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The Arsonist as Revolutionary
'John the Painter' and the Ward of American Independence

House of Learning

403

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HOUSE OF LEARNING LECTURE

**The Arsonist as
Revolutionary:
'John the Painter'
and the War of
American Independence**



**Presented by Neil York
Department of History**
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LIBRARY AUDITORIUM

"Prepare every needful thing... even... a house of learning." Doctrine and Covenants 88:119

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I'll better behave more than usual since this is being filmed. Which I guess begins with me standing in one place. I have three words for you: serendipity, contingency, credibility. You are gonna have to wait for awhile to find out why I want you to keep contingency and credibility in mind. Serendipity, I'll start with. Serendipity being the fortuitous chance encounter and most of my colleagues here, elsewhere as well, have had serendipitous occasions when they have found something they weren't really looking for, and it turned into something they hadn't expected. Browsing libraries, finding things in the stacks they hadn't thought would be there. One of the things I wonder about as we move into a more high tech age is what will happen to the serendipitous encounter. In theory, it should be more possible than ever before with people surfing the net, but of course part of serendipitous encounters is that you recognize the opportunity that's open, so I'm still not sure what will happen.

But I had a serendipitous encounter which is really the basis of what I want to talk about today. It happened, oh, about ten years ago. I thought I was going to do an essay comparing the first two histories of the American Revolution, after the war was over; one by an Englishman, one by an American. And as I read through the Englishman's account, a fellow named John Andrews, *History of the Late American War*, four volumes published from 1785 to 1786, I stumbled on a character I had never heard about before. An arsonist named James Aitken, but he was known to his contemporaries as John the Painter. According to Andrews he was a vicious character verging on madness, a wicked and extraordinary man. I thought well I need to know something about him. So I decided to find out about him. The Tale begins in Edinburgh, Scotland. This is Heriot's hospital, a building that still stands, it's at the base of the mountain upon which you'd find a castle below High Street. The building dates from the 1660s; a school was founded in the 1620s by George Heriot, that's his picture that's in the right frame here. He was a self-made successful goldsmith and so he built this school for fatherless boys. And the school still stands, it's very proud of its heritage. At this point it's a day school rather than a boarding school and it's been co-educational for over 20 years. But the people at Heriot's Hospital, or the Heriot School like to recall the great men and now the great women who have come from its, uh, portals and have gone on to make a name for themselves.

Well, the fellow that I'm talking about made a name for himself, but not in the way that they had hoped and he doesn't show up in any of the school's literature. This is a nice portrait of James Aitken, at this point called Jack the Painter, and I'll come back to how John became Jack later. He was born in 1752 in Edinburgh, he was the 8th of 12 children, his father died in 1759, in fact, he died with his wife pregnant with their last child. James and 3 of his brothers went to the Heriot School, and they followed the traditional path of the fatherless working class youth who were admitted, which is they learned a skill after they passed through with a basic liberal education background in an apprenticeship, which could last from 5 to 7 years. A handful went on to the university, most went on to success in the working class. Aitken entered in 1761, he was still 8 years old, he was there for 8 years, and then he was apprenticed to a local house painter and it's not exactly clear when the apprenticeship ended, perhaps 1772, perhaps 1774, but at that point he went out to make his way in the larger world. Now exactly where he went, what he did is a matter of a fair amount of dispute, because what we know about him is after the fact, after he became infamous, in supposed autobiographical accounts that were published after his death. What we do know is that not too long after having left, he got himself into trouble. He didn't really like painting houses. He made his way to London and became adept as a

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housebreaker, or burglar, a highwayman; even at some point he confessed that he had become a rapist. Not a very good young man. But he fell into the crowd that could expect to end up incarcerated or executed. In the sort of scene that you see here, the sort of chaotic, "Idle Prentice" at a tyrant, where we have the public display of the executed felon. Keep in mind there are a fair number of people who became felons and who were executed because there were over 160 capital offenses under English law at this time. And Aitken more or less squandered the educational opportunity he had been given to, to follow this life of crime.

