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FROM THE 'DEATH OF A FEMALE UNKNOWN' TO THE LIFE OF MARGARET DOCKERTY: REDISCOVERING A NINETEENTH CENTURY VICTIM OF CRIME

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Abstract

On 1 January 1863, a woman was brutally raped and beaten to death in Newcastle upon Tyne. Her murderer was to be tried, convicted, and finally executed for murder. However, he is not the subject of this piece. Historically, the study of the criminal law has focused too heavily on the perpetrators of crimes. This article attempts to establish the victim, Margaret Dockerty, as an individual and to offer some social, cultural, economic and historical context for, and background to, her life.

Keywords: victim, murder, Irish, Newcastle upon Tyne, police surgeon, intemperance, clothing; legal history; social history; microhistory

Introduction

In the early hours of the New Year 1863, 'whilst the streets were alive with pedestrians among whom the congratulations of the season were heartily exchanged',² a woman was brutally raped and beaten to death in the shadow of the West Walls, Newcastle upon Tyne. It was not a clever or devious crime. There were a number of witnesses and the perpetrator was arrested the next day. He was tried, convicted and executed for murder within a few weeks. However, the murderer is not the subject of this study. Rather, we want to focus on his victim: a woman named Margaret Dockerty.³

The modern perception that criminal law focusses too heavily on the perpetrators of crimes has begun to be readdressed by the development of a subgenre of criminology, victimology.⁴ The victim has often been described as the 'forgotten man' of a criminal-centred system and

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² *Newcastle Daily Chronicle and Northern County Advertiser (NDC)*, 1 Jan 1863, p.2.

³ Several spellings of her name are used in newspaper accounts and official papers. We have adopted 'Dockerty', the spelling used on her death certificate: 'Margaret Dockerty' (1863) certified copy of death certificate for *Margaret Dockerty 1 Jan. 1863 8426451-1* Newcastle upon Tyne District Registry.

⁴ There is insufficient space to address victimology, a discipline in its own right, here; however making the victim the focus of scholarly investigation is an important part of understanding crime and criminal behaviour.

pressure has built for victims (or their families) to have greater visibility.⁵ The issue of invisibility is also seen in much study of historic crime which concentrates on the criminal by analysing motive and punishment. Once the formal legal process commences, victims become almost peripheral. Wilfred Prest has suggested that if we want to understand the somewhat arcane specialised world of the law, and its impact - both for good or bad - on the social community in the past and in the present, looking more closely at the lives of the individuals who inhabit it seems an obvious way to proceed.⁶ With this in mind, this article is an attempt to locate a victim and to provide background and context to her life and, in doing so, remove her from sole identification as a 'victim'. We also want to address the, possibly surprising, role played by the police surgeon in framing the public perception of this woman.

It is difficult to paint a three-dimensional portrait of an individual who lived an unremarkable life, even when she died a tragic, recorded, and contemporaneously examined death. Ordinary lives, especially those of women, tend to leave little trace in the historical record so the available evidence, however scant, has to be made to work hard. Whilst the newspaper reports carried in depth and explicit accounts of the crime itself, they gave few details about the woman who was the victim of that terrible attack.⁷ For example, the *Newcastle Courant* reported the crime, the accused being brought before the magistrates, and the opening, adjourning and resumption of the inquest, all without mentioning the victim by name; by contrast, the prisoner's name appeared in the first line of the article.⁸ Similarly, when reporting proceedings at the inquest, the *Newcastle Guardian* referred to 'Margaret Docherty' by name only once; thereafter she became 'the body', 'the deceased' or 'the wife'.⁹ Her voice is unrecorded, save for a plaintive 'Oh Dear': the only words that witnesses recalled her uttering as she was brutally murdered.¹⁰ What we can discover about Margaret Dockerty has to be pieced together from newspaper reports and other accessible official documents, including Census returns, church registers and court papers. However, these records have proved surprisingly rich in detail, particularly when set alongside general research about nineteenth century Newcastle. In this article we aim for some level of reconstruction of Margaret Dockerty as an individual and to contextualize this detailed study

⁵ Joanne Shapland, J. Willmore and P. Duff, *Victims in the Criminal Justice System* (Gower Publishing, 1985), p.1. On the evolution of victims' rights, see for example, Jonathan Doak, *Victims' Rights, Human Rights and Criminal Justice: Reconceiving the Role of Third Parties* (Hart Publishing, 2008), pp. 1-36.

⁶ Wilfred Prest, 'History and Biography, Legal and Otherwise', *Adelaide Law Review*, 32 (2011), 185-203 (p. 203).

⁷ Contrast with the attention given to Maria Marten, for example; her murder in 1827 was serialised weekly in the *New Newgate Calendar* in 1863-64.

⁸ *Newcastle Courant (NC)*, 9 January (1863), p. 2.

⁹ *Newcastle Guardian and Tyne Mercury (NG)* 10 Jan., 1863.

¹⁰ The National Archives (TNA) ASSI 45/74

of one woman within a broader social and regional framework, in order to offer some social, cultural, economic and historical context for, and background to, her life.

