



Teacher's briefing information *These Walls* courtroom role play lesson

Background information on the project

"These Walls" was a York Museum Trust and York Theatre Royal partnership: an ensemble cast of 14-16 year olds (York Theatre Royal Youth Theatre) led the audience through York Castle Museum, animating the spaces and giving breath to the stories that are held in the fabric of these old walls. The audience were invited to take part as witness, onlooker, gallows mob, new inmate and Gaoler's guest.

Links to *These Walls* videos on YouTube

- Highlights of the performance – <https://youtu.be/sH5ujiGJP98>
- A behind the scenes look at the creation of the "These Walls" performance with interviews from cast, curators, directors, author and audience members - https://youtu.be/XrjU_HWht_g
- A version of the behind the scenes film which also includes performance highlights - <https://youtu.be/JkkzUEkLV1A>

Information on arranging school visits to York Castle Museum

We welcome school groups to York Castle Museum and offer help and advice to parties who wish to visit. For more information and a booking form see

<https://www.yorkmuseumtrust.org.uk/education/schools-2-2/making-a-visit/>

Preparation required for the lesson

- Download and review the documents and view the video.
- Print and cut out the role cards.
- Print copies of the student briefing sheets in the required numbers (12 x jury members, 1 x judge, 1 x witness for the prosecution, 1 x defendant, equal numbers of prosecution and defence team members as required to complete the class numbers).

Curriculum links

See the lesson plan for full details. The session could be used to increase awareness of the justice system (Citizenship) and allow students to participate in different roles in a formal debate (Spoken English). The lesson could also be used for history lessons, drama lessons or groups.

Martha Chapel's story (key documents and more detailed account)

The main sources for Martha Chapel's life and execution are:

- A contemporary pamphlet, *An Account of the Trial & Execution of Martha Chapel* (Newcastle Upon Tyne: Printed by David Bass, Foot of Pilgrim-Street, 1803.)
- Lemman Thomas Rede, *York Castle in the Nineteenth Century: Being an Account of All the Principal Offences Committed in Yorkshire from the Year 1800 to the Present Period, with the Lives of the Capital Offenders*. (London: J. Bennett, 1831.)
- There are also some very brief records in the Hull and Newcastle newspapers, *The Hull Packet*, Tuesday, 2 August 1803, Issue 864. *The Newcastle Courant*, Saturday, 6 August 1803, Issue 6617, along with the entries in the Calendar of Felons and Gaol Delivery for the 1803 Yorkshire Summer Assizes.

Background and character

Martha Chapel was born in 1783, in or near Ackworth. She received some education as a child and could apparently read and write. At her trial, a witness described her as good tempered and industrious.

At about age 13 or 14 Martha was sent out to work as a domestic servant. In September 1802 she became pregnant by an unknown man.¹ Some accounts say she was seduced by a lover, a fellow servant who was leaving to join the army. Others say the baby's father was her employer. Either way, the accounts agree that she did not have a reputation as a 'loose woman', and that the sexual encounter which led to her pregnancy was probably a one-off.

At her trial it was maintained that Martha had known she was pregnant and deliberately concealed it. This is not certain. She may not have known how pregnancies happened or that she was pregnant until told so by a doctor as she was going into labour.

Alleged crime

Three or four months before her baby was due, Martha took a new post with Colonel Surtees, who had a farm at Ackworth. Presumably she did not look pregnant when she applied for the post, as otherwise she would not have been taken on.

On 14 June 1803 she complained of severe pains. Colonel Surtees was not at home and, in his absence, his 20-year-old niece, Miss Annabella Wilson, took charge. She called in John Turton of Ackworth, who called himself a surgeon.² He diagnosed Martha as being pregnant.³ She denied this, claiming the pains came from a frequent 'gravelly' problem she had with her urine. (In retrospect, this account suggests that Martha did not know she was pregnant; had she been intent on concealing the birth it is most unlikely that she would have deliberately brought her condition to the attention of her employers.)

Turton insisted she was pregnant, but nonetheless gave her a medicine intended to ease the gravel complaint, but which may actually have hastened or disturbed her labour.⁴

¹ Lemman Thomas Rede, *York Castle in the Nineteenth Century: Being an Account of All the Principal Offences Committed in Yorkshire from the Year 1800 to the Present Period, with the Lives of the Capital Offenders*. (London: J. Bennett, 1831), p.228.

² In Mr Raines cross examination, John Turton was understood to be one of those persons known as a Quack-doctor. A contemporary pamphlet, *An Account of the Trial & Execution of Martha Chapel* (Newcastle Upon Tyne: Printed by David Bass, Foot of Pilgrim-Street, 1803), p. 6.

³ Ibid, p. 2.

⁴ The nature of the medicine given to Martha was intended to relieve the urinary passage. Medicine of this nature could have accelerated the pain of labour. Ibid, p.6.

The next day, 15 June, Martha was worse. Miss Wilson berated Martha for denying that she was pregnant, and warned her that it would be a crime punishable by death to harm her child. Martha continued flatly to deny that she was pregnant. In the face of her denials, Miss Wilson left her in bed by herself.