At some point he apparently came to the colonies. It's not clear when; one account said that he was here by '73; he participated in the Boston Tea Party, doubtful. Another account simply says that he made his way to Virginia, got himself into trouble, made his way back to England. But in any event, he was back in the British Isles and in England by 1775. Quickly returned to his, thieving ways, but he had an epiphany. He went to the town of Oxford, overheard a conversation in a pub. And this is the fall of 1776. And between beers, a couple of the fellows there were talking about the American war and how it was not going all that well, and that it could go much worse if something were to happen to the navy, that the navy was really the only reason that Britain had become a great power. And as the navy went, the nation went, and the navy was dependent on its stockyards. No dockyard facilities, no new construction, no repair. And as he supposedly put it in one of the autobiographical accounts that circulated, "It is amazing with what force this conversation kept possession of my mind. I believe it never left me afterwards. In the night I had 1000 ideas, all tended to show how important would be the event in favor of America, provided these dockyards and shipping could be destroyed. The more I considered it, the more plausible was the undertaking, the more eager I found myself to become the instrument of it. I spent two days in the contemplation of this malicious design and promised myself immortal honor in the accomplishment of it. I beheld it in the light of a truly heroic enterprise, such as would never have been equaled to the end of time. I was persuaded it would entitle me to the first rank in America, and flattered myself with the ambition of becoming the admiration of the world."

Well he knew that by October 1776 there was an American in Paris named Silas Dean. And he was a representative of the American government, he was there trying to get the French to recognize the American claim of independence, which the French were reluctant to do at that point. So Aitken made his way across the channel to meet with Dean. Dean didn't want to meet with him; he was kind of scruffy looking and unkempt. However, he had an intriguing idea which Dean had a hard time resisting, which is, he proposed to destroy the British navy by destroying the dockyards. And he designed an incendiary device to carry this off. Where he could have any tinsmith or any blacksmith make a tin tube, rectangular in shape, 10 inches high, 3 inches on each side. Poke holes in the top of the tube, put inside the tube a wooden box, a hole in the wooden box, have a candle protruding from the box, have the tin tube removable so that he could light the candle, put the tube over the top of it, put the whole contraption on a pile of straw or hay or flammable materials, anticipate that the candle would take anywhere from 2 hours to 3 hours to burn through the box to the combustible materials and by then he could be gone. So it's a device that puts him in the rank of terrorists. And there are others who have written about him who've in fact characterized him as a type of terrorist because of this device which after all, could indiscriminately destroy property, and potentially people. Dean decided it was worth the risk, he probably also understood that he could engage in what we now call plausible deniability,

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and if Aitken was captured, he could say, I have no idea who this person is and what he's talking about. Aitken returned to England and went to his targets.

Now, at this point there were six royal dockyards, the 2 so-called Western Yards, Plymouth being the westernmost, which you can see in the far left. Your eyes have to be really good for this; I can barely see them from here. Portsmouth to the right of that if you're looking along the south coast of England on the channel. Then the other 4 yards up by London, so if you look more toward the center and the right, you'll see London, the Thames flowing out to the north sea, and there are the 4 yards there with Deptford and Woolwich, and then on the Medway, Sheerness and Chatham. Now, these docks were crucial in the construction and maintenance of British warships. These are the battleships of their day, the Victory's the most famous of them, the Victory does in fact date back to this generation, this is not a model of the Victory, and this is a 110-gun ship. The mainstay of the British navy at this point, a so-called third rating ship of the line was a 74-gun vessel. This is just the picture of the hull of one of those, a model, obviously. A 74-gun, 2-deck ship of the line, could take as many as 3000 trees in its construction. Elm for the keel, oak for the hull, and that oak needed to be about a century old, they needed to be air or kiln dried for 2 to 4 to 6 years. They needed pines, and all sorts of, of other materials for spars, for masts, for guns, hemp for cordage. Up to 100,000 feet of rope, from the general utility rope which would be, 3/4ths of an inch thick, to the so-called wolding, this would be 18 inches in circumference, which was used to wrap the base of the mast used on the bowsprit. It took 6 to 8 years to build one of these ships; they had to be drying docked every 5 years or so for up to 6 months at a time, very sophisticated operations. One of the things we, we don't really appreciate when we make the distinction between so-called pre-industrial and industrial ages is that somehow everything was simpler and easy. These shipyards were the most sophisticated operations of the pre-industrial age. What they were making were the most sophisticated machines of the pre-industrial age. The dry docks, the slips, the mass pawns, the construction facilities, immense operations. This happens to be a shot of the Chatham yards in model form.

