

CAPITAL PUNISHMENT

Paul R.L. Williams
Metropolitan Police Museums Co-Ordinator, London

Much has been said and written in recent times on the 'fors' and 'against' of the death penalty for convicted perpetrators of heinous crimes. In support of the 'fors' are the many who hail the past as having had the right and proper answer. It is not the author's intent to take sides on the matter, but he does think that it will be of interest to his readers to show some of the barbaric ways in which society has, in earlier times in Great Britain and in some other countries also, dealt with law breakers.

In Biblical days the concept of 'an eye for an eye' was upheld in the fights against the criminal. If the criminal killed someone, then he himself was put to death, the state's objective being one of pure vengeance. Prisons, probation officers, etc., were unheard of and the death sentence was the only way to deal with those who took away the life of others.

The death sentence, however, was limited not only to cases of murder, but also for offences offending the Law of Moses. Today's all too common offence drunkenness was then dealt with by death. A person who blasphemed or gathered sticks on the Sabbath also suffered the ultimate sentence. In those days the offender would have been stoned to death, either by having small rocks thrown at him by the crowds or by perhaps being thrown upon a large sharp-edged stone or even a large rock being dropped from a height upon his head. Death was, on many occasions, slow in coming and many must have prayed to have been killed by the first stone but this, of course, would not have been so entertaining for the crowd.

The stoning of a prisoner has never been officially recognised in English Law. However, there have been occasions when persons who had been placed in a pillory have died from injuries received from the stones thrown at them. The pillory was, in its simplest form, a wooden 'T' through the cross-bar of which the head, sometimes shaved, and the hands of the prisoner

were locked. It was also known as the 'stretch neck' and would appear to have been in use in Saxon England. The Statute of the Pillory which was passed in 1266 stated that it was to be used for offences of perjury and using fake weights and measures. A later Act of King Edward I gave instructions that all such pillories should be of a convenient height so that no discomfort occurred to the offenders.

In March 1756 a highwayman named James Egan and three other criminals were placed in such a pillory at London's West Smithfield. One of the stones thrown by the crowd who were ridiculing the offenders hit Egan on his head causing his immediate death. His colleagues were also seriously injured. Earlier, in 1731, a procuress known as Mother Needham died of similar injuries received whilst in the pillory.

The pillory was abolished for all offences except perjury in 1815 and was finally struck off the list of punishments in 1837. The last person to suffer the humility of the pillory in Britain was a perjurer named Bossy on 22nd June, 1830. This punishment, however, was not abolished in Delaware, United States of America, until 1905.

The Anglo Saxons, however, did not always stick rigidly to the earlier concept of death for death. To them the sentence imposed on a person who had killed depended very much on that persons status in society. An employer who killed his employee was fined a lot less than the employee who killed his employer. If you were high in status you were dealt with quite leniently or even let off.

The Romans put their criminals to death by throwing them from a tall tower or from the top of a cliff. The Emperor Zeno and mathematician Putuanius both met their fate by this method.

The Romans also favoured death by drowning for offences of bigamy and parricide and this method was really a way of appeasing the Gods by way of sacrifice. A heavy stone would be tied around the neck of the victim who would then be thrown into a river or pond. Some would have been tied up inside a sack which would itself be tied and then thrown into the water. It is through that this method of the death penalty took place in England before the time of Christ and continued right up until the end of the 16th century.

It was not until the time of King Henry II that it was accepted that crime was an offence against the State as opposed to the earlier idea that it was a matter between the offender and offended. This did of course have its complications. With the State taking vengeance on behalf of its citizens, it was not long before rival religions were subjected to continuous and unremitting persecution and the persecution of the witches in the seventeenth century is a good example of this.

The punishment of being buried alive does not appear to have been used in England although in France in 1460 the Provos of Paris sentenced a female thief named Perette to be 'buried alive before the gallows'. Plutarch also refers to it as a punishment for an unmarried woman who lost her virginity.