1 The Life of Margaret Dockerty

Margaret Dockerty was born Margaret Kennedy in Killevan, County Monaghan, around 1813.¹¹ At some point, prior to 1831, she left Ireland for Scotland. This in itself was not unusual but the timing indicates that she was not part of the mass emigration enforced by the famines in Ireland in the so-called 'hungry forties'. She was part of an earlier wave of Irish migration: many emigrated after the failure of the Irish potato crop in 1821-2, and following the decimation of the Irish textile industry in 1825-6. On 4 February 1831, aged around 18, she married John Dockerty, also 18, in St Andrew's Catholic Church, Clyde Street, Glasgow. His occupation is given as 'taylor' (sic).¹² Records show him variously as being born in Ireland and Scotland; it is likely that he was born in County Donegal.¹³ The union took place when the pair were slightly younger than the average age for matrimony at the time: 'in 1816, the average age at marriage [for working class people] was at a historical low, but it rose through the mid-1840s, until most working class people married at 23 to 25 years old.'¹⁴ However, R.D. Lobban's research showed that Irish migrants in Greenock (one of the main reception areas for Irish migrants into Scotland) married at a lower age than members of other groups in the community in the mid-nineteenth century.¹⁵ This may well have been different to the trend had they remained in Ireland, where Caroline L. Scott noted couples tended to marry late, waiting for dowry and inheritance.¹⁶ Interestingly, on the same page and date of the ledger, there is another marriage between a Dockerty and a Kennedy. This appears to be Margaret's brother Hugh (after whom she would name her second son)

¹¹ 1831 Catholic Registers Banns and Marriages MP 62 1 4 1 350, Glasgow, St Andrew's. The uncertainty around the exact date arises because although the 1841 Census shows the date of birth as 1816, the enumerator rounded ages up or down to the nearest five years. For a more detailed explanation, see: <https://durhamrecordsonline.com/updates/2010/09/added-explanation-of-1841-census-age-rounding/> (accessed 13 Jul. 2017).

¹² Old Parish Registers 9 Jan. 1831 Glasgow 644/1 410211 Crown Copyright National Records of Scotland www.scotlandspeople.gov.uk/view-image/nrs_opr_records/9384127?image=211 (accessed 13 Jul. 2017) The Dockerty's marriage is recorded in the parish records before the marriage in the Catholic Church. The banns for a marriage had to be read in the established church; it is not unusual to see a marriage recorded in both the parish records and the Catholic records where the actual ceremony took place.

¹³ 1831 Catholic Registers Banns and marriages MP 62 1 4 1 350, Glasgow St Andrew's records that John Dougherty was born in the County of Donegal (sic) Parish of Donagh.

¹⁴ Susie Steinbach, *Understanding the Victorians: Politics, Culture and Society in Nineteenth Century Britain* (Routledge, 2012; edition 2017) p. 130-31.

¹⁵ R.D. Lobban, 'The Irish Community in Greenock in the nineteenth century', *Irish Geography* Volume VI, No. 3 (1971), pp.270-281, at p.279-80.

¹⁶ Caroline L Scott, 'A comparative re-examination of Anglo-Irish relations in nineteenth-century Manchester, Liverpool and Newcastle-upon-Tyne' (unpublished PhD thesis. Durham University, 2009), p. 244.

and John's sister Sarah.¹⁷ This is in accordance with research indicating that Irish migrants had a high degree of inter- and intra-group marriages, remaining a distinctive group within a wider community.¹⁸ The 1841 census records John and Margaret living to the south east of Glasgow, in Lanark.¹⁹ Two of their children were born here so it seems they had lived there since at least 1837. The older child recorded on the census, born in 1834, was born elsewhere in Scotland, most probably Greenock.²⁰ This area of Scotland was rapidly becoming industrialised. It had been a centre of the weaving and garment industry.²¹ Lobban's research found that the numbers of Irish migrants working as tailors in Greenock were 'significantly high'.²² This was possibly attributable to the fact that trades such as tailoring could be learned in rural Ireland and therefore emigrants arrived with a portable and ready trade.²³ Perhaps this produced a level of competition or over-supply which may have encouraged the Dockerty family to move elsewhere.

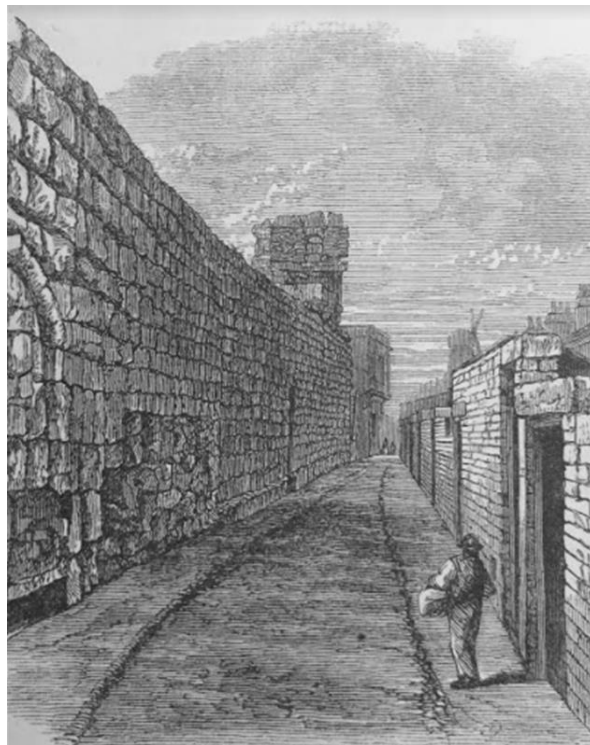


Fig. 1: The West Walls of Newcastle upon Tyne in 1863.²⁴

¹⁷ Old Parish Registers 9 Jan. 1831 Glasgow 644/1 410211 Crown Copyright National Records of Scotland www.scotlandspeople.gov.uk/view-image/nrs_opr_records/9384127?image=211 (accessed 13 Jul. 2017)

¹⁸ Lobban, *Irish Community*, p.278.

¹⁹ 1841 England, Wales & Scotland Census 644/1 183/17, p.17.

²⁰ 1841 Census: John Docherty junior: born c.1834.

²¹ Anthony Slavern, *The Development of the West of Scotland 1750-1960* (Routledge, 2013) p.97.

²² Lobban, *Irish Community*, p.271.

²³ *Ibid*, p.273.

²⁴ Illustration from J. Collingwood Bruce, *Reid's Handbook to Newcastle upon Tyne* (London: Longman, 1863).

