accidents in the myriad jigsaw pieces of evidence I discovered as clues to Hoyle's life. A biography of Hoyle is central to my thesis, constructed from scattered evidence. I then analyse facets of his work in the context of his life. The analysis is not quantitative. There is value in

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<sup>142</sup> The Coroners' Society was established in 1846 and all coroners were invited to join. The Durham and Northumberland coroners were members, but Hoyle never joined. A search of the records was kindly carried out for me in November 2015 by Nicholas Rheinberg, the honorary archivist for the Coroners' Society of England and Wales.

<sup>143</sup> William Wealans Robson *Letter in Richmonds Solicitors Box of Miscellaneous Papers* (n90).

<sup>144</sup> There are several studies where coroners' records inform the research. This literature is referenced in individual chapters in the medico-legal debate, the deaths of children and accidents and disasters.

<sup>145</sup> Olive Anderson, *Suicide in Victorian and Edwardian England* (Clarendon Press 1987) 3.

counting and extrapolating from tables of inquests; and a limited number of tables in the Appendices support the analysis, but my research question does not require quantitative analysis.<sup>146</sup> I use methods of microhistory to answer the research questions.

The biography is Chapter 2, and this anchors the discussion and analysis of chosen aspects of the coroner's work which follow in Chapters 3, 4, and 5. I repurpose the nineteenth century definition of the coroner, as 'the People's Judge', as a lens to examine the work of a legally qualified coroner. The same lens could be used to examine the work of any nineteenth century coroner and is not exclusive to the study of Hoyle.

The research questions sit in the space occupied, broadly, by legal history. A distinction has been drawn, summarized by DJ Ibbetson, between 'extrinsic' legal history and 'intrinsic' legal history.<sup>147</sup> In short, intrinsic legal history is positivist and doctrinal compiled from study of legal rules, statutes, and case law: the everyday tools of a lawyer. Extrinsic history has a wider ambit and examines the law in context. It expands study into the place of law in society, or as Robert W Gordon neatly puts it: 'The external historian writes about the interaction between the boxful of legal things and the wider Society' of which they are a part.<sup>148</sup> Kunal Parker has described this as the difference between law 'in', and law 'as', history.<sup>149</sup> However, the distinction comes with a warning against the danger of being constrained by rigid definitions and a desire to neatly categorize and constrain legal historical study.<sup>150</sup>

Which leads me to microhistory.

### **1.6.1 Microhistory**

There is no agreed definition of microhistory. The methodology developed from work by Italian scholars in the 1970s and has been embraced and adapted most

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<sup>146</sup> I would like to undertake quantitative research as a companion to this study.

<sup>147</sup> David Ibbetson, 'Historical Research in Law' in P Cane and M Tushnet (eds), *Oxford Handbook of Legal Studies* (Oxford University Press 2002) and see Robert W Gordon, 'Introduction: J Willard Hurst and the Common Law Tradition in American Legal Historiography', (1975) 10 *Law and Society Review* 9.

<sup>148</sup> Gordon (n 147) 11.

<sup>149</sup> KM Parker, 'Law "In" and "As" History: The Common Law in the American Polity, 1790–1900' (2011) 1 *UC Irvine Law Review* 587.

<sup>150</sup> Ibbetson (n 147).

enthusiastically by crime historians.<sup>151</sup> It provides an umbrella for work covered by local history, social history, cultural history, biography, and narrative.<sup>152</sup> Barry Reay's close study of communities in the Blean area of Kent, using family reconstruction, is a particularly good example of a microhistory which demonstrates its utility to reconstruct a community and the complexities of a small society to reflect and illuminate wider issues. Reay's methodology which knits together diverse source materials is as applicable to an examination of an individual and his work as it is to the history of a small community.<sup>153</sup>

Microhistory involves an historical investigation into individuals, or discrete groups, to provide perspectives lost in large quantitative studies. Microhistory involves an historical investigation into individuals, or discrete groups, to provide perspectives lost in large quantitative studies. Richard D Brown has noted:

[the] 'glory of microhistory (...) lies in its power to recover and reconstruct past events by exploring and connecting a wide range of data sources so as to produce a contextual, three-dimensional, analytic narrative in which actual people as well as abstract forces shape events.'<sup>154</sup>

A detailed examination of the past, without necessarily attempting to provide definitive answers to 'big questions' or relating them to grand narratives of history, has as much validity as a sweeping study of prominent events. Linking microhistory to biography, R Gwynedd Parry suggested microhistory is an examination of a specific event in the life of the subject of the biography. However, this is only one definition of microhistory which can encompass the exploration of a specific community, or 'peculiar moments in the past, by focusing on the lives and activities of a discrete person or group of people.'<sup>155</sup>

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<sup>151</sup> See for example David Nash and Anne-Marie Kilday (eds), *Law, Crime and Deviance Since 1700: Micro-Studies in the History of Crime* (Bloomsbury 2015) and David Nash and Anne-Marie Kilday (eds), *Fair and Unfair Trials in the British Isles, 1800-1940 Microhistories of Justice and Injustice* (Bloomsbury 2020).

<sup>152</sup> See for example Carlo Ginzburg and others, 'Microhistory: Two or Three Things that I know About It' (1993) 20 (1) *Critical Inquiry* 10; István M Sziártó and Sigurður Gylfi Magnússon, *What Is Microhistory? Theory and Practice* (Routledge 2013); Nash and Kilday, 'Introduction', in *Law, Crime and Deviance* (n 151) 1.

<sup>153</sup> Barry Reay, *Microhistories. Demography, Society and Culture in Rural England, 1800-1930* (Cambridge University Press 2002).

<sup>154</sup> Richard D Brown, 'Microhistory and the Post-Modern Challenge' (2003) 23 (1) *Journal of the Early Republic* 1.

<sup>155</sup> Duanne Corpis 'Introduction to a Course on Micro-history' (Cornell University, 2012) <[history.arts.cornell.edu/2081.pdf](http://history.arts.cornell.edu/2081.pdf)> accessed 26 May 2016.

Micro historians use fragments of archival material and a diverse selection of sources, including diaries, birth, marriage and death records, census returns and ephemera, from which stories can be drawn to illuminate an event or life.

Microhistories draw particularly upon reporting in newspapers and other print media. This is particularly pertinent in this thesis because Newcastle had a rich selection of newspapers and periodicals which were a vital source of information for the community and Hoyle used them to great effect. My research combines microhistory with a biographical approach. The repositories searched, the sources used, and the method are set out in section 1.8.1.

### **1.6.2 Biography and History**

There is heated debate as to the link between writing history, and the place of biography, and where the lines should be drawn; how the subject should be delineated and of what use it is to wider scholarship, particularly legal scholarship, and legal history. The waxing and waning of interest in socio-legal scholarship, legal history as an 'acceptable' legal discipline, and the nature of legal history, is bound up in the debate about the use and validity, or otherwise, of a biographical approach.

In the mid-1970s in America, when the interest in scholarly legal biography was reignited, DHJ Herman suggested biography was distinct from history due to the focus on an individual.<sup>156</sup> He referred to the link between 'identity and role' and the importance of biographical study in assisting in the study of legal lives.<sup>157</sup> Herman suggested biography is not history, but literature, and specifically mentioned contemporary legal biographies (a category that he suggested is an 'arbitrary classification').<sup>158</sup> However, Stephen W Botein advised that the link is 'perplexed'.<sup>159</sup> I suggest the link is manifest. A statement that biography is not history leads to a philosophical blackhole where trying to define what is, and is not, history results in classification and cataloguing being more important than research. This underlines Parry's point that a desire to label can constrain the study of legal history. Labelling is not necessary and doing so, at the expense of action, is unhelpful if it limits inquiry.

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<sup>156</sup> DHJ Herman, 'Patterns of a Life in Law: A Consideration of Contemporary American Legal Biography' (1974-1975) 24 De Paul Law Review 855.

<sup>157</sup> Herman (n 156) 862.

<sup>158</sup> Herman (n 156) 859.

<sup>159</sup> S Botein, 'Biography in Legal History' (1976) 69 Law Library Journal 457.

Ibbetson identified a third type of study, 'institutional studies (...) biographical and prosopographical studies' which link intrinsic and extrinsic examinations of law and history.<sup>160</sup> He suggested studies of courts, individuals via their personal papers, and lives and groups for whom individual information is not available but who can be characterized by a common theme or outlook, ensure a rounded picture of the law and its ambit. Fortunately, over the last decade, there has been an increased interest in life writing and bibliographical studies by legal scholars and legal historians.

Despite David Gee's assertion that biographies have been a medium for disseminating academic research in a popular format, Parry noted: 'there is scant trace of even modest enthusiasm towards legal biography as a form of scholarly inquiry within most university law schools.'<sup>161</sup> This may be because of the fear that the certainties, which can be elicited from legislation and case law, cannot be replicated when drawing conclusions from a disparate set of primary sources and fragments.

A welcome re-examination has taken place of the place and methods of biographical study, particularly in Australia, the United States, and in England.<sup>162</sup> In the 2012 Seldon Society lecture, Professor William Cornish highlighted, and commended, a renewed interest in legal biography.<sup>163</sup> David Sugarman and Linda Mulcahy have done much to rehabilitate legal biography and demonstrate its utility.<sup>164</sup> Their edited collection, *Legal Life Writing: Marginalized Subjects and Sources*, highlighted the breadth and validity of the form.<sup>165</sup> Sugarman expanded on Parry's assertion that: 'a subject's intellectual legacy is enhanced by an understanding of his character,' by concluding 'despite its undoubted difficulties, legal life writing provides a vital resource for understanding the ideas and culture of the legal community, and their place within the wider world.'<sup>166</sup> He is enthusiastic about the benefits of bibliographic

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<sup>160</sup> Ibbetson (n 147).

<sup>161</sup> David Gee, 'Legal Biography' (2014) (14) 1 *Legal Information Management* 15; R Gwynedd Parry, 'Is Legal Biography Really Legal Scholarship?' (2010) 30 *Legal Studies* 208.

<sup>162</sup> See M Kuykendall, 'Designing a Course in Judicial Biography' (2013) 53 *American Journal of Legal History*.

<sup>163</sup> William Cornish, *Life Stories and Legal Histories* Seldon Society Lecture 4 July 2012 (Selden Society 2015).

<sup>164</sup> David Sugarman, 'From Legal Biography to Legal Life Writing: Broadening Conceptions of Legal History and Socio-legal Scholarship' (2015) 42 (1) *Journal of Law and Society* 7.

<sup>165</sup> Linda Mulcahy and David Sugarman (eds), *Legal Life Writing: Marginalized Subjects and Sources* (Wiley Blackwell 2015).

<sup>166</sup> Parry (n 161) 229; David Sugarman, 'Alternative Visions of Legal Biography: An Abstract' (2014) 14 (1) *Legal Information Management* 17.

writing and hopes that his contribution to the literature will inspire cross discipline and a 'pluralistic conception of life writing'—unconstrained by the need to label it as intrinsic/extrinsic or internal/external, or even top down, or bottom up. This hope may not yet have been fully realized but a special issue of the *Journal of Legal History*, dedicated to legal biography, suggests interest is widening.<sup>167</sup> Further, the Legal Biographies Project, hosted by the London School of Economics, was developed to provide 'a focus in Britain for biographical research in law' and described such study as 'much neglected'.<sup>168</sup>

Cornish stated that in exploring and emphasising the importance of 'life stories', he is 'just a legal historian who appreciates the key significance of seeing events, actions and people primarily from the perspective of their own time and within the limits of their own objectives'.<sup>169</sup> This perspective underscores my approach to this study. A biographical approach, coupled with microhistory, bridges the perceived gap between the extrinsic and intrinsic explorations of legal history and ensures I can satisfactorily answer my central question: was Hoyle the People's Judge? Understanding his life and character is fundamental and, as Cornish asserted, 'biographical material gives colour of personality to more abstract accounts of the law that record its achievement, its re-directions, its failures'.<sup>170</sup>

There is, therefore, a slightly troubled relationship between legal history and biography. Legal biography in particular is viewed by some legal academics as a second-class form of historical inquiry.<sup>171</sup> The 2020 special issue of *Legal History* opened with an apologetic editorial, 'On Legal biography', explaining, with reference to work by Richard Holmes: 'Biography itself is often regarded as a questionable exercise in academic scholarship'.<sup>172</sup> As a practising lawyer, concerned with the

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<sup>167</sup> (2020) 41 (2) *The Journal of Legal History*: based on a conference on the same topic held at the Max Planck Institute for European Legal History in Frankfurt in 2019 and the *Legal Lives* project hosted at the British Library.

<sup>168</sup> London School of Economics, (*Legal Biography Project*) <[www.lse.ac.uk/law/legal-biography-project](http://www.lse.ac.uk/law/legal-biography-project)> accessed 8 March 2021.

<sup>169</sup> Cornish (n 163) 4.

<sup>170</sup> Cornish (n 163) 7.

<sup>171</sup> Lesley Dingle is sceptical: see 'Legal Biography, Oral History and the Cambridge Eminent Scholars Archive (ESA)' (2014) 14 (1) *Legal Information Management* 58 and Sugarman (n 166) considers that such work has not been good for academic careers.

<sup>172</sup> Victoria Barnes and others, 'On Legal Biography' (2020) 41 (2) *The Journal of Legal History* 115; Richard Holmes, 'The Proper Study?' in Peter France and William St Clair (eds), *Mapping Lives: The Uses of Biography* (Oxford 2004).

everyday use of the law and an acute insight into the ways in which the law intrudes and judges the lives of clients, I find academic disdain lacks discernment.

My view is neatly expressed by Wilfred Prest:

If we want to understand the somewhat arcane specialized world of the law, and its impact—both for good or bad—on the social community, past and present, looking more closely at the lives of the individuals who inhabit it seems an obvious way to proceed.<sup>173</sup>

Despite the dismissiveness of some scholars, biographical studies of judges and academics have been a major part of American and Australian scholarship since the 1970s. Parry suggested that the Victorian ‘great man theory of history’ led to the backlash.<sup>174</sup> Since Philip Girard suggested a widening of scope would be appropriate, steps have been taken to advance alternative histories using biography as an interpretive tool.<sup>175</sup> New biographies look beyond the ‘usual suspects’ and recent work has concentrated upon women judges and legal academics.<sup>176</sup> My research could be criticized for looking at a ‘great man’. However, Hoyle was not a great man in the traditional sense.<sup>177</sup> He is a forgotten figure in the Victorian landscape, but his life and work deserve recognition and study to better understand the legal landscape of his nineteenth century town.

Biography and life writing, and ‘life stories’, are terms used interchangeably.<sup>178</sup> Biography literally translates as life writing and therefore to refer to both may be tautology.<sup>179</sup> In practice, ‘life writing’ has evolved to be shorthand for contemporary writing that involves interviews and discussion with the subject of the study; and biography is reserved for a more distanced study of a life.<sup>180</sup> There are, of course, no

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<sup>173</sup> Wilfred Prest, ‘History and Biography, Legal and Otherwise’ (2011) 32 *Adelaide Law Review* 203.

<sup>174</sup> Parry (n 161) quoting Whittemore 223.

<sup>175</sup> Philip Girard, ‘Judging Lives: Judicial Biography from Hale to Holmes’ (2003) 7 *Australian Journal of Legal History* 87.

<sup>176</sup> For example, *The First 100 Years Project* <<https://first100years.org.uk/>> accessed 14 October 2020 and Fiona Cownie, ‘The United Kingdom’s First Woman Law Professor: An Archerian Analysis’ (2015) 42 (1) *Journal of Law and Society* 127.

<sup>177</sup> In his lifetime, he was once described as (perhaps tongue in cheek) ‘the Greatest Man in Newcastle’ see (n 411).

<sup>178</sup> Cornish (n 163) 4.

<sup>179</sup> See discussion in Hermione Lee, *Biography: A Very Short Introduction* (Oxford University Press 2009) 5.

<sup>180</sup> See for example, the research at the University of Cambridge for the Eminent Scholars Archive <[www.squire.law.cam.ac.uk/eminent-scholars-archive](http://www.squire.law.cam.ac.uk/eminent-scholars-archive)> and see Dingle (n 160).

contemporary interviews with Hoyle and therefore the life story at the centre of this research is more accurately a biography.

Although a wider pool of lives have begun to be studied, many of the traditional biographies are of well-known judges and prominent, often American, academics. Whilst they have been selected for study in greater depth due to their renown and high profile, their legal decisions and scholarship throw little light on the everyday working of the law.<sup>181</sup> My research seeks to understand the life and work of an important figure—one whose actions had potential to have far reaching effects on those he served. The coroner is one of the few judges who can be said to be part of a community.<sup>182</sup> His judicial work sat alongside his occupation, as a solicitor or medical practitioner (or, in the nineteenth century, a tradesman or businessman), and his private and public interests.<sup>183</sup> A reconstruction Hoyle's life is essential before passing judgement as to whether he was the People's Judge. The biography is an endeavour to understand him, to consider and analyse his work in the coroner's court. The community had easy access to Hoyle and were able to seek him out, to trust him and to respect his conduct of the court. Central to this is his identity as a solicitor.

## 1.7 My Approach to the Biography of Hoyle

The methodology of biography is not without problems. Nicola Lacey explained that 'biography is not a genre distinguished by any one methodology.'<sup>184</sup> It could be this that has subdued interest. Whether it is necessary, or appropriate, to establish the straitjacket of a methodology is not discussed. Parry acknowledges that legal biography is not a simple task.<sup>185</sup> In his view, biographical legal studies adopt several approaches. First, an empirical, 'fact or event orientated' method, characterized by explorations of the lives of famous advocates and exemplified by Edward

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<sup>181</sup> The *Dictionary of Legal Biography* includes a list of such luminaries- no coroners are included. AB Schofield, *Dictionary of Legal Biography 1845-1945* (Barry Rose Law Publishers Ltd 1998).

<sup>182</sup> Magistrates may have a claim to this, but in Newcastle many magistrates lived in large houses beyond the boundaries of the town.

<sup>183</sup> The qualification was linked to property ownership and not profession.

<sup>184</sup> Parry (n 161) 209; N Lacey, *A Life of HLA Hart, The Nightmare and the Noble Dream* (Oxford University Press 2004) p xvii.

<sup>185</sup> Parry (n 161) 225.



Marjoribanks biography of Sir Edward Marshall Hall.<sup>186</sup> Second, the study of lawyer-politicians as a discrete group. And third, 'intellectual biography', which looks at lawyers, most often judges and legal scholars, to examine their ideas and intellectual life. Parry concluded that when focusing on an individual as part of biography as legal scholarship, 'the individual subject will inevitably dictate the course of the endeavour'.<sup>187</sup> He warned against 'excessive speculation', whilst acknowledging that scholarly biography requires interpretation and explanation rather than simply a recording of a series of events.<sup>188</sup>

My biography of Hoyle straddles the categories. It is necessarily short, fulfilling the purpose of a focus for analysis of his work in a doctoral thesis, and is limited by the sources I have been able to locate. It is 'fact or event orientated' because that is the nature of the sources, but I use this information, alongside an interpretation of events in his life, which places some of the work in the third category. The biography includes interpretation, and an element of informed fiction which is inevitable, and even desirable, in a biography of a long-dead individual.

### **1.8 What can Biography add to this Study?**

One of the sub-questions, underpinning the main question this thesis addresses, is: 'how did the personality and interests of an individual shape the coroner's work in Newcastle upon Tyne'? There are as many approaches to legal biography, as history, as there are individuals. SM Cretney suggested an 'eclectic approach' is appropriate.<sup>189</sup>

What does biographical study add to the research? On a basic level, a personal dimension brings a tone of the everyday: the matters discussed are not cold legal facts that took place long ago but ordinary events that are coloured by the personalities and outlook of the participants. Judith Kalman has suggested any failure to explore the relationship between private and professional lives is

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<sup>186</sup> Edward Marjoribanks, *The Life of Sir Edward Marshall Hall* (V Gollancz 1931). A new biography of Marshall Hall was published in 2016 as I began my research: Sally Smith, *Marshall Hall: A Law unto Himself* (Wildy Simmonds and Hill 2016).

<sup>187</sup> Parry (n 161) 227.

<sup>188</sup> Parry (n 161) 216.

<sup>189</sup> Lecture at the London School of Economics introducing the *Legal Lives* project.

'regrettable'.<sup>190</sup> She adopts Barbara Tuchman's view that biography is helpful as 'a vehicle for exhibiting an age (...) [to encompass] the universal in the particular (...) that allows the writer to narrow his field to a manageable dimension and the reader to more easily comprehend the subject.'<sup>191</sup> The idea that biography can render a large and unwieldy topic manageable makes it an attractive approach to my research questions. In seeking to analyse the work of a coroner that spanned almost half a century, grounding it in his life and interests allowed me to choose the themes for analysis and ensure that focus could be kept on his identity as the People's Judge.

Recent studies of legal lives, and life writing, have examined marginalized subjects to rebalance the picture of the law that has concentrated on senior judges and advocates. Stephen Cretney suggested solicitors have been particularly underrepresented.<sup>192</sup> He concluded that biography could 'greatly increase our understanding of the solicitors' profession and what it contributes to the legal system and to society.'<sup>193</sup> Hoyle was both a solicitor and a coroner and a study of his life, alongside his judicial career illuminates the work of the coroner in the nineteenth century and shows how Hoyle's identity as a solicitor informed his work. The coroner's work in isolation from his personal and public life can give only part of the picture. Leslie Dingle suggested that 'without biographical detail, the picture [of contribution to legal scholarship] is incomplete.'<sup>194</sup> By analogy, viewing the life of a judge and deciding how he was viewed, how he viewed himself, and how he should be appraised with hindsight, is incomplete without biographical detail. The life of an individual illuminates the general. M Bloomfield, explained the significance of studying the lives of individual lawyers 'in terms of their broader involvement in the everyday life of their local communities, whose mores they necessarily shared to a greater or lesser degree'.<sup>195</sup> A full picture of the work of the Newcastle coroner is not possible without looking at Hoyle within his time. As Parry concluded, 'studies of the private lives of lawyers have the potential to shed valuable light on their public acts, their motives and outlook.'<sup>196</sup> Ibbetson brings into focus an important point when he

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<sup>190</sup> Barbara Tuchman quoted in Laura Kalman 'The Power of Biography' (1998) 23 (2) *Law and Social Inquiry* 479, 481.

<sup>191</sup> Kalman (n 190) 481.

<sup>192</sup> Stephen Cretney, 'Are Solicitors' Lives Necessarily Boring?' (*London School of Economics*, 2007) <[www.lse.ac.uk/collections/law/projects/legalbiog/cretney.pdf](http://www.lse.ac.uk/collections/law/projects/legalbiog/cretney.pdf)> accessed 20 October 2016.

<sup>193</sup> *Ibid.*

<sup>194</sup> Dingle (n 171) referring to biographies of legal scholars.

<sup>195</sup> Botein (n 159) 457 quoting M Bloomfield with specific reference to American legal history.

<sup>196</sup> Parry (n 161).

suggests that ‘law is not a purely autonomous discipline standing aloof from the rest of life but something locked into a society’s culture.’<sup>197</sup>

Hoyle’s private life has not been easy to reconstruct, and much is missing, but an insight has provided rich material to contextualize his work as the People’s Judge. A biographical approach, coupled with microhistory, reveals ‘otherwise hidden dimensions of the legal process’ to provide a coherent answer to my research questions.<sup>198</sup>

### **1.8.1 A Note on Images and Diverse Sources**

The choice of sources is one issue which taxes researchers. Sugarman emphasized the desirability of including artefacts, paintings, and objects in a biographical study. He criticized Parry for not mentioning such items in his examination of the worth of legal biography. This encouragement to use all available sources to develop a three-dimensional picture is expanded upon in scholarship by Leslie Moran, and attention has turned to this area with an important project looking at contemporary judicial imagery.<sup>199</sup> I located five portraits of Hoyle, a box of ephemera, and three swords: I weave the portraits into the biography and use the ephemera, and reference to the swords, in the discussion.<sup>200</sup> A biographical approach enables the research questions to be answered with full utilization of diverse primary sources. Some of the inquests that are the backbone of each chapter are presented as vignettes extracted from newspaper reports.<sup>201</sup>

In linking together fragments and diverse sources, I concur with Sugarman’s conclusion that biography offers ‘vibrant alternatives to academic and other conventional writing’ encompassing, as it must do, elements of fiction writing as well

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<sup>197</sup> Ibbetson (n 147) 877.

<sup>198</sup> Ibid.

<sup>199</sup> <<http://judicialimages.org/>>accessed 30 May 2016. The project has not been archived at this address but Leslie Moran has written extensively on judicial image linked to the project for example ‘Judicial Pictures as Legal Life-writing Data and a Research Method’ (2015) 42 (1) *Journal of Law and Society*; ‘Every Picture Speaks a Thousand Words: Visualising Judicial Authority in the Press’, in P Gisler and others (eds), *Intersections of Law and Culture* (Palgrave Macmillan 2012); “Every Picture Tells a Story”; Picturing Judicial Biography’(2014) 14 (1) *Legal Information Management* 27; Leslie J Moran, *Law, Judges and Visual Culture* (Routledge 2020).

<sup>200</sup> Not easy to reference, using OSCOLA, in a legal historical thesis, but they are in the bibliography.

<sup>201</sup> My comparison of depositions with newspaper reports establishes that the press court reports are reliable.

as traditional socio and legal writing.<sup>202</sup> The examples have been chosen from hundreds of inquests reported, and recorded in my database, to illustrate points which develop my argument. They have enabled the vibrancy of the coroner's court, and Hoyle's words, to inform the discussion. The coroner's words are not recorded in official papers, where he is the silent scribe. A comparison between newspaper reports and depositions, in cases where they are preserved, confirms that the newspaper reporters were careful to accurately report the proceedings in the court. The newspaper reports are the only record of the coroner's words, which are vital to analyse a claim that he was the People's Judge.

I have explained the methodology of my research and discussed the importance of legal biography, coupled with microhistory. I now outline my method.

## 1.9 Method

Hoyle did not leave a convenient box of papers, and there are no preserved records of inquests in the nineteenth century for Newcastle.<sup>203</sup> Coroners' records and notebooks were personal property, and few survive. By far the most vital source for my research is the digitized newspapers in *The British Newspaper Archive*.<sup>204</sup> My research would have been extremely difficult, and taken much longer, without digitization.<sup>205</sup> I read and recorded the published information on every inquest held by Hoyle which was reported, and has been digitized, in the *Newcastle Courant*, the *Newcastle Chronicle* (Daily and Weekly), the *Newcastle Journal*, and the *Newcastle Guardian and Tyne Mercury* from 1857 to 1882 (when ill health forced him to retire from public life). I transcribed, in full, details of the inquests held by Hoyle from 1857 to 1868 (10 years). I read all the reports of inquests from 1869 to 1882. Informed by the 10 years of fully transcribed inquests, I recorded salient details of any inquests that included Hoyle's words or an interesting angle.<sup>206</sup> This data enabled an extensive

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<sup>202</sup> Sugarman (n 166) 33.

<sup>203</sup> The best source of information on surviving records is JSW Gibson and C Rogers, *Coroners' Records in England and Wales* (The Family History Partnership, 2009). Many coroners' records have been lost or destroyed.

<sup>204</sup> British Newspaper Archive <[www.britishnewspaperarchive.co.uk/](http://www.britishnewspaperarchive.co.uk/)>.

<sup>205</sup> I did view records on micro-fiche. Newcastle Central Library does not allow access to the original newspapers if microfiche versions are available. Scrolling through the newspapers is not a pleasurable experience. An interesting examination of the digitization of nineteenth century newspapers and how it affects access to print is in J Mussell, *The Nineteenth Century Press in the Digital Age* (Palgrave Macmillan 2012).

<sup>206</sup> An example of part of my grid is in Appendix H. It is a working document of many pages.

sample to be selected to illustrate Hoyle's work in the areas chosen for further analysis. Inevitably, the sampled inquests are those where there was sufficient press interest to merit detailed newspaper reports and in many cases the coroner's words, which he wished to disseminate to the community, were recorded verbatim. When I had identified a specific inquest for analysis, I investigated it further by searching for references in newspapers outside Newcastle. Sometimes this revealed additional or different information. The reporter for the *Morpeth Herald* was a particularly comprehensive recorder of court proceedings, as was the man from the *Berwick Advertiser*.<sup>207</sup>

Despite a suggestion that the court reporters in this period were often barristers picking up extra work,<sup>208</sup> Newcastle, in the 1860s and 1870s, had several dedicated court reporters. I have identified three by name: one is described as particularly dogged in getting a story from the coroner.<sup>209</sup> The reporting, especially in the 1860s, is of high quality and includes verbatim evidence. A comparison between the official coroner's statistical returns and the newspaper reports suggests that most inquests were reported to a greater or lesser extent, depending upon the newsworthiness of the story.<sup>210</sup>

After I entered the data from the newspaper reports into an Excel spreadsheet—an example of a part of a year is in Appendix H—I coded it in broad categories. Some inquests belonged in more than one category. The codes were: industrial accidents; domestic accidents; burning and scalding; crime-homicide; poisoning; child death; infant death; suicide; accidental death; drowning; railway accidents; factory accidents; social conditions/sanitation; prison and workhouse deaths; large scale disasters; and the medico legal debate. I did not want to concentrate my analysis on the detection of homicide, important though this is, I wanted to examine the coroner's

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<sup>207</sup> A study of the court reporters in the North East would be rewarding.

<sup>208</sup> See Judith Rowbotham and others, *Crime News in Modern Britain Press Reporting and Responsibility, 1820-2010* (Palgrave MacMillan 2013) 31.

<sup>209</sup> The court reporters I have identified are Aaron Watson, who was one of the founders of the *Newcastle Critic* which ran a profile of Hoyle (n 57). He was a deputy editor on the *Newcastle Weekly Chronicle*—see Aaron Watson, *A Newspaper Man's Memories* (Hutchinson and Co 1925); James Hornsby who specialized in inquests—see William Edwin Adams, *Memoirs of a Social Atom* (Hutcheson and Co 1903) 485 and Thomas Wemyss Reid—see Thomas Wemyss Reid, *Memoirs of Sir Wemyss Reid 1842-1885* (Cassell Limited 1905).

<sup>210</sup> See Appendix G.

work which would best reflect his life but, in addition, look at the new dilemmas which came to the fore in the emerging industrial society.<sup>211</sup>

Thus, my initial analysis of the newspaper reports of hundreds of inquests led to the identification of several possible strands for further examination. The three central chapters of the thesis cover three issues: the debate whether a coroner should be medically or legally qualified and how this was reflected in Newcastle; inquests into the deaths of children, which was of particular importance to Victorian commentators; and third, inquests into accidents and disasters (a broader theme, looking at the emerging importance of major incidents, with emphasis on the prevention of future deaths).

In addition to the newspapers, I carried out a systematic search in the catalogues of national and local repositories and libraries.<sup>212</sup> This led to the discovery of a box of uncatalogued miscellaneous papers in the Tyne and Wear Archives, a box of probate papers in the Durham County Record Office, three swords in the Laing Art Gallery stores, and odd pieces of correspondence in the Northumberland Archives and The National Archives. I identified a previously unknown image of Hoyle, in the Mansion House, in a much larger painting.<sup>213</sup> Reading through thirty years of assize files in the National Archives, I was rewarded with items of correspondence from Hoyle, in addition to the inquisitions and depositions from homicide trials.<sup>214</sup> I pursued references in books and journals, guidebooks, and catalogues. Hoyle's descendants kindly provided me with information, family lore, and items from their personal collections.<sup>215</sup> Reference is made to this material in the biography.

In choosing the themes for the chapters, I sought to examine Hoyle's work in areas where his life had resonance. Family and children were important, as discussed in Chapter 2, and therefore children and the investigation of their deaths was a clear choice for one chapter, Chapter 4. My research uncovered correspondence and

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<sup>211</sup> *The Judicial Statistics for England and Wales* section for Coroners from 1857 to 1885 record consistent numbers for adult homicide. There were between zero and four —except for 1869, when four victims of murders and three of manslaughters were recorded. The Statistical returns are listed in the bibliography.

<sup>212</sup> Appendix A.

<sup>213</sup> See Figure 4.

<sup>214</sup> The National Archives— see Bibliography.

<sup>215</sup> I was struggling with my research in January 2020. One morning a photograph of Hoyle dropped into my inbox, courtesy of Mat Turner, Hoyle's great x2 grandson. It provided much needed impetus to press on.

discussion of the medico-legal debate. Thus, led by the sources, I analyze this in Chapter 3. Finally, in Chapter 5, I discuss a new dilemma for the coroner, the investigation of large-scale disaster. My thesis examines a small part of the rich sources available, and there is huge potential for future study to examine Hoyle's inquests in cases of homicide; poisoning; transport accidents; social conditions; and deaths in heavy industries, such as lead and chemical manufacture.<sup>216</sup>

Underpinning my chosen themes is the overarching identity of the People's Judge and the effect that a legally qualified coroner had upon the process and proceedings. Hoyle had to develop approaches and methods of inquiry as society changed. Although he worked closely with the jury, the court was his legal domain and he demonstrably used his legal skills to ensure that the function of the coroner's jurisdiction did not stray into the territory of medicine.

### **1.10 Overview and Summary of Chapters**

In Chapter 2 I reconstruct a select biography of Hoyle's life and discuss the personal attributes of the People's Judge. In Chapter 3, I consider the relationship between the legally qualified coroner and the medical establishment and examine how Hoyle's work reflected the debates identified as the increased medicalization of the inquest. I explain the importance of Hoyle's identity as a solicitor to his conduct in office, establishing the importance of the law to the identity of the People's Judge.

In Chapter 4, I analyze Hoyle's work relating to the deaths of infants. This discussion focuses upon infanticide and the moral panic around baby farming. Hoyle's family circumstances are considered alongside his work and I demonstrate that in the handling of child death the People's Judge is a worthy epithet.

In the final analytical chapter, Chapter 5, I examine how Hoyle had to extend the basic role of the coroner, to establish the cause of death, to take account of the outcomes of disasters which had the potential to impact upon many members of the community. He had to use his legal insight to extend the scope of the inquest into a quasi-public inquiry. I then draw together the evidence to conclude that Hoyle can be characterized as the People's Judge.

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<sup>216</sup> I have circa eighty thousand words for this thesis and a database of approximately 2250 inquests and therefore choices had to be made.

## 1.11 Contribution

The coroner's work is of an almost infinite variety. Much academic research has, understandably, concentrated upon the role as part of the criminal process including hidden homicides and over-looked suicides, or has been macro-studies looking for overarching themes. I have chosen to look at elements that are central to an expanding and emerging industrial society: deaths of children; deaths associated with industry and industrial progress; and finally, the tussle between law and medicine. This not only fills one of the gaps in the literature but is in and of itself a worthy study. I have been surprised as to how much literature on the nineteenth century, dealing with social conditions and sanitation, community and industry, fails to mention the coroner, even as a footnote. Any historical study of the nineteenth century is missing a piece of the jigsaw if there is no understanding, or acknowledgment, of the official recording and investigation of death.<sup>217</sup> The Georgians and Victorians were fascinated by death, from attending executions and dissections in the early part of the century, to post-mortem photography in the later part, and a queen in perpetual mourning. The coroner was pivotal, as the judge who held investigations into death, and helped provide answers for the bereaved, on occasion holding power to account, and allaying rumour and suspicion. He deserves greater attention.

There have been studies of individual coroners, but not one in such detail and depth as my study. This thesis takes up the baton passed by Elizabeth Hurren. My thesis fills a gap in the literature on the coroner in the provinces, by a close study in the most northerly industrial English town. My research has generated a substantial database of material which will be used for further work. I have developed a new definition of the People's Judge and established it as an ideal lens to examine the life and work of a neglected branch of the nineteenth century judiciary. This thesis provides a template for further study.

In the following pages I demonstrate that Hoyle was the People's Judge for the community of Newcastle. My study concludes that a legally qualified coroner, with

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<sup>217</sup> See for example Robert Cecil, *The Masks of Death: Changing Attitudes in the Nineteenth Century* (Book Guild 1991); Ruth Richardson, *Death, Dissection and the Destitute* (Phoenix 2001); James Stevens Curl, *The Victorian Celebration of Death* (Sutton 2004); Harnessing the Power of the Criminal Corpse Project <[www.criminalcorpses.com/journey/](http://www.criminalcorpses.com/journey/)> accessed 14 October 2020.



wide and diverse interests, a sense of community accountability, and an ability to interact across social classes, ensured that the inquest played a vital role in quashing rumour and suspicion, tempering the influence of doctors who overreached their authority and publicising, and encouraging, safe practices. Coroners had little formal power to effect change, but Hoyle used what influence he did have to support the community. He encouraged the press to report his words, in an endeavour to avoid future deaths, and to highlight dangers. Hoyle was proud and cognisant of his legal qualifications. He was a firm believer in the legal function of the coroner's court and used medicine, and medical expertise, to supplement and inform the practice and process of the law. He bridged the gap between what was still, essentially, a medieval system and the modern society.

### **1.12 Conclusion**

Hoyle was in the centre of the community of Newcastle upon Tyne. My thesis demonstrates that he could rightfully be described as the People's Judge. He held inquiries into deaths in all levels of the community, fairly, swiftly, with proper regard to procedure, and he used his knowledge and practice of the law as the foundation of his work.

The work of coroners has been shunted into the sidings of legal history. With notable exceptions—Olive Anderson, Ian Burney, Pamela Fisher, Yvonne Fisher, Gordon Glasgow and Elizabeth Hurren—the coroner makes only a fleeting appearance in an examination of the development of law in the nineteenth century. And yet death was ever present, as reflected in the verse at the head of this chapter. The mechanisms for establishing the causes of death, and the effect that this had in protecting the community from hazards and preventing future deaths, was of fundamental importance to society.

Analysis and insight gained from a study of more than 30 years of inquests has enabled me to identify developments and link them to Hoyle's personality and interests. My thesis fully explores, in the context of Newcastle upon Tyne, the lacuna identified by Hurren, through her work on the medically qualified Oxford coroner. My research identifies the ways in which Hoyle's life and legal expertise shaped both the conduct of inquests, and the place of the investigation of death in the community of

Newcastle upon Tyne. Hoyle's identity as a lawyer was key to the conduct of the court.

My research establishes that the coroner, was an integral part of the community in which he lived and worked. This thesis provides a vital, and hitherto missing tessera in the mosaic which forms a full picture of the legal governance of Newcastle upon Tyne in the mid to late nineteenth century. The importance of Hoyle's approach, as a lawyer, is central to understanding the nature of the contribution which the coronial office made to the ordering of society. The discussion of the relationship with the doctors in the Infirmary, in Chapter 3, illuminates this. His inquests into child deaths, discussed in Chapter 4, demonstrated careful inquiry and, in some instances, a progressive streak which could be explained by his family circumstances. In Chapter 5, I discuss the approach he developed to handling inquests into disasters, which demonstrates how a legally qualified man used his legal knowledge to develop process and procedure for novel situations. The coroner had to be agile to deal with new approaches to evidence; with deepening scientific expertise; and with the need to meet increasing demands of accountability. The system for investigating and recording death was far from perfect and Hoyle, a man grounded and invested in Newcastle, used his legal expertise and his personal experience, to rescue the coronership from the disrepute into which it had fallen in 1857.

Now that foundations have been laid, the next chapter introduces John Theodore Hoyle, solicitor, gentleman, and coroner for the Borough and Town of Newcastle upon Tyne.

## Chapter 2. A Biography of John Theodore Hoyle

Jimmy Wright dee'd se suddin, Mall thowt it but reet  
To send to the krooner that varry syem neet;  
So she sent up te Hoyle, an' accordin' te laws,  
He order'd post mortim te finn'd oot the caws.  
Syuen a doctor was browt, and wivoot much aboot,  
He rowl'd up his sleeves an' had Jim open'd oot;  
But all that he fund, an' as deed as a nail,  
Was a small 'eelea' wiv a queer brocken tail.  
Now Hoyle was sair puzzled, an' scratch'd his awd heed,  
Furst lyuked at the joory, then lyuk'd at the deed;  
Swore the witnesses byeth - - for thur only was two,  
Poor Mally, Jim's wife, an' his marrow, Billoo.

*Jimmy's Deeth*—Ralph Blackett <sup>218</sup>

### 2.1 Introduction

This chapter is a select biography of John Theodore Hoyle. The previous chapter explained the methodology for my research and established why a biography is central to the discussion of Hoyle's coronial work through the lens of the People's Judge. This chapter outlines Hoyle's life and highlights episodes that formed his character and approach to his work in the coroner's court. The biography is by no means all I have discovered but the information has been chosen to provide context for his work.

I have pieced the biography together from a wide array of sources including letters, books, photographs, reports and council minutes. However, my main source of information is the Newcastle newspapers. The journalists' accounts of speeches, and

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<sup>218</sup> 'Third Prize, 10s' *Newcastle Chronicle* (Northumberland, 23 April 1870) 6. The song won third prize in a competition and was later included in a pantomime. The dialect words: krooner—crown/coroner; eelea—eel; marrow—friend.

the verbatim reporting of comments made at inquests, enable Hoyle's voice to be heard, and his personality assessed to add to the scant details that can be ascertained from an engagement diary.<sup>219</sup> During my research I found some personal papers in an uncatalogued box, in the Tyne and Wear Archives.<sup>220</sup> The items included a notebook, in which Hoyle recorded births, marriages, deaths and family events, including his daughters' first days at school, and genealogical research.<sup>221</sup> The contents of the box suggest family was important to Hoyle.<sup>222</sup> Such information is vital for this thesis when establishing the persona of the People's Judge.

I have devoted several years to uncovering all I can about John Theodore Hoyle.<sup>223</sup> This chapter is a reconstruction of the life of a legally qualified Victorian coroner from a scattered set of clues. It builds a three-dimensional picture of the man who was described as a 'careful and judicial coroner' and who, although he came from a privileged sector of society, was 'keenly alive' to the 'singular and varied' cases that passed through his court.<sup>224</sup> In addition to the written evidence of Hoyle's life, five images of the coroner contribute to this chapter.<sup>225</sup>

Figure 1 is a portrait stored at the Laing Art Gallery, which was the catalyst for my thesis.<sup>226</sup> Figure 3, the earliest image, dates from 1832 and was identified by my research.<sup>227</sup> Figure 5 was in a short-lived periodical: this image is accompanied by

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<sup>219</sup> In the chapters that follow direct speech is quoted as printed in the newspaper reports.

<sup>220</sup> *Richmonds Solicitors Box of Miscellaneous Papers* (Tyne and Wear Archives D3620). These papers were deposited by Richmonds Solicitors, successor firm to Hoyle Shipley and Hoyle. I found the box with the assistance of Carolyn Ball the Discovery Museum and Archives manager and archivist, after wondering if Richmonds' records included anything from Hoyle Shipley and Hoyle. The content was more exciting than I could have imagined and is a collection of items passed down to Hoyle's grandson who died without issue. Richmonds were successor firm to Hoyle Shipley and Hoyle see *Record of Successor Firms* (Newcastle Law Society 1935) 281 (thanks to Kate Goodings).

<sup>221</sup> Notebook of JT Hoyle in *Richmonds Solicitors Box* (nd) (n 220).

<sup>222</sup> Percy Saville Hoyle to EJ Briscoombe *Letter* (Private Collection, 3 October 1884). In this correspondence about Hoyle genealogy, Percy noted: 'he [John Theodore Hoyle] doesn't seem to care to talk about such things [family history] now, although once there was no end to his interest'.

<sup>223</sup> My research was carried out part-time whilst I worked full time at Northumbria University. I was a solicitor for 15 years.

<sup>224</sup> 'Death of Mr John Theodore Hoyle' *Newcastle Journal* (Northumberland, 26 December 1885) 6.

'Death of Mr JT Hoyle' *Newcastle Daily Chronicle* (Northumberland, 26 December 1885) 8.

<sup>225</sup> Leslie J Moran and Linda Mulcahy have written about the importance of visual imagery in establishing biographical detail as part of life writing—see introduction and warrant for using biography as a method.

<sup>226</sup> Frederick William Bannister, *John Theodore Hoyle (1808–1885), Coroner of Newcastle* (c1858) Oil over Calotype (Laing Art Gallery c1858). My research to identify the artist led to a correction of the Laing Art Gallery record, and the information on ARTUK. It was previously incorrectly attributed, and the date of Hoyle's death was incorrectly recorded. The suggested date for painting is still incorrect—Bannister was not in the North East in 1858.

<sup>227</sup> Henry Perlee Parker, *Fancy Dress Ball in The Mansion House, Coronation of William IV* (1832) Oil on Canvas (Newcastle upon Tyne Mansion House)

the photograph from which the sketch was made (Figure 6).<sup>228</sup> Finally, Figure 7 is a photograph of Hoyle I found in Tyne and Wear Archives.

Leslie Moran explains that there are three 'biographical dimensions' to judicial portraiture: the picture itself; the social context of the painting of the portrait and thirdly the 'meaning' of the portrait.<sup>229</sup> Moran's discussion concentrates upon formal portraiture of judges in wigs and gowns and his analysis discusses official depictions. He states that 'the image of the individual sitter is fashioned by, and made to embody and thereby represent, a set of abstract principles, qualities and characteristics of the State.'<sup>230</sup> This provides context to the portraits of Hoyle, none of which have signifiers of judicial office. The images have been inserted at appropriate points in this chapter and they are referenced in the following chapters to visualize Hoyle at various stages of his career to bring colour and context to the discussion of his coronial work.

In this chapter I discuss Hoyle's family, business, and social life. The biography is referenced in the three chapters that follow to demonstrate the importance of understanding the influence Hoyle's life and work, and his identity as a legally qualified coroner, had on his coronial work.

Thomas Wakley coined the term the People's Judge in the early nineteenth century. My analysis expands and defines the term the People's Judge and establishes it as an appropriate lens and framework through which to examine the coroner's work. By building a picture of Hoyle's business and personal life, through consideration of his decisions and work as coroner, Hoyle's contribution can be analysed. My thesis affirms that this epithet, the People's Judge, as I have redefined it, described the life and career of John Theodore Hoyle.

In the (third) prize-winning song at the head of this chapter, published in 1870, Hoyle was identified as an integral part of the community. Sufficiently identifiable to be satirized. Consideration as to how he came to hold this position is central to this chapter. However, before I discuss Hoyle's life, it is appropriate to start the biography of a coroner with his death.

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<sup>228</sup> *John Theodore Hoyle* (nd) photograph/CDV (Private Collection).

<sup>229</sup> Leslie J Moran, 'Judicial Pictures as Legal Life-writing Data and a Research Method' (2015) 42 (1) *Journal of Law and Society* 74.

<sup>230</sup> Leslie J Moran, "'Every Picture Tells a Story": Picturing Judicial Biography' (2014) 14 (1) *Legal Information Management* 27, 28.

## 2.2 Death

John Theodore Hoyle, solicitor and coroner for the City and Borough of Newcastle upon Tyne died, aged 77, at 40 Leazes Terrace on 23 December 1885 from ‘fatty degeneration of heart’.<sup>231</sup> His doctor and friend, George Hume, certified death and there was no need for an inquest. Hoyle’s health had been failing for several years and he handed over the day to day running of inquests to his son Theodore in the latter part of 1882.<sup>232</sup> He died a wealthy man. His personal estate was valued at £32,121 10s and 7d in April 1896.<sup>233</sup> How much of this wealth was due to the coronership is open to question. As the newspapers reported, the riches which were assumed to accrue to a coroner did not seem to manifest in Newcastle.<sup>234</sup> Coronial fees, although not insubstantial, were incidental to the wealth Hoyle generated through property dealings and legal practice.<sup>235</sup> My research suggests Hoyle served as coroner not for personal enrichment but to serve the community.

Hoyle oversaw sudden and unexpected deaths in Newcastle upon Tyne for half a century; first as a deputy coroner and then as coroner. He played a crucial role in investigating death and, to the extent that he was able to do so, preventing deaths in Newcastle from the end of the Georgian era until the eve of the legislation that formed the basis of modern English coroner’s practice.<sup>236</sup> As I demonstrate in Chapters 3, 4, and 5 he drew upon his legal knowledge and skills to negotiate the piecemeal legislative framework that governed coroners before the consolidation of the law in the Coroners Act 1887.<sup>237</sup> His coronership spanned a period where society

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<sup>231</sup> Death Certificate of John Theodore Hoyle (1885).

<sup>232</sup> The coroner held the post for life, and he was still in office even though he was not conducting inquests. The last inquest he held was at the end of September 1882.

<sup>233</sup> *Will and Settlement of John Theodore Hoyle 1855-1887* (Durham County Record Office D/Ric Box 15) unpaginated. Noted on the oath for executors. Original probate value on oath is £13,240-7-10.

<sup>234</sup> See ‘Local Notes’ *The North Eastern Daily Gazette* (Middlesbrough, 5 January 1886) 5; Edwin Lankaster, coroner for Middlesex, told a meeting of the BMA that the office of coroner was ‘thankless’ and ‘the salary paid is not equal to the service demanded’ see Mary P English, *Victorian Values. The Life and Times of Dr Edwin Lankaster MD FRS* (Biopress Ltd 1990).

<sup>235</sup> See table in Appendix G of the fees paid to the Newcastle coroner for each year of Hoyle’s period in office.

<sup>236</sup> Coroners Act 1887 (50 & 51 Vict c 71).

<sup>237</sup> Schedule 3 of the Coroners Act lists the legislation repealed. The piecemeal nature of the legislation is clear from reviewing contemporary coroners’ manuals and noting the extent of the legislation repealed. The 1887 consolidating Act resulted from calls for change from the 1860s. The pattern of inquiry, report, and then no action for years is one which has repeated in the twentieth and twenty first centuries in respect to coronial law.

benefitted from increased scientific knowledge, new industrial and engineering processes, and medical advances.<sup>238</sup>

Hoyle's obituaries recorded that he 'was highly respected by all classes of the community' and underlined his commitment to the people of Newcastle: 'To each case, great and small, he devoted all his care, his knowledge and his intelligence.'<sup>239</sup> As the *Newcastle Journal* explained: 'To few men is it given to so long participate in professional life as was the case [with John Theodore Hoyle]'.<sup>240</sup> The newspapers emphasized the great loss not only to his friends and family but to the wider community.

On 26 December 1885, Hoyle was interred in the family vault in St Andrew's Cemetery.<sup>241</sup> The headstone is a large double slab in a rust-coloured marble engraved with a crudely carved shield emblazoned with a five-point star, or mullet, topped with an eagle.<sup>242</sup> It is in stark contrast to the ornate vertical memorials that surround it and suggests an austere taste. The inscription records that Hoyle was a solicitor but, oddly, there is no mention that he was the coroner. The family motto was alternatively recorded as 'facta non verba' (deeds not words) or 'aequam servare mentem' (keep calm).<sup>243</sup> Hoyle preferred the second alternative but either motto could reflect John Theodore's professional life.<sup>244</sup>

### 2.3 Family

In the late eighteenth century when Richard Hoyle, John Theodore's father, came to the North East to make his fortune, Newcastle was a small town encircled by a medieval wall. By 1885, and the death of his son, Newcastle was a modern city with beautiful architecture, wide streets, a magnificent railway station, piped water, mains

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<sup>238</sup> See Eric Hobsbawm, *The Age of Capital 1848-1875* (1975 Abacus 2004); Asa Briggs, *The Age of Improvement, 1783-1867* (Longman 1979); Susie L Steinbach, *Understanding the Victorians: Politics, Culture and Society in Nineteenth Century Britain* (2nd edn, Taylor and Francis 2017).

<sup>239</sup> 'Northern Counties Notes— The Coronership of Newcastle upon Tyne' (1886) 127 (3253) *The Lancet* 42; 'Death of Mr John Theodore Hoyle' *Newcastle Journal* (Northumberland, 26 December 1885) 6.

<sup>240</sup> *Ibid.*

<sup>241</sup> He chose the site and the stone following the death of his wife in 1873. See Burials in St Andrew's Cemetery *St Andrews and Jesmond Burial Board Book*: (Tyne and Wear Archives microfiche).

<sup>242</sup> See Appendix B.

<sup>243</sup> Charles Norton Elvin, *A Synopsis of Heraldry: or, a Short and Easy Method of Acquiring the Art of Blazon, with Upwards of Four Hundred Engravings Illustrating the Arms of Many Families* (Robert Hardwicke 1866) 38.

<sup>244</sup> *John Theodore Hoyle* (Mark Lambert nd) bookplate *Richmonds Solicitors Box* (n 220).

gas, electric light and wealth.<sup>245</sup> A map by J Roper in 1808 depicts Newcastle as a compact settlement surrounded by market gardens and fields, both inside and outside the walls.<sup>246</sup> A similar map in 1883 depicts a different picture. The denes and tributaries of the Tyne have been bridged and the modern-day streets and suburbs are evident.<sup>247</sup>

Nineteenth century Newcastle was a long way from London, both geographically and in terms of its culture and governance. A review of a guidebook to Newcastle by the *Athenaeum* in 1863 opened: 'Who knows more than a very little about Newcastle?'.<sup>248</sup> The author described the town as 'a dismal place (...) a fearful place (...) much that is unpleasant and a little that is repulsive.'<sup>249</sup> It was not a town to be recommended to the traveller.

FJC Hearnshaw suggested that Newcastle's remoteness from London led to the city developing its own culture and political complexion:

Few provincial capitals have displayed a larger civic wisdom, or a keener consciousness of communal unity (...) she has always been (...) a municipal leader, strikingly independent in her judgements, bold in her actions, resolute in her policy.'<sup>250</sup>

This independence can be seen in the work of its coroner who did not join the Coroners' Society but who developed his own North East practice.

The growth in the population of the North East in the nineteenth century, as migrants came in search of work in the new industries, led to Newcastle becoming an insanitary urban conurbation.<sup>251</sup> David Reid described it as 'that mass of filth that constitutes the streets'.<sup>252</sup> He painted a picture of the slums inhabited by the 'humbler classes' at the bottom of the hill, near the river and subject to the ingress of raw sewerage and the foul by-products from the manufactories and industries.<sup>253</sup> The population explosion brought with it social and economic problems for many, in

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<sup>245</sup> Newcastle became a city on 3 June 1882.

<sup>246</sup> J Roper, *Map of Newcastle upon Tyne and Gateshead* (1808).

<sup>247</sup> GW Bacon, *New Plan of Newcastle upon Tyne and Gateshead* (1883).

<sup>248</sup> J Collingwood Bruce, *A Handbook of Newcastle upon Tyne* (Andrew Reid 1863).

<sup>249</sup> 'Review' *The Athenaeum* (London, 10 October 1863) 457.

<sup>250</sup> FJC Hearnshaw, *Newcastle Upon Tyne* (First published 1924 SR Publishers Ltd 1971)119.

<sup>251</sup> Norman McCord 'Some Aspects of North East England in the Nineteenth Century' (1972) 17 (1) *Northern History* 73.

<sup>252</sup> In his review of 1845.

<sup>253</sup> DB Reid, *Report on the Sanatory Condition of Newcastle, Gateshead, North Shields, Sunderland, Durham and Carlisle, with Remarks on some Points connected with the Health of the Inhabitants in the Adjacent Mining Districts* (1845) 20.



addition to great wealth for some. The richer members of society moved into the suburbs of Jesmond and Gosforth, or to the edges of the Town Moor. However, in such a small town the different layers of society were never far from each other.

Despite its undesirability in the eyes of the metropolitan elites, Newcastle's advantages were many: its proximity to rich mineral reserves, its entrepreneurial population, and the River Tyne itself. The expanding industries, hungry for labour, ensured that Newcastle was a dirty and dangerous place to live. Norman McCord emphasized that 'underlying all other developments in producing change was the great growth in the region's population'.<sup>254</sup> Much of the population explosion was caused by migration. Richard Hoyle joined the new arrivals in search of success.

The Hoyles were a Yorkshire family of French origin.<sup>255</sup> Richard Hoyle had read chemistry at Pembroke College, Cambridge, although there is no record of his graduation.<sup>256</sup> In the late eighteenth century Richard moved from Swift Place, Ripponden near Halifax, and the family mills, to Northumberland to take advantage of the opportunities offered by the emerging industrial society. What tempted Richard to the North East may never be known but, Newcastle was attractive as the cradle of the industrial revolution.<sup>257</sup> Armed with his knowledge of chemistry, he was well placed to make his fortune in an age that 'produced the nearest thing to a white-hot technological revolution that [the] region has ever seen.'<sup>258</sup> He took full advantage of the opportunities offered.<sup>259</sup> In 1798, he became a partner in a colour works, near the village of Paradise on the outskirts of Newcastle.<sup>260</sup> His skills would have been vital

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<sup>254</sup> McCord (n 251) 77.

<sup>255</sup> See Joseph Foster, *Pedigrees of the County Families of Yorkshire* (W Wilfred Head 1874).

<sup>256</sup> Cambridge was a small University in the late eighteenth/early nineteenth century. There were approximately 800 students and 342 matriculations each year. Despite Richard Hoyle's obituaries noting that he attended Emmanuel College. He was a pensioner (a student responsible for paying his own fees and board) at Pembroke College in 1800—see University of Cambridge (*Cambridge Alumni Database*) <<http://venn.lib.cam.ac.uk/cgi-bin/search-2016B.pl?sur=hoyle&suro=w&fir=richard&firo=c&cit=&cito=c&c=all&z=all&tex=&sy=&eye=&col=all&maxcount=50>> accessed 15 October 2020. In a letter from Percy Savile Hoyle to EH Briscoe (8 October 1884) Percy reported that JT Hoyle had told him Richard Hoyle came to Newcastle in 1801. The records reveal he was in Newcastle earlier.

<sup>257</sup> Robert William Johnson, *Making of the Tyne: A Record of Fifty Years of Progress* (Walter Scott Limited 1895) 1, quoted in Michael Barke and Peter J Taylor, 'Newcastle's Long Nineteenth Century: A World-Historical Interpretation of Making a Multi-Nodal City-Region' (2015) 42 (1) *Urban History* 43.

<sup>258</sup> McCord (n 254).

<sup>259</sup> An 1811 directory, *Mackenzie and Dent's Triennial Directory for Newcastle Upon Tyne, Gateshead and Places Adjacent*, includes an entry for Gibson and Hoyle Colour Manufacturers, Paradise.

<sup>260</sup> Ian Harford (ed), *Benwell Community Project Final Report Series No 6: The Making of a Ruling Class: Two Centuries of Capital Development on Tyneside* (Benwell Community Project 1978) 15.

to the development of the paints and colours that were exported around the world.<sup>261</sup> In 1802, he expanded his business interests and became a partner in a lamp black factory.<sup>262</sup>

Richard's place in his adopted town was cemented in 1807 when he married Cecilia Gibson, daughter of a linen merchant.<sup>263</sup> Cecilia was descended from prominent County families which included several sheriffs of Northumberland.<sup>264</sup> The Hoyles' first son, John Theodore, was born on 27 June 1808 and baptized into the Church of England at Newburn.<sup>265</sup> By 1811 the family had settled as tenants of West Denton Hall, an imposing Jacobean mansion on the western boundary of Newcastle.<sup>266</sup> A second son, Richard, was born in 1811, and a further two boys followed: Benjamin Gibson in 1814 and Charles Hanson in 1816.

Little is known about John Theodore Hoyle's childhood. He was educated at home and it may be assumed that he enjoyed living in open countryside. He had a lifelong interest in fishing and the natural world and, as an adult, was an active member of the Tyneside Naturalists' Field Club. He must have enjoyed study because, later, he was fêted for being 'well educated and well read' and 'a sort of living "Local Historian's Table Book" with dates'.<sup>267</sup> It is likely that he spent time exploring the ruins of Hadrian's Wall that run near to Denton Hall. An obituary noted that his writing for the local newspaper ran to 'tastes (...) chiefly of an antiquarian and archaeological turn'.<sup>268</sup> Throughout his life, he had an interest in the history of both his own family and his community.<sup>269</sup>

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<sup>261</sup> Hugh P Kendall, 'Upper Swift Place in Soyland' (1915) *Halifax Antiquarian Society Transactions* 174.

<sup>262</sup> *Grace's Guide to British Industrial History* <[gracesguide.co.uk/1914\\_Who's\\_Who\\_in\\_Business:\\_Company\\_W](http://gracesguide.co.uk/1914_Who's_Who_in_Business:_Company_W)> accessed 15 January 2021.

<sup>263</sup> Richard Hoyle and Cecilia Gibson (Durham Diocese Bishop's Transcripts 1807).

<sup>264</sup> See Appendix C.

<sup>265</sup> Baptism record for John Theodore Hoyle (Durham Diocese Bishop's Transcripts 1808).

<sup>266</sup> An advertisement offered the Hall for rent in the *Newcastle Courant* (Northumberland, 24 February 1810).

<sup>267</sup> 'The following gentlemen were elected members of the Tyneside Naturalists Field Club during the year 1867-8' (1867) 3 *Transactions of the Natural History Society of Northumberland* 194; this was acknowledged in MA Richardson, *Reprints of Rare Tracts and Imprints of Ancient Manuscripts etc* (1847) which includes a tract inscribed to Hoyle; 'Personal Sketches. The Coroner' (np 31 December 1880).

<sup>268</sup> 'Death of Mr JT Hoyle' *Newcastle Evening Chronicle* (Northumberland, 24 December 1885) 8.

<sup>269</sup> See Notebook of JT Hoyle in *Richmonds Solicitors Box* (n 220), detailing a trip to Ripponden and including transcriptions of family headstones. When Hoyle died, a newspaper report said he would be a great loss to local historians.

