

Revisiting the Case of Joseph Hunton – Silver Token Issuer and Last Man Hanged for Forgery

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Introduction

This article was originally intended to be part of a light-hearted note about “The Paranumismatic History of the Herring” and the tokens discussed here show the Arms of the town of Great Yarmouth. As the story was uncovered, it became clear that it warranted a separate article.

The Great Yarmouth arms are “three demi-lions conjoined with as many demi herrings, gules and azure”. The arms were granted to the town in 1340 by Edward III in recognition of its contribution of 1075 of its seamen and 43 ships at the battle of Sluys, when London only provided 25 ships. The English fleet was victorious over the superior French fleet, but this heralded the beginning of the Hundred Year’s War.

Great Yarmouth was already a busy fishing port and over the centuries grew to become one of the wealthiest ports in the country with ships based in the cinque ports and Europe landing the herrings and exporting preserved herrings to London and as far away as the Baltic coast. Herrings spoil quickly after being caught and have to be preserved quickly before they can be transported; salting, brining (pickling), smoking and more recently canning and freezing have all been used.

The Yarmouth Arms appear on the town issues of seventeenth century tokens.⁽¹⁾ This is one of the largest and most widely circulated issues of this series with seventeen die combinations listed and pieces being found by detectorists across the country.⁽²⁾ Two issuers of eighteenth-century halfpennies, Samuel Kingdon and W. Absolon, also include the town arms on the reverses of their tokens.⁽³⁾ The Yarmouth arms also appear on a group of silver tokens issued in 1811.⁽⁴⁾ It is the story of one of the issuers of this piece that prompted this note.

Eighteenth Century Silver Tokens

Obv. **NORFOLK AND SUFFOLK TOKEN / ONE SHILLING** around a shield containing the Arms of Great Yarmouth with an oak wreath. One acorn at top left of shield.

Rev. **PAYABLE AT J. HUNTON’S YARMOUTH & AT BLYTH & C^O. BURY** around a shield containing the arms of Bury St Edmunds within a wreath and date **1811**. Y of BURY below 81 of date.



Details. [Norfolk D.14](#). Ar, oblique milled edge, 24.8 mm, 3.817g. Shown $\times 1.5$. (Noonans 30 June 2021 Lot 402 part)

Obv. **NORFOLK AND SUFFOLK TOKEN / ONE SHILLING** around a shield containing the Arms of Great Yarmouth with an oak wreath. Two acorns at top left of shield.

Rev. **PAYABLE AT J. HUNTON’S YARMOUTH & AT BLYTH & C^O. BURY** around a shield containing the arms of Bury St Edmunds within a wreath and date **1811**. Y of BURY below last 1 of date.



Details. [Norfolk D.15](#). Ar, oblique milled edge, 24.9mm, 3.891g. Shown $\times 1.5$. (Noonans 30 June 2021 Lot 402 part)

Davis states that the tokens were manufactured by Halliday.⁽⁵⁾

The Issuers

The token was issued jointly by Joseph Hunton at Great Yarmouth and James Blyth at Bury St Edmunds. Though naming the two counties, Norfolk and Suffolk it is usually listed as a Norfolk issue in the silver token series of 1811-12,⁽⁴⁾ though Golding quite correctly included these two pieces in his Suffolk catalogue.⁽⁶⁾ Brief biographical details appeared in Davis, though he erroneously gave them both the first name of John. The most recent publication, expanded on this⁽⁷⁾ and it was whilst checking this against contemporary newspaper and genealogical records that a whole new aspect to the story became apparent.

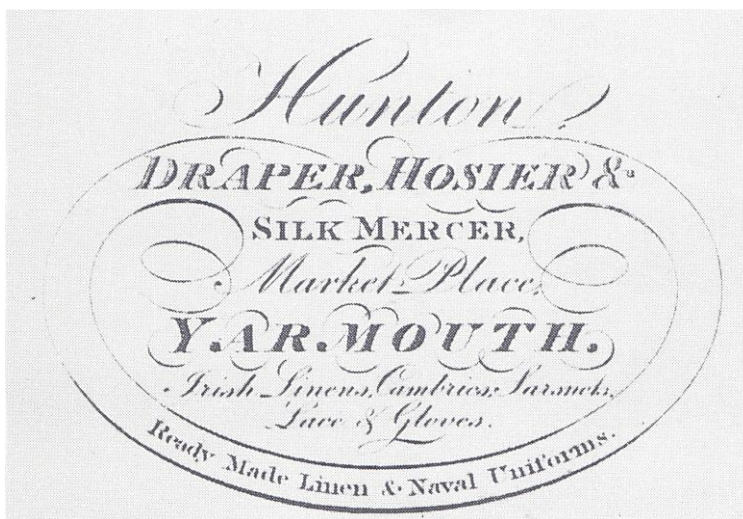
James Blyth

James Blyth & Co. were mercers in the Butter Market, Bury St. Edmunds. The firm was noted for Suffolk hemp goods. James was born in 1781, married Bridget on 7 February 1809, and was buried in 1858, all in Bury St Edmunds. James was a Quaker and had children William James, born 18 November 1809, baptised 27 November 1809, and Henry born 2 April 1811, baptised 23 April 1811. Searching the 1841 and 1851 census reveals James Blyth, draper, living at 35 Whiting Street, Bury St Edmunds with his wife Bridget and daughter, also Bridget. According to the Norfolk Chronicle (Saturday 5 November 1859 p5 col.6.) his second son, Henry Blyth died in London, aged 48, on 25 October 1859.

Looking at the contemporary Newspapers for James Blyth's business, the Hampshire Chronicle (Monday 13 October 1828 p4 col1) has a bankruptcy announcement for "James Blyth, Bury St Edmund's, Suffolk, Draper". Six months later Perry's Bankrupt Gazette (Saturday 25 April 1829 p5 col 266) quotes the London Gazette of April 21 about a meeting to declare the final dividend for James Blyth on 22 May. And a few days after this, Aris's Birmingham Gazette (Monday 27 April 1829 p4 col3), has James Blyth under the heading "Certificates to be Granted" showing that the restrictions on trading created by the bankruptcy had been discharged. This notice also appears in Perry's Bankrupt Gazette (Saturday 25 April 1829 p4 col2.)

Joseph Hunton

Joseph Hunton, a member of the Society of Friends, was a linen draper in the Market Place, Yarmouth. Mays illustrates a sketch of Joseph along with one of his business cards, attributing them to the Suffolk Record Office.⁽⁷⁾ Enquiries at the Suffolk Record Office and elsewhere have failed to find the original items, and Mays' black and white images are reproduced below.