How many children the Dockerty's had is unascertainable. As an Irish family, they could be expected to have had a larger than average number of children.²⁵ The birth of the Dockerty's first child, Ann, was recorded in Lanark in February 1832, although there is no record of her thereafter.²⁶ John was born in Greenock 1834. He was named for his father, and therefore is likely to have been their first son, as was the custom. Hugh was born in Lanarkshire, in 1836 and a daughter Mary is recorded on the 1841 census but does not appear in the next census. The 1851 census record reveals a gap of eight years until their next child William was born in 1844 in Greenock. It may be that the Dockertys had further children who did not survive.

The Dockertys stayed in Scotland for some time after their marriage. They lived in what Panikos Panayi has established was one of the Scottish towns and cities with the highest population of Irish immigrants.²⁷ Yet, at some point between 1844 and 1851, the family moved south to England and set up home in Durham. They are recorded on the 1851 census living on Claypath, in Durham city centre.²⁸ This too is not unusual after the middle of the century. Roger Cooter has commented that 'the ratio of Irish-to-English in the North-east was the fourth highest in England by the 1860s'.²⁹ In Durham, the 1851 census indicated that seven per cent of the total population was Irish born.³⁰ Why the Irish – and the Dockertys - moved to Durham is unclear. Certainly many moved to the North East to work as miners or in the iron industry but John Dockerty was not a labourer.

The whereabouts of the Dockertys between 1851 and 1863 are unknown. It is not clear when or why they made what was to be a fateful decision to move to Newcastle. The family do not appear, as far as we have been able to ascertain, on the 1861 census. It may be that they found the tailoring business saturated in Durham: the 1851 census records 569 people giving their occupation as tailor.³¹ Conversely, the 1841 census showed 41 Irish tailors in Newcastle and only two master tailors in 1851.³² In moving from Glasgow to Newcastle, the Dockertys exchanged one industrial conurbation for another. The nineteenth century saw the

²⁵ Tom Inglis, 'Origins and Legacies of Irish Prudery: Sexuality and Social Control in Modern Ireland.' *Éire-Ireland*, 40: 2 (2005), pp. 9-37 (p. 17).

²⁶ 1832 Catholic Registers Births and Baptisms MP 62 1 2 3 76, Glasgow, St Andrew's.

²⁷ Panikos Panayi, *Immigration, Ethnicity and Racism in Britain 1815-1945* (Manchester University Press, 1994) p.54.

²⁸ 1851 England, Wales & Scotland Census HO107 Piece number 2391 Folio 32 Page 18.

²⁹ Roger Cooter, *When Paddy Met Geordie: The Irish in County Durham and Newcastle, 1840-1880*, p.xvii. For a discussion of research into Irish immigration into North-East England, see Donald MacRaild's Foreword in Cooter, *When Paddy Met Geordie*, pp. ix-xvi.

³⁰ Cooter, *When Paddy Met Geordie*, p. 12.

³¹ Tony Pollard, 'Editorial', *Victoria Country History*, No. 2 (1994), p. 1. .

³² Scott, 'Anglo-Irish Relations', p88 and 89.

transformation of the North East into Britain's foremost industrial centre, which has been described by Christian Wolmar as the silicon valley of its day.³³ The population of Newcastle in the 1860s was approximately 130,000 people. Census records reveal that the recorded population rose from 28,000 in 1801 to 215,000 in 1901 and a significant part of this expansion is attributable to those moving to the town for work. There had been Irish migration into Newcastle for a number of years. In 1841, the Irish constituted nearly 6% of the population of Newcastle.³⁴ In 1851 it was 8.1 per cent.³⁵ In 1861, in percentage terms it had fallen back to 6.8 per cent but records show an increase in real terms of 26,209 individuals.³⁶

Population expansion and the proximity of industry to living accommodation meant that conditions for the majority were grim.³⁷ Research indicates that aggregate mortality rates averaged about 21-23 deaths per 1,000 living between the 1840s and 1860s.³⁸ By 1875, Newcastle ranked alongside Liverpool and Manchester for the 'unenviable notoriety' of the highest death rate in England.³⁹ It was clearly not a healthy place to live.⁴⁰ Some parts of the city were worse than others: parts of the Sandgate area near the Quayside reached a death rate of 47.7 per 1,000.⁴¹ There was, of course, a link to poverty. Living conditions for the urban working class were terrible. Population density in the poorest areas of the town was astonishing. For example, in 1850 the 3,000 occupants of Sandgate Street were crammed into a space which, if properly laid out, would be four or five times larger.⁴² An 1867 investigation reported that 23,000 rooms in Newcastle town centre housed 53,000 people, about half of the population of the town.⁴³ Such houses shared toilets and water, obtained via a pump or a well.

³³ Christian Wolmar, *Fire and Steam: A New History of the Railways in Britain* (Atlantic Books, 2007), p14.

³⁴ See Frank Neal, 'The foundations of the Irish settlement in Newcastle upon Tyne: The evidence in the 1851 census', *Immigrants & Minorities*, 18 (2-3) (1999), pp.71-93.

³⁵ <https://co-curate.ncl.ac.uk/irish-migration-to-north-east-england/> (accessed 30 Jul. 2017)

³⁶ Frank Neal, 'Irish Settlement in the North East and North West of England in the Mid Nineteenth Century', in Roger Swift and Sheridan Gilley (eds.) *The Irish in Victorian Britain the Local Dimension* (Four Courts Press, 1999) p.81.

³⁷ See Cooter, *When Paddy Met Geordie*, p. 21-43.

³⁸ Roderick Floud and Bernard Harris, 'Health, Height, and Welfare: Britain, 1700-1980', In *Health and Welfare during Industrialization* Richard H. Steckel and Roderick Floud (eds.) (University of Chicago Press, 1997), p. 96.