About half an hour later, when Miss Wilson went to check on Martha and again plead with her to declare her pregnancy, she heard what she thought were three shrill, kitten-like cries from beneath the bed clothes, which Martha claimed to be the noise her colicky belly was making. Miss Wilson left and returned ten minutes later with two women servants. On seeing blood on the floor, they looked about and discovered the damaged body of a baby girl stuffed behind a mattress in a neighbouring bed. Annabella Wilson fainted on seeing the child's body.

Martha remained extremely ill after the birth, prompting Miss Wilson to call a more reputable doctor, a male-midwife called Robert Smith of Pontefract. He formed the opinion that it had been a healthy, full-term baby, which had been born alive and killed shortly afterwards. He could find no evidence of a sharp instrument having been used to kill the baby, and said that he believed Martha had killed it with her own hands.⁵

Martha denied murdering her baby, arguing that the agony of childbirth had deprived her of her reason. She could not remember exactly what happened, but she believed that in her delirium, alone, and with no experience of giving birth, she had damaged the child while trying to hasten its delivery.

*I am a wretched woman; it was my child. I never meant it harm; I did not know what I did, nor where I was; the room swam around with me, and I cannot recollect how or where I did it; if I did, God knows. I loved my child before I saw it.*⁶

Shortly afterwards, Martha was sent to York Castle to await trial for murder of her infant child. We do not have precise records of her residence there, but she would have been held in the 1780 building, the Women's Prison, not the old 1705 building. The birth was 15 June 1803 and her execution took place on 1 August 1803, meaning that she was probably in the gaol for just under six weeks.

Trial and execution

Martha Chapel was tried for murder at the Yorkshire Summer Assizes beginning 23 July 1803. Her age at trial was given as 19.

Five witnesses were called by the prosecution (Miss Wilson, the two servants, and the two doctors). The sum of their evidence was that Martha knew she was pregnant but had denied it; that she had given birth to a live child; that she had deliberately killed the baby with her own hands soon after birth; and that she had attempted to conceal the murder and the evidence of the birth.

Martha pleaded not guilty, claiming as before that whatever she had done to the baby had been an unintended consequence of her attempt to assist herself in giving birth.⁷ The jury rejected her explanation and returned a guilty verdict after just ten minutes. The judge, Sir Giles Rooke, was reported to be greatly affected by the trial and to have had trouble composing himself sufficiently to deliver the death sentence.

Martha was hanged just a few days after her trial, on Monday, 1 August 1803, at the 'New Drop', the scaffold erected at York Castle in 1802 in the corner between the court building and the gaol.

⁵ Ibid p.7-8.

⁶ Lemman Thomas Rede, *York Castle in the Nineteenth Century: Being an Account of All the Principal Offences Committed in Yorkshire from the Year 1800 to the Present Period, with the Lives of the Capital Offenders*. (London: J. Bennett, 1831), p. 229.

⁷ Ibid, p. 229.

Her demeanour on the scaffold was variously described as calm, patient, resigned, stupefied and penitent – all ways of interpreting what might simply have been extreme shock. Rede, writing in 1831, reported that the crowd who gathered to watch her execution was subdued, with some people sobbing.

Her body was due to be dissected after execution, which makes it unlikely that she ever had a grave of her own.⁸

Note that under English law, Martha could not now be found guilty of murder. The Infanticide Acts of 1922 and 1938 created a specific crime of infanticide – intentional killing of a child under 12 months old by its own mother – which was equated to manslaughter, and thus avoided the automatic death penalty that came with a murder verdict. The Acts specifically recognised that a mother might be suffering temporary or longer derangement as a result of childbirth and/or nursing. Until the defence of diminished responsibility was accepted as a mitigating factor in English homicide cases (1957), the Infanticide Acts were important legal aids to avoiding further cases like Martha's.

Suggestions for points to review during reflection after the session:

The points to be highlighted would vary depending on the curriculum focus but could include:

- How laws and concepts of justice and injustice change over time.
- Key similarities and changes in the criminal justice system since Martha's day (such as the fact that jury trials are still used, however, the death sentence has since been abolished in the UK)
- How attitudes to illegitimacy and women's rights have changed since Martha's day.
- That contemporary society is increasing aware of mental health issues.
- That we have many rights and liberties in the UK which may be taken for granted but this was not always the case and there are places in the world where people do not enjoy the same level of rights and protection.
- The importance of structured debate and argument in the justice process.
- The verbal skills and use of language used when presenting persuasive arguments.

⁸ According to reports Martha's body was to be dissected and anatomized following her execution. *The Hull Packet*, Tuesday, 2 August 1803, Issue 864.

Resources provided:

- Lesson plan
- Teacher briefing information
- Presentation
- Role cards
- Student briefing sheets
- Optional activity worksheet and quiz (this could be provided as homework tasks or for more able students) which includes:
 - Key roles in the criminal justice system (exemplar answers provided for students to self-check)
 - Terminology quiz (answers provided for students to self-check)
 - 'Over to you', points for reflection (could be used in the discussion section of the lesson or as a homework task for consideration at the next lesson).