His early education at home and the influence of living in a household where science and scientific enquiry was important can be seen when Hoyle championed a regard for scientific theory and admonished quack doctors and herbalists.<sup>270</sup>

There is no reason to believe that Hoyle's early life was anything other than a standard Georgian upper middle-class childhood. His father was prosperous and active in Newcastle social and business life and his mother was connected in Northumbrian Society.<sup>271</sup> In 1821, however, there was an event that must have disturbed the smooth running of the Hoyle household. Despite Richard Hoyle's substantial business interests, he was declared personally bankrupt.<sup>272</sup>

### 2.3.1 Richard Hoyle's Bankruptcy

In May 1821, *The London Gazette* reported: 'A Commission of Bankruptcy is awarded and issued forth against Richard Hoyle, of the Town and County of Newcastle upon Tyne.'<sup>273</sup> The solicitors named on the notice were Donkin and Stable of Newcastle upon Tyne and Meggisons and Poole of Grey's Inn.<sup>274</sup> In July 1821 the certificate was allowed and confirmed.<sup>275</sup> I have not been able to find any details of the extent and nature of the bankruptcy, although there was a sale of effects at an inn.<sup>276</sup> Hoyle continued to live at Denton Hall. Cecilia had inherited considerable wealth in her own right, and they appeared wealthy.<sup>277</sup> It is highly probable that his father's bankruptcy, at such a formative age, introduced John Theodore to the legal profession. Armorer Donkin, the senior partner of Donkin and Stable, later played a pivotal role in Hoyle's professional career. The circumstances and events surrounding the bankruptcy provided an early, unwelcome, insight into the vagaries of life.

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<sup>270</sup> Discussed in Chapter 3.

<sup>271</sup> 'Gibson Pedigree' in John Hodgson, *A History of Northumberland* (Vol 4, Frank Graham 1974) 376.

<sup>272</sup> For a comprehensive discussion of Victorian bankruptcy, the law and the impact, see V Markham Lester, *Victorian Insolvency: Bankruptcy, Imprisonment for Debt, and Company Winding-up in Nineteenth Century England* (Oxford University Press 1995).

<sup>273</sup> 'Bankrupts' (1821) 17698 *London Gazette* 877.

<sup>274</sup> *Ibid.*

<sup>275</sup> 'Bankrupts' (1821) 17716 *London Gazette* 1290.

<sup>276</sup> 'Bankrupts to surrender in the Country' *Public Ledger and Daily Advertiser* (London, 18 April 1821) 1.

<sup>277</sup> Registered copy of Will of Richard Hoyle (1839). Was she able to keep money separate from that of her husband?

Despite the bankruptcy, Richard Hoyle and his businesses prospered. When he died in May 1839, his considerable estate was bequeathed to his wife.<sup>278</sup> Sadly Cecilia did not live long after the death of her husband. She died on 23 July 1839.<sup>279</sup> In addition to a bequest of a sum outright to John Theodore, £3000 was left in trust to him and Richard junior, to invest for the benefit of their youngest brother Charles Hanson. The investment was to be in a mixture of safe stock and much riskier railway stock.<sup>280</sup> Unfortunately, Charles Hanson did not live to benefit from the investments. He died on 7 December 1844 when the brig on which he was a passenger, was wrecked in a storm near Constantinople.<sup>281</sup> John Theodore therefore had to deal, in quick succession, with the death of his parents and the death of his brother. He had already experienced a close family bereavement in 1828 when his brother, Benjamin Gibson, died aged 14. Benjamin's death was recorded in the newspapers but there is no indication of the cause of death or whether there was an inquest.<sup>282</sup> This early experience of death may have influenced John Theodore's desire to become a coroner. Experience of close family loss must have given him insight into the position of the bereaved. The loss of his brother at sea, and the lack of a body to bury, would have been particularly difficult. It may be speculated that this fuelled his ambition to help to alleviate the pain experienced by families coping with death.

As the eldest son, Hoyle may have been expected to follow his father into business. He did have an early interest in the family firms: he was a partner in Hoyle, Robson and Company, which ran the colour factory; a seed crushing business; a tar and turpentine distillery and a paint factory.<sup>283</sup> However, whether by choice or by his father's suggestion, he left the family businesses to his brother Richard and entered the legal profession. Whilst he was building up his legal practice, he retained a role in the family businesses but once he established himself, he left the partnerships. The experience of being a partner in manufacturing businesses would have given him an insight into the processes and conditions of working men in the town that would be crucial in his coronial work.

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<sup>278</sup> Valued at £16000, the estate would be worth, depending upon method of valuation, between £1,257,000 (real price commodity) and £50,750,000 (economic power).

<sup>279</sup> Her estate was valued at £12,000. A plaque commemorating Richard and Cecilia was placed on the wall of St Michael and All Angels church, at Newburn.

<sup>280</sup> Registered copy of Will of Cecilia Hoyle (1839).

<sup>281</sup> 'Died' *Kendal Mercury* (Kendal, 25 January 1845) 3. The storm took place off Constantinople: many ships were lost. Hoyle was a passenger on the *Comet*.

<sup>282</sup> 'Died' *Newcastle Courant* (Northumberland, 29 November 1828) 4.

<sup>283</sup> *London Gazette* (1846) 2853. This partnership was dissolved in July 1846.

Before discussing Hoyle's legal practice, his election as coroner, and his other interests, the next section considers Hoyle's marriage and his family life. Although his early life offers examples of events that shaped his later character, it is in his immediate family that parallels with the lives of those unfortunate enough to come into the coroner's court can be seen.

### 2.3.2 Marriage

A solicitor from a respectable and comfortable background, with familial links with the Northumberland gentry would have been expected to marry into an established family. However, Hoyle's choice of wife was not conventional. On 6 May 1835, in Coldstream Scotland, Hoyle married Ellen Joel, the eldest daughter of Trytle Joel.<sup>284</sup> The three-line announcement in the *Newcastle Courant* does not hint at the scandal the marriage would have caused in Newcastle.

Trytle Joel was a Prussian Ashkenazi Jew. He was a watchmaker and a silversmith on Westgate Street.<sup>285</sup> Even today, a marriage between a Jew and a Christian may not be welcomed by the wider family from either side. There is no suggestion that Jews in Newcastle suffered any prejudice in the early nineteenth century, but it is probable that both families disapproved of the match.<sup>286</sup> Joel was a key member of the tiny Newcastle Jewish community which, until 1838, had insufficient members to form a congregation.<sup>287</sup> He was instrumental in raising the subscriptions that built the first synagogue and he helped found the first Jewish cemetery.<sup>288</sup> The marriage of his daughter outside the Jewish faith would not have been undertaken lightly.

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<sup>284</sup> 'Marriages' *Newcastle Journal* (Northumberland, 9 May 1835) 3 and 'Married' *Newcastle Courant* (Northumberland, 16 May 1835) 4.

<sup>285</sup> The Ashkenazi Jews abandoned the use of Hebrew and Yiddish as life in Germany became difficult. Trytle Joel's grave marker in Westgate Road cemetery has the inscription in English, unlike the surrounding memorials which are in Hebrew.

<sup>286</sup> For discussion of the experiences of the Jewish Community in the nineteenth century see Sara Abosch-Jacobson, *"We are not only English Jews—We are Jewish Englishmen": The Making of an Anglo-Jewish Identity, 1840–1880* (Academic Studies Press 2019); Alysa Levene, *Jews in Nineteenth-Century Britain Charity, Community and Religion, 1830-1880* (Bloomsbury 2020); Alysa Levene, 'Jewish Households and Religious Identity in Mid-nineteenth-century Britain' (2018) 43 (3) *Journal of Family History* 281.

<sup>287</sup> In 1845 the congregation comprised 33 adults and 33 children. (*Jewish Communities and Records*) <[www.jewishgen.org/jcr-uk/Community/newcast\\_temple/index.htm](http://www.jewishgen.org/jcr-uk/Community/newcast_temple/index.htm)> accessed 20 October 2020.

<sup>288</sup> See 'Jewish Synagogue Newcastle upon Tyne' *Newcastle Journal* (Northumberland, 21 July 1838) 2; 'Subscription Towards the Fund for Erecting a Synagogue, in Temple Street, Newcastle upon Tyne' *Northern Liberator* (Northumberland, 21 July 1838) 2.

Without the blessing of their respective families, John Theodore and Ellen travelled to Scotland. Marriage without banns being read was possible in any of the Border towns.<sup>289</sup> Coldstream, the nearest Scottish town to Newcastle, was a popular venue for 'irregular' marriages.<sup>290</sup> The *Wellington* coach departed each morning for Edinburgh, via Coldstream, from the Turf Hotel on Collingwood Street.<sup>291</sup> Perhaps Hoyle had in mind the three English Lord Chancellors who married in Coldstream following disapproval by their families: Lord Brougham, Lord Eldon, and Lord Erskine. There is no official record of the Hoyle marriage in the church at Coldstream and therefore the Hoyles must have been married by one of the self-appointed priests in the marriage house on Coldstream Bridge.<sup>292</sup> In addition to family disapproval, there were three other factors which may have influenced the decision to marry in Scotland: Ellen's Jewish faith; Ellen's age—she was under the age of majority—and the fact she was two months pregnant.<sup>293</sup>

The newly-weds returned to Newcastle and presented their families with a fait accompli. In July, Hoyle applied to the Durham Diocesan Registry for a licence to marry Ellen according to the rites of the Church of England. The allegation stated: 'the consent of Trytle Joel, the father of the said Ellen Joel hath been obtained to such marriage.'<sup>294</sup> An Anglican wedding took place in St Andrew's Church, Newcastle, on 22 July 1835.<sup>295</sup>

Trytle Joel was a well-respected member of the Newcastle community.<sup>296</sup> However, in 1836, the year after his daughter's marriage, Joel was listed in the registry for bankruptcy. In the *Newcastle Journal*, he was described as a dealer in gold and silver

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<sup>289</sup> Today, Gretna Green is the most well-known venue for a Border marriage but in the 1800s all the Borders towns were attractive for runaways. See Meliora C Smith, *Irregular Border Marriages* (The Moray Press 1934); Lisa O'Connell, *The Origins of the English Marriage Plot: Literature, Politics and Religion in the Eighteenth Century* (Cambridge University Press 2019) Chapter 5; Brian Dempsey, 'Making the Gretna Blacksmith Redundant: who Worried, who Spoke, who was Heard on the Abolition of Irregular Marriage in Scotland?' (2009) 30 (1) *Legal History* 23.

<sup>290</sup> An irregular marriage was one where banns had not been read and was by agreement between the parties.

<sup>291</sup> Thomas Oliver, *A New Picture of Newcastle upon Tyne or an Historical and Descriptive View of the Town and County of Newcastle Upon Tyne, Gateshead, and Environs* (T Oliver 1831) 11.

<sup>292</sup> The archives at Coldstream were searched for me by a volunteer from the Coldstream and District Local History Society. The marriage is recorded in 'Marriages' *The Carlisle Patriot* (Carlisle, 23 May 1835) 3: 'John Theodore Hoyle Esq., solicitor, of Newcastle upon Tyne to Emma (sic) eldest daughter of Mr Joel of that town, and niece to Joseph Leon, Esq. of Russell-square, London.'

<sup>293</sup> The marriage is recorded on the Hoyle family Pedigree as 4 March. This would make the birth of Savile, on 6 December, within 9 months. In fact, the irregular marriage was in May and the Anglican marriage in July.

<sup>294</sup> Marriage Allegation John Theodore Hoyle to Ellen Joel (Durham 1835).

<sup>295</sup> John Theodore Hoyle and Ellen Joel Marriage (St Andrew's Church 1835).

<sup>296</sup> In 1840 he lived in a house with a shop on Dean Street, Newcastle upon Tyne.

watches, and a chapman.<sup>297</sup> Despite being ordered to surrender to the commissioners, he continued to run his business and became treasurer for the new synagogue.<sup>298</sup> He was finally declared bankrupt in June 1846 and in August of that year the final audit took place, at which the official assignee stated that he had just taken possession of Joel's books and invoices.<sup>299</sup> Joel told the court he was unable to write, and the books were in poor order, but he had a good memory for his accounts for the preceding ten years.<sup>300</sup> Thus, Joel stretched his bankruptcy proceedings over a decade. What his son-in-law, a bankruptcy lawyer, thought of this will be forever a mystery.<sup>301</sup>

### 2.3.3 Children

Following their marriage, the Hoyles moved into one of the most fashionable addresses in Newcastle: Leazes Terrace. On 6 December 1835, Ellen gave birth to her first son Savile Richard.<sup>302</sup>

Savile was followed by fourteen siblings between 1837 and 1856: six boys and nine girls (including female twins). I discovered that Ellen Hoyle suffered a stillbirth in 1849 or 1850. The only record of this unnamed son is on a draft pedigree in Tyne and Wear Archives.<sup>303</sup> Ellen, who had already rejected her Jewish faith to some extent in marrying Hoyle, seems to have struggled with her religious beliefs. On 6 December 1843, she was baptized at St Andrew's Church.<sup>304</sup> Ten days later her fourth son, Alfred Hanson, was born. Alfred died on 29 December. All the Hoyle children born alive reached adulthood excepting Alfred. This was a great achievement in the nineteenth century when infant mortality left few families unscathed.<sup>305</sup>

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<sup>297</sup> Joel had a silver mark registered with the Newcastle assay office: 'Antique Newcastle Silver' (*AC Silver*) <<http://www.acsilver.co.uk/shop/pc/Antique-Newcastle-Silver-d86.htm>> accessed 15 October 2020; 'Whereas a Fiat in Bankruptcy' *Newcastle Journal* (Northumberland, 16 January 1836) 2.

<sup>298</sup> GD Guttentag, 'The Beginnings of the Newcastle Jewish Community' (1973) 25 *Transactions & Miscellanies* (Jewish Historical Society of England) 7.

<sup>299</sup> 'Bankrupts' *Newcastle Courant* (Northumberland, 3 July 1846) 8.

<sup>300</sup> 'Newcastle Bankruptcy Court' *Newcastle Guardian and Tyne Mercury* (Northumberland, 29 August 1846) 5.

<sup>301</sup> In 1855 Hoyle became solicitor to the Newcastle Bankruptcy Court.

<sup>302</sup> The birth was announced in the *Durham Chronicle* (*Durham*, 11 December 1835) 3. This date is recorded on the official Hoyle pedigree commissioned in the 1870s. Savile was not baptized until April 1836 and his death certificate records 1836 as his date of birth.

<sup>303</sup> Appendix C.

<sup>304</sup> Baptism Record Ellen Hoyle (St Andrews Church 1843).

<sup>305</sup> For more on child mortality in the nineteenth century see Thomas E Jordan, *Studies in the Quality of Life in Victorian Britain and Ireland* (Thomas Edward 2013); Hannaliis Jaadla and others, 'Infant and

It is easy to identify events in Hoyle's family history that informed his approach in the coroner's court. The empathy engendered by personal family struggles with religion, stillbirth, and child deaths are reflected in his attitude to the people who were touched by the coroner's work. Obituaries and profiles of Hoyle, in addition to reported comments made at inquests, highlighted his humanity for those who found themselves in situations of 'genuine affliction and distress' and 'many a case of genuine distress found in him a warm and practical sympathiser.'<sup>306</sup> He expressed sympathy for unmarried mothers who had to leave children in the care of others and ensured that paupers were treated with decency.

There is much of interest to say about Hoyle's sons and daughters but for this biography, only selected details are relevant to establish the events that formed his character.

Hoyle's eldest son, Savile Richard, was admitted as an attorney in 1859.<sup>307</sup> He did not enter partnership with his father but set up on his own account in London and became agent for his father's firm.<sup>308</sup> This arrangement led, half a century later, to litigation and a legal precedent in the law of contract.<sup>309</sup> Hoyle's second son, Theodore, qualified as a solicitor in 1860. In 1866 the firm became Hoyle Shipley and Hoyle.<sup>310</sup> No further partners were admitted during John Theodore's lifetime. Theodore sat as a deputy coroner before finally becoming coroner on his father's death in 1885.

Both Savile and Theodore must have caused their father consternation. Savile, as became clear in 1892 in the evidence in *Re Hoyle; Hoyle v Hoyle*, was less than diligent in returning the fees for London work to the firm in Newcastle.<sup>311</sup> Savile, a bankrupt towards the end of his life who had struggled to support his family in the manner he wished, died in Finchley in 1875, aged 43, from cirrhosis of the liver and

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Child Mortality by Socio-Economic Status in Early Nineteenth-Century England.' (2020) 73 4 The Economic History Review 991.

<sup>306</sup> 'Death of Mr JT Hoyle' *Newcastle Evening Chronicle* (Northumberland, 24 December 1885) 2.

<sup>307</sup> 'Admission of Attorneys' (1859) 1 *Solicitors Journal and Reporter* 556.

<sup>308</sup> His office was in Cannon Street.

<sup>309</sup> See *re Hoyle* [1893] 1 Ch 84 and for a discussion of the legal point see Hugh Beale (ed) *Chitty on Contracts* (33rd ed, Sweet and Maxwell 2020) 45-057.

<sup>310</sup> 'Shipley' was Joseph Shipley the solicitor and art collector whose collection, by way of a bequest unwanted by Newcastle City Council, founded the Shipley Art Gallery in Gateshead.

<sup>311</sup> [1893] 1 Ch 84. A lawsuit, following probate of JT Hoyle's will, was the legacy of Savile Hoyle's poor handling of money. This is not of immediate relevance to the narrative but will form the basis of an article.



pneumonia.<sup>312</sup> There was no inquest but had there been one, it is likely that the finding would have echoed those held by his father: death contributed to by the effects of alcohol consumption. Cirrhosis of the liver is not only caused by excessive alcohol; although, this is the most common cause.<sup>313</sup> Hoyle, through the struggles of his son would have had an insight, however slight, of the human dilemmas presented to him each day in the coroner's court.

In 1861 Theodore married Julia Loveday with whom he had nine children. However, he also fathered two illegitimate children. One, a girl, died in infancy.<sup>314</sup> The other, a son, Charles Hoyle Carr, was born between the births of two of his legitimate daughters, and in the year after the death of his mother.<sup>315</sup> Was John Theodore aware of his son's alternative family? There was no formal provision for Charles Hoyle Carr in his father's will, nor his grandfather's will. Did the behaviour of Hoyle's children influence his approach to the sad cases that came before him in the coroner's court? Certainly, he was empathetic to poor and unmarried mothers.<sup>316</sup>

In 1873, Ellen Hoyle died aged 58.<sup>317</sup> Her death certificate gave the cause of death as 'paralysis several years'.<sup>318</sup> Paralysis was invariably used as shorthand for a stroke. The informant was not the coroner, but one of his sons, and the cause of death was not certified (she had not been attended by a doctor). This was a death that might have been expected to be subject of an inquest, but Hoyle would have been satisfied as to the cause of death. However, with a lawyer's attention to detail, he was careful to record the exact time of her death in his notebook. He wrote:

My dear wife died 15th May 1873 at 25 minutes to six o'clock in the presence of her family aged 58. On the 13th (...) she was able to sustain a Conversation about staying at Newbiggin with me when I went home between 5 + 6 and again a little above the same hour on the 14th.<sup>319</sup>

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<sup>312</sup> Death Certificate of Savile Richard Hoyle (1879).

<sup>313</sup> Charles George Hoyle, the third son, may have had a problem with alcohol. In 1890 he was arrested, and fined, for being drunk and incapable at 2.20 in the morning. 'Today's Police News' *Shields Daily Gazette* (Durham, 17 July 1890) 3. Richard Hoyle junior also died from liver disease. See Death Certificate of Richard Hoyle (1868).

<sup>314</sup> Information from Alan Bennett, descendent of Charles Hoyle Carr.

<sup>315</sup> Birth Certificate of Charles Hoyle Carr (1876).

<sup>316</sup> Discussed in Chapter 4.

<sup>317</sup> The death certificate first has the date of registration as 20 May— this was crossed out and 17 substituted. The death is reported in 'Deaths' *Newcastle Courant* (Northumberland, 23 May 1873) 8.

<sup>318</sup> Death Certificate of Ellen Hoyle (1873).

<sup>319</sup> Notebook of JT Hoyle in *Richmonds Solicitors Box* (n 218). The Hoyles holidayed at Newbiggin which is on the Northumberland coast and accessible by train.

The following day he purchased a double plot in St Andrew's cemetery and Ellen was interred there.<sup>320</sup>

Tragedy struck the Hoyle family again a month after Ellen's death. Hoyle's eldest daughter Cecilia Grace and her husband, Benjamin Blaydes Thompson, a solicitor from Tadcaster, came to Newcastle for the funeral. Cecilia had recently given birth to her fifth child, Cyril Hanson.<sup>321</sup> On 7 June 1873 Cecilia died at Leazes Terrace from 'inflammation of the lungs (9 days illness)'.<sup>322</sup> Her death was uncertified, suggesting that the Hoyles did not call a doctor to examine Cecilia even though her illness had lasted for over a week. There is no evidence to suggest that this death was anything other than a sad occurrence and again Hoyle recorded precise details in his notebook: '7th June 1873 My dear Daughter Cecilia Grace (...) died aged 34 last birthday of inflammation of the Lungs (...) 25 minutes before 11'.<sup>323</sup> Members of the Hoyle family have suggested that Cecilia may have taken her own life, after discovering her husband was having an affair with her younger sister Fanny, but there is no contemporary evidence to support this suspicion.<sup>324</sup>

The only indication that the circumstances of Cecilia's death may have been less than straightforward is that Cyril Hanson Thompson continued to live with his grandfather and his aunt in Newcastle whilst his siblings were sent to boarding school in Scarborough.<sup>325</sup>

The events of 1873 were further complicated in July of the following year when Cecilia's widower, Benjamin Thompson, married Cecilia's sister Isabel at the British Embassy in Paris.<sup>326</sup> This marriage could not take place in England due to a statute of 1835, which declared 'null and void' a marriage between a man and the sister of his deceased wife.<sup>327</sup> Couples with financial means, such as the Thompsons, married

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<sup>320</sup> Richard and Cecilia Hoyle were buried in 'the ante Church of St Nicholas' in Newcastle in what is described on their memorial in Denton Church as a family vault *Willis's Current Notes for the Month* (G Willis 1856) 42. St Nicholas's Churchyard— now St Nicholas's Cathedral— was closed for burials in 1859.

<sup>321</sup> Birth Certificate of Cyril Hanson Thompson (1873). Born 4 February—Cyril's birth was registered on 10 March.

<sup>322</sup> Death Certificate of Cecilia Grace Thompson (1873).

<sup>323</sup> Notebook of JT Hoyle in *Richmonds Solicitors Box* (n 220).

<sup>324</sup> Conversation with Ted Hoyle (3 August 2016).

<sup>325</sup> He attended Giggleswick School and left in 1886, the year after the death of his grandfather. Theodore Hoyle's son Algernon also attended this school. HB Atkinson, *The Giggleswick School Register, 1499 to 1921* (Northumberland Press 1922).

<sup>326</sup> See 'Marriages' *York Herald* (York, 23 July 1874) 4.

<sup>327</sup> Marriage Act 1835 (5 & 6 Will VI c 54).

abroad to avoid needing to find a registrar to record the marriage in England.<sup>328</sup> This marriage must have been another scandal to be dealt with by Hoyle, an active member of the Anglican Church.

It would be naïve to think that illegitimacy, marital infidelity, and profligacy were not a regular part of Victorian society: Hoyle's large family had its fair share of grief and scandalous behaviour. The deaths of his brothers, his wife, his infant son, and his daughter in quick succession must have been heavy blows. Illegitimate children and a son-in-law who circumvented the law to marry a second Hoyle daughter complicated the picture. He was dealing with this turmoil in his private life whilst bringing his judgement to bear in the coroner's court. His struggles and experiences engendered empathy with the individuals who required the services of his court. For a prominent citizen to have to deal with so many difficult events must have helped shape his character and approach to the unfortunate members of the community who came within the ambit of the coroner's court.

Hoyle's family history was complex and difficult at times. He cared deeply about his family and heritage. In the personal papers I discovered, there is evidence he investigated his ancestry and recorded details of family graves in Yorkshire. In 1873, the same year he likely sat for the portrait in Figure 1, Hoyle commissioned a respected genealogist, Joseph Foster, to draw up a pedigree.<sup>329</sup> Perhaps the death of his wife caused him to reflect on his own mortality. The chart cost half a guinea and it is accurate except for the dates of Hoyle's marriage and Savile's birth.<sup>330</sup>

## 2.4 Figure 1 and Figure 2: The Portrait in the Laing Art Gallery

The painting, which my research established to the satisfaction of the Laing Art Gallery, was painted by photographer and artist Frederick William Bannister, around the time of Ellen's death in 1873.<sup>331</sup> It portrays a thoughtful man reading a book. He

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<sup>328</sup> For more on marrying the sister of a deceased wife and voidable marriages see David G Barrie, *Sin Sanctity and the Sister-In-Law: Marriage with a Deceased Wife's Sister in the Nineteenth Century* (Routledge 2018).

<sup>329</sup> *Family Pedigree* (1873) noted with the price of 'Half a Guinea' (Private Collection).

<sup>330</sup> *Ibid* and Appendix C.

<sup>331</sup> Bannister (n 226). It is paint on top of Calotype and not an oil painting. Bannister was chiefly a photographer.

was losing his hair, although it still had colour. It is not an official portrait and has never been on public display.<sup>332</sup>

Hoyle was captured by Bannister looking down engrossed in the book. He is smartly, but plainly, dressed in a dark suit with a gold watch chain.<sup>333</sup> He chose to read a book on medical jurisprudence and concentrate, literally, on his work as the coroner. It is a modest image and not an assertive judicial portrait. He sat on an ordinary chair and there are no drapes or accessories.<sup>334</sup> Bannister wrote a guide on how to sit for a portrait and presumably he advised his sitters, but it is likely that Hoyle would have controlled the impression made.<sup>335</sup>

It is unfortunate that I have been unable to locate any images of Hoyle with his family. Although the calotype in Figure 1 is a private portrait, Hoyle has centred his coronial work. This, and the other images of Hoyle, enable the discussions of the inquests, and the reports of Hoyle's words and actions to be firmly grounded in a rounded biography. The inquiries into the deaths of children, the dispute with the medical profession and the struggle to develop a framework for accident and disaster investigation were not conducted by a faceless bureaucrat but an identifiable man.

Having outlined and established the influences from his personal and family life, the next section discusses Hoyle's business and professional life, outside his coronial work.

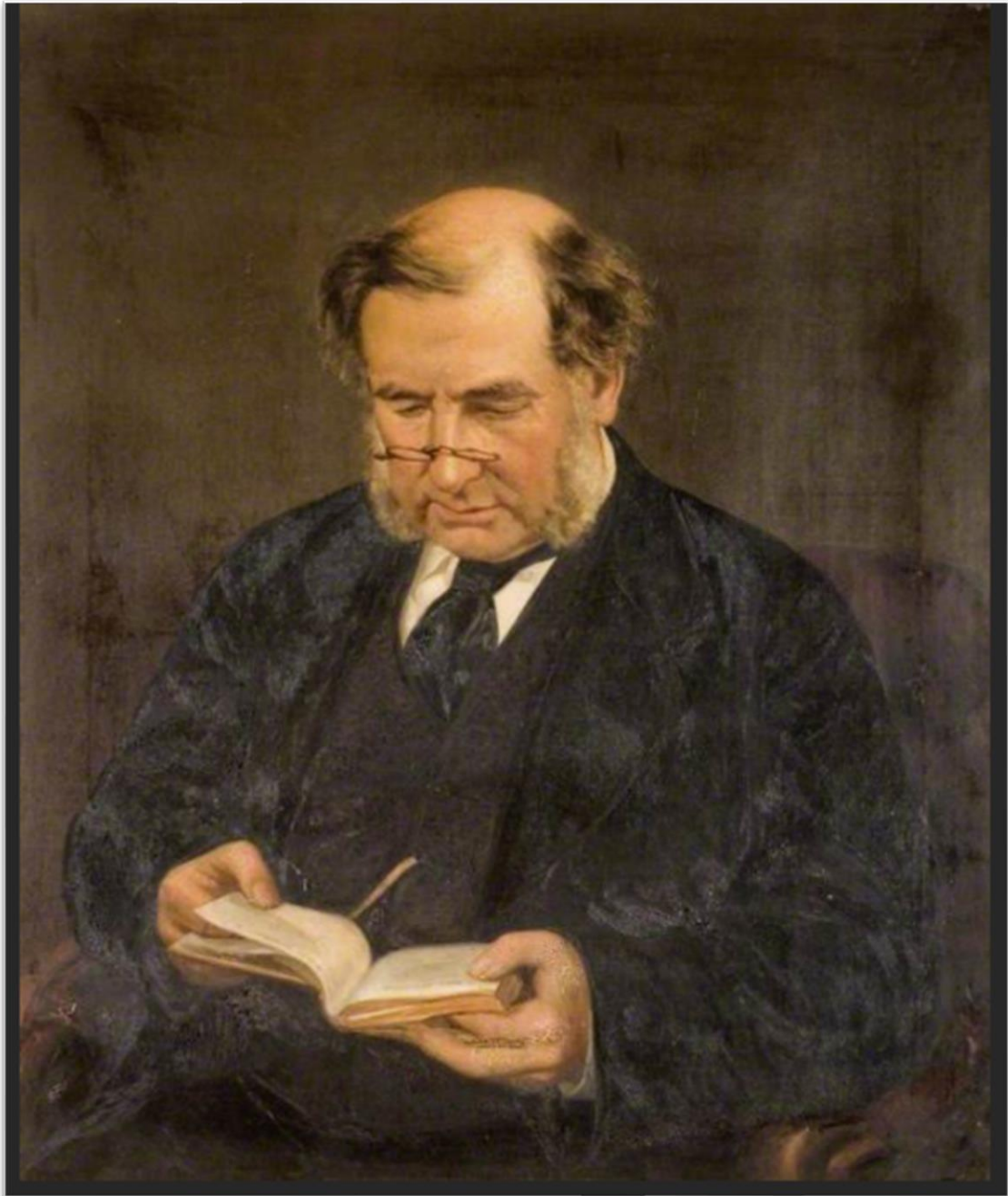
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<sup>332</sup> The painting remained in the family until it was gifted to the Laing Art Gallery in 1954. Oddly, there is a small reproduction of it on the wall in the children's play area in the gallery (thank you to Dr Kevin Crosby, and his son, for discovering this).

<sup>333</sup> This watch is referred to in a draft will of Theodore Cecil Hoyle *Richmond Solicitors Box* (n 220).

<sup>334</sup> In contrast to the other paintings of coroners and judges in national collections see ARTUK <<https://artuk.org/>> accessed 25 November 2020.

<sup>335</sup> *How to Sit for your Photograph What to Wear etc* by FW Bannister Artist and Photographer, was advertised for sale in newspapers, for example *Carlisle Journal* (Carlisle 11 December 1863) 4. It was popular— a revised tenth edition was advertised in the *Newcastle Daily Chronicle* (Northumberland, 9 October 1865) 1. I have been unable to find a copy.



**Figure 1 Frederick William Bannister *John Theodore Hoyle (1808-1885) Coroner of Newcastle upon Tyne***

*Picture Credit: Laing Art Gallery*



**Figure 2 Detail of Book—*Medical Jurisprudence***

*Picture Credit: Helen Rutherford*

## 2.5 Early Business Life and Politics

It is not fanciful to speculate that Hoyle was influenced by the handling of his father's bankruptcy by Donkin and Stable. On 10 November 1825, age 17, he was articled for five years to the senior partner of Donkin and Stable, Armorer Donkin.<sup>336</sup> Donkin was an excellent choice of mentor for an ambitious young man. He was an alderman and a leader in local politics, and a man of culture, in addition to being one of the leading Newcastle lawyers of his generation.<sup>337</sup>

Donkin's most well-known patronage was towards the armaments manufacturer and engineer William Armstrong who spent ten years as a solicitor and was articled at

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<sup>336</sup> *Affidavits of Due Execution of Articles of Clerkship John Theodore Hoyle 1825* (The National Archives KB106 11).

<sup>337</sup> An alderman in the nineteenth century was a member of the borough council chosen by the elected members. Aldermen were appointed for six years. Welford, in describing Donkin, suggests 'the profession of the law in Newcastle numbered among its members several men who were at the head of nearly every movement which had for its object the study of local antiquities, the advancement of useful knowledge, and the extension of political freedom'. Richard Welford, *Men of Mark Twixt Tyne and Tweed* (Walter Scott 1895) 97.

Donkin and Stable at the same time as Hoyle.<sup>338</sup> In 1828, Hoyle witnessed the affidavit confirming the articles of agreement between Armstrong and Donkin and Stable.<sup>339</sup> Armstrong spent part of his articles of clerkship in London under the tutelage of his brother-in-law William Henry, later Baron, Watson, a special pleader in the Temple and a member of Lincoln's Inn.<sup>340</sup> Hoyle also served part of his legal apprenticeship in London with Watson. Disappointingly, my research has not found evidence of Hoyle's time at Lincoln's Inn.<sup>341</sup> However, one year in the capital was sufficient and Hoyle returned to Newcastle where he completed his articles on 1 June 1831. He immediately founded his own firm. This was a confident move. Many lawyers chose to enter the practice where they were articled. If Hoyle had aspired to become a coroner in 1831, he would not have been eligible. Prior to the Municipal Corporations Act 1835 each town had its own rules for appointing coroners and in Newcastle an appointee had to be a burgess.<sup>342</sup> Two coroners were appointed each year by the Town Council.<sup>343</sup>

Donkin, in addition to being a legal mentor, may have influenced Hoyle's politics. Both Richard Hoyle senior and Richard Hoyle junior were Tory voters, but John Theodore was a Liberal, as was Donkin. Richard Welford noted that Donkin was 'a Liberal of the Whig School.'<sup>344</sup> In addition to being a shrewd lawyer, Donkin's hospitality was legendary and he held an open house at his home in Jesmond Dene each Saturday known as 'Donkin's Ordinary'.<sup>345</sup> The hospitality was generous and 'few strangers of eminence came to Newcastle without partaking of the hospitalities

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<sup>338</sup> See 'The Late Baron Watson' *The Monthly Chronicle of North-Country Lore and Legend* (Vol 5, Walter Scott 1891) 494.

<sup>339</sup> *Affidavits of Due Execution of Articles of Clerkship William Armstrong 1828* (The National Archives KB106 13).

<sup>340</sup> William Henry Watson (later Baron Watson) was called to the bar in 1832 at Lincoln's Inn.

<sup>341</sup> Megan Dunmall, the archivist and records manager at Lincoln's Inn, kindly carried out a search in October 2016.

<sup>342</sup> The position in Newcastle was complicated and is fully explained in Eneas Mackenzie, *Descriptive and Historical Account of the Town and County of Newcastle upon Tyne* (Eneas Mackenzie 1827) 652. A burgess originated as an inhabitant of a place who was charged with its defence and held their position by military tenure. In effect, they were freemen of the Borough.

<sup>343</sup> For full details of the set-up of the Corporation in Newcastle upon Tyne pre the Municipal Corporation Act see House of Commons *First Report of The Commissioners Appointed to Inquire into The Municipal Corporations in England and Wales* (C (1st series) 116, 1835) 1633. For more detail about the Commission see GBAM Finlayson 'The Municipal Corporation Commission and Report, 1833–35' (1963) 36 93 *Historical Research* 36.

<sup>344</sup> Richard Welford, *Biographies of Remarkable Persons* (Vol 2, W Scott 1895) 101.

<sup>345</sup> Henrietta Heald, *William Armstrong— Magician of the North* (McNidder & Grace 2012) 21. Although a recollection from Surgeon-Major GA Hutton in the *Newcastle Daily Journal* in 1916 referred to them as 'Donkin's Shilling Ordinary'— 'Recollections' *Newcastle Daily Journal* (Northumberland, 22 April 1916) 9.

of Jesmond Park'.<sup>346</sup> It is highly probable that Hoyle would have been a guest at some of these dinners and would have been part of the conversations that ranged through politics, religion, gardening, natural history, engineering and the law.<sup>347</sup>

Donkin was a keen gardener and had planted the grounds of his house in line with advice published by the MP and parliamentary reformer William Cobbett.<sup>348</sup> In *Cobbett's Tour in Scotland; and in the Four Northern Counties of England*, Cobbett recorded a trip to Jesmond Park where Donkin greeted him 'in a manner that will want no describing to those who have had the good luck to visit Newcastle.'<sup>349</sup> Cobbett was a mentor and supporter of Thomas Wakley.<sup>350</sup> Hoyle may have conversed with Cobbett at Donkin's table and there is little doubt the work and role of the coroner would have been part of this conversation.<sup>351</sup>

Cobbett was an advocate of Catholic emancipation.<sup>352</sup> In this he shared an opinion with Hoyle's father, an Anglican, who was a signatory to a petition to end discrimination against Catholics.<sup>353</sup> John Theodore was for a time secretary to the Society for Catholic Emancipation.<sup>354</sup> This fits with his liberal views and his own willingness, whilst being a member of the Church of England, to consider those of other faiths.

Having outlined Hoyle's early life in society, this is an appropriate point to introduce the earliest image of John Theodore, painted in 1832 in a tableau of North East celebrities.

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<sup>346</sup> Welford (n 344) 10.

<sup>347</sup> Thomas Sopwith, *Diaries* (Newcastle University Special Collections GB 186 TS 1825-1879).

<sup>348</sup> William Cobbett, *The Woodlands* (William Cobbett 1825).

<sup>349</sup> William Cobbett, *Cobbett's Political Register, Volumes 78-79* (William Cobbett 1832) 74.

<sup>350</sup> Introduction (n 60).

<sup>351</sup> I have been unable to find positive proof.

<sup>352</sup> See John W Osborne, 'William Cobbett's Role in the Catholic Emancipation Crisis, 1823-1829' (1963) 49 (3) *The Catholic Historical Review* 382.

<sup>353</sup> 'To the Right Worshipful the mayor of Newcastle' *Newcastle Courant* (Northumberland, 7 March 1829) 1.

<sup>354</sup> 'Personal Sketches: The Coroner' (np 31 December 1880).



## 2.6 Figure 3 and Figure 4: The Fancy Dress Ball 1832

I have identified Hoyle in a painting in the Mansion House in Newcastle.<sup>355</sup> The image, reproduced in Figure 3, is of Hoyle as a young man soon after his qualification as a solicitor. This portrait establishes Hoyle, at an early age, as a recognisable man in North East Society: not sufficiently important to be in the foreground of the painting but known enough to be individually portrayed. He was newly qualified and beginning to establish his legal practice.

The ball immortalized in the painting was held on 22 March 1832 by the mayor and mayoress of Newcastle. The attendees, ‘a most numerous and fashionable assemblage’, were painted by society artist Henry Perlee Parker.<sup>356</sup> The scene is labelled ‘Fancy Dress Ball in The Mansion House, Coronation of William IV’, although it was in fact held to celebrate the end of a cholera epidemic.<sup>357</sup> The ball was lavishly described in the newspapers. The *Newcastle Journal* suggested it was reminiscent of ‘the magnificent but incongruous assemblages of an opium dream.’<sup>358</sup> The costumes worn by the attendees were listed in the newspapers to enable identification of individual revellers.

Amongst the estimated 550 attendees was twenty-three-year-old Hoyle, together with his brother and their father. Richard junior was dressed as a Spanish nobleman and John Theodore, who had recently returned from his legal apprenticeship in London, was Rodolphe from *Der Freishütz*, a highly popular German opera.<sup>359</sup>

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<sup>355</sup> John Sykes *Local Records; or Historical Register of Remarkable Events: Which Have Occurred in Northumberland and Durham, Newcastle Upon Tyne, and Berwick Upon Tweed, from the Earliest Period of Authentic Record, to the Present Time; With Biographical Notices of Deceased Persons of Talent, Eccentricity, and Longevity*, Volume 2 (J Sykes 1833 reprinted T Fordyce 1866) 351.

<sup>356</sup> ‘Fancy Dress Ball’ *Newcastle Chronicle* (Northumberland, 24 March 1832) 2; for details of Henry Perlee Parker’s career and art see Nerys Johnson, *Henry Perlee Parker Exhibition, Laing Art Gallery, 1969-1970* (Laing Art Gallery 1969); Henry Perlee Parker, *An Artist’s Narration (Retold)* (Newcastle City Library, nd) 43. Henry Perlee Parker’s personal archive, including notes of the records of sales of his prints and paintings, is held in New York at Yale University. COVID19 has prevented me finding out whether there is any information about the sitters for the 1832 painting—see ‘Henry Perlee Parker Collection, 1822-1970’ (Yale University Library Catalogue) <[orbis.library.yale.edu/vwebv/holdingsInfo?bibId=12645194](http://orbis.library.yale.edu/vwebv/holdingsInfo?bibId=12645194)> accessed 3 November 2020.

<sup>357</sup> Henry Perlee Parker, *Fancy Dress Ball in The Mansion House, Coronation of William IV* (1832) Oil on Canvas (Newcastle upon Tyne Mansion House).

<sup>358</sup> ‘Fine Arts Exhibition—Peep II’ *Newcastle Journal* (Northumberland, 29 September 1832) 4.

<sup>359</sup> *Der Freishütz* is a romantic opera in three acts by Carl Maria von Weber. It was based on a play by Septimus Globus and was first performed in 1821. On 15 May 1849 the *Morning Post* suggested ‘no musical work ever composed achieved so sudden or so world-wide a popularity.’ JT Hoyle was dressed in a costume demonstrating the heights of popular culture. For an account see Helen Rutherford, ‘An Opium Dream’ (*Lit and Phil Blog*, 16 April 2020). <[www.litandphil.org.uk/blog/posts/2020/april/an-opium-dream/](http://www.litandphil.org.uk/blog/posts/2020/april/an-opium-dream/)> accessed 21 October 2020.

Close examination of the painting suggests that Parker planned the general composition on the evening of the ball and then arranged for the individuals to sit for portraits. The prominent citizens depicted would have been able to recognize themselves immediately and it was likely displayed for the general population to marvel at. The painting was reviewed favourably in the *Newcastle Journal*:

The picture perpetuates the remembrance of the gorgeous scene as it appeared in the entrance hall, and the fidelity with which the numerous groups are portrayed, the richness and variety of the costume, and the circumstances that occasioned the gay assemblage, confer upon the picture more than ordinary local interest.<sup>360</sup>

Although a critical reviewer from the *Tyne Mercury* wrote:

[I]t appears to have been painted, not so much for the sake of making a picture, as generally for the commemoration of the ball, and particularly for the purpose of immortalizing, as far as a Mansion-House Ball and an artist can immortalize, the ladies and gentlemen who were present. A number of the likenesses are excellent, and particular groups are well managed.<sup>361</sup>

This is contemporary confirmation that the painting is a reliable source for identifying the leading citizens of early nineteenth century Newcastle. Behind the detailed figures in the foreground, the faces of the guests in the centre of the painting are less precise. To the left of centre, are two clear figures. *The Tyne Mercury* noted, 'So carefully has the artist finished his work, that almost every individual figure would make a separate picture.'<sup>362</sup> This is true of two men who stand out as slightly big for their elevated position (expanded in Figure 4).<sup>363</sup>

The highlighted pair undoubtedly portray the Hoyle brothers who had become part of the elite of Newcastle upon Tyne. As coroner, as my research demonstrates in the chapters that follow, Hoyle came to be identifiable by the community across all social classes. This painting is the first time that the community had a pictorial guide to the people who would shape and influence Newcastle over the following half century and Hoyle took his place, not in the foreground but in a prominent spot in the centre of the action.

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<sup>360</sup> 'Gallery of Works of Art' *Newcastle Journal* (Northumberland, 7 July 1832) 3.

<sup>361</sup> Quoted by Henry Perlee Parker in *Critiques on Paintings by HP Parker Exhibited at The Royal Academy, British Gallery, Suffolk Street exhibition, London, and Several Provincial Institutions Together with a Few Slight Etchings, Shewing the Compositions, &C.* (John Hernaman 1835) 59.

<sup>362</sup> *Ibid.*

<sup>363</sup> I have carried out research to be certain as to this identification but there is no space to detail the research here. It will form the basis of a journal article.



**Figure 3 Henry Perlee Parker *Fancy Dress Ball in The Mansion House: Coronation of William IV* (1832)**

*Picture Credit: The Mansion House Newcastle upon Tyne*



**Figure 4 John Theodore and Richard Hoyle. Detail from *Fancy Dress Ball in The Mansion House***

*Picture Credit: Helen Rutherford*

## 2.7 Legal Work

When Hoyle entered the legal profession, most solicitors were general practitioners who handled all the legal requirements of their clients. This included prosecuting and defending criminal cases, conveyancing, civil litigation, wills and probate, business and family affairs. However, Hoyle was ambitious and did not intend to become merely a high-street attorney. Soon after qualification he was appointed as a Master Extraordinary in Chancery and swore an oath of allegiance to King William IV.<sup>364</sup> The Masters Extraordinary were appointed as the King's representatives in the provinces and dealt with affidavits in the court of Chancery. The oath required Hoyle to swear allegiance not only to the King, but to his people.<sup>365</sup> Thus, from the first, as a lawyer, Hoyle had service of the people as one of his guiding principles.

Hoyle served his apprenticeship with one of the most skilled lawyers in Newcastle and he developed as a diligent and careful lawyer. He did not cut corners and expected the law to be observed to the letter. This was aptly demonstrated in 1839 in his first high-profile case: the prosecution of Archibald Bolam for murder.

## 2.8 Regina v Bolam 1839

Criminal work was not central to Hoyle's practice. The criminal cases he undertook were incidental to his commercial practice. However, in 1839, in a case which gripped the nation, the actuary of the Newcastle Savings Bank was arrested and tried for the murder of bank-clerk Joseph Millie. Such a high-profile case required a diligent solicitor. Hoyle was appointed as solicitor for the prosecution.<sup>366</sup>

The outcome of the Bolam case may explain why Hoyle decided not to pursue a career in criminal law and to concentrate on commercial work. It was, on the face of it, a straightforward case of murder but the jury returned a manslaughter verdict. The case reads like a penny dreadful but, in short, in the early hours of 7 December 1838, a fire was spotted in the Newcastle Savings Bank in the Royal Arcade. Joseph Millie,

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<sup>364</sup> *John Theodore Hoyle Oath of Masters Extraordinary in Chancery 1831* (The National Archives C 202/221/15).

<sup>365</sup> *Ibid.*

<sup>366</sup> A profile of Hoyle in later life suggested he was employed by the Treasury to undertake the prosecution— the bill was paid by Newcastle Town Council.

a bank clerk, was discovered lying on his side, dead, in front of the fireplace. His skull had been fractured by blows from a poker, which was abandoned nearby.<sup>367</sup>

Archibald Bolam was found semi-conscious in a corner of the room with wounds to his neck and torso. When he regained consciousness, he told the police that he had been attacked by two men with blackened faces and slashed in the throat whilst trying to fend them off. An inquest was held by the coroner, William Stoker, and Bolam's story unravelled. Despite the apparent lack of motive, and his protestations of innocence, Bolam was indicted for the murder of Millie. It was a cause célèbre for months as the newspaper-buying public lapped up stories about the accused.

Hoyle prepared for the Bolam prosecution with care and left no stone unturned. Between 70 and 80 witnesses were called for the prosecution. His approach to this case reflected his later coronial work. He was meticulous, followed procedure, and prepared fully. Hoyle commissioned a large model of the Savings Bank and wooden figures of the victim and accused.<sup>368</sup> Scale diagrams were drafted and notably, exhaustive medical evidence was commissioned to examine and discuss the state of the accused when the crime was discovered.<sup>369</sup> The forensic medical evidence reflected Hoyle's upbringing in a scientific household and his willingness to seek expert opinion is discussed in Chapter 5.

Meticulous preparation came with a high cost. The bill for the prosecution was £432.10s which fell to be paid by the ratepayers.<sup>370</sup> This caused consternation in the council chamber where councillor Stephen Lowery suggested the prosecution had gone beyond that which was necessary.<sup>371</sup> This was rebutted by Councillor Philipson who asserted: 'I am quite sure the gentlemen who were charged with the prosecution are incapable of acting in such a way'.<sup>372</sup> When Lowery realized that Hoyle had been responsible for the prosecution he accepted, without reservation, that the expenses

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<sup>367</sup> For a full account see Archibald Bolam, *The Trial of Archibald Bolam for the Murder of Joseph Millie in the Savings' Bank, Newcastle, on Thursday, Dec. 6, 1838* (William Douglas 1839). The crime and the trial were reported in detail in the local and national newspapers.

<sup>368</sup> Sopwith (n 347) Diary 1838/9.

<sup>369</sup> Martin H Lynch, 'Medical Arguments in the Case of The Queen v Bolam, (tried at Newcastle, July 29th, 1839) Drawn up for the Use of the Solicitor and Counsel for the Prosecution' (1839) 32 (833) *The Lancet* 744. This is an early example of forensic evidence being commissioned. There was a detailed police investigation of the scene of the crime. I have presented conference papers with Clare Sandford-Couch on the Bolam case. We plan to publish our research.

<sup>370</sup> *Proceedings of the Town Council of the Borough of Newcastle upon Tyne 1838/39* (Newcastle upon Tyne 1839) 28.

<sup>371</sup> *Proceedings* (n 370) 46.

<sup>372</sup> *Proceedings* (n 370) 47.

must have been reasonably incurred.<sup>373</sup> Hoyle, even at this early stage of his career, was acknowledged as professionally beyond reproach.

The prosecution of Archibald Bolam did not go according to plan. The medical evidence established that Bolam had inflicted his wounds himself and there was no evidence of another's involvement in the crime. Millie had been battered over the head with such force that the poker was bent in the middle. Despite the forensic evidence and the expert medical evidence, prosecuting counsel failed to capitalize on their advantage. *The Lancet* published the reports in full and criticized the barristers for failing to understand the importance of the medical evidence.<sup>374</sup> Hoyle had enabled medicine to be called in support of the law, but the lawyers had been found wanting.

Despite the careful preparation, and the strong expert and circumstantial evidence, Hoyle had not calculated for the unpredictable nature of the judiciary. As the newspapers reported, 'It is to be observed that Mr Baron Maule's charge was a charge for an acquittal, discrediting all the circumstantial evidence tending to the conclusion that Bolam killed Millie.'<sup>375</sup> Bolam was found guilty of manslaughter and transported to Australia.<sup>376</sup> Hoyle did not prosecute a major case again. However, the experience of having to watch the judge's direction of the jury may have influenced his own dealings with juries when he became coroner.<sup>377</sup>

Hoyle's firm developed as a commercial practice specialising in bankruptcy and commercial law and, via this work, he represented and mixed with all levels of society. In 1855 he was presented with a 'massive silver inkstand' by the Heworth Tradesmen's Society as a mark of their thanks for his services as their solicitor.<sup>378</sup> He represented the members of the Licensed Victuallers' Association and met his clients in their premises. He was the agent for several building societies and insurance

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<sup>373</sup> *Proceedings* (n 370) 9 66.

<sup>374</sup> Lynch (n 369) 744.

<sup>375</sup> 'Case of Bolam' *Newcastle Courant* (Northumberland, 16 August 1839) 8.

<sup>376</sup> For discussion of Bolam's conduct on the convict ship *Woodbridge* see Charles Cozens, *Adventures of a Guardsman* (Richard Bentley 1848) 84,95 and 121.

<sup>377</sup> In a macabre footnote, Hoyle preserved the poker used to attack the victim, Joseph Millie. See 'The Savings Bank Tragedy' *Newcastle Evening Chronicle* (Northumberland, 7 December 1885) 5.

<sup>378</sup> 'Presentation of Plate to JT Hoyle, Esq.' *Newcastle Journal* (Northumberland, 9 June 1855) 5.

companies.<sup>379</sup> In his insurance work he had an opportunity to observe the role of insurance in the lives of working men. It was an issue he raised at inquests.<sup>380</sup>

Hoyle had wide commercial interests beyond his legal practice. He invested in exciting opportunities that arose in the industries and companies in the emerging industrial society, including railways and gas companies.<sup>381</sup> He was solicitor to the Tyne Coal Trade Shipping Company and the Britannia Building Society.<sup>382</sup> He was a director of a company set up in 1840 to bring clean water to Newcastle and Gateshead.<sup>383</sup> His investments were significant. The *Railways Return* 1846 recorded that he had invested £3000.<sup>384</sup> It has been commented that investment in the railways was the surest way to lose money, but Hoyle had an entrepreneurial streak.<sup>385</sup>

Several coroners who wrote memoirs, or who have been the subject of studies, gave up their legal or medical practice when appointed coroner. However, Hoyle carried out the coronial work alongside his legal work. A profile in 1880 suggested:

[H]e appears to be a man who has a great deal of leisure on his hands; yet it would be quite idle to suppose that work is not always crowding in (...) Mr Coroner Hoyle has something of JULIUS CAESAR'S talent [who could dictate to eight clerks at once] (...) He can attend to many things at once.<sup>386</sup>

No work seemed to suffer, especially the coroner's quest. He was able to combine legal business, the coroner's office, family life and a multitude of interests.

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<sup>379</sup> For example, the Minerva Life Insurance Company— see MA Richardson, *Directory for Newcastle Upon Tyne and Gateshead* (Richardson 1838) 2; Guardian Building Society, see *Newcastle Guardian* (Northumberland, 2 November 1850).

<sup>380</sup> See Chapter 5.

<sup>381</sup> House of Commons, *List of Subscribers of £2000 and Upwards to the Railway Subscription* (Paper 473 1846); Hoyle followed his father and invested in gas via the Corporation Gas Company established in Sunderland. See House of Commons, *Joint Stock Companies Return of all Joint Stock Companies Registered under the Act 7 & 8 Vict c 110* (Paper 577 1845).

<sup>382</sup> 'Tyne Coal Shipping Company' *Newcastle Journal* (Northumberland, 24 November 1838) 2; 'Change of Place of Meeting' *Newcastle Guardian and Tyne Mercury* (Northumberland, 18 March 1854) 4.

<sup>383</sup> See Newcastle upon Tyne and Gateshead Water Act 1840 (3 & 4 Vict c 78). Perhaps this accounts for his inclusion in the comic song about contaminated water at the head of the chapter.

<sup>384</sup> House of Commons (n 381) 150.

<sup>385</sup> For discussion of investment in railways in the nineteenth century see RA Byer, 'Accounting for the "Railway Mania" of 1845—A Great Railway Swindle?' (1991) 16 (5-6) *Accounting, Organizations and Society*, 439 and S McCartney and AJ Arnold, 'The Railway Mania of 1845-1847: Market Irrationality or Collusive Swindle Based on Accounting Distortions?' (2003) 16 (5) *Accounting, Auditing & Accountability Journal* 821.

<sup>386</sup> 'Personal Sketches' (n 354).

## 2.9 Leisure

The discussion above concentrated on Hoyle's business and official interests. The lack of a comprehensive repository of papers meant I had to comb the archives and newspapers for evidence of Hoyle's life outside the courts and the legal profession. Fortunately, the newspapers in Newcastle, all of which had a wide circulation, vied with each other to present a full account of town business.<sup>387</sup> The smallest detail was considered worthy of report. This enabled me to extract myriad small details to establish the stature of Hoyle, the public man.<sup>388</sup> A sample selection follows.

### 2.9.1 Freemasonry

Freemasonry in the nineteenth century was a major force in society.<sup>389</sup> Newcastle upon Tyne had several Lodges and Hoyle was an enthusiastic Freemason. In 1837, he became a member of the Northern Counties Lodge.<sup>390</sup> In 1847 he was a founder member of the Lodge de Loraine and in 1856 he joined the newly constituted Northumberland Lodge.<sup>391</sup> In 1858 Hoyle was installed as a Knight's Templar, an elite cohort of Freemasons that included members of the landed gentry.<sup>392</sup> There was no bar on coroners being involved in the activities of Freemasonry and the meetings at the Lodges would have given him ample opportunity to highlight any issues he had identified in inquests and seek to influence change and improvement in the town.

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<sup>387</sup> *The Newcastle Chronicle* had the largest circulation of any newspaper outside London.

<sup>388</sup> For example, in 1867 a Tyneside wrapper belonging to Hoyle was stolen. This was a fashionable coat and Hoyle would have 'cut a dash' wearing it. See 'A Gang of Thieves' *Newcastle Chronicle* (Northumberland, 7 December 1867) 3.

<sup>389</sup> For discussion of fraternal societies including freemasons see Mary Ann Clawson, *Constructing Brotherhood, Class Gender and Fraternalism* (Princeton Legacy Library 1989) and for a more general history see Jasper Ridley, *The Freemasons: A History of the World's Most Powerful Secret Society* (Arcade 2011). The nineteenth century Freemasons were not secretive—their rituals and ceremonies took place behind closed doors, but they publicised details of their meetings, discussions, and socialising in the newspapers.

<sup>390</sup> Northern Counties Lodge 586 (1) *Freemasonry Membership Registers of Admissions*.

<sup>391</sup> See William R Curry, *The Ancient Fraternity of Free and Accepted Masons: Lodge de Loraine No 541 Newcastle Upon Tyne 1847-1947* (JM Carr 1947). The dedication states that Hoyle was one of the original Brothers granted the Charter; Northumberland Lodge 985 (60) *Freemasonry Membership Registers of Admissions*.

<sup>392</sup> 'Knights Templar' (1858) 4 *The Freemasons Magazine and Masonic Mirror* 520. Thank you to Justin Brett of Loughborough University who provided me with much helpful insight into Freemasonry.



## 2.9.2 Science and the Natural World

In late summer 1863, the thirty-third Annual Meeting of the British Association for the Advancement of Science met in Newcastle.<sup>393</sup> Proceedings were opened by Sir William Armstrong. Hoyle had been part of the group who met in February to organize the event but is not recorded as a subscriber, although he did attend.<sup>394</sup> The British Association Meeting was an honour for the town, and it was a great success. Demonstrations included balloon flights; microscopes; models of working factories; Professor Airey lectured on steam-boiler explosions; Charles Palmer spoke about the construction of iron ships.<sup>395</sup> Of particular interest for a coroner were lectures on 'The Reduction of the Death Rate in Gateshead by Sanitary Measures' by John Lamb and 'How to Restore Drowned Persons, Patients in Chloroform Accidents etc' by Charles Kidd MD.<sup>396</sup> Hoyle had an interest in the scientific and the future and would have been able to mix with, and converse with, leading scientists and businessmen.

Hoyle was not simply an armchair naturalist, although his concern for the wild environment may have been encouraged by his interest in fishing. The box in the Tyne and Wear Archives includes a fishing diary which may have been Hoyle's.<sup>397</sup> The River Tyne was a 'once-great salmon river threatened by industrial pollution in the nineteenth century.'<sup>398</sup> In 1867, pollution of the country's rivers and the effect on the salmon population became a matter for national concern. A Congress was held in Kensington chaired by Lord Percy, Duke of Northumberland.<sup>399</sup> The Congress discussed the danger of pollution to both the fish and the communities living on the banks of the rivers. Hoyle supported the movement, but whether he travelled to London to attend the Congress is unknown.<sup>400</sup>

In 1868, Hoyle wrote to the *Newcastle Journal* to highlight the plight of salmon in the river, with the intention of bringing the attention of the Tyne Fishery Commissioners

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<sup>393</sup> *Report of the British Association for the Advancement of Science; Held at Newcastle upon Tyne in August and September 1863* (John Murray 1864).

<sup>394</sup> Hoyle Robson and Co subscribed £5 and 5s *Newcastle Courant* (Northumberland, 10 July 1863) 5 and exhibited colours at a stand of chemicals *Newcastle Guardian and Tyne Mercury* (Northumberland, 29 August 1863) 8.

<sup>395</sup> 'The British Association' *Newcastle Chronicle and Northern Counties Advertiser* (Northumberland, 22 August 1863) 2.

<sup>396</sup> *Report* (n 393) 16.

<sup>397</sup> It had few entries.

<sup>398</sup> Michael W Marshall, *Tyne Waters: A River and Its Salmon* (HF & G Witherby 1992).

<sup>399</sup> 'The Salmon Fishery Congress' (1867) 14 (364) *The London Review of Politics, Society, Literature, Art, and Science* 695.

<sup>400</sup> 'Salmon Fishery Congress' *Newcastle Daily Chronicle* (Northumberland, 23 May 1867) 2.

to the problem. There had been a fire at the Friar's Goose Chemical Works, which had caused a major spillage of sulphuric acid, leading to the destruction of many fish. The coroner drew the attention of the River Tyne Salmon Conservancy to the fact that it was not one-off accidents that caused deaths but regular discharge from alkali works into the river. He advised that he had carried out several inquests into the deaths of workers who had inhaled poisonous gas and suggested that the discharges from the Elswick gas works also be investigated. Hoyle understood enough about the chemical reactions taking place in the manufactories to be able to offer an educated opinion.<sup>401</sup> This knowledge was demonstrated at inquests.<sup>402</sup>

### 2.9.3 Charity and Journalism

Philanthropy was an important facet of middle-class Victorian life.<sup>403</sup> Whilst undoubtedly a great deal of private charity took place, the newspapers recorded the generosity of the community. Hoyle donated to the Boys and Girls Ragged Schools, to the Shoe Black Brigade, and to the soup kitchens.<sup>404</sup> He supported the funding of the Female Penitentiary and famine relief in Scotland and Ireland.<sup>405</sup> However, he also provided charity directly when needed. He supported the families who passed through his court either by a kind word or, in many instances, a monetary donation direct to the bereaved. He also supported funds set up for families left impoverished by the death of a breadwinner.<sup>406</sup>

The funds for charitable support for the bereaved, often set up at the end of an inquest, were publicised in the newspapers. Hoyle appreciated the power of the press. Ian Burney suggested legal coroners were reticent about inviting the press into

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<sup>401</sup> 'Tyne Salmon Conservancy' *Newcastle Daily Journal* (Northumberland, 14 August 1868) 3.

<sup>402</sup> See Chapters 3 and 5.

<sup>403</sup> See for example Sarah Flew, 'Unveiling the Anonymous Philanthropist: Charity in the Nineteenth Century' (2015) 20 (1) *Journal of Victorian Culture* 20.

<sup>404</sup> 'Local and District News' *Newcastle Guardian and Tyne Mercury* (Northumberland, 20 April 1850) 5; 'Religious and Charity Notices' *Newcastle Journal* (Northumberland, 17 April 1858) 8; both St Andrews and St Nicholas' soup kitchens. In 1863, Hoyle's daughter Isabel held a bazaar and donated the proceeds to a soup kitchen—see 'St Andrew's Soup Kitchen' *Newcastle Guardian and Tyne Mercury* (Northumberland, 24 January 1863) 5.

<sup>405</sup> 'The Penitentiary for Northumberland Durham and Newcastle upon Tyne' *Newcastle Journal* (Northumberland, 22 October 1836) 1; 'The Committee for the Relief of the Famine in Scotland and Ireland' *Newcastle Journal* (Northumberland, 6 February 1847) 2.