³⁹ *NC*, 6 Aug., 1875.

⁴⁰ See also Graham A. Butler, 'Disease, Medicine and the Urban Poor in Newcastle-upon-Tyne, c. 1750-1850' (unpublished PhD thesis. Newcastle University, 2012), pp. 12-47.

⁴¹ Henry Armstrong, Report of the Medical Officer of Health (1877), p.22. N.C.L. Lts.

⁴² Cooter, *When Paddy Met Geordie*, p.22.

⁴³ Report of the Medical Officer of Health on the Sanitary Condition of Newcastle upon Tyne for the Year 1874. (Henry E. Armstrong M.R.C.S., 1875).

Newcastle's Irish migrants tended to cluster in particular areas rather than disperse throughout the town, with new immigrants drawn to the existing Irish community. However, rather than forming permanent Irish 'enclaves', Scott regards census enumerators' books for Newcastle for 1841 and 1851 as indicating that the Irish 'diffused quickly' across the town.⁴⁴ There appears to have been relatively little animosity between the native population and Irish immigrants. Whilst the newspapers sometimes make disparaging comments about the Irish, research by Cooter seems to support the view that relations between citizens of Newcastle and the Irish immigrants were generally good:

The extensive Irish population that emigrated to Durham and Newcastle after 1840 entered a place that, if not exactly open-armed, was not ill-disposed to them, and was remarkably free from the fears and insecurities that apparently fed religious and ethnic intolerance elsewhere.⁴⁵

Celebratory St Patrick's Day processions were held in 1852, 1854, 1855, 1856, 1861, and 1862; these were generally respectable and peaceful.⁴⁶ Irish Catholics in Newcastle were largely free to practice their religion. The Catholic Church served as a direct incentive for Irish settlement. The extent of the Irish population meant that some churches had priests speaking Gaelic, the first language of many Irish immigrants:

Newcastle, St. Andrews--A Rev, gentleman is expected shortly to join this mission from Ireland, who, it is understood, is well acquainted with the Irish language, and who will in consequence be more adapted to a district in which such vast numbers of the Faithful are natives of the sister country.⁴⁷

Particularly through priests who 'speak the Gaelic', the church strengthened the bonds of kinship among the Irish and gave them 'a means of self-identification with the larger society'.⁴⁸ However, it must be noted that the 1851 Census recorded only 3,387 of the estimated 10-15,000 Catholics in Newcastle attended Mass that Sunday.⁴⁹

The church may have played an important role in Margaret Dockerty's life. In the nineteenth century, 'for many working class women especially, religion was a key site for agency and self-expression'.⁵⁰ This would have been particularly the case for a working class Irish woman. The *Inquiry into the Condition of the Poor* noted that most observers in Newcastle were quick to remark that Irish women were distinguished from their English counterparts by

⁴⁴ Scott, 'Anglo-Irish Relations', p.249, 262-3.

⁴⁵ Cooter, *When Paddy Met Geordie*, p.173. Some of Cooter's conclusions on this point are challenged in Scott, 'Anglo-Irish Relations'.

⁴⁶ Scott, 'Anglo-Irish Relations', p. 238. *The Newcastle Chronicle* of 21 March 1863, reported both the execution of Margaret Dockerty's murderer and the celebration of St Patrick's Day by "the Irish people of Newcastle", on the same page 6.

⁴⁷ *Tablet*, XII (Aug.16, 1851), p. 517: see Cooter, *When Paddy Met Geordie*, p. 29 note 46.

⁴⁸ J. Hickey, *Urban Catholics* (Chapman, 1967), p.57: see Cooter, *When Paddy Met Geordie*, p. 29n.47.

⁴⁹ Scott, 'Anglo-Irish Relations', p. 129.

⁵⁰ Steinbach, *Understanding the Victorians*, p. 129.

their morality and religiosity.⁵¹ Therefore, Margaret Dockerty and her husband joined an established Irish community and could have been expected to live in the Sandgate. Perhaps they did at first. We have been unable to find them on the 1861 census and in the crowded streets many people evaded the census enumerator. The only certainty was that, in 1862, Margaret Dockerty was not in Sandgate.

By 1862, the Dockertys - Margaret, her husband, and probably their son William – lived at number 7 Buckingham Street. This was in the upper part of the town, and afforded much better conditions than Sandgate. There was a further significant Irish Catholic population in this area, most probably those who had moved beyond subsistence to being the poor working class.⁵² Buckingham Street was, just, in the Parish of St Paul, but adjoining the parish of St. Andrews where there were around 5,964 Catholics, of whom 4,666 were adults.⁵³ Buckingham Street was a fairly newly constructed street of small terraced houses intermixed with shops in the Westgate ward of the town. The 1861 census records that the inhabitants included labourers, plasterers, tailors, engineers, fitters, char-women and coal miners: a cross-section of what could be broadly described as the working class. Many of the houses, however, were home to more than one family and were therefore more like lodging houses than family homes. 7 Buckingham Street in 1861 was inhabited by 22 persons who made-up four individual households. Although no images survive of the house formerly occupied by the Dockertys, a photograph of 5 Buckingham Street, taken at the time of the early twentieth century slum clearances, gives a good idea of the poor state of the accommodation.⁵⁴ Despite Buckingham Street being an improvement on living in Sandgate, the Dockertys still lived a very poor life.

It is difficult to come to any conclusions as to why the Dockertys chose to live in Buckingham Street. Perhaps the address reflected that John Dockerty was a skilled tradesman. In 1863 he was employed by Mr Nicholson, proprietor of Hill and Nicholson, tailors and drapers in Grainger Street (although the reports are unclear; he may have been a journeyman tailor doing piece work there).⁵⁵ This was relatively unusual: in 1851, of employed Irishmen in Newcastle 44% were listed by census enumerators as common labourers, while only 88

⁵¹ Jane Long, 'This surging tide of wretchedness': Gender, danger and progress in nineteenth-century Newcastle upon Tyne', *Australian Historical Studies*, 27 (1996), p. 10.