A quick search for his family reveals that his first wife Hannah had died and on 18 September 1806 Joseph Hunton, Great Yarmouth, Draper, son of Samuel Hunton, weaver, of Southwold Suffolk married Fulleretta Sewell, daughter of William Sewell, Grocer or Great Yarmouth. His wife's very unusual surname has been variously transcribed in online records. The reading is taken from an image of the original document.

The summary of Hunton's story is usually presented as follows.⁽⁷⁾ After the issue of the tokens in 1811, Joseph Hunton moved to London, where he was in business as a mercer, at 21, Bishopsgate Street Without, but resided at Low Leyton, in Essex. He also had a drysalter's business in London. He became involved in speculation, and lost a considerable sum in Spanish bonds. He forged bills of exchange, was tried, found guilty and condemned to death. A petition was raised, seeking a reprieve or commutation, including M.N. Rothschild as a signatory, that was presented to the Home Secretary. The Times newspaper advocated clemency, writing on 6 December 1828 that the petition "proves sufficiently that in the opinion of the common public, fraud is not an appropriate subject for capital punishment...the penalty was deemed essential for the moneyed interest, but by the petition had shown unnecessary." Hunton was hanged on 8 December 1828.

The high-profile calls for his reprieve suggested that there was more to this story, and the search began. The Old Bailey online⁽⁸⁾ and the British Newspaper archives⁽⁹⁾ were sifted . . .

The Story of Joseph Hunton, Forgery, Escape, Capture, Trial, Execution and Aftermath

The following extracts are taken from various newspapers printed around the country. Often a story would appear in a London paper and then be copied verbatim or edited for publication elsewhere over the next day or two. The articles have been chosen to put the story in order whilst minimising duplication from the different sources. As with the media of today, several of the articles give different interpretations of the same events, but on the whole the sequence of events is consistent.

Joseph Hunton makes very few appearances in newspapers prior to 1828, but the following are notable as they suggest Hunton was still resident in Yarmouth up to a few years prior to 1828. The Suffolk Chronicle (Saturday 17 March 1821 p1 col4) announced the auction, to be held on 4 April of the commodious residence then in the occupation of Joseph Hunton, near newly built in Anson Place, South Town, near Yarmouth. Aris's Birmingham Gazette (Monday 30 June 1823 p4 col2) announced that the partnership between Joseph Hunton and Henry Ransome, Great Yarmouth, linen and woollen drapers was dissolved.

Two years later the Morning Herald (London) (Monday 5 December 1825 p4 col2) announced that the partnership between R.G. Tucker and Joseph Hutton, of Bread-Street-Hill, dry salters was dissolved. The same paper (p2 col1) has them as oil merchants and dry-salters.

The Morning Chronicle (Saturday 4 October 1828 p3 col4) copying an article in The Times reveals the first details of Hunton's activities.

EXTENSIVE FORGERIES

A very extensive forgery has been committed on the banking-house of Sir William Curtis and Co., by a person who has been long known in the City, and is a man of as a remarkable appearance as can be seen in a day's walk. The forgery was, we understand, executed a short time since, but was not detected until Monday last, when it was found that the acceptances upon some bills purporting to be the acceptances of one of the most eminent mercantile houses, were not genuine. The amount is stated to be nearly £5,000. Joseph Hunton, a Quaker, took the acceptances to the banking-house, and, it is said, succeeded in obtaining the amount. It is also reported, that he relied upon his success in this speculation so far, as to make similar experiments elsewhere, and that he succeeded to the amount of between £13,000 and £14,000. Although he had not been recognized by the Society of Friends as one of their body, on account of some irregularities in his conduct, there never had been upon any occasion the slightest suspicion of his integrity. On the contrary, he could easily have obtained credit for more money than he acquired by this offence. He was seen on Saturday evening in the City by several persons. He has twelve or thirteen children, and resided for the most part in the country, where he has a very comfortable house and establishment. One of the principal Police Officers was sent after him immediately after the forgeries were detected; but no information could be obtained of him at Dover or Deal, or other seaport towns.

Hunton is a little man, walks the streets in an extraordinary erect manner, wore large spectacles, and always appeared in Quaker's attire.

As will be seen later, some of these details turn out to be incorrect or exaggerated.

The Westmorland Gazette (Saturday 11 October 1828 p3 col4,5) gives one version of Hunton's attempted escape and subsequent arrest.

ARREST OF JOSEPH HUNTON, FOR FORGERY

Capt. Sprange, of the Leeds, London line of packet ship, at Portsmouth, had written on the 7th inst. That two Bow-street Officers had arrived from London in the morning, and taken out of that vessel a passenger on a charge of forgery on the house of Sir William Curtis and Co. He came on board the Leeds at London, by the name of Wilkinson, and stated that he was a merchant in Ironmonger-lane; his family resident about four miles from London. Captain S. mentions – "I understand that his real name is Joseph Hunton, and he is now lodged in goal. They proceed for London tonight. It is fortunate for the ends of justice that the vessel was detained by contrary winds."

His Examination. – Hunton was brought to London on Wednesday and lodged in the Compter, and examined the same day at Manion-house. – It is a remarkable circumstance that Hunton never changed his dress and appears in fact to have taken no measures to disguise himself. In the Compter, Hunton maintained silence. It is not yet known whether he had any, or what property he had about him.

Mr. Gates, the solicitor of the London Bankers, arrived at about 12 o'clock, accompanied by Mr. Robarts, one of the partners in the house of Messrs. Curtis and Co. on whom the forgeries were committed.

After some consideration, the Lord Mayor determined, in order to prevent the pressure that would arise in the office, there being hundreds of persons round the Mansion-house, to hear the case in his private room. Reporters were at first permitted to enter, but on a suggestion of Mr. Gates they were requested to withdraw, and the proceedings, as far as they went, were kept strictly private.

It is understood to be the intention to go into the evidence against the prisoner only partially, and to remand him for future examination. Hunton appears to be not in the least disconcerted. The *Leeds* New York line of packet ship was obliged to put back from stress of weather, otherwise Hunton would have got clear off.

After a short examination, the prisoner was remanded.

On the same day the Morning Chronicle (Saturday 11 October 1828 p1 col5) gives a more colourful description of the police chase and Hunton's arrest on board the Leeds, anchored off the Isle of Wight.