Now think about. Your life as a shipwright in one of these yards in the 1770s. You work 6 days a week, 12 hours a day, unless you are on the rope locks, twisting rope being so difficult that you were restricted to about 4 hours a day. But in your spare time, you were expected to make a model of the yard for the king, and this is in fact a model, rather small, but you can see how skilled these men were because this is, this is a tiny model, probably 3 feet by 4 feet in overall dimensions. Same idea, model 1774, this is Deptford, on the Thames. And you can see the slips, and the dry docks, the storage sheds. In those sheds you would have the lumber that has been cut, the timber for the operation. Dry dock at Plymouth. But by far the most important of the 6 yards was Portsmouth. That's where Aitken proposed to start. Now the Portsmouth yard, is in the upper right here, so as you're looking at it, the city or the town of Portsmouth is, is the lower right. Just above that is the common, or what eventually would become the community of Portsea. And then above that, the top center right is the yard itself. The yard covered about 300 acres, had 2000 employees, the largest building in the yard, which you can barely see here, so let me give you another shot, is the one that's running bottom to top near the right. The ropewalk was about 1100 feet in length, about 70 feet wide, 3 stories tall, built of brick. The fact that it was built of brick is significant in terms of what it is that Aitken could actually accomplish in trying to burn it to the ground. Another part of the Portsmouth yard, one of the so-called basins. This is actually the map that is passed out to tourists who go to the Portsmouth yard. Now the historic

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yard as opposed to the operating yard. You can see, again the ropewalk, but it's running horizontal rather than vertical in this shot. But it is essentially the building that Aitken tried to destroy in 1776. It had been constructed in 1770.

Now, what Aitken did was to cross back over to England, go to Canterbury, have his incendiary devices made there, make his way back to Portsmouth, where there are actually people who knew him. Because in those intervening months between his return to the British Isles, spring of 1775, and his epiphany in the fall of 1776, he had worked as an itinerant painter. He had spent a lot of time in the Portsmouth area. There are people who knew him, even though the yard could've been quite secure, there's only one land entrance, brick wall 12 feet high going around it, they allowed him in and out constantly, and they just knew him by the name of John. They didn't know that he was James Aitken. They knew that he was not from the area, they suspected that he was a Scot, they thought that if he wasn't a Scot, he might've had a stammer, but then that was sort of the anti-Scottish attitude of a lot of English. And so he returned to Portsmouth and set his fires on December 7th, 1776. It could've been a British Pearl Harbor. It didn't work out that way. His incendiary device did not work; he put that in the so-called hemp house, which was next to the rope walk. He set a fire in the ropewalk, just some combustible materials, a little trail of powder, put a match on it, lit it, took off, and set out for London. He could look back as the sun was setting, late afternoon in December 7th, and he could see that in fact, the ropewalk was on fire, and he hoped the entire yard was on fire. He went to London where he was supposed to meet up with another American agent, Dr. Edward Bankcroft. Bankcroft, he had no idea at this point, was a double agent, Bankcroft worked for the Americans, Bankcroft also worked for the British. He refused to give Aitken any assistance, but he also did not report Aitken's visit to the authorities.

Aitken goes west, decides that he'll try and get the Plymouth yard. Plymouth yard was better guarded, gave up without lighting anything there. Decided to, set the town of Bristol on fire, so he spends the better part of early January trying to burn Bristol to the ground, sets 3 or 4 fires, some catch, most don't. And then he's in flight at that point, in a nation that is utterly befuddled by this and thinks that is a crew of arsonists at work, that these are terrorists of some sort, but they're of course not using the word "terrorists." French agents, American agents, never really suspected one of their own, so between December 7th, 1776 and January 27th, 1777, there is this tremendous dragnet, try to find the arsonist or arsonists. If Aitken had been more careful, he probably would have gotten away. But housebreaking and burglary was habitual to him, and he needed to feed himself, so as he worked his way east from Bristol, back toward London, he kept breaking into houses and shops. By this point, there were newspaper descriptions of him circulating, telling people that they should look for someone who was 5 foot 7, sandy hair, pale skin, freckles, in a rumpled brown coat. Obviously there are no photographs to accompany it, it's just a written description, but it was good enough that a jail keeper in Andover, little town on Aitken's route, remembered fellow fitting that description passing through. A shopkeeper's wife remembered a fellow fitting that description lurking about, so 2 guys, by themselves, got on the road to chase down the suspect. They caught him. They had him put in a town jail along the route, and then contacted London and said, in fact, we've got your man. London was thrilled, this is probably the only case where George III was following the escapades of the arsonist or arsonists, and wanted to be kept up to date with what was, what was happening. Now, the hope here was another shot at Portsmouth, today. The hope here is that not only do they catch their

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man and execute their man, but they make an example of their man. They had a system of retributive justice. We punish people; we execute people, in order to teach an object lesson so that boys as they grow up to become men will walk the straight and narrow. And that the evil ones will turn up in the malefactor's register, and this is a shot of the, the frontless piece to the malefactor's register. And by this point in 1779, James Aitken, having been executed has become one of the malefactor's. Here you see the mother advising her son in no uncertain terms what awaits him if he becomes a criminal with the uh, uh, hanging post and the noose in the background. So, the whole point of this exercise is not simply to convict him, but to get him to be contrite and to confess and to advise other boys who became men not to follow in his footsteps. Now of course, this kind of system of retributive justice only works if those who are about to die fear something other than that immediate death. There has to be that haunting sense of eternal damnation if, in fact, they are caught in a crime that, after all is also a sin.