<sup>406</sup> Two examples from 1863: at the end of the inquest into the death of Patrick Manion, Hoyle opened a fund, with a donation of half a sovereign, to support his widow and children— see 'Adjourned Inquest on Patrick Manion' *Newcastle Guardian and Tyne Mercury* (Northumberland, 2 May 1863) 5; Hoyle gave 10s to a family 'ill with fever and in great want' following the death of a child Mary Jane Dodds see 'Inquest' *Newcastle Journal* (Northumberland, 24 August 1863) 2.

their courts, but Hoyle positively encouraged newspaper reporting.<sup>407</sup> As discussed later, often the only way that he could influence local behaviour or publicize danger was via the newspapers. Newcastle had five locally printed newspapers and several newsrooms. The newspapers could be rented by the hour to be read by the literate working class.<sup>408</sup> He wrote for the *Newcastle Chronicle*. One of his clerks, Charles Xavier Sykes became a journalist after working for Hoyle for several years.<sup>409</sup> As befits a coroner with an historic interest, Hoyle was an authority on the practice of burying, at crossroads, those who had died by suicide.<sup>410</sup> Writing for the local newspapers, and daily contact with journalists ensured that his voice was reliably reflected in the reports of inquests.

## 2.10 Figure 5 and Figure 6: The Portrait in the *Newcastle Critic*

Hoyle's appeal was wide. A profile in 1881 suggested he was a man with a 'great amount of curiosity' and went on to describe the rather peculiar way Hoyle would stop and observe passers-by whilst glancing over his shoulders.<sup>411</sup> It suggested that he might have had a degree of vanity, stating, 'We know one gentleman who considers Mr Coroner Hoyle "the greatest man in Newcastle."' <sup>412</sup> By 1881 he could have laid claim to such a title.<sup>413</sup> His fame was such that his name was the answer to a quiz question in 'Young Folk's Corner' in the *Newcastle Courant*.<sup>414</sup> It is odd that children would have been expected to know the name of the coroner. More importantly, he was sufficiently famous to be worthy of a portrait in a series of 'collectible' pictures. This was a lithograph of Hoyle, attributed to Ralph Hedley, drawn to accompany a pen-portrait in the *Newcastle Critic*.<sup>415</sup> *The Critic* published a series of articles entitled 'Men you Know' which included clergymen, politicians, and actors. Number 19 was John Theodore Hoyle. The only existing bound copy of the

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<sup>407</sup> Ian A Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1926* (John Hopkins University Press, 2000) 19.

<sup>408</sup> Thomas Wemyss Reid, *Memoirs of Sir Wemyss Reid 1842-1885* (Cassell Limited 1905).

<sup>409</sup> See 'Death of Mr CX Sykes' *Newcastle Daily Chronicle* (Northumberland, 12 July 1907) 3.

<sup>410</sup> *The Monthly Chronicle of North-Country Lore and Legend* (Vol 2, Walter Scott 1888) 325.

<sup>411</sup> 'Personal Sketches' (n 354).

<sup>412</sup> *Ibid.*

<sup>413</sup> It may be that the claim was attributed to a metaphorical third party.

<sup>414</sup> 'Young Folk's Corner' *Newcastle Courant* (Northumberland, 20 February 1880) 6.

<sup>415</sup> Ralph Hedley, *JT Hoyle, Coroner for Newcastle* Lithograph Print (Tyne and Wear Archives and Museums TWCMS: K479 1874).

newspaper, in Newcastle Central Library, includes the written description but not the lithograph, which is in Tyne and Wear Museums.

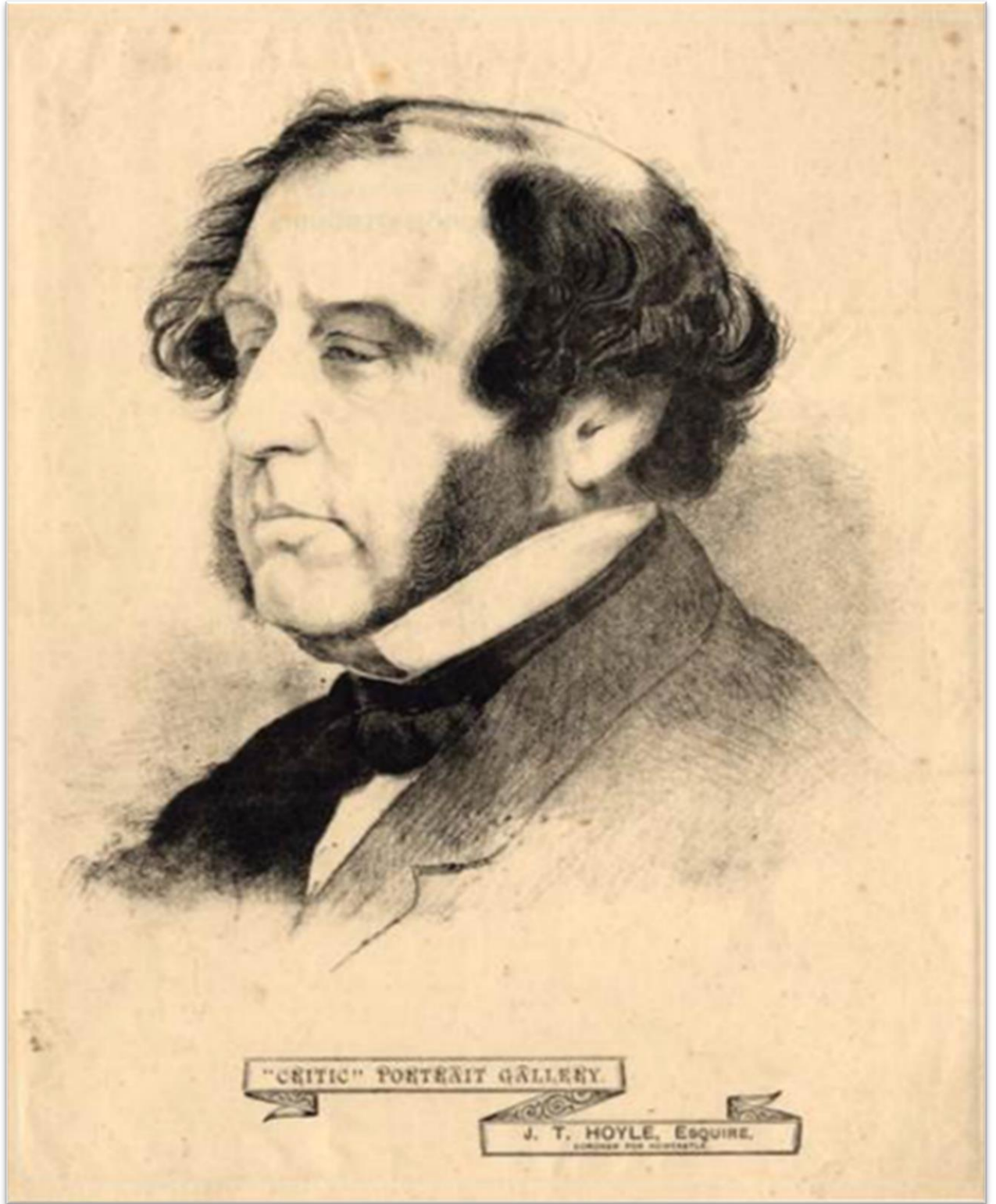
The Hedley portrait is arguably a less humble portrait than the Bannister calotype. Hoyle looks younger due to his dark hair, but this is because Hedley drew from photographs rather than personal sittings. I assumed this picture was based on an earlier photograph because Hoyle was 66 in 1874, and the man in the sketch looks younger. This proved correct when I was sent a copy of the photograph on which the drawing was based.<sup>416</sup> It is likely to have been taken in the 1860s when Hoyle was in his late forties/early fifties. The article alongside the portrait notes: 'For many years past he has mixed much in society and with people in general in the north of England, and has a large acquaintance amongst all classes.'<sup>417</sup> Hoyle was sufficiently recognizable to be the subject of a popular portrayal. The lithographs would have been available for separate purchase. Again, Hoyle does not look directly at the observer, but in this instance, this may simply be Hedley's style, although it may be that Hoyle had a problem with his right eye, which can be discerned in the photograph (Figure 5). A squint may be an explanation for the odd description of his observation of passers-by referred to above.

Having discussed and illuminated aspects of Hoyle's family, business, and personal life, the next section discusses his route to the coronership.

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<sup>416</sup> \_\_John Theodore Hoyle Photograph (Private Collection nd).

<sup>417</sup> 'Men You Know XIX' *The Newcastle Critic* (Northumberland, 1 August 1874) 60



**Figure 5** Ralph Hedley *Lithograph of JT Hoyle from The Newcastle Critic (1874)*

*Picture Credit: Tyne and Wear Museums*



**Figure 6 Photograph of JT Hoyle (from which the sketch in Figure 5 appears to have been drawn)**

*Picture Credit: Mat Turner*

### **2.11 First Attempt to be Appointed Coroner 1835**

The boundaries of the Borough of Newcastle included the county town of Newcastle and the townships of Byker, Heaton, Jesmond, Westgate and Elswick.<sup>418</sup> The Borough of Newcastle upon Tyne was described as being 11 miles in circumference and including 2000 acres.<sup>419</sup> The pre-1835 Borough had been established in the reign of William II.<sup>420</sup> The report by the Commissioners into the Municipal Corporations recorded that Newcastle appointed two coroners each year, to hold approximately 50 inquests, and who were paid out of the county rate.<sup>421</sup> In 1835 the

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<sup>418</sup> See map of Newcastle upon Tyne in Appendix E from House of Commons, *Report of the Commissioners Municipal Corporation Boundaries (England and Wales) Part I* (Cm 238, 1837) 735.

<sup>419</sup> House of Commons, *Report of the Commissioners* (n 343).

<sup>420</sup> *Ibid.*

<sup>421</sup> *Ibid.*

governance of Newcastle was reorganized following the Municipal Corporations Act. The Act required all boroughs to elect a full-time coroner.<sup>422</sup>

In 1835, Newcastle had a population in the region of 65,000 people. Its entrepreneurial population developed factories to manufacture chemicals, pottery, soap, glass, and lead. Ship building, engineering, railways, and coal industries expanded due to the proximity of natural resources, the River Tyne, and the sea. It had a thriving newspaper and print industry. By 1885 the population was in the region of 200,000.<sup>423</sup>

Within the town boundaries was a higgledy piggledy mixture of housing, factories, slaughterhouses, breweries, and goods yards. This was the domain over which the coroner had the power to investigate sudden and unexplained deaths. The coroner was both an observer of the effects of industrialization and the holder of an office able to hold to account those who played a role in preventable deaths. Newcastle did not include the large deep mines which were the source of major accidents in the nineteenth century. Pits were also responsible for 'an endless stream of lesser accidents.'<sup>424</sup> Such 'lesser accidents' were a feature of the chemical industries, alkali works, lead works, and other dangerous places of production. Most of the working population were employed in manufacturing.<sup>425</sup> To be added to industrial deaths were the fatal accidents involving transport: railways, carts, horses, and ships and the fatalities caused by the by-products of the industries: fumes, smoke, lead poisoning.

The Bolton coroner, John Taylor, noted that solicitors often became coroners to publicize their business dealings and as a means to establish their professional activities.<sup>426</sup> In 1835, Hoyle was a relatively newly qualified solicitor and may not have been independently wealthy, although he was to inherit a substantial amount of money on the deaths of his parents in 1839. Later, he became financially successful from his own endeavours. In 1835 financial gain, and elevation of his profile, may have been motivation to stand for election as coroner.<sup>427</sup>

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<sup>422</sup> For a full description of the borough prior to the Municipal Corporations Act see *Report* (n 343).

<sup>423</sup> See 'Places—Newcastle upon Tyne District' (*A Vision of Britain Through Time*) </www.visionofbritain.org.uk/unit/10142714/cube/TOT\_POP> accessed 3 November 2011.

<sup>424</sup> Norman McCord, *North East England: An Economic and Social History* (Batsford 1979)

<sup>425</sup> 'Industry' (*Vision of Britain Through Time*) </www.visionofbritain.org.uk/unit/10142714/cube/IND\_SECTOR\_GEN> accessed 14 March 2021.

<sup>426</sup> John Taylor, *Autobiography of a Lancashire Lawyer being the Life and Recollections of John Taylor Attorney at Law and First Coroner of the Borough of Bolton* (The Daily Chronicle 1883).

<sup>427</sup> See (n 233).

The Municipal Corporations Act introduced a new system of local government to deal with the issue of undemocratic governance of boroughs. Although it is never mentioned in commentaries on the Municipal Corporations Act, the role of the coroner was identified in the Commissioners' report as a vital pillar of the scheme.<sup>428</sup> The random systems in place for appointment of coroners were replaced by a clause that mandated a municipal election for a borough coroner who would be appointed for life.<sup>429</sup> Hoyle put forward his candidature for the coronership of Newcastle upon Tyne at the first opportunity. Politics did not play as prominent a role in the election of a borough coroner as it did a county coroner.<sup>430</sup> There were no hustings or polarized political positions taken and the small electorate would have had insight into the politics of the candidates.

The first election for the Newcastle post attracted both medically qualified and legally qualified men. The prospective candidates placed advertisements in the newspapers outlining their suitability for the job to appeal for the vote of the councillors. Stephen Reed, the Northumberland coroner, was one of the first to declare an intention to stand. Reed was undoubtedly concerned at the loss of a proportion of his income because a section of Northumberland was removed from the county and formed part of the new borough.<sup>431</sup> Reed explained in the *Newcastle Journal*: 'I have acted as coroner for 20 years, I hope satisfactorily; how far I have so acquitted myself is, however, before the Public, and will be the best Guarantee I can offer for the future Discharge of the Office.'<sup>432</sup> Several doctors put themselves forward. These included George Fife, who had already served as a coroner, and George Cram who had held the post in the preceding fifteen months together with George Myers, an attorney.<sup>433</sup>

Fife included a plea to 'the public' and he underlined that the only person fit to fulfil the role of coroner was a medical man.

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<sup>428</sup> House of Commons (n 343).

<sup>429</sup> Municipal Corporations Act 1835 (5 & 6 Wm IV c 76) s lxii.

<sup>430</sup> For discussion of elections see Pamela J Fisher, 'The Politics of Sudden Death: the Office and Role of the Coroner in England and Wales 1726-1888' (PhD thesis, University of Leicester, 2007); Gordon HH Glasgow 'The Campaign for Medical Coroners in Nineteenth-Century England and its Aftermath: A Lancashire Focus on Failure (Part I)' (2004) 9(2) *Mortality* 150 and Gordon HH Glasgow 'The Campaign for Medical Coroners in Nineteenth-Century England and its Aftermath: A Lancashire Focus on Failure. Part II' (2004) 9 (3) *Mortality* 223.

<sup>431</sup> See map of the borough in Appendix E.

<sup>432</sup> 'To the Electors of the Borough of Newcastle upon Tyne' *Newcastle Journal* (Northumberland, 26 December 1835) 2.

<sup>433</sup> 'To the Town Council Elect of Newcastle upon Tyne' *Newcastle Journal* (Northumberland, 26 December 1835) 2.



He wrote:

I am entitled to assume, that none but Persons intimately acquainted with Medical Science, can efficiently discharge the Duties confided to Coroners. To prove which it is only necessary to enumerate a few of the Cases which give rise to Coroner's Inquests: namely Infanticide or Child Murder, Suicide, connected or unconnected with Insanity, Homicide, Death by Drowning, Suffocation, Strangulation, Poisoning, etc., all of which require medical Testimony, and such Testimony as none but thoroughly-educated Medical Men can be expected fully to elicit.<sup>434</sup>

This firmly set out the stall of those, led by Wakley and *The Lancet*, who held that only a medically qualified man should be coroner.

The contrary view was argued in the same newspaper in a letter from 'Fair Play':

I believe it has always been considered advisable, if no (sic) indispensable, that Coroners should be possessed of Legal Knowledge, and therefore almost invariably that Officer has been chosen from the Legal Profession. It is essential that great Care should be taken in framing the Jury's Inquisition, and considerable Legal Skill is often required in so doing, to prevent a Culprit escaping by any Inaccuracy or erroneous Technicality in the Inquisition, when tried upon that Record, on the falling to the Ground of the Indictment upon which the Party had been previously arraigned.<sup>435</sup>

There is no clue as to the identity of the writer of the letter, but the understanding of the coronial process and the language used suggests a member of the legal profession.

Hoyle, Myers, and William Stoker represented the legal profession.<sup>436</sup> Despite the stated intention of ten men to stand, the final contest was between Stoker, Cram and Myers.<sup>437</sup> Hoyle must have decided that he was unlikely to win the contest and tactically withdrew.<sup>438</sup>

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<sup>434</sup> 'To the Electors and Prospective Council of Newcastle upon Tyne' *Newcastle Journal* (Northumberland, 26 December 1835) 2.

<sup>435</sup> 'To the Editor of the Newcastle Journal' *Newcastle Journal* (Northumberland, 26 December 1835) 2.

<sup>436</sup> For more on Stoker see Helen Rutherford, 'Crownor Stoker, Whe's Spectacles Myeks him far-seeted/ He's a h-ll of a Fellow for Getting Folk Reeted': A Short Vignette of a Nineteenth Century Newcastle Solicitor and his Family' (2019) 4 *The Newcastle News -The Journal of Newcastle Law Society* 10 and David Olusoga 'A House Through Time—Ravensworth Terrace' (Episode 1 BBC 2, 8 April 2019).

<sup>437</sup> For a full account of the election see Newcastle upon Tyne Corporation, *The Poll at the Election of Coroner for Newcastle upon Tyne on the 16th April 1857* (D Dunghinson 1857).

<sup>438</sup> His pitch was published on 26 December 'To the Gentlemen who shall be Elected mayor, Aldermen & Councillors of Newcastle upon Tyne' *Newcastle Journal* (Northumberland, 26 December 1835) 2.

Alderman Fife nominated William Stoker and suggested that Stoker possessed qualification for office above all others, namely ‘an enlarged and sound view of the constitutional laws of the country’, thus emphasising support from the Town Council, for the importance of legal knowledge.<sup>439</sup> Stoker was elected and promised to fulfil the role to the satisfaction of the Council and for ‘the public benefit’.<sup>440</sup> The express emphasis of the candidates on the public benefit and the views of the public underline the special nature of the coroner’s role—the People’s Judge. Hoyle was an acquaintance of Stoker and sat as a deputy coroner, a position which was in the gift of the coroner.<sup>441</sup>

After withdrawing from the election in 1835 Hoyle continued to build his solicitor’s practice whilst maintaining an active interest in Liberal politics, following his mentor Donkin. In 1874 the *Newcastle Critic* noted: ‘In politics Mr Hoyle is a Liberal and took an active part for many years in election matters for the Liberal party in Newcastle, Northumberland, and Durham.’<sup>442</sup> He was solicitor to the South Northumberland Reform Registration Society from July 1852 to 1856 and he acted as an attorney for the anti-Corn Law League.<sup>443</sup>

His political life became less high profile when he became the coroner, presumably to ensure that there was no suggestion that he was anything other than a neutral influence when discharging the coroner’s function, but he remained a Liberal.<sup>444</sup>

Whilst he seems to have been diligent in keeping his personal politics out of his coronial decisions, he did on occasion use his authority to lend support to causes he thought just. An example of this is his signature on a petition for mercy in 1875 arising from the conviction of John William Anderson for the murder of his wife, Elizabeth.<sup>445</sup> Hoyle held the inquest into Elizabeth Anderson’s death and Anderson was indicted for wilful murder. There was no doubt that Anderson had killed his wife: he handed himself in to the nearest police station and confessed.<sup>446</sup> However, the

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<sup>439</sup> For the appointment of William Stoker see ‘Election of Coroner’ *Newcastle Journal* (Northumberland, 7 May 1836) 3.

<sup>440</sup> *Ibid.*

<sup>441</sup> Hoyle acted as deputy coroner for both William Stoker and his successor John George Stoker.

<sup>442</sup> ‘Men You Know XIX’ (n 417).

<sup>443</sup> In 1839 he signed a petition requesting that the mayor call a meeting to discuss the Corn Laws: ‘To the Worshipful the mayor of Newcastle’ *Northern Liberator* (Northumberland, 26 January 1839) 2.

<sup>444</sup> I have extracted his voting record from the poll books.

<sup>445</sup> Petition for Mercy *R v John William Anderson 1875* (The National Archives HO45/9395/49945).

<sup>446</sup> See Helen Rutherford, ‘Unity or Disunity? The Trials of a Jury in *R v John William Anderson Newcastle Winter Assizes 1875*’ in James Gregory and Daniel Grey (eds), *Union and Disunion in the Nineteenth Century* (Routledge 2019) 242.

population of Newcastle was notoriously opposed to capital punishment.<sup>447</sup> Anderson was sentenced to death at the 1875 Newcastle Winter Assizes and two petitions were raised to request that the death penalty be commuted to life imprisonment.<sup>448</sup>

Whatever Hoyle's personal view was of the death penalty, part of the role of the coroner was to indict defendants for homicide.<sup>449</sup> In this case, after confirming the indictment following the murder verdict returned by the jury, Hoyle signed one of the petitions together with 'the leading and most influential inhabitants of the Borough'.<sup>450</sup> The campaign for mercy failed and Anderson was hanged on 23 December 1875. Hoyle held the inquest in the gaol following Anderson's execution and certified that the due process of the law had been carried out. This was the first time that the provision contained in the Capital Punishment (Amendment) Act 1868, for an inquest after an execution, had to be followed in Newcastle.<sup>451</sup>

## 2.12 Election as Borough Coroner 1857

It may be that Hoyle was frustrated in his political ambitions although there is no evidence that he sought public roles other than that of coroner. It was not for want of ability. In 1880 a correspondent to a local newspaper suggested Hoyle should have been Town Clerk of Newcastle.<sup>452</sup> Although Hoyle had wanted to be coroner in 1835, he did not stand when the role became vacant in 1848 following the death of William Stoker. He was content to continue to learn his craft as a deputy whilst building his legal practice. Perhaps he realized that working all day and holding inquests in the evenings would be a great strain on his family: he had eight children under ten. 1848 was the year his wife was baptized, and his son Alfred Hansen died. The new coroner was a solicitor, and William Stoker's son, John George Stoker. He was 24

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<sup>447</sup> See Clare Sandford-Couch and Helen Rutherford, "We Want Justice to be Done": Press, Jury, and the Question of Fairness in the Trial of George Vass' in David Nash and Anne-Marie Kilday (eds), *Fair and Unfair Trials in the British Isles, 1800-1940: Microhistories of Justice and Injustice* (Bloomsbury 2020).

<sup>448</sup> Rutherford (n 446).

<sup>449</sup> Defendants could be sent for trial for homicide on the coroner's warrant alone. Although, there was usually an indictment from the magistrates. Hoyle was aware of his powers and obligations to his jury and, in an instance where the magistrates decided not to proceed with a case, he insisted that the authorities put the case before the grand jury see JT Hoyle to Clerk of Assizes York *Letter R v Robert Macdonald* (3 December 1869).

<sup>450</sup> Petition (n 445).

<sup>451</sup> (31 & 32 Vict c 24) s5.

<sup>452</sup> *William Wealans Robson Letter 14 July 1880* published in newspaper (not identified on the cutting but likely to be the *Newcastle Journal*) see *Richmonds Solicitors Box* (n 220).

years of age.<sup>453</sup> Hoyle must have considered his opportunity to be coroner had passed: Stoker could be in post for a further half century.

However, in 1857, the office of coroner became suddenly and unexpectedly vacant. Stoker had struggled and the office had suffered. The *Newcastle Guardian* reported that Stoker had been 'a man of ability and promise' but that he had 'become hopelessly involved in financial embarrassments.'<sup>454</sup> Facing bankruptcy and having mishandled the funds from the coroner's court, Stoker fled to Australia, sending his resignation from the boat.<sup>455</sup>

Such was the unexpected nature of the election that the three candidates did not have time to lay out their suitability for the role in the newspapers. Why Hoyle decided to stand in 1857 is unknown. He was an established and successful solicitor; respected amongst his peers and by the people he met. He was almost 50 and father of 15 children. He lived in a fine house on the fringes of the Town Moor and owned a portfolio of valuable property. It may be that he realized he was the ideal man to reclaim the coronership from the disrepute into which it had fallen. His business was successful, and his family was complete. He had almost quarter of a century of experience as a deputy coroner and knew exactly what the job entailed. Perhaps he was encouraged by his friends. Certainly, he had a strong sense of the importance of the role and an understanding and empathy for the community the coroner served.

Under the Municipal Corporations Act, the position of coroner had to be filled within ten days.<sup>456</sup> The election took place on 16 April 1857.<sup>457</sup> The press considered that the election would be a contest between William Henry Brockett, (a man with no medical or legal qualifications but who was a liberal reformer; a newspaper proprietor; former mayor of Gateshead and a former magistrate), and Hoyle. A last-minute round-robin letter attempted to derail Hoyle's campaign. The letter, sent to the electing councillors, was from a man named George Allen who believed Hoyle was unfit to hold public office due to a property dispute: 'the day of retribution may shortly arrive when Mr John Theodore Hoyle's *monstrosities* will be thoroughly investigated

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<sup>453</sup> 'Election of Coroner' *Newcastle Journal* (Northumberland, 15 January 1848) 3.

<sup>454</sup> 'Coroner of Newcastle' *Newcastle Guardian and Tyne Mercury* (Northumberland, 4 April 1857) 5.

<sup>455</sup> Where he married; worked as a solicitor; was declared bankrupt; died and was buried in Ballarat, Victoria, in 1872 <[billiongraves.com/grave/John-George-Stoker/3820217](http://billiongraves.com/grave/John-George-Stoker/3820217)> accessed 21 October 2020.

<sup>456</sup> Municipal Corporations Act s lxii.

<sup>457</sup> *Proceedings of the Town Council of the Borough of Newcastle upon Tyne 1856/57* (Newcastle upon Tyne 1857) 194.

before a judicial tribunal'.<sup>458</sup> The letter had little effect and came too late to seriously influence the process. The *Newcastle Guardian* backed Hoyle as 'in every respect well qualified for the position.'<sup>459</sup> The *Newcastle Journal* supported him as 'able, painstaking and highly respected' and having undertaken the role of deputy coroner with 'great care and propriety'.<sup>460</sup> The coroner's office in Newcastle had fallen into disrepute and it required a safe pair of hands to restore its probity.

The special meeting of the council in the Chamber at the Guildhall on 16 April got off to an inauspicious start. Councillor Benjamin Plummer enquired whether the council would curtail the expense of inquests, echoing the countrywide debate about coroners' fees, and asked whether they had any power to limit the numbers of inquests.<sup>461</sup> Alderman Blackwell replied that the council had already used their power to limit fees and the finance committee had disallowed some of Stoker's claims.<sup>462</sup> The debate about unnecessary inquiries and high fees which was usually between county coroners and magistrates had been flagged in the relationship between a borough coroner and the council.

Hoyle was nominated by Francis Staniford, a shipbroker, and seconded by George Bradley, a Liberal and proprietor of the *Newcastle Guardian*, which had so fulsomely backed him.<sup>463</sup> Bradley emphasized the need for a legally qualified coroner by praising Hoyle's expertise in the examination of witnesses and his knowledge of the rules of evidence; underlining, in doing so, the contemporary acknowledgment of the importance of such skills.<sup>464</sup> Alderman Hodgeson pessimistically stated that the office would be likely to be abolished shortly and whoever was appointed must bear that in mind and not expect any compensation.<sup>465</sup>

Despite press optimism that Hoyle would win the election comfortably, in the first round of voting the count was not clear-cut. Brockett polled one more vote than

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<sup>458</sup> This must have been preserved by Hoyle because it is in the box of papers in the Tyne and Wear Archives. George Allan to J Hodson *Letter* 'To the Members of the Newcastle Town Council, of the Legal Profession of this and the Neighbouring Boroughs and the Public in General' 6 May 1857 *Richmonds Solicitors Box* (n 220).

<sup>459</sup> 'Coroner of Newcastle' *Newcastle Guardian and Tyne Mercury* (Northumberland, 4 April 1857) 5.

<sup>460</sup> 'Local and General Intelligence' *Newcastle Journal* (Northumberland, 11 April 1857) 5.

<sup>461</sup> See 'Election of Coroner' *Newcastle Courant* (Northumberland, 17 April 1857) 8.

<sup>462</sup> *Ibid*,

<sup>463</sup> 'Death of Mr George Bradley' *Newcastle Daily Chronicle and Northern Counties Advertiser* (Northumberland, 16 October 1863) 5.

<sup>464</sup> Newcastle upon Tyne Corporation (n 437).

<sup>465</sup> 'Election of Coroner' *Newcastle Courant* (Northumberland, 17 April 1857) 8.

Hoyle, 18 to 17, and Hodge, the third candidate, gained 12 votes. Some of the councillors of Newcastle did not accept the merits of a legally qualified coroner, nor agree the necessity for medical qualifications, and wished to reward 'one of their own'.

Hodge withdrew and in the second division, Hoyle won by the narrowest margin possible: 24 votes to 23.<sup>466</sup> Thus twenty years after he first aspired to the coronership, Hoyle's patience was rewarded and he was sworn as Her Majesty's Coroner for the Town and Borough of Newcastle upon Tyne. Over the course of his stewardship of the coroner's court, as is discussed in the analysis that follows, he was to fulfil the expectations of his electors and become recognized as 'a careful, judicial coroner' 'with few equals in the country' and the embodiment of the People's Judge.<sup>467</sup>

Hoyle's first inquests as coroner were held in the dead house.<sup>468</sup> However, this was not to be his usual practice. Although his predecessors, the Stokers, had used official venues, such as the police station and the Infirmary, Hoyle tended to hold court in the traditional venue for coroners: the public house. Before I turn to the final image of Hoyle and discuss his acquisition of a sword as a symbol of office, I discuss Hoyle's link to the venues for his inquests.

### 2.13 Licensed Victuallers' Association

The first official congratulations offered to the new coroner came from the Newcastle and Gateshead Licensed Victuallers' Association. Hoyle had been its official solicitor since it was founded in 1854.<sup>469</sup> He made clear that he intended to continue in his role as their representative.

Writers on the history of nineteenth century inquests inevitably quote Charles Dickens' *Bleak House*: 'the coroner frequents more public houses than any man alive. The smell of sawdust, beer, tobacco-smoke, and spirits, is inseparable in his

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<sup>466</sup> Newcastle upon Tyne Corporation (n 437) 7.

<sup>467</sup> 'Death of Mr John Theodore Hoyle' *Newcastle Journal* (Northumberland, 26 December 1885) 6; 'Personal Sketches' (n 354).

<sup>468</sup> 'Coroners Inquests' *Newcastle Courant* (Northumberland 8 May 1857) 8.

<sup>469</sup> See 'Licensed Victuallers' Protection Association' *Newcastle Guardian and Tyne Mercury* (Northumberland, 28 October 1854) 5. He was appointed to support resistance to the Sale of Beer Act 1854 (11 & 12 Vict c 79).

vocation from death in its most awful shapes'.<sup>470</sup> However, the public house in the nineteenth century was more than a place to drink. It was, as Jenny White has suggested, a 'versatile and innovative institution of a civil society'.<sup>471</sup> Public houses were warm, dry, and they provided sustenance for long drawn-out proceedings. In the absence of purpose-built mortuaries and coroner's courts, the pub became the coroner's domain.<sup>472</sup> They were the only democratic non-denominational arena where people could meet freely, and there was often an outhouse in which to store a body.

The possible conflict between a solicitor who represented the interests of publicans and the holding of inquests in licensed premises did not present a barrier for Hoyle. He did not benefit financially from his link with the victuallers, although they benefited from the link with him. He refused remuneration for his work.<sup>473</sup> However, through the link with the licensed victuallers, he was acquainted with a wide selection of drinking establishments. These ranged from dubious dens on the Quayside, to inns in the suburbs and on the industrial Scotswood Road. Hoyle held inquests in public houses and brought his court to the people.

Hoyle's liberal outlook and his belief in freedom of choice fuelled his initial dealings with the licensed victuallers. His initial interest came from his belief that the Sale of Beer Act 1854 'infringed on the enjoyments comforts and liberties of the people'.<sup>474</sup> The licensed victuallers were effusive in their praise for his support.<sup>475</sup> He used his endeavours to defend members and assisted their work in raising money to educate children and to provide support for those who had fallen on hard times.<sup>476</sup> The link between the coroner and alcohol, which often caused so much misery, did not go unnoticed. In 1865, *The Temperance Spectator* questioned whether it was

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<sup>470</sup> Charles Dickens, *Bleak House* (Bradbury and Evans 1853) 102.

<sup>471</sup> Jerry White, *London in the Nineteenth Century: 'A Human Awful Wonder of God'* (Random House 2008) 283.

<sup>472</sup> Inquests were also held in the Infirmary, in private homes, and in police stations. There were at least two dead houses in Newcastle, where inquests were held. The dead house at the mouth of the Ouseburn was sometimes used for inquests when bodies were retrieved from the River Tyne.

<sup>473</sup> See 'Licensed Victuallers' Association Annual Dinner' *Newcastle Guardian and Tyne Mercury* (Northumberland, 7 November 1857) 2.

<sup>474</sup> Letter from John Theodore Hoyle to the Newcastle and Gateshead Licensed Victuallers' Association reported in 'Meeting of Licensed Victuallers' *Newcastle Guardian and Tyne Mercury* (Northumberland, 14 July 1855) 3.

<sup>475</sup> *Ibid.*

<sup>476</sup> See, 'Annual Dinner of the Licensed Victuallers' *Newcastle Guardian and Tyne Mercury* (Northumberland, 26 October 1861) 6. He was a pragmatist. He suggested supporting the children of the licensed victuallers to be sent to the Royal Grammar School rather than using the money in the benevolent fund to build a school.

compatible for Hoyle to be both the licensed victuallers' solicitor and the coroner. They suggested that it was a 'neat dodge on the part of the publicans, to secure the coroner as solicitor to their association.'<sup>477</sup> The journalist suggested that the dual role afforded protection to the association members but not to the public. Hoyle did not have any difficulty fulfilling both roles and was not criticized in any other arena.

## 2.14 Figure 7: The Photograph in the Tyne and Wear Archives

The photograph in Figure 7 was in a box in the Tyne and Wear Archives. Much of the contents of the uncatalogued box belonged to Hoyle and it may be assumed, having kept it, he approved of this photograph. It is a full-length image.<sup>478</sup> It has a photographer's stamp on the back: 'W James, photography, 25 Westmorland Street Newcastle upon Tyne'.<sup>479</sup> In pencil, someone has written 'John Hoyle, Coroner of Newcastle'.<sup>480</sup> There are no clues in the picture that this is a coroner, unlike the book held by Hoyle in the calotype, and therefore it could have been a personal *carte de visite*. From the style of the card, the photographer's stamp, and the mode of dress, I have dated this photograph to approximately 1865 when Hoyle was at the pinnacle of his coronial powers.

Many of the inquests I discuss in the chapters that follow were held in the 1860s and therefore it is this image of the coroner which should be borne in mind when reading his words and considering his actions. Hoyle looks prosperous: his coat buttons strain slightly. Unlike the other pictures he looks at the camera almost full face. The slight cast in his eye is visible. He has luxuriant whiskers and a curl to his hair. He is wearing tweed trousers and again there are no trappings of office—no top hat or books or Bible. His pose is relaxed, and he has a half smile—he does not look dour. He rests his hand casually on the back of the chair. The scene is not as expertly managed as the portrait by Bannister, nor the picture on which the Hedley lithograph

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<sup>477</sup> 'The Newcastle MPs Among the Newcastle Grog Sellers' (1865) 2 (1) *The Temperance Spectator* 19.

<sup>478</sup> For a full discussion of *carte de visite* see Richard Wichard, *Victorian Cartes de Visite* (Bloomsbury 2011) and in the context of legal imagery; Leslie J Moran, 'A Previously Unexplored Encounter: The English Judiciary, *Carte de Visite* and Photography as a Form of Mass Media' (2018) 14 *International Journal of Law in Context* 539.

<sup>479</sup> W James was not a well-documented Newcastle photographer. The only reference I can find to him is in 1865.

<sup>480</sup> The writing appears to be Hoyle's.



was based. This is the closest image in existence of Hoyle as he would have been viewed by the people of Newcastle.



**Figure 7 Photograph of John Theodore Hoyle (c1865)**

*Picture Credit: Helen Rutherford*

The box in Tyne and Wear Archives was an exciting find. However, of equal interest, after a long search, was my discovery of a sword which I was able to attribute to Hoyle and his role as coroner. During my correspondence with the Laing Art Gallery about the image in Figure 1 I was sent an e-mail which discussed the gift of the portrait. The e-mail trail mentioned other items in the bequest. One of these items was a sword.<sup>481</sup>

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<sup>481</sup> I knew Hoyle had been gifted a sword in 1871 and I had enquired after it with the keeper of the silver in the Civic Centre and the coroner's office but with no luck—this e mail trail was serendipitous.

## 2.15 The Coroner's Sword

As the People's Judge, Hoyle understood the importance and gravitas of his role, informed by the history of the coroner's court, whilst using his powers to ensure that the inquest process was fit for the emerging industrial society.<sup>482</sup> He viewed the role of coroner as of importance to the community. The overlap between a sense of history and the age in which he lived was reflected by events in 1871 when Hoyle was presented with a sword of office.<sup>483</sup> Following a conversation with a medical witness at an inquest held in the midst of a police strike, Hoyle suggested it was not safe to be out at night unarmed and he had taken to carrying his sword, as was his prerogative as coroner.<sup>484</sup> The exchange struck a nerve and attracted country-wide attention. Hoyle's friends took up the challenge and purchased a sword for the coroner. The acquisition was reported approvingly, including in Birmingham, from where the sword was sourced.<sup>485</sup>

The sword is stored, together with a rapier and a nineteenth century weapon, in the Tyne and Wear Museums stores.<sup>486</sup> What is particularly interesting about the second-hand sword is that it was clearly chosen to reflect the importance of the coroner's role and add gravitas to his insignia. I have identified it as a 1796 pattern infantry officer's sword (see Figure 8).<sup>487</sup> The blades of such weapons were often personalized with the arms and initials of the owner, in addition to regimental crests.<sup>488</sup> This sword was purchased second hand and it was carefully chosen as an appropriate sword for a coroner. The sword is badly worn, and its blue and gilt decorations are faint. On careful examination it is possible to identify Britannia on the blade, the female personification of England (see Figure 9).<sup>489</sup> The presentation of the sword effectively

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<sup>482</sup> See Chapter 5.

<sup>483</sup> 'Strike of Police Officers at Newcastle' *Lloyd's Weekly Newspaper* (London, 19 November 1871) 7.

<sup>484</sup> 'The Newcastle Police Force' *Morpeth Herald* (Morpeth, 18 November 1871).

<sup>485</sup> See 'The Police Difficulty in Newcastle' *Birmingham Mail* (Birmingham, 16 November 1871) 3; 'News of the Day' *Birmingham Daily Post* (Birmingham, 17 November 1871) 4.

<sup>486</sup> Sword: 'single-edged blade with engravings of crests and emblems which have been gilded. Double shell guard with embossing around the tang, knuckle guard attached to pommel which are also embossed and gilded. The pommel is waisted, faceted and turned and the grip is made from wood' (Laing Art Gallery TWCMS: M1353).

<sup>487</sup> Likely manufactured by Woolley and Deakin.

<sup>488</sup> There is a similar sword, which belonged to the Duke of Wellington, on display in the Royal Armouries in Leeds.

<sup>489</sup> For an essay discussing the portrayal of Britannia, see Aline Gay and others, 'Britannia as the Embodiment of Great Britain' (*The Victorian Web*, 2018)

<[www.victorianweb.org/history/britannia.html](http://www.victorianweb.org/history/britannia.html)> accessed 20 October 2020.

underlined Hoyle's coronial power and his role as the People's Judge. As with the portrait in Figure 1, the sword remained a family possession and not an official part of the Newcastle borough coroner's paraphernalia.



**Figure 8 Hoyle's 1796 Pattern Infantry Officer's Sword**

*Picture Credit: Tyne and Wear Museums*



**Figure 9 Hoyle's Sword—Detail of Britannia**

*Picture Credit: Helen Rutherford*

## 2.16 Conclusion

This biography is central to the discussion that follows. It is only by understanding Hoyle's life that his work can be meaningfully analysed. The coroner has been a

missing piece of the jigsaw in building a full picture of the legal governance of Newcastle upon Tyne in the mid to late nineteenth century. The biography has painted a picture, via the discussion of his family, his legal work, his business and other interests, and the visual images, of an empathetic man with wide knowledge and experience. The facets identified are drawn upon in the analysis that follows.

In Chapter 3, and the discussion around the conflict between law and medicine, as it affected Hoyle, the importance of his identity as a lawyer is highlighted. In Chapter 4, when I analyse the coroner's conduct of inquests into the deaths of children there is consideration of the context of Hoyle's family life and the domestic sphere. Finally, in Chapter 5, discussing accidents and disasters, there is reference to his business interests and his knowledge of, and interest in, science. Underlying all his coronial work is an understanding of his liberal politics and the possible conflict in his role as solicitor to the licensed victuallers. The discussion draws upon the biography of Hoyle as a judge who was not remote but the People's Judge who was an integral part of the community he served.

The next chapter examines, in the context of Newcastle upon Tyne, the national debate that raged across the nineteenth century and beyond: the conflict between medically and legally qualified coroners.

## Chapter 3. The Coroner and the Medical Profession

We flew past Armstrong's factory an' up to the 'Robin Adair',  
Just gannin' doon te the railway bridge the bus wheel flew off there;  
The lasses lost thor crinolines an' the veils that hide thor faces;  
Aa got two black eyes an' a broken nose i' ga'n te Blaydon Races.

(...)

When we gat the wheel put on, away we went agyen,  
But them that had thor noses broke they cam' back-ower hyem;  
Sum went to the Dispensary, an sum to Dr Gibb's,  
An sum to the Infirmary to mend thor broken ribs.

*Blaydon Races*—George Ridley <sup>490</sup>

### 3.1 Introduction

In the nineteenth century Newcastle was well-served by medical practitioners and medical establishments. There were doctors, surgeons, and physicians; midwives, druggists, apothecaries, chemists, and the inevitable herbalists and quack doctors.<sup>491</sup> The police force employed a surgeon, to care for policemen and their families but also to give evidence as a medical witness in the courts.<sup>492</sup> The Dispensary and the Infirmary, mentioned in the extract from *Blaydon Races* above, were the main institutions but there was also a fever hospital, a medical ward in the workhouse and a hospital ward in the gaol. There was a lunatic asylum, a sanatorium, and a lying-in hospital. Newcastle School of Medicine was established in 1834.<sup>493</sup> Several of the

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<sup>490</sup> George Ridley, 'Blaydon Races' in Thomas Allan, *Allan's Illustrated Edition of Tyneside Songs and Readings with Lives, Portraits, and Autographs of the Writers, and Notes on the Songs* (6th edn, Thomas and George Allan 1891) 451. The dialect words: gannin—going; hyem—home.

<sup>491</sup> For a short treatment of quackery see Theodore Dalrymple, 'Not Just Bluff and Bluster' (2012) 345 (7881) *British Medical Journal* 37.

<sup>492</sup> For a discussion of the role of the police surgeon, with a Scottish perspective, see Kelly-Ann Couzens, 'The Police Surgeon, Medico-Legal Networks and Criminal Investigation in Victorian Scotland' in Alison Adam (ed), *Crime and the Construction of Forensic Objectivity from 1850* (Palgrave 2019) 125.

<sup>493</sup> The predecessor of Newcastle University Medical School was founded in 1857. See G Grey Turner and WD Arnison, *Newcastle upon Tyne School of Medicine 1834-1934* (Andrew Reid 1934).

town's practitioners taught at the school. Newcastle doctors were at the forefront of medical science.<sup>494</sup>

The work of the coroner was intertwined with the influence of increased scientific knowledge of disease and the development of medicine. The duty of a coroner, to lead an investigation into the cause of sudden or unexplained death, straddled the boundary between medical and legal expertise. This dichotomy resulted in an uneasy relationship between the medical profession and legally qualified coroners. Hoyle, a solicitor, rooted his coronership in the law and rarely crossed swords with the medical professionals, although when he did, it attracted national attention. However, he had a healthy respect for medicine within the ambit of what he undoubtedly viewed as a legal function. As the People's Judge, he encouraged doctors to work for the community as part of the investigative process. He called medical experts to give evidence, as required, to help the jury with the medical aspects of cases but tempered any medical zeal to overstep legal parameters. He expected high standards. As discussed in Chapter 2, he was a man of science. As discussed below, he had no time for quacks.

Hoyle's personal experience of the need for medical care, and his undoubted consultation with medical experts in respect to the deaths, illnesses, and stillbirths in his family, brought a personal perspective to his comments. The private and the professional overlapped. Dr George Haliburton Hume, who had often provided medical evidence in the coroner's court, looked after Hoyle in his final illness.<sup>495</sup>

This chapter examines Hoyle's relationship with the medical profession. I use short case studies to illustrate how the calm procedures of the coroner's court were disrupted, on occasion, by the coroner asserting the supremacy of the law over the desire of the doctors to impose their authority. Hoyle had respect for the advances of medicine but protected the community from charlatans and arrogant surgeons. My analysis establishes evidence of his strong belief that the law had primacy over

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<sup>494</sup> For more on medicine in Newcastle see William Errington Hume, *The Infirmary Newcastle upon Tyne 1751-1951: A Brief Sketch* (Andrew Reid and Company Limited 1951); George Hurrell and George P Harlan, *The History of Newcastle General Hospital* (Newcastle General Hospital 1967); George Haliburton Hume, *The History of the Newcastle Infirmary* (Andrew Reid 1906); Graham Alan Butler, 'Disease, Medicine and the Urban Poor in Newcastle-upon-Tyne, c.1750-1850' (PhD thesis, Newcastle University 2012).

<sup>495</sup> 'Death of Mr JT Hoyle' *Newcastle Evening Chronicle* (Northumberland, 24 December 1885) 4.

medical opinions in the coroner's court. His work is identifiable as the product of a legally qualified coroner: the People's Judge.

This chapter identifies Hoyle's service to the poor and needy. However, this is not to the neglect of policy issues which were the concerns of the middle and upper classes. Whilst individuals were the subject of investigations into unsatisfactory medical treatment, Hoyle reflected a whole community perspective in seeking to establish the proper regulation of dissection and the correct registration of deaths.

### 3.2 Themes

As discussed in Chapter 1, Thomas Wakley was the most vocal of the nineteenth century coroners.<sup>496</sup> Academic discussion is centred upon Wakley and his campaign for a medical coronership due to his prominent work, as an MP, coroner and editor. Ian Burney has suggested that the inquest became increasingly medicalized during the nineteenth century.<sup>497</sup> This conclusion is supported by work by Pamela Fisher and Yvonne Fisher.<sup>498</sup> The picture is not so clear-cut in Newcastle. Hoyle used medical evidence if he required it, although there is no sign that medicine dominated the Newcastle inquest. His willingness to commission copious independent medical evidence in *Bolam*, demonstrated he had faith in the advancement of science and the role good evidence could play.<sup>499</sup> Elizabeth Hurren's research on the Oxford coroner is grounded in a medical approach to the office and informs this chapter in providing a contrasting examination of a coroner from a medical background.<sup>500</sup>

Hoyle's work must be considered in the national context of the suggestion that there was increasing reliance on medical opinion. There was contemporary pressure to make the process of death certification into a purely medical decision.<sup>501</sup> The debate, which is ongoing in the twenty-first century, about the respective roles of medically qualified practitioners and the coroner as investigator of death was rehearsed in an

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<sup>496</sup> A biography by S Squire Sprigge, *The Life and Times of Thomas Wakley* (Longmans Green and Co 1897) ensured Wakley was well-remembered.

<sup>497</sup> See Chapter 1.

<sup>498</sup> Ibid.

<sup>499</sup> See Chapter 2.

<sup>500</sup> Elizabeth T Hurren, 'Remaking the Medico-Legal Scene: A Social History of the Late-Victorian Coroner in Oxford' (2010) 65 *Journal of the History of Medicine and Allied Sciences* 226.

<sup>501</sup> For a discussion of the meaning of 'cause of death' which refers to the nineteenth century debates see G Maudsley and EMI Williams "'Inaccuracy'" in *Death Certification—Where are we Now?* (1996) 18 (1) *Journal of Public Health Medicine* 59.

editorial in 1871 in the *Newcastle Journal* about the need to appoint a medical officer of health.<sup>502</sup> The debate was not resolved in Hoyle's lifetime. His relationship with the medical profession is examined in this chapter.

### 3.3 Hoyle's Relationship with the Medical Profession

The relationship between the coroner and the medical profession in Newcastle, whilst generally cordial, reflected the national debate. In 1865 at the first meeting of the Northern Branch of the British Medical Association, the opening address included oblique criticism of legally qualified coroners: 'if the coroner were always a medical man and more of an inquirer and less of a judge [this would] attract the best-educated and most scientific members of the profession.'<sup>503</sup> The prominence of this argument at the meeting, attended by the leading local doctors, suggests coroners were at the forefront of the minds of the attendees. Entrenched positions and the failure of doctors to consider lawyers as capable of understanding medical evidence coloured the relationship. Hoyle had already demonstrated his appreciation of the importance of good medical evidence in the trial of Archibald Bolam, although counsel failed to capitalize on the strength of the medical testimony thus fuelling the cynicism of the doctors.<sup>504</sup>

The relationship between the law and medicine in the coroner's court was often combative.<sup>505</sup> The coroner's inquest was to establish a cause for a death certificate or, in cases of homicide, to establish that a crime had been committed with the coroner's jury in the place of a grand jury. There was a lively debate about whether coroners should have medical or legal qualifications—or any professional qualifications at all.<sup>506</sup> Prior to the Municipal Corporations Act, the post of coroner in Newcastle was regularly filled by doctors. However, from 1834, solicitors were appointed. The candidates for election in 1857 have been discussed.<sup>507</sup> Lawyers

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<sup>502</sup> 'Town Talk' *Newcastle Journal* (Northumberland, 22 March 1871) 2.

<sup>503</sup> 'Northern Branch of the British Medical Association' *Newcastle Journal* (Northumberland, 22 December 1865) 3.

<sup>504</sup> See section 2.8 discussion of *R v Bolam* and Martin H Lynch, 'Medical Arguments in the Case of The Queen v Bolam: (tried at Newcastle, July 29th, 1839) Drawn up for the Use of the Solicitor and Counsel for the Prosecution' (1839) 32 (833) *The Lancet* 744.

<sup>505</sup> And continued to be. Each successive report in the twentieth century into the coroner's court came to different conclusions about the relative merits of legal and medical coroners.

<sup>506</sup> The debate has been settled, for the time being, by the Coroners and Justice Act 2009: coroners must have a professional legal qualification.

<sup>507</sup> See section 2.12.



were chosen as coroners in the neighbouring districts of North Northumberland, South Northumberland, and Durham.

In May 1865 the medico/legal debate in the North East came to the fore when the long serving coroner for South Northumberland died.<sup>508</sup> The local doctors met in the library at Newcastle Infirmary to propose a medical man for the office.<sup>509</sup> They agreed, unsurprisingly, that only a medically educated man could fulfil the role with 'credit to himself and benefit to the public.'<sup>510</sup> Sir John Fife, referring to his personal experience in Newcastle, declared that there was no doubt the new coroner should be medically qualified.<sup>511</sup> Fife suggested that the preferred candidate, Dr William Carr, 'would not turn to the right nor left—who would neither bother a jury with long speeches, nor unnecessary detail'.<sup>512</sup> The doctors did not want to be concerned by legal niceties and were asserting the superiority of a medical approach. Fife's underlining of the 'public advantage' of a medical man and the superiority of the medical profession implicitly criticized the local coroners, including Hoyle.<sup>513</sup>

Dr Thomas Humble added his support. Humble, cognizant of contemporary debate around the cost of inquests to the local public purse, emphasized the advantage of a doctor and set out his belief that the medical profession trumped the legal profession. A medically qualified man could decide whether an inquest was even necessary. Further, the doctors did not see the benefit of involving the public in the inquest.<sup>514</sup> They did not accept that the coroner, as the People's Judge, should allow the people to have a say in the investigation of deaths. Humble demonstrated his lack of appreciation of the role the coroner played in satisfying curiosity and community gossip: a role that only the coroner was able to fulfill. He derided the inquest as being

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<sup>508</sup> Stephen Reed had been appointed in 1815. For more on Reed see Roy Thompson, *Thunder Underground Northumberland Mine Disasters 1815-1865* (Landmark Publishing 2004).

<sup>509</sup> 'The Coronership of South Northumberland' *Newcastle Courant* (Northumberland, 12 May 1865) 2.  
<sup>510</sup> *Ibid.*

<sup>511</sup> Sir John Fife was an eminent surgeon and a founder of the Newcastle School of Medicine. Although politically a liberal, and supporter of the Reform Act, he was knighted in 1840 for his role in quelling a Chartist uprising in Newcastle in July 1839. He had fulfilled the role of coroner prior to 1835, when Newcastle appointed coroners on a yearly basis.

<sup>512</sup> 'The Coronership of South Northumberland and the Medical Profession' *Newcastle Journal* (Northumberland, 10 May 1865) 2.

<sup>513</sup> *Ibid.*

<sup>514</sup> This is explored in detail in Ian A Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1826* (Johns Hopkins University Press 2000).

dependent upon the 'evidence of three or four old women'.<sup>515</sup> His scorn for the community demonstrated his dismissal of local knowledge as an important part of the coronial process. He did not accept that justice being seen to be done should involve the local community to establish cause of death. Medicine trumped all. Conversely, a perspective he did not acknowledge, a legally qualified coroner, ensured that the people, via the jury and the witnesses, were part of a careful, community based, examination of the facts ascertained through the witnesses.

Hoyle was not untouched by the medico/legal conundrum.<sup>516</sup> He could not work in a vacuum. Burgeoning medical expertise meant that the law had to co-exist with medicine, especially in the coroner's court where both disciplines influenced the outcome of what was recorded on the death certificate. In the jostling for supremacy, Hoyle's relationship with the local medical profession provides a forum to discuss whether a solicitor gave an identifiable colour to his work as the People's Judge.

Hoyle had no medical qualifications, although he was not ignorant of science.<sup>517</sup> His work was guided by a strong belief in justice and the rule of law and grounded in his legal knowledge and experience. His possessions in the Tyne and Wear Archives reveal how carefully he preserved his parchments and symbols of legal prowess and power.<sup>518</sup> Hoyle was fiercely defensive of the importance of the coroner's court, as a court of law. As he explained in 1874: '[his] object was to promote the administration of justice.'<sup>519</sup> In asserting this, he respected the jury, representing the people, and the power given to them. Hoyle noted 'the coroner's court [is] a court of superior jurisdiction to that of a magistrates' court. (...) the jury were as competent, and,

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<sup>515</sup> 'The Coronership of South Northumberland' (Northumberland, *Newcastle Courant* 12 May 1865) 2; for the specific use of 'juries of old women' see Kevin Crosby, 'Abolishing Juries of Matrons' (2019) 39 (2) *Oxford Journal of Legal Studies* 259.

<sup>516</sup> For detailed discussion relating to various parts of the country see GHH Glasgow, 'Three Liverpool Doctors and their Coronial Ambitions: A Historical Perspective to the Medico-Legal Conflicts Surrounding the Elections of 1836, 1867 and 1891' (2005) 154 *Transactions of the Historic Society of Lancashire and Cheshire* 63; GHH Glasgow, 'The Campaign for Medical Coroners in Nineteenth-Century England and its Aftermath: A Lancashire Focus on Failure Part I (published in two parts)' (2004) 9 *Mortality* 150; GHH Glasgow, 'The Campaign for Medical Coroners in Nineteenth-Century England and its Aftermath: A Lancashire Focus on Failure Part II' (2004) 9 *Mortality* 223.

<sup>517</sup> See section 2.9.3.

<sup>518</sup> See *Richmonds Solicitors Box of Miscellaneous Papers* (Tyne and Wear Archives D3620). The parchments include: Appointment as a Solicitor in the High Court of Chancery (1831); Commission to take Oaths in the Court of Pleas at Durham (1831); appointment as an Attorney of the Court of King's Bench (1831); Commission to take Oaths in the Court of Chancery at Durham (1834); Commission to take and receive oaths for Newcastle upon Tyne in the Court of Queen's Bench (1851).

<sup>519</sup> 'A Violent and Suspicious Death in Newcastle' *Newcastle Courant* (Northumberland, 17 April 1874) 6.

perhaps, more competent, to deal with the case.<sup>520</sup> His comment followed refusal by the magistrates to release two men accused of homicide to the coroner for examination, an occurrence that had never happened before in Newcastle.<sup>521</sup> His faith in the people as his jury supported his identity as the People's Judge.

Despite the pressure in some quarters for a medically qualified coronership, the public in Newcastle were content with their legally qualified coroner. An editorial in the *Newcastle Journal* in 1861 noted 'the office of Coroner is an office of (...) great practical importance. In the hands of an intelligent and honourable man, with competent knowledge of the law (...) it is almost the last office with which we can afford to dispense.'<sup>522</sup> The writer asserted: '[the coroner] holds his office for the public protection and for the public good.'<sup>523</sup> There was a respectful relationship between Hoyle and the Newcastle doctors for most of his coronership. The Hoyle family were highly regarded by John Fife, one of the founders of the Newcastle School of Medicine.<sup>524</sup>

Hoyle socialized with doctors, and recorded examples of light-hearted exchanges at inquests give a flavour of his everyday relationships. However, he was not afraid to impose his authority if a doctor or surgeon overstepped the mark or failed to adhere to correct procedure. My review of the reports of inquests held by Hoyle reveal several notable minor incidents. For example, an instance where he threatened doctors would be formally summonsed if they did not turn up on time to his court.<sup>525</sup> These are part of the everyday cut and thrust of the court reported by diligent newspapermen eager to inject excitement into their reports.

Significantly, I have identified several events to illustrate the judicial nature of Hoyle's role. These relate to protection of the community, and his insistence that the law took

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<sup>520</sup> 'The Suspected Murder in Newcastle' *Newcastle Courant* (Northumberland, 24 April 1874) 6.

<sup>521</sup> 'A Violent and Suspicious Death in Newcastle' *Newcastle Courant* (Northumberland, 17 April 1874) 6.

<sup>522</sup> 'Coroners and Magistrates' *Newcastle Daily Journal* (Northumberland, 21 January 1861) 2.

<sup>523</sup> *Ibid.*

<sup>524</sup> John Fife to John Burgoyne Blackett *Letter* (Northumberland Archives ZBK/C/1/B/3/9/65 11 May 1853).

<sup>525</sup> See for example 'The Murder at Backworth' *Newcastle Journal* (Northumberland, 27 February 1871) 2—an inquest into the death of Daniel Hawthorne. The doctor who had carried out the post-mortem, Dr Rowell, was not in the room when his name was called to give evidence. Hoyle ordered a police constable to find him. Rowell came after 10 minutes but Hoyle told him if, in future, he did not attend at the time summonsed, he would be arrested. Rowell complained he had not received a proper printed summons, and Hoyle replied that did not matter, but assured him at the next inquest, if he did not attend, he would be taken into custody.

precedence over the advancement of medical science or the egos of doctors. In the following discussion, the position of the law and medicine in relation to the coroner's court is illuminated and Hoyle's approach and use of his coronership as a means of public education and to dampen rumours is highlighted.

Hoyle, like Hussey in Oxford, rarely came to national attention. He worked diligently for the Newcastle community.<sup>526</sup> However, on two occasions his actions led to disapproving articles in the leading medical journals: once in *The Lancet* and once in the *British Medical Journal*.<sup>527</sup> In addition, there were two instances where he found himself at loggerheads with the local medical profession. These case studies are analysed to illuminate the relationship between Hoyle and the medical profession.

Hoyle, as a borough coroner, was not involved in the debate about the excessive costs incurred by coroners holding unnecessary inquests. County coroners were fettered in their discretion when magistrates refused to pay their accounts. Magistrates regularly disallowed the 'unnecessary' expense of a post-mortem.<sup>528</sup> As borough coroner Hoyle did not have to keep the magistrates happy: he was answerable to the Town Council. However, disagreement with the Newcastle medical fraternity led to one of only two instances where Hoyle's costs were questioned.

There was a wide choice of medical practitioners to consult in Newcastle; some were more orthodox than others.<sup>529</sup> Quacks and charlatans earned Hoyle's disapproval, including in one case a summons for manslaughter.<sup>530</sup> Neither had he time for qualified doctors who did not play their part in protecting the community. Early in his coronership Hoyle laid down his marker for his expectation of professional medical

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<sup>526</sup> The only mention of Hoyle at the Coroners' Society was in a list of coroners dated 1875. For more, see Yvonne Fisher, 'Coroners in London and Middlesex, c. 1820-1888: A Study of Medicalization and Professionalization' (PhD thesis, Open University 2020). Although, she mistakenly lists Stephen Reed and LM Cockcroft as Newcastle coroners: they lived in Newcastle but were Northumberland county coroners.

<sup>527</sup> Unsurprisingly, *The Lancet* was an advocate of medical coroners. One of the founders of the *British Medical Journal*, Peter Hennis Green was an alumnus of *The Lancet*. For a discussion of the early years of *The Lancet* see Brittany Pladek "'A Variety of Tastes': *The Lancet* in the Early-Nineteenth-Century Periodical Press' (2011) 85 (4) *Bulletin of the History of Medicine* 560.

<sup>528</sup> See for example Pam Fisher, 'Getting Away with Murder? The Suppression of Coroners' Inquests in Early Victorian England and Wales' (2007) 78 *Local Population Studies* 47; Donald Pritchard, 'The Office of Coroner, 1860 -1926: Resistance, Reluctance and Reform' (PhD thesis, University of Greenwich, 2001).

<sup>529</sup> For more on the medical profession in nineteenth century see WF Bynum, *Science and the Practice of Medicine in the Nineteenth Century* (Cambridge University Press 1994). The hierarchy was (in simple terms) physician, surgeon, apothecary.