JOSEPH HUNTON

The following letter from our Correspondent at Portsmouth contains the most authentic particulars of the ingenious manner in which Hunton was apprehended at sea which have yet appeared:-

On Tuesday morning, Forrester, a City of London officer, arrived here, having a suspicion of Hunton's being in the neighbourhood, under the assumed name of John Wilkinson. Forrester's first care was to secure the assistance of Mr. Edward Hunt, our gaoler. They immediately proceeded to the post office, to ascertain if any letters had arrived with the above direction, but on their way Hunt suggested the probability of his being on board the New York Packet, which had been lying at Spithead, wind-bound, since the 3rd inst. Forrester agreeing to this idea, it was determined to leave a notice at the post-office of their intention, and instantly to take a wherry, accompanied by Mr. Gates the Solicitor's clerk. Hunt equipped himself as a waterman, and procured a blank letter, with the direction, "John Wilkinson, Portsmouth," written legibly on it. Thus prepared, off they went with a very stiff gale, which had in fact been so severe that the packet was obliged to leave an anchor at Spithead, and run down to St. Helen's Roads, under the shelter of the east end of the Isle of Wight. They had scarce cleared the harbour's mouth, before Forrester became so ill from sea-sickness that he was obliged to lie down in the boat; nor did he recover so far as the enable him to get into the ship, or render Hunt the least assistance. Hunt having been used to the sea, soon ascended the ship's side, and, with a letter in his hand, asked the mate touching his sailor's hat at the same time) if Mr. Wilkinson was on board, as he had a letter for him. The mate instantly answered that Mr. W. was in his cabin, and taking Hunt to be a waterman, and looking at the letter, told him to go below. Upon his opening the cabin door, he saw a person who he was convinced was Hunton. Hunt (touching his hat) asked him if his name was Wilkinson, as he had letters for him. He replied in the affirmative. Hunt then said, it is useless to keep you in suspense, and producing his mace, said "I apprehend you for forgery." Hunton was in the act of writing, and alone, in the cabin; he became very much agitated. Hunt then took him on deck, and shewed

him to Mr. Gates's clerk, who fully identified him. Hunt then searched him, and took from him four sovereigns and a half. Hunt, the clerk, and Hunton, then went into the cabin, and he was desired to shew his luggage, and give up what other money he had; he produced a portmanteau, with 100 sovereigns; Hunt observed, "you must have more money;" but he declared it was all he had, and this he had received from his friends. Hunt searched the cabin and found a parchment pocket-book, in which were some bills, Hunt then seized all the papers, &c. and proceeded with his prisoner over the side to the boat, which contained Forrester, who was not able from illness to get on board. The money, books, papers, &c. with the prisoner, were delivered to Forrester, who, with Mr. Gates's clerk, brought him the same evening to London.

Hunton was not by any means shy of appearing on shore; he was frequently in the public streets, liable to the gaze of a number of Londoners, as they passed to and from the Isle of Wight. The Agent's office adjoins the Ryde packet-office, and he was often loitering about there, dressed in a frock coat and seal-skin cap.

The American packet Leeds, which had Hunton on board, sailed yesterday morning.

Hunton was in an excess of agitation while in the gaol of Portsmouth.

Sun (London) (Wednesday 8 October 1828 p2 col5)

POLICE INTELLIGENCE – (THIS DAY)
MANSION HOUSE
THE LATE EXTENSIVE FORGERY

This morning the office was crowded to excess in consequence of it being understood that *Joseph Hunton*, who stands charged with forgery, had been apprehended, and was to be brought up for examination. It was not true that Hunton was taken by two Bow-street officers. Forrester, the city officer, was sent in pursuit, and apprehended Hunton on board the *Leeds*. The Mansion-house officer brought Hunton to London this morning and lodged him in the Compter. It is a remarkable circumstance that Hunton never changed his dress, and appears in fact to have taken no measures to disguise himself. In the Compter, Hunton maintained silence. It is not yet known whether he has any, or what property he has about him.

Mr. gates, the solicitor to the London bankers, arrived at about 12 o'clock, accompanied by Mr. Robarts, one of the partners in the house of Messrs. Curtis and Co. on whom the forgeries were committed.

After some consideration, the Lord Mayor determined, in order to prevent the pressure that would arise in the office, there being hundreds of persons round the Mansion-house, to hear the case in his private room. Reporters were at first permitted to enter, but on a suggestion of Mr. Gates they were requested to withdraw, and the proceedings, as far as they went, were kept strictly private.

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After a short examination, the prisoner was remanded.

It is interesting to note that on the same page (p1 col3) that there is an announcement, repeated from the London Gazette, the day before (Friday 10 October 1828) about James Blyth's bankruptcy and dividend.

The first day of the trial was Tuesday 28 October and a full transcript can be found online⁽⁸⁾, though summaries were published in various newspapers. For example, the Public Ledger and Daily Advertiser (Wednesday 29 October 1828 p3 cols 1-4). The variable spelling of names and other words, have been maintained, along with the original punctuation.

The first section introduces the various cases and the charges being brought, including the following.

TRIAL OF JOSEPH HUNTON FOR FORGERY

Joseph Hunton, aged 58, was charged with uttering a bill of exchange with a forged acceptance, for £48 10s, with intent to defraud Sir William Curtis, Bart., and others. He was further charged with uttering a forged acceptance for £162 8s with the like intent; and further, with uttering a forged acceptance for £50, with intent to defraud the same persons. And in another Indictment he was charged with uttering another acceptance for £94 13s, with the intent to defraud the same persons; and in a fifth indictment he was charged with uttering another forged acceptance for £179 10s, with the same intent. In all the indictments there were several counts, charging the intent to be to defraud other persons, namely – John Dixon, R. Luck, and William Miller.

This is followed by details of the trial. These are a summary of the notes available from the Old Bailey.⁽⁸⁾

JOSEPH HUNTON'S CASE

The Sheriff having returned a panel into court, a Jury was sworn.

Mr. Brodrick intimated to the Court that they would first take the charge for the bill of £162 9s.

The Prisoner handed in a paper to the Court which he entreated might be read, if it was not contrary to the rules of the Court.

Mr. Justice Park, on looking at the paper, said that it appeared to him from the very first line that the paper could not be read. His Learned Brother and himself were of opinion on Friday last, when an application was made to postpone the trial, that there was not sufficient ground shown to postpone the trial. Still the Court was willing to give the prisoner every opportunity that it could, and if the prisoner could state, on his solemn affirmation, any additional ground for the postponement of the trial, the Court would wait while that was done.

Mr. Baron Garrow gave a similar opinion.