⁵² We are unable within the limits of this article to engage meaningfully with the extensive historiographical debate on definitions of 'poor' at this time.

⁵³ Cooter, *When Paddy Met Geordie*, Appendix V.

⁵⁴ The photograph can be seen at <https://co-curate.ncl.ac.uk/buckingham-street-newcastle/> (accessed 16 Jul. 2017) and <https://www.flickr.com/photos/newcastlelibraries/4090454662> (accessed 16 Jul. 2017).

⁵⁵ *Newcastle Daily Journal (NJ)* 28 Feb. 1863, p. 2.

were recorded with the occupation of 'taylor' (sic).⁵⁶ It is perhaps significant that Mr Dockerty was a tailor when the couple met, and is described as such in the 1851 census and in his evidence to the coroner and the judge in 1863.⁵⁷ Evidently he did not find (or possibly seek) employment in any of the growth areas of industry: coal, iron and steel; shipbuilding and engineering; quarrying; glass making; or the chemical industry associated with the Tyne. As his eldest sons also became tailors, the family had no reason to live near the Quayside.



Fig. 2: Rear of 5 Buckingham Street, adjacent to the Dockertys' house
© Newcastle City Library

With a husband employed in a skilled trade, and possibly other wage earners in the household, it is unlikely that the Dockertys would have been amongst the poorest in the town. That we have found no references to Margaret having an occupation outside the home is a sign that the family was able to survive on the money brought in by Mr Dockerty. Reliance on a male wage earner was typical in Irish families in the North-east at this time.⁵⁸ However, it may not have been a choice freely made. For Irish women (in fact all women) in Newcastle employment was scarce. Newcastle's superintendent of police noted in 1838 that 'the female population of the town have very few sources of employment, either in trade or

⁵⁶ Scott, 'Anglo-Irish Relations', Figure 2.2, p. 89. Based upon Census of Newcastle 1851. Enumerators books HO 107/2404, 107/2405, 107/2406, 107/2407, 107/2408.

⁵⁷ TNA ASSI 44/180 and ASSI 45/74 - depositions of John Dockerty.

⁵⁸ Cooter, *When Paddy Met Geordie*, p.119.

manufactures'.⁵⁹ This situation might have improved as the century progressed. Scott noted that 10-15% of Irish women in Newcastle found employment in factories, and that census returns from Newcastle in 1841 and 1851 indicate that female employment became increasingly varied with some improvement in status detectable.⁶⁰ The married female inhabitants of Buckingham Street are described in the census as simply 'Wife', although this may be because census takers often did not record women's occupations.⁶¹ Margaret would of course have kept the home and looked after her family. She may have been able to contribute to the family finances in some way. As Susie L. Steinbach notes, 'married women who did not work outside the home for wages often did piece work to earn money at home'.⁶² As the wife of a tailor she too may have been handy with a needle. She may have decorated the bonnet with ribbons that she wore to celebrate New Year.

2 Death of a 'female person'

In the evening of 31 December 1862, the newspapers reported that Margaret had been celebrating with her husband in Newgate Street. Margaret had begun without her husband, because he was at work. This indicates a woman with a circle of friends on whom she could rely in such circumstances, or a standing in a close-knit community that would enable her to socialise without her husband. Relations between the couple seem to have been cordial. She took dinner to him at 4pm and then returned at 7pm when he gave her 3 shillings. They met around 11.30pm.

Towards the end of the evening, the Dockertys argued and Mr Dockerty decided to go home and leave his wife to have another drink. That she possessed the money to do so, or that her husband provided her with these funds, discloses something about the family's financial circumstances, but also possibly something about the relationship between husband and wife. The events from this point until the murder are unclear. We do not know whether Margaret carried on drinking, and if so, whether she was by herself. Lone drinking may not have been her habit: her husband gave evidence that she was not 'much addicted to drink'.⁶³ But this was New Year's Eve. That she chose, or could choose, to stay out without him reveals a sociable woman with confidence and some independence of spirit. There is a period, from approximately 12 midnight and 2am, during which Margaret cannot be

⁵⁹ Cooter, *When Paddy Met Geordie*, p.119.

⁶⁰ Scott, 'Anglo-Irish Relations', p.74-5.

⁶¹ 211 women in Buckingham Street on the 1861 census are described simply as "wife", in which case there is no occupation recorded. 1861 Census TNA: PRO RG 9/3811 Sch. 336 p55- Sch. 407 p.66.

⁶² Steinbach, *Understanding the Victorians*, p.130.

⁶³ *NJ* 28 Feb. 1863, p.2.

accounted for.⁶⁴ A number of witnesses came forward to give evidence that around 2am they had seen her being dragged by her hair to the West Walls and then attacked. No one intervened. Soon afterwards Margaret was dead and, the following day, a nineteen year old labourer was arrested and charged with her murder.