So they're trying to figure out how to break this guy, because he's pretty tough. He's taken to London, they start questioning him, he won't admit very much. But he made a crucial mistake. He was being examined from February 4th to February 24th, 1777. And in the midst of this, another house painter was brought in, and he was asked, "Do you know the accused?" And he said, uh, "No, I do not." "You're a house painter." "Yes I have." "You've been to the American colonies?" "Yes I have." "Thank you very much." Uh, Aitken's eyes met the eyes of John Baldwin. They struck up a conversation. Aitken invited him to visit him in jail, Baldwin said, "Well, sure, I'd be happy to do that." And Aitken started talking to him, pretty innocently the first couple of days, but by the end of the first week, he was starting to divulge things to him. He couldn't resist bragging about having met Silas Dean in Paris. He couldn't resist bragging about actually having set the fire in Portsmouth, and having bigger plans, and how he had this incendiary device made in Canterbury by this tinsmith. At the end of each conversation, John Baldwin would go back to court and report to Sir John Fielding, the magistrate, what he had been told. The so-called Bowstreet Runners would go out, find whoever it is he had identified, and line them up for the witness list. Aitken had no idea this was going on. At the end of the examination, he is informed that he would be taken to Winchester, and he's taken there in shackles. He arrives at the end of February. The trial is scheduled for March 6th to be in the Great Hall at Winchester, which still stands. And he would be tried in, basically the circuit court system of England at that time. Which meant that you would have two judges going out from London, they did this, twice a year, uh, trinity term, lent term, this would be the lent term, end of winter. Now imagine the schedule here. Two judges, one clerk, one carriage, they arrive in Winchester on March 4th, they are in Taunton, which is in Somerset, on March 29th, so 25 days., roughly 200 miles. In those 25 days, they would have 7 sittings, they would hear 130 cases involving 179 defendants, and all 179 faced possible execution because these court judges only dealt with capital offenses. In Taunton, which is the last place that they went on March 29th, a Saturday, they heard 27 cases. That's summary justice. Of the 179 accused, 40 were found not guilty, the rest were found guilty, 28 were sentenced to hang, only 4 were actually hanged, James Aitken would be one of those who was in fact, hanged. One of the two judges, the one who presided at this particular trial was Sir Beaumont Hotham, Baron of the Exchequer. Here he is in his scarlet robe, the ermine lining, the black sash, which means that he's about to pronounce sentence, and in his left hand, you probably can't see it, is the sentencing cap, which he would put on his wig to make it clear that he was pronouncing a sentence of execution. This is the original portrait which is in his descendant's home in Dalton Hall. His lordship shot it himself

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and he's about as good a photographer as I am, so we caught too much of the flash, but they look remarkably alike.

He was being characterized as a mercenary who gave no thought of the people, of the country; that he had basically sold his services to Dean and the Americans, that he was a revolutionary in the worst sense of the word. He was a radical, he had no principles, he wasn't committed to the American cause, he was just committed to destruction and seeking his own fame and fortune. His trial was one of the longest in the entire decade, a full 7 hours. Started at 8 in the morning, lasted until 3. 20 witnesses. Arrayed against him were 4 barristers and one solicitor. He defended himself. There was no right to counsel unless it was a treason trial, a good reason not to accuse him of treason. He is simply an arsonist. Either way, he would hang, but you see if he's accused of treason, then he's requires counsel and the burden of proof would be higher, the rules of evidence would be stricter. But as it was, he goes into the defendant's box, he stands for the entire proceeding, and there is no break. He does not have a witness list, he does not see depositions, he does not have pen, and he does not have paper. He simply needs to listen, try and follow, and then conduct his own cross-examination. Not really conducive to a fair defense. And there were in fact, legal reformers at the time who pointed out this, this sort of problem. Not too surprisingly with John Baldwin showing up to testify, and the witnesses who were rounded up as a result of his subterfuge, Aitken was finished. He didn't know it until he saw Baldwin come in -- come into the room and then he saw that in fact, his case was hopeless. The jury didn't leave the box, they basically glanced at each other, and the foreman stood up and pronounced him guilty. Hotham gave the traditional speech of; you're getting your just rewards, repent, go to your God with a clear conscience. He wasn't going to give them that initially, eventually he did. He is executed in Portsmouth on March 10th; there are 20,000 people there to see the execution. They took the mizzenmast from a dry dock ship and erected it just for that purpose, so that he was hauled up, 65 feet. His neck was not broken so he suffocated; it took him awhile to die. But, before he died, he made a speech, and the speech was exactly what they wanted.