Mr. Adolphus and Mr. Phillips severally addressed the Court, and, as we understood, stated that they could not urge any farther grounds for the postponement.

The prisoner then said that he was deprived of all means of defence – his assignees had all his books, and those were necessary for his defence; he, therefore, had not the means of defending himself in any shape or way whatsoever.

The Learned Judges consulted together, during which time Mr. Curtis, Mr. Gates, and the Learned Council for the prosecution, also were in consultation together, and appeared to be determined that the trial should proceed.

Mr. Justice Park said, that his Learned brother and himself, together with the Learned Recorder were unanimously of opinion that the Court in administering the justice of the country, could not comply with the wish of the prisoner to postpone the trial until next Sessions – they thought that it would be a most dangerous precedent. If there had been any grounds for the putting off the trial an application should have been made to the Court in the morning, in the usual way, by a solemn affirmation of the prisoner. But after three days' time for full consideration, the prisoner had thought proper to adopt a course to elude the administration of justice the most singular he had ever known, indeed, he had never before heard of an instance where a challenge of twenty jurors, the full number that the law allowed, had taken place; and then, forsooth, the prisoner stood forth, and said he was not prepared to take his trial, although his Council had said that they had no further grounds to urge for the postponement. It was a most dangerous precedent – let the trial proceed.

Mr. Phillips, as we understood, said that in the paper that had been put in, he understood that the prisoner had repudiated his counsel.

Mr. Justice Park – let the trial proceed.

Joseph Hunton – I pray that the paper may be read before any further proceedings.

Mr. Justice Park and Mr. Baron Garrow both gave their opinions that the paper was rather in the shape of a private communication, and it could not be read. It was impossible; the Jury were sworn to deliver the prisoner, and the trial must go on.

The Jury were then charged with the prisoner.

Mr. Broderick stated the case. There were many circumstances connected with the case, that rendered it one of peculiar inquiry and consideration – the age of the prisoner, and the respectability with which he had conducted himself up to the time of the commission of the offence, with which he was charged. The Learned Council then went into a short history of the prisoner's life, and of the transaction in question.

Wm Curtis, Esq. examined by the Hon. E. Law, stated that he was one of the partners in the banking house of Sir Wm Curtis, and Co. He knew the firm of Dixon, and Co. It consisted of John Dixon and Joseph Hunton – the resided in Ironmonger Lane, they kept an account at their house, he was in the habit of receiving bills from the prisoner for the purpose of being discounted. On the 1st August, he brought a number of bills – the one produced was one of them. He had a great deal of conversation with the prisoner about the bills, and hesitated to discount them at all, they being drawn upon persons with whom he could not have any acquaintance; he represented that they were bills drawn upon their customers in the country, and if houses in London refused to discount such bills they could not carry on their business. The bill in question was particularly a subject of conversation, and he asked the prisoner who Mountain, the acceptor of the bill, was, whom he represented to be a customer of their's, Dixon and Co., residing in Bury.

The witness then described the routine of the banking house when bills were discounted.

Mr. Justice Park – Joseph Hunton, do you wish to put any questions to Mr. Curtis?

Joseph Hunton – I adhere to the paper that I delivered this morning.

Mr. Justice Park – I did not ask you anything about a paper. I asked you if you would ask Mr. Curtsi and questions.

Joseph Hunton – No. He then resumed his seat.

Thomas Brackett, clerk to Messrs. Curtis, stated the mode in which the bill was entered at the banking house – the bill in question was due yesterday – he presented it for payment at Lees and Co., but it was not paid.

Mr. Justice Park – Notwithstanding the answer you gave me just now, about which I say nothing, Joseph Hunton, have you any questions to ask this witness?

Joseph Hunton – No.

Another clerk was called to prove the entry and identity of the bill.

The prisoner declined asking him any questions.

John Dixon stated that he was in partnership with the prisoner – Hunton attended to the drawing and discounting of bills – the body of the bill produced was in the handwriting of Hunton – they had no customer of the name Henry Mountain, at Bury St Edmunds – the letter produced and the paper was in Joseph Hunton's handwriting.

Wm. James, clerk to Messrs. Lees and Co., bankers, proved that no such person as Henry Mountain had an account at their house – he knew that the bill in question was presented yesterday.

Henry Mountain stated, he lived in Bury, and about nine months back he was in the employ of the prisoner as a draper in bury, where the prisoner then lived – he knew of no other Henry Mountain at Bury – he was not in business on his own account, but was a shopman – he never had any dealings with Dixon and Co. – he was not indebted to them – the acceptance to the bill was not in his hand writing, nor any part of it – it was not made by his authority – he never signed his name in that way – he signed H. only before his name.

Joseph Warren, a draper in Bury St. Edmunds, said he knew the last witness – lives in the same service with him – knows Henry Mountain's handwriting, - does not believe the bill produced to be in his handwriting – knows of no other Henry Mountain in Bury St. Edmunds.

Mr. Justice Park – Knows the prisoner's handwriting, having been in his employ six years – in the course of that time saw him write very often.

The prisoner declined putting any questions to this witness.

Abraham Willey Robarts is also a partner in the Banking house of Sir William Curtis. The prisoner applied to him to discount a bill. Received the letter produced from the prisoner a few days after he had refused to discount bills for him. Witness received the letter addressed to him as a Member of Parliament, but it was above number – it was dated Sept.29, 1828 – it came from Deal.

The letter was here handed in a read, it was dated "London, Sept. 27."

Edward Hunt deposed to going on board the ship Leeds, at St. Helen's, in company with a person named Forrester – the vessel was bound for America. He found the prisoner in the cabin, and showed him a letter

saying it was for him, inquiring at the same time if his name were not Wilkinson – he replied it was. Witness then said he was a police officer, and must arrest him of the charge of forgery. The prisoner was in the act of writing – there were several letters before him – witness inquired if they were his, to which he replied yes: and witness then said he must take them, which he did, and marked them.

The case for the prosecution then closed.

Mr. Justice Park inquired if he wished to call any witness as to his character.

The prisoner bowed respectfully to the Court, and said he was not prepared.

Mr. Justice Park then summed up the evidence, when the jury, (who had previously requested to see the documents produced at the trial) returned a verdict of Guilty, but recommended the prisoner to mercy, on the grounds of his previous good character and respectability.

Mr. Justice Park intimated to the jury, that their recommendation would be ineffectual. He then consulted for a few minutes with the Counsel for the Prosecution, and addressing the prisoner said, they deemed it necessary to try him on other indictments, he would therefore, name Thursday next for that purpose, in the meantime the prisoner should have all such documents as he might require to assist in arranging his defence, and he might issue a writ of *subpoena duces tecum*, which would compel the parties to do so.