The following day newspapers went to press with accounts of the murder of an unknown woman. The *Newcastle Daily Journal* on 2 January reported the crime, describing the victim as 'a slender small woman, about five feet two to five feet three in height with dark brown hair. ... a brass ring on her right middle finger... 3 teeth missing from her upper jaw'.⁶⁵ The newspapers were generally harsh and perfunctory in their descriptions. Margaret was described as an 'old woman'; a 'miserable woman';⁶⁶ a 'wretched creature';⁶⁷ and an 'unfortunate woman'⁶⁸; 'greatly emaciated, as if from want of the necessities of life'.⁶⁹

It is clear from the detailed description in the newspapers that Margaret had dressed up for her night out. Clothing is important as a signifier, but the choices of the poor were limited. Poor families would have owned few everyday outfits and possibly a change of clothing to wear to church. Perhaps, as the wife of a tailor, Margaret Dockerty may have had some level of agency over her clothing and appearance. Vivienne Richmond has noted, for the poor in the nineteenth century, 'clothing ... often comprised the largest part of their (literally) material possessions [and] was of supreme significance'.⁷⁰ For this reason, it is worth considering the clothing reported as being worn by Margaret Dockerty in some detail. In the *Newcastle Guardian* she is described as wearing a lilac dress, lilac and brown petticoats, jean stays, a Paisley shawl, a chip bonnet trimmed with black velvet and red ribbon. She had been wearing gloves, stockings (brown or grey), slippers, an apron and a cap.⁷¹ There are few photographs or images of poor working class women from the mid-nineteenth century. The majority that survive are either in images of street scenes or convict photographs. The description of the clothing worn by Margaret on the night of her death seems typical of a working class woman of the period. The 1870s photographs of female prisoners in the Tyne and Wear archive give no clues to the colours of the garments worn, nor any indication of footwear, but the general mode of dress; bodice, skirt, shawl reflects the standard nature of

⁶⁴ See *Newcastle Daily Chronicle and Northern Counties Advertiser (NDC)* 5 Jan 1863, p.3.

⁶⁵ She was subsequently found to have lost two in the struggle that led to her death.

⁶⁶ *NDC* 2 Jan. 1863, p.2.

⁶⁷ *Ibid*, Editorial.

⁶⁸ *NJ* 2 Jan. 1863, p.2.

⁶⁹ *Ibid*.

⁷⁰ Vivienne Richmond, *Clothing the Poor in the Nineteenth Century* (Cambridge University Press, 2013), p.3.

⁷¹ *NG* 3 Jan. 1863, p.4.

Margaret's attire.⁷² The newspapers described Margaret's clothes as 'poor and worn'.⁷³ Often outfits would have been 'cast offs', acquired second-hand and passed through families. Clothes had to be mended and patched to make them last for as long as possible. There is no indication that her clothes were badly kept or dirty (cleanliness was essential to a respectable appearance), although, of course, the nature of the attack meant that much of her clothing was torn and damaged.

The *Newcastle Guardian* records that her dress was made from cotton.⁷⁴ Her petticoats too were likely to be cotton. During the nineteenth century cotton mostly replaced wool and linen as the fabric of working-class clothes; although, as Richmond notes, 'this was contentious because although cotton was cheap and washable, it lacked the durability and warmth of linen and wool'.⁷⁵ Clothes were often dark coloured, like Margaret's brown petticoats and brown or grey stockings. This was not only cheap, but also practical in not showing the dirt. The reference to the dress being lilac is interesting. A famous Newcastle song *Cushie Butterfield*, written in 1862 (so near-contemporaneous with the events we are considering here) referred to the lilac petticoats (or in some versions a bed-gown of lilac) worn by 'Cushie'. That the songwriter considered it appropriate to refer to the colour of her clothing suggests that it had some meaning. It may signify that lilac was a popular or fashionable colour, and accessible to a working class woman. Purple hues were popular in the Victorian era. Mauve, a particular shade of purple, was highly fashionable in the mid-nineteenth century (invented in 1856 by William Perkin, it became most popular after Queen Victoria wore it to her daughter's wedding in 1858).⁷⁶ That Margaret Dockerty wore clothing in a similar hue in 1863 might indicate an outfit 'cast off' by a wealthier woman, perhaps as the colour faded (mauve dye tended to fade easily).

In addition to her dress and petticoats, Margaret Dockerty was reported as wearing 'jean stays'. 'Jean' is a heavy cotton cloth, a kind of fustian (hard-wearing twill cloth); the 'jean stays' that the newspaper accounts referred to are most likely to have been a heavy cotton

⁷² Particulars of criminals convicted of a crime specified in section 20 of the Prevention of Crimes Act, 1871 and reported to the Secretary of State as being imprisoned in Newcastle Gaol, numbers 1079-1303, Dec. 1871 -Dec. 1873. https://www.flickr.com/photos/twm_news/sets/72157625464218629/

⁷³ *NJ* 2 Jan. 1863, p.2.

⁷⁴ *NG* 10 Jan. 1863, p.3.

⁷⁵ Vivienne Richmond, 'Clothing the Poor', *Fifteen Eighty-Four: Academic Perspectives from Cambridge University Press* [Internet <http://www.cambridgeblog.org/2013/10/dr-vivienne-richmond-on-clothing-the-poor/>] [Accessed 26 July 2017].

⁷⁶ Although Richmond doubts the lower classes sought to emulate the upper classes in terms of dress: Richmond, *Clothing the Poor*, p.46.

or linen corset.⁷⁷ This strongly suggests that she was dressed up, as it is unlikely that she would have worn stays in everyday life.⁷⁸ She wore a Paisley shawl, a design the height of fashion in the 1850s, remaining relatively fashionable until 1870s.⁷⁹ Margaret is described as wearing a dress, corset, shawl, apron and gloves, but there is no reference to a coat. Given that this was 31 December, it could be that she did not own a coat and so piled on layers in order to combat the cold. (Although, a modern look at Newcastle on New Year's Eve reveals that coats are not de rigueur even in the coldest winters).



Fig. 3: All Saints' Cemetary, Jesmond, indicating where M. Dockerty was buried.⁸⁰

Margaret had made an effort to dress well for her New Year celebrations. The *Newcastle Daily Journal* stated that her bonnet was 'obtained most probably for the occasion, and is

⁷⁷ See National Trust Inventory Number 1350120 Snowhill Wade Costume Collection, Gloucestershire.