<sup>530</sup> See inquest into the death of Ann Walker (n 608).

behaviour. In December 1859, Margaret Anderson, aged six, set herself alight whilst home alone. Margaret's mother sought help from several doctors, named in the newspapers as Dr Gilchrist, Dr Featherstonehaugh, Dr Manford and Dr Preston.<sup>531</sup> All refused to assist. Eventually Mr Nesham agreed to help and advised that Margaret be taken to the Infirmary. The doctors at the Infirmary 'were very kind' but Margaret died.<sup>532</sup> Hoyle severely censured the named doctors who had said they did not visit 'such cases'.<sup>533</sup> Supported by the jury, Hoyle publicised their names so that the community 'might be made aware of the sort of people with whom they had to deal'.<sup>534</sup> This was an early example of use of newspaper reporting to broadcast information: a pattern which continued throughout his coronership.<sup>535</sup>

The doctors did not take kindly to public shaming and Dr Preston responded in a letter to the *Newcastle Chronicle*, 'I deny that the coroner has any right to circulate rumours based on ex parte statements without previously testing their truth'.<sup>536</sup> However, Hoyle had achieved his aim. He had set out to the medical profession his expectation of care and he had demonstrated to the community that he was a coroner who would protect the interests of those in medical need.

### 3.4 Law and Medicine in the Coroner's Court

Hoyle was a student of coronial law and procedure. Burney quoted Mr Justice Denman as suggesting the coroner '[was] rarely a person of high legal attainments'.<sup>537</sup> However, Hoyle was a successful solicitor, both in his legal practice and in his coronial work.<sup>538</sup> Deep practical experience of law and legal procedure meant that legal coroners had an advantage over medical coroners who had to learn

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<sup>531</sup> 'Fatal Burning of Children in Newcastle' *Newcastle Daily Chronicle* (Northumberland, 19 December 1859) 2.

<sup>532</sup> 'Children Burnt in Newcastle' *Durham County Advertiser* (Durham, 23 December 1859) 2.

<sup>533</sup> 'The Fatal Case of Burning: Humanity of Newcastle Medical Men' *North and South Shields Gazette and Northumberland and Durham Advertiser* (22 December 1859) 5.

<sup>534</sup> *Ibid.*

<sup>535</sup> Hoyle appreciated the power of the press. He referred to its 'Lynx-eyed' scrutiny. See 'Annual Dinner of the Licensed Victuallers' *Newcastle Guardian and Tyne Mercury* (Northumberland, 26 October 1861) 6.

<sup>536</sup> WC Preston, 'To the Editor of the Daily Chronicle' *Newcastle Daily Chronicle* (Northumberland, 20 December 1859) 3.

<sup>537</sup> Ian A Burney, 'Making Room at the Public Bar: Coroners' Inquests, Medical Knowledge and the Politics of The Constitution in Early Nineteenth-Century England', in J Vernon (ed), *Re-reading the Constitution: New Narratives in the Political History of England's Long Nineteenth Century* (Cambridge University Press 1996) 140.

<sup>538</sup> As discussed in Chapter 2.

sufficient law and legal analysis to fulfil their role. If coroners made mistakes in interpreting and applying the law, there could be application to the High Court but there are no law reports, or newspaper reports, of any cases from Newcastle during Hoyle's coronership. The courts were regularly asked to rule on points of law and procedure arising from coroners' decisions in other parts of the country.

The law was not codified, in the Coroner's Act 1887, until after Hoyle's death.<sup>539</sup> Coronial law was mainly common law but also contained in numerous statutes, stretching back to the twelfth century.<sup>540</sup> In the eighteenth-century practical handbooks were written to assist coroners, doctors and lawyers.<sup>541</sup> *Jervis on Coroners*, which is still the definitive text on coronial law and practice, was first published in 1829.<sup>542</sup> Guides were also produced by Richard Sewell in 1843; by Joseph Grindon in 1850, and by William Baker in 1851.<sup>543</sup> Hoyle had a private library, as evidenced by bookplates engraved with his name and family crest.<sup>544</sup> He is likely to have had his own copies of relevant books.<sup>545</sup> In a letter to the Home Secretary, Henry Bruce, seeking guidance on a legal point, which is discussed later in this chapter, Hoyle explained: 'I do not find anything bearing upon the points about to be submitted to you, in any of the Works on the Law of Coroners.'<sup>546</sup> Law books were

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<sup>539</sup> Hoyle died in 1885.

<sup>540</sup> See Richard Henslowe Wellington, *The King's Coroner: Being a Complete Collection of the Statutes Relating to the Office Together with a Short History of the Same* (William Clowes and Sons 1905).

<sup>541</sup> For a discussion of the coroner's manual as a technique of occupying office, see Marc Trabsky, 'The Coronial Manual and The Bureaucratic Logic of the Coroner's Office' (2016) 12 (2) *Frontiers in Coronial Justice* 195.

<sup>542</sup> John Jervis, *A Practical Treatise on the Office and Duties of Coroners, with Forms and Precedents* (S Sweet 1829).

<sup>543</sup> Richard Clarke Sewell, *A Treatise on the Law of Coroner* (O Richards 1843); Joseph Grindon, *A Compendium of the Law of Coroners* (John Crockford 1850); William Baker, *A Practical Compendium of the Recent Statutes, Cases and Decisions Affecting the Office of the Coroner* (Butterworth 1851).

<sup>544</sup> *Richmonds Solicitors Box* (n 518) includes hand-written note of Hoyle's order to amend his father's bookplate at Lambert's printers (nd).

<sup>545</sup> The only volume I have been able to trace with his bookplate is a book of views of Halifax—John Leyland, *Views of Ancient Buildings Illustrative of the Domestic Architecture of the Parish of Halifax* (R Leyland and Sons 1879). The Hoyle family seat in Ripponden is near Halifax. Hoyle, despite being born in Newcastle, was interested in his Yorkshire heritage. Some firms of solicitors had libraries: Ushaw College, in Durham, has a law library gifted circa 1840 from Newcastle Solicitor, Robert Lambert. This provides a snapshot of a law library in the early nineteenth century (thank you to Steve Rich for bringing this to my attention). The assize courts in Newcastle had a library for the use of lawyers.

<sup>546</sup> JT Hoyle to Secretary of State for the Home Department *Letter* (The National Archives HO 45/8366 C69734219 November 1870).

available for consultation at the Literary and Philosophical Society, and the local Law Society. He was an active member of both.<sup>547</sup>

The portrait in Figure 1, discussed in Chapter 2, shows Hoyle reading a book of medical jurisprudence.<sup>548</sup> It is a slight volume, and the words ‘medical jurisprudence’ are clear along the top of the pages, but I have been unable to identify the book. The earliest book on medical jurisprudence was published in 1788, although such manuals were of little practical use.<sup>549</sup> BT Davis has suggested that the first ‘original and satisfactory work’ was written by George Male in 1816, and revised, expanded, and reprinted in 1818.<sup>550</sup> *Elements of Juridical or Forensic Medicine for the Use of Coroners and Barristers*, attempted to categorize the cases that came before the coroner’s court and outlined, briefly and concisely, the information that would be ‘useful at least, and sometimes necessary, to Judges and Lawyers.’<sup>551</sup> Male dedicated the greater part of his guide to poisons. In the preface, he was dismissive of earlier works from ‘continental’ writers.<sup>552</sup> The emphasis was upon providing succinct information to equip lawyers with appropriate medical knowledge.

Hoyle may have had a copy of Male, although by 1834 when he was appointed as a deputy coroner, and certainly by 1857, it was out of date and had been superseded. The main reference was Paris and Fonblanque’s comprehensive three-volume guide, *Medical Jurisprudence*, first published in 1823.<sup>553</sup> However, by the time Hoyle became borough coroner there were several volumes of medical jurisprudence in print, including *A Practical Treatise on Medical Jurisprudence* by Joseph Chitty, published in 1834.<sup>554</sup> 1834 was the year that Hoyle was appointed as a deputy

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<sup>547</sup> There is a record of Hoyle taking part in a debate about whether novels should be kept by the Lit and Phil ‘Novels or No Novels’ *Newcastle Guardian and Tyne Mercury* (Northumberland, 11 February 1865) 6.

<sup>548</sup> See Figure 2 for detail.

<sup>549</sup> Samuel Farr, *Elements of Medical Jurisprudence or, a Succinct and Compendious Description of Such Tokens in the Human Body as are Requisite to Determine the Judgment of a Coroner, and of Courts of Law, in Cases of Divorce, Rape, Murder, &c; to which are Added, Directions for Preserving the Public Health* (T Becket 1788).

<sup>550</sup> BT Davis, ‘George Edward Male MD—The Father of English Medical Jurisprudence’ (1974) 67 *Proceedings of the Royal Society of Medicine* 117.

<sup>551</sup> George Edward Male, *Elements of Juridical or Forensic Medicine: For the Use of Medical Men* (E Cox and Son 1818) 2.

<sup>552</sup> Male (n 551) xiv.

<sup>553</sup> John Ayrton Paris and John Samuel Martin Fonblanque, *Medical Jurisprudence* (W Phillips 1823).

<sup>554</sup> J Chitty, *A Practical Treatise on Medical Jurisprudence with so much of Anatomy, Physiology, Pathology, and the Practice of Medicine and Surgery, as are Essential to be Known by Members of Parliament, Lawyers, Coroners, Magistrates, Officers in the Army and Navy, and Private Gentlemen etc* (Longman Rees Orme Brown and Green 1834).

coroner and Chitty was a well-known author of law manuals so this may have been an attractive book for Hoyle. It expressly addressed coroners and suggested that: 'very considerable knowledge of these subjects is of the very utmost practical importance, especially as they may not be attended by the best-informed medical witnesses'.<sup>555</sup> Chitty was undoubtedly getting a dig into the medical establishment.<sup>556</sup> There is no suggestion that Hoyle had any difficulty with the quality of medical witnesses in Newcastle and he could not be included in the group of judges Professor Amos observed as 'very shallow men in science (...) too apt to attack medical witnesses for using technical terms unknown to them.'<sup>557</sup> There is no instance reported where Hoyle asked medical witnesses to explain themselves more clearly. I have no doubt, if he had, the local reporters would have considered such an intervention newsworthy.

Alfred Swaine Taylor, who is described as the father of British forensic medicine, published his *Manual of Medical Jurisprudence* in 1836. It was revised in 1849 and 1873.<sup>558</sup> 1873 fits the date of the Hoyle portrait in Figure 1, although the *Manual* is a larger book than the one portrayed. It is safe to assume Hoyle, with his interest in science, his legal knowledge, and the approach that he took to the coronership would have been conversant with sufficient medical practice to discharge his duty. He could have chosen a law book when he sat for his portrait, but he chose to signal his learning across the disciplines of law and medicine.

*Jervis* explained: 'the coroner is an elected officer, appointed on behalf of the public, to make inquiry about the matters within his jurisdiction.'<sup>559</sup> This was echoed by Hoyle himself who explained, in a succinct and useful description of the coroner's role:

[a coroner was to] hold an inquest in all cases where a person dies suddenly, without such previous illness as to render it manifest that the decease was occasioned by natural causes, and so careful is the constitution of this country of the security of human life that it requires the

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<sup>555</sup> Chitty (n 554) x.

<sup>556</sup> Chitty appears to have been happy to enter a fight. He once almost fought a duel with JF Archbold (the barrister and prolific author of legal manuals).

<sup>557</sup> Chitty (n 554) ix.

<sup>558</sup> Alfred Swaine Taylor, *Manual of Medical Jurisprudence* (John Churchill 1836).

<sup>559</sup> CW Lovesy, *Sir John Jervis on the Office and Duties of Coroners: With Forms and Precedents* (H Sweet Maxwell and Son Stevens and Sons 1866) 229.



cause of such deaths to be proved, by sworn testimony, to the satisfaction of twelve impartial persons, sworn to assist the coroner in such inquiry.<sup>560</sup>

Elizabeth Hurren explains that when Edward Hussey became coroner of Oxford in 1876 '[his] first duty had been to acquire a firm grasp of the law'.<sup>561</sup> Despite Thomas Wakley's dismissive contention that sufficient law could be picked up by a medically qualified man in a couple of hours to enable him to discharge his duty as coroner, it is evident from *Jervis, Sewell*, and other manuals that a detailed grasp of the law was essential.

Hoyle undoubtedly gained vast expertise in both coronial law and coronial practice. It is less easy to establish the extent of his medical knowledge, although his day-to-day work, his reading, and his access to medical expertise, both formally and informally, must have resulted in a good working knowledge. There are many instances reported where Hoyle demonstrated his understanding of medicine. One serves as an illustration of his insight into medical jurisprudence.

In 1863 a convicted rapist, Patrick Manion, hanged himself in Newcastle gaol, a matter of hours before the arrival of a letter from the Home Secretary, which would have commuted his sentence of penal servitude for life.<sup>562</sup> At the inquest, a juryman requested further evidence of the state of Manion's mind at the time of his death.<sup>563</sup> Hoyle questioned the witnesses and explained 'though he [Manion] might talk of destroying himself, this does not prove that he was insane.'<sup>564</sup> He asked careful questions to establish Manion's state of mind and deftly demonstrated his understanding of insanity. He steered the jury through the medical evidence to reach their conclusion on the medical issue.<sup>565</sup>

### 3.5 Access to the Coroner

The Manion case is an example of a death where an inquest was mandatory. However, unless the death was in a prison or workhouse, inquests were not held

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<sup>560</sup> 'The Coroner of Newcastle and the Medical Profession' *Newcastle Courant* (Northumberland, 3 June 1864) 2.

<sup>561</sup> Elizabeth T Hurren, 'Remaking the Medico-Legal Scene: A Social History of the Late-Victorian Coroner in Oxford' (2010) 65 *Journal of the History of Medicine and Allied Sciences* 207, 226.

<sup>562</sup> 'The Suicide in Newcastle Gaol' *Newcastle Courant* (Northumberland, 1 May 1863) 8.

<sup>563</sup> 'The Adjourned Inquest' *Newcastle Chronicle* (Northumberland, 2 May 1863) 3.

<sup>564</sup> *Ibid.*

<sup>565</sup> For a discussion of the relationship between insanity and suicide verdicts in the nineteenth century see Georgina Laragy "'A Peculiar Species of Felony": Suicide, Medicine, and the Law in Victorian Britain and Ireland' (2013) 46 (3) *Journal of Social History* 732.

automatically following a death. The coroner had to be summoned. Thus, to be effective a coroner had to be visible and accessible to the community. An early twentieth century coroner wrote of the responsibility of the coroner's office and commented, despite his other interests and his work 'everybody knew me as the coroner (...) the introduction was always the same; "This is Mr Williams, the coroner"'.<sup>566</sup> Hoyle both lived and worked in the centre of town and was well-known and recognized.<sup>567</sup> When informed of a death, he used his discretion and local knowledge to decide whether a full inquest was necessary and often spared the deceased's family an inquest if he was satisfied as to the cause.<sup>568</sup> However, he did not use this discretion lightly. For example, in July 1866, Mary Jackson was found dead in bed at the Rose and Crown Yard. Although she had been ill, and there was no suggestion of foul-play, she had not had any recent contact with a doctor and therefore an inquest was held. The jury concluded that her death was from natural causes.<sup>569</sup> If a doctor had been treating the recently deceased, and was unhappy about certifying a death, an inquest would be held.<sup>570</sup> Despite the evidence of his careful consideration of whether inquests were necessary, in the opinion of the local medical professionals, Hoyle's discretion not to hold one was not exercised sufficiently often, as discussed later in the chapter.

In many cases an inquest was important for the family and friends of the deceased not only for their own peace of mind but to deal with rumours. The reporting of the inquest in the newspapers could quash suspicion and provide an opportunity for community education. Hoyle saw this as a vital part of his function.

Hoyle had a positive relationship with the local press, in part because he wrote for the *Newcastle Weekly Chronicle*, but also because they (a predominantly liberal press) recognized his humanity and importance.<sup>571</sup> The relationship sustained throughout his coronership. In 1870 the *Newcastle Courant* suggested: 'There is no local coroner harder worked than Mr Hoyle, and there is none who can boast of

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<sup>566</sup> See EA Williams, *Open Verdict—An Ex-Coroner Looks Back* (Oyez Publications 1967) 10.

<sup>567</sup> See Chapter 2.

<sup>568</sup> 'Sudden Death of a Woman' *Newcastle Daily Chronicle* (Northumberland, 16 July 1866) 3.

<sup>569</sup> 'Case of Sudden Death' *Newcastle Chronicle* (Northumberland, 21 July 1866) 5.

<sup>570</sup> 'Warning to Mothers' *Newcastle Courant* (Northumberland, 25 February 1870) 5. Rayne declined to give certificate as to cause of death and the coroner deemed it necessary to hold an inquest.

<sup>571</sup> See 2.9.3.

greater fitness for responsible office'.<sup>572</sup> The respect was not automatic and was earned over fifty years of service.<sup>573</sup>

### 3.6 The People's Judge: Working with the Jury and the Community

There was no assumption that medical evidence would be required in all cases.<sup>574</sup> Hoyle, as was the practice of most coroners, would usually hear evidence from the doctors who had treated the deceased but he also consulted the jury, family, and friends to decide the most appropriate action.<sup>575</sup> In cases where he considered wider evidence was appropriate, he would call independent medical witnesses. For example, in December 1866, an inquest was held into the death of Joseph Renwick following the discovery of his body in the Tyne. Renwick had vanished in November and a reward of £5 had been offered for information as to his whereabouts.<sup>576</sup> Dr Rayne examined the body at the request of the family and found no marks of violence.<sup>577</sup>

Hoyle, as befits the People's Judge, demonstrated that it was important to include the community in the process. He asked Renwick's son if he wanted any further medical investigation. The son confirmed that he did not, but it is telling that the coroner decided not to make this decision himself but to allow the family to contribute. This is not representative of the practice of all coroners, including those in neighbouring areas who, alone, decided how to proceed.<sup>578</sup> The jury returned a factual verdict of 'Found Drowned'.<sup>579</sup>

Coroner Hoyle was careful to conduct inquests in a manner designed to result in an accurate record of the cause of death according to the law. Inquests were adjourned

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<sup>572</sup> Spectator, 'Local Notes' *Newcastle Courant* (Northumberland, 14 January 1870) 8.

<sup>573</sup> In 1886, when Theodore Hoyle was appointed coroner, the Recorder of Newcastle suggested the new coroner would 'in good time win the respect of the community'. See, 'The Recorder's Charge' *Newcastle Evening Chronicle* (Northumberland, 11 January 1886) 4.

<sup>574</sup> The Medical Witnesses Act 1836 (6 & 7 Will IV c 89) allowed coroners to pay for medical reports and post-mortem examination but did not direct when such were required.

<sup>575</sup> The nineteenth century press tends to use 'friends' rather than 'family' This usage is interesting and requires further study.

<sup>576</sup> 'Five Pounds Reward' *Shields Daily News* (Northumberland, 23 November 1866) 2.

<sup>577</sup> 'Inquests in Newcastle' *Newcastle Daily Chronicle* (Northumberland, 28 December 1866) 2.

<sup>578</sup> See for example Northumberland coroner Stephen Reed, who sometimes refused to pay the jury, or allow them to leave, until they had reached the 'correct' verdict. The newspaper suggested Reed 'no jury shall do otherwise than fear, honour and obey him' see 'Local Coroners and Juries' *Newcastle Guardian and Tyne Mercury* (Northumberland, 12 January 1856).

<sup>579</sup> 'Inquests in Newcastle' (n 577).

for post-mortem examinations and not rushed to conveniently conclude. In 1861, for example, James Cain died following a fight and an inquest was opened.<sup>580</sup> After a long investigation, and conflicting evidence, the case was adjourned for a post-mortem. Hoyle asked the doctor searching questions to establish whether the deceased could have died from the identified external injuries. In summing up, he attached great importance to the doctor's evidence that the death could not have occurred from the violence Cain had suffered. Hoyle explained to the jury: '[there was] a doctor's testimony, which if worth anything, showed that whether the blow was struck by McCormick or M'Manna was immaterial.'<sup>581</sup> Hoyle had faith in the medical testimony having called, examined, and questioned the expert. However, despite medical evidence to the contrary the jury believed violence was the cause of death. The jury were confident to disregard Hoyle's direction.

Hoyle was exasperated but did not try to force the jury to reach a verdict. He adjourned to obtain more evidence of the attack to assist the jury. At the adjourned inquest, no further evidence was forthcoming, and the jury retired. They then asked for more medical evidence from two doctors who had seen the deceased in the dead house. Hoyle refused to call more medical evidence but did allow a second adjournment and called Sub-Inspector Ingo of the dead house to give further evidence on the state of the body. Eventually the jury returned a verdict of manslaughter, which Hoyle suggested would 'strengthen the hand' of the magistrates when indicting the accused men.<sup>582</sup> Hoyle had deferred to the jury after a robust inquiry and was magnanimous to support the verdict. He had guided them, as the People's Judge, but the people had the final say.

### 3.7 Medical Evidence

Although the coroner discharged a judicial function, medical evidence played a role in the inquest process.<sup>583</sup> Hoyle was insistent that medicine played a supporting role and was not the focus of the inquest. The cause of death could be recorded without the exact medical reason being pinpointed. This distinction, analogous to the modern coronial definition of 'how' the deceased met their death, was illustrated in an inquest

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<sup>580</sup> 'Manslaughter in Sandgate' *Newcastle Journal* (Northumberland, 17 September 1861) 2.

<sup>581</sup> 'The Manslaughter in Sandgate' *Newcastle Journal* (Northumberland, 19 September 1861) 2.

<sup>582</sup> 'The Man Killed in Sandgate' *Newcastle Journal* (Northumberland, 26 September 1861) 2.

<sup>583</sup> Ian Burney has suggested that medicine played an increasingly dominant role. Burney (n 514).

in December 1867.<sup>584</sup> George Brewis, a solicitor, collapsed and died at work.<sup>585</sup> Hoyle directed the jury, '[he had] no doubt the verdict of the jury would be natural causes. It was not necessary for them to inquire whether it had been heart disease or apoplexy—it was enough that they had excluded all unnatural causes'.<sup>586</sup> This pragmatic, legal, approach was demonstrated the following year at the inquest into the sudden death of Sarah Woolley, a widow aged 56 who took in washing for a living.<sup>587</sup> The coroner told the jury that if they were satisfied that the deceased died from natural causes, it would be unnecessary to inquire what those natural causes were. This was motivated by his desire to avoid the need for a post-mortem examination.<sup>588</sup>

Hoyle was expected to be conversant with enough medical knowledge to enable questions to be put to medically qualified witnesses and so that he could interpret the evidence for the jury. However, of greater import was the authority that came from the professional status of a high-profile solicitor. Hoyle's standing in the community, as a solicitor, meant he did not have to develop and demonstrate his professional status to be accepted, as Hurren suggests Hussey had to do.<sup>589</sup> The role of the People's Judge inhabited by a lawyer brought with it the gravitas of legal qualification and the oaths of loyalty to the monarch and the people.<sup>590</sup>

### 3.8 Dereliction of Duty of the Medical Profession and Quack Doctors

Hoyle's respect for the medical arts was reserved for qualified doctors. He had no time for dabblers and charlatans who put the community at risk from lack of knowledge and care. Mindful of the loss of one of his own children soon after birth, and the fact that his wife had given birth to a stillborn child, he demonstrated

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<sup>584</sup> 'How' can have a narrow meaning— accident/homicide/suicide or a wider meaning to include the full circumstances of the death including the precise medical cause.

<sup>585</sup> 'Local and District News' *Shields Daily Gazette* (Durham, 4 December 1867) 2.

<sup>586</sup> 'Sudden Death of Mr Geo. Brewis, Solicitor' *Newcastle Journal* (Northumberland, 4 December 1867) 2.

<sup>587</sup> 'Inquests' *Newcastle Journal* (Northumberland, 28 April 1868) 2.

<sup>588</sup> *Ibid.*

<sup>589</sup> Hurren (n 561) 226.

<sup>590</sup> For a discussion about oath taking see Albert D Pionke "'I do swear": Oath-Taking among the Elite Public in Victorian England' (2007) 49 (4) *Victorian Studies* 611 and in respect to lawyers see 618-20 and discussion of the oath of Sergeants which underlined the importance of public duty over material gain.

particular scorn for doctors who did not attend labouring women.<sup>591</sup> A stark example was in January 1865 following the death of Jane Chambers, the wife of a waterman.<sup>592</sup> The jury found that Jane's death resulted from 'want of medical assistance in her confinement.'<sup>593</sup> The circumstances were particularly sad because Jane had a 'ticket' for medical assistance from the lying-in hospital and was being attended by a midwife. However, Dr Charles Gibson, the surgeon at the Hospital declined to attend when summoned. Gibson was censured by Hoyle, and the jury. Hoyle said he would write to the subscribers of the Hospital to alert them of the failure. In fact, it was not only Dr Gibson who had abrogated his professional duty. Jane's sister-in-law tried to call several doctors for help but they each told her they were otherwise engaged. By the time a doctor was found who agreed to help, Jane was dead.<sup>594</sup>

The coroner considered the case to be important. He said, 'benevolent people paid their money to support the Lying-in Hospital, and to remunerate its officers, and yet the poor people who required assistance were treated in the most inhuman manner.'<sup>595</sup> There was evidence that Dr Charles Gibson was waiting on 'a lady'. Hoyle asked '[why Gibson] did not have time to go and see a poor woman? (...) he [the coroner] was sure that if there had been the prospect of a good fee there would have been half a dozen doctors ready to go'.<sup>596</sup> His condemnation was strong and demonstrated his liberal tendencies and his understanding. Doctors, in his view, should help all women whatever their position in society. He had lost children himself and, in his court, he had seen much death and pain resulting from lack of care.

Hoyle was not concerned about making friends in the medical profession and he was content to assert his views and take what steps he could to improve conditions in Newcastle. The publication, in the press, of his strong opinion ensured the doctors were called to account. Dr Gibson did not take the public criticism lightly. He defended himself in the *Newcastle Journal*, 'it is not for me, in this place, to comment upon a judicial tribunal which could fulminate so extraordinary a verdict as that

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<sup>591</sup> For more on childbirth and death see Irvine Loudon, *Death in Childbirth: An International Study of Maternal Care and Maternal Mortality 1800-1950* (Oxford University Press 1992) in particular, chapter 12.

<sup>592</sup> 'Heartrending Revelations' *Newcastle Weekly Chronicle* (Northumberland, 28 January 1865) 8.

<sup>593</sup> 'Death from Alleged Medical Neglect' *Newcastle Courant* (Northumberland, 3 February 1865) 2.

<sup>594</sup> *Ibid.*

<sup>595</sup> 'Death from Medical Neglect' *Morpeth Herald* (Northumberland, 4 February 1865) 6.

<sup>596</sup> 'Heartrending Revelations' *Newcastle Weekly Chronicle* (Northumberland, 28 January 1865) 8.

awarded upon the present occasion, nor to estimate the dignity of its president who could permit so egregious an abuse of its power.<sup>597</sup> A demonstrable result was that the lying-in hospital appointed a doctor for out-patients to avoid such a troubling case in the future.<sup>598</sup> Hoyle's action played an important role in changing local practice for the good of the community.

The Chambers inquest was an uncommon example of the negligence of qualified medical men who were, in general, competent and diligent. However, the same cannot be said of those working at the margins. Quack doctoring was part of life in the nineteenth century.<sup>599</sup> Although many of the fairground remedies touted were harmless sugar pills or coloured water, sometimes the potions were harmful. In 1859 the *British Medical Journal* suggested that the age of the quack, as a showman, was over but that an even greater threat was posed because they had begun to advertise under the title of doctor or apothecary.<sup>600</sup> The blurring of boundaries between qualified and unqualified doctors led to much misery. The orthodox medical profession was divided into two ranks. The higher rank were the physicians who had university degrees and specialized in named branches of medicine. The second rank were the surgeons and apothecaries.<sup>601</sup> Beneath these men were the quacks who claimed medical proficiency. In 1879, *The City Jackdaw* dismissed them as 'professors of the art of healing'.<sup>602</sup> Newcastle had many qualified doctors, but the quacks still had a place, especially, although not exclusively, as purveyors of cures for the ailments of the lower classes.<sup>603</sup> There was often no need to seek help from the charlatans. Whilst conventional medicine and care was often the preserve of the rich, many doctors provided care to the poor for free or a nominal sum. Charitable subscriptions enabled those in most need to be referred to the Infirmary.

However, ignorance of the availability of medical help was a problem. The coroner played a role in publicising the availability of professional care. At an inquest in 1867

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<sup>597</sup> 'The Case of Medical Neglect at St Peter's—To the Editor of the Newcastle Daily Journal' *Newcastle Journal* (Northumberland, 30 January 1865) 3.

<sup>598</sup> See 'Newcastle Lying-In Hospital' *Newcastle Journal* (Northumberland, 8 May 1865) 2.

<sup>599</sup> For an in-depth examination of quack doctoring see Roy Porter, *Quacks, Fakers and Charlatans in Medicine* (Tempus 2003).

<sup>600</sup> 'Quack Doctors' (1859) 1 (129) *British Medical Journal* 489.

<sup>601</sup> See G Grey Turner and WD Arnison, *Newcastle upon Tyne School of Medicine 1834-1934* (Andrew Reid 1934) 7.

<sup>602</sup> 'Quack Doctors' (1879) 4 (165) *The City Jackdaw* 70.

<sup>603</sup> The death an attorney was recorded in 1870: 'Fond of Quack Medicines' see 'Sudden Death of a Newcastle Solicitor' *Newcastle Courant* (Northumberland, 4 February 1870) 8.

Mr William l'Anson, remarked it was a great pity the poor did not apply to the parish medical officer.<sup>604</sup> He explained he 'never refused a single applicant, nor failed to visit the poor who might require his attention'.<sup>605</sup> The coroner replied, once again ensuring that his opinion was disseminated via the newspapers, '[he] felt very glad Mr l'Anson had made these observations, inasmuch as the poor outside might know how easily they could obtain assistance in any strait, and he hoped they would avail themselves of the opportunity when medical aid was necessary'.<sup>606</sup> What is interesting is the assumption that the intended audience for this advice read or heard about it. Hoyle's view had been set out in 1860 when he referred to:

(...) the pernicious and often times fatal effects of quack medicines, which were used to a Frightful extent, especially amongst the poorer classes; [he] believed a greater scourge to poor people did not exist in that line than the persons who went under the name of botanists or herbalists. He was sure there were sufficient medical men in Newcastle, whose qualified advice might be got at almost any sum, to prevent, he should imagine, anybody from applying to these empirics; and he hoped the press would take that opportunity of putting before the public, in the strongest possible light, the pernicious effects of the reckless administration of such medicines.<sup>607</sup>

Despite the prevalence of medical facilities, the peddling of dubious remedies continued. Often, the price of the quack's cure was greater than the price of effective conventional medicine.

Hoyle used the full range of his, admittedly limited, powers to protect the community from the dubious practitioners. An example is the 1867 indictment by the coroner of a 'medical botanist'.<sup>608</sup> Ann Walker, the unmarried daughter of Ashley and Elizabeth Walker, had taken ill following the delivery of a still-born child.<sup>609</sup> 'Dr' Josiah Thomas was consulted, visited on several occasions, and gave Ann a bottle of liquid. Ann's health continued to deteriorate and eventually surgeons were called. Despite their best efforts, Ann died. The case was reported to the coroner. Hoyle was concerned

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<sup>604</sup> Mr WA l'Anson was a champion of the poor and a doctor for the Parish.

<sup>605</sup> 'The Infirm Poor' *Newcastle Daily Chronicle* (Northumberland, 13 September 1867) 3.

<sup>606</sup> *Ibid.*

<sup>607</sup> 'Death from Poisonous Substances' *Newcastle Journal* (Northumberland, 11 February 1860) 5.

<sup>608</sup> 'The Death of a Woman in Childbirth. Verdict of Manslaughter against a Medical Botanist' *Newcastle Daily Chronicle* (Northumberland, 23 January 1867) 3.

<sup>609</sup> In 1875, their second daughter, Elizabeth, was murdered by her husband. He was the first person to be executed in Newcastle following the Capital Punishment Amendment Act 1868 see Helen Rutherford, 'Unity or Disunity? The Trials of a Jury in R v John William Anderson: Newcastle Winter Assizes 1875' in James Gregory and Daniel JR Grey (eds), *Union and Disunion in the Nineteenth Century* (Routledge 2019) 242.



that Thomas did not seem to be qualified. He explained to the jury that the Government was careful to identify properly qualified doctors and 'a book containing their names was issued every December, a copy of which was sent to every coroner'.<sup>610</sup> He said that he could not find Thomas's name and he believed he was not a registered medical practitioner. He told the jury that the inquest was one of the most important inquiries they had had to conduct for a long time and ordered a post-mortem. He was not prepared to allow a quack to cause unnecessary suffering.

Thomas expected trouble and attended the inquest with a solicitor. Although legal representation for witnesses was permitted it was unusual. A midwife gave evidence: 'I am aware that he [Thomas] is not a qualified practitioner of the 'old school' like Dr Rayne, Dr Hood, Dr l'Anson and Dr May'.<sup>611</sup> Dr Rayne explained that the treatment given to Ann had been incompetent. The jury returned a verdict of manslaughter against Thomas.<sup>612</sup> Hoyle, in a foreshadowing of the 'Bolam Test', summed up by pointing out, even if 'a properly qualified medical man attended a case of that kind and from not bringing a proper amount of skill to bear upon and (...) death resulted he would be liable to a charge of manslaughter'.<sup>613</sup> A quack was far from being properly qualified.

### 3.9 The People's Judge: Protecting the Community

As the People's Judge, one of Hoyle's duties was to protect the community from harm and he took whatever steps he could to try to prevent future deaths. He ensured that the reports of the deaths from the effects of quack medicine were reported widely to convey a public message and, if required, directed the jury to return a verdict of manslaughter.

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<sup>610</sup> 'Death of a Woman through Defective Medical Aid' *Newcastle Courant* (Northumberland, 25 January 1867) 2. The inquest contained an odd exchange between one of witnesses and Hoyle about the fact Thomas had been an agent for Dr Coffin. The *Western Morning News* (Devon, 25 January 1867) 2 reported 'this name was at once seized upon by the coroner to relieve the usual lugubrious monotony of an inquest by making a few puns'. An opportunity for Hoyle to demonstrate his sense of humour, but not particularly appropriate.

<sup>611</sup> 'The Death of a Woman in Childbirth. Verdict of Manslaughter against a Medical Botanist' *Newcastle Daily Chronicle* (Northumberland, 23 January 1867) 3.

<sup>612</sup> *Ibid.*

<sup>613</sup> 'The Adjourned Inquest' *Newcastle Guardian and Tyne Mercury* (Northumberland, 26 January 1867) 3.

In 1863 there was another example of a strong public message.<sup>614</sup> A child, Frederick Prince, died after being treated by a ‘medical botanist’ named Paton. Hoyle did not admonish Mrs Prince who had sought the help of the quack but used the case as a cautionary tale. Hoyle said ‘[the death] ought to be a warning to [the mother] and her neighbours not to go to the ignorant quacks with no fit education, but to a properly qualified medical man’.<sup>615</sup> He emphasized that he ‘did not wish her to suppose that he considered her to have done anything wrong further than in going to one who called himself a “botanist”’.<sup>616</sup> He adjourned the hearing and instructed Dr Rayne to analyse the medicine. It transpired that the potion was unlikely to have caused Frederick’s death, but Hoyle had made his point and the public message had been reported.<sup>617</sup> The People’s Judge had warned the community of the dangers of trusting the unqualified and encouraged them to seek proper advice. Advice from the trusted coroner, presented in the local newspapers, acted to try to prevent further similar deaths.

This public education message was linked with the coroner’s role to allay suspicion and end rumour. Here, the use of medical evidence was crucial. The talismanic quality of a medical opinion could end suspicions of secret poisoning or gossip about covert violence.<sup>618</sup>

### 3.10 Using the Coroner’s Court to Inform the Community and Allay Suspicion

In the period under discussion, the newspaper reporting of inquests was extensive. The comprehensive accounts of deaths and inquests undoubtedly sold copy, due to their gruesome detail, but reporting in the local press of the causes of some deaths had a role as public information. The newspapers in Newcastle were used by Hoyle to broadcast warnings to parents about the danger of open fires, un-tested medicines, and poisons. He also encouraged the alteration of railings, the lighting of passageways, and the repair of streets.<sup>619</sup> However, Hoyle was mindful, especially in

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<sup>614</sup> ‘Sudden Death of a Child’ *Newcastle Chronicle* (Northumberland, 25 April 1863) 5.

<sup>615</sup> ‘A Botanist and his Remedies’ *Newcastle Chronicle* (Northumberland, 11 April 1863) 3.

<sup>616</sup> *Ibid.*

<sup>617</sup> ‘Inquests’ *Newcastle Daily Chronicle* (Northumberland, 18 April 1863) 2.

<sup>618</sup> See JDJ Havard, *The Detection of Secret Homicide: A Study of the Medico-legal System of Investigation of Sudden and Unexplained Deaths* (MacMillan 1960) xiii.

<sup>618</sup> Havard (n 618) xiv.

<sup>619</sup> See for example, the inquest in April 1867 into the death of William Garrington, who died after falling on a broken footpath: ‘Fatal Accident in St John’s Lane’ *Newcastle Journal* (Northumberland, 16 April 1867) 2.

cases of poison, that too much information could have a deleterious effect. For example, following the death of Ann Mackay in 1867 Hoyle asked the press to withhold the name of the poison used in her suicide because mention of it might 'do more harm than good.'<sup>620</sup>

The assumption of a public information role included calming suspicion in the community; for example, when there was a suspected suicide or domestic homicide. If the death was not caused by a crime, there was no need for an indictment. He used medical evidence to support this legal function. The importance of an investigation to dampen gossip is illustrated by an inquest in 1859. Mary Blakeborough, aged 24, was found dead at home and it was suspected that she had been murdered by her common-law husband.<sup>621</sup> The newspapers, stoking the gossip, reported Mary's death as 'suspected wife poisoning'.<sup>622</sup> The husband, a deserter from the Army, had reportedly gone to find a doctor to help his pregnant and vomiting wife but he claimed that he could not find one. Eventually a midwife was sent for, but she did not stay because Mary was not in labour.

Hoyle opened the inquest, and could have proceeded and swiftly concluded, but decided to adjourn to allow Dr Rayne to carry out a post-mortem. Rayne suggested that death was due to poisoning.<sup>623</sup> To confirm this conclusion, Mary's intestines were sent to be analysed. At the resumed inquest, the evidence of the analysis determined that there was no sign of poison, although the cause of death was not satisfactorily explained. Despite the fact this case involved the death of a poor woman, the medical evidence commissioned was extensive. It included testimony from Mr Maricourt, assistant to Mr Browell (analytical chemist), Mr Browell himself, Dr Rayne, Mr Robertson (medical officer at the Bensham Lunatic Asylum) and Mr Jobson, a chemist. The jury deliberated for quarter of an hour and concluded that the death was caused by inflammation of the intestines but there was insufficient evidence of the cause.<sup>624</sup> The inquest attempted to quash the rumour that the deceased had been poisoned. No expense was spared to procure wide and detailed medical evidence.

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<sup>620</sup> 'Melancholy Suicide in Newcastle' *Newcastle Chronicle* (Northumberland, 16 March 1867) 1.

<sup>621</sup> 'The Suspected Wife Poisoning Case' *Newcastle Guardian and Tyne Mercury* (Northumberland, 7 May 1859) 5.

<sup>622</sup> *Ibid.*

<sup>623</sup> 'The Suspected Wife Poisoning' *Newcastle Guardian and Tyne Mercury* (Northumberland, 14 May 1859) 5. It may have been an attempt to procure abortion, although this is an observation with the benefit of hindsight and was not raised in the evidence reported.

<sup>624</sup> *Ibid.*

And then the jury, with the aid of that evidence, came to their conclusion, as required by the law.<sup>625</sup>

Thus far, I have considered Hoyle's response to the negligent and the non-orthodox. I have demonstrated the role of the coroner in dampening gossip and seeking to educate and inform the public via the newspapers and public pronouncements. I have highlighted Hoyle's expectations of the medical profession and the fact that he used expert evidence regularly, as he thought fit, to support the legal remit of the inquest. The next section of the chapter considers Hoyle's disagreements with the Newcastle medical profession.

Despite Hoyle's convivial relationship with the medical establishment, there is evidence on occasion of a more fraught relationship. This antipathy reached significant proportions in the period 1862 to 1870. The disagreements concerned post-mortems and death certificates.

### 3.11 The Anatomists: Death of a Pauper

Despite general satisfaction with Hoyle as coroner, there were undoubtedly doctors in Newcastle who sincerely believed that the coroner's function should be led by medicine and the coroner should not be allowed to block medical progress. There was an understandable desire to push the boundaries of medical science by a thorough investigation of anatomy. The Anatomy Act 1832 provided that a person having lawful possession of a body could permit it to undergo 'anatomical examination' provided that no relative of the deceased objected to the dissection.<sup>626</sup> The Act allowed doctors to dissect the corpses of anyone who had died in a hospital, prison, or workhouse, and whose remains were unclaimed, which, effectively, left the bodies of the poorest members of society at the mercy of the anatomists.<sup>627</sup> The instances of this in Newcastle are difficult to establish. In 1859, it was reported that a man, retrieved from the Tyne, had been sent for dissection, but this is a rare

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<sup>625</sup> 'The Suspected Wife Poisoning Case' *Newcastle Guardian and Tyne Mercury* (Northumberland, 21 May 1859) 3. Richard Barker, alias Samuel Wilkinson, was discharged by the magistrates and then arrested for desertion.

<sup>626</sup> (2 & 3 Will IV 4 c 75) s vii.

<sup>627</sup> For more discussion of the practice of anatomy, see Russell Charles Maulitz, *Morbid Appearances The Anatomy of Pathology in the Early Nineteenth Century* (Cambridge University Press 1987); Elizabeth T Hurren, 'Whose Body Is It Anyway? Trading the Dead Poor, Coroner's Disputes, and the Business of Anatomy at Oxford University, 1885-1929' (2008) 82 (4) *Bulletin of the History of Medicine* 775.

example.<sup>628</sup> In 1862, dissection and the mistreatment of the bodies of the poor exercised the coroner's mind.

The Anatomy Act afforded 'privileges' to the medical profession but there was an interplay with the office of coroner. The coroner held to account those responsible for deaths but the investigation which preceded such an important legal process could be hindered or rendered impossible where the medical profession interfered with the corpse. The question was, who would protect the living and the dead from the inappropriate exercise of the privilege of dissection? On this matter of policy, Hoyle showed his hand as the People's Judge. He was left disappointed by a lack of central government support, but this highlighted the correctness of his approach to the rights and duties of his office.

Hoyle was an Anglican married to a woman born into the Jewish faith. He did not readily accept the desecration of the dead unless it was essential for the fulfilment of his legal duties. The following case study illustrates Hoyle's views on dissection. In January 1862, Elizabeth 'Bouncing Bess' Brown, aged 28, was found dead in the workhouse.<sup>629</sup> Bess had led a sad life and was a regular attender at the Police Court for drunkenness, and once for attempted suicide.<sup>630</sup> In 1860, she had promised to 'go straight' after Alderman Dodds had scolded her: 'Why, woman, I see you have been here 42 times.'<sup>631</sup> Despite Bess's best intentions, she did not 'keep out of trouble' and ended up in the vagrant ward.

Bess's death was recorded following the medical evidence of Dr Gregson, who was appointed by Hoyle to carry out a medical examination for the inquest. However, Hoyle informed the jury, to his surprise and disapproval:

(...) on the Sunday after her [Elizabeth Brown] death a person named DGLISH, an assistant to Dr Rayne, and Mr Hardcastle, the surgeon to the workhouse, and vagrant ward, were guilty of most improper, nay, indeed, unlawful conduct, inasmuch (...) before any inquest had been held, or any direction given by me, they cut open the body and head of the deceased, and made an internal examination of it. This was a most improper proceeding for several reasons—first, it is unlawful; second, the body

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<sup>628</sup> 'Death from Drowning' *Newcastle Courant* (Northumberland 4 February 1859) 8. This inquest was reported in several newspapers but only the *Newcastle Courant* noted that the body was sent for dissection. The man was unnamed and unclaimed.

<sup>629</sup> 'Death of a Notorious Character' *Newcastle Guardian and Tyne Mercury* (Northumberland, 11 January 1862) 5.

<sup>630</sup> 'Fleecing a Frenchman' *Newcastle Daily Chronicle* (Northumberland, 5 November 1859) 2.

<sup>631</sup> See 'The Social Evil' *Newcastle Chronicle and Tyne Mercury* (Northumberland, 19 May 1860) 4.

should be viewed by the jury in the same state as when death took place; and, thirdly it can never be tolerated in this country, that the bodies of paupers should be cut into by the workhouse surgeon, without the consent of relatives, or any lawful authority whatever.<sup>632</sup>

What Hoyle did to admonish the doctors is not clear from the newspaper reports. It may just have been a shot across their bows. But, despite his warning, the doctors ignored his advice, or forgot it, and the same issue arose eight years later during the inquiry into the death of a lead worker, Margaret Reed.<sup>633</sup> This piqued the interest of the *British Medical Journal* and induced Hoyle to write to the Home Secretary for clarification of the law.

### 3.12 The Anatomists: Death of an Orphan

The report in the *Newcastle Guardian*, headlined 'The Newcastle Infirmary Exposure', suggested that the case of Margaret Reed, whilst upsetting the medical establishment, '[had done] Newcastle and the State some service'.<sup>634</sup> Margaret was admitted to the Infirmary on 22 September 1870 suffering from the effects of lead poison. The treatment was ineffective. She had no family and there was no one to liaise with the Infirmary to arrange burial. The doctors carried out a post-mortem examination. The *Newcastle Guardian* noted, poetically, echoing the case of 'Bouncing Bess', 'she is only a pauper who nobody owns'.<sup>635</sup> The newspaper took up the cudgel and suggested it was because of her class that Reed had been treated so badly by the medical establishment, and if she had 'moved in an educated circle', matters may have been different.<sup>636</sup> The inquest was opened, and adjourned, to enable the House Surgeon to account for his actions. Hoyle indicated that he had received several complaints expressing concern about the conduct of the surgeons and their habit of carrying out post-mortem dissections, without the permission of the relatives and friends of the deceased. He was fulfilling his role as the People's Judge to seek justice for Margaret Reed, a young woman of a similar age to Hoyle's daughters.

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<sup>632</sup> 'Vagrant Ward' *Newcastle Journal* (Northumberland, 7 January 1862) 3.

<sup>633</sup> 'Woman Poisoned by Lead' *Newcastle Courant* (Northumberland, 30 September 1870) 8.

<sup>634</sup> 'Newcastle Infirmary Exposure' *Newcastle Guardian and Tyne Mercury* (Northumberland, 8 October 1870) 4.

<sup>635</sup> *Ibid.* The reference is to a poem by Thomas Noel 'The Pauper's Drive' (1841) see William Darrah, *The Onward Reciter* (W Tweedie and Co 1872) 144.

<sup>636</sup> *Ibid.*

This incident may have concluded as a local spat, but it raised national concerns and was reported in the *British Medical Journal*.<sup>637</sup> The report, written by a Newcastle doctor, suggested Hoyle had made an error in interpreting the law and accused him of being ignorant of all medical knowledge. It sneeringly dismissed him as an ‘anomalous functionary’ and suggested that inquests without post-mortems were ‘failures of justice’.<sup>638</sup> I can imagine Hoyle’s reaction to this slur on his legal position and capacity. In fairness, Hoyle was not suggesting that post-mortems were not required; merely that permission should be sought before carrying them out. He was the People’s Judge, standing up for the friendless and powerless. His intention was to stop needless violations in the name of science. The point made in the *British Medical Journal* was a wider one. It suggested that as coroner he had neither, ‘the right or power to forbid *post-mortem* examination’.<sup>639</sup>

Whether the *Newcastle Guardian* report, which reprinted the *British Medical Journal* article, was brought to Hoyle’s attention or whether he would have had access to it in a library is not known.<sup>640</sup> However, he was sufficiently goaded to write to the Secretary of State for the Home Office to seek clarification of the extent of his powers.<sup>641</sup> In his letter, he explained he had been unable to find a clear answer in coroners’ manuals and set out, at length, the circumstances of the disagreement. He explained he had informed the doctors that an inquest was to be held but despite this, two apprentice surgeons had carried out an unauthorized internal examination—including removal (and later replacement) of the internal organs. Hoyle suggested it was an offence at common law to carry out the examination. This was not simply a coroner scorned. He wanted to find an answer to inform his practice and comply with the law. He was a lawyer seeking legal clarification after failing to find a satisfactory answer himself.

His concern was the pursuit of justice.

The jury should as far as possible, see the Body in the same state it was immediately after death and although in this case there was no reason to doubt that death had been caused by Lead Poisoning the circumstances showed how improper it is that there should be any interference with the

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<sup>637</sup> ‘Inquests and Necropsies’ (1870) 2 (513) *British Medical Journal* 476.

<sup>638</sup> *Ibid.*

<sup>639</sup> *Ibid.*

<sup>640</sup> ‘Inquests and Necropsies’ *Newcastle Guardian and Tyne Mercury* (Northumberland, 5 November 1870) 7.

<sup>641</sup> *Letter* (n 546).

duties of the coroner—the Physician says there was no analysis made of the contents of the Organs, and the examination was made by two apprentices without the presence during the whole time of any qualified medical man, and that the symptoms of death from Lead Poisoning were sufficiently evident, but supposing that had not turned out so and that though suffering from Lead Poisoning death had been caused or accelerated by a Blow or by some poison other than Lead, the ends of Justice might be defeated by what was done as no analysis would be of any value, after the way the internal organs had been treated by the apprentices and in the event of their finding any injuries to cause death they only could properly give evidence, in case anybody was put upon his trial.<sup>642</sup>

There was not an obvious answer. Who should have precedence? The coroner and the inquiry into death or the medical profession and their pursuit of scientific advancement. Hoyle hoped that the Home Secretary would be able to assist:

I seek to be informed whether in the event of their doing so, they will be guilty of any offence at Common Law or by Statute, and if so, to point out in what way I should act with regard to them, to assist the authority of my office and prevent the ends of justice being defeated.

The disappointment he felt when the reply, noted on the letter in the archive, arrived on his desk can only be imagined. Henry Bruce gave a politician's reply and did not answer the question:

(...) as the coroner is unable to point to any authority shewing that a post-mortem examination of a person deceased in an Infirmary made after the advice of an inquest and without the sanction of the coroner is illegal (...) Mr Bruce is unable to see how he can interfere.<sup>643</sup>

*The Lancet* took the opportunity to report the disagreement.<sup>644</sup> The report noted that Hoyle specifically mentioned his friends of the Roman Catholic faith 'had been very much distressed at it.'<sup>645</sup> This reflects his early support of the Roman Catholic community and his sensitivity to religious sensibilities.

The matter was quietly dropped, most probably to the satisfaction of the doctors, if not the coroner.

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<sup>642</sup> Ibid.

<sup>643</sup> Ibid: noted on the back page.

<sup>644</sup> 'A Coroner on Post-Mortem Examinations' (1870) 96 (2459) *The Lancet* 546.

<sup>645</sup> Ibid.



### 3.13 Death Certificates

I have used the two dissection cases to illustrate Hoyle's disquiet and his insistence that the law took precedence to the desires of the medical profession to further their craft. The period between the two dissection cases, 1862 to 1870, was not free of incident. The *British Medical Journal* was not the only publication which kept an eye on the Newcastle coroner. In 1864, Hoyle was dressed down by *The Lancet*.<sup>646</sup> The matter of concern was the certification of deaths by doctors. The event that led to *The Lancet's* interest had been preceded by earlier skirmishes, one in 1862 and one in 1863. The issues that were highlighted in the three inquests, show Hoyle's concern for following the letter of the law and ensuring that procedures, for the protection of the public, were followed and not circumvented for the convenience of the medical profession.

The dispute in 1862 followed the death of Gregory Murray, the son of a hawker.<sup>647</sup> Gregory had burned to death whilst his father lay drunk in bed. The jury ruled that his was an accidental death and Hoyle severely censured Mr Murray.<sup>648</sup> As a father himself, his distaste at the drunken hawker was palpable. However, Hoyle was unhappy about the 'looseness and inaccuracy of the certificate of death', which had been provided by a doctor at the Dispensary:

I hereby certify that I attended Gregory Murray, aged two, last birthday; that I last saw h... on..., 186..., and that she died on Dec 4, 1862, and that the cause of her death was burning. Signed C Chynne pro WJ Carr MRCS LSA.<sup>649</sup>

The coroner noted that the certificate contained no address nor dates, and 'he thought it a very curious document. The doctor referred to Gregory, a boy, as 'she'. Criticism of the individual doctor extended to criticism of the medical profession more widely. Hoyle emphasized that the certificate was merely one instance of a wider problem of lack of care. He criticized the document and said, 'when people came to be doctors, they should learn to write'. Hoyle, demonstrating his awareness of national issues, suggested that the lack of care was not merely a local problem, and

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<sup>646</sup> 'The Medical Practitioners and the Coroner of Newcastle-on-Tyne' (1864) 83 (2127) *The Lancet* 658.

<sup>647</sup> 'Culpable Negligence of a Father' *Newcastle Chronicle* (Northumberland, 6 December 1862) 7.

<sup>648</sup> 'Child Burnt to Death' *Newcastle Journal* (Northumberland, 5 December 1862) 2.

<sup>649</sup> 'Culpable Negligence of a Father' (n 647).

he 'believed that the attention of Sir George Grey had been directed to the frequent irregularities of these certificates, and he believed that some alteration would be made regarding them in the next session of Parliament'.<sup>650</sup>

The coroner's handling of the inquest was exemplary, but his criticism wounded the professional pride of the medical establishment. Carelessness with medical certificates surfaced again the next year, in 1863, during an inquest into the death of a child from scalds. A death certificate had been provided by 'Mr AS Donkin MD'. Hoyle was not happy with the certificate and used the opportunity to underline the importance of an independent judicial inquiry into death. He suggested that: the 'certificate was one (...) which, if generally adopted, would supersede the office of coroner and jury altogether' and 'if the Registrar General acted upon such certificates, he would have erroneous records'. Hoyle was scathing of 'the extraordinary sort of certificates of the cause of death that medical men sometimes gave.' He read the certificate to the court to illustrate the problem to the jury and the press:

15th January, 1863—I beg to certify that I attended for the space of 28 days the child James Lynn, Thornton Street, which got severely scalded by accident, and that it was recovering when attacked by bronchitis, from which it died, its age being 12 months.<sup>651</sup>

The People's Judge required the legal formalities to be correctly observed. He noted the certificate contained statements amounting to hearsay, and, therefore, as they were not upon oath, could not be evidence of the facts of which they spoke. He said that he 'had no reason to suppose that death in this case was other than accidental, but the circumstances were unknown to him [the coroner], and it was one of those cases in which the law distinctly said that inquiries were to be made'.<sup>652</sup> Hoyle had asserted his authority and made clear to the medical establishment that the decision to hold an inquest was his alone. It was a legal decision—would a medically qualified coroner have come to the same decision?

The legal procedure to certify death was vital. Accurate death certificates were crucial both for the family and the community and for public health and safety. Donkin

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<sup>650</sup> Ibid.

<sup>651</sup> 'Death from Scalding' *Newcastle Daily Chronicle* (Northumberland, 16 January 1863) 2.

<sup>652</sup> The Secretary of State had addressed a circular to all coroners in England, asking them to complete a return of all inquests held for children under two years of age, and directing that strict inquiries should be made into the deaths of all such children.

should have known better. As a lecturer in medical jurisprudence at the Medical School he should have demonstrated exemplary practice. He did not take the slight on his reputation quietly. He wrote to the *Newcastle Daily Chronicle* and referred to Hoyle dismissively as ‘that functionary’.<sup>653</sup> Donkin asserted that his intention was not to override the coroner’s jury and the coroner’s jurisdiction but to provide a certificate for the child’s father to give to the coroner who could then decide if an inquest was necessary. The letter was not content with attacking the coroner, but it went on to criticize Dr Rayne, who had given evidence at the inquest. Donkin referred to the proceedings as a ‘crown’s quest; with a vengeance’ and he painted Hoyle as ‘uncourteous’.<sup>654</sup>

Hoyle had a legal duty to investigate and report his findings as part of a statistical survey, for the benefit of the community. The incident, and the public airing of the grievance in the newspapers, illustrated once again the medical uneasiness around the purpose of the coroner’s court and the respective roles of the law and medicine. The issue of death certificates, and the necessity for coroner’s inquests, arose again eighteen months later, and attracted the attention of *The Lancet*.<sup>655</sup>

### 3.14 The 1864 Dispute

The medical profession was not happy with Hoyle. The incidents concerning death certification, combined with disputes about autopsies and the calling of medical evidence at Newcastle inquests, resulted in a petition to the Town Council in 1864, signed by 41 medical professionals.<sup>656</sup> The petition expressed concern for, what the signatories believed to be, the excessive number of inquests. Such was the disapproval of Hoyle’s actions, *The Lancet*, persistent critic of legally qualified coroners even after the death of Wakley, published details and correspondence to bring countrywide attention to the Newcastle argument.<sup>657</sup>

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<sup>653</sup> ‘Certificates of Medical Evidence. To the Editor of the Daily Chronicle’ *Newcastle Daily Chronicle* (Northumberland, 17 January 1863) 2.

<sup>654</sup> *Ibid.*

<sup>655</sup> Did Donkin, nursing a grudge, correspond with *The Lancet*?

<sup>656</sup> ‘The Medical Professionals and the Borough Coroner’ *Newcastle Daily Chronicle* (Northumberland, 5 May 1864) 3. The petition was ‘a memorial’. A memorial was a note or memorandum—sometimes a form of petition.

<sup>657</sup> *The Lancet* (n 646).

The doctors wanted to get the councillors onside to 'knock back' the coroner who they considered was overreaching his authority and ignoring the superior knowledge of the medical profession. Being accused of holding too many inquiries was not a problem Hoyle had encountered. Since being appointed his quarterly accounts had been approved, without question, by the Finance Committee. The doctors suggested that Hoyle was ignoring medical advice and returning a disproportionate number of 'died by the visitation of God' verdicts.<sup>658</sup> A councillor, Mr Forster, stood up for Hoyle and told the council he knew of many cases where the coroner had spared the family the pain of an inquest by providing a death certificate.<sup>659</sup>

In fact, this last accusation is not supported by the evidence I have extracted from the newspaper reports and from the yearly coroners' statistics and may be an addition to try to press the doctors' case.<sup>660</sup> From 1857 to 1864 I found ten examples of this verdict reported.<sup>661</sup> Hoyle was not a coroner who used 'died by the visitation of God' as a cover-all verdict.<sup>662</sup> He made extensive enquiries to allow robust verdicts to be returned by the jury. There is one 'visitation of God' case where Hoyle gave a precise reason for suggesting the verdict to the jury. A man had died from excess alcohol consumption and Hoyle explained:

[he]did not like the verdict of "died from natural causes" in such cases. He thought that it was more applicable to say "died by the visitation of God" as, under the circumstances it was a visitation of the Almighty upon the person who had taken too much drink.'<sup>663</sup>

My analysis of the figures returned to the Secretary of State reveals that the percentage of inquests per head of the population of Newcastle is constant during Hoyle's coronership. The deaths of, in the region of 0.013 of the population, were the subject of an inquest in each year.<sup>664</sup>

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<sup>658</sup> 'The Medical Profession and the Coroner' *Newcastle Courant* (Northumberland, 6 May 1864) 2.

<sup>659</sup> *Ibid.*

<sup>660</sup> See Appendix D for a table listing the Visitation of God verdicts recorded in the Newcastle newspapers.

<sup>661</sup> *Ibid.*

<sup>662</sup> I found eleven reported instances from 1857 to 1882. Sometimes, when Visitation by God was used by one newspaper, natural causes was reported in another and therefore without seeing the death certificates, or formal inquest record, it is impossible to say precisely how often the verdict was recorded. The best evidence available suggests it was rarely used by Hoyle.

<sup>663</sup> 'Another Victim of Intemperance' *Illustrated Berwick Journal* (Northumberland, 10 March 1860) 4.

<sup>664</sup> See Appendix F.

The complaint to the Council was prompted by general dissatisfaction rather than a true reflection of a problem. Professional pride had been wounded. The doctors wrote that the coroner's remarks about death certificates were 'insulting to the profession at large'.<sup>665</sup> The Town Council resolved to refer the matter to the Finance Committee and send a copy to Hoyle for his comments.<sup>666</sup> It was pointed out that the coroner was not the servant of the council and therefore the complaint should have been addressed to the coroner in the first instance.

The Finance Committee investigated, and no action was taken. Hoyle responded to the doctors in an open letter and did not mince his words.<sup>667</sup> He emphasized that he had no 'motive other than the public good' and he was 'bound by the law of England, and by his oath of office'. He explained that, in establishing causes of death to the satisfaction of the community, a certificate from a doctor could not be allowed to override oral evidence to twelve jurymen. He dismissed the allegation that he was holding too many inquests. My research supports this. There were more inquests, numerically, but the population was increasing rapidly.<sup>668</sup>

The disagreement highlighted the competing interests of the coroner and the medical profession. Hoyle's letter in response contained much that the medical professionals must have found unpalatable. He made clear that the inquest protected the public from the closing of ranks of doctors if a mistake was made. The legally qualified coroner saw the inquest as a judicial inquiry into sudden deaths, for the benefit of the public, in which medical opinion played a part. The doctors saw medicine, and their professional opinion, as negating the need for any interference from a solicitor. *The Lancet*, whilst disingenuously stating that it did not wish to take sides, suggested that the coroner was 'characterized by a spirit of antagonism and offence towards the medical profession such as has been rarely exhibited by an official person'.<sup>669</sup>

The 1864 disagreement was concluded swiftly. The *Newcastle Daily Chronicle* suggested the doctors were 'hot-tempered' and praised Hoyle as 'certainly one of the

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<sup>665</sup> 'Newcastle Town Council— To the Mayor and Corporation of Newcastle' *Newcastle Journal* (Northumberland, 5 May 1864) 2.