Mr. Baron Garrow said he was anxious to afford every facility in his power to enable the prisoner to make out his defence, and in order that he might most effectually do so, he would name even a later day than Thursday, and in doing so he was sure of obtaining the concurrence of his Learned Brother (Mr. Justice Park) he would, therefore, name Tuesday next.

The prisoner was then informed of the order of the Court, and asked if he wished to say anything?

The prisoner replied, he left it entirely with the Court to do as they pleased, that if he might be permitted to express his own opinion on the subject, his wish was that the other trials might be proceeded with, one and all, at the present moment.

Mr. Baron Garrow, with a suppressed smile at the determined obstinacy of the prisoner, addressed the Clerk of the Arraignment and said, let it be understood that the order of the Court is, that at the conclusion of the business of the present Session, the Court do adjourn to Tuesday next, to meet at ten o'clock in the morning, for the purpose of trying the prisoner on another or more indictments, as may be deemed necessary, and that any other steps may be taken as the parties concerned may deem fit.

The prisoner during this latter proceeding, conversed with several persons with whom he was acquainted stepping occasionally over the bar.

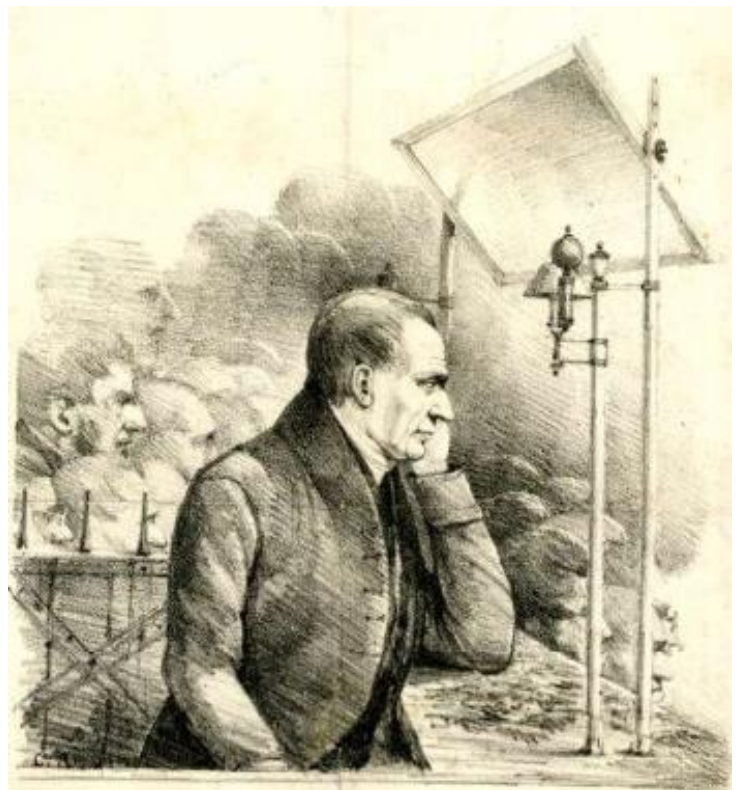
The judge found Hunton guilty and sentenced him to death. The date for the second trial was set for the following Tuesday, 4 November.

The caption of this contemporary print states “Joseph Hunton at the Bar of the Old Bailey, Tried for Forgery on October 28th, 1828.”

Below this is a manuscript addition “The last man executed in England for forgery.”

(British Museum - 1919,0201.1)

The newspaper also reproduced the letter that Hunton had given to the judge at the beginning of the trial.



My Lord, - I beg permission to state respectfully to the Court that I am wholly unprepared to take my trial now. I lately applied to the Court for the postponement of my trial until the next session, upon grounds which I then thought, and still venture to think, were, with reference to the justice of the case, sufficient to warrant that application. Your Lordship was pleased to think that I had not established legal grounds for the postponement required – looking at the case merely in a technical point of view. Of the impartiality of your Lordship's judgement I am fully satisfied; of its correctness, as a mere decision of law. I entertain no doubt but I can as little doubt that if my prosecutors had consented to the application, the Court would have granted it. They, however, with the impetuosity of proceeding, for which I can deign no adequate motive arising from the mere consideration of public good, opposed the application.

How public justice can be addressed by my being tried now, when I have not any means whatever of defence, instead of being tried at the next Sessions, when by the inspection of my papers and books, I shall be better prepared for so awful a trial, I cannot see. I have only to say, that stripped as I am of all means of defence by being denied access to my papers (which my assignees have promised to afford me if my trial is postponed), I shall not do either myself or my Counsel the injustice of attempting a defence which must of necessity, from the circumstance in which I am placed, be imperfect and illusory. I shall therefore attempt no defence under such circumstances. – I shall not trouble my Counsel to make a useless interference, I shall cross examine no witness, nor at all interfere in the trial which my prosecutors may have all their own way, and conduct as they may think fit. I can submit to become their victim, but I cannot submit to exhibit the appearance of defence, while they exclude me from the means of rendering it effectual.

This newspaper report follows closely the official records of the trial, but omits to mention that Hunton did read this letter at the beginning of his defence and Hunton also added "I make no remarks on the extraordinary conduct of my prosecutors, in taking papers from my private desk, during my absence; they have deprived me of several of them which are material to my defence. I would further remark that several of them were not finished, nor were they intended to be sent to any body, but merely written for my own amusement, and would probably, in a few minutes, have been destroyed."⁽⁸⁾

Also in defence, a letter that had been sent to the Editor of The Times Newspaper was also read to the court:

Sir, - The account published in your paper of last Saturday, relative to Joseph Hunton, being incorrect in almost every particular, I beg leave to send you this statement, which, be assured, is strictly accurate. It is not true, as stated, that he was seen in London by several persons, on Saturday, the 27th of September; he left London on Friday afternoon, about four o'clock, and has not been there since. It is not true that he has a family of twelve or thirteen children - he has but ten. It is not true that he resided chiefly in the country; he regularly came to town soon after nine o'clock in the morning, and generally returned about nine o'clock in the evening. It is not true that he has forged the names of several eminent mercantile houses in the city; there is not a single one of that description. It is not true that he has committed forgeries to the amount of 12,000l. or 14,000l. - the amount is about 5,000l., and these he has paid when due with interest, till, for want of discounts, he was no longer able to do so. The whole of his property, of every description, is left for the creditors, as, excepting a very small supply of clothing absolutely needful, and his passage, he did not take away to the amount of 5s., except what was very kindly advanced him by a relative, expressly that he may not be utterly destitute in a foreign country. It is true that he might have obtained goods on credit to a much larger amount, but this was not his object; he was under engagement to supply the capital for his concerns, and being very much disappointed in the quarter from whence he depended for a supply, he had unfortunate recourse to this ruinous measure. He is a very melancholy instance of the mutability of wealth. Several years since, he was retiring from business, with an ample fortune, but unfortunately investing a considerable part of his property in the foreign funds, he lost to a very great amount, and the more he struggled to extricate himself the more he lost; and the greater his difficulties increased. Those who are acquainted with him know that his habits and personal expenditure were on the most moderate scale, and were it not for the law expenses and destruction of property attendant on a Commission of Bankruptcy, there will be sufficient to pay the whole of his creditors in full. It is not intended to apologise for his late practices, but a desire that his fate may be a warning to others to avoid them, and not to engage in any concern of which they do not foresee the consequence; he expected to have been able very shortly to pay these acceptances out of the regular proceeds of his concerns, this disappointment has brought on himself, and on a most amiable family, irretrievable ruin and disgrace.

For details of the second trial on Tuesday 4 November, the Old Bailey records are incomplete with a few missing pages and the following summary is from the Trades' Free Press (Saturday 15 November 1828 p7 col 4).

JOSEPH HUNTON

The several documents in favour of this unfortunate individual have been submitted to the Secretary of State, and it is asserted by those who have prepared them, that, calculating upon what has been the well-known practice of Mr. Peel – that of most minutely Investigating every case where the shadow of a chance of unintended fraud exhibits itself – it is confidently believed that a pardon will be sent down; at least, that a commutation of punishment will take place without delay.

The strongest grounds upon which this belief is founded is, that sufficient has been shown upon the two trials, to prove that Hunton had no intention to defraud when he uttered the forgeries; Mr. Robarts, one of the partners in the prosecuting-house, having admitted that they had in their hands a security for the payment of any bills of the prisoner, as will be seen from the following questions and answers advanced on the second trial, and copied from the notes of the short-hand writer to the Court.

Prisoner to Mr. Robarts – Pray, was this bill discounted on the knowledge and opinion they had of the supposed acceptor, or was it on the knowledge and opinion they had of the drawers?

Mr. Robarts – It was discounted on no knowledge whatever of the acceptor, but strictly on the assurance of the prisoner to me, that this was a *bona-fide* transaction in business.

Prisoner – Did we not deposit with Curtis and Co., an assignment of certain leasehold and freehold property, as security for any bills they might discount for us?

Mr. Robarts – There is now in our possession a deed of assignment, purporting to be a collateral security to us for the due payment of any bills or advances we might make to the house of John Dickson and Co., (the house in which the prisoner was a partner.)

But the whole of the proceedings go strongly to testify that there existed upon the part of the grand jury, and the juries before whom Hunton was tried, at least a very great doubt of the intention to defraud.

It will be recollected than on the first trial, Hunton's counsel threw up their briefs. The prisoner complained of having been precipitated to trial, and of the refusal to permit him to look at his books, or to afford opportunities of making the defence he had planned. He allowed everything to proceed as a man despairing of justice would be likely to do; and he never put to his prosecutors a question about the security alluded to, although that must have been answered, as it was answered upon the trial on the second indictment. The great probability is, that if the fact had been stated on the first trial, an acquittal would have been pronounced at once. But the argument of former conviction will naturally make its impression on a Jury, and the demur about the verdict in the second instance ended unfavourably for the prisoner in consequence of that impression. It is peculiarly worthy of observation, that the written defence of Hunton on the second trial was in exact keeping with the answers which Mr. Robarts gave to him with regard to the security, although that defence had been written before he entered the court, and the questions evidently arose from the sudden impulse or act of the memory which had failed in the confusion of the former case. Hunton did not on his second trial forget to mention one circumstance, which well accorded with the sanguinary spirit of the law. His books were, he said, offered to him for inspection after conviction, when they could be of no use to him, but denied to him before, when he could have made them available.

The complexion of the verdict on the second case is peculiarly worthy of notice. At first the jury returned the prisoner "Guilty of uttering, knowing the bill to be forged, but not with an intention to defraud." The judge declared that he could not receive any other verdict than "guilty," or "not guilty," and desired the jury to reconsider their verdict. They then returned a similar verdict, but with some slight verbal difference, of course negating the imputation of fraud. The Judge a second time sent them back, and then they returned a general verdict for uttering and disposing, but not for forging. To this verdict are attached, as reported in the short-hand writer's notes, the following words: - "Strongly recommended to mercy by the jury – first, on the ground of having a collateral security at the bankers to cover all bills in their hands: and secondly, more particularly on account of the distressing situation his wife and children will be placed in."

The newspaper then adds its own comment on the case.

It may not be inexpedient here to observe, that no great honour is reflected upon prosecutors who withhold, in the course of their testimony, that which is calculated to benefit an unfortunate wretch for whom the scaffold appeared to be prepared. The oath says that the witness must tell the “whole truth.” It was true that the prisoner had lodged the security described, and that fact was as well known before the first trial as after it, and yet that information was withheld. But perhaps this omission may be accounted for, by stating that no question calculated to draw forth such an answer had been proposed, and that the acknowledgement of the security would be an act of supererogation not reconcilable to the legal construction of the statute. In the conversations which have taken place on the theme of shedding blood for anything but blood, a punishment has been named which would more effectually check the crime, by giving certainty to prosecutions, and destroying all hope of impunity – it is that of the most rigorous transportation. It is known but to few, that persons who are transported a second time, are sent to Norfolk Island, a place about 1,200 miles distant from the place usually assigned. This punishment is looked upon by many as worse than death – perpetual labour, without the possibility of redemption, is the lot of the convict. The impossibility of escape may be guessed at, from the fact, that no vessel can approach the island, except in two months in the course of the year, and there is only one way of access, which is defended by an armed force, and which nature herself seemed to have applied as a protection to society, against those who deserve to be cast out of it.

The unusual circumstances of the trial and wide reporting of the details in the press stirred up much public interest and the following page shows a broadsheet published later on the day of Joseph Hutton’s execution. The original printing block must have been “square”, but the distortion must have happened before the broadsheet was mounted on card.

The broadsheet gives details that I have not been able to corroborate, for example Hunton had asked for his wife to be allowed to visit. This may be just media speculation.