⁷⁸ Richmond, *Clothing the Poor*, p.127.

⁷⁹ 'History of Fashion, 1840-1900', *Victoria and Albert Museum*, online edn.

<http://www.vam.ac.uk/content/articles/h/history-of-fashion-1840-1900/> [Accessed 15 December 2017].

⁸⁰ Photo © Sandford-Couch and Rutherford – taken with the kind permission of Tyne and Wear Archives and Museums

trimmed with gay ribbons'.⁸¹ The 'chip bonnet' was made from wooden strips rather than straw. A fancy bonnet would have been a relatively cheap means to celebrate and dress up. An apron was often worn to cover worn or darned clothing to ensure an outwardly respectable demeanour.⁸² Shoes worn by working class women were most often hardwearing heavy boots with thick hob-nailed soles. That Margaret Dockerty was reported as wearing 'slippers' at the time of her death seems to add to the picture of a woman having dressed for an evening out.⁸³ Was she wearing these as 'party shoes'?

The early newspaper accounts of the victim posit a picture of a poor woman, emaciated, with possibly intemperate habits.⁸⁴ The *Newcastle Daily Chronicle* sorrowfully noted that 'she has been one of those unfortunate outcasts, whose chief haunts are the open streets'.⁸⁵ The *Suffolk Chronicle* noted: 'there can be very little doubt that the wretched woman who has come to this sad end is one of those houseless and homeless outcasts who have no place of abode'.⁸⁶ Much was made of Margaret's apparent 'intoxication'. John Dockerty told the coroner that she had been affected by alcohol.⁸⁷ He gave evidence in court that she had been sober at 7 p.m. but was the worse for drink when he had last seen her alive. Witnesses in the Police Court referred to her as drunk and the newspapers reported this.⁸⁸ It seemed to be almost expected, from an exchange between magistrate and witness: "Magistrate: 'She was very tipsy, I suppose, from what you can judge?' Witness: 'Yes, she was very tipsy'".⁸⁹ One newspaper commented that 'there has been more drunkenness amongst the working classes ... during the New Year holidays than their friends would have liked to have seen'.⁹⁰ Another considered a sad aspect of the case was that 'the helpless state of intoxication in which the wretched woman appears to have been at the time [left her] unable to offer the slightest resistance to her brutal assailant', and that her 'determination to have more drink, after she had had at least two half-glasses of whisky and three glasses of ale, was the indirect cause of her death'.⁹¹

That early newspaper accounts reported her 'intoxication' as fact would have had a significant impact upon how the public viewed the victim. There was at the time a

⁸¹ *NJ* 2 Jan. 1863, p.2.

⁸² Richmond, *Clothing the Poor*, p.123.

⁸³ John Dockerty's evidence at the trial referred to Margaret wearing brown laced shoes.

⁸⁴ See *Dundee Courier* 5 Jan. 1863, p.4.

⁸⁵ *NDC*, 2 Jan. 1863, p.2.

⁸⁶ *Suffolk Chronicle or Weekly General Advertiser and County Express* 10 Jan. 1863, p.2.

⁸⁷ TNA ASSI 44/180

⁸⁸ For example, *NJ*, 3 Jan, p.3; *NDC*, 3 Jan; *NC*, 9 Jan.

⁸⁹ *NC*, 3 Jan. 1863, p. 3.

⁹⁰ *NDC*, 5 Jan. 1863, p. 3.

⁹¹ *NC*, 9 Jan. 1863, p. 3.

considerable Temperance movement in Newcastle and newspapers frequently referred to the 'scourge of the demon drink'.⁹² Methodism was a strong force in the North and the standard religious approach to alcohol contrasted sharply with the perception of the drunkenness prevalent in the working class Irish Catholic community.⁹³ Much concern related to the drinking habits of the working class. It was observed in the slums of Newcastle that there were

No open places or recreation, no playgrounds, no clubs, no means of amusement; but there were public-houses and beer-houses in great abundance.... There was music in them; here perhaps only a barrel-organ, there simply a fiddler screaming out his Irish jigs.⁹⁴

Drunkenness in women was a particular concern. Figures submitted to the Newcastle Watch Committee show 482 women charged by the police for drunkenness in the year to end of September 1863.⁹⁵

Against this background, Margaret Dockerty, a poor woman of Irish descent, would have been assumed to be another drunk. The early newspaper reports that Margaret had been out drinking would have helped to create a particular view of her, because, 'by the 1840s, respectable women were rarely seen in pubs'.⁹⁶ That she met her death near the West Walls, a location 'seldom traversed by respectable persons after nightfall', would seem to confirm a particular perception of what sort of woman Margaret was.⁹⁷ Perhaps the ultimate outcome of the case would have been different if Margaret had indeed been a drunken prostitute or a nameless unrespectable person. However, the deceased was not a 'houseless and homeless outcast' but a respectable married woman, wearing her 'Sunday best' clothes.

The body of Margaret Dockerty lay in the Dead House unclaimed and unidentified. In the papers drawn up by the coroner, John Theodore Hoyle, to record the inquisition, the name of the deceased is recorded initially as 'a female person'.⁹⁸ This is then crossed out and Margaret Dockerty's name substituted. She was identified by her husband and son who, on finding that she had not returned home, discovered that she had been taken to the Dead

⁹² For a discussion of the Temperance campaign in Newcastle, and Newcastle's relationship with alcohol in general, see Brian Bannison 'Drink in Newcastle' in Robert Colls and Bill Lancaster (eds.) *Newcastle upon Tyne- A Modern History* (Phillimore, 2001), pp. 167-92.

⁹³ See Joan Allen and Richard C Allen, *Faith of Our Fathers. Popular Culture and Belief in Post-Reformation Britain* (Newcastle: Cambridge Scholar Publishing, 2009), p. 190.