<sup>666</sup> Ibid.

<sup>667</sup> 'The Coroner of Newcastle and the Medical Profession' *Newcastle Courant* (Northumberland, 3 June 1864) 2.

<sup>668</sup> A letter from a contemporary, in 1880, noted that Hoyle was not a man to hold an inquest unnecessarily and was good value. See *William Wealans Robson Letter 14 July 1880 Richmonds Solicitors Box* (n 518).

<sup>669</sup> *The Lancet* (n 646)

best coroners in the North of England.<sup>670</sup> The editorial cemented Hoyle as the People's Judge: 'He discharges the duties of his office to the satisfaction of the public, for he is no respecter of persons, and is as careful in his inquiry where a poor man is concerned as he is in the case of a wealthy person.'<sup>671</sup> Hoyle's financial claim, and the number of inquests held, was not questioned again until a single instance in 1881, which was dismissed.<sup>672</sup> However, the unpleasantness played a part in the curious decision by Hoyle to stop holding inquests in the Infirmary and to return to the public house. Although it was likely only one of several factors in his decision, it was important. In a time when the transmission of disease was poorly understood, inquests in public houses protected the jury from the risks inherent in the medical establishments. After a period where the Infirmary and the dead house had become the usual venue for an inquest, Hoyle demonstrated his concern for the health of the community, by his decision to relocate his court. In the public house, Hoyle was immediately accessible, held his court for the convenience of the community and was not hidden in a courthouse or a police station. The holding of inquests in an inn enabled anyone to observe the People's Judge discharging his duty.

### 3.15 The Move to the Durham Ox and the Stone Cellars

It was usual for inquests to be held in public houses, until the early twentieth century. The inn was the only non-denominational public space with enough space to hold a court with a jury and witnesses. The ubiquity of the pub is reflected in the opening to the pre-printed forms used to record coroner's inquisitions which were headed: 'An Inquisition... held at the House known by the name of...'.<sup>670</sup>

My review of the newspapers establishes that Hoyle's predecessors eschewed the pub and held inquests in the Infirmary, the dead house, or in one of the police stations. On appointment, Hoyle continued the practice and he held his first inquests in the dead house and the Infirmary. There were excursions to public houses and the choice of inn would have been for the convenience of the jury and witnesses. However, as the century progressed, Hoyle left the official venues and embraced the public arena by once again holding inquests in public houses.

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<sup>670</sup> 'Local Gossip' *Newcastle Daily Chronicle* (Northumberland, 9 May 1864) 2.

<sup>671</sup> *Ibid.*

<sup>672</sup> See 'The Coroner's Account' *Newcastle Courant* (Northumberland, 8 July 1881) 2.

The procedure for holding an inquest was explained in *Jervis* and other coroner's manuals, although, save for the necessity to view the body, coroners had discretion as to how to conduct proceedings.<sup>673</sup> The inquest would be held near to the location of the body. The coroner and the jury would be sworn in and then view the body before returning to a convenient venue, often a pub, for the court hearing. In some areas of the country, it has been suggested, juries were regularly drunk and incapable of reaching verdicts. Charles Dickens suggested that an inquest was held 'amidst several implements of conviviality, the odour of gin and the smell of tobacco-smoke.'<sup>674</sup> It may be that Dickens, understandably, was entertaining his audience. However, the public house did not have the gravitas of the police court or the committee room of the Infirmary. In Newcastle, 'the singing of comic songs in an adjoining room, the wrangling of inebriates in the bar, or the noise of children playing in the streets' often intruded on the solemnity of the court.<sup>675</sup>

Prior to the mid-1860s, unless the death occurred in the Infirmary, Hoyle regularly convened inquests in several public houses in a single evening and moved from one part of town to another. For example, in 1859, he held an inquest at the Sir William Wallace, Stowell Street, and then, with his jury, proceeded to the Black Bull Inn, Forth Banks, approximately a mile away.<sup>676</sup> Three inquests in one day was not uncommon. The convenience of the witnesses and the deceased's family and friends was paramount. Sometimes the jury moved with him, but on other occasions, he convened a new jury if the distance between venues was significant.<sup>677</sup> He probably travelled between venues in a cab, although he may have had his own gig. The

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<sup>673</sup> See for example John Jervis, *A Practical Treatise on the office and duties of coroners, with forms and precedents* (S Sweet, 1829); Richard Clarke Sewell, *A Treatise on the Law of Coroner* (O Richards, 1843); Joseph Grindon, *A Compendium of the Law of Coroners* (John Crockford 1850); William Baker, *A Practical Compendium of the Recent Statutes, Cases and Decisions Affecting the Office of the Coroner* (Butterworth 1851). Research to highlight regional practice would be a rich study.

<sup>674</sup> Charles Dickens 'A Coroner's Inquest' *Household Words* (Vol 9, Bradbury and Evans 1850) 213.

<sup>675</sup> 'Local Gossip' *Newcastle Daily Chronicle* (8 January 1886) 5.

<sup>676</sup> See 'Coroners Inquests' *Newcastle Courant* (Northumberland, 16 March 1860) 5: 'The Coroner, accompanied by the jury, afterwards proceeded to the Black Bull Inn'.

<sup>677</sup> 'Fatal Accident with a Horse and Cart' *Newcastle Daily Chronicle* (Northumberland, 16 July 1860) 2. On Saturday 14 July 1860 'The coroner proceeded to the Blue Bell public house (...) where with a fresh jury, he held an inquest'.

references to transport in his diary refer to a cab and a gig.<sup>678</sup> Stephen Reed, coroner for South Northumberland, had his own carriage.

If death occurred in the Infirmary, Hoyle's early practice was to hold the inquest there. This ensured that the jury could view the body and then withdraw to the boardroom for the hearing. If several inquests were to be held, Hoyle, and his jury, would move from the Infirmary to a public house. However, in February 1866, inquests at the Infirmary came to an abrupt halt. From then onwards, whenever a death took place in the Infirmary, the inquest was held in a public house at the end of Clayton Street, the Durham Ox (see Figure 10). The walk from the Infirmary to the Durham Ox would have taken approximately five minutes. The Durham Ox was first used for an inquest in June 1864 but, from early 1866, it became, to all intents and purposes, the coroner's court in the West of the town. There could be several factors that led to this venue being preferred.<sup>679</sup>



**Figure 10 The Durham Ox, Clayton Street (c1885)**

*Picture Credit: Newcastle Libraries*<sup>680</sup>

Hoyle was not a coroner who hid in official buildings or held inquests merely for his own convenience. As the People's Judge, he had to be visible. He often convened

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<sup>678</sup> Notebook of JT Hoyle on 15 September 1841 in *Richmonds Solicitors Box* (n 518) 'Went to Halifax & from there took a gig to Ripponden'; (12 October 1847) 'thrown out of a gig on Dean Street'; entry dated 6 October (possibly 1866?) 'took a cab and drove to Otley'.

<sup>679</sup> The Durham Ox changed ownership in 1866—perhaps Hoyle had a close relationship with the publican via the Licensed Victuallers Association.

<sup>680</sup> Figure 10 and Figure 11—with thanks to Sarah Mulligan of Newcastle City Library.



his court after a day at work and sat into the early hours of the morning.<sup>681</sup> He held the inquest where the members of the jury could eat and be refreshed. When the coroner's court sat in a public house, the hearing could be attended and observed by anyone who had evidence to report, or an interest in the proceedings, whether or not they were responding to a summons from the coroner's officer.

Hoyle was mindful of the comfort and convenience of the jury and witnesses. In 1858, he adjourned the inquest into the death of a cattle drover, because a juror was late, not because he was not prepared to wait, but because he did not want to keep the other jurors waiting.<sup>682</sup> Of course, the lure of beer may have encouraged attendance and it was suggested that Hoyle 'looked after' his juries.<sup>683</sup> Although the danger of drunkenness was highlighted by critics of the coroner's court, I have found only one reported instance of a drunken Newcastle jury.<sup>684</sup> It is possible that such impropriety may have been more frequent (this case was not reported in the local press but in newspapers in other parts of the country) but it is unlikely Hoyle would have tolerated drunkenness. He did not tolerate other poor behaviour.<sup>685</sup> Of course, Hoyle was not a disinterested frequenter of public houses. As discussed earlier, he was solicitor to the Licensed Victuallers' Association.

Hoyle praised the 'orderly character' of the victuallers' establishments at their annual dinner in 1864.<sup>686</sup> This was, not surprisingly, scorned in an account of the dinner in the *Temperance Spectator*, which grasped the opportunity to criticize Hoyle. The magazine highlighted the danger of a clash of interests. It asked 'How is it that the coroner of Newcastle can also be solicitor to the publicans? Are these posts compatible with each other?'.<sup>687</sup> How could he encourage the licensed trade and yet see the effects of the demon drink every day? This is a pertinent question. Hoyle

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<sup>681</sup> JT Hoyle to John Holby *Letter* (The National Archives ASSI 47/47, 2 July 1863) 'I propose to send you these papers on Wednesday next the 8th instant if that is time enough, they are of course all ready except the recognizance of the witnesses, which was not taken at the conclusion of the inquest as it was near 12 o'clock at night when it was finished'.

<sup>682</sup> 'Caution to Jurors' *Illustrated Berwick Journal* (Berwick, 20 November 1858) 4.

<sup>683</sup> 'Personal Sketches: The Coroner' (np 31 December 1880).

<sup>684</sup> 'Twelve Good Men and True' *Bristol Times and Mirror* (Bristol, 8 October 1868) 3.

<sup>685</sup> See for example inquest in 1860 when Hoyle ordered a witness from the room for shaking his head and muttering 'no, no' when disagreeing with evidence see 'Shocking Depravity— Child Burnt to Death' *Newcastle Guardian* (Northumberland, 3 March 1860) 8.

<sup>686</sup> 'Newcastle and Gateshead Licensed Victuallers' Annual Dinner *Newcastle Journal* (Northumberland, 8 December 1864) 3.

<sup>687</sup> 'The Newcastle MPs Among the Newcastle Grog Sellers' (1865) 2 (1) *The Temperance Spectator* 19.

liked to socialize, and he had his own cellar.<sup>688</sup> He must have been aware of the problems caused by drink. His son Savile, who died in a great deal of debt leaving his father to tidy up the pieces, suffered from cirrhosis of the liver—not solely a disease caused by drink, but it is more probable than not.<sup>689</sup> His public pronouncements suggest that he saw the licensed victuallers and their careful stewardship of the beer trade was a method to control and oversee drink in the community. He was invited to temperance meetings—whether he attended is unknown.<sup>690</sup> He served the licensed victuallers for almost half a century and was able to reconcile the two roles to his own satisfaction.

In addition to the comfort of the jury, and the sometimes fractious, relationship between the coroner and the doctors at the Infirmary, the safety of the patients could have been a factor in the move to the Durham Ox. In October 1865, an inquest was held at the Infirmary into the death of an eleven-year-old girl who had died from an infection.<sup>691</sup> She had been admitted with a broken leg, which had been healing until she began vomiting.<sup>692</sup> Her decline was attributed to eating sweets brought by visitors.<sup>693</sup> The Senior Surgeon (Mr Bolton) gave evidence that the number of visitors was a nuisance and considerable harm was caused when they sat on beds in damp clothes. The coroner asked whether Bolton should be given power to prevent this. Bolton explained, he had told the Infirmary Committee that a fixed time for visits would be prudent. Hoyle agreed and commented he thought it ‘highly desirable that such an arrangement should be carried out’ and that ‘it was better to make visiting days fewer’.<sup>694</sup> This exchange must have demonstrated to Hoyle that taking the jury into the hospital and holding inquests there would contribute to the ‘visiting nuisance’.<sup>695</sup>

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<sup>688</sup> Notebook of JT Hoyle in *Richmonds Solicitors Box* (n 518) has a letter pasted in the front from wine merchant ‘Shield Bourne and Co, Market Street’, dated 7 May 1867 stating they hold ‘3 3/12 doz of your old wine and 22 9/12 doz of the last lot’.

<sup>689</sup> Death Certificate of Savile Richard Hoyle (1879).

<sup>690</sup> The only reference I have found is his decline of an invitation in 1865 due to a business engagement see ‘Great Permissive Bill Demonstration in Newcastle’ *Newcastle Guardian and Tyne Mercury* (Northumberland, 4 February 1865) 6.

<sup>691</sup> ‘Sudden Death of a Child’ *Newcastle Courant* (Northumberland, 13 October 1865) 5.

<sup>692</sup> ‘Killed with Kindness’ *Newcastle Daily Chronicle* (Northumberland, 11 October 1865) 2.

<sup>693</sup> *Ibid.*

<sup>694</sup> *Ibid.*

<sup>695</sup> ‘The Visiting Nuisance’ *Newcastle Journal* (Northumberland, 11 October 1865) 2.

Two days later, at the inquest into the death of an employee of the North East Railway Company, the problems caused by visitors was discussed again.<sup>696</sup> The *Newcastle Journal* reported that the House Committee of the Infirmary had decided to move visiting hours to the afternoon.<sup>697</sup> The coroner praised Mr Bolton for his foresight.<sup>698</sup> He mused of the absurdity of visitors disrupting the healing process: 'just fancy (...) a man that had his leg broken with 5 or 6 persons sitting upon his bed with wet clothes on'.<sup>699</sup>

This friendly exchange was not long after the attack on Hoyle by the medical profession and no ill will is evident. The move to the Durham Ox, whilst partly separating the coroner's court from the medical arena, is demonstratively in support of the doctors. Hoyle firmly suggested the management of the Infirmary ought to be under the control of the resident house surgeon. It was purely a place for treating illness and Hoyle respected Bolton's medical opinion. The coroner considered medical expertise should hold sway against a general wish by the public to visit the sick.<sup>700</sup> Public health benefitted from lawyers in the coroner's court and doctors in the Infirmary.

### 3.16 The Coroner and the Doctors Working Together

As his coronership progressed, Hoyle was increasingly concerned about both the position of public health in the town, and the conditions in the Infirmary, and the role these played in the death rate in the borough.

In 1868 the problem of fever was highlighted when a heated debate took place between the workhouse management, the council, and Hoyle regarding ventilation at the workhouse.<sup>701</sup> An inquest into the death of a child led Hoyle to explain:

fever was a great deal worse in the town than the Board of Guardians would have people believe for the medical reports issued by them only embraced the cases of fever treated by the parish surgeon. The cases in

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<sup>696</sup> 'The Visiting Nuisance' *Newcastle Journal* (Northumberland, 13 October 1865) 2.

<sup>697</sup> Ibid.

<sup>698</sup> Mr Bolton said that there was only one visiting day a week in Bristol: Newcastle had three.

<sup>699</sup> 'The Fatal Railway Accident Near the Central Station' *Newcastle Daily Chronicle* (Northumberland, 13 October 1865) 2.

<sup>700</sup> Ibid.

<sup>701</sup> John Woodhouse died from scalds whilst in the care of his sister. His mother had died from fever and his father was also ill. See 'An Afflicted Family' *Newcastle Courant* (Northumberland, 24 April 1868) 2.

private practice were never mentioned at all, and yet he knew for a certainty there was a very large amount of fever amongst respectable families in the town.<sup>702</sup>

The coroner said he knew that a great many people had died in the workhouse in consequence of defective construction and poor ventilation. He said the issue had come to light when the jury had had to move from the workhouse to the Durham Ox 'in consequence of their dread of infection'.<sup>703</sup> This underscores the move to the Durham Ox being primarily over concern for his jury.

The concern about infection did not abate. Following an inquest in 1870 into the death of Patrick Cullen from pyemia, Hoyle remarked that injured persons were far more likely to recover in their own homes than in a public hospital.<sup>704</sup> He explained, although in hospital there was 'the advantage of the most skilful attendance, yet there was always pyemia hanging on the walls, which very often proved fatal to patients'. He called his jury to his aid and suggested 'some of the gentlemen sitting on the jury (...) had attended inquests held by him [the coroner] for three—or four—years past, and a great number of deaths from pyemia had been brought before their notice'.<sup>705</sup> Inquests in the Durham Ox not only protected the patients in the Infirmary from infection brought from outside but protected the jury from contagious disease.

The Durham Ox was not the only public house preferred by Hoyle. At the opposite side of town, Hoyle convened his court in the Stone Cellars Inn (see Figure 11). A description in *Charleton's Newcastle Town* paints an evocative image, as the author alludes, worthy of Dickens.<sup>706</sup> The Stone Cellars was between the river police station and the dead house at the mouth of the Ouseburn and was perfectly placed for inquests upon those fished out of the Tyne. Charleton noted that it was 'well known in Newcastle as the scene of so many inquests'.<sup>707</sup> It is a gloomy and ramshackle establishment in a photograph from 1879, although Ralph Hedley thought it sufficiently picturesque to use it as a backdrop to two paintings.<sup>708</sup> Charleton

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<sup>702</sup> 'Sad Destruction of a Family' *Durham County Advertiser* (Durham, 24 April 1868) 4.

<sup>703</sup> 'Sad Destruction of a Family' *Newcastle Chronicle* (Northumberland, 18 April 1868) 8.

<sup>704</sup> Pyemia is blood poisoning, or septicaemia.

<sup>705</sup> 'Fatal Termination to an Accident. The Coroner of Newcastle on the State of the Infirmary' *Newcastle Journal* (Northumberland, 8 January 1870) 3.

<sup>706</sup> RJ Charlton, *Charlton's Newcastle Town. A History of Newcastle on Tyne from the Earliest Records to its Formation as a City* (First published 1885 reprint Davis Books 1989) 336.

<sup>707</sup> *Ibid.*

<sup>708</sup> Ralph Hedley, *Weary Waiting* (1894) Oil on Canvas (Private Collection) and Ralph Hedley, *Two Customers Leaving the Stone Cellars Pub at Evening* (1903) Oil on Canvas (Private Collection).

described the low ceiling, the long table and settles, and the balcony overlooking the river and a wooden dead house.<sup>709</sup>

It was perfectly possible for Hoyle to hold inquests in the dead house or the river police station, and, on occasion, he had done so. He first used the Stone Cellars in 1863 but from mid-1865, the Stone Cellars was his preferred venue for inquests at the side of town farthest from his home. This may have been encouraged by the uncomfortable inquest into the death of John Franks in July 1865.<sup>710</sup> The Franks inquest took three and a half hours and was held in the Ouseburn dead house, where the body, which had been taken out of the river, was stored:

The humidity of the atmosphere in the small room where the jury and others sat during that long time, and the general inconvenience, led the coroner to suggest that a new dead house with suitable accommodation ought to be provided. Those present agreed that a new place for such meetings was necessary.<sup>711</sup>



**Figure 11 The Stone Cellars, St Lawrence (c1879)**

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<sup>709</sup> Charlton, (n 706).

<sup>710</sup> 'The Bursting of a Tank at Gateshead' *Newcastle Daily Chronicle* (Northumberland, 28 July 1865) 2.

<sup>711</sup> 'The Curious Case of Drowning' *Newcastle Daily Chronicle* (Northumberland, 28 July 1865) 2.

The need for a sanitary facility was further underlined at an inquest into the death of a waterman, due to be held in the dead house in October 1865. There were no facilities to preserve corpses. The jury had to deal with the viewing, however unpleasant, as required by the law. The stench from the body, which had been delivered to the mortuary in a sack, was so terrible that the jury was given special dispensation to view the remains through the window.<sup>712</sup> The dead house was not fit for purpose, and therefore Hoyle had to act for the comfort and safety of the jury. The smell of beer and smoke in the Stone Cellars must have been a more conducive atmosphere for a judge and his court than the stinking dead house.

Even in the Stone Cellars, the reality of death was not far away. Paul Brown painted a stark picture of the coroner's court in the Stone Cellars: there was 'a trestle-table covered by a tarpaulin sheet, from which, not infrequently, river-water dripped (...) beneath the tarpaulin a 'shape' could be discerned, and as one looked around at grappling irons, boat-hooks, and coils of rope, the story partly told.'<sup>713</sup> There was no doubt that faced with such conditions the coroner, despite living the private life of an upper-middle class professional man, was also part of the more gritty side of the community of Newcastle. The lack of proper facilities underlined the strange position of the coroner's court. Important, central to answering important questions, overseen by a judge answerable to the Crown, but lacking an appropriate courtroom.

The coroner had no direct power to influence the authorities, but Hoyle used the press to highlight matters of public concern to encourage pressure from a variety of sources. In seeking better facilities, he was at one with the medical profession. In 1866 Dr Newton explained that a mortuary had recently been established in Liverpool and the coroner agreed that it was highly desirable a mortuary should be erected in Newcastle.<sup>714</sup> Hoyle noted it was 'exceedingly dangerous for [a] body to have remained in the corner of a room [of a Boarding House] where the living were breathing its effluvia'. If removed to a mortuary the public would be protected. The

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<sup>712</sup> 'The Body Found on the Meadow Island' *Newcastle Journal* (Northumberland, 21 October 1865) 2; 'The Body Found near the Meadows' *Newcastle Daily Chronicle* (Northumberland, 21 October 1865) 2.

<sup>713</sup> Paul Brown, 'The Stone Cellars Inn: Port of Call for Tyne Skippers, Keel-men and Lighter-men' in *The Friday Book of North Country Sketches* (J&P Bealls Limited 1934) 47.

<sup>714</sup> 'Supposed Death through Insufficient Lighting' *Newcastle Chronicle* (Northumberland, 27 October 1866) 5. Burney's observation that the nineteenth century saw the building of professional mortuaries did not reflect the position in Newcastle.

coroner asked the press to report the matter, in the hope that the authorities would act.<sup>715</sup> In fact, Newcastle did not get a purpose-built coroner's court with mortuary facilities until the early twentieth century.<sup>716</sup>

### 3.17 Conclusion

Hoyle's serious disagreement with the doctors over the apprentice surgeons interfering with bodies in 1870 achieved a degree of harmony: there are no further recorded instances of 'misconduct'. Hoyle's ability to work with the medical establishment despite serious differences, which he would not sweep under the carpet, underscored his role as the People's Judge. His concern for individual justice and public concern for administration was the product of a legally trained mind. His principled stand, in the community interest, and refusal to allow the medical establishment to deal with the dead as they saw fit, define him as the People's Judge.

Medicine was a key facet of the inquiry in the coroner's court, but it was not the focus. There is no evidence in Newcastle, in Hoyle's Court, of increased medicalization in the period studied. Medicine took second place to the law. Hoyle was a professional man who used medical evidence when necessary but who did not defer in the face of medical expertise. The next chapter examines the work of the People's Judge in respect to the most vulnerable members of society—children. In his work investigating infant and child deaths, Hoyle was a judge for the whole community and a man of kindness and principle within the boundaries of the law.

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<sup>715</sup> Ibid.

<sup>716</sup> See 'Coroner's Court. Formal Opening of New Premises in Newcastle' *Newcastle Journal* (Northumberland, 27 January 1916) 8. The new premises at the end of the Swing Bridge, in a former toll house, had a court on the top floor, rooms for the coroner and witnesses, a basement room for viewing bodies, and a post-mortem room.

## Chapter 4. Inquiries into Infant Deaths

**She starved a' her bairns for the sake o' the bottle;**

**The hoose was as filthy as ony cud be;**

**She pawned the bairns' claes, just afore they were barred,**

**An' spent a' the munny I' sum drunken spree.**

*Drunken Dolly's Deeth—Joe Wilson*<sup>717</sup>

### 4.1 Introduction

In the preceding chapter, one of the most pressing coronial debates of the nineteenth century, whether the coroner should be legally or medically qualified, was examined as it touched JT Hoyle's life and work. The chapter identified and discussed the qualities and strengths a legally qualified coroner brought to the role and examined the relationship between Hoyle and the medical profession. I emphasized that one of the defining characteristics of the People's Judge was that he was a solicitor, who used his knowledge and application of the law to protect the community. His challenge was the over-zealous behaviour of the medical men, who were keen to push medical science forward with little regard, in some instances, for the deceased or the bereaved.

This chapter takes a narrower focus and discusses Hoyle's work in the (broadly) domestic sphere and his work in relation to the most vulnerable members of the community: young children. In 1864, in his review of sanitary conditions in London, George Godwin noted that 40-45% of all children born did not live until their fifth birthday. This reflected the terrible living conditions of much of the English urban population.<sup>718</sup> In Newcastle the problem was acute. Reports, such as that in 1845 by Dr Reid on the sanitary conditions in the town, and investigations by the local press, highlighted that the town had public health problems.<sup>719</sup> Many deaths were not

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<sup>717</sup> Joseph Wilson, *Tyneside Songs and Drolleries: Readings and Temperance Songs* (Thomas and George Allan 1890) 368. The dialect words: bairns—children; claes—clothes.

<sup>718</sup> George Godwin, *Another Blow for Life* (William H Allan and Co 1864) 17.

<sup>719</sup> David Boswell Reid, *Report on the State of Newcastle upon Tyne and other Towns* (W Clowes and Sons 1845) and see, for example, the series of articles 'The Sanitary Condition of Tyneside' published



reported to the coroner because they were viewed as neither sudden nor unnatural but simply part of life. If the coroner was not informed, he had no remit to investigate. In the crowded streets children could be born and die without making any mark on the official record. The verse at the head of this chapter from Joe Wilson's temperance song, encapsulates the themes considered: the death of children and infanticide (or the suspicion thereof) and the spectre of unfit mothering.

The Births Deaths and Marriages Registration Act 1836 established superintendent registrars to register births, marriages and deaths. Civil registration improved the accuracy of efforts to monitor rates of infant mortality, and there was popular interest in the numbers.<sup>720</sup> The mortality figures for towns in England and Wales were published in newspapers, and Newcastle, which regularly featured near the top of the tables, presented the information broken down by electoral ward. In each year of his coronership Hoyle investigated many child fatalities, from the deaths of new-borns to accidents which killed working children.

Vicky Holmes suggested 'The only real requirement for holding the prestigious post of coroner was ownership of property, as such, the financial standing of coroners must have somewhat removed them from the realities of many of those who stood before them.'<sup>721</sup> However, Hoyle was not removed from the social reality of the working classes. His work as the coroner took him to all corners of the town.<sup>722</sup> He had personal experience of the pain of losing a child: child death was not a preserve of the lower classes. Children in the upper layers of society were not immune from disease and accidental death. For example, in June 1862, Hoyle held an inquest into the death of the son of a wealthy ship owner, who was killed when he was hit by an omnibus.<sup>723</sup> However, inquests into such deaths were rarer than those recorded in

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in the *Newcastle Daily Chronicle*: in particular, 'No VI—Newcastle' *Newcastle Daily Chronicle* (Northumberland, 11 May 1865) 2; 'No VII—Newcastle—Concluding Paper' *Newcastle Daily Chronicle* (Northumberland, 12 May 1865) 2; 'No II—Silver Street' *Newcastle Daily Chronicle* (Northumberland, 15 November 1865) 2; 'No III—Cowgate, Dog Bank and Church Walk' *Newcastle Daily Chronicle* (Northumberland, 17 November 1865) 2; 'No V—Saint James' Lane, Factory Lane, Mount Pleasant, Sandgate, and Gibsonia' *Newcastle Daily Chronicle* (Northumberland, 5 December 1865) 2; 'No VI—Ouseburn, the Three "Saints", Pity Me, and West Houses' *Newcastle Daily Chronicle* (Northumberland, 12 December 1865) 2; 'No VII—New and Old—Remarks and Recommendations' *Newcastle Daily Chronicle* (Northumberland, 29 December 1865) 2.

<sup>720</sup> (6 & 7 Will IV c 86).

<sup>721</sup> Vicky Holmes, 'Absent Fireguards and Burnt Children: Coroners and the Development of Clause 15 of the Children Act 1908' (2012) 2 (1) *Law Crime and History* 21.

<sup>722</sup> See Chapter 2.

<sup>723</sup> 'The Fatal Accident on the Moor' *Newcastle Journal* (Northumberland, 27 June 1862) 2.

the poorer classes. There were simply more children in peril in the lower levels of society.

Hoyle was a first-hand observer of the ills of society. The coroner's court saw a steady stream of inquiries into abandoned babies and poorly nourished children. Hoyle must have been affected by this stream of misery. The entries in his notebook offer a glimpse of the coroner as a family man who recorded first days at school and details of christenings.<sup>724</sup> It would be expected that he would take his duty to investigate child deaths seriously. He could bring comfort to bereaved families both by careful investigation, and ensuring any rumour of wrongdoing was quashed, but also through uncovering carelessness and deliberate harm.

The newspapers, when reporting the deaths of children, noted whether the child was legitimate, or illegitimate, and commented on the sobriety or otherwise of the parents. 'Respectable' was used to signify the moral worth of the parties.<sup>725</sup> The jury was invariably 'respectable', giving an air of propriety to the proceedings. This jury, guided by the coroner, sat in judgement over the bereaved parents, usually mothers, who came into the coroner's court.

Although a narrow definition of 'the People' excludes women and children, the wider definition I have adopted encompasses all members of the community and emphasises the importance of the coroner in giving a voice to the disenfranchised.<sup>726</sup> Hoyle's handling of cases involving children illuminates the People's Judge as the champion of the most vulnerable.

## 4.2 Themes

Utilising the lens of the People's Judge and Hoyle's personal family experience, I examine the importance of the coroner in investigating the deaths of children. Several case studies illustrate the character of the People's Judge: empathy for all classes; the need to allay rumour and suspicion; the close relationship with the jury and his efforts, using the limited powers at his disposal, to seek to prevent future deaths. If a death came to the coroner's attention, he had to decide whether to hold

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<sup>724</sup> Notebook of JT Hoyle in *Richmonds Solicitors Box of Miscellaneous Papers* (Tyne and Wear Archives D3620).

<sup>725</sup> For a discussion on the idea of respectability see David Cannadine, *Class in Britain* (Penguin 1998) 90.

<sup>726</sup> Established in Chapter 1.

an inquest. In circumstances where the child was identified, had died at home, and there was no suspicion of foul play, Hoyle would often dispense with the inquest and grant a burial certificate to spare the family the ordeal of a public hearing.<sup>727</sup> This accords with the exhortation in *Jervis* that coroners should not ‘obtrude themselves into private families’.<sup>728</sup> If he did grant a burial certificate without an inquest, he brought the death to the attention of the jury at the next inquest held and the newspapers simply noted words to the effect that the coroner ‘with his usual kindness’ had granted an order for burial.<sup>729</sup>

Investigation of the deaths of children were an important part of the coroner’s function, not least to ensure deliberate killing was not overlooked. The coroner could end rumour of homicide and maintain the delicate balance where there was suspicion cast upon mothers. Mostly his work in this area was discharged without undue comment, however, this chapter begins with one instance where Hoyle attracted the attention of the national press. This was a scandal labelled ‘the massacre of the innocents’. I then discuss infanticide, in the context of the qualities exhibited by the People’s Judge, and finally the phenomenon of baby farming, as experienced in Newcastle.

‘Infanticide’ was the term used to categorize homicide in relation to a baby or infant under two years of age, although it was also used for children until their early teenage years.<sup>730</sup> ‘Baby farming’ was coined in the latter part of the nineteenth century in relation to the practice under which women were paid to look after babies, or, to place infants for adoption.<sup>731</sup> The term was pejorative and was used to refer not only to women who undertook the practice for nefarious reasons, but those who were

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<sup>727</sup> See for example at an inquest in August 1866 into the death of Emma Lockey. Hoyle mentioned the death of the daughter of Mr Haslam: ‘he had made inquiries (...) but did not think under the circumstances, that it was desirable to hold an inquest. He should, therefore, grant a certificate of burial without. The jurymen assented.’ See, ‘Inquests in Newcastle’ *Newcastle Daily Chronicle* (Northumberland, 25 August 1866) 2.

<sup>728</sup> CW Lovesy, *Sir John Jervis on the Office and Duties of Coroners with Forms and Precedents* (3rd edn, H Sweet W Maxwell and Stevens & Sons 1866) 35

<sup>729</sup> For example, ‘Sudden Death’ *Newcastle Daily Chronicle* (Northumberland 20 September 1866) 2.

<sup>730</sup> See Anne-Marie Kilday *A History of infanticide in Britain c. 1600 to the Present* (Palgrave MacMillan 2013) and Daniel JR Grey, “‘No Crime to Kill a Bastard–Child’: Stereotypes of Infanticide in Nineteenth-Century England and Wales’ in Barbara Leonardi, *Intersections of Gender, Class, and Race in the Long Nineteenth Century and Beyond* (Springer International Publishing 2018) 41.

<sup>731</sup> For a detailed discussion and explanation of baby farming, see Margaret L Arnot, ‘Infant Death, Child Care and the State: The Baby-Farming Scandal and the First Infant Life Protection Legislation of 1872’ (1994) 9 (2) *Continuity and Change* 271.

simply a child minder.<sup>732</sup> By focussing on infants, the role of the People's Judge in representing the most vulnerable in society is illuminated and the qualities of a legally qualified coroner can be discerned.

The literature on infanticide is wide and the crime has been examined from many perspectives.<sup>733</sup> The role of the coroner in respect to infanticide is often touched upon in discussion but rarely forms the focus of the narrative. An exception is Lionel Rose who centred coroners in his study, *Massacre of the Innocents*, using the example of the Middlesex coroners who brought the issue to public attention. In a recent doctoral study, Alison Pedley devoted a chapter to coroners and the role they played in the debate around whether mothers who killed were mad or bad.<sup>734</sup> Pedley explains that the coroner's court was usually the first time the mother was confronted with accounting for the death of her child.<sup>735</sup> And it was usually mothers, not fathers, who were suspected of the offence.<sup>736</sup>

The contemporary debates around infanticide were, arguably, another facet of the conflict between doctors and lawyers. The literature tends to agree that mothers were treated sympathetically by judges, juries, and the press and their crime medicalized by a finding of insanity. Jurors preferred to find that the mother was mad rather than a murderess. An insane mother would be sent to an asylum rather than the gallows. Whether widespread infanticide was a real or imagined problem is difficult to discern. Ian Ward has suggested that 'scares' in Victorian society took place in 25-year cycles, and the first infanticide scare was in the 1840s and the second in the 1860s.<sup>737</sup> Hoyle's infanticide incidents were part of the second cycle. Part of the statistical returns required by coroners was to note the numbers of children who had

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<sup>732</sup> The earliest use I can find in the British Newspaper archives is in the *Pall Mall Gazette* on 25 September 1867. It derives from the idea of 'farming out' meaning to take or hold for a term at a fixed payment (Oxford English Dictionary).

<sup>733</sup> The most recent in-depth study is Kilday (n 730). This examines the factors which led to infanticide and the part played by the coroner is touched upon but not considered in depth. A helpful discussion of the press reporting of infanticide, from a literary and journalistic perspective, can be found in Nicola Goc, *Women, Infanticide and the Press, 1822-1922: News Narratives in England and Australia* (Ashgate 2013).

<sup>734</sup> Alison Pedley, "A Deed at Which Humanity Shudders' Mad Mothers, the Law and the Asylum c.1835-1895' (PhD thesis, University of Roehampton 2020). See also Tamar Hager 'Justice, Morality or Politics: Why Did the British Legal System Execute Selina Wadge?' (2017) 26 (3) *Woman's History Review* 455.

<sup>735</sup> Pedley (n 734).

<sup>736</sup> For a study of fathers accused of infanticide see Jade Shepherd "'One of the Best Fathers until He Went Out of His Mind": Paternal Child-Murder, 1864-1900' (2013) 18 (1) *Journal of Victorian Culture* 17.

<sup>737</sup> Ian Ward, *English Legal Histories* (Hart 2019) 485.

died under one year of age, and between one and seven years of age. These children were recorded as legitimate or illegitimate.<sup>738</sup> There is research to suggest the figures did not reflect the true extent of the problem, and that coroners were complicit in hiding the truth.<sup>739</sup>

As has been established, Hoyle did not seek a national platform.<sup>740</sup> In Chapter 3 I explained how Hoyle came to the attention of the medical press in relation to his disagreements with doctors. In the same decade, in 1865, Hoyle also came to wider attention following an ‘off the cuff’ conversation with Dr Septimus Rayne, the police surgeon. The conversation fed into national concern about the prevalence of infant murder. My discussion starts with the furore caused by ‘the massacre of the innocents’ conversation.

### 4.3 Massacre of the Innocents

The debate around the ‘massacre of the innocents’ concerned the prevalence of unreported infant death. This leads to two interwoven themes upon which Hoyle expressed strong views: infanticide and baby farming. I examine these themes in the light of selected inquests. The examples have been chosen as representative of Hoyle’s qualities as the People’s Judge. In all cases the importance of his legal knowledge is central to the analysis.

On 17 February 1865, Hoyle held an inquest following the discovery of the body of new-born girl in a field.<sup>741</sup> The evidence was straightforward. Dr Rayne explained the child was full grown and healthy but died from neglect and exposure to cold. The jury retired to consider what Hoyle advised was the only verdict possible: wilful murder by person or persons unknown. Whilst the jury was absent, Hoyle and Rayne discussed infanticide. The newspaper reporters took down the details. The conversation was reported in the *Durham Advertiser* under the headline ‘Strange Statement of a

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<sup>738</sup> See the yearly returns recorded in the *Judicial Statistics of England and Wales* from 1857 onwards listed in the bibliography.

<sup>739</sup> See Pamela Fisher, ‘The Politics of Sudden Death: The Office and Role of the Coroner in England and Wales, 1726-1888’ (PhD thesis, University of Leicester 2007); Margaret L Arnot, ‘Understanding Women Committing New-Born Child Murder in Victorian England’ in Shani D’Cruze (ed) *Everyday Violence in Britain 1850-1950* (Longman 2020).

<sup>740</sup> For a discussion of those that did, see Yvonne Fisher, ‘Coroners in London and Middlesex, c 1820–1888: A Study of Medicalization and Professionalization’ (PhD thesis, Open University 2020).

<sup>741</sup> ‘Infanticide’ *Newcastle Guardian and Tyne Mercury* (Northumberland, 18 February 1865) 8.

Coroner.<sup>742</sup> What was said attracted the attention of *The Lancet*, and caused such consternation that Hoyle was obliged to explain himself to the Town Council.<sup>743</sup>

The 'off the record' conversation exposed an ugly debate which was at the forefront of public concern.<sup>744</sup> Hoyle later asserted that the conversation had been an exchange between colleagues and '[he] did not consider what passed was of sufficient moment to take any public notice of it.'<sup>745</sup> The court reporters thought otherwise. The newspapers published lurid headlines: 'Massacre of the Innocents', 'Out-Heroding Herod', 'Awful!—Wholesale Slaughter of Babies in Newcastle', 'Alleged Slaughter of the Innocents'.<sup>746</sup> The *Newcastle Weekly Chronicle* was particularly vocal, and commented on the coroner's words in a column by 'Tatler'.<sup>747</sup> The reporter who covered inquests for the *Chronicle* was James Hornsby, of whom his editor wrote: 'If information was wanted, he was the man to get it.'<sup>748</sup> In this case he got a headline-grabbing scoop.

Hoyle and Dr Rayne had concurred that there were fewer inquests into the deaths of infants in the north than there were in the south. Hoyle was reported as suggesting that this was because there were mine shafts in the north, down which bodies could be disposed. Rayne went further and suggested a pond near the penitentiary was full of dead infants, and that he had seen a pig eating a dead baby in the Ouseburn.<sup>749</sup> This horrifying discussion caused the perfect storm.

It was a rare case of Hoyle causing controversy. The matter was raised in the monthly council meeting and the mayor, who was also the chief magistrate, wrote to the coroner to ask for an explanation. Hoyle replied, in a letter which was reproduced in *The Lancet*.<sup>750</sup>

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<sup>742</sup> 'The Crime of Infanticide—Strange Statement of a Coroner' *Durham County Advertiser* (Durham, 3 March 1865) 4.

<sup>743</sup> Following his previous issue with the medical profession highlighted in the preceding chapter.

<sup>744</sup> See Ward (n 737) 485.

<sup>745</sup> Letter from the coroner to the mayor 1 March 1865 reproduced in the *Newcastle Journal* (Northumberland, 7 March 1865), 1865 and 'To the Editor of the Lancet' (1865) 85 (2168) *The Lancet* 304, 305.

<sup>746</sup> 'Awful! -Wholesale Slaughter of Babies in Newcastle' *Sheffield Daily Telegraph* (Yorkshire, 18 February 1865) 7; 'Out-Heroding Herod—Alleged Massacre of the Innocents' *Newcastle Weekly Chronicle* (Northumberland, 25 February 1865) 8.

<sup>747</sup> James Hornsby was the reporter who covered inquests in the *Newcastle Chronicle* in the 1860s. He is the only reporter that I have been able to identify as specifically reporting inquests.

<sup>748</sup> William Edwin Adams, *Memoirs of a Social Atom* (Hutcheson and Co 1903) 485.

<sup>749</sup> 'Inquest on the Body of a Child' *Newcastle Daily Chronicle* (Northumberland, 18 February 1865) 8.

<sup>750</sup> Which referred to the letter as 'temperate': 'Notices to Correspondents—Newcastle-on-Tyne' (1865) 85 (2168) *The Lancet* 305.

He was not contrite:

As the Queen's officer, elected for life, and responsible only to the Legislature, it must not be understood that, in replying to your letter [from the mayor], I am bound to pay attention to criticisms on any remarks I may think it right to make in the execution of my duty.<sup>751</sup>

He advised that the mayor had misunderstood the newspaper reports. Although he was splitting straws, Hoyle maintained that at no point had he suggested there was a prevalence of infanticide in Newcastle. He said he had referred to 'pit villages in colliery districts.' However, he did state that 'infanticide, *with its kindred crimes*' (by this did he mean baby farming?) did exist 'to a considerable extent'. He concluded: 'I do not think it would be rendered less frequent by *the revelations I could make*, I have been careful to abstain from divulging many circumstances which during the period of my being Coroner have come to my knowledge on this subject.'<sup>752</sup>

This peculiar letter from Hoyle was read in the council meeting followed by a short debate which concluded Hoyle had no reason to make the remarks and the suggestion, by Rayne, that a pond was full of bodies was 'monstrous'. The speaker referred to the coroner's comment that he could reveal more as being made 'coolly'.<sup>753</sup> Strangely the matter was then dropped. *The Lancet* printed the letter from Hoyle but did not comment nor pick up the issue again.

What prompted the remarks, between Hoyle and Dr Rayne, and the furore is difficult to explain.<sup>754</sup> However, in the council chamber, Councillor Thomas Gregson had suggested that 'the number of inquests was something enormous'.<sup>755</sup> The concern by the authorities was not for the fate of children, but for the effect that the statement had upon the standing of Newcastle. The *Weekly Chronicle* suggested the 'reputation of the town was in some sort endangered' by Hoyle and Dr Rayne's conversation and

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<sup>751</sup> Hoyle's letter of 1 March 1865 was reproduced in the account of the *Proceedings of the Town Council of the Borough of Newcastle Upon Tyne for 1864- 65* (Newcastle Upon Tyne 1865) 202

<sup>752</sup> 'The Latest case of Infanticide' *Newcastle Journal* (Northumberland, 7 March 1865) 2. Italics in: 'To the Editor of the Lancet' (1865) 85 (2168) *The Lancet* 304, 305.

<sup>753</sup> Letter Hoyle to the mayor 1 March 1865 reproduced in the *Newcastle Guardian and Tyne Mercury* (Northumberland, 11 March 1865) 6.

<sup>754</sup> Much later in his coronership, in 1884, Hoyle was criticized regarding the low level of inquests into suspected infanticides in Newcastle 'Infant Mortality and Uncertified Death' (1884) 123 (3167) *The Lancet* 862.

<sup>755</sup> 'Newcastle Town Council' *Newcastle Guardian and Tyne Mercury* (Northumberland, 11 March 1865) 6.

expressed a hope that they would learn from their mistake and be more guarded in future.<sup>756</sup>

Using the lens of the People's Judge, Hoyle was certainly careless in making the remarks in public, but his aim seems to have been to illustrate his role in balancing investigating infant death with conducting witch hunts. Hoyle did not care for edicts and did speak his mind if he thought it was necessary to publicize his advice. There was a high rate of infant mortality, and the death rate of infants in Newcastle did not change during Hoyle's coronership. *The Lancet*, in a critical article in 1884, noted that in the period from 1874 to 1884 'no fewer than 16.7 per cent. of infants born in [Newcastle] have died before completing their first year of age'.<sup>757</sup> The social conditions prevalent in the town undoubtedly led to many deaths, but whether they were deliberate killings or caused by disease is difficult to say. Certainly, the coronial investigations were robust. Hoyle took care to investigate cases coming to his attention; he was sympathetic to those in need but was willing, if the evidence was clear, to send cases to be tried at the assizes.

#### 4.4 Infanticide

Lionel Rose was the first scholar to investigate the prevalence of the infanticide and hidden child murder in the nineteenth century.<sup>758</sup> He considered coroners and their role in the exposure or suppression of verdicts of infanticide. Rose concluded that the need to account to magistrates for the numbers of inquests held, ensured that some coroners overlooked the numbers of deliberate child killings. In consequence, children were buried without adequate investigation into their deaths.<sup>759</sup> Neither Rose, nor any other scholar, has ventured as far as Newcastle in their research.<sup>760</sup> Not unexpectedly, inquests into the deaths of babies and children formed a large

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<sup>756</sup> 'The Tatler' *Newcastle Weekly Chronicle* (Northumberland 11 March 1865) 4.

<sup>757</sup> 'Infant Mortality and Uncertified Death' (1884) 123 (3167) *The Lancet* 862.

<sup>758</sup> Lionel Rose, *The Massacre of the Innocents: Infanticide In Britain, 1800-1939* (Routledge Kegan Paul 1986). His work has been expanded upon most recently by Nadja Durbach, 'Dead or Alive? Stillbirth Registration, Premature Babies, and the Definition of Life in England and Wales, 1836–1960' (2019) 94 (1) *Bulletin of the History of Medicine* 64; Lawrence M Friedman, 'The Misbegotten: Infanticide in Victorian England' in Rosann Greenspan and others (eds), *The Legal Process and the Promise of Justice: Studies Inspired by the Work of Malcolm Feeley* (Cambridge University Press 2019) 172.

<sup>759</sup> *Ibid.*

<sup>760</sup> Infanticide in the North East is being investigated by a doctoral researcher at Newcastle University, Stephen Freeth, who is examining the records of the Chester Ward (Durham) coroner.



portion of Hoyle's work.<sup>761</sup> He could choose whether to investigate. Rose concluded many coroners gave little thought as to which doctor to appoint to carry out post-mortem examination of infants, if a post-mortem was ordered at all.<sup>762</sup> My research establishes that investigations into infant and child deaths in Newcastle were thorough and appropriate. Hoyle sought medical evidence from the police surgeon, or other independent doctor, often after consulting with his jury and regularly commissioned post-mortem examinations.

The nineteenth century was a difficult time for women, both married and unmarried, who had to provide for their children, often without the help of a husband or the means to make a living.<sup>763</sup> Children had no voice, and childhood, particularly in the lower levels of society, was precarious. Children met their deaths in many ways: drowning, accidents, and accidental poisoning, and neglect.

The Victorian home was full of danger. Holmes, for example, has examined deaths caused by lack of fireguards, and the perils of paraffin lamps.<sup>764</sup> Without any legislative power to make homes safer, Hoyle used the inquest to make recommendations that were disseminated in the press. The newspapers were not only read by the middle classes. Methodism, which had a strong hold in the North, encouraged reading and writing and Newcastle was a literate town. Newspapers were available in reading rooms and mechanics institutes, and others would be able to access the newspapers by listening to them read aloud.<sup>765</sup>

Mothers were in an invidious position. In cases of suspected child murder, unless there was clear evidence to the contrary, the perpetrator was regularly assumed to be the mother. They were castigated for handing their children to probable baby farmers and admonished for failing to look after older children. Due to the burden and

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<sup>761</sup> The pressure to hold inquiries only where it was clear that a crime had been committed was not brought to bear on Hoyle. This was often enforced by magistrates against county coroners.

<sup>762</sup> Rose (n 758) 62.

<sup>763</sup> This has been explored in relation to Northumberland by Jane Long, *Conversations in Cold Rooms: Women, Work and Poverty in Nineteenth-Century Northumberland* (Royal Historical Society 1999).

<sup>764</sup> Holmes (n 721); Vicky Holmes, 'Penny Death Traps: the Press, the Poor, Parliament, and the 'Perilous' Penny Paraffin Lamp' (2014) 40 *Victorian Review* 125. Hoyle's son, Theodore, led a campaign for compulsory fireguards in Newcastle when he became coroner.

<sup>765</sup> For a discussion of literacy, which includes Newcastle, see Steven Cowan, 'The Growth of Public Literacy in Eighteenth-Century England' (PhD thesis University of London 2012); Brendan Duffy, 'The Progress of Education in the Northern Coalfield Before 1870' (2018) 55 (2) *Northern History* 178; Don MacRaid and David E Martin, *Labour and British Society, 1830-1914* (Red Globe Press 2000); on Methodism see R Moore, *Pitmen, Preachers and Politics: The Effects of Methodism in a Durham Mining Village* (Cambridge University Press 2008).

responsibility for childcare being assumed to be woman's work, mothers were the recipients of the coroner's advice or criticism. Although sympathetic towards the plight of women, there are numerous examples of Hoyle, sometimes at the behest of the jury, reprimanding the mothers of children who died in accidents.

The newspapers reported evidence of Hoyle's efforts to highlight dangers. For example, in December 1859, Susannah McLacklin left her daughter at home and the child set fire to her nightgown, causing horrific burns. The jury commended the conduct of a neighbour who took the child to the Infirmary, but Hoyle cautioned the mother to be more careful in future.<sup>766</sup> This was a minor rebuke for actions that led to the death of a child, but he was sensitive to the fact that censorship of the individual was of little use, and of more utility was the lesson that could be held up for others. The newspaper reports of the circumstances underlined the danger of fire and unattended infants.

Although in the McLacklin case, Hoyle was understated in his rebuke, there were instances where he was recorded as admonishing mothers who left children alone for being to blame if an accident befell them.<sup>767</sup> He was reminding parents of their duties. It is interesting to contrast his admonishment of mothers with his sympathetic view of baby farming, or perhaps it makes sense—it was better to pay for a minder than leave a child unattended. In taking evidence he did not assume blame, and his criticism came after a thorough investigation of the facts. For example, in 1863, at the inquest into the deaths of Catherine and Alice Maloy, who suffered burns when in the charge of their nine-year-old sister, Hoyle did not simply accept what seemed to be a straight-forward case, nor direct the jury to return a verdict of accidental death. He opened and adjourned the inquest to enable evidence to be gathered and statements to be taken to ensure that the case was fully investigated and to dismiss any remote suspicion of criminality.<sup>768</sup>

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<sup>766</sup> 'Fatal Burning of Children in Newcastle' *Newcastle Daily Chronicle* (Northumberland, 19 December 1859) 2.

<sup>767</sup> There are numerous such deaths. For example, in 1860 at the inquest into the death of 4-year-old Francis Wilson, the newspapers reported that the coroner strongly censured Francis' mother for leaving her children in the house alone, see 'Coroners Inquests' *Newcastle Guardian and Tyne Mercury* (Northumberland, 10 March 1860) 5. In 1862 Elizabeth Suggett, aged 4, died in the care of an 8-year-old child: see 'Death by Fire' *Newcastle Journal* (Northumberland, 9 January 1862) 3.

<sup>768</sup> 'Two Children Burnt to Death' *Newcastle Journal* (Northumberland, 20 October 1863) 2; 'Two Children Burnt to Death' *Durham Chronicle* (Durham, 23 October 1863) 5.

The high number of inquests into the deaths of children injured when alone, or in the care of other children, highlighted the difficulties caused by a lack of childcare, especially when there was no extended family. Hoyle was a family man, but he also spent a great deal of time on his business affairs. He was fortunate he was able to afford nursery maids and he had a wife who was able to run his home. Without Ellen Hoyle he would not have been able to maintain his prominent position and establish himself in social and professional spheres. The fact that she kept the home enabled him to carry on business in the evenings, and on Saturdays, when he dealt with his coronial obligations. The difficulties for women, and men who were the sole carers for their children, were compounded by the lack of availability of childcare for workers.<sup>769</sup> What was a mother to do when she needed to work, or shop, or deliver food to a working father? What was a mother of an illegitimate child to do for childcare if she had no money, nor willing neighbours? A 'Sussex parson' wrote to *The Times*, in August 1865, suggesting that Foundling Hospitals could be a solution to the problem of children born out of wedlock.<sup>770</sup> Hoyle's views on foundling institutions are unknown, but he did consider that childcare could be the answer to issues surrounding infant and child mortality.

In 1868, the inquest into the death of Charlotte Marr illustrated Hoyle's attitude to childcare. It is a further example of an inquest where he used the reporting of the case to alert the community of danger to seek to prevent future death. Although mothers were criticized for leaving their children unattended, and there was little available childcare, attempts to fill the gap were soon castigated and tainted by a moral panic around killing children for profit. In an urban setting, it was inevitable that Hoyle would deal with cases tainted by this scandal. Infanticide was inextricably linked to the concern around 'baby farming'.<sup>771</sup>

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<sup>769</sup> A full examination of childcare in the nineteenth century is in Dorena Caroli, *Day Nurseries and Childcare in Europe 1800-1939* (Springer 2016) which discusses the establishment of creches in France from 1848, to which Hoyle and Rayne alluded in the case of Annie Walker discussed below. See also Melanie Reynolds, *Infant Mortality and Working-Class Child Care, 1850-1899* (Springer 2016) which discusses childcare in Northern England.

<sup>770</sup> A Sussex Parson, 'Infanticide' *The Times* (London, 10 August 1865) 7.

<sup>771</sup> A recent doctoral thesis examined baby farming in London, although there is little reference to the coroner, see JG Stuart-Bennett, 'Modernity and "Baby-Farming": The Privatised Commerce of Motherhood and Respectability in Victorian and Edwardian London' (PhD thesis, University of Leicester 2019).

## 4.5 Childcare

Charlotte Marr was the six-year-old daughter of a widow who worked at a fiddle-string factory. Charlotte, who had been left alone whilst her mother was at work, pulled a pan of boiling water over herself. Despite being treated by doctors, she died from her injuries.

The inquest could have been expected to have been uneventful. However, the newspaper report recorded Hoyle's empathy and openness to discussing important issues. He invited and welcomed the views of a lay witness on the theme of childcare. The questioning of the witness, Mary Marley, turned into a general exchange about childcare—an interesting conversation between a judge and an ordinary member of the community who was not in awe of him and happy to offer her opinion.<sup>772</sup> Hoyle mused about the availability and desirability of formal childcare. Perhaps he had in mind his increasing brood of grandchildren.<sup>773</sup> In response to a question from Hoyle, Marley replied '[she] had no doubt that were there an institution for the reception of young children during the absence of their parents at work, such an institution would prevent a great number of accidents'.<sup>774</sup> The coroner wondered that it had not been done before, as an institution for childcare would save children 'from a great deal of contamination'. It was mooted that the fee for care could be a 'trifle', which would enable the poorest to afford it. Despite such childcare being common in European countries, the *Newcastle Journal* referred to the suggestion as 'novel'.<sup>775</sup> Hoyle's comments must be borne in mind when I discuss baby farming, below. His thoughts reflect his views towards baby farmers. He considered that childcare was important to prevent accidents and to allow women to work without imperilling their children. He saw this care as vital to deal with illegitimacy and those who found themselves in unfortunate positions. Most families were not in the position of his grandchildren, who were taken under his wing when their mother died.<sup>776</sup>

At the Marr inquest, it transpired that the children had been at home waiting for the return of their sister, who had gone to get money from the Parish to pay for breakfast. This story touched Hoyle, who 'deeply sympathized with the poor lad [another sibling]

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<sup>772</sup> 'Scalded to death—A Suggestion' *Newcastle Courant* (Northumberland, 16 October 1868) 5.

<sup>773</sup> See Pedigree in Appendix C. By 1868, Hoyle had ten grandchildren.

<sup>774</sup> 'Scalded to Death—A Novel Suggestion' *Newcastle Journal* (Northumberland, 14 October 1868) 2

<sup>775</sup> *Ibid.*

<sup>776</sup> See Chapter 2.

and handed him a donation.’ This was followed by a similar donation by one of the jurors.<sup>777</sup> The People’s Judge not only cared about his community from a professional perspective, but also provided practical support and empathy.

Although the coroner had no legal power to order change, Hoyle could try to encourage the powerful to take steps to improve safety.<sup>778</sup> He was able to draw attention to issues via the newspapers and his day-to-day contact with those who could make a difference.<sup>779</sup> It is inconceivable he did not raise issues at the masonic hall, in political meetings, or even in the company of the licensed victuallers—many of whom were domestic landlords and had influence beyond the liquor trade. An example of his raising the profile of an issue came in 1864 following the death of a baby, Patrick Glancey.

#### **4.6 As Important a Case as any Jury ever Sat on**

Hoyle informed the jury in the Glancey case that their task was to consider the evidence and return a verdict in ‘as important a case as a jury ever sat upon.’<sup>780</sup>

Patrick had died in shocking circumstances in a rented room on the Quayside. Hoyle was a landlord and would have known what should be provided for tenants and he must have been appalled at what he found when he visited the tenement block with his jury.<sup>781</sup> The Glancey family lived in a single room which cost 1s a week rent. It was sixteen feet square and housed eight people.<sup>782</sup> The building was in poor repair and the room was regularly knee-deep in water. It was next to an open midden, which was the only sanitary facility for the 96 people who lived in the chare.<sup>783</sup>

In Spring 1864, Mrs Glancy gave birth to twins: Patrick and Mary-Ann. Patrick died seven weeks later. In the close-knit streets rumour spread quickly, and one of the reasons for Hoyle being called to hold an inquest was a suggestion that Mr and Mrs

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<sup>777</sup> ‘Scalded to Death—A Suggestion’ *Newcastle Courant* (Northumberland, 16 October 1868) 5.

<sup>778</sup> See Chapter 4.

<sup>779</sup> For more discussion on the role of the press in disseminating information see Maurice Milne, *Newspaper of Northumberland and Durham* (Frank Graham 1971); James Mussell, *The Nineteenth Century Press in the Digital Age* (Palgrave Macmillan 2012).

<sup>780</sup> ‘Disgraceful Revelations at an Inquest in Newcastle’ *Newcastle Daily Chronicle* (Northumberland, 4 July 1864) 3.

<sup>781</sup> A list of Hoyle’s property was printed in the newspapers see ‘In the Matter of the Estate of John Theodore Hoyle deceased’ *Newcastle Daily Chronicle* (Northumberland, 9 August 1893) 3.

<sup>782</sup> ‘The Tatler’ *Newcastle Weekly Chronicle* (Northumberland, 9 July 1864) 4.

<sup>783</sup> John Glancey explained that he had paid for a cartload of ashes to soak up the water. A chare is a narrow alley.

Glancey had killed Patrick, either deliberately, or by neglect. The coroner quashed this rumour after close questioning of John Glancey, the child's father, about medicines and establishing that Patrick was not insured in a burial club.<sup>784</sup>

Hoyle's anger at the circumstances of Patrick's death was evident from the reports of his words. He told the jury that their role was 'to inquire into the death of the child, and he [Hoyle] was at a loss to know what verdict to suggest to them'. He asserted: 'It was not an accident' and 'the general health of the town [is] affected'. His impotence, that the law did not offer a ready solution or punishment in his court, is obvious. What particularly shocked him was 'that such a place existed within a stone's throw of the magistrates' office'.<sup>785</sup> This theme was picked up by the *Newcastle Guardian*, which told its readers: 'the evidence given during the inquest detailed a state of things which is a standing disgrace to the town, and which demands the earnest attention of every social reformer'.<sup>786</sup> The *Newcastle Chronicle* agreed and suggested: 'The revelations which were elicited by the coroner at the inquest (...) [were] of a character to make us blush for the reputation of the town'.<sup>787</sup> Once again the report from an inquest, via the words of the coroner, brought to newspaper readers in Newcastle, notice of an horrendous situation. Some of those readers had influence and could act if they chose to do so.

The jury returned a narrative verdict: 'That Patrick Glancey died from disease, and that his death was accelerated, if not produced, by the filthy state of the premises in which his parents lived and the effluvia arising from the midden adjoining'.<sup>788</sup>

In this case, the verdict was not the end of the matter. Hoyle, particularly moved as a father of twins, gave an unspecified amount of money to John Glancey. He praised him for the manner he gave evidence. Hoyle assured the jury that he would inform the magistrates.<sup>789</sup> Despite a wide search, I have been unable to trace what action

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<sup>784</sup> For more on burial clubs see Daniel JR Grey, 'Liable to Very Gross Abuse': Murder, Moral Panic and Cultural Fears over Infant Life Insurance, 1875-1914' (2013) 18 (1) *Journal of Victorian Culture* 54; Aeron Hunt, 'Calculations and Concealments: Infanticide in Mid-Nineteenth Century Britain' (2006) 34 (1) *Victorian Literature and Culture* 71; Lee Moeman and Sandra van der Laan, 'Paupers, Burial Clubs and Funeral Insurance: Calculating Moral Panics' (2020) *The British Accounting Review* <<https://doi.org/10.1016/j.bar.2020.100911>> accessed 30 October 2020.

<sup>785</sup> 'Disgraceful Revelations' *Newcastle Chronicle* (Northumberland, 9 July 1864) 6.

<sup>786</sup> 'Fatal Effects of Foul Air' *Newcastle Guardian and Tyne Mercury* (Northumberland, 9 July 1864) 6.

<sup>787</sup> 'The Tatler' (n 782).

<sup>788</sup> 'Disgraceful Revelations at an Inquest in Newcastle' *Newcastle Daily Chronicle* (Northumberland, 4 July 1864) 3.

<sup>789</sup> 'Disgraceful Revelations' *Newcastle Chronicle* (Northumberland, 9 July 1864) 6.

the coroner took the following week. Hoyle was not a man to make empty promises, and it must be assumed that he spoke to the magistrates to see whether any action could have been taken against the landlord. The inspector of nuisances may have been summoned. The Watch Committee minutes from this period show that the inspector was kept busy.<sup>790</sup> In this inquest Hoyle stopped the rumours of infanticide, comforted the bereaved, and took steps, so far as he was able, to deal with the insanitary conditions.