An interesting Account of the Life, Trial, Execution, and Dying Behaviour of

Monday December 8
1828

JOSEPH HUNTON

And the other Men who Suffered at Newgate, this Morning

HYMN.

HAVE mercy, Lord, on me
As thou wert ever kind:
Let me oppress'd with loads
of guilt,
Thy wanted mercy find.

Wash of my foul offence,
And cleanse me from my
sin;
For I confess my crime, and
see,
How great my crime has
been.



Blot out my crying sins,
Nor me in anger view;
Create in me a heart that's
clean,
An upright mind renew.

My guilt of blood remove,
My Saviour and my God;
And my glad tongue shall
loudly tell
Thy righteous acts abroad.

Make me to hear with joy
Thy kind forgiving voice;
Thine sad and luteless was the day,
thou hast broke
May with fresh strength
rejoice.

A broken spirit
By God most highly
priz'd;
By him a broken contrite
heart
Shall never be despis'd.

Printed by J. Catnach, 2, Monmouth
Court, 7, Dials.

JOSEPH HUNTON, aged 58, was indicted for forging and uttering as true a bill of exchange for £48 10s. with intent to defraud Sir Wm. Curtis, Banker. A second indictment for uttering a forged acceptance for 162l 9s.; and also for uttering a forged acceptance for 50l. with intent to defraud Sir Wm. Curtis and others. There were several other indictments against the prisoner of a similar nature, to all of which he pleaded Not Guilty. The prisoner's counsel, Mr. Phillips challenged 20 of the Jury which occasioned much delay. He was then tried for the forgery of 162l 9s. and the evidence so satisfactory proved that the Jury without hesitation pronounced a verdict of guilty, but recommended him to mercy, on the grounds of his previous good character and respectability. Mr. Justice Park intimated to the Jury that their recommendation would be ineffectual. Previous to the Jury returning their Verdict, the Prisoner in his defence said—"My Lord—I beg permission to state, respectfully to the Court that I am wholly unprepared to take my trial now. I lately applied to the Court for the postponement of my trial until the next Sessions upon grounds which I thought, were, with reference to the justice of the case, sufficient to warrant that application. How public justice can be advanced by my being tried now, when I have not any means whatever of defence, instead of being tried next Sessions when by the inspection of my papers and books I shall be better prepared for so awful a trial, I cannot see. I have only to say, that stripped as I am of all means of defence, by being denied access to my papers (which my assignees have promised to afford me if my trial be postponed.) I shall not do either myself or my Counsel the injustice of attempting a defence, which must of necessity be imperfect. I shall, therefore, attempt no defence under such circumstances, I shall cross-examine no witness, nor at all interfere in the trial, which my prosecutors may have all their own way, and conduct as they may think fit. I can submit to become their victim, but I cannot submit to exhibit the appearance of defence, while they exclude me from the means of rendering it effectual." The prisoner was allowed a chair during the trial and the court was crowded to excess, amongst whom were several members of the Society of Friends. The forgeries of the prisoner amount to upwards of 6000l.

James Abbott, aged 28, was convicted of cutting and maiming his wife, by stabbing her in the throat, in Fetter Lane.

John James, aged 19, was convicted of feloniously breaking and entering the dwelling-house of Henry Witham, Esq., of Boswell Court, Carey Street, and stealing therein a punch-ladle, a pair of sugar tongs, and five sovereigns, the property of John Ross. It ap-

peared, from the evidence, that the prosecutor occupied chambers in Boswell Court, and that Ross, his servant, was in the habit of sleeping there. On the 15th of September his chambers were broken open and the above property stolen. The prisoner and another man were seen by the watchman coming from the neighbourhood of the house, but as there was nothing suspicious in their appearance he did not detain them. The prisoner was taken a day or two afterwards by one of the Bow-street patrol, with part of the stolen property in his possession. Upon being told that he was ordered for execution, started out of bed, and paced up and down the cell in great perturbation. It was with difficulty he was prevailed on to lie down, and he was frightfully dejected during the whole day.

Joseph Mahoney, aged 26, was convicted of breaking and entering the dwelling-house of Mr. Barrow. The prosecutor's house was entered by two men, about two o'clock in the morning of the 15th of October, and a quantity of plate stolen. The watchman heard an alarm and went to the back of the house, when he saw Mahoney drop from the garden wall and took him in custody. His companion, a man named Morris, was afterwards found concealed in the dust-hole. There were a variety of house-breaking implements found in their possession, as well as part of the stolen property.

Hunton bore the intelligence "that he was certainly to die" with apparent fortitude. He was lying on his pallet when the Ordinary entered his cell at a little after eleven on Monday night. Upon hearing the cell door open at so extraordinary an hour, he turned round slowly, and said, "Well I suppose I know the news thou bringest." "Yes," replied the Ordinary, "Mr. Hunton, you are, I hope, prepared for that which you have expected—your execution." Hunton said, "Indeed, I have been expecting that intelligence; it is no surprise, and yet my case has many palliatives which should op-

erate with grace at the seat of mercy. Pray tell me who are doomed to die with me?" The Ordinary mentioned the other names enumerated in the Report, and Hunton observed that he should submit with calmness to his fate. "But," said he, "wilt thou do me the great favour, friend Cotton, to permit my wife to come and stay with me alone before the time arriveth for the change?" The Ordinary replied, that he had not the power to grant any favour, but his request should be communicated to the proper authority, and no doubt every indulgence of a reasonable kind would be granted. During this conversation, Hunton seemed to be perfectly resigned to his fate. It is singular that he never asked on what day he was to be executed. After the Ordinary assured him that he should be treated with kindness, he turned round, and said "Good night friend," and appeared to resign himself to sleep. In the morning he rose, evidently in a state of the most wretched dejection.

After these unhappy men had received sentence, it required four men to take them to the condemned cell, and they trembled and wept bitterly. The parting between these poor men and their families was affecting in the extreme. This morning the Sheriff and his officers arrived at the prison at the usual hour, and the unhappy men were led from their cells. It was pitiful to behold the sorrows of their hearts. They clasped their hands, and prayed for mercy. They also prayed for their wives and families, and leaped their end would be a warning to many. James first ascended the platform, and walked to the railings. He then in a loud voice, said, "Good people, I acknowledge what I am brought here to die for. My sentence is just, and may God forgive me. Take warning by my dreadful death in the prime of my life—and God bless you all—farewell." He then submitted himself to the hangman.

