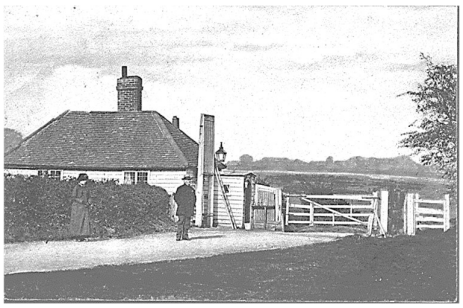
# HIGHWAY ROBBERY: THE STORY OF JAMES COOPER

**By Eric Jenkinson**

The last days of August had been hot and dry in the Surrey hamlet of Smitham-Bottom, the former name for Coulsdon. A body twisted awkwardly in its iron cage which hung by heavy chains from the wooden gibbet that had been erected at the northern end of Lion Green. The date was 30 August 1794. On that light Thursday evening the popular coaching Inn, the Red Lion, which overlooked Lion Green where Aldi now stands, would have been busy with passengers taking a break from the uncomfortable horse-drawn coaches that plied the Brighton Road to and from London. Their numbers would have been swelled by crowds of local inhabitants attracted by the earlier spectacle of a public hanging. The sight of a public hanging was not unusual in the 17th and 18th centuries, especially in villages and towns that lay along main routes. The Brighton Road in the 18th century was a desolate, dangerous stretch at that point as it followed the bottom of the valley below the North Downs. Thick shrubs and trees which edged the rough, rutted road made it easy for ruffians to hide in wait for their victims. It was a route along which travellers ran the risk of attack and robbery by footpads (criminals on foot who generally attacked pedestrians) and highwaymen. Highwaymen were a cut above footpads. They were generally on horseback and armed with pistols, knives and swords. They plundered coaches and robbed lone travellers or small groups.

The criminal who unfortunately provided the public spectacle that Summer evening was James Cooper, a once respectable butcher from Essex. Following a period in and out of debtor prisons, Cooper had fallen in with a rough crowd and had become a habitual thief. Cooper had joined with a notorious criminal, an Irishman called William Duncalf, and a former soldier in the Guards, James Burrell. Most of the gang's crimes had been committed far from Croydon but on Saturday 17 March 1794 at about 8pm the three villains lay in wait in a deserted lane which ran between the Croydon turnpike and Sanderstead near Croham Hurst Woods. Turnpikes were roads across which gates had been erected, often with an adjacent cottage, or Toll House, for the keepers who exacted a toll from travellers on behalf of local trusts. The non-profit trusts used the money to repair the roads which were damaged by expanding horse drawn freight and passenger traffic. The manned turnpikes also increased security on the Highways. Clearly this did not always extend to the byways such as the lane which the gang had previously used to rob travellers.



**The Tollgate at Kingswood, Surrey in 1870 © Kingswood Residents' Association**

**Croham Hurst Woods © Croydon Council**

That Saturday evening, the three villains attempted to stop two gentlemen on horseback riding from Croydon. The two gentlemen were Robert Saxby, a groom, and his acquaintance, Robert Boyd, who was a gamekeeper. Duncalf grabbed hold of the bridle of Boyd's horse and managed to pull Boyd to the ground. Saxby spurred his horse and broke free of the ambush. Cooper joined Duncalf who was struggling with Boyd on the ground. The men beat Boyd senseless

and robbed him of his watch and money. In the meantime, Saxby had stopped further along the lane and tied his horse to a gate while he bravely returned on foot to give assistance to his friend. Saxby attacked Cooper and the two struggled until Duncalf managed to pull Saxby off Cooper. Duncalf then shot Saxby as he lay defenceless on the ground. The three villains then rifled the pockets of the dead man. Fearing that the noise of the fight might have attracted attention the thieves made their way quickly back to London.

The noise had indeed attracted the attention of a man who knew Duncalf and immediately suspected his involvement. Duncalf was arrested at his London lodgings a day or two later. Cooper was detained soon after. Burrell appears to have given himself up and turned King's evidence because he did not trust Duncalf not to do likewise to save his own neck. The prisoners were held in Newgate Prison until Cooper and Duncalf were tried at Kingston Assizes in mid-August 1794. They were sentenced to death. Duncalf avoided hanging because he died in prison of gangrene in his leg.

A Replica of the type gibbet cage used for James Cooper. Now in Leicester Guildhall Museum (Sarah Tarlow) An Iron gibbet cage. Held in Leicester.
Photo: Lee Haywood/CC BY-SA 2.0

For more information on this and the use of Gibbet cages https://www.researchgate.net/figure/Replica-of-James-Cooks-gibbet-cage-of-1832-now-in-Leicester-guildhall-Sarah-Tarlow_fig1_325196626

Prior to 1834 Magistrates could determine additional punishments post-mortem such as gibbeting which was known colloquially as hanging in chains. Hanging in chains was considered morally appropriate because it meant that after death the condemned was not buried. Instead, the body was kept suspended between earth and heaven in order to punish the soul. Often criminals were hanged until dead on gallows in one location then the body was taken to a public place, such as a crossroads, near the scene of the crime and hung from a wooden gibbet in chains. The body could be left on a gibbet for days or even weeks as a grim deterrent to other would-be criminals. The practice involved the body of the hanged criminal being taken down from the scaffold after death. The body, or at least the external parts such as the hands, arms and head, were covered in molten pitch or tar then placed in a cage which supported the head, torso and upper legs.

Gibbeting was not universally popular in Britain. The diarist and MP Samuel Pepys (1633-1703), for example, expressed disgust at the practice. Gibbeting fell out of use during the late 18th and 19th centuries and the last person to suffer this punishment in Britain was in Leicester in 1832. That hanging attracted a crowd which contemporary estimates put as large as 40,000. The practice was formally abolished by the Hanging in Chains Act of 1834. James Cooper had the ignominious distinction of being the last man to have been in hanged in chains on Lion Green.