Hoyle did not only ensure careful judicial enquiry in the case of named infants. He showed care and compassion to anonymous, unclaimed, children. His investigation was not simply to uncover a criminal act, but to afford dignity. Dispensing with an inquest was not because the inquiry was a nuisance or inconvenience, but as a genuine move to alleviate suffering. If Hoyle had been motivated simply to dispense with inquests, the most obvious ones to overlook would be where there was no hope of tracing parents. There were several inquests each year into the circumstances surrounding babies found dead and abandoned. In these cases, Hoyle held a careful inquiry, often postponing the inquest to allow the police to complete an investigation. One of the coroner's duties was to indict murderers and the inquests were often held for that purpose. However, the chances of finding the person who dropped a child in the Tyne, or in the middle of the Town Moor, without any identifying paraphernalia were remote. The steps taken were motivated by a wish to treat the unnamed children with the utmost respect.

The next inquest illustrates precisely the care taken by the coroner, and the police, in a case where it was highly unlikely that the parents would be located. It illustrates empathy, the importance to the community of a careful investigation, and Hoyle's relationship with the police.

#### **4.7 Identifying the Dead**

On 10 April 1862 an employee of the Elswick Ordnance Works found the dissected remains of a child at the edge of the Tyne. He combed the riverbank to find more of the body, which was then taken to the police surgeon for examination.

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<sup>790</sup> *Watch Committee Minutes 1864* (Tyne and Wear Archives MD.NC/274/2).

The coroner opened an inquest but told the jury he had thought it better to delay the inquiry to enable the police to discover, if possible, who had been responsible for the atrocity. This was local practice. *Jervis* makes no mention of adjournment for police investigation in such cases. The police were still predominantly tasked with crime prevention and not detection. However, the Newcastle police were somewhat early in developing a scientific investigation process, and the coroner's officer, PC Tate, was often at the forefront of this work.<sup>791</sup>

Two police officers were engaged to search the river. Hoyle praised the police and explained he had been in regular contact with them and that they 'had been very thorough'.<sup>792</sup> A legally qualified coroner was arguably more willing to work closely with a law enforcement agency and every bit as able as a medically qualified coroner to see the potential in the developing science of forensic investigation. It is undoubtedly true that a medical coroner would have been able to see the merit of scientific enquiry but the close relationship with the police was more probable for a legally qualified man who spent time with officers in court and in social situations.

At the inquest, infanticide was at the forefront of Hoyle's thoughts. The newspaper summarized his words:

[He said] The crime of infanticide was increasing, and it was a very difficult thing to find out. Within the last two years, they had only found out one case; and the Judge—from what reason he (the coroner) could not understand—had acquitted the woman.<sup>793</sup> He did not see that the jury could come to any other verdict than that the pieces of the body had been found, but in what way the child came by its death there was nothing before them to shew. Dr Rayne could not say it was born alive, or they might have found a verdict of wilful murder against somebody. At the same time, Mr Rayne said parts of the body had been severed by a sharp instrument—a most disgusting act, whether it had been committed before or after death.<sup>794</sup>

The river was a regular conduit for the disposal of unwanted children. There were few instances of investigations where the police were able to identify the parents.

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<sup>791</sup> For discussion of early forensic examination by the Newcastle police see Clare Sandford-Couch and Helen Rutherford, "'13 Yards Off the Big Gate and 37 Yards up the West Walls" Crime Scene Investigation in Mid-Nineteenth Century Newcastle-upon-Tyne' in Alison Adam (ed), *Crime and the Construction of Forensic Objectivity from 1850* (Palgrave 2019).

<sup>792</sup> 'The Human Remains Found in the Tyne' *Newcastle Journal* (Northumberland, 18 April 1862) 2.

<sup>793</sup> The case that he refers to is that of Mary Ritchie—see 'Alleged Infanticide in Newcastle' *Morpeth Herald* (Northumberland, 2 February 1861) 5.

<sup>794</sup> 'The Human Remains Found in the Tyne' (n 792).



However, even though it was unlikely that the perpetrator of such a terrible crime would be traced, Hoyle accorded the child a full and fearless inquest.

The registration of birth, as required by the Births Deaths and Marriages Act was dependent upon the child being disclosed to the neighbourhood registrar. A woman giving birth alone and in the chaotic living conditions in which many found themselves, could hide the existence of a new baby. In a large town, with good transport links by rail, coach, and sea, there was a transient population. Mothers carried the bodies of their babies to dispose of them far from home. A finding at an inquest that a mother had deliberately killed her child was rare. Mothers were regularly given the benefit of any doubt, as the law required, or if there was no doubt, almost invariably declared insane rather than there be a finding of wilful murder.<sup>795</sup>

The official medical system in Newcastle for the poorest in society depended upon care given by Parish doctors. There was a lying-in hospital, but a woman had to have a sponsor to be admitted. Local women acted as midwives and the care given could be perfunctory. It was known that certain 'midwives' could dispose of unwanted children. In 1866, Dr Rayne was called by Hoyle to examine the body of a new-born boy. There were no marks of violence, but the umbilical cord had been inexpertly cut and consequently the child had bled to death.<sup>796</sup> The coroner questioned a police witness whether there was suspicion 'that any midwives about here were regularly maintained for such work?' The police constable replied he had no knowledge of any.<sup>797</sup> The coroner advised that the jury should return a verdict of wilful murder against a person or persons unknown.

As discussed in the previous chapter, Hoyle worked with the doctors to discover the cause of death of those who required the services of the coroner's court if he thought evidence was required. The medical evidence at inquests into the death of unidentified infants often found amateur severing of the umbilical cord or suggested that the child had been dropped, soon after birth, causing skull fractures. *Sewell on Coroners* included a detailed chapter on infanticide, including tables and information to allow a coroner to make assumptions about age and gestation of babies found

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<sup>795</sup> See Pedley (n 734).

<sup>796</sup> 'The Supposed Case of Infanticide in Newcastle' *Newcastle Journal* (Northumberland, 3 November 1866) 2.

<sup>797</sup> 'Coroners Inquests— Body of a Child Found in a Quarry' *Newcastle Guardian and Tyne Mercury* (Northumberland, 3 February 1866) 3.

dead.<sup>798</sup> The inference from this is that it was assumed a legally qualified coroner could use this information without needing to trouble a medical practitioner. Hoyle, so far as can be ascertained from the newspaper reports, called medical evidence in most cases of infant death. It is a further example of Hoyle using medical evidence as a tool in the legal armoury to investigate death.

Death of babies was not an issue that was unique to the poorer areas of town. In September 1867, a male child was discovered under a drain cover in an affluent part of town, Saville Row—near to the Judge's Lodgings. The inquest, held around the time of the portrait in Figure 5, is an example of Hoyle's empathy as judge for all sections of the community and it shows his close working relationship with the police. Medical evidence was called which concluded that the child had been born alive and it appeared the child had been murdered. The coroner thought it advisable to adjourn proceedings to allow the police to make full inquiries. Adjournments were usually for 24 hours, but in this case he adjourned for much longer, until 9 October, because he thought there was a fair chance, in 'one of the most respectable portions of town', that someone would have relevant information.<sup>799</sup> The police inspector told the coroner such cases 'were always very difficult to make inquiries about, as females always showed a hesitancy in furnishing information.'<sup>800</sup> But Hoyle wanted no stone left unturned.

At the re-convened inquest, the coroner conducted a diligent investigation which concluded that more than one person had been involved in the murder. A witness said she had seen a woman stooped over the grate. Hoyle did not believe that the body had been brought from any great distance.<sup>801</sup> Detectives had been deployed around the town, but no evidence had come to light. The lack of evidence to identify the killer or killers, despite exhaustive enquiry led to the jury returning the only verdict they could—one of wilful murder against 'person at present unknown'.<sup>802</sup>

Much research has concluded that juries were lenient towards mothers who killed their own children. However, leniency was not a forgone conclusion. The People's Judge was not a cipher to shield criminals from the law. What Hoyle demonstrated

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<sup>798</sup> Richard Clarke Sewell, *A Treatise on the Law of Coroner* (O Richards 1843) 64.

<sup>799</sup> 'Child Murder in Newcastle' *Newcastle Courant* (Northumberland, 11 October 1867) 5.

<sup>800</sup> 'Child Murder in Newcastle' *Newcastle Courant* (Northumberland, 4 October 1867) 5.

<sup>801</sup> 'Child Murder in Newcastle' (n 799).

<sup>802</sup> 'Shocking Case of Child Murder in Newcastle' *Newcastle Guardian and Tyne Mercury* (Northumberland, 12 October 1867) 2.

was a lawyer's regard for correct procedure to ensure that the coroner's court played its role in the system of justice. This is illustrated by two cases, those of Jane Grey and Mary Richie. Empathy and understanding did not cloud Hoyle's enforcement of the law and his direction of the jury to return what he perceived to be the correct verdict. The case study that follows, the inquest into the death of Sarah Grey, was heard in the year before the 'massacre of the innocents' comments and was a harbinger of the discussions between Hoyle and Dr Rayne.

#### 4.8 A Case of Murder

In June 1867, the body of Sarah Grey, aged one month, was found in the River Tyne. She was 'a fine child' and had not been neglected.<sup>803</sup> The police carried out inquiries and, unusually, traced the mother. She was Jane Grey from Dudley Colliery, a village seven miles from Newcastle. Jane had told her landlady she was taking her daughter to the town, to live with the child's paternal grandmother.<sup>804</sup>

An inquest was opened at the police station on Westgate Road and Sarah was identified. The first witness was a five-year-old boy, who had seen the baby being dropped into the water, and whom Hoyle declined to swear due to his youth.<sup>805</sup> The inquest was then adjourned for further investigation. At the resumed inquest, the mother, Jane Grey, was accompanied by Police Inspector Scott. Hoyle, with his lawyer's regard for fairness of process, aware that the evidence suggested wilful murder, was concerned Grey had no legal representation. He explained that she was not on trial. Not understanding the effect of her words, she replied: 'no sir I have not [any legal representation]; there was nobody with me when I did it.'<sup>806</sup> This was a confession to murder. The notes from the inquest in the Home Office file record this unusual statement. The main statement is in one hand with amendments in another (likely the coroner). The statement reads, '~~the witness~~ Jane Grey interrupted the coroner and made this remark who then cautioned her in the usual way and asked Jane Grey if she had anyone to appear for her to which she replied "no"'.<sup>807</sup>

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<sup>803</sup> *Inquisition Sarah Grey 1867* (The National Archives ASSI 44/184).

<sup>804</sup> According to the evidence at the inquest— Jane Grey had three illegitimate children, two had died and the third was being raised by a family in Dudley, where she lodged.

<sup>805</sup> *Notes from Inquest into the Death of Sarah Grey 14 June 1867 Home Office File Jane Grey* (The National Archives HO45/9354/29367); 'The Body of a Child Found in the Tyne' *Newcastle Chronicle* (Northumberland, 1 June 1867) 7.

<sup>806</sup> 'The Suspected Child Murder in Newcastle' *Newcastle Courant* (Northumberland, 21 June 1867) 2.

<sup>807</sup> *Notes from Inquest* (n 805).

Jane Grey was deserving of sympathetic understanding: a woman with little choice. The evidence was stark, and Hoyle did not address the jury on the distinction between murder and manslaughter.<sup>808</sup> There is no specific direction in *Jervis* to suggest a coroner explain the law on homicide to the jury, although *Jervis* makes clear it is the coroner's role to direct on the law and that the jury should rule on the facts.<sup>809</sup> In this case Hoyle, indicating he had worked with this jury before and knew 'their practice', said he would leave the verdict up to their good sense. *Jervis* noted that a jury could ignore the coroner's direction and there was no punishment for doing so.<sup>810</sup> Jane Grey was indicted for wilful murder and eventually found guilty at the Summer Assizes.<sup>811</sup> This was a relatively unusual occurrence.<sup>812</sup> Jane Grey's confession to the inquest would have rendered a finding of insanity almost impossible.

A petition for mercy was forwarded to the Secretary of State.<sup>813</sup> Although Grey's petition was 'approved by the entire community', Hoyle did not sign.<sup>814</sup> He did sign petitions for clemency in capital cases, including the unsuccessful request to reprieve John William Anderson in 1875.<sup>815</sup> Perhaps Jane's gauche confession, and the sight of the dead child, led Hoyle to believe that this was a case where the ultimate punishment should be inflicted. In balancing empathy for the mother and sympathy for the child, the letter of the law had to take precedence for a legal coroner. He had enquired whether she had legal assistance, he had informed her of her rights, and he had taken a careful note of a great deal of evidence. There was no doubt in Hoyle's mind that this was a case of murder, hence his dispensation with the direction to the jury on murder/manslaughter. Hoyle's family experience, and sympathy and understanding for women in desperate circumstances, may have rendered him conflicted but the evidence shows he conducted all his work using a strong legal framework tempered by empathy.

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<sup>808</sup> 'The Child Murder in Newcastle' *Newcastle Journal* (Northumberland, 15 June 1867) 2.

<sup>809</sup> Lovesy (n 728) 255/6.

<sup>810</sup> Lovesy (n 728).

<sup>811</sup> 'The Case of Child Murder. Sentence of Death' *Newcastle Journal* (Northumberland, 23 July 1867)

<sup>812</sup> Jane's sentence was eventually commuted to penal servitude for life. See Pedley (n 734).

<sup>813</sup> *Petition for Clemency Jane Grey 1867 Home Office File* (n 805). Few murderers were sent to the gallows without a petition for mercy being raised to attempt to save their life. See James Gregory, *Victorians Against the Gallows: Capital Punishment and the Abolitionist Movement in Nineteenth Century Britain* (IB Tauris & Company 2011).

<sup>814</sup> *Home Office File* (n 805).

<sup>815</sup> *Home Office File Petition for Clemency John William Anderson December 1875* (The National Archives HO45/9395/49945).

Infant death was a regular component of Hoyle's work and the verdicts were recorded by the press without commentary. However, in 1867, the moral panic gripping the nation's breakfast tables came to Newcastle: baby farming. Baby farming was, arguably, a crime worse than 'simple' infanticide.

#### 4.9 Baby Farming

As the People's Judge, Hoyle was crucial in the investigation and exposure of the killing of children. Infanticide was the murder of infants, but baby farming was even more terrible than causing death by neglect or accident: it was a term used for the systematic killing of children for money. Hoyle must have been aware of the spectre of baby farming. Although the most infamous baby farmer, Amelia Dyer, post-dated Hoyle's life, rumours of the practice began in the early 1860s.<sup>816</sup> In December 1867, the *Newcastle Daily Journal* noted that knowledge of baby farming had led to coroners being more careful in investigating sudden infant deaths.<sup>817</sup>

Baby farming, without intent to kill, was a form of childcare.<sup>818</sup> But the innocent practice of paying a woman to look after a child became shorthand for a particularly cruel form of child destruction and, as a result of a number of high profile prosecutions for murder, resulted in what has been identified as a moral panic.<sup>819</sup> In the mid-1860s, the *British Medical Journal* in particular, and the public press in general, made a link between 'looked-after children' and child murder.<sup>820</sup> It was suggested that illegitimate children were left with baby farmers who, for a fee, would dispose of the unwanted child. An editorial in the *British Medical Journal* went further, and said that the murderous trade was linked, 'in some localities in the North of

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<sup>816</sup> For discussion of Amelia Dyer and baby farming see Judith Knelman, *Twisting in the Wind— The Murderess and the English Press* (University of Toronto Press 1998) 145 and Arnot (n 731).

<sup>817</sup> 'Tuesday, December 24, 1867' *Newcastle Journal* (Northumberland 24 December 1867) 2.

<sup>818</sup> 'Baby-Gangers' (1868) 1 (367) *The British Medical Journal* 33. 'Baby ganging' was the phrase used before 'baby farming' was coined. A full discussion of the panic around baby farming can be found in Ruth Ellen Homrighaus, 'Baby Farming: The Care of Illegitimate Children in England, 1860-1943' (PhD thesis, University of North Carolina 2003); Eric Sterling, 'Desperate Motives for Murder: Mercenary Female Baby Killers in Victorian England' (2019) 7 *The Lincoln Humanities Journal* 136, 139.

<sup>819</sup> Stan Cohen defined and developed the concept of 'moral panic' in his study of youth subculture *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (First published 1972, Routledge 2011). A recent book chapter by Annie Coussins, 'Regulation of the Female Body: Was Infanticide a Moral Panic of the Nineteenth Century' in *Female Criminality— Infanticide Moral Panics and the Female Body* (Springer 2015) explores this idea in depth.

<sup>820</sup> Baby farming was defined in the *British Medical Journal*—see Ruth Ellen Homrighaus, 'Wolves in Women's Clothing: Baby-Farming and the *British Medical Journal*, 1860 -1872' (2001) 26 (3) *Journal of Family History* 350.

England', to insurance and burial clubs.<sup>821</sup> The editorial reflected Hoyle's discussion with Dr Rayne in 1865, discussed earlier, and explains the reason for the questions about burial club insurance in the Patrick Glancey case, discussed above: Hoyle wanted to exclude burial club pay-outs as a motive for murder.

The contemporary press emphasized that 'the North' encouraged the conditions which led to baby farming. *The Saturday Review* crudely referred to the children who were the victims as being produced by 'incontinence (...) followed by bastardy.'<sup>822</sup> Conversely the Select Committee, which investigated the issue in 1871, heard evidence that it was predominantly a problem in London, with pockets in the larger Scottish cities.<sup>823</sup> The Select Committee concluded, despite public suspicion, 'the great mortality of infant life was not due to anything that could be called active criminality, but rather to negligence, and that the amount of actual criminal destruction was very small indeed in comparison with the non-criminal destruction'.<sup>824</sup> Recent research has suggested that the 'problem' was more imagined than real, and that many deaths in baby farms could be ascribed to the transmission of disease from infant to infant. The conditions were often cramped and unhygienic and this, rather than the criminal behaviour of nursemaids, led to undue mortality.<sup>825</sup>

Baby farming excited the press for the last third of the nineteenth century. It was an issue that coroners would have had in mind whilst investigating the deaths of cared-for infants.<sup>826</sup> The first high profile case was the trial of Margaret Waters and Sarah Ellis at the Old Bailey in 1870, although there were earlier cases, including the prosecution of Caroline Jagger in 1867.<sup>827</sup> The culmination of the baby farming panic

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<sup>821</sup> 'Baby-Farming' (1867) 2 *British Medical Journal* 570. For a full discussion of burial clubs see Grey (n 784).

<sup>822</sup> 'Infanticide and Baby Farming' (1870) 29 *Saturday Review of Politics, Literature, Science and Art* 793.

<sup>823</sup> House of Commons *Report from the Select Committee on Protection of Infant Life* (C (2nd series) 372 1871) p iii.

<sup>824</sup> Lord Aberdare, HL Deb 15 July 1875 173 1469.

<sup>825</sup> Jim Hinks, 'The Distinction is a Fine One': Narrative, Drama and Making Meaning in British 'Baby-Farming' Trials 1881-1907' Paper at the British Crime Historians Symposium (Edinburgh, 2016).

<sup>826</sup> In Middlesex Edwin Lankaster, who continued Wakley's social reforming zeal, made the prevention of infanticide a cause for campaigning.

<sup>827</sup> Ruth Ellen Homrighaus, 'Baby farming : the care of illegitimate children in England, 1860-1943', University of North Carolina at Chapel Hill 2003); *Metropolitan Police Records*, Margaret Waters and Sarah Ellis: Baby Farmers (1870); 'The Baby Farm' *South London Chronicle* (London, 28 September 1867) 6.

was the trial and eventual execution of Amelia Dyer in 1896.<sup>828</sup> Dyer had been 'farming' since the 1860s.

The first discussion of baby farming in the press in Newcastle was in an editorial in the *Newcastle Daily Chronicle* in September 1867:

[A]mongst the modes of obtaining a livelihood which the complex and artificial social habits of our time have called into operation, is a business the existence of which is probably unknown to many, although there are reasons for supposing that the system is largely practised in the metropolis and other populous centres.<sup>829</sup>

This contradicted the *British Medical Journal's* opinion that 'the trade [with] no specific name' was a Northern problem and preceded the conclusions of the Select Committee. Interestingly, the author suggested the infants who fell prey to the baby farmers were the illegitimate children of the middle classes, rather than infants from the bottom rungs of society.<sup>830</sup> Sadly, the author was not named. Hoyle wrote for the *Chronicle*, and this article discusses the coroner, but there is nothing to connect him to the piece. There was agreement that legislation was required to protect infants.<sup>831</sup> The legislature did not act until the Infant Life Protection Act 1872; which Dorothy Haller has described as 'a dismal failure'.<sup>832</sup> Whether this judgement was correct is outside the remit of this discussion.

The ugly gossip that parents deliberately harmed their children was a difficult stain to remove. The coroner played a crucial role in establishing the truth or otherwise of rumours and rebuilding the reputation of the wrongly accused bereaved. The allaying of suspicion was a vital component of the inquiry to establish a cause of death. An illustration can be drawn from an inquest which stoked gossip in June 1858, following the death of the daughter of Sarah Ridley. Hoyle ordered an autopsy. Post-mortem examination was basic, although coroners had relied upon examinations since the earliest days of the establishment of the office.<sup>833</sup> Prior to the advent of scientific examination, the jury and the coroner would examine the body for any signs of foul

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<sup>828</sup> For a detailed examination of Amelia Dyer's crimes see Alison Rattle and Alison Vale, *The Woman Who Murdered Babies for Money: The Story of Amelia Dyer* (André Deutsch 2011).

<sup>829</sup> 'Baby Farming' *Newcastle Daily Chronicle* (Northumberland, 27 September 1867) 2.

<sup>830</sup> See the inquest into the deaths of twins Colin and Robert Birt discussed on p164.

<sup>831</sup> 'Thursday December 12, 1867' *Newcastle Journal* (Northumberland 12 December 1867) 2.

<sup>832</sup> Dorothy L Haller, 'Bastardy and Baby farming' (1989-1990) *The Student Historical Journal Loyola University* <<http://people.loyno.edu/~history/journal/1989-0/haller.htm>> accessed 24 November 2020.

<sup>833</sup> See Sara M Butler, *Forensic Medicine and Death Investigation in Medieval England* (Routledge 2015).

play. In the nineteenth century, doctors had several procedures which could be used to establish whether a child had taken a breath or had been still born. One of these tests was to place the lungs in water. If they floated, the child had been born alive. This was a medical process, but one that was used in the aid of the law to see whether the death was homicide. William Newton, a prominent surgeon, was given the task of examining the body. The report of the inquest in the *Illustrated Berwick Journal* made clear the care taken.<sup>834</sup> Newton gave a full account of the examination which resulted in a verdict of death from natural causes.

With the benefit of hindsight, several infant death inquests in Newcastle, prior to the late 1860s, could be 'baby farming' cases. Although the term did not become shorthand for the deliberate killing of infants in care until the late 1860s, suspicion about the cause of deaths of infants was not new. This is illustrated by an inquest held soon after Hoyle became coroner, in which he used the proceedings to dampen suspicion about the cause of death of Elizabeth Brown.

On 24 May 1859, Hoyle attended the Shieldfield Inn, on the outskirts of the town centre, for an inquiry into the death of a child, Elizabeth Brown.<sup>835</sup> Elizabeth had been left in the care of a Mrs Jobling at the beginning of May.<sup>836</sup> Jobling gave evidence that the child's mother was a dairymaid at Heddon on the Wall.<sup>837</sup> Elizabeth's mother had offered five shillings a week for childcare, but she failed to return and pay. How Elizabeth's mother found Jobling, and who exactly Jobling was, is unknown. Without a first name she is impossible to track down in the census, and there is no evidence of an advertisement for childcare services of any description in the local newspapers.

Jobling told the court that the child had previously been 'out to nurse near the Shot Tower', which was far from Shieldfield but nearer to Heddon. She said Elizabeth had been 'hungered and poisoned' there.<sup>838</sup> On the limited evidence presented, Jobling did not appear to be a heartless baby farmer. When Elizabeth suffered a convulsive

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<sup>834</sup> 'Suspicious Death of a Child' *Illustrated Berwick Journal* (Northumberland, 19 June 1858) 4.

<sup>835</sup> 'Inquest on an Illegitimate Child' *Newcastle Guardian and Tyne Mercury* (Northumberland, 28 May 1859) 5.

<sup>836</sup> 'The Death of a Child from Neglect' *Newcastle Courant* (Northumberland, 27 May 1859) 5.

<sup>837</sup> Heddon on the Wall is approximately ten miles from Shieldfield—the mother had no intention of visiting her daughter regularly.

<sup>838</sup> 'Inquest on an Illegitimate Child' *Newcastle Guardian and Tyne Mercury* (Northumberland, 28 May 1859) 5.



fit, the parish medical officer was called.<sup>839</sup> Although Dr Newton found that the child was emaciated and suffering from the effects of drugs, he thought that this could have been because of her previous care. The coroner asked whether a post-mortem examination would be of use in deciding what poison had been administered. Hoyle was willing to take advice from the doctor, and Dr Newton asserted that a post-mortem would be of little use 'because the laudanum or any vegetable poison would have gone from the system'.<sup>840</sup> Despite the fact that the death was reported to the coroner due to 'suspicious circumstances', the jury exonerated Mrs Jobling.<sup>841</sup> The jury, having been drawn from the nearby area, would have had personal knowledge of Mrs Jobling and fulfilled the task which was a hang-over from their medieval role—to bring local knowledge to bear on their decision making. The reports of this case are short and limited, but it can be inferred that Hoyle was concerned to find the cause of Elizabeth's death and would have ordered a post-mortem examination had Dr Newton considered it appropriate. The coroner's role in allaying suspicion was fulfilled, and the jury were satisfied.

There are few newspaper reports in Newcastle of inquests into the deaths of infants in 1860, the year of Elizabeth Brown's death. The *Judicial Statistics* record 30 inquests into the deaths of children under seven years.<sup>842</sup> The correlation between inquests held and inquests reported, is strong, and therefore it can be assumed that the inquests were so short that the reporters did not feel it necessary to report them. However, in the following year, 1861, with the benefit of hindsight, two suspicious deaths were investigated by Hoyle.

The first was the case of Colin and Robert Birt. The nurse involved can be identified due to her unusual name: a washer-woman named Martha Criper of Albert Terrace, Shieldfield.<sup>843</sup> Criper was engaged to care for the twin sons of Martha (or Elizabeth) Grey, who had given birth on 18 March at her brother's house in Blandford Square, a prosperous part of town.<sup>844</sup> The newspapers observed that Martha, from Edinburgh,

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<sup>839</sup> Newton was a town councillor and a doctor for the Poor Law Union. He was instrumental in trying to improve the living conditions of the poor in Newcastle. He died in 1863, aged 45. For a description of Newton's life and work see 'The Late Mr Newton' *Newcastle Journal* (Northumberland, 9 June 1863) 2.

<sup>840</sup> 'Inquest in the Shieldfield' *Newcastle Daily Chronicle* (Northumberland, 25 May 1859) 2.

<sup>841</sup> 'Inquest on an Illegitimate Child' (n 838).

<sup>842</sup> Home Department, *Return of Judicial Statistics of England and Wales* (C 2860, 1860) 40—Number of Inquests Held in Newcastle upon Tyne.

<sup>843</sup> *Census Entry—Martha Criper* (1861) 26. On the 1871 and 1881 census she is described as a 'monthly nurse'.

<sup>844</sup> Mrs Criper's first name was Martha. The reporter, incorrectly, recorded this name in his notes.

was unmarried but was the daughter of 'respectable parents' who were unaware of her 'condition'.<sup>845</sup> Criper was offered eleven shillings to nurse the two boys, who were handed over on the day of their birth. The payment was to be made by monthly post-office order. This arrangement, the *Newcastle Guardian* suggested, acted 'as a check against foul play.'<sup>846</sup> The fact that this is highlighted suggests that there was concern that the arrangements for the care of the twins gave rise to suspicion. The inquest was held in the Queen's Arms on Albert Terrace.<sup>847</sup> Mrs Criper shared her home with three daughters, three male boarders, and a seventy-year-old woman and her two adult children. It was not a haven to look after two new-born boys.

The reports in the newspapers gave no detail of the questions asked by Hoyle, but the *Daily Chronicle* report stated that 'The investigation (...) was very strict, and from the straightforwardness of the answers given to minute cross questioning, the jury unanimously concluded that the children had died from natural causes.'<sup>848</sup> Medical advances were still in their infancy. The conclusive medical evidence for the verdict was that the children had each been born with two teeth, and premature teething was likely to have been the cause of death. I have found no record of the deaths being registered. Again, the jury would have been locally sourced, and Hoyle would have consulted the police ensuring, as far as it was able, the inquest quashed the rumours of homicide.

A further case came to light in 1864. A child, Mary Gowland, died on 11 November 1864 at the home of sisters Mary Jane and Caroline Dodds. Mary had been cared for since birth by a third sister, Mrs Skelton, for which she was paid 3s 6d per week.<sup>849</sup> Six weeks prior to her death, Mary was moved to the Dodds' house where she died. At the inquest Hoyle suggested, following medical evidence from Dr Dalglish, that the child had died from 'exhaustion caused by artificial feeding and want of proper attendance and an attack of diarrhoea'.<sup>850</sup> Hoyle continued: 'in his experience that was the cause of the death of a great many children but the case which they had just been considering was not so suspicious as where a round sum of money was given

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<sup>845</sup> 'Birth and Death of Illegitimate Twins' *Newcastle Guardian and Tyne Mercury* (Northumberland, 30 March 1861) 5.

<sup>846</sup> *Ibid.*

<sup>847</sup> The children died in a house in Albert Place, and it may be assumed that the coroner and the jury viewed the bodies there before conducting the inquest in the nearest public house.

<sup>848</sup> 'Strange Death of Two Twins' *Newcastle Daily Chronicle* (Northumberland, 25 March 1861) 2.

<sup>849</sup> 'Death of an Infant from Neglect' *Newcastle Courant* (Northumberland, 18 November 1864) 5.

<sup>850</sup> 'Ill-treatment of a Child' *Newcastle Daily Chronicle* (Northumberland, 14 November 1864) 3.

to the nurse to keep the child and then she did not care how soon it died.’<sup>851</sup> The limited information available does not allow a judgement to be made as to whether Hoyle could conceivably have been wrong. In this case the mother visited the child regularly—she was not abandoned to be disposed of. Hoyle’s decision, based on experience, was emphatic. He was the official with the power to decide whether a criminal inquiry was needed, and in this case the answer was ‘no’. However, he was alive to the possibility of baby farming and his words, whilst not using the term, refer to it.

Hindsight suggests the two cases discussed above were ones where baby farming ought to have been in the coroner’s contemplation. In August 1869, Hoyle’s views on baby farming were expressed explicitly, and once more, he attracted attention beyond Newcastle.

Annie Elizabeth Walker had been born in the workhouse on 8 January 1869.<sup>852</sup> She was left in the care of Hannah Robson of 2 Barrack Square.<sup>853</sup> The evidence at the inquest suggested, whilst the child had been in poor health since birth, death was sudden. There was no mention in the newspaper of attendance by a doctor. Baby farming, and a suspicion surrounding the death, was raised at the inquest. Hoyle informed the jury that the police surgeon had been instructed to examine the child’s body.<sup>854</sup> Dr Rayne found that Annie was severely emaciated and had died from convulsions.<sup>855</sup>

Hoyle’s comments at the inquest demonstrate that he was aware of baby farming. The cases discussed above may have been to the forefront of his mind; did he wonder if he had missed any cases? Hoyle became a grandfather several times over in the 1860s and would have been surrounded by babies. He had lost a grandchild, at seven months, in early 1869.<sup>856</sup> He chose this inquest to make his thoughts public, to allay rumour and suspicion and to support the community, but most of all to support the women who cared for babies and children. He did not subscribe to the moral panic. His comments were reported in the local newspapers, but the story was

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<sup>851</sup> Ibid.

<sup>852</sup> ‘The Coroner of Newcastle on Baby Farming’ *Glasgow Herald* (Lanarkshire, 27 August 1869) 6.

<sup>853</sup> Hannah Robson was the wife of a grocer’s assistant and, in 1871, lived at 2 Barrack Square with her husband and 11 other people. In 1861 she had five of her own children living in the household.

<sup>854</sup> ‘The Coroner of Newcastle on “Baby Farming”’ *Durham County Advertiser* (Durham, 27 August 1869) 9.

<sup>855</sup> ‘Mr Coroner Hoyle on “Baby Farming”’ *Newcastle Journal* (Northumberland, 25 August 1869) 2.

<sup>856</sup> Aynsley Hoyle, son of Theodore (born 1 July 1868).

also syndicated in Scotland and in Liverpool, all using the same headline: 'The Coroner of Newcastle on 'Baby Farming'.<sup>857</sup> Hoyle was reported to have no time for any notion that 'baby farming' was a problem, or even that it existed. He criticized both the medical profession and his fellow coroners. He declared there had 'been so much nonsense written latterly, and also so much nonsense spoken at inquests by coroners and medical gentlemen, respecting "baby farming"'.<sup>858</sup> This would not have been information he received from the Coroners' Society but from press reports or conversations with fellow coroners. It can be assumed he had read the newspaper reports of comments made by the London coroners. And he had his own experience, as discussed in the examples above.

The reason for his view was encapsulated in his next comment. He laid out his support of nursemaids and unmarried mothers. Perhaps he was naive in not believing that the 'business arrangements' could be anything other than for the care of a child. He loved his own children and grandchildren. Naivety seems unlikely; he had over thirty-two years of experience in investigating death.<sup>859</sup> If there had been a problem in Newcastle, he would have been aware of it. Hoyle suggested that rather than being part of a child destruction problem, the women who cared for children were part of a solution to infant mortality. He asked the Walker jury, 'what would a poor girl like the mother in the present instance do if there were not such persons as Mrs Robson to take care of children. In all probability she would have destroyed the child.'<sup>860</sup> He continued, 'women like Mrs Robson were not to blame but rather to be encouraged, because they would always have the social evil of illegitimate children.'<sup>861</sup> Dr Rayne, the second party in the 'massacre of the innocents' conversation, supported the coroner and told the court 'there was no doubt an increase in illegitimate children; but there were no institutions for their reception in England as there were in France.'<sup>862</sup> This conversation about childcare had been rehearsed at the Marr inquest, discussed earlier, when he had wondered aloud what mothers were to do when they had to leave the house for work or errands. It demonstrated Hoyle's sympathy, informed by his own family situation, and to a small

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<sup>857</sup> *The Scotsman*, 26 August; *Durham County Advertiser*, 27 August; *Newcastle Journal*, 25 August; *Shields Daily Gazette*, 27 August; *Liverpool Mercury*, 27 August; *Newcastle Courant*, 27 August.

<sup>858</sup> 'The Coroner of Newcastle on "Baby Farming"' *Liverpool Mercury* (Lancashire, 27 August 1869) 8.

<sup>859</sup> 22 as a deputy coroner and 10 as coroner— see Chapter 2.

<sup>860</sup> 'Mr Coroner Hoyle on "Baby Farming"' *Newcastle Journal* (Northumberland, 25 August 1869) 2.

<sup>861</sup> I wonder if he considered the illegitimate children of his son Theodore 'a social evil'?

<sup>862</sup> 'The Coroner of Newcastle on "Baby Farming"' *Shields Daily Gazette* (Durham, 27 August 1869) 2; see Caroli (n 769).

extent sets him out as a champion, or at least an empathetic friend, of working and unmarried mothers. Unusual in an observant Anglican.

Hoyle, and Dr Rayne, in this short exchange appear realists. They acknowledge the existence of illegitimate children and are sympathetic to the plight of mothers. Hoyle supported the childminder, Mrs Robson, and did not assume that she killed Annie. It is interesting that although he was aware of the countrywide discussion on 'baby farming', he refused to entertain it in his court in relation to women who were doing their best with what society had thrown at them. Here he demonstrated the qualities of the People's Judge; empathy, support, and an understanding of feelings arising within the community.

The fact that this inquest, and the comments, were reported widely suggests that Hoyle was offering a controversial view. He did not support the popular narrative. He was not alone: the coroner for Manchester, in his evidence to the *Select Committee to Inquire into Means of Preventing Destruction of Lives of Infants Put Out to Nurse for Hire by their Parents*, was of the view that baby farming did not exist and suggested the deaths of cared-for infants were due to 'carelessness and not crime'.<sup>863</sup> Hoyle was aware of the danger of infant deaths at the hands of nurses, and as a careful and judicial coroner, carried out close questioning of witnesses in suspicious cases. The possibility of baby farming was investigated as appropriate, although Hoyle was sceptical of its existence. Perhaps he believed 'baby farming' was a myth, or refused to accept that such wickedness was possible, but he was unwilling to be influenced by the opinions of the metropolitan coroners. He represented and championed his Northern community.

Hoyle's paternalistic vision of care, although supported by Dr Rayne and, later, by some of the witnesses to the 1871 Commission, was dismissed in a withering piece in *The Sportsman* published on 28 August 1869.<sup>864</sup> The article's opening line set the tone: 'MR CORONER HOYLE, of Newcastle, has given his opinion of baby-farming, and consequently the entire question has been settled.' It continues: 'After this, there is nothing more to be said than that, from Lord Chief-Justice Cockburn to Alderman

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<sup>863</sup> Home Office, *Select Committee to Inquire into Means of Preventing Destruction of Lives of Infants Put Out to Nurse for Hire by their Parents* (C 372, 1871) xii.

<sup>864</sup> 'Notes on News' *The Sportsman* (London, 28 August 1869) 4. This is a strange publication for such a comment piece. *The Sportsman*, as the name suggests, primarily reported sporting achievements. It also published several unique articles and comment pieces on baby farming.

Lusk, everybody—excepting, of course, the Newcastle coroner—is wrong in his ideas concerning the horrors and the cruelties of baby farming.<sup>865</sup> The writer criticized Hoyle and suggested that he lacked practical experience to guide him. This criticism takes no account of the fact that Hoyle had years of experience of the conditions and circumstances of childcare in Newcastle. He observed dead infants in the houses where they had been cared-for, and he empathized with the mothers who had no choice but to leave their children whilst earning a meagre living. He worked with a jury of ordinary men from the community who had first-hand knowledge of the town's nooks and crannies. He would have had in mind the fortunate circumstances that ensured that his first-born child was legitimized and brought into a family that had the means to care for him.<sup>866</sup>

The article concluded:

(...) had the worthy coroner's loving parents confined him (...) to the tender mercies of a baby farmer, we might have had a different tale from him to-day. Or perhaps—and this is the more likely of the two—there would have been no Mr Coroner Hoyle to have told the story.<sup>867</sup>

Would Hoyle have read this scathing piece? Unlike the 'massacre of the innocents' there is no evidence that he replied. Nor was he called to give evidence to the Select Committee.

Hoyle was always ready to speak his mind. Although he was not a member of the Coroners' Society, his expertise and experience were acknowledged, and his advice was sought, from around the country.<sup>868</sup> He was confident in his abilities and could be a little officious at times. This manifested itself in 1873 when he was requested to send statistics to the Commissioners inquiring into friendly and benefit societies and burial clubs.<sup>869</sup> The Marr inquest, discussed above, showed Hoyle was aware of the problem of burial clubs, brought to the fore in the North East in the case of Mary Ann

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<sup>865</sup> Alexander James Edmund Cockburn was Lord Chief Justice of the Court of Queen's Bench from 1859—later he achieved fame as the judge in the case of the Tichborne Claimant. Alderman Lusk was elected as the Liberal MP for Finsbury in 1865.

<sup>866</sup> See Chapter 1.

<sup>867</sup> 'Notes on News' *The Sportsman* (London, 28 August 1869) 4.

<sup>868</sup> I have not found any concrete evidence of this—which is not to say that it such correspondence did not take place.

<sup>869</sup> House of Commons *Report of the Commissioners Appointed to Inquire into Friendly and Benefit Building Societies* (C (2nd series) 961 1874) para cxxxviii.

Cotton.<sup>870</sup> But in response to a letter from the Commissioners he refused to provide the requested information without payment. In the letter, he said that he had researched the law on the issue of remuneration and, his stance was not simply a refusal but a refusal because the law did not compel him to carry out the work without pay. It may be that this rather lawyerly response was prompted by the fact that the letter was incorrectly addressed to William Lockey-Harle, who was the sheriff of Newcastle. The letter was sent in January 1872. Hoyle, by this stage, was proud of his position as the coroner and the incorrect addressing of the letter would have irked him.<sup>871</sup>

The letter is signed by the coroner's clerk, George Clementson, but is undoubtedly Hoyle's 'voice':

The Coroner of the Borough of Newcastle upon Tyne is in receipt of your circular of the 6th instant.

The Coroner is not aware of any law throwing upon him the duty of replying to your several inquiries, which would cause him considerable trouble, and occupy some time; if the Coroner is wrong in this, perhaps you would be good enough to refer him to the law on the subject.

The Coroner is quite willing to make the necessary examination into his books and papers to enable him to answer your inquiries, provided you will pay him for doing so, —that is, provided there is no law by which he is bound to do so without remuneration.<sup>872</sup>

Hoyle followed form—he would have provided the information had he been remunerated. He did not recognize a problem and therefore he was firm in suggesting his time could be better spent. However, the statistics would have provided useful evidence for the Committee and for a town the size and prominence of Newcastle their omission is unfortunate.

#### 4.10 Conclusion

This chapter has discussed and analysed a carefully chosen sample of Hoyle's inquests into the deaths of infants. Using the lens of the People's Judge, I have

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<sup>870</sup> For a scholarly discussion of the Mary Ann Cotton case, see David Wilson, *Mary Ann Cotton: Britain's First Female Serial Killer* (Waterside Press 2013).

<sup>871</sup> Hoyle at least replied. Many coroners simply ignored the appeal for information. Only 216 out of 340 replied— 67 of those that did respond provided no information.

<sup>872</sup> Ibid. Letter reproduced in full in footnote in the *Report* (n 869).

considered his work in the context of his personal life, and analysed both his words and conduct, together with commentary from both newspaper reporters and others.

The records show that the coroner was required, regularly, to investigate the deaths of children. In addition to illness, as would be expected, poisoning, scalding, and burning caused domestic accidental death. Fatal accidents resulted from children being left to fend for themselves when their parents went to work.

The figures for infanticide and the criticism of the coroner for the seeming dearth of inquests into the deaths of children, suggest suspicion by those who compiled official figures that Hoyle did not hold inquests for infant deaths as he was required to do by the law. A close examination and analysis of his words and actions suggests that the low numbers of inquests did not equate with a lack of care or a desire to hide infant deaths. He demonstrated empathy for the conditions and circumstances of the parents whose children's deaths were reported to him. He made appropriate enquiries. In the absence of suspicion of anything other than a natural death, he granted permission for burials without inquests to spare families from further pain. This was a kindness to the community. If there was suspicion of homicide, he held a full inquiry. His meticulous investigations included adjourning inquests to allow for police investigation, even in the cases of abandoned babies where the chance of finding a parent was slim.

If the circumstances of death suggested there was a homicide case to answer, Hoyle had no hesitation in indicting the alleged culprit to face trial at the assizes. His empathy and understanding did not stretch to hiding unpleasant truth. The coroner had no power to order change. However, his public admonishment of careless or neglectful parents, and the reporting of his warnings about open fires, and unattended children, brought the issues to public attention. The readers of the newspapers, from all levels of society, would have seen his warnings. In the inquest into the death of Patrick Glancey, he highlighted that the appalling living conditions of many families in Newcastle should be the concern of every social reformer. He drew the attention of the authorities to the state of housing and informed the jury that he



would involve the magistrates. The state of premises, and the problem of squalid housing, was to be a cause that he revisited during his coronership.<sup>873</sup>

A proper, affordable, system of childcare could save lives. This was a modern idea. Hoyle's large family, and later his grandchildren, and the loss of children in his family, ensured that his words had a personal resonance. His son, Theodore, as deputy coroner and later coroner, in the twentieth century, was able to lead a campaign for fireguards. This was instrumental in saving many lives.<sup>874</sup>

The next chapter investigates Hoyle's work on a larger scale. The inquests into accidents and disasters provide a contrast to the domestic scenes explored in this chapter.

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<sup>873</sup> See, for example, the 1865 inquest into the death, from starvation, of Nicholas Hindmarsh in a rented room on the Quayside. Hoyle said, 'A more wretched hovel it would be hard to find'. 'Shocking Death from Destitution' *Newcastle Journal* (Northumberland, 27 January 1865) 2.

<sup>874</sup> See 'Strong remarks from a Coroner' *Dundee Evening Post* (Angus, 29 January 1901) 4.

## Chapter 5. Accidents and Disasters

**God protect the lonely widow,  
Help to raise each drooping head;  
Be a Father to the orphans,  
Never let them cry for bread.  
Death will pay us all a visit,  
They have only gone before;  
We may meet the Trimdon victims  
Where explosions are no more.**

*The Trimdon Grange Explosion—Tommy Armstrong*<sup>875</sup>

### 5.1 Introduction

The challenge of refining material for inclusion in this chapter was considerable. In Chapter 4 I considered domestic settings through an appraisal illustrated by the deaths of children. I discussed, amongst other issues, the limited powers the coroner had to encourage improvements to prevent death and how verdicts could end rumour and suspicion. This chapter includes further discussion of these themes on a wider canvas examining accidents and disasters. I have chosen to examine Hoyle's work in this area to provide a contrast with the domestic scenarios.

The song at the head of this chapter was written soon after a major disaster which killed 74 men and boys, in a coal mine in County Durham. It is probable the high-profile accidents discussed in this chapter were the subject of songs which have, sadly, not survived. Song and story about disasters sought to help the community in making sense of tragedy.<sup>876</sup> Hoyle did not have to deal with a catastrophe on the scale of the Trimdon Grange explosion. However, he did have to lead inquiries into

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<sup>875</sup> Thomas Armstrong, 'The Trimdon Grange Explosion' (1882) in Thomas Armstrong and Ross Forbes, *Polisses and Candyemen: The Complete Works of Tommy Armstrong, The Pitman Poet* (The Tommy Armstrong Trust 1987).

<sup>876</sup> For a full discussion of folk song and ballad in the North East and its importance as part of a collective history see Robert Colls, *The Collier's Rant, Song and Culture in the Industrial Village* (Croom Helm & Rowman and Littlefield 1977).

several major incidents, including an explosion, beyond the scope of an ordinary inquest. This was a sphere in which Hoyle, as a legally qualified coroner, was able to make a significant contribution to prevent future deaths. Examination of accidents and disasters offers an opportunity to discuss how the coroner adapted his practice to deal with the new dangers inherent in the industrialized society. By using the law, and his legal knowledge, Hoyle sought to deal with novel situations for the benefit of the community.

Prominence in both popular, and academic, literature has, rightly, been given to loss of life in mining in the North East.<sup>877</sup> However, in considering the influence of Hoyle in the workplace, and work-related activities, I do not examine mining.<sup>878</sup> Mining was not the only cause of death and many other industries contributed to the deaths of workers. The People's Judge had to adapt his still-medieval role to become the means to investigate and provide answers.

The coroner's work provided an overview of the effect of developments on the health and wellbeing of the population. In this chapter, the strands that have been identified as identifying the People's Judge are referenced. In short, the coroner as protector of all members of the community is highlighted. The importance of Hoyle's identity as a lawyer is examined in his work in complex inquiries which exposed new challenges and I demonstrate how his compassion and legal training enabled him to steer a path. The law on coroners, and the guidance that was available to Hoyle in legal texts has already been discussed, in this chapter reference is made to specific legislation where appropriate.<sup>879</sup>

Much academic discussion and analysis of the Victorian coroner has been concerned with detecting homicide.<sup>880</sup> Whilst this was crucial, of equal importance, was his role

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<sup>877</sup> See for example Maureen Anderson, *Northumberland and Cumberland Mining Disasters* (Warncliffe Books 2009); Neil Taylor, *Memories of the Northumberland Coalfields* (Countryside Books 2010); Jamie L Bronstein 'The Hartley Colliery Disaster' (2014) 40 (2) *Victorian Review* 9; The Durham Mining Museum <[www.dmm.org.uk/mindex.htm](http://www.dmm.org.uk/mindex.htm)> accessed 26 November 2020.

<sup>878</sup> The deep mines were outside the borough boundary.

<sup>879</sup> See Chapter 3.

<sup>880</sup> See JDJ Havard, *The Detection of Secret Homicide: A Study of the Medico-legal System of Investigation of Sudden and Unexplained Deaths* (MacMillan 1960); Thomas R Forbes, 'Deadly Parents: Child Homicide in Eighteenth- and Nineteenth-Century England' (1986) 41 (2) *Journal of the History of Medicine and Allied Sciences* 175; Mary Beth Emmerichs, 'Getting Away with Murder? Homicide and the Coroners in Nineteenth-Century London' (2001) 25 (1) *Social Science History* 93; Pamela Fisher, 'The Politics of Sudden Death: The Office and Role of the Coroner in England and Wales 1726-1888' (PhD thesis, University of Leicester, 2007); Pamela Fisher, 'Edmund Whitcombe and the Detection of Homicide in Georgian Shropshire' (2011) 14 (1) *Family and Community History* 3.

in protecting the people from the consequences of lawful activities.<sup>881</sup> Scientific and engineering developments gave rise to new danger and the authorities often struggled with regulation and the implementation of the law.<sup>882</sup> Hoyle was often exasperated at the casual disregard for law. As discussed in Chapter 3, when he sought guidance from the Home Secretary about responsibility for autopsies, Hoyle was fastidious about applying the law. He carefully explained legal definitions to his jury.

Shortly after Hoyle's appointment the importance of the role of coroner in an industrial age was highlighted at a meeting of the Law Amendment Society. Full details were reported in the *Morning Post* on 9 February 1859.<sup>883</sup> George Hastings, the secretary, asserted: 'The health, safety, and welfare of the people as well as vast public rights, hang upon the Judicature of the Coroner's Court.'<sup>884</sup> At the meeting Dempsey's pamphlet (see Chapter 1, 1.3) was read and the author's thesis, that the coroner was a watchful guardian over the health of the community, was approved.<sup>885</sup> Although the purpose of the gathering was discussion of the difficulties that had arisen between the magistrates and county coroners, this expression of the coroner's role illuminates precisely the concept of the People's Judge as embodied by Hoyle.<sup>886</sup> The speech was reported widely and it is highly likely that Hoyle would have read the report in the Literary and Philosophical Society or in one of the reading rooms. Hastings' summary of the importance of the coroner was exemplified by the Newcastle coroner's work and Hoyle would have recognized his philosophy.

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<sup>881</sup> For a thorough examination of industry-related issues, see Jamie L Bronstein, *Caught in the Machinery: Workplace Accidents and Injured Workers in Nineteenth Century Britain* (Stanford University Press 2007). Gordon Glasgow has written a detailed examination of deaths from boiler explosions in the North West and examined the role of the coroner in the early nineteenth century see Gordon HH Glasgow, *Coroners and Steam Boiler Explosions: The Case of Richard Palmer in Early Victorian Preston* (University of Salford Occasional Papers 2009). The literature dealing with industrial accidents rarely touches on the coroner's role. One comprehensive study, Paul Fyfe, *By Accident or Design: Writing the Victorian Metropolis* (Oxford University Press 2015) uses literature as a lens, and concentrates on London, and the coroner is a fleeting presence.

<sup>882</sup> See Amanda Armstrong-Price, 'Infrastructures of Injury: Railway Accidents and the Remaking of Class and Gender in Mid-Nineteenth Century Britain' (PhD thesis University of California 2015).

<sup>883</sup> 'Coroners and Magistrates—the Law of Infanticide' *Morning Post* (London, 9 February 1859) 3.

<sup>884</sup> *Ibid.*

<sup>885</sup> 'Coroners and Magistrates—the Law of Infanticide' *Morning Advertiser* (London, 10 February 1859) 2.

<sup>886</sup> As has been discussed, Hoyle did not have to contend with this problem.

## 5.2 Themes

I have chosen to demonstrate Hoyle's approach to accidents, and his reference to regulation, in the work-related arena in four areas: the observance of byelaws and rules; the Quayside and the River Tyne; accidents linked with railways and finally securing public safety in relation to the handling of explosive substances.

In the mid-nineteenth century, society, administrators, and legislators were grappling with controlling and making rules for the emerging industrial society.<sup>887</sup> Mechanization caused difficulties not envisaged in an earlier age. There were many opportunities to be killed whilst in lawful employment: explosions, scalds, moving machinery, fumes, chemical burns, and hazards in goods yards, and on railway lines, and each resulted in work for the coroner. As Grindon noted in the introduction to his *Practical Guide to the Coroner*, 'Science itself creates new instruments of death; but if these instruments be brought to light by coroners' inquests, described accurately, and placed fully before the public, science will find no difficulty in discovering remedies, or rendering less harmful the new and striking'.<sup>888</sup> It was an imperfect system. The coroner had a nineteenth century job with twelfth century powers.

## 5.3 Hoyle as an Employer and the Emerging Industrial Society

As discussed in Chapter 2, Hoyle and his family played an active role in the business life of Tyneside; he was familiar with dangerous workplaces and the importance of keeping employees safe. Hoyle had personal experience of workplaces. The Hoyle family were good employers. I have found no record of an accident at any of their premises that resulted in death. Save for a fire at the Lamp Black factory in 1869, the references in newspapers to the Hoyle-owned businesses, record works' celebrations and charitable events.<sup>889</sup>

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<sup>887</sup> See for example Christian Warren, *Brush with Death: A Social History of Lead Poisoning* (The John Hopkins University Press 2001); for discussion of health and safety of nineteenth century factory workers see Kovalenko Ruslan and others, 'Occupational Safety and Health of Factory Workers in European Countries in the Nineteenth Century: Historical and Legal Analysis' (2020) 61 (3-4) *Labor History* 388; for the North East in particular see Norman McCord, *North East England: The Region's Development 1760-1960* (Harper Collins 1979).

<sup>888</sup> Joseph Grindon, *A Compendium of the Law of Coroners* (John Crockford 1850) ix.

<sup>889</sup> 'Serious Fire at Blaydon' *Newcastle Daily Chronicle* (Northumberland, 22 July 1869) 3.

Hoyle's religious beliefs influenced what he expected of an employer. He believed in the sanctity of Sunday, the Lord's Day.<sup>890</sup> At an inquest in 1864 into the death of the gatekeeper of Stephenson's Engine Works, whilst accepting there was a certain amount of work which had to be carried out on Sundays, he expressed surprise there was work carried out that was not wholly necessary. When a juryman suggested that Sunday working was vital when machinery had to be repaired, the coroner was dismissive and suggested that the work should be done on another day.<sup>891</sup>

The Hoyles were not unique in being conscientious employers. Many businesses had a strong safety record. The foreman of Stephenson's Engine Works assured the coroner in 1861, '[at the Works] neither expense nor time [is] spared to prevent danger.'<sup>892</sup> Nevertheless, the goods stations, railway lines, and chemical plants were all scenes of deaths.<sup>893</sup> Size of workplace did not have a bearing on safety and accidents took place in workplaces large and small. Hoyle noted approvingly that Palmer's Ship Building yard, which employed over 2000 people, experienced very few accidents and 'the works evidently must be well conducted'.<sup>894</sup>

The decision about which cases to use in this chapter has necessitated the omission of a great deal of fascinating information. I refer to the coroner's comments in inquests other than in the main case studies when his words had resonance. I have chosen the examples to discuss not only the range of incidents that fell to be dealt with by the coroner but to demonstrate Hoyle's attitude to employers and work practices. I examine his efforts (in partnership with the jury) to improve safety for workers and the wider community. He called employers to account and took an active interest in the sites of accidents, on numerous occasions adjourning the hearing to visit the scene of the death with, or without, his jury.<sup>895</sup> He stressed the importance of insurance for workmen.<sup>896</sup> He encouraged the establishment of a fire

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<sup>890</sup> Although, in extreme circumstances, when time was of the essence, Hoyle was prepared to give instructions before church on a Sunday morning—see Henry Goddard, *Memoirs of a Bow Street Runner* (Museum Press Limited 1956) 204.

<sup>891</sup> 'Working in Factories on Sunday' *Newcastle Courant* (Northumberland, 25 March 1864) 5.

<sup>892</sup> 'Fatal Accident at Stephenson's Factory' *Newcastle Courant* (Northumberland, 21 June 1861) 5.

<sup>893</sup> Some workplaces were regularly the location for workplace deaths, such as the Trafalgar Goods Yard and the Allhusen Alkali Works.

<sup>894</sup> 'Coroner's Inquests' *Shields Daily Gazette* (Durham, 23 April 1863) 4.

<sup>895</sup> See for example the inquest into the death of James Connolly in September 1866: 'Man Drowned in the Tyne' *Newcastle Chronicle* (Northumberland, 6 October) 5.

<sup>896</sup> As the agent or nominated solicitor for several insurance companies, Hoyle understood the importance of good insurance cover. At an inquest in 1864, reported in 'Sudden Death' *Newcastle*

brigade.<sup>897</sup> He commended the provision of medical facilities by large employers, which could give the best chance to avoid death that might otherwise be hastened by a trip on a cart to the Infirmary.<sup>898</sup>

The inquests examined do not cover the full range of accidents in heavy industry, nor in the more esoteric occupations. Sadly, it is not possible to discuss in depth unusual accidents, such as that of Captain William Henry Hall, an aeronaut who died from injuries sustained when he fell out of his balloon.<sup>899</sup> This inquest illustrated the core of the coroner's duty: to find out the cause of death, at the exclusion of any other matter. Hoyle was not influenced by Hall's unusual death, and explained to the brother of the deceased, who had wished to ask questions that were irrelevant to the central question, that 'the only business they had in hand was to discover anyone to blame for [Captain Hall's] death.'<sup>900</sup> In this case his protection went beyond the Newcastle community. He ensured that the widow of the deceased was not forgotten and asked that the newspaper reporters 'would say what they could on behalf of the subscription which had been commenced for the widow of the deceased.'<sup>901</sup>

In the inquests discussed in this chapter there is evidence of increased use of professional witnesses, other than medical doctors. Legislation was beginning to be introduced which mandated Government Inspectors to attend certain inquiries.<sup>902</sup> In tandem with the new regulations, employers appointed lawyers to attend inquests to protect their financial and reputational interests. Hoyle encouraged this as a positive step but indicated that he would only hear from legally qualified representatives if they represented a summonsed witness, and he would not simply allow them to

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*Chronicle* (Northumberland, 23 January 1864) 2, Hoyle said he hoped the family of the deceased would get the money owed to them because 'there were a great many swindling insurance companies at present in the country'.

<sup>897</sup> WG Wilks Imperial Fire Office to JT Hoyle *Letter Newcastle upon Tyne Watch Committee Minutes* (Tyne and Wear Archives MD.NC/274/2 28 June 1860) 37.

<sup>898</sup> See for example, Ann Ridley who was taken to the Infirmary on straw in the back of a cart having set her clothing on fire: 'Shocking Death by Fire' *Newcastle Journal* (Northumberland, 17 December 1859) 5.

<sup>899</sup> 'The Late Balloon Accident' *Newcastle Guardian and Tyne Mercury* (Northumberland, 27 August 1859) 3; 'Death of Mr Hall, the Aeronaut' *Newcastle Daily Chronicle* (Northumberland, 20 August 1859) 2.

<sup>900</sup> 'Inquest on Captain Hall' *Newcastle Daily Chronicle* (Northumberland, 22 August 1859) 2.

<sup>901</sup> 'Death of Mr Hall, the Aeronaut' *Durham Chronicle* (Durham, 26 August 1859) 7.

<sup>902</sup> For a discussion see PWJ Bartrip 'British Government Inspection, 1832-1875: Some Observations' (1982) 25 (3) *The Historical Journal* 605; PWJ Bartrip, 'State Intervention in Mid-Nineteenth Century Britain: Fact or Fiction?' (1983) 23 (1) *The Journal of British Studies* 63; Paul Almond and Mike Esbester, 'Shaping Health and Safety, 1800-2015' in Paul Almond and Mike Esbester, *Health and Safety in Contemporary Britain* (Springer 2019).

speak as an interested party. He ensured that lay witnesses were not intimidated by employers. An early case illustrates how Hoyle interpreted his role in industrial cases.

#### 5.4 Hoyle's View of the Role of the Coroner in Accident Cases

In 1858 Hoyle held an inquest into a boiler explosion that killed four workmen. His address to the jury succinctly encapsulated his approach to the coronial investigation in a workplace accident. He said:

[The jury's] duty had been a very important one, the town was much obliged to them for the attention they had bestowed upon the evidence. It was only by the vigilant supervision of matters of this kind, occurring in manufactories in an extensive district like this, that the lives of the valuable workmen could be protected as they ought to be.<sup>903</sup>

The *Newcastle Daily Chronicle* reported his words similarly but added that the inquest was a 'scrutinizing inquiry by intelligent members of the community'.<sup>904</sup>

He reminded the jury to make their decision based upon the evidence they had heard and 'dismiss from their minds anything that they may have heard out of doors'.<sup>905</sup>

This was a modern legal view of the inquest. The decision should be based on evidence and not gossip. Hoyle worked closely with 'his' jury and the relationship was symbiotic. The jurors had insight and experience of the industrial practices being examined and they lived and worked in the areas where the accidents took place.

Although my thesis is an examination of the work of the coroner, at an inquest the verdict was a matter for the jury guided by the coroner. In the inquest records preserved in the homicide assize files the jurors are listed on the verdict form and some can be identified on the census.<sup>906</sup> They were of the lower middle class; shopkeepers, manufacturers of small goods, and tradesmen.<sup>907</sup> Other classes were represented. The coroner's jury at the Stone Cellars included a last maker and a joiner.<sup>908</sup> These men had first-hand experience of the workplaces where the

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<sup>903</sup> See 'The Explosion at the Ouseburn—Termination of the Inquest' *Newcastle Courant* (Northumberland, 13 August 1858) 5.

<sup>904</sup> 'The Boiler Explosion at the Ouseburn' *Newcastle Daily Chronicle* (Northumberland, 7 August 1858) 2.

<sup>905</sup> *Ibid.*

<sup>906</sup> See Bibliography for list of assize files consulted.

<sup>907</sup> Those with unusual names can be identified. There are many Bells, Gibsons, Armstrongs etc with common first names which makes locating them in the census impossible.