The fatal signal being given, the drop fell, and they were no more.

A COPY OF

VERSES

HARK 'tis the dreary midnight bell
That breaks the gloom profound,



It seems to toll my funeral knell,
How horrible the sound.
A few short hours, and I must stand,
Expos'd to shame and scorn—
Ah! sad and luteless was the day,
When Hunton he was born.
My parents were of good degree,
Of credit and renown,
In tenderness they reared me,
Till I a man was grown.
In business then they did me place,
All in a prosperous way.
Alas! I never knew disgrace,
Till I was led astray.
I had a chaste and virtuous wife,
As man could wish to find,
She was the solace of my life,
So tender and so kind,
Ten lovely babes to me she bore,
My ornament and pride.
No man could love his family more,
For them I would have died.
For many years I did maintain,
Both credit and respect;
Blest with a fair and honest name,
No man did me suspect.
Alas! I sigh, and sigh in vain,
While on these thoughts I dwell,
In an evil hour the tempter came,
And I his victim fell.
Curs'd be the hour I took the pen,
The fatal pen in hand,
My death and infamy signed I then,
O most unhappy man;
I knew full well the consequence
Attendant on my crime,
Yet blindly led—I rashly did,
My own destruction sign.
And when my deeds were brought to
light

Before the public view,
Seized with horror and affright,
I to the country fled.
My passage I did quickly take
To cross the wat'ry main,
And justice did me overtake.
And brought me back again.
So now the time is drawing near,
The hour is close at hand,
When I all trembling must appear,
Before my JUDGE to stand,
Look down in mercy from the sky,
O Lord thy goodness show.
To my afflicted family,
Now weeping here below.
I call on Thee, in my distress,
To hear my dying prayer,
The widow and the fatherless,
Are thy peculiar care,
Farewell, farewell, the moments come,
To death I am resign'd,
My hope's are fix'd through Gods dear Son
Salvation for to find.

Due to his slight build Joseph Hunton was hanged with a long rope and was interred at the Quaker burial ground at Barking later the same day on Monday 8 December 1828.

A fortnight later all of his goods were to be sold to pay his debts. The Morning Post (Thursday 18 December 1828 p4 col 2) gives details of the auction and intimates the effect it must have had on Hunton's family.

THE LATE JOSEPH HUNTON

The sale by auction of the furniture, fixtures, farming stock, and utensils, on the villa and grounds at Walthamstow and Leyton, the property of the late unfortunate Hunton, concluded on Tuesday. The whole was brought to the hammer by Messrs. Parrington and Son, of King Street, Cheapside, under the direction of the assignees of the late bankrupt. The sale on each day, as might be expected from the great interest which Hunton's fate excited, was numerously attended, and the various lots sold well. The articles of furniture were very numerous, but not more costly or valuable than is usually to be found in the country residences of City tradesmen, nor were there any articles considered as heir looms, purchased by any of Hunton's family; the whole was sold unreservedly to the highest bidder. The Jews, as usual upon similar occasions, mustered strongly, in the expectation of purchasing some "great bargains." The total proceeds of the sale, it is understood, amounted to very little short of £2,000. The admirable manner in which the grounds are laid out, excited universal approbation, and the taste of the late proprietor was praised by all; it was admitted by every person who attended the sale, that there is not the same quantity of land (15 acres) within five miles of London, more tastefully disposed than the pleasure grounds of the villa at Walthamstow. On the Bankruptcy being declared, the messenger of the Commissioner took possession of the property at Walthamstow, and the keys were delivered up by the eldest daughter of the late unfortunate Hunton, a fine girl aged seventeen years, who was informed that any particular articles which they might wish to keep possession of, they were at liberty to take. On this being communicated to Mrs. Hunton, she refused to accept of the most trifling article, saying she wished the creditors to have everything, and actually delivered up several articles of wearing apparel, which the assignees did not require or expect, and the things were sent back; but Mrs. Hunton refused to take them and said if there are anything left after the creditors were paid in full, she would accept of it, but not before.

I have not been able to find details of the total extent of Joseph Hunton's debts or the value of his properties, by then in the hands of his creditors. From the above comments of Mrs. Hunton, I do not expect the two sums to be significantly different.

Aris's Birmingham Gazette (Monday 5 January 1829 p3 col6) announced that much of Hunton's stock would be reappearing to be sold at auction on Monday 12 Jan 1829.

The case of Joseph Hunton had gained some notoriety and when the American packet ship the Leeds, fully laden to 500 tons, ran aground in the Thames on 31 December 1828 the newspaper announcements noted that it was the ship upon which Joseph Hunton was arrested. (Kilkenny Moderator, Saturday 3 January 1829 p4 col3).

Conclusions

As a Quaker, Joseph Hutton was a man of very strong principles, however, there is no doubt that he forged the bills of exchange and covering letters. The use of one of his own employees' names as one of the signatories shows that he was not accustomed to deception and the detail required to make it successful.

His attempt to evade justice by boarding a ship bound for America suggests he knew the significance of his crime. Though it is stated that his friends had given him £100, the exact circumstances of the gift are not clear, but this was a significant sum in 1828 and would certainly "help him on his way". The sum was several years' salary for a labourer, a few years for a lower professional such as a bailiff, but likely small compared to the sums Hunton was familiar with in his business dealings.

It is not clear if he had deserted his family or if a larger scheme was in play for them to follow later. All of his properties and assets would be forfeited to pay his debts anyway.

The trial itself seems quite irregular with the prosecution somehow keeping Hunton's books and documents out of reach for the first part of the trial, where his stubborn reaction of replacing 20 jurors, dismissing his defence team and refusing to cross examine the witnesses or defend himself could only antagonise the judge and jury and lead to the inevitable verdict.

At the second part of the trial, Hunton had his books and documents available and he easily guided the prosecution admit that sufficient collateral had been made available prior to all of these events, thus confirming that he had never intended to commit fraud.

He was thus executed for what would later be called a white-collar crime, forging a financial document and signature. This had been rife for many years and the moneyed establishment were fearful of such acts leading to a loss of confidence in the financial systems, especially those based on paper. The use of capital punishment gives some measure of this fear.

There was a very strong argument for the sentence to be commuted to transportation, but Hunton's own actions in the first trial were unlikely to encourage leniency.

On 16 August 1832 an Act of Parliament was passed to abolish the use of the death penalty for cases of forgery such as this.

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A final thank you to Melinda Mays for giving me her late father's folder of images used for his book, which included photographs of Hunton's portrait and business card. But it does leave the question, where are the originals?