"Good people, I am now going to suffer for a crime, the heinousness of which deserves a more severe punishment than that which is going to be inflicted. My life has long been forfeited by the innumerable felonies I have formally committed, but I hope God in his great mercy will forgive me, and I hope the public, whom I -- I have much injured, will carry their resentment no further but forgive me as I freely forgive all the world. And pray for me, that I may have forgiveness above. I die with no enmity in my heart to His Majesty and government, but wish the ministry success in all their undertakings. And I hope my untimely death will be a warning to all persons not to commit the like atrocious offense." After finishing his speech, he dropped the handkerchief, that was a sign to be hauled up, and that was it.

Well he would survive as a bogeyman for years, the body was gibbeted, which meant it was put in an iron cage, a block house point across from the yard. His remains became carrion, , the exact fate of his remains, we still don't know. But, with time, he could be turned into the local colorful character. The great fear of 1776, 1777, could be transformed into the curiosity of the 21st century of, what an odd little fellow, what a strange thing he tried to do. How nice that we captured him and how nice that he saw the error of his ways. So it really fit into the storyline that they were trying to tell. Now I've made you wait all this time for a contingency and credibility. Contingency comes in trying to figure out what the significance of what he did was, and what the

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significance of what he had attempted to do could have been. Historians try to establish cause and affect relationships. He didn't destroy completely even one yard. He never even touched five others. If he had, what would have been the impact? We don't know, because it didn't happen. But in a way, trying to figure out the significance of what he did do is tied to what he might have done. And his story becomes an interesting exploration in the possibilities, the might have been possibilities. Had he destroyed Portsmouth more thoroughly, had he gotten Plymouth, would the British have changed their strategy? Remember, 1776 did not end particularly well for the British. The Americans struck back. We have Washington crossing the Delaware, Trenton, Princeton, they don't seem to be beaten. Would the British have changed their strategy? Would war weariness have set in earlier had he succeeded? We don't know, but it was a pretty near thing. And sometimes dealing with the counterfactual makes it easier to deal with the "factual," and I put factual in quotes, which leads into the credibility issue. Whether you're trying to contemplate what Aitken did, or even what he might have done, you have the problem of the reliability of the record. There are speeches that he supposedly made. There's an autobiographical account that he supposedly gave to his jailer before he was hanged. Is it what he really said or not? Is it too conveniently a story of retributive justice? We don't know.

Now the problems with the historical record, I think most of us understand that past is gone, we have fragmentary remnants of it, and we have to work with that record to try and reconstruct to some extent what we think probably happened. But I would add to the credibility side, not just the problem of the participant and the record that's left, you have to add the historian who's trying to reconstruct or write the tale. And let me just use myself as a guinea pig here for the problem. Aitken in one of the supposed autobiographies said that he had been at the Boston Tea Party. We know very little about what happened at the Boston Tea Party, but I was just convinced that this couldn't be. There's absolutely no way that he was in Boston, Massachusetts, on December 16, 1773. So I did the math. All right, he was apprenticed to a painter in 1767. Typical apprenticeship was 7 years. So I decided, end of subject, I don't have to explore any more, I have my answer: he lied. Well there is a book that came out just this last year on John the Painter, written by someone, interestingly enough, who saw the pamphlet that I wrote that was published by Portsmouth and my pamphlet gave her the inspiration for her book. She has him leaving Edinburgh in 1772, not 1774, because she contends that we have no idea when his apprenticeship ended. It could have been 1772, because after all, he's a house painter, he's not a silversmith. Four or five years would have been plenty. And it didn't really occur to me until I read her book that maybe I had leapt to a conclusion. Maybe I had found what I wanted to find and stopped asking questions too soon. Because I had a convenient answer for the question that I had asked about his veracity. And then how many other times in going through the record had I been, in effect, sloppy? Not asking questions when they still needed to be asked, because after all, this is a pretty tenuous enterprise that we're engaged in. And stopping too soon and being satisfied too early can undo the entire enterprise, which is why I worry about those of a younger generation who are saying whatever, or don't sweat the details. You have to sweat the details, since reconstruction of the past is so difficult and so iffy. Not sticking in there, not questioning the record means that you can end up with a story that hasn't been well-told. And I'm not sure how well-told my story was. Being sloppy took James Aitken to the scaffold. Being sloppy is just a little embarrassing for me, but it should be embarrassing for anyone who doesn't do it well enough and stick with it long enough. Thank you.