<sup>908</sup> Paul Brown, 'The Stone Cellars Inn: Port of Call for Tyne Skippers, Keel-men and Lighter-men' in Paul Brown, *The Friday Book of North Country Sketches* (J&P Bealls Limited 1934) 47.



accidents took place.<sup>909</sup> In some areas of the country, coroners put pressure on juries to reach approved verdicts. In Newcastle, the verdict was not simply at the behest of the coroner.<sup>910</sup> Juries were not afraid to question Hoyle and to disagree with him.

At the start of his coronership Hoyle showed that he wished to develop a relationship between judge and jury, specifically in relation to workplace accidents. He explained to the jury that he required their patient attention because ‘working men looked to juries for their protection’.<sup>911</sup> He controlled the process in the court, but the verdict was arrived at through a joint enterprise between the coroner and jury. Hoyle guided and advised the jury, and the jurymen were prepared not merely to return the prescribed verdicts as required by the law, but to recommend changes, or request the coroner to contact the relevant authorities seeking changes to prevent future deaths.

## 5.5 Accidental Death

In the early part of the nineteenth century there was little statutory or regulatory protection for workers, nor was there compensation when injuries occurred. An overview of the causes of death in the period examined reveals that ‘accidental death’ was more often as not the recorded verdict in industrial death inquests. Of course, most of the circumstances leading to such deaths would not be classed as accidental in a modern legal context where health and safety legislation provides a framework for standards in workplaces. The coroners’ manuals do not define accident. The definition of accident in a contemporary law dictionary is therefore helpful: ‘[an accident is] any unforeseen event that is not attributable to the contrivance or negligence of the party. It is a rule of all systems of jurisprudence that no one is liable for an accident, being purely such.’<sup>912</sup> ‘Accidental death’ was returned as a verdict by the jury if the circumstances suggested that the deceased had been involved in lawful activity or had been undertaking a function of his employment.

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<sup>909</sup> There is further work to be done on the composition of juries in the coroner’s court.

<sup>910</sup> Research is required to develop this area—to what extent a coroner influenced, or even mandated, the verdict of the jury.

<sup>911</sup> ‘Death from Falling Down a Pit’ *Newcastle Daily Chronicle* (Northumberland, 15 October 1859) 2.

<sup>912</sup> Archibald Brown, *A Law Dictionary for the Use of Students and the Legal Profession* (Stevens & Haynes 1874) 7.

Judith Green explained 'in the nineteenth century fatal accidents were separated from other causes of death because they had neither natural nor motivated causes'.<sup>913</sup> As Green notes, accidental deaths were simply deaths that were not some other category.<sup>914</sup> The pro-forma inquisition verdicts provided in *Jervis* for accidental death are in a section labelled 'casual death', somewhat underplaying their serious nature.<sup>915</sup> The test was one of culpability to separate homicides from other deaths and depended upon individual judgement of the coroner.<sup>916</sup> For reports for the Registrar General, coroners were asked to differentiate causes of accidental deaths from 1881.<sup>917</sup>

In examining Hoyle's attitude to employers his identity as a legal coroner and the People's Judge is clear. He worked with an imperfect system of laws, byelaws, company rules, and customs. He defined part of his job as coroner as taking steps to keep workers safe. Even when the verdict of an undifferentiated accidental death was prevalent, Hoyle took action to try to prevent the recurrence of fatal circumstances.

## 5.6 Legislation

As the nineteenth century progressed, legislation to govern and regulate workplaces proliferated. Much of the early statutory control was in relation to the textile industry, which was not a Tyneside occupation, but the Coal Mines Act 1855, and various Factory Acts put in place a system of inspection and rules for running safer workplaces. The system to compensate the families of workers killed in workplace accidents was limited and much depended upon the employer insuring the workforce. As Jamie Bronstein argued, employers placed blame for accidents on workers and refused to accept any responsibility for their own failings.<sup>918</sup> The ancient system of deodand, which provided an imperfect form of compensation, was abolished in 1846

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<sup>913</sup> Judith Green, 'From Accidents to Risk: Public Health and Preventable Injury' (1999) 1 (1) *Health Risk and Society* 25. Green's analysis concerns the twentieth century, but she begins with a short discussion of the nineteenth century.

<sup>914</sup> Judith Green 'The Medico-Legal Production of Fatal Accidents' (1992) 14 (3) *Sociology of Health and Illness* 373.

<sup>915</sup> WN Welsby, *Sir John Jervis on the Office and Duties of Coroners with Forms and Precedents* (4th edn, H Sweet W Maxwell and Stevens & Sons 1854) 367.

<sup>916</sup> See Home Office, *Report of the Committee on Death Certification and Coroner* (Cmnd 4810, 1971) 52.

<sup>917</sup> Green (n 913) 27.

<sup>918</sup> Bronstein (n 881) 140. Bronstein discuss a case where the coroner was unsympathetic and spoke of the recklessness of miners.

and Hoyle never had to impose one.<sup>919</sup> He had to consider other ways to indicate his disapprobation of the acts and omissions that caused death.

The Workmen's Compensation Act was not introduced until after Hoyle's death.<sup>920</sup> The theoretical existence of a right for employees to bring an action in tort or contract for injuries was, in practice, impossible due to the defences that were available and the cost of an action.<sup>921</sup> The death of the breadwinner in a family could, and often did, lead to penury and the workhouse. That is not to say that all Tyneside employers let employees fend for themselves. In 1866, following the death of an engineman employed at Friar's Goose chemical works, his employer confirmed to the inquest that it would provide for the dead man's family, 'although [the deceased had] only been in service of the company for some eight or ten days (...) [such support was] according to their custom'.<sup>922</sup> This was an unusually enlightened approach.

## 5.7 Byelaws and Company Rules

Much of the general regulation of the community was by byelaws, which Hoyle held in considerable esteem. Most members of the community would have been unaware of their scope and breadth. A Newcastle solicitor gathered them in two volumes. The first was published in 1881, too late to be of much use to Hoyle who succumbed to ill health in mid-1882.<sup>923</sup> The preface acknowledged that the collection had been compiled with the assistance of local solicitors. It is likely Hoyle would have been asked to contribute—his knowledge of the town and his legal standing was noted both during his lifetime and in his obituaries.<sup>924</sup> In seeking to enforce the law, Hoyle, as a solicitor, was in a fortunate position in having the skill to interpret the complex rules and regulations, byelaws, and statutory provisions. He consulted statutes, and

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<sup>919</sup> Deodands Act 1846 (9 & 10 Vict c 62). For discussion of deodands see Teresa Sutton, 'The Deodand and Responsibility for Death' (1997) 18 (3) *Journal of Legal History* 44; Edward Kirton-Darling, 'Searching for Pigeons in the Belfry: The Inquest, the Abolition of the Deodand and the Rise of the Family' (2018) 14 (3) *Law, Culture and the Humanities* 439.

<sup>920</sup> Workmen's Compensation Act 1897.

<sup>921</sup> For discussion see Michael Ashley Stein, 'Victorian Tort Liability for Workplace Injuries' (2008) 3 *University of Illinois Law Review* 933.

<sup>922</sup> 'The Body of the Man Found in the River' *Newcastle Daily Chronicle* (Northumberland, 18 January 1866) 2.

<sup>923</sup> The Law was collected in two volumes edited by John Frederick Gibson, *Newcastle Upon Tyne Acts and Byelaws from 1837-1877 Vol 1* (Andrew Reid 1881) and *Newcastle Upon Tyne Acts and Byelaws From 1877 to 1887 Vol 2* (Andrew Reid 1888). The preface notes the books were the result of a project by the author to 'attempt to group the provisions of the several Acts and Byelaws relating to the same subject-matter for my own use'.

<sup>924</sup> See Chapter 2.

referred to the byelaws, and explained their effect to the jury and often expressed his frustration when the regulatory system was not followed.

In the next part of the chapter I discuss inquests involving breach of byelaws, and company rules, and Hoyle's attempts to encourage enforcement. The lack of observance of byelaws and rules affected the community each day. They regulated conduct in workplaces, streets, on transport, and on and around the Quayside. Unfortunately, the existence of byelaws and regulations did not prevent accidents. Yet Hoyle believed that a diligent observation, and enforcement, would prevent many deaths. As the People's Judge he saw his role as not merely to investigate but to prevent deaths, and to hold to account anyone found to be at fault. Hoyle did not have any issue with the legislative framework, but rather with enforcement.

For example, in 1862, Thomas Gibson was killed at the Trafalgar Goods Station.<sup>925</sup> The deceased had been uncoupling a waggon from a moving train when he fell and was pushed along the line. Gibson lived long enough to give an account of the accident and did not blame anyone. The newspaper accounts have few details, but the coroner's words were sufficiently important to be reported. He was unhappy and said the company played mere lip service to a safe system of work. He suggested that the company rules were not enforced, nor was there a penalty for breach. Hoyle said he would send a report to the Board of Trade, because there had been so many accidents at the Goods Station.<sup>926</sup> And he emphasized that invariably the accidents arose not from lack of rules but from breach.<sup>927</sup> He was making it clear that having rules was not sufficient: they had to be enforced, and he was prepared to seek further measures to ameliorate danger.

It was not only company rules that were disregarded. Byelaws were also ignored, and the police turned a blind eye. This is illustrated by two cases involving carts on public roads.<sup>928</sup> There is no note in the newspaper reports of which specific byelaws applied, but byelaws covered all aspects of life.<sup>929</sup>

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<sup>925</sup> 'The Fatal Accident at the Trafalgar Goods Station' *Newcastle Journal* (Northumberland, 14 October 1862) 2. The Goods Yard was the scene of a disproportionate number of fatalities. It is the site of Northumbria University Law School today.

<sup>926</sup> *Ibid.*

<sup>927</sup> 'Coroners Inquests' *Newcastle Courant* (Northumberland, 17 October 1862) 8.

<sup>928</sup> 'Fatal Accident at Hindhaugh Street' *Newcastle Chronicle* (Northumberland, 13 September 1862) 5.

<sup>929</sup> Gibson (n 923).

The first example is the circumstances surrounding the death of Joseph Singleton, the infant son of a boilersmith. On 10 September 1862, Joseph was playing in the street when he was run over by a coal cart. The coalman had left the cart unattended. The pony moved, and Joseph was run over and killed. After hearing the evidence, Hoyle considered the law. *Archbold's Pleading and Evidence in Criminal Cases*, which was likely Hoyle's source of reference, states: 'Homicide not felonius. No punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any manner without felony.'<sup>930</sup> The coroner advised the jury that whilst the circumstances of the accident were 'very lamentable (...) he did not think they would justify a verdict of manslaughter'.<sup>931</sup>

This incident illuminated a problem that Hoyle had noted as he walked around the streets of Newcastle: the abandonment of carts without their drivers. He expressed astonishment that there were not more similar accidents. A juror thought it a great pity 'the people were in danger of their lives by [the byelaws] being neglected'. Hoyle agreed. The newspaper report highlighted the coroner's opinion as to how such accidents might be prevented by enforcement of the existing law. He confirmed to the jury his frustration at the lack of enforcement by the authorities.<sup>932</sup>

Although the coroner admonished the cart driver for the accident, he also attached contributory blame to Joseph's parents. His censure was tempered by Victorian paternalism: 'people of their situation in life could scarcely be expected to direct all their attention to a number of children.'<sup>933</sup> But his general point was that if the byelaws were adhered to then the danger would be averted. The *Newcastle Guardian* quoted the coroner with approval.<sup>934</sup> As the People's Judge, Hoyle had responsibility to take what steps he could to ensure public safety, even if the action was modest.

In a second case, the sufficiency of the byelaws were discussed during an inquest into the death of another child, Edward Kirsopp, aged four.<sup>935</sup> A waggon had been

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<sup>930</sup> (24 and 25 Victoria c 100) s5-7 see John Jervis, *Archbold's Pleading and Evidence in Criminal Cases: with the Statutes, Precedents of Indictments, &c, and the Evidence Necessary to Support them* (15th edn, Henry Sweet 1862) 565.

<sup>931</sup> 'The Horrible Accident to a Child' *Newcastle Journal* (Northumberland, 12 September 1862) 2.

<sup>932</sup> *Ibid.*

<sup>933</sup> *Ibid.* Interestingly, he referred to the parents, and not the mother.

<sup>934</sup> 'Fatal Accident to a Child' *Newcastle Guardian and Tyne Mercury* (Northumberland, 13 September 1862) 5.

<sup>935</sup> *Ibid.*

parked at the summit of a steep bank. Edward sat on the front axle, whilst an older boy pushed it. The waggon ran over the younger boy. The coroner observed, again, for the benefit of the jury, and as a warning for readers of the newspapers, that the byelaws of the town were inefficiently observed. He went further and said that 'he did not think that in any other town in England so much laxity existed (...). If the byelaws in this case had been observed, and the waggon placed away from the thoroughfare, the accident would not have happened'.<sup>936</sup> He suggested the police force should give more attention to enforcement, of the 'very excellent laws'.<sup>937</sup> This is an unusual instance of Hoyle fixing his coronial gaze on the police.<sup>938</sup>

Hoyle said that he had complained repeatedly of the negligence of the police authorities in enforcing the law. He went on: 'trivial as these regulations sometimes seem, their observance involves little trouble, and should be strictly enforced'.<sup>939</sup> These were the frustrations of a lawyer. There is no record that Hoyle raised this officially with the Council or the Watch Committee, although the police did hear of his concerns and his comments did not find favour.<sup>940</sup> The following week, Hoyle, who presumably had had a robust conversation with the Chief Constable, explained he did not 'mean to convey the slightest imputation upon the police or the Chief Constable'.<sup>941</sup> It is difficult to reconcile this later sentiment with the earlier criticism.

Unusually he was chastened and diverted attention to the justices of the peace. He said his observations 'applied more to the bench of magistrates, many of whom did not support the police sufficiently in the performance of their duties on those occasions when they thought it necessary to summon persons for breaches of the byelaws for such persons were let off too easily'.<sup>942</sup> This indicates that magistrates rarely convicted individuals who were charged with breaking the byelaws.<sup>943</sup> Hoyle's public back-tracking was an unusual example of Hoyle admitting that he may have overstepped the mark. He was usually assertive but fair. Although, towards the end

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<sup>936</sup> 'Fatal Accident to a Child' *Newcastle Daily Chronicle* (Northumberland, 16 April 1863) 2.

<sup>937</sup> 'Fatal Accident to a Child' *Newcastle Daily Chronicle* (Northumberland, 18 April 1863) 5.

<sup>938</sup> The Police band played outside his house at Christmas see 'Newcastle Police Band' *Newcastle Daily Chronicle* (Northumberland, 17 December 1869) 4.

<sup>939</sup> 'Thursday, April 16, 1863' *Newcastle Daily Chronicle* (Northumberland, 16 April 1863) 2.

<sup>940</sup> *Newcastle upon Tyne Watch Committee Minutes* (Tyne and Wear Archives MD.NC/274/2). The police raised the matter with the coroner, but there is no record in the Watch Committee minutes, which are sparse, to give any further insight.

<sup>941</sup> 'Sudden Death of a Child' *Newcastle Chronicle* (Northumberland, 25 April 1863) 5.

<sup>942</sup> *Ibid.*

<sup>943</sup> It would require research beyond the ambit of my thesis to establish the truth of the statement.

of his coronership, he was more inclined to show an irascible nature in court. At an inquest in 1880, the *Jarrow Express* reported: ‘My benignant-looking friend the Newcastle Coroner has his own way of dealing with the cases that come before him. He follows his “own sweet will” irrespective of the feelings of those with whom he comes in contact.’<sup>944</sup> This was out of character and does not reflect the preceding quarter century of careful deliberation, fairness, and kindness. It is likely that this was a sign of decline, and the beginning of the illness that eventually led to his stepping back from the coroner’s day-to-day activities.

The incidents involving carts and byelaws were one-off accidents that caused death. However, Hoyle also had to deal with inquests caused by circumstances that were of a constant danger. One of the most lethal areas in Hoyle’s jurisdiction was the Quayside which was described as one of the most hazardous in Europe.<sup>945</sup> The next section illustrates some of the issues raised by accidents caused by the non-enforcement of byelaws in and around the river.

## 5.8 Accidents Linked to the River Tyne

Water was a major part of life on Tyneside. There were weekly tragedies linked to the sea and the river. People died on and off ships and in the industries that built and serviced the vessels. Hoyle may have felt an affinity with those who had lost family members to shipping tragedies due to the loss of his brother in a shipwreck.<sup>946</sup> Safety on and around the Tyne taxed the coroner on several occasions. The Quayside was a busy workplace and there was no guardrail. Each year men and women fell into the water, often when making their way home whilst drunk.

In 1865, at an inquest into the death of a woman who died from gangrene, after trapping her leg between a gangway and a steamboat, Hoyle noted sombrely that ‘it was only wonderful that there were not more accidents’.<sup>947</sup> In 1874 Hoyle told an inquest ‘the master of a ship who had been in a great many towns and countries of the world told [me] that Newcastle Quay was one of the worst places he had ever

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<sup>944</sup> “Asmodeus”, writing to the Tyneside Echo’ *Jarrow Express* (Durham, 16 July 1880) 8.

<sup>945</sup> ‘Found Drowned— The Protection of Human Life on Newcastle Quay’ *Newcastle Journal* (Northumberland, 3 October 1874) 3.

<sup>946</sup> See Chapter 1.

<sup>947</sup> ‘Frightful Accident to a Woman at St Anthony’s’ *Newcastle Journal* (Northumberland, 20 November 1865) 2.

seen, so far as regarded any protection against the loss of human life'.<sup>948</sup> As in the streets, there were byelaws, but they were seldom enforced. (See Figure 12 for photograph of a poster of the byelaws pasted on the side of the river police station).

The coroner's lack of power is stark in this context. Hoyle repeatedly warned the Town Council and the river commissioners of the danger of the unguarded quayside, but no action was taken. In 1869, Hoyle highlighted lack of chains to prevent people falling into the river. He explained in the 'last 12 months eight or ten people had got into the water', and he said he would 'write a letter to the Town Improvement Committee calling their attention to the fact that a great many inquests had been held on persons who had drowned in that part of the river'.<sup>949</sup> The Tyne Improvement Committee and the Council could not decide upon responsibility and inertia prevailed.

Another five years passed, and Hoyle continued to press for improvements. In 1874, he highlighted to a jury that he had written repeatedly to the Corporation to ask for improvements to be made to the Quayside, but nothing had been done.<sup>950</sup> He believed it was a class issue. He reflected: 'if a mayor or an alderman were to fall over the Quay edge into the water there would be something heard about the matter'.<sup>951</sup> It was not a new problem. In the first full year of Hoyle's coronership, Cuckoo Jack, the man who dragged the river for corpses, told him that the Quayside near where the steamers departed, was left in such a mess that accidents were unavoidable.<sup>952</sup> Despite the acknowledgment by the authorities of a problem, the situation was not remedied.

Inquests into accidents in the river also highlighted the lack of facilities to aid rescue, or even the retrieval of the dead. Despite the number of drownings, the men tasked with finding the bodies worked ad hoc. Cuckoo Jack died in 1860.<sup>953</sup> In 1868 another

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<sup>948</sup> 'Found Drowned' (n 945).

<sup>949</sup> 'Another Case of Drowning' *Newcastle Chronicle* (Northumberland, 2 January 1869) 5. In 1864 he had been a signatory to a petition to the Town Council to request changes to the Quay to improve safety—see 'The Widening of the Close' *Newcastle Daily Chronicle* (Northumberland, 5 February 1864) 4.

<sup>950</sup> 'The Protection of Human Life on Newcastle Quay' *Newcastle Courant* (Northumberland, 9 October 1874) 5.

<sup>951</sup> *Ibid.* However, see the song at the head of Chapter 6 concerning an assize judge who fell into the Tyne.

<sup>952</sup> 'Accidentally Drowned' *Newcastle Daily Chronicle* (Northumberland, 16 December 1858) 2.

<sup>953</sup> For a discussion of the life and work of Cuckoo Jack see \_\_ *The Monthly Chronicle of North-Country Lore and Legend* (Vol 4, Walter Scott 1890) 110. He featured in popular songs and was painted by Henry Perlee Parker (who painted Hoyle in 1832) in *Eccentric Characters of Newcastle* (c1817) Oil on Canvas (Laing Art Gallery).



waterman, John Falkus, reported that he had dredged more than 20 bodies from the river but had never received any reward.<sup>954</sup> He complained that his grappling irons were often damaged during recovery and had to be renewed at his own expense. Horrifyingly, he said he believed there to be more bodies in the river, and he could remove them, but only if the Corporation 'could offer recompense for his trouble'. The coroner said he would speak to the river commissioners.<sup>955</sup> On 21 March the *Newcastle Weekly Chronicle* reported that Hoyle had spoken to the Commissioners, and the Corporation, and an arrangement would be made to pay Falkus.<sup>956</sup> Why there was not a similar incentive to prevent people falling into the water in the first place is a mystery. As early as 1861 Hoyle had suggested that someone should be appointed to be on hand to use the grappling irons for rescue.<sup>957</sup> (Figure 13 shows the dead house with a sign on the side advertising grappling irons). The fact that the position had not improved nearly a decade later illustrates the difficulty that the coroner faced. Without the direct power to enforce change, the coroner could only advise, lobby, and in limited circumstances indict the culprits.



**Figure 12 The River Police Station and the Poster of the Byelaws (c1906)**

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<sup>954</sup> 'Drowned in the Tyne' *Newcastle Journal* (Northumberland, 18 March 1868) 2.

<sup>955</sup> 'Drowned in the Tyne' *Newcastle Courant* (Northumberland, 20 March 1868) 5.

<sup>956</sup> 'Melancholy Case of Drowning' *Newcastle Chronicle* (Northumberland, 21 March 1868) 5.

<sup>957</sup> 'Death by Drowning' *Newcastle Courant* (Northumberland, 16 August 1861) 5.

*Picture Credit: Newcastle Libraries*



**Figure 13 The Dead House at the Mouth of the Ouseburn (c1906)**

*Picture Credit: Newcastle Libraries*

## 5.9 The Ferry Collision

Those coroners who came to national attention did so either because they were outspoken or because they led inquiries into major disasters.<sup>958</sup> In the North East the county coroners had to contend with pit disasters, which often claimed large numbers of lives. Major disasters were rare in the borough coroner's jurisdiction. Even though the population of Newcastle lived cheek by jowl with furnaces and manufactories, accidents tended to be fatal to the proximate workers alone. This is not to say that Newcastle did not experience large-scale disasters. Hoyle's first attempt to be appointed coroner was in the same year as a major incident in the Nuns Field when a new building collapsed, killing and maiming many workmen.<sup>959</sup> The inquest concluded with a finding of accidental death and the imposition of a small deodand upon the materials.<sup>960</sup>

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<sup>958</sup> See discussion of Wakley and his successors in Yvonne King Fisher, 'Coroners in London and Middlesex, c 1820-1888: A Study of Medicalization and Professionalization' (PhD thesis, Open University 2020).

<sup>959</sup> 'Awful Occurrence and Loss of Life' *Newcastle Journal* (Northumberland, 13 June 1835) 3.

<sup>960</sup> *Ibid.* The jury did not consider Richard Grainger, the builder, to have been at fault and the deodand was expressed to be nominal (5s for each death).

Hoyle conducted approximately 160 inquests each year.<sup>961</sup> The majority of these were for single deaths but I have identified a small number of incidents that caused multiple fatalities. These illustrate Hoyle's methodical approach, informed by humanity towards the bereaved. In most years, save for the cases which led to criminal prosecutions, Newcastle inquests did not attract attention beyond the local newspapers. However, in 1862, Hoyle had to deal with a major incident on the Tyne; and in 1867, he had to deal with two disasters, one on the river and one in the centre of town which attracted international attention.

His first challenge in a major disaster was in 1862, when two ferries collided on the Tyne. The ferry collision was not a run-of-the-mill accident. It had the potential to touch the lives of much of the North East. The river was a highway between Newcastle and the coastal towns, and a trading conduit with the world.<sup>962</sup> The loss of life in complex circumstances stretched the role of the coroner beyond what could have been envisaged by the first iterations of the role. Hoyle had to use a combination of his years of coronial experience together with his lawyer's knowledge of procedure and evidence. He may have consulted the 1854 edition of *Jervis* to seek guidance, but it offers no assistance for the holding of a far-reaching inquiry.<sup>963</sup> In this complex case, the medical cause of death of the victims was secondary to the investigation, to establish the cause of the collision and whether there was any culpability. The shipping companies and their insurers had a stake in the outcome of the coroner's inquiry.

The accident happened in the early evening of 6 October 1862. The *Tynemouth* steamer was making its way to Newcastle from the coast when it collided with the *Forrester* steaming in the opposite direction. Both vessels were packed with people returning home after a day at work. The *Forrester* sank within minutes. The *Illustrated Weekly News* devoted its front page to the incident (Figure 14).<sup>964</sup> The drawing shows the drama of the collision which was 'one of the most terrible accidents which

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<sup>961</sup> See Appendix G—figures extracted from Home Department, *Return of Judicial Statistics of England and Wales 1857-1884* (listed individually in bibliography). The returns began in 1857. The approximation is based upon the deputy coroner conducting some inquests.

<sup>962</sup> Hoyle would have travelled on the river. A contemporary, Thomas Sopwith, noted regular steamboat trips, for an evening stroll on the beach or an early morning constitutional. Thomas Sopwith *Diaries* (Newcastle University Special Collections GB 186 TS 1825-1879).

<sup>963</sup> Welsby (n 915).

<sup>964</sup> 'Fearful Collision and Loss of Life at Newcastle' *Illustrated Weekly News* (London, 18 October 1862) 1 and 19.

ever happened on the River Tyne.<sup>965</sup> It was expected that there had been catastrophic loss of life and Hoyle prepared for a major inquiry.

The rescuers recovered five bodies immediately, but it was feared that more passengers were trapped in the submerged ship. Officials from the ferry companies and the insurance companies rushed to the scene, and the shore near the wreck was overrun with spectators. The bodies of the dead were transported to Newcastle, where Hoyle was called to open the inquest at the dead house.<sup>966</sup>

Hoyle opened the inquiry swiftly, to certify the deaths and allow the families of the deceased to arrange funerals and burial. He emphasized that he would adjourn the inquisition, once the preliminaries had been carried out, so that witnesses could be traced and summonsed.<sup>967</sup> The importance of the case was illustrated by Hoyle's appointment of the Chief Constable, John Sabbage, as coroner's officer.<sup>968</sup> Hoyle said if more bodies were found, he would issue an order for burial so as not to further distress the families. In addition to the five immediate fatalities, a rescued passenger, Ellen Wilkinson, died from her injuries; and at the end of October, the body of a child, lost in the confusion, was washed up. Many passengers had had a lucky escape.<sup>969</sup>

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<sup>965</sup> 'Collision on the River Tyne— Serious Loss of Life' *Newcastle Chronicle* (Northumberland, 11 October 1862) 2; 'Collision on the River' *Newcastle Courant* (Northumberland, 10 October 1862) 5; 'Collision on the River Tyne— Serious Loss of Live' *Durham Chronicle* (Durham, 10 October 1862) 8. The story was widely syndicated.

<sup>966</sup> 'The Recent Fatal Collision on the River Tyne' *Newcastle Courant* (Northumberland, 17 October 1862) 5.

<sup>967</sup> 'Thursday October 9th, 1862' *Newcastle Journal* (Northumberland, 9 October 1862) 2. A more junior officer usually acted in this role (PC Tait).

<sup>968</sup> 'Collision on the Tyne—Serious Loss of Life' *Newcastle Courant* (Northumberland, 10 October 1862) 5.

<sup>969</sup> 'The Recent Fatal Collision on the River Tyne' (n 966).



**Figure 14 The Collision between the *Forrester* and the *Tynemouth* from *The Illustrated Weekly News* (18 October 1862)**

Picture Credit: Newspaper image © The British Library Board. All rights reserved. With thanks to The British Newspaper Archive <[www.britishnewspaperarchive.co.uk](http://www.britishnewspaperarchive.co.uk)>

The adjourned inquest, at the Manors' police station, was held over two days, on 15 and 16 October. GW Hodge, solicitor, attended on behalf of the Percy Line, the owners of the *Forrester*, and their insurance company; and H Philipson attended for the Red Star Line, who owned the *Tynemouth*.<sup>970</sup> This was a full investigation. The evidence was complex and scientific. A representative from Trinity House measured the breadth of the river and examined the site of the *Forrester's* demise. One of the river police recorded measurements to assist the coroner. Models were commissioned and used by the witnesses to demonstrate the mechanics of the collision.<sup>971</sup> The harbour master referred to plans provided by the river commissioners, and he produced a copy of the rules for navigation of the Tyne.<sup>972</sup> Several eyewitnesses had maritime experience that assisted the court. The investigation was not simply to find the medical cause of death, or to establish manslaughter, but to investigate the full circumstances of the incident. The steamers were such a daily part of life in and around the Tyne that any systematic failings had to be identified.

The report in the *Newcastle Journal* on 17 October recorded that Hoyle forensically questioned the witnesses and ensured that they were apprised of the relevant law, which he read to the court. He set out what the captains of the two vessels ought to have done and explained that the jury should consider the law regulating steam navigation. He read and explained the relevant sections of the legislation.<sup>973</sup> He directed the jury on homicide and suggested, in his view, that the evidence did not demonstrate culpable negligence nor enough to establish an indictment for manslaughter. The jurors concluded that the collision had taken place because the *Tynemouth* was not on her proper course. I have not been able to trace what effect this inquest had on the owners of the ships, nor whether the insurance companies concluded matters with a payment from the owners of the *Tynemouth* to the owners of the *Forrester*. The deceased left husbands, wives, and children, but there is no record of their fate. The disaster was widely reported, and the relevant insurer and

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<sup>970</sup> 'The Fatal Collision on the Tyne' *Newcastle Journal* (Northumberland, 17 October 1862) 3.

<sup>971</sup> Hoyle had a record of using models—see the Bolam case discussed in Chapter 2.

<sup>972</sup> 'The Fatal Collision on the Tyne' (n 970).

<sup>973</sup> 'The Recent Fatal Collision on the River Tyne' *Newcastle Courant* (Northumberland, 17 October 1862) 5. The Steam Navigation Act 1846 (9 & 10 Vict c 100) prescribed port to port passing for steamships to ensure the busy seaways were kept safe when steam vessels began to replace sailing ships. For a study of steam ship regulation see Rudiger Bahr, 'The Development of Regulations for Preventing Collisions in Inland, Inshore, and Open Waters of the UK During the First Half of the Nineteenth Century' (MPhil thesis, University of St Andrews 1998).

legal representatives were in the court. It must be that all involved learned lessons from the coroner's inquiry.

This inquest demonstrated that the coroner had to deal with a variety of expert testimony: technical maritime evidence, details of the course and depth of the river, the rules of navigation, police evidence, and interpretation of statute. He was dependent not simply upon eyewitnesses, but upon expertise. The expert witnesses were identified and called by Hoyle to help him. No one gave evidence without his summons. He explored all avenues to assist the jury in reaching a verdict.

Hoyle saw his coronial role not simply as a judge after the event, but as part of the process of ensuring the safety of the community. The inquiry into the ferry collision, informed his conduct elsewhere. In 1863 one of his sons had travelled to Leith on the *Britannia* steamer. Hoyle was worried about the vessel's seaworthiness. With the *Forrester* inquest fresh in his mind, he wrote to the Board of Trade to express his dissatisfaction at the state of the *Britannia*.<sup>974</sup> Following his letter, which was published in the newspapers, the ship was examined, and its certificate cancelled.<sup>975</sup> This was 'in consequence of a representation made by Mr Coroner Hoyle.'<sup>976</sup>

Commentators, such as Ian Burney, have suggested that coroners had to deal with increased medical professionalization of the inquest, but it is clear from this inquest that many aspects of the inquiry were becoming more scientific.<sup>977</sup> No longer was the coroner and the jury expected to reach conclusions based on their own knowledge and the viewing of the bodies. They now had access to expert testimony. The coroner and the jury had to interpret technical and complex information in drawing conclusions. This broad and technical investigation was more than an inquiry into the medical cause of death. The calling of technical evidence, and the meticulous approach demonstrated in the ferry disaster inquest, is further demonstrated in the inquests into the two disasters I discuss below.

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<sup>974</sup> See 'The Britannia Steamer' *Newcastle Journal* (Northumberland, 18 March 1863) 2. In January 1863 it was reported that a new *Britannia*, which had been destined for the Leith/Newcastle route, had been bought instead by a 'party in the Confederate States' and was bound for America – see 'Steamer for the Confederate States' *Dundee Perth and Cupar Advertiser* (Angus, 13 January 1863) 8. Therefore, the unseaworthy *Britannia* was still plying the route until condemned by the Board of Trade.

<sup>975</sup> 'The Old Britannia Steamer' *Morpeth Herald* (Northumberland, 21 March 1863) 7.

<sup>976</sup> 'The Britannia Steamer' (n 974).

<sup>977</sup> Ian A Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1826* (Johns Hopkins University Press 2000).

## 5.10 The Gangway Collapse

The ferry collision was not the only time Hoyle had to deal with a major incident on the river. What he learned from conducting the complex inquiry must have informed his approach to a second disaster in 1867. On 6 May 1867, the gangway and landing belonging to the Tyne General Ferry Company collapsed and sank in an ‘appalling accident’.<sup>978</sup> A championship rowing race had attracted thousands of spectators and the gangway was crowded with passengers queuing to buy tickets from booths set up on a floating platform. The throng caused the structure to collapse and the crowd was pitched into the river.

The image from the *Penny Illustrated Paper* (Figure 15), although undoubtedly employing artistic licence, illustrates the confusion. Eventually, the bodies of three children were recovered: two young boys and an infant. At first it was suspected the boys may not have been on the gangway but had been in a boat on the river. The newspapers expressed concern that an inquest into the deaths of the two boys might not satisfactorily consider the sufficiency of the gangway and the construction of the landing platform.<sup>979</sup> The conduct of the inquiry, touching many lives, fell to the coroner. There was fear that the submerged gangway concealed numerous bodies. The inquest was a venue to investigate wider issues than the medical cause of death. Hoyle dealt with the inquest in an exemplary fashion to put the minds of the community at rest and provide clear answers to wider safety questions.

There were contradictory reports of the accident in the newspapers. In the absence of the witness statements from the inquest, it is impossible to piece together what happened. There were conflicting accounts of the fate of the gangway. Had it been carried downstream, or had it been towed away by the ferry company? The inquest had to find out what happened and establish whether there had been any criminal conduct, in addition to finding out how many people had died. This was a wide public inquiry remit.

Hoyle decided to open one inquest; into the death of a child who had been with her mother on the landing. He explained he could not hold a satisfactory inquiry until the gangway was located and examined by expert engineers to determine its construction and sufficiency. He contacted the surveyor to the Board of Trade, and

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<sup>978</sup> ‘The Appalling Accident at Newcastle Quay’ *Shields Daily Gazette* (Durham, 8 May 1867) 3.

<sup>979</sup> *Ibid.*



appointed William Toward, a marine engineer and surveyor, to assist him. At the inquest the secretary and managing director of the Tyne General Ferry Company attended together with the company solicitor, Henry Ingledew. The Chief Constable, John Sabbage, explained that despite the river being dredged, the whereabouts of the gangway was unknown. Ingledew informed Hoyle that he was instructed to provide whatever information was required.

It transpired that the boys who drowned had been queuing for tickets, and not in a boat. There was suspicion that the gangway had been hidden to prevent it from being examined.<sup>980</sup> The coroner had to remind a witness not to speculate and that 'only what he [the witness] saw and knew of his own knowledge was evidence.'<sup>981</sup> This was the intervention of a legally qualified coroner, anxious to ensure the evidence given was valid.<sup>982</sup>

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<sup>980</sup> 'Terrible Catastrophe in Newcastle' *Newcastle Guardian and Tyne Mercury* (Northumberland, 11 May 1867) 5.

<sup>981</sup> *Ibid.*

<sup>982</sup> The rules of evidence are touched upon in *Jervis* but for a thorough understanding a legal knowledge was vital.



**Figure 15 The Collapse of the Gangway on the Quayside from *The Penny Illustrated Paper* (18 May 1867)**

Picture Credit: Newspaper image © The British Library Board. All rights reserved. With thanks to The British Newspaper Archive <[www.britishnewspaperarchive.co.uk](http://www.britishnewspaperarchive.co.uk)>

The Board of Trade surveyor, in the absence of the gangway, examined the landing stage and concluded that the ticket offices should be safer if they were located on solid ground, as was the position on the Thames. He was unable to answer questions about the pressure on the gangway without examining it. A detailed and careful inquiry was undertaken, and, via the press, the community were kept informed of the evidence. There would be few in Newcastle who had not been to the Quayside. There had been 30 inquiries at the dead house about missing friends following the disaster.<sup>983</sup> During the operation to find the gangway the body of a man was hauled out by grappling irons, but it sank when it could not be secured. There was no guarantee that this body had any link to the disaster. The Tyne often concealed bodies for many months.

Hoyle was not prepared to hold an inadequate inquiry and he adjourned the inquest and ordered that the gangway be found. When the inquiry was resumed on 13 May, the gangway had been located and the jury, and the experts, had viewed it. It was established that the gangway had buckled rather than snapped. Hoyle invited the jury to consider the expert evidence, and the evidence of their own eyes, and decide whether the structure had been of sufficient strength.<sup>984</sup> There was public concern that the loss of life was much greater than the three bodies identified. Hoyle acknowledged this and told the court that he had written to the mayor, asking him to direct the harbour master or 'the persons in charge' that the landing stage be removed to check for bodies.<sup>985</sup> Having taken account of the expert evidence, he advised that the ticket offices should be moved to the Quay immediately.<sup>986</sup> He had no direct authority to order the move, but this was a strong recommendation.

Although he did not have power to order the company to move the ticket booths, he fired a shot across the bows of the directors by explaining that he would take the only action he could if there was another accident: he would advise the jury to return a verdict of manslaughter.<sup>987</sup> Ingledew, protecting his client the Ferry Company, protested it was the Corporation that was responsible for the Quay.<sup>988</sup> Hoyle was unimpressed. The jury returned a narrative verdict. The directors had been put on

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<sup>983</sup> 'Terrible Catastrophe in Newcastle—Thirty People Supposed Drowned' *Durham County Advertiser* (Durham, 10 May 1867) 7.

<sup>984</sup> 'The Accident at Newcastle Quay' *Newcastle Daily Chronicle* (Northumberland, 14 May 1867) 3.

<sup>985</sup> *Ibid.*

<sup>986</sup> 'The Accident at Newcastle Quay' *Shields Daily News* (Northumberland, 14 May 1867) 2.

<sup>987</sup> 'The Accident on the Quayside' *Shields Daily Gazette* (Durham, 14 May 1867) 3.

<sup>988</sup> 'The Accident at Newcastle Quay' *Newcastle Courant* (Northumberland, 17 May 1867) 5.

notice that the coroner would indict them for manslaughter, a power he did have, if the circumstances were not remedied and another death occurred.

On the 8 June 1867, the *Newcastle Chronicle* reported that the coroner's advice had been taken. The Tyne General Ferry Company had moved their booking offices to the solid land on the Quayside and other improvements would be made to prevent accidents.<sup>989</sup> Despite having no means of enforcing change, Hoyle's threat had the desired effect. The coroner had no statutory authority to demand improvements. His power was to assert pressure. Hoyle had the ear of many of the councillors, was a familiar figure in the masonic lodge, at Law Society dinners, and political events.<sup>990</sup> There is no doubt that he would have raised issues with the appropriate people. The moving of the ticket offices is a concrete example of the coroner's advice being taken and lives protected.<sup>991</sup>

Whilst Hoyle seems to have had mixed success in securing change by the river, he was more successful with respect to securing changes on railway crossings.

### 5.11 Accidents Linked with Railways

Railways, and waggonways, were an early feature on Tyneside.<sup>992</sup> The Central Station in Newcastle was completed in 1850. In 1863, *Reid's Handbook to Newcastle upon Tyne* noted 65 trains arrived and 66 departed daily.<sup>993</sup> In addition to passenger trains, lines carrying coal and other industrial cargo criss-crossed the town from mines and factories to the Quayside. Many railway tracks were used as thoroughfares by those who did not understand that a train was unable to stop quickly. Accidents injured pedestrians, and workers were injured whilst changing points, shunting trucks, or when riding on the rolling stock.

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<sup>989</sup> 'The General Ferry Company's Landing' *Newcastle Chronicle* (Northumberland, 8 June 1867) 5.

<sup>990</sup> Hoyle was vice president of Newcastle upon Tyne Law Society in 1852. It was usual for the vice president to be appointed as president the following year, but Hoyle did not become president. See Ronald I Duncan, *From Quills to Computers: History of the Newcastle upon Tyne Incorporated Law Society* (Northumbria Law Press 1998) which includes a chart of the presidents, and vice presidents, from the foundation of the Society.

<sup>991</sup> The scrapping of the *Britannia Steamer* is another. See (n 974).

<sup>992</sup> See Frank Atkinson, *Victorian Britain: The North East* (David and Charles 1989) Chapter 7.

<sup>993</sup> J Collingwood Bruce, *Reid's Handbook to Newcastle upon Tyne* (Longman Green Longman Roberts & Green 1863) 119.

The Railways Inspectorate was established in 1840, but it was not until 1870 that it was given power to investigate accidents.<sup>994</sup> At inquests the railway companies were usually represented by their directors, often accompanied by lawyers. Hoyle, whilst being content to hear evidence from experts he had invited to attend, was concerned that the presence of employers fettered employees, who were wary of giving evidence in their presence. Hoyle emphasized that any witness was there at his convenience and for the benefit of the jury. Fulfilling his role as the People's Judge, he began to ensure that the working men who gave evidence could do so without risk of intimidation from employers. He admonished the employers, indicating his displeasure that their attendance prevented him from getting to the truth.

This is illustrated by an inquest in 1861 into the death of a guard on the North Eastern Railway, Hoyle showed his teeth as a protector of the workforce.<sup>995</sup> The *Newcastle Guardian* reported Hoyle's comments verbatim: "Make a Note of That"—the Coroner and the Railway Official. 'The report explained that 'a sharp passage of arms took place on Tuesday night between the borough coroner Mr Hoyle, and Mr Eglington, of the North Eastern'.<sup>996</sup> Hoyle was cross at what he saw as interference by the railway official and he threatened to have him locked up. Eglington had asked the coroner to note a witness's words. Hoyle responded that he would not be told his job by a railway official. As Hoyle bluntly stated

Witnesses are afraid of the presence of railway officials when they are giving their evidence. You may make a note of that, if you like sir.' I have told your directors before (...) it is not fair for a man to be so under the eye of his master where he is in danger of being dismissed for saying anything wrong.<sup>997</sup>

This is a lawyer asserting his authority in the court. A medical coroner could have made the same statement, but it would not have carried the same gravitas. Hoyle understood business, and he had a firm grasp on the law of evidence.

An example of the lengths the coroner went to investigate accidents to his own satisfaction took place in May 1861. Matthew Wheatley, an iron and steel merchant from Yorkshire, died after being hit by a train in the Heworth tunnel on the North

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<sup>994</sup> Railway Regulation Act 1840 (3 & 4 Vict c 97); Railway Regulation Act 1871 (34 & 35 Vict c 78).

<sup>995</sup> 'Deaths of Three Men from Injuries on the North Eastern Railway' *Durham County Advertiser* (Durham, 26 April 1861) 5.

<sup>996</sup> "'Make a Note of That"—The Coroner and the Railway Official' *Newcastle Guardian and Tyne Mercury* (Northumberland, 27 April 1861) 5.

<sup>997</sup> 'Deaths of Three' *Durham County Advertiser* (n 995).

Eastern Railway.<sup>998</sup> The accident led to 'a most painful feeling (...) in the town of Newcastle'.<sup>999</sup> Wheatley was not a local man, and it was surmised that he had taken a wrong turning in the dark: although there was a suspicion that he had deliberately thrown himself in front of the train.<sup>1000</sup>

At the inquest the jury found that there was no evidence to explain why Wheatley was in the tunnel. Hoyle could have simply listened to the evidence at the hearing, but instead he chose to visit the site of the accident. He told the court, he had 'been through to Pelaw that morning (...) and from what he had seen he thought the railway company exercise[d] every precaution to prevent people from making the tunnel a thoroughfare.'<sup>1001</sup> He thought it looked likely that the deceased had been going through the tunnel for a short cut. His site inspection, to determine the series of events and gather a full view of the accident, led him to conclude that 'no blame could be imputed' on the part of the railway company.<sup>1002</sup>

The visit to the railway line was not an isolated occurrence. There are records of him visiting the site of accidents in shops, alleyways, the Quayside, factories, and tenements. In 1865, Hoyle again travelled to Pelaw to investigate a fatality.<sup>1003</sup> He visited not only accessible places, but out of the way locations at the extent of his coronial area. He took his duties to the community extremely seriously. The medical cause of death was not what taxed Hoyle, as a legal coroner he was engaged in a thorough investigation of the full circumstances of death. During these visits he would have been seen out and about and would have been visible and recognisable.

The railway companies were not always exonerated. Hoyle could be critical and felt able to comment not only on the specific circumstances of accidents but upon general working conditions. In 1864 he admonished railway company directors both for failure to ensure that company rules were adhered to and because of their poor

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<sup>998</sup> 'The Case of Mr Wheatley' *Newcastle Daily Chronicle* (Northumberland, 14 May 1861) 2.

<sup>999</sup> See for example 'Double Murder and Suicide' *Lloyds Weekly Newspaper* (London, 19 May 1861) 5; 'Double Murder and Suicide' *Dover Telegraph and Cinque Ports General Advertiser* (Kent, 18 May 1861) 6.

<sup>1000</sup> For a quantitative survey, and discussion of suicide on railway lines in the nineteenth century, see M Clarke, 'Suicide on Railways: Railway Suicide in England and Wales, 1850-1949' (1994) 38 (3) *Social Science & Medicine* 401.

<sup>1001</sup> 'Shocking Fatality in a Railway Tunnel' *Newcastle Courant* (Northumberland, 17 May 1861) 2.

<sup>1002</sup> 'Tuesday May 14, 1861' *Newcastle Daily Chronicle* (Northumberland, 14 May 1861) 2.

<sup>1003</sup> 'Frightful Railway Accident at Pelaw Main' *Newcastle Daily Chronicle* (Northumberland, 2 December 1865) 3.

treatment of the deceased.<sup>1004</sup> Hoyle indicated that one way to ensure that the rules were enforced would be to force the employer to provide for the wife and family of any man killed in service by a violation 'winked at by the directors'.<sup>1005</sup> The coroner criticized the company for not acting in the best interests of their employees by neglecting to promote a conscientious and faithful employee who had worked for the company for 14 years.<sup>1006</sup>

Poor working conditions were often exposed in the evidence at inquests. In 1866, following the death of John Johnston, who had been engaged shunting goods trains, it transpired that he had two sets of points to control which were 100 yards apart.<sup>1007</sup> In the course of the inquiry, Hoyle elicited that the deceased had to work for 12 or 13 hours a day for 18 shillings a week. He remarked that 'railway companies underpaid their most trustworthy servants and that the regulations were 'higgledy-piggledy'.<sup>1008</sup>

Accidents on railways were not confined to workers and adult pedestrians. Children were also injured. An example of an inquest in such a case demonstrates an instance where the coroner can be seen to have improved public safety.

## 5.12 The Coroner and Public Safety

In December 1865 Edward Turner, age 9, fell in front of a train carrying ballast and was crushed to death.<sup>1009</sup> The train track was not fenced, and Edward was able to stray onto the track from the public footpath. Hoyle threatened the company directors that unless they built a barrier, or employed a watchman, he would indict the company.<sup>1010</sup> It is unclear what the charge would have been and *Archbold* does not assist.<sup>1011</sup> It may have been a threat, but the company were on notice, in the same

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<sup>1004</sup> 'Shocking Accident at the Heaton Junction' *Newcastle Guardian and Tyne Mercury* (Northumberland, 26 March 1864) 5.

<sup>1005</sup> *Ibid.*

<sup>1006</sup> 'Censure upon the North Eastern Railway Directors' *Yorkshire Gazette* (York, 26 March 1864) 7.

<sup>1007</sup> 'Fatal Railway Accident' *Newcastle Daily Chronicle* (Northumberland, 14 June 1866) 2.

<sup>1008</sup> *Ibid.*

<sup>1009</sup> 'Accident at St Peter's Quay' *Newcastle Journal* (Northumberland, 2 December 1865) 2; 'A Boy named Edward Turner' *Newcastle Courant* (Northumberland, 8 December 1865) 8.

<sup>1010</sup> 'Fatal Accident to a Boy at St Peter's Quay' *Newcastle Journal* (Northumberland, December 1865) 2.

<sup>1011</sup> *Archbold* has a short section dealing with *coroners* but it simply deals with the procedure in cases of homicide. William Bruce, *Archbold's Pleadings and Evidence in Criminal Cases* (16th edn, Henry Sweet 1867) 110.

way as the ferry company would be put on notice about their ticket offices. If there was a similar accident, the directors would be pursued by the coroner.

Railways were rarely kept separate from the footpaths. On 30 December 1869 John Raine lay down, drunk, beside the track at Hebburn where a railway crossed the public footpath. A train carrying slag tipped its load down the embankment where he was lying, and he was covered by molten rock. Raine died from his injuries.<sup>1012</sup> Hoyle was concerned that the railway crossed the public footpath. He pointed out, without an Act of Parliament, this was forbidden, and endangered the public. He said he would visit the railroad and ensure the public was protected in future.<sup>1013</sup>

The coroner's recommendations were regularly followed by railway companies keen to improve their safety record. On 7 December 1867, during inquests into the deaths of two men on the railway at Usworth. A solicitor, Mr Mitford, appeared on behalf of the North Eastern Railway and produced plans and explained the steps that had been taken by the company to make the track safe, because trespassing was a problem at the site of the accident.<sup>1014</sup> Mitford told the court that the changes had been made 'owing to the special recommendations made by juries under Mr Hoyle, and also under Mr Favell'.<sup>1015</sup> He underlined the enforcement carried out by the company and told the court that a woman had been fined 50s for trespassing.<sup>1016</sup> The responsible companies took steps to make their lines safe. Although whether those steps were enough was in issue.

As discussed in the ferry collision case and the inquest into the deaths at the ferry landing, the coroner was able to call as witnesses anyone he deemed necessary to investigate 'the truth of the case'.<sup>1017</sup> Hoyle extended the calling of witness evidence to include expert scientific and engineering evidence if he required it. Hoyle's willingness to expand the expert evidence beyond the medical profession was aptly

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<sup>1012</sup> 'Serious Accident Near Hebburn Quay' *Newcastle Journal* (Northumberland, 30 December 1869) 3.

<sup>1013</sup> 'Frightful Death at Hebburn' *Newcastle Courant* (Northumberland, 14 January 1870) 5.

<sup>1014</sup> 'The Fatal Railway Accident near Usworth—The Inquests' *Newcastle Journal* (Northumberland, 9 December 1867) 4.

<sup>1015</sup> John Favell was the coroner for the Chester Ward, Durham, from 1843 until 1874. Some of his inquest papers survive see Durham County Record Office COR/C/1 1873-1893 and COR/C/2 1874-1875.

<sup>1016</sup> 'The Fatal Accident at Usworth' *Newcastle Weekly Chronicle* (Northumberland, 14 December 1867) 5.

<sup>1017</sup> Bruce (n 1011) 112.



demonstrated when a full scientific inquiry was required for the most difficult and important inquest he held during his career: the inquiry into the Town Moor explosion.

### 5.13 The Town Moor Explosion

In the nineteenth century, scientific endeavours began to develop efficient methods of doing age-old tasks. Whereas once manual labour was required for even the heaviest jobs, scientific progress led to greater efficiencies and new dangers. A prime example was the invention of nitro-glycerine. Nitro-glycerine, as a pure compound, was highly volatile and became more dangerous as it degraded.<sup>1018</sup> In 1867, twenty years after it had been invented, it became readily manageable when Alfred Nobel developed dynamite. This ensured that the chemical was rendered more stable and could be used as an explosive for the mining industry, and as a weapon. In 1867, nitro-glycerine was still a comparatively unknown chemical, and it is unlikely Hoyle would have come across it, but he was soon to do so.

The year 1867 was a difficult one for Hoyle. Although Hoyle investigated the ferry landing collapse, he was absent for many other inquests that he would have been expected to oversee. The records reveal that in August and October, the deputy coroner conducted a greater proportion of inquests than usual. There are few clues to suggest why.<sup>1019</sup> His absence from coronial duties may be linked to the illness of his brother Richard who was gravely ill with liver disease and anasarca and died on 22 December.<sup>1020</sup> Hoyle was secure in leaving his deputy to conduct the day-to-day business of the coroner's court. However, in December 1867, whilst dealing with the decline of his brother, he was required to conduct an inquest, which, had he failed to reach a satisfactory conclusion, could have resulted in civil unrest. Hoyle did not shirk from his duty to oversee what was one of the most difficult and complex inquests of his career: the explosion on the Town Moor.

The events that led up to the explosion were unusual and momentous. In the aftermath of the explosion, rumours swirled around the town which raised issues of Irish Nationalism. Terrible consequences for the Irish Catholic population were only

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<sup>1018</sup> For a discussion of the chemistry and history of nitro-glycerine, see Jiping Liu 'Nitroglycerin' in Jiping Liu, *Nitrate Esters Chemistry and Technology* (Springer 2019) 281.

<sup>1019</sup> He was in Newcastle and is recorded as attending several events.

<sup>1020</sup> Both conditions are linked to cirrhosis. 'Death of Richard Hoyle Esq JP' *Newcastle Courant* (Northumberland, 27 December 1867) 8.

averted by a judicious inquiry, which allayed public sentiment with a finding of 'accident'. The inquest illustrated the difficulties faced by a coroner, without professional scientific knowledge.

On 17 December 1867 Newcastle shook as a huge explosion ripped through the Town Moor. The *Newcastle Daily Chronicle* reported: 'Since the mysterious explosion at Gateshead in 1854, no event has occurred in this district which has so deeply affected the popular mind as the catastrophe.'<sup>1021</sup> *The Monthly Chronicle of Law and Legend*, looking back at the tragedy, said 'it is impossible to adequately describe the excitement and consternation which this awful accident caused'.<sup>1022</sup> Eight men were killed, including the sheriff, John Mawson; the borough surveyor, two boys; two carters; and two police officers. The explosion was caused by the ignition of a consignment of nitro-glycerine, manufactured by Nobel and Company.<sup>1023</sup>

The chemical had been stored in barrels in the cellar at White Swan Yard, in the centre of Newcastle. Why it was there was never adequately explained, hence there was suspicion of a criminal plot because the cellar was directly behind the Bank of England vaults. The owner of the premises, an auctioneer named, rather prophetically, Mr Spark, had taken possession of property stored in the cellar by a man (who had then vanished). Spark found out what was in the containers and sought guidance from the magistrates. They ordered the explosive be moved from the centre of town and destroyed.<sup>1024</sup>

Fortunately, the sheriff, John Mawson, was a chemist. He is portrayed in Figure 16, wearing similar clothing, to that worn by Hoyle in Figure 6, and clearly from the same social class. Acting Chief Constable, Robert Amos, was put in charge of the operation and Mawson was asked to oversee the work. The men decided to put the nine containers of nitro-glycerine on a cart and transport them to the Town Moor, a large open space on the outskirts of Newcastle. The account of what happened next sounds like a theatrical farce. The men had no means to open the containers; they

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<sup>1021</sup> 'The Explosion' *Newcastle Daily Chronicle* (Northumberland, 20 December 1867) 2. Hoyle lost a property on the Quayside in the 1854 fire.

<sup>1022</sup> 'The Explosion on the Town Moor Newcastle' \_\_ *The Monthly Chronicle of North-Country Lore and Legend* (Vol 2, Walter Scott 1888) 145.

<sup>1023</sup> It was first advertised in the United Kingdom in 1865 see John E Dolan 'Alfred Noble in Scotland' (*The Nobel Prize*, 18 May 1998) <<http://www.nobelprize.org/alfred-nobel/alfred-nobel-in-scotland/>> accessed 29 October 2020. The danger of nitro-glycerine was well known to its inventors. In 1864 there had been an explosion at the Nobel factory killing one of the family and several factory workers. See Jacqueline Akhavan, *The Chemistry of Explosives* (Royal Society of Chemistry 2011) 3.

<sup>1024</sup> Richard Lowry *Diaries 1834-1899* (Tyne and Wear Archives DF.LOW/1).

each took a different route through the town, calling to each other from the open windows of their carriages, and treated the operation with misplaced levity. They reached the Town Moor without mishap and the liquid nitro-glycerine was poured into a crevice. It seemed the process had been successful.

Inexplicably, the men then decided to bury the casks which still contained a quantity of crystalized material. The containers exploded. The *Newcastle Journal* noted that 'the earth shook, and houses vibrated'.<sup>1025</sup> Figure 17 is a sketch of the scene and the crater caused by the explosion. The force of the blast killed PC Bain instantly, together with the two carters. Mawson, and two boys who had been observing, were fatally wounded. Several bystanders were injured, including a surgeon and two women in the nearby hospital. Had the chemical exploded in the White Swan Yard, the centre of Newcastle would have been destroyed.<sup>1026</sup>

The inquest was opened in the Durham Ox. Hoyle decided to hold one inquest, on John Mawson, to ascertain the facts, and then issue burial orders for the others.<sup>1027</sup> He proceeded to swear the jury and then accompanied them to the Infirmary to view Mawson's body.<sup>1028</sup> There was no mystery that the deaths had been caused by wounds from a 'terrific explosion'.<sup>1029</sup> But, this was not a standard inquest, and the details tested Hoyle and led to the accusation that he had been forced to listen to 'fiction'.<sup>1030</sup> The coroner had to consider both medical testimony and that of expert scientific witnesses. It was a challenge for a legal coroner, as it would be for a medical coroner. A medical coroner had no advantage over a legal coroner when dealing with engineering or chemical expertise. In fact, a legal coroner, with his powers of questioning and forensic knowledge of evidence was best placed to deal with novel circumstances. The chemical knowledge of the expert witnesses far outstripped that of the coroner.

The circumstances surrounding the explosion were particularly febrile due to rumours that the explosion was linked to 'Fenian activity'. A week earlier, the 'Clerkenwell outrage' in London killed 12 people and injured 120 others when an attempt was

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<sup>1025</sup> 'Dreadful Occurrence in Newcastle' *Newcastle Journal* (Northumberland, 18 December 1867) 3.

<sup>1026</sup> *Ibid.*

<sup>1027</sup> 'The Inquest on the Bodies' *Newcastle Courant* (Northumberland, 20 December 1867) 5.

<sup>1028</sup> The inquest was not properly constituted unless the body was viewed.

<sup>1029</sup> 'Terrible Explosion at Newcastle upon Tyne. Five Lives Lost' *London Evening Standard* (London, 18 December 1867) 5.

<sup>1030</sup> John Mayer, 'Nitro-glycerine: Its Claims as a New Industrial Agent' (1868) 5 *The Quarterly Journal of Science* 149, 157.

made to free a member of the Irish Republican Brotherhood from Clerkenwell gaol.<sup>1031</sup> Letters in *The Times* made links between Clerkenwell and Newcastle.<sup>1032</sup> There was a large Irish Catholic population in Newcastle, and rumour was rife that the explosion was linked to the Republican group. The Watch Committee minutes record the measures taken to contain the 'Fenian danger'.<sup>1033</sup> Relationships between the Irish population and the rest of the community were cordial, but the establishment of a Fenian link would have caused immense unrest.<sup>1034</sup> The inquest had to be transparent, and swift. The inquest was attended by the mayor, the under-sheriff, and the coroner for South Northumberland.<sup>1035</sup> Such was the national interest that *The Times* sent their own correspondent who reported back to London by telegraph.<sup>1036</sup>

It was Hoyle's duty, and opportunity, to lead the investigation into a case which intrigued the nation. It was vital that the inquest discovered the truth. As *The Times* noted, 'There is no abatement of alarm, as the public mind cannot be disabused of the belief that the explosion was linked to Fenianism'.<sup>1037</sup>

Hoyle must have been aware that his conduct of the inquiry was under scrutiny. And he appreciated the magnitude of his task. He asked the eminent entrepreneur and scientist, Isaac Lowthian Bell, to provide both testimony and advice to ensure the correct questions were asked of the witnesses.<sup>1038</sup> He did not have the usual support from his trusted friend the Chief Inspector of Police, John Sabbage, who had been a regular attender at inquests, and who had conducted the inquiry into the ferry disaster earlier in 1867. Sabbage had died on 25 November. The acting chief constable had played a part in the debacle and one may speculate whether the

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<sup>1031</sup> For discussion of the Clerkenwell Explosion see Percy Fitzgerald 'The Clerkenwell Explosion' in Percy Fitzgerald, *Chronicles of Bow Street Police-Office With an Account of the Magistrates, 'Runners', and Police; and a Selection of the Most Interesting Cases* (First Published 1888, Cambridge University Press 2012) 306; Padraic Kennedy, 'The Secret Service Department: A British Intelligence Bureau in Mid-Victorian London, September 1867 to April 1868' (2003) 18 (3) *Intelligence and National Security* 100.

<sup>1032</sup> John Attfield, 'Clerkenwell and Newcastle—To the Editor of the Times' *The Times* (London, 20 December 1867) 10.

<sup>1033</sup> *Watch Committee Records December 1867* (Tyne and Wear Archives MD.NC/274/3).

<sup>1034</sup> For a detailed survey of the Irish in the North East see Roger Cooter, *When Paddy Met Geordie: The Irish in County Durham and Newcastle, 1840-1880* (Business Education Publishers Ltd 2005).

<sup>1035</sup> 'The Catastrophe on the Town Moor—Inquest on the Body of Mr John Mawson' *Newcastle Daily Chronicle* (20 December 1867) 2.

<sup>1036</sup> From Our Own Correspondent, 'Terrific Explosion at Newcastle' *The Times* (London 18 December 1867) 9.