⁹⁴ James C. Street, *The Night-side of Newcastle: A Lecture Delivered in the Church of Divine Unity* (Newcastle, 1865), p.14, cited in Cooter, *When Paddy Met Geordie*, p. 31 n.51.

⁹⁵ Minutes of the Newcastle Watch Committee 1863; Tyne and Wear Archives MD.NC.

⁹⁶ Steinbach, *Understanding the Victorians*, p.133.

⁹⁷ *NDC*, 2 Jan. 1863, p.2.

⁹⁸ TNA ASSI 44/180 Box 2.

House.⁹⁹ The fact that her body was identified by her husband and son may have helped to change the perception of the victim from a wretched down- and -out to a wife and mother, part of the family unit so important in contemporary society. With a name, the body had a distinct identity. Yet even here we faced difficulty in using that name to find out about Margaret. Most contemporary newspaper accounts refer to her as Docherty, with a 'CH'. Official documents are inconsistent. The marriage record is spelled Docherty but her death certificate reads Dockerty. Some records use the spelling Daugherty. This is not unusual: for example, we have come across another instance of a Mary Ann 'McCasfrey' being variously also referred to as 'McCaffrey'¹⁰⁰ and 'McGafferty'.¹⁰¹ John Dockerty was illiterate, evident from the mark of a cross on his depositions, leaving the spelling dependent upon the writer of the document.¹⁰²

3 The Evidence of Septimus Rayne

In reclaiming the life and character of Margaret Dockerty, the Newcastle Police Surgeon played a vital and decisive role. Dr Septimus William Rayne had been appointed as police surgeon in January 1845 and served until 1885. He was a diligent and careful servant to the police and the people of Newcastle. His obituary in the *British Medical Journal* noted, 'to the poor people with whom he came in contact as a police surgeon he was very considerate and sympathetic'.¹⁰³ He demonstrated these qualities in his examination of Margaret and his evidence to the court. The coroner decided that a post mortem examination was necessary in order to establish the cause of death (post mortems were not carried out as a matter of course). In the evidence of his post mortem examination, Dr Rayne was able to redeem Margaret Dockerty from the class of the intemperate. Rayne is much kinder to Margaret than the newspaper accounts and his evidence proved pivotal in shaping public perceptions. Rayne explained that his internal examination revealed that Margaret was not a drunkard. He describes her as undernourished, but did not smell the 'least odour of drink on opening the body'.¹⁰⁴ He was clear in his conclusion that because of her emaciated state a small amount of drink would have had a profound effect on her. He remained steadfast when pressed on the point repeatedly by the Grand Jury at the inquest:

[Jurors] Are we to understand from your evidence that the woman was not dead drunk when she died, or when the injuries were inflicted?

[Rayne] Yes; because if she had been dead drunk I should have expected to have found the remains of drink in her stomach.'

⁹⁹ The police station to which the body was taken initially lacked suitable facilities, thus the body was removed to the Dead House where a post mortem examination could be carried out.

¹⁰⁰ *NDC*, 19 Apr. 1873.

¹⁰¹ *NJ*, 19 Apr. 1873.

¹⁰² TNA ASSI 45/74

¹⁰³ *British Medical Journal* 2 (1887), p.491.

¹⁰⁴ *NG*, 10 Jan. 1863.

[Jurors] 'She had not the appearance of a habitual drunkard?
[Rayne] She had not; there was not the least appearance of it.¹⁰⁵

Rayne established that while Margaret Dockerty may well have been intoxicated on New Year's Eve, this was merely someone celebrating to the extent she could afford. Given a better standard of living, she might not have become so easily affected by alcohol. It is difficult to quantify how significant this evidence would have been in changing perceptions of Margaret Dockerty, but it is arguable that Rayne shifted Margaret in the eyes of the public from a drunkard who met a sadly predictable end, to a poor but respectable married woman, whose life was cut tragically short by an unprovoked violent attack.

From this point, the tenor of the newspaper accounts changed. Margaret was no longer a drunken or homeless woman of ill repute, but a poor woman who met with appalling misfortune. And then she fades from the historical record; barely mentioned in reporting of the court proceedings that led to the conviction of her murderer. Neither *The Newcastle Chronicle* nor *The Newcastle Guardian* reports of the execution of the 'unhappy culprit' included Margaret's name at all.¹⁰⁶ We find it fascinating that press and public interest in Margaret Dockerty appears to fade once she was found to be a respectable woman; however, exploring why that might be the case is sadly beyond the space we have available here.

Conclusion

Margaret Dockerty was buried on Sunday 4 January 1863, in the municipal cemetery at All Saints, Jesmond, attended by her husband and two of her sons.¹⁰⁷ As a Catholic, her grave lay in the non-consecrated part of the cemetery, to the right of the entrance gates.¹⁰⁸ It was unmarked and its precise location is lost as subsequent burials have taken place in the same ground. This anonymity might seem appropriate, given the scant details of her life in contemporary newspaper accounts. However, by close reading of those newspapers, and of court papers and records, we have explored the background and context of the life of Margaret Dockerty and to some extent raised her above the crime that claimed her life and its legal consequences. We have removed her from a sole identification as a 'victim' and restored to her an identity as a woman, wife and mother.¹⁰⁹

¹⁰⁵ *NG*, 10 Jan. 1863.

¹⁰⁶ *NC*, 14 March, 1863, p.9. *NG*, 21 March, 1863, p.3.

¹⁰⁷ *Reynolds's Newspaper*, 11 Jan. 1863, p.7.

¹⁰⁸ Tyne and Wear Archives CE.AS (MF).

¹⁰⁹ The death certificate of the executed man refers to the victim of the crime as 'Jane Docherty'. Death Certificate of George Vass, 23 March 1863. Newcastle upon Tyne District Registry, 1863 8445716-1.