<sup>1037</sup> *Ibid.*

<sup>1038</sup> 'Death of Mr Mawson and Mr Bryson. Another Man Missing' *Shield's Daily News* (Durham, 19 December 1867) 3.

tragedy would have occurred if Sabbage, an experienced leader and highly efficient police officer, had managed the disposal of the explosives.<sup>1039</sup>

The inquest got off to a bizarre start when the Reverend JC Street produced, from his pocket, what he said was nitro-glycerine. Hoyle ordered him to take it out of the building.<sup>1040</sup> Perhaps shaken by this, in an odd move, Hoyle directed that one of the canisters that had contained the nitro-glycerine be brought into court. The coroner reconsidered his decision when Isaac Bell could not confirm that it was safe, and the canister was removed 'much to the relief of all'. The inquest proceeded. Hoyle praised the clarity of statements given by the witnesses and the jury were much involved in the questioning. It was established that Mawson was fully aware of the danger of nitro-glycerine.<sup>1041</sup>

Bell gave comprehensive evidence.<sup>1042</sup> He was careful to seek advice from the coroner on the legal procedures. He asked the coroner's permission to quote from the instructions for the explosive and explained the process of combustion. It is difficult to assess whether Hoyle was aware of precisely how dangerous nitro-glycerine was. In another miss-step, he suggested a demonstration of the mechanism by which the nitro-glycerine ignited via percussion. Bell explained that it would be dangerous to demonstrate with even a tiny amount. Was he nervous in the face of the distinguished audience, or preoccupied with the illness of his brother? He did not demonstrate his usual sure-footed approach.

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<sup>1039</sup> Sabbage's death was unexpected. He had been suffering from gastric fever but had been expected to recover. He had led the Newcastle police since 1857, and the start of his tenure, therefore, coincided with Hoyle's appointment as coroner. He had worked with Robert Peel in London and brought metropolitan policing to Newcastle.

<sup>1040</sup> 'Terrific Explosion at Newcastle—Eight People Killed' *Perthshire Advertiser* (Perthshire, 26 December 1867) 1.

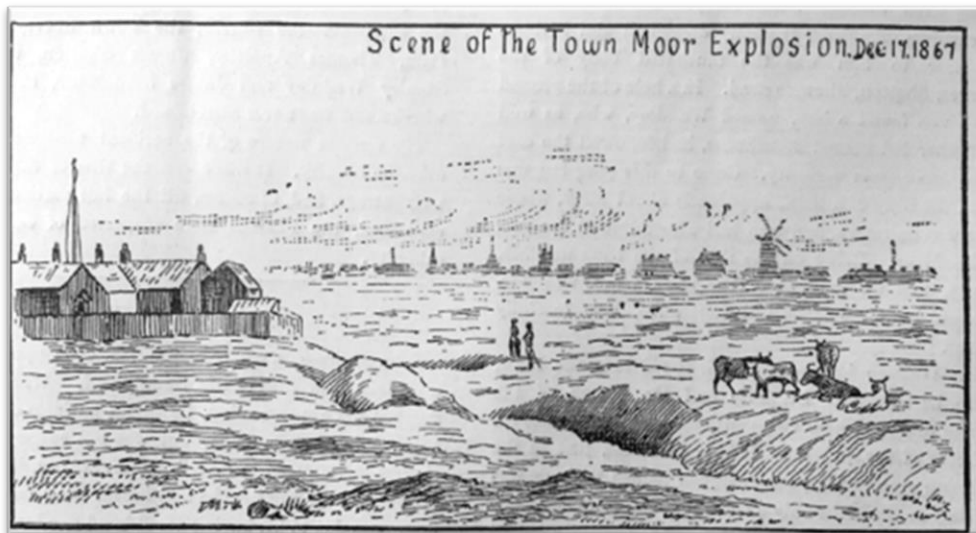
<sup>1041</sup> 'The Explosion on the Moor—The Inquest' *Newcastle Journal* (Northumberland, 20 December 1867) 3.

<sup>1042</sup> He was the proprietor of a chemical firm, and an expert in metallurgy.



**Figure 16 John Mawson, Sheriff of Newcastle**

*W and D Downey Carte de Visite*



**Figure 17 Sketch of the Site of the Town Moor Explosion**

*The Monthly Chronicle of North—Country Lore and Legend Volume 2*

At the end of the evidence, Hoyle got back into his stride and was able to retreat from the uncertainty of science into the law. He read sections of relevant legislation for the benefit of the jury 'with great pleasure', underlining his pride in the law, and his role as a lawyer and legal coroner.<sup>1043</sup> He summed up and explained the Carriage and Deposit of Dangerous Goods Act 1866 and the Petroleum Act 1862.<sup>1044</sup> He suggested that the 1862 law was not adequate and did not 'afford sufficient protection.' He said observed that the 1866 Act had been introduced specifically to deal with the problem of the storage and movement of nitro-glycerine.<sup>1045</sup>

When the jury retired, Hoyle talked to Bell and suggested that, with hindsight, the nitro-glycerine should have been dropped down a disused pit shaft.<sup>1046</sup> After a short period, the jury returned a narrative verdict: 'That death has been caused by the explosion of nitro-glycerine accidentally; and the jury are unanimously of opinion that the law in reference to the storing of nitro-glycerine has been grossly violated in this case.'<sup>1047</sup> Hoyle remarked that Barass and Co, who had sent the chemical to Newcastle from Wigan, were to blame for the careless way in which they had handled the substance.<sup>1048</sup> Aware that the matter was being reported countrywide, he highlighted his hope that the catastrophe would 'induce the legislature to pass more stringent regulations as to the storage of nitro-glycerine'.<sup>1049</sup>

The inquest was not the end of the matter. The mayor issued a proclamation asking for anyone storing the explosive to declare it so it could be made safe.<sup>1050</sup> On 1 January 1868 *The Times* printed a letter, defending Mawson (incorrectly named as 'Marston') against suggestions that he had been foolish.<sup>1051</sup> *The Lancet* printed a full report of the inquest.<sup>1052</sup> In April 1868, John Mayer, a Fellow of the College of Surgeons, extolled the virtues of nitro-glycerine and referred to the Newcastle explosion. He said: 'notwithstanding the lamentable occurrence in Newcastle (...) it is

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<sup>1043</sup> 'The Explosion on the Moor' (n 1045).

<sup>1044</sup> The Petroleum Act 1862 (26 & 27 Vict c 66).

<sup>1045</sup> 'The Explosion on the Moor—The Inquest' *Newcastle Journal* (Northumberland, 20 December 1867) 3.

<sup>1046</sup> This seemed to be his answer for getting rid of anything inconvenient—see the discussion in Chapter 3 about the disposal of dead children.

<sup>1047</sup> 'The Explosion on the Moor' (n 1045).

<sup>1048</sup> *Ibid.*

<sup>1049</sup> 'The Inquest on the Seven Bodies' *Newcastle Guardian and Tyne Mercury* (Northumberland, 21 December 1867) 8.

<sup>1050</sup> The mayor of Sunderland made an announcement in the newspaper: 'Proclamation Against Explosive Stores' *Newcastle Daily Chronicle* (Northumberland, 24 December 1867) 2.

<sup>1051</sup> 'To the Editor of the Times—Letter from ES Hills' *The Times* (London, 1 January 1868) 5.

<sup>1052</sup> 'Newcastle-On-Tyne (From Our Own Correspondent)' (1867) 90 (2313) *The Lancet* 815

high time that industry should more generally step in and claim it as a new hand-maid which science has placed within her reach.<sup>1053</sup> He dismissed the excitement generated in the press, asserted that nitro-glycerine had been paid a disservice and suggested that Hoyle had been 'compelled to listen to' 'fiction' at the inquest.<sup>1054</sup>

The most important result of the jury's verdict was to establish that the Fenians had nothing to do with the events. Such was the excitement around a perceived terrorist threat, if the inquest had not been completed quickly, insurrection could have followed that risked the safety of the Irish population. The inquest had dispelled the rumours.

The Town Moor inquest illustrated the complex issues with which the coroner had to contend. Not only was he able to call upon medical expertise but also expertise in other fields.<sup>1055</sup> A new volume of *Jervis* was published in 1866 but it offered no assistance to coroners in the brave new world of scientific progress.<sup>1056</sup> There is no mention of when to seek expert advice to help find answers to the coroners' questions.<sup>1057</sup> Hoyle had to develop his own framework. This would have been aided by his vast experience building cases in the civil courts. The coroner's function was not to have scientific knowledge himself, but to know when to seek advice and what reliance to put on expert testimony. A legal coroner was well placed for this task.

## 5.14 Conclusion

The discussion of the cases chosen to illustrate this chapter amply demonstrate that Hoyle fulfilled his role as the People's Judge in both ordinary and novel inquests. His

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<sup>1053</sup> John Mayer, 'Nitro-glycerine: Its Claims as a New Industrial Agent' (1868) 86 (2) *Journal of the Franklin Institute* 119.

<sup>1054</sup> Mayer (n 1053) 122.

<sup>1055</sup> Gordon HH Glasgow *Coroners and Steam Boiler Explosions: The Case of Richard Palmer in Early Victorian Preston* (University of Salford Occasional Papers 2009) examines a coroner grappling with new technology in the early nineteenth century. Palmer was a Conservative coroner who held his position with the patronage of mill owners, and the experience, and circumstances in Preston do not allow comparisons to be made.

<sup>1056</sup> There is little written on the law of evidence from a practical perspective for the Victorian period. Christopher Allen, *The Law of Evidence in Victorian England* (Cambridge University Press 1997) is a theoretical study using a Benthamite critique. A study of the everyday usage by lawyers, such as Hoyle, in the coroner's court would be useful.

<sup>1057</sup> Alison Adam in *A History of Forensic Science: British Beginnings in the Twentieth Century* (Routledge 2016) suggests expert witnesses evolved from assisting the court in the eighteenth century, to taking opposing sides in the nineteenth. In the coroner's court, which was inquisitorial, the witness as an expert to help the court continued. Adam argues that it was not until the mid-nineteenth century that medicine could be viewed as a scientific profession.



methods demonstrate the underpinning of legal knowledge crucial to his approach. He investigated workplace deaths; worked with the jury; and sought to protect workers, and the public, to the extent of his powers. The growing complexity of commercial and industrial activity rendered necessary the increasing reliance on expert testimony. His confidence in handling witnesses, demonstrates his prowess as a legally qualified coroner.

Hoyle had no hesitation in appointing expert witnesses for the technical aspects of his inquiries and pursued his obligations vigorously. He ensured that his local knowledge was supplemented, if required, by a site visit and scrutiny of the location of an accident. Juries worked with Hoyle to complement his knowledge and provided their own perspective based upon personal experience. Although the coroner had little formal power to order change, he was able, through force of personality, judicious reporting in the newspapers and, in some cases threats, to fulfil his role as the People's Judge. He sought, through his office, to make the town safer for all.

Having examined three distinct areas of Hoyle's work, the next chapter draws the threads together to conclusively answer my research questions.

## Chapter 6. Conclusions and Contribution

**The Coroner an' Jury were seated around,  
Most gravely enquiring the cause of his death (...)  
Now the Jury for close consultation retir'd;  
Some 'Death Accidental' were willing to find;  
Some 'God's Visitation' most eager requir'd,  
And some were for 'Fell in the River' inclin'd**

*My Lord 'Size—John Shield* <sup>1058</sup>

### 6.1 Introduction

My research investigated the life and work of John Theodore Hoyle, the coroner for Newcastle upon Tyne, from 1857 to 1885, to answer my research question: was he the People's Judge. My thesis commenced with an overview of the role of the Victorian coroner and a brief outline of the society in which Hoyle operated in nineteenth century Newcastle—a period of immense social and industrial change. I developed an expanded definition of the nineteenth century characterization of the coroner as the People's Judge and used this as a lens to examine Hoyle's life and work. The thesis is anchored by a biography, and I examined several facets of the coroner's work. My research used a bibliographic, micro-historical approach. My analysis considered how the community viewed Hoyle and how he viewed himself via reports of the coroner's words and actions, and the benefit of hindsight.

### 6.2 The Research Questions

The main research question was underpinned by two sub-questions: what distinct characteristics can be identified to distinguish the work of a legally qualified coroner, and to what extent did the personality and interests of an individual shape the coroner's work in Newcastle upon Tyne? The characteristics of the People's Judge were delineated as empathy, fairness, use of legal knowledge and legal professional

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<sup>1058</sup> John Shield, 'My Lord Size' *A Beuk o' Newcassel Sangs* (c1806 Joseph Crawhall 1888). 'Lord 'Size' was an assize judge, Baron Graham—see John Cordy Jeaffreson, *A Book about Lawyers* (GW Carleton 1867) 886.

skills for the benefit of the whole community, linked to Coke's definition of the qualities expected in a coroner. The analysis developed this framework of the essential qualities for the People's Judge and concluded that Hoyle, as coroner in nineteenth century Newcastle, could be characterized as such.

In examining and investigating Hoyle's work, I identified additional characteristics: discretion, reflection of community values, and the use of 'soft' power via newspaper reports to bring pressure to bear and disseminate information. In his work investigating controversial deaths, such as those of cared-for infants and children, Hoyle reflected contemporary cultural standards and provided a moral compass in the centre of debates that taxed the community. He brought common sense to bear, honed from many years of sitting as coroner, his own family experience, and his observations of the Newcastle community. His vast experience meant that he was fully appraised of the good and ill in society. Sometimes he used discretion, and what he did not say may have had as much influence as what he did say. Examples include his decisions in cases where he had to allay suspicion, and his pronouncements and guidance in cases of cared-for baby deaths.<sup>1059</sup>

The coroner's daily work was varied. His influence, arising from determining the identity of the deceased and the cause of death, sat between a contribution to the detection of crime and an increasingly important role to attempt to improve safety and prevent future deaths in the emerging industrial society. Each facet of his work could have formed a chapter. I identified three broad spheres of influence to enable a nuanced picture to be drawn: in Chapter 3, Hoyle's relationship with the medical profession; in Chapter 4, domestic inquests in the context of the deaths of children; and, in Chapter 5, the area where public scrutiny was the greatest, death caused by accidents and disasters.

Aspects of my sub-questions were woven through the chapters and summed up in the conclusions. The sub-questions were particularly central to the findings in Chapter 3, and the evidence of several incidents where Hoyle questioned the actions of the medical profession, asserting the primacy of the law. The importance of his legal perspective on the coroner's work was established and I demonstrated that a legally qualified coroner brought a distinctive approach to the coronership. Hoyle

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<sup>1059</sup> See for example the cases of Anne Mackay and Mary Blakeborough discussed in 3.10. and the section on baby farming.

used his legal skills to protect against zealous medics and to ensure that the poor were treated with dignity. His religious beliefs, coupled with his knowledge of the Jewish faith, encouraged his practice in securing swift burials without unnecessary medical intervention or intrusive court proceedings.

In Chapter 4, I used reports of inquests into the deaths of children to explore the domestic dimension of Hoyle's work. This chapter was important in answering the second sub-question as to whether his personal experience influenced his approach in court. Hoyle was father to nine daughters, including twins, and was no stranger to illegitimacy. His empathy for the dilemmas experienced by single or working mothers was informed by his family life. His charitable ethos reflected a paternal approach, often identified as a key characteristic of Victorian middle-class behaviour, but he also reflected a more enlightened attitude, demonstrated by his support of women who cared for children for money or who had to leave children to go out to work.

In Chapter 5, inquests into disasters and accidents were examined. This chapter had resonance in relation to both the second sub-question (see previous paragraph); and answered the first sub question: can any distinct characteristics be ascertained to distinguish the work of a legally qualified coroner? Investigating the cause of accidents was not a medical function. I demonstrated that, in having to lead complex inquiries, Hoyle played a key legal role in the development of the regulation of the emerging industrial society. Once the basic cause of death had been certified, the inquest developed into a broader inquiry, often requiring expert scientific evidence. How to prevent future tragedy became increasingly important. There was no formal public inquiry procedure, and, in its absence, the coroner had to take the lead to investigate mass fatalities. Further, Hoyle's interest in science, his personal experience of the loss of his brother in a shipwreck, and his position as a protector of the community were formative in the development and understanding of his work in this public arena. This contributes to the answer to the second sub question, to what extent did Hoyle's personality and interests shape his work.

The extract from the music-hall song, at the head of this chapter, portrays some of the dilemmas that were uncovered as part of the coroner's quest. The song underlines that the coroner, and his court, were an integral part of the community. Contrary to Ian Burney's conclusion that the nineteenth century inquest was a

'medically driven tribunal guarding the interests of the people', in Newcastle, the inquest was identifiably a law court, with a legally qualified judge.<sup>1060</sup>

My research has demonstrated the importance of Hoyle as a legal coroner. Unlike medical coroners, Hoyle was not overly concerned about the exact medical cause of death, and often did not wish to expose the family to the distress of an unnecessary post-mortem examination. He drew attention to byelaws, rules, and legislation and emphasized the importance of legal process and the implementation of laws designed to protect the community.

He used his skill and judgement with fairness and empathy for the bereaved and sought to identify the legal responsibilities of employers and authorities. This is observed in his determination of the responsibility for safety measures on the Quayside. Was it the local council or the ferry companies? And in seeking an answer to the question as to who had legal responsibility for ordering post mortem examination. Was it the coroner or the medical men? He used his limited legal powers in an endeavour to effect change, often with the aid of the press, whilst reflecting Coke's defined characteristics of a coroner.<sup>1061</sup> He worked with the jury and used his legal knowledge to guide them, but not unduly influence them, to equip them with information to make decisions and reach a verdict. This demonstrates the judicial function to advise on the law and clarify factual matters, but to leave the final decision to the lay jury. My research demonstrates that when his legal powers were insufficient, he used his personal relationships and influences for the benefit of the community at large. The balancing of legal knowledge with influence derived from his personality and interests, identifies him as the People's Judge.

### 6.3 Implications and Limitations

Much literature on Victorian coroners has featured generalizations, often based upon research into the London coroners. It is only when regional studies have been completed that variations and geographical particularities can be highlighted to draw a nuanced picture. Newcastle was a long way from London. The work of the Middlesex coroners, which took up so many column inches in the nineteenth century,

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<sup>1060</sup> Ian A Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1826* (Johns Hopkins University Press 2000) 52.

<sup>1061</sup> See definition of the People's Judge in Chapter 1.

whilst important, was not at the forefront of Hoyle's mind in the North East of England.

My research has expanded the nineteenth century definition of the People's Judge and developed it as a lens to examine the work of a coroner. Much emphasis has been placed on the nineteenth century inquest as an increasingly medicalized forum, but this is not the full picture. There was certainly pressure to appoint medical men and the increasing scientific understanding of disease and death led to the coroner's inquiry being focussed upon by the medical fraternity. Despite this, the inquest remained a judicial forum—a court of record where a judge (the coroner) reached a verdict, with a jury, to answer four deceptively simple but fundamental questions: who the deceased was, and when, how, and by what means did they die.<sup>1062</sup>

The questions reflected the coroner's medieval origins where his purpose, as a secondary function to tax gathering, was to identify homicides and indict perpetrators. In the nineteenth century, the importance of investigating all sudden and unexplained deaths became vital to enable statistics to be gathered and deaths prevented.<sup>1063</sup> Welsby confirmed 'the coroner's inquest is to ascertain truly the cause of the party's death, and is rather for information of the truth of the fact, than for accusation; it is not so much an accusation on an indictment, as an inquest of office to inquire truly how the party came by his death.'<sup>1064</sup> The questions of how, and by what means, encouraged medical coroners to enquire deeply into the medical causes of death. The statistical return to government did not require such detail. As a matter of law, only basic information was required. The medical profession used the inquest to push the inquiry in a direction other than that it was legally obliged to follow. A legally qualified coroner had a different focus.

The particular and specialized knowledge of a legally qualified coroner has been overlooked in discussion which centres Thomas Wakley. In Newcastle medicalization was not the dominant theme that emerges from my analysis. Rather the law led, and medicine was called in its aid. The need for medical evidence was reached by

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<sup>1062</sup> WN Welsby, *A Practical Treatise on the Office and Duties of Coroners: with Forms and Precedents by John Jervis* (Sweet and Maxwell 1854) 272.

<sup>1063</sup> Welsby (n 1062) 33.

<sup>1064</sup> Welsby (n 1062) 42.

consultation between the coroner, the jury, and the family and friends of the deceased.

My thesis is not comparative. There is immense scope to carry out a similar study of other coroners to compare, and contrast, their work. An analysis of the life and work of Hoyle's contemporaries in the North East including Stephen Reed and Lonsdale Cockcroft (the South Northumberland coroners), Thomas Maynard and Crofton Maynard, (coroners for the Easington Ward of County Durham) and John Favell (coroner for the Chester Ward of Durham) would be valuable.<sup>1065</sup>

#### 6.4 Contribution

My in-depth study contributes to the literature on individual Victorian coroners initiated by Elizabeth Hurren, Gordon Glasgow, and Pamela Fisher, and the more general lead established by Ian Burney.

This study has exposed the complex nature of the relationship between a judicial figure in the North East and the central government in London. When Hoyle asked the Home Secretary for guidance in the important issue of who had the right to carry out a post mortem, help was not forthcoming.<sup>1066</sup> Conversely, Hoyle declined to assist when the government sought to gather statistics on infant mortality.<sup>1067</sup>

My use of newspapers as the primary source of information, coupled with the biographical underpinning, and the development of a new definition of the People's Judge, offers a framework for companion studies of coroners in other geographical areas. I have established the importance of building a three-dimensional biographical portrait of the coroner. Hoyle's coronial work cannot be appreciated without understanding his life and his work as a solicitor, and the skills a legally qualified coroner brought to the office, coupled with his personal quirks and interests. The importance of legal biography has gained significance through the review articulated by Professor Cornish.<sup>1068</sup> My thesis also adds to the biographical literature on judges and solicitors.

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<sup>1065</sup> Reed's work on mining inquests has been studied, but not his general practice. Roy Thompson, *Thunder Underground Northumberland Mine disasters 1815-1865* (Landmark Publishing 2004) In researching Hoyle, tantalising glimpses of the work of other North East coroners have been noted.

<sup>1066</sup> See section 3.12.

<sup>1067</sup> See section 4.9.

<sup>1068</sup> William Cornish, *Life Stories and Legal Histories* (Seldon Society 2015).

This thesis on of the life and work of the coroner in Newcastle and his role as the People's Judge demonstrates that the increased medicalization of the inquest, chronicled by Burney, was not a linear progression. Hoyle consulted medical experts where he considered it proper, but he considered the coroner's court as a legal tribunal. Burney does not examine the period I have discussed, and my research adds detail and texture through examination of a significant provincial town. The personality of the coroner played a role in ensuring harmony in Newcastle for much of Hoyle's coronership. However, the tense relationship observed elsewhere between legally qualified coroners and the medical profession did bubble to the surface on occasion, as discussed in Chapter 3. This illustrates the somewhat uneasy truce between the two professions in the coroner's court.

The conclusions of the chapters, viewed together, establish Hoyle as the People's Judge, contributing to a less than perfect system not simply for statistical returns but for the satisfaction and safety of the community. Although he was at the sharp end of failures in process or implementation of rules and regulations, a coroner had little power to compel change. A legally qualified man was best suited to handling professional witnesses, interpreting the law and expert reports for the jury, cross examining witnesses and ensuring they did not stray beyond their remit, and protecting witnesses from the pressure of employers. Hoyle's actions and observable skills in these areas mark him out as a legal coroner. My research has shown how Hoyle used his 'soft' power via the press to publicize his advice, warnings, observations, and admonishments.<sup>1069</sup> He had influence through his professional and social standing to seek improvements to the infrastructure of Newcastle society.

The complex nature of the relationship between judicial authority, the community, the professions, and local/central government is exposed in the study of the Newcastle coroner and his court. The role of the press in disseminating information, with the explicit agreement of the coroner is an important theme to emerge from this research. The newspapers as a source of information and guidance, together with warnings direct from the coroner was revealed as an important facet of governing the community in Newcastle. This requires further investigation to discover if this is reflected in other towns and cities.

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<sup>1069</sup> The role of the press as a conduit for public information would merit further study.



Peter King has examined the role of discretionary justice in the long eighteenth century and suggested that justice is often remade from the margins of society. In other words, what magistrates and judges did at a local level had a greater influence on the development of the law than what happened in London.<sup>1070</sup> The role of coroners in this process has not been examined. Discretionary power can be seen in the way Hoyle developed the Newcastle inquest to investigate major accidents and disasters, in addition to his work interpreting and attempting to enforce byelaws.<sup>1071</sup> This study provides a template for building upon the concept of discretionary justice in the coroner's court by establishing how such power was used by a North East coroner, unfettered by codification or influence from the higher courts.

## 6.5 Further Research

The coroner is overlooked in general histories of the nineteenth century.<sup>1072</sup> In any consideration of the rapid expansion of towns and cities, industrial society, and community, he should have greater visibility. His work was critical for the smooth functioning of society. Although there are studies that centre the coroner, discussed in the literature review, he is missing or a minor footnote in wider literature. Without the office of coroner, nascent health and safety provision, registration of death for statistical purposes, and measures for the protection of the community would have been missing a vital component. Yet his role is rarely acknowledged. Unquestionably, this has been due to the relative difficulty of researching the coroner's work. Few personal papers survive. Official inquest documentation was not preserved except in homicide cases, where depositions are sometimes part of the trial papers.<sup>1073</sup>

Fortunately, the digitization of newspapers has enabled a fresh perspective to be gained. Thanks to the, often anonymous, court reporters in the provincial press who recorded inquests accurately and publicised the coroner's words verbatim on numerous occasions, his judgments and thoughts have been preserved in many cases. I have been able to adopt a limited amount of the information collated during my research. My transcription of the newspaper accounts of inquests has resulted in

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<sup>1070</sup> Peter King, *Crime, Justice and Discretion in England 1740-1820* (Oxford University Press, 2000).

<sup>1071</sup> See Chapter 5.

<sup>1072</sup> I always check the indexes, and I am invariably disappointed.

<sup>1073</sup> This can cause a problem for researchers outside London when the local assize files are stored in the National Archives. Finding the depositions means trawling through boxes of uncatalogued papers in the hope of striking gold.

an enormous database of information which extends beyond the three broad areas which I identified for closer analysis.<sup>1074</sup>

My themes were chosen following careful thought as to their relevance to the central question and to reflect diverse facets of the nineteenth century coroner's role. Most studies that touch upon the work of the coroner concentrate on his role in the detection of homicide. However, it is in the domestic and everyday work, and in his investigation of novel incidents, that his role as the People's Judge is apparent. The approach I have taken could be extended to include Hoyle's role in the slum housing and sanitation debate; his influence in relation to industrial accidents and diseases (such as lead poisoning), and, finally, homicide. All have been touched upon, in passing, but would merit detailed study.

This is a study centred on one coroner. It is the most detailed study of a North East England coroner to date. During my research I wondered whether, in his early years in office, he may have looked to other Northern coroners for support and advice but there is no surviving evidence of this. He was, of course, a deputy coroner for many years and would have had first-hand access to William Stoker the first Newcastle coroner following the Municipal Corporations Act. Stoker's successor, John George Stoker, was a near-neighbour in Leazes Terrace. Hoyle was reportedly consulted as an authority on coronial law and therefore is likely to have had influence outside Newcastle, and even outside the North East.

Although Thomas Wakley insisted that 'any intelligent man could in two hours learn all the law required of a competent coroner'.<sup>1075</sup> Hoyle's coronial work demonstrated that knowledge of the law, the legal framework, and even the gravitas that came with being legally qualified, made a substantial contribution. His insistence on legal process, his consultation of the law, his threats to invoke the law if his advice was not followed, and his refusal to allow doctors to circumvent the legal process, all demonstrate specifically legal traits. Hoyle was conscious of the fact that he was answerable to the Crown through the oaths he took for his legal appointments. As a legal coroner there could be no conflict of interest with the surgeons when deciding the cause of death. This conflict was apparent in Edward Hussey's first inquest into

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<sup>1074</sup> The process of transcription has been fascinating. There are many stories to tell that I was unable to touch upon. I have reflected that extracting the information via a data-mining technique would have been much less satisfying, and much colour would have been missed.

<sup>1075</sup> Charles Brook, *Battling Surgeon: A Life of Thomas Wakley* (The Strickland Press, 1945) 152.

the death of his own patient as Oxford coroner.<sup>1076</sup> The case was considered by a High Court Judge who described Hussey's actions as 'most irregular', expressing the view that 'a coroner should be a man of legal education'.<sup>1077</sup> It would be instructive to plot the work of other legal coroners. It would be especially interesting to review and contrast the life and work of a legal coroner and that of a medical coroner who served in the same town, should this be possible.

This thesis is a legal historical examination of the office and role of coroner in Newcastle upon Tyne using a biographical lens. However, legal history speaks to other branches of history, in particular social history, and does not sit in isolation. There is need for a detailed country-wide social history of the coroner. Individual studies, drawing on legal history combined with social history will allow a broader picture to emerge which will enable a nuanced discussion beyond a concentration on the medico/legal debate or the detection of homicide.<sup>1078</sup> The role of the coroner in influencing industrial relations, the work of the jury, and its relationship with the coroner in holding local employers to account, and influencing the development of health and safety precautions, has been highlighted in this research in the chapter on accidents and disasters. Developing this further would allow insight into the influence of individuals on the coronial decision-making process. As explained in this thesis, the jury, drawn from the locality, were the arbitrators of fact, following legal guidance by the coroner. The jury brought local knowledge and specialist experience which informed their decisions.

In addition to historical inquiry, there are several sociological lenses that could be used to analyse the work of the coroner. Actor-network theory could be used to examine the composition of juries, the lay witnesses, and the expert witnesses to map the networks within local society to explore the influences on inquest verdicts, particularly in industrial accident cases.<sup>1079</sup> Such an approach could be used to map

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<sup>1076</sup> 'The Doctor who didn't Believe in Germs' (*Oxfordshire Health Archives*) <[www.oxfordshirehealtharchives.nhs.uk/tales-from-archive/doctor\\_germs.htm](http://www.oxfordshirehealtharchives.nhs.uk/tales-from-archive/doctor_germs.htm)> accessed 19 December 2016.

<sup>1077</sup> See *Oxford Chronicle* (Oxford, 27 October 1878) 5 referenced in Elizabeth Hurren, 'Remaking the Medico-Legal Scene: A Social History of the Victorian Coroner in Oxford, c1877 to 1894', (2010) 65 (2) *Journal of the History of Medicine and Allied Sciences* 207, 224.

<sup>1078</sup> The theories of Peter King on discretionary justice, grounded in the long eighteenth century, could be extended to consider the concept in the later nineteenth century in relation to the decision making of coroners and their juries. See King n (1070).

<sup>1079</sup> For an exploration of actor-network theory see Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford University Press 2005). This is a sociological theory that

Hoyle's extensive social network to identify individuals to assess what influence they could assert to effect change. The biography, in Chapter 2, identified Hoyle's wider interests and, with the help of membership lists, minutes, and newspaper reports of proceedings and social events, it would be possible to compile lists of people of influence and power. For example, the records of the masonic lodges, of which Hoyle was a member include the names of politicians, magistrates, and business leaders. Local and national politicians attended the annual dinner of the Licensed Victuallers' Association. This would be a substantial task, but such an exercise would provide a rich database which would have much use for researchers into the Victorian community in Newcastle and further afield.<sup>1080</sup>

The concept of moral panic, referred to in Chapter 4, could inform future examination of poisoning deaths and suicides.<sup>1081</sup> An examination of death statistics gleaned from inquests would provide a fruitful addition to work carried out on the Victorian information state.<sup>1082</sup>

## 6.6 Reflection and Conclusion

In his lifetime, Hoyle was a well-known presence in Newcastle. He was a friend to the dispossessed and a critical friend to the authorities. His work, hampered by the limited powers he was given by the piecemeal coroners' law, attempted to improve conditions and prevent future deaths. His legal approach coupled with the development of scientific expert knowledge attempted to fill gaps where legislation had failed to keep up with the times.

Hoyle was by no means without flaws: he had a strong view of the importance and worth of a lawyer—he demonstrated this in refusing to provide statistics without payment.<sup>1083</sup> Arguably, the People's Judge should have provided the information

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examines and defines the agency and behaviours of people within a society to look at cause and effect within networks. It is beyond the scope of this thesis but may provide insight and structure for further study of the coroner.

<sup>1080</sup> For example, the records of Newcastle Law Society suggest that Newcastle solicitors had strong links with Manchester and Wolverhampton. *Newcastle Law Society Records 1826-1955* (Tyne and Wear Archives, NRA 31839).

<sup>1081</sup> Stan Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (First published 1972, Routledge 2011).

<sup>1082</sup> See for example Edward Higgs, 'The Rise of the Information State: The Development of Central State Surveillance of the Citizen in England, 1500-2000' (2001) 14 (2) *Journal of Historical Sociology* 175; Libby Schweber, *Disciplining Statistics. Demography and Vital Statistics in France and England, 1830-1885* (Duke University Press 2006).

<sup>1083</sup> See Chapter 4 (n 871).

gratis, however, Hoyle refused to be taken for granted. Towards the end of his coronership he lost patience with witnesses and became irascible rather than assertive.<sup>1084</sup> This was so out of character that the newspapers thought fit to comment upon it. The fact that the office of coroner was held for life meant that Hoyle, with a sense of duty that had served him well for most of his period in office, was unable to step to one side and officially hand over the reins. The lack of patience was probably a sign of illness. Although his death in 1885 marked the official end of his coronership, in practice he did not hold an inquest after October 1882.<sup>1085</sup>

Hoyle was coroner during a period where coronial law was based on the system that had developed in the twelfth century. Much of the legislative reform that happened during his coronership applied to county coroners. Borough coroners, following their creation by the Municipal Corporations Act, were left to their own devices. Richard Sewell, John Jervis, and others, provided legal guides, but coroners developed their own practice. The coroner was left to interpret the ragbag of laws that had built up over nearly 700 years. His guidance played its part in keeping the community safe, holding authorities to account, and overseeing workplace safety. He had to navigate the line between his authority, the duties of magistrates, and the increasingly powerful police force. For most of his coronership Hoyle was content to occupy this multi-faceted role and confident in his ability to do so. He did not live to see the Coroners Act 1887, which consolidated the law to ensure coroners were directed to be concerned with determining the medical causes of sudden, violent, and unnatural deaths. The 1887 Act pushed the inquest towards a more medicalized approach.

Hoyle's experience of work and family life ensured, despite his privileged position socially and financially, the everyday struggles of the people were often his struggles. Hoyle was not a remote judge. He was a husband, father, and grandfather and experienced the vicissitudes of life as the patriarch of a large family. He was an Anglican who supported Catholic Emancipation and was married to a Jewish woman. He was a senior Freemason and, in his early life an active member of the Liberal

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<sup>1084</sup> See for example, an occasion where Hoyle lost his temper with a solicitor at an inquest and suggested his questions were 'rubbish': 'The Coroner and a Solicitor' *Newcastle Courant* (Northumberland, Friday 6 January 1882) 4.

<sup>1085</sup> He was involved in a collision in 1882 when his cab hit, and injured, a young girl (she was not killed). This incident was a sad coda in the last few months of his active coronership. See 'A Child Run Over by a Cab' *Newcastle Courant* (Northumberland, 10 February 1882) 4. In addition, his infant grandson, and namesake, John Theodore Alexander Feurtado (son of one of his twin daughters Susannah Louisa Bacon) died in Jamaica in October 1882.

Party. He had experience across the commercial life of the town. He was interested in the cultural life of the community and a supporter of theatre, music, and art. He was actively interested in genealogy and history and wrote for the local newspaper.

My research has illuminated the importance of the coroner to the functioning of the emerging industrial society of Newcastle upon Tyne. It has demonstrated the unique insight a legally qualified coroner brought to bear. He brought a human touch, evident in his kindness and humanity towards the unfortunate witnesses in his court. This kindness was appreciated across all levels of society. As my research discovered, in common with the early knightly coroners, Hoyle was the owner of a sword presented by grateful supporters and decorated with Britannia as a marker of his authority and a symbol of his role as protector.<sup>1086</sup> He was a champion for the people of Newcastle.

The Newcastle coronership, in the hands of an experienced and proficient solicitor, represented a fine example of the holder of the office of coroner as the People's Judge. Hoyle was 'value for money': 'the right man in the right place'.<sup>1087</sup> His professional status ensured that the medical causes of death, and the eagerness of the medical profession to use inquests as a venue for exploring medical science, did not overwhelm other aspects of the coroner's inquiry. He had a healthy regard for medical evidence, but he ensured, as required by the law, other issues were explored. He was true to the oath he swore as a newly qualified solicitor to serve the Crown and the People.<sup>1088</sup>

The privilege of being able to examine in depth one man's work and life cannot be overestimated. History is often built from records of the lives and works of a small cadre of people selected for being notable. Why some people are remembered, and some forgotten, is an area for study. During his long lifetime Hoyle was recognized by the whole community, and yet only 30 years after his death he had almost been lost to history.<sup>1089</sup> The absence of enduring recognition of his work illustrates the transitory nature of the public conscience. Only detailed research reveals the vital contribution which resulted from the coroner's diligent attention to his duties.

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<sup>1086</sup> See Chapter 2 section 2.15.

<sup>1087</sup> See Newcastle upon Tyne Corporation, *The Poll at the Election of Coroner for Newcastle upon Tyne on the 16th April 1857* (D Dunglinson 1857).

<sup>1088</sup> See *John Theodore Hoyle Oath of Masters Extraordinary in Chancery 1831* (The National Archives C 202/221/15).

<sup>1089</sup> JR Scarlett suggested 'Stephen Reed dealt out "crown's quest law"' in Newcastle 'Novocastrian Notes: Worthies of the Past' *Newcastle Courant* (Northumberland 30 September 1899) 2.

Although cognisant of the perils of becoming attached to my biographical subject, I have grown to admire Hoyle. Both in his work as a solicitor and as a kind and careful coroner he was a distinguished figure who added to the safety and satisfaction of the community: the People's Judge.<sup>1090</sup>

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<sup>1090</sup> R Auchmuty and E Rackley warn of the danger of over-identification in 'Feminist Legal Biography: A Model for All Legal Life Stories' (2020) 41 (2) *The Journal of Legal History* 186. Although few in Newcastle will have heard of Hoyle, he is hiding in plain sight: Hoyle Avenue in Fenham is named after him, and an area of Leazes Park is called 'Hoyle's Intake'— land he gifted to enable the park to be built for the people of Newcastle. It is now tennis courts, in front of what was his family home.

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## **Appendices**

- A.** Archives and Repositories Searched
- B.** John Theodore Hoyle's Grave marker in St Andrew's Cemetery, Jesmond, Newcastle upon Tyne
- C.** Hoyle Family Pedigrees
- D.** Verdicts of Visitation of God recorded in Newcastle Newspapers
- E.** Map of the Borough of Newcastle upon Tyne
- F.** Inquests per Head of the Population in Census Years
- G.** Number of Inquests held each Year in Newcastle 1857-1885
- H.** Examples of Sections from my Database

## Appendix A. Archives and Repositories Searched

1. Ancestry.co.uk
2. The British Library (London)
3. The British Museum (London)
4. Durham County Record Office (Durham)
5. Durham Mining Museum (Durham)
6. Durham University Palace Green Library (Durham)
7. Findmypast.co.uk
8. Freemasons Archives (London)
9. Honourable Society of Lincoln's Inn Archives (London)
10. Hoyle Family Archives (Various—Private)
11. Laing Art Gallery (Newcastle upon Tyne)
12. Literary and Philosophical Society (Newcastle upon Tyne)
13. The National Archives (London)
14. Newcastle Central Library Local Studies (Newcastle upon Tyne)
15. Newcastle University Special Collections (Newcastle upon Tyne)
16. Newcastle Upon Tyne Law Society Archives (Newcastle upon Tyne)
17. North of England Institute of Mining (Newcastle upon Tyne)
18. Northumberland Archives (Ashington)
19. Shipley Art Gallery (Gateshead)
20. The Coroner's Society of England and Wales (Liverpool)
21. Natural History Society of Northumberland (Newcastle upon Tyne)
22. Society of Antiquaries (Newcastle upon Tyne)
23. Tyne and Wear Archives (Newcastle upon Tyne)
24. Tyne and Wear Museums (Newcastle upon Tyne)
25. Ushaw College Library (Durham)

Appendix B. John Theodore Hoyle's Grave marker in St Andrew's Cemetery, Jesmond, Newcastle upon Tyne





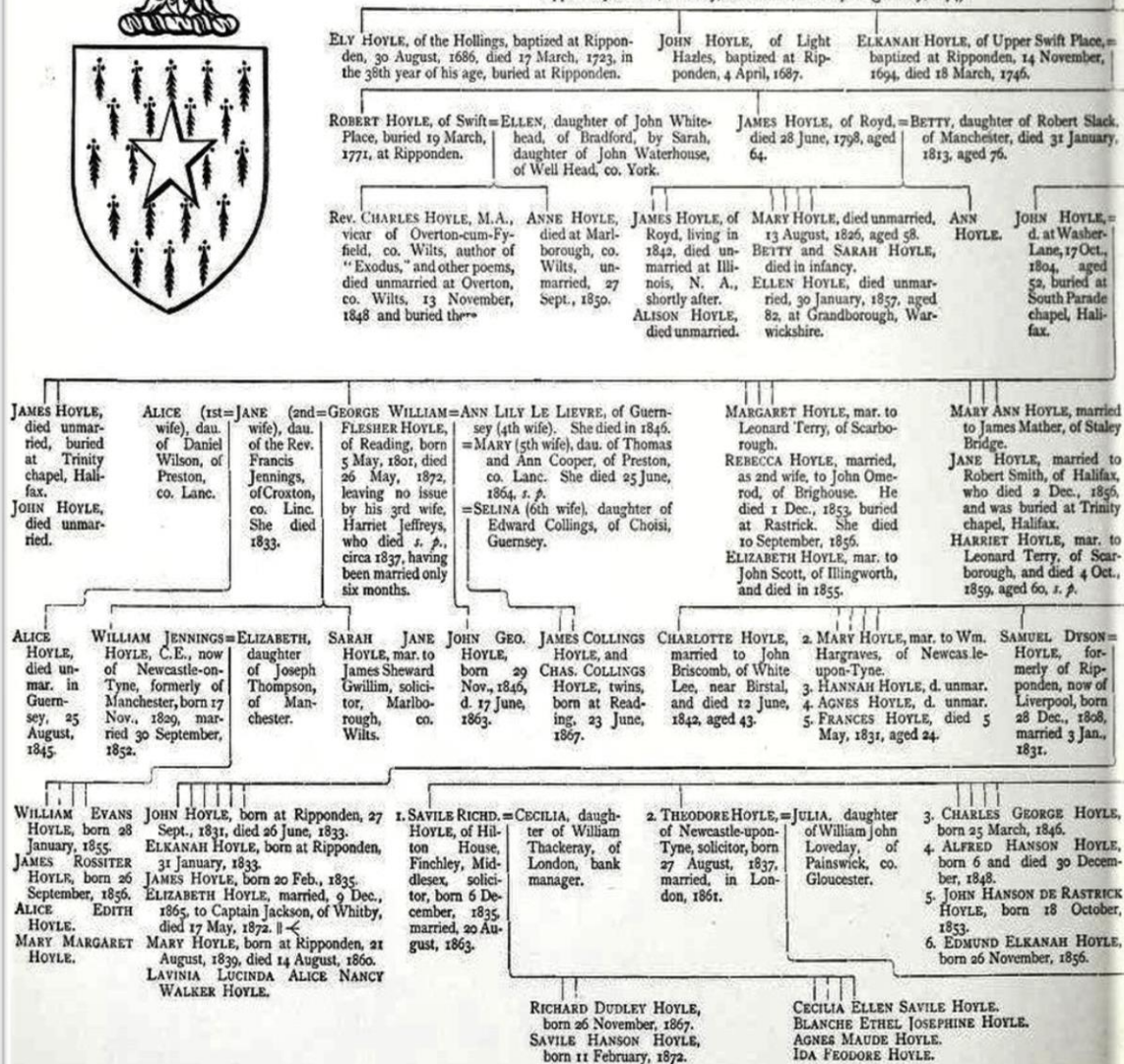
# Appendix C. Hoyle Family Pedigrees

## Pedigree of Hoyle, of Upper Swift Place,

Arms:—Ermine, a mullet or.



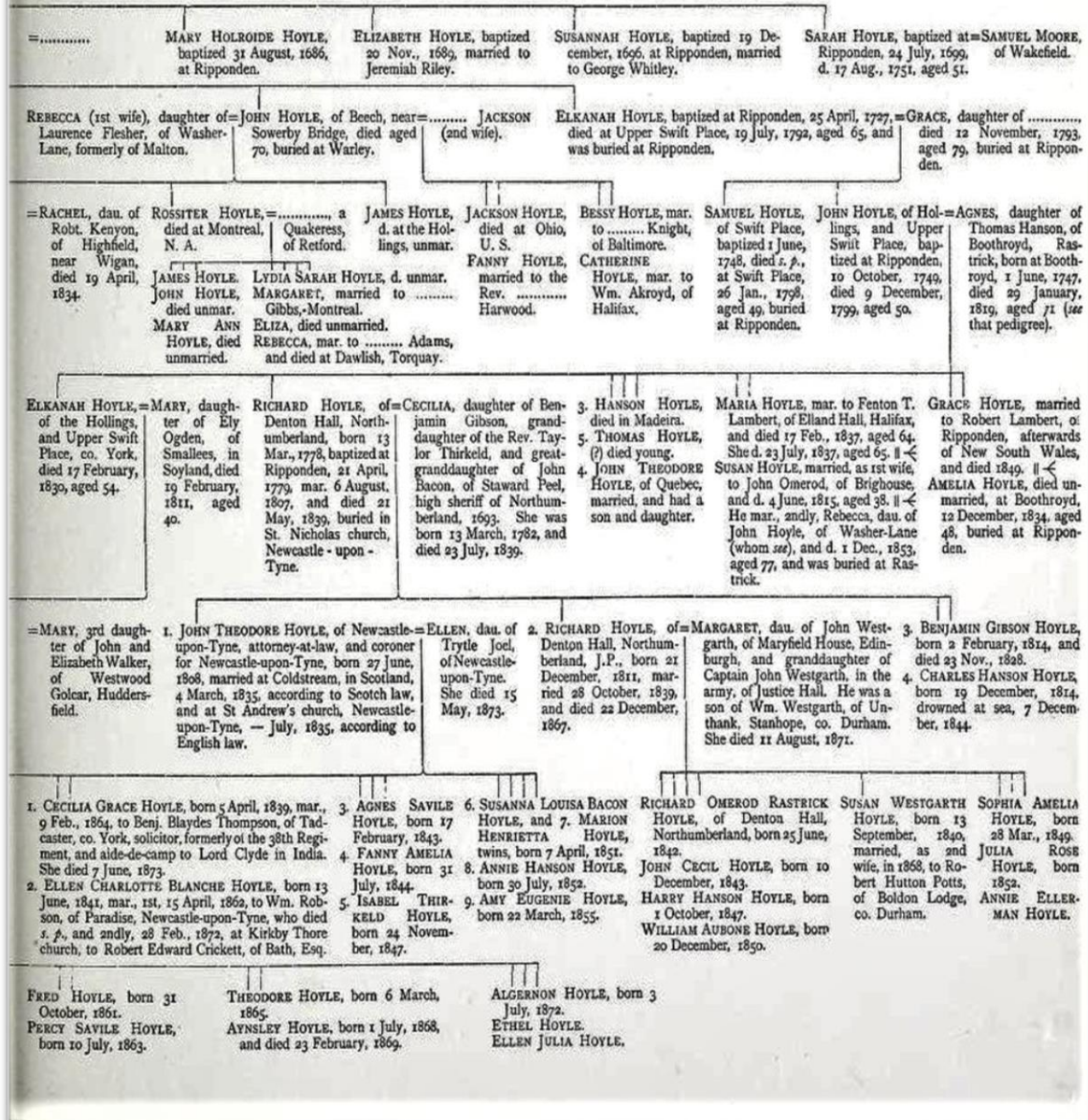
Elkanah Hoyle, of Upper Swift Place, parish of Ripponden, co. York, descended from the family of Hoyle, of Hoyle House, Lightcliffe, in Halifax parish, born in 1660, and died 4 November, 1718, in the 59th year of his age, buried in Ripponden churchyard. By his will (codicils) dated 28 March, 1718/9, he gave certain sums of money to be paid to the poor of the parish of Ripponden, from his lands at and near the Hollings, Upper Swift Place, and Upper Hoyle Head, annually, and which are still paid (January, 1874).



# co. York, now of Denton. co. Northumberland.

Coat:—On a wreath, a griffin's head erased.

=SARAH WHITELY, married 13 February, 1685, died 10 December, 1719, aged 57, buried at Ripponden.



Pedigree of Hoyle of Upper Swift Place compiled by Joseph Foster (1873)

2

*Issue of John Theodore Hoyle & Ellen his Wife :*

*Sons :*

1. *Sabile Richard*, Born 6th of December, 1835; Married at St. Luke's, Holloway, 20th of August, 1863, Cecilia, Daughter of William Thackeray, of London, Bank Manager.
2. *Theodore*, Born 27th of August, 1837; Married, 1861, in London, Julia, daughter of William John Loveday, of Painswick, County of Gloucester.
3. *Charles George*, Born 25th of March, 1846.
4. *Alfred Hanson*, Born 6th of December, 1848; Died 30th of December, 1848.
5. A Son still born.
6. *John Hanson de Rastrick*, Born 18th of October, 1853.
7. *Edmund Elhana*, Born 26th November, 1856.

*Daughters :*

1. *Cecilia Grace*, Born 5th of April, 1839; Married Benjamin Blaydes Thompson, of Tadcaster, County of York, Solicitor, 9th of February, 1864. She died at Leazes Terrace, Newcastle upon Tyne, the 7th June, 1873; leaving issue four Sons and one Daughter.
2. *Ellen Charlotte Blanche*, Born 13th June, 1841; Married 1st. William Robson, of Paradise, near Newcastle, Merchant, 15th of April, 1862; (No issue.) 2nd. Robert Edward Criccott, of the City of Bath, Esq., 28th of February, 1872, at Kirkby Wharfe Church, County of Yorkshire; Issue (1873) One daughter.
3. *Agnes Sabile*, Born 17th February, 1843.
4. *Fanny Amelia*, Born 31st July, 1844.
5. *Isabel Thirheld*, Born 24th of November, 1847.
6. *Susanna Louisa Bacon*, } Born 7th April, 1851.  
*Marion Henrietta*, } (TWINS)
8. *Annie Hanson*, Born 30th July, 1852
9. *Amy Eugenia*, Born 22nd March, 1855.

**Appendix D. Verdicts of Visitation of God recorded in  
Newcastle Newspapers from Newcastle Inquests**

<b>Date</b>	<b>Name</b>	<b>Age</b>	<b>Occupation</b>
June 1857	James Wright	45	Sailor
September 1857	John Urwin	70	Landlord
November 1859	John Wilson	40	Labourer
March 1860	Francis Young	62	Seller of Hosiery
September 1860	James Morton Winn	40	Broker
December 1860	Charles Fairlamb	n/k	Chapel Keeper
January 1861	Edward Grey/Gray	65	n/k
January 1861	John Snowdon	34	Tailor
November 1861	James/Charles Lovick/Charlie Lorick	50/52	Cork Cutter
May 1882	Mary Ann Penman	50	Publican's wife



## Appendix F. Inquests per Head of the Population in Census Years

Date	Population	Number of Inquests	Percentage
1861	117615	148	0.13
1871	135000	183	0.14
1881	163668	224	0.14

Population figures from Vision of Britain: <[www.visionofbritain.org.uk/unit/10142714/cube/TOT\\_POP](http://www.visionofbritain.org.uk/unit/10142714/cube/TOT_POP)>

## Appendix G. Number of Inquests held each Year in Newcastle upon Tyne 1857-1882

Year	Male	Female	Total number of inquests	Total number recorded in digitized newspapers	Difference	Fees rounded to nearest pound
1857	48	20	68	39	29	152
1858	83	30	113	89	24	242
1859	81	37	118	81	37	231
1860	104	45	149	94	55	259
1861	109	39	148	105	43	295
1862	134	49	183	83	100	315
1863	123	47	170	107	63	364
1864	123	46	169	138	31	360
1865	146	39	185	163	22	348
1866	131	45	176	147	29	337
1867	141	36	177	153	24	389
1868	123	52	175	141	34	391
1869	130	42	172	71	101	407
1870	136	58	194	56	138	442
1871	130	53	183	19	164	409
1872	180	51	231	92	139	523
1873	159	70	229	67	162	526
1874	173	56	229	81	148	520
1875	161	37	198	25	173	418
1876	118	62	180	38	142	445
1877	128	38	166	63	103	395
1878	132	48	180	53	127	425
1879	131	45	176	54	122	401
1880	158	55	213	67	146	406
1881	145	79	224	88	136	410
1882	168	85	253	59	194	616
<b>Total</b>	3347	1244	4591	2134	2457	9874

Notes: Figures from inquests held and fees paid taken from Judicial Statistics

Number reported in newspapers taken from my records

## Appendix H. Examples of Sections from my Database 1861

1861 name	age	date of death/found	newspaper	date inquest	place inquest held	place of death	Occupation	address	Jury?	verdict	details
female infant	new born	Sunday afternoon	NG Sat July 6 p5	Wed July 3 evening	Dead House	Black House Entry	child	n/k		found dead	no clue as to parents-found dead.
Mary Ann Hall	n/k	Tuesday July 9	NC Fri July 12 p?	Thursday July 11	duke of wellington Barrack Road	Duke of Wellington Inn	Wife of Ralph Hall Tailor	spring garden terrace		died from natural causes accelerated by drinking	Had just entered the inn and ordered a glass of whiskey when she collapsed. She expired before medical aid arrived.
Mary Liddell	70	Tuesday July 9	NC Fri July 12 p?	Wednesday July 10	Dead House	River Tyne	n/k	n/k		found drowned	Seen sitting on the Quay near the London wharf- seen struggling in water by men on the London steamer- brought ashore but died soon after. No evidence to say how she ended up in the water.
William Cuthbertson	n/k	Thursday July 25	NDC and NCA Fri July 26 p2 NC Fri July 26 p?	Thursday July 25	Dead House	River Tyne	Worked at Palmers Jarrow	North Sunderland		found drowned	found in the River by a waterman near the River police station. Just after inquest closed a woman in an excited state came in and identified deceased- a married man with 3 children.
John Pollock	68	Thursday Aug 1	NJ Fri Aug 2 p2	Thursday Aug 1 (adj) Tues Aug 6	Infirmary	Infirmary	pauper in Newcastle Workhouse for 4 years	Newcastle Workhouse		accidental death	walking along Manor Chare when he was knocked down died on way to Infirmary. Inquest adjourned to allow for examination of the body. Ruptured liver cause by the fall
Ralph Liddell	46	Monday Aug 5	NC Fri Aug 9 p? NG Sat Aug 10 p5	Tuesday Aug 6	Duke of York Inn Stockbridge	at home	Sweep	n/k		natural causes	had been taken ill and complained of headache. Prescribed medicine but symptoms got worse. Leaves wife and child.
John Brown	33	Monday Aug 5	NC Fri Aug 9 p? NG Sat Aug 10 p5	Tuesday Aug 6	Infirmary	Infirmary	labourer on Gateshead railway	n/k		accidental death	Engaged in the iron store House when iron sheets fell on him throwing him to the ground. Concussion of the brain and taken to Infirmary where he died.
David Caverhill	72	Wednesday Aug 7	NC Fri Aug 9 p?	Wednesday Aug 7	Infirmary	Infirmary	n/k	n/k		accidental death	deceased was in a sculler boat which, along with a keel was being towed by a steamer. Tow rope let go near Northumberland Dock. The keel crushed the deceased against the side of a ship. Taken to the Infirmary
Thomas Lakey	16	Thursday morning	NC Fri Aug 16 p?	Friday night	Shieldfield Inn Shieldfield	River Tyne	son of John Lakey owner of the steam tug Mary	Napier Street Shieldfield		accidental death	On Thursday morning the Mary was engaged to take a ship out of the harbour. The deceased was being taken by wherry to the tug when he fell overboard and was swept away. Grappling irons used but to no avail. The coroner expressed an opinion, in which the jury concurred, that there should be some persons appointed to work the grappling irons when wanted.
John Armstrong	78	Friday Aug 23	NJ Mon Aug 26 p2	Friday Aug 23	House of Mr Elliott the Balmoral Inn Arthur's Hill	at home	n/k	46 Elswick Row		died from natural causes	Fell ill at Arthurs Hill and had to be helped home but died before medical help could arrive
James Eden	23	Thursday Aug 29	NDC and NCA Fri Aug 30 p2 NJ Fri Aug 30 p2 NG Sat Aug 31 p5	Thursday Aug 29	Locomotive Inn Railway Street	River Tyne	hatter in employ of Mr Wilson Pilgrim Street Wilsons Hat and Cap manufactory	62/63 Railway Street Scotswood Road		Accidental death	Went to swim but got in difficulty and drowned. Jury via the Coroner expressed high approval of conduct of witness who tried to save him
Elizabeth Brown	17	WEDNESDAY Sept 4	NJ THURSDAY Sept 5 p2 NC Fri Sept 6 p? NG SAT Sept 7 p5	Wednesday Sept 4	Star and Garter Inn Clayton Street	Collingwood Inn	employed by Mr Robinson Collingwood Inn Clayton Street	Collingwood Inn		deceased committed suicide but there was no evidence to show the jury what state of mind she was in at the time	Cut her throat with a razor belonging to her master. It is understood that fear of a prosecution for felony had induced her to terminate her existence, and thus prevent the disgrace of being branded as a criminal
female child	new-born	Friday Aug 30	NC Fri Sept 6 p? NG SAT Sept 7 p5	Sat Aug 31	Dead House	n/k	infant	n/k		the child had been found dead on the Tyne Bridge under the circumstances described	parcel found by 2 boys on way to school on the Tyne Bridge. Reported to police who attended and found decomposed body of a child. No external marks of violence. Evidence from Mr Dalglish who thought child had died from natural causes unless it had been poisoned, drowned or suffocated. Inquiries made but nothing to connect anyone to the child.



1861 name	age	date of death/found	newspaper	date inquest	place inquest held	place of death	Occupation	address	Jury?	verdict	details
James Gray	30	Thursday Nov 21	NC Fri Nov 22 p? NDC and NCA Fri Nov 22 p2	Thursday Nov 21	Infirmary	Infirmary	Labourer employed by Mr Dickinson builder Gateshead	Pilgrim Street		accidental death	working on a building in the Ouseburn on Saturday. Some timber was being lowered by a crane- came down with great force and caused severe injuries to the deceased. Taken to the Infirmary.
James/Charles Lovick/ Charlie Lorick	50/52	Sunday Nov 24	NJ Tues Nov 26 p2 NC Fri Nov 29 p8 NG Sat Nov 30 p5	Mon Nov 25	Dead House	on board the Britannia Steamer	Cork cutter	Leith/Birmingham		death from natural causes/died from the visitation of God	Had come from Leith to find work. Had been troubled with a cough for some time and had drunk a considerable quantity of drink. His Friend left him and he was found dead.
Thomas Graham	18	Sunday Nov 24	NJ wed Nov 27p2 NDC and NCA Wed Nov 27 p2 NC Fri Nov 29 p8 NG Sat Nov 30 p5	Tues Nov 26	Infirmary	Infirmary	Sailor boy on ship owned by Matthew Aisbet	Shields		accidental death	Fell from a vessel into the water whilst unfurling a sail and sustained a compound fracture. Picked up by another boat- his vessel kept her course Sank from shock and died in the Infirmary. The deceased had not been visited by any Friends.
Elizabeth/Jane Emery- Morrison in the report to the Poor Law Committee	56	Monday Dec 2	NJ Wed Dec 4 p2 NDC and NCA Dec 4 p2 NC Fri Dec 6 p	Tues Dec 3	House of Mr J T Triggs Phoenix Inn Newgate Street	at home	single lived on the Parish 1s 6d	Taylor's Court Newgate Street		natural death	Rent collector called at the House and deceased found dead in bed. NDC and NCA notes that she had been in the Workhouse and the Infirmary and was "affected in the head" Juryman added that she only received 1s 6d but her rent was 1s 2d and she May have suffered from want. the relieving officer Mr Robins said she had accepted the amount rather than go to the Workhouse and he said the guardians May have given her more if she had asked. The matter was discussed at the Poor Law Union meeting reported NJ Sat Dec 7. Coroner and jury satisfied not a death from starvation
John Parker	n/k	Fri Nov 29	NC Fri Dec 6 p2	Fri Nov 29	the Pine Apple Inn	the Pineapple Inn	landlord of the Pine Apple Inn	Pine Apple Inn		accidental death	Mr Melhuiah agent called at the inn and was told Mr Parker was confined to bed. Previous evening went from the bar to the kitchen to get hot water to mix with whiskey and he fell down steps and injured head. Sent for Dr Gibb but he could not come.
Isabella Brown	45/50	Thurs Dec 5	NJ Sat Dec 7 p2 NC Sat Dec 13 p? NG Sat Dec 7 p5	Fri Dec 6	Globe Tavern Buxton Street	Stepney Terrace	single woman	Stepney Terrace		natural causes	deceased had had a paralytic stroke six months ago and had complained of pains in her head
John Armstrong	54	Fri Dec 6	NC Fri Dec 13 p? Durham Chronicle Fri Dec 13 p7	Sat Dec 7	n/k	High Friar Street	agent for Mr Story, butcher and skin breaker	High Friar Street		accidental death	Fatal fall from a horse. Deceased was riding from Chester le Street to Newcastle on Wednesday 4 when he fell off near Gateshead Low Fell and sustained rib fracture and other injuries. Taken to his House in High Friar Street but despite medical skills of Messrs Newton and Annadale he died
William Lamb	4 1/2 between	Tues Dec 17	NC Fri Dec 20	Tues Dec 17	Telegraph Inn Orchard Street	at home Lodging House owned	son of Mr Lamb	n/k		verdict in accordance with the circumstances	Childs night clothing caught light. Dressed at the Infirmary and cared for by Dr Gibb but shock to system had been too great.



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