In 1426 pressing to death or 'peine forte et dure' was adopted, the objective being to get a person to plead Guilty or Not Guilty to a charge. At that time a person could not be tried under English Law without such a plea.

The prisoner would be stripped of his or her clothing and stretched out on his back on the prison cell floor. Each limb would be tied with cord and secured to a peg at each corner of the cell. So tied the prisoner would be unable to move. Heavy weights would then be placed on the chest. Highwayman William Spiggot endured a weight of nearly 400 lbs before pleading Guilty, To increase the torture a sharp object like a stone would be placed under the victim's back.

The fact that a person may have been a mute was never considered, for records shown that in 1735 such a person was pressed to death.

So common was this form of punishment that part of Newgate Prison in London became known as the 'Press Yard'. Thankfully this form of punishment was abolished in 1772.

Perhaps the worst sentence of all must have been being boiled alive. Boiling became part of the English death penalty in 1530 and was used in cases of wilful poisoning. The first person to suffer death by this appalling method was a cook named John Roose that same year. He poisoned seventeen members of the Bishop of Rochesters household, killing two of them.

The following year a servant girl poisoned her mistress and she was boiled to death at Kings Lynn, Norfolk, England. This punishment lasted only until 1547 when King Edward the Sixth repealed the Act.

Burning to death was once the punishment for incest and prostitutes in Old Testament Days. In 1555 the Bishop of Gloucester was burnt to death in front of 7000 people for his heretical preachings. The last execution of this type was on 18th March, 1789 when a woman called Christian Murphy was burnt at the stake at Newgate for coining while her male companions were hanged the same day. This practise ceased in 1790.

'Breaking on the wheel' was a method used during the 18th century for murderers and traitors. The prisoner was bound, face upwards, to a large cart-wheel which was mounted on a platform, so that all could see. The executioner would then smash every bone in the prisoners arms and legs. Having succeeded in that, he would then commence on the rest of the body, eventually killing the victim with a blow to the heart. The author can find no trace of this form of barbaric punishment being used in England but it would appear to have been quite common in France and Germany. There are records of it being used in Scotland on a couple of occasions.

Beheading has been in use since the days of the ancient Greeks and Romans. It was generally looked on as a more honourable death than hanging. In Britain beheading was used especially for nobility - Charles the First, Mary Queen of Scots, Anne Boleyn being but some of those who lost their heads with the help of an axe. Britain had always favoured the axe as opposed to the sword.

Although the executioner's objective was to behead the victim with one stroke of the axe there are records which show that in 1665 a woman suffered five such strokes but was still alive. The sixth stroke finally put an end to her misery. The last person in Britain to be beheaded was Lord Lovat on 9th April, 1747.

In the days of William the Conquerer (1066-1087) punishment of death was used on extremely rare occasions, but as each Century passed the number of offences bearing the death penalty and the numbers of people actually put

to death increased. During the reign of King Henry VIII 2000 people a year were put to death. In Queen Elizabeth I's reign the numbers were about the same.

In 1777 there were about 160 different offences punishable by death. By the 1830's it had increased to 222 offences, and included such things as shooting rabbits or even adopting a disguise. In fact in 1814 a man was hanged at Chelmsford in East Anglia for cutting down a cherry tree. No wonder London became known as 'the city of the gallows'.

Hanging has long been the main method of punishment. Although the gallows were situated in many parts of the country the two main sites in London were at Smithfield (appropriately at the meat market) and the Tyburn, the latter being where Marble Arch is now. Hanging took place at Smithfield up to the late 14th Century. It is known that the earliest recorded execution at Tyburn was in 1191 and it is probable that many condemned criminals were strung up on the elm trees which grew alongside the river Tyburn. Eventually, however, a wooden scaffold was erected and from this evolved the famous triple tree of Tyburn, a triangular 3-legged structure. It was 18ft (5.49 metres) high and capable of accommodating eight people on each side of the triangle.

In the 18th Century and earlier a condemned criminal would be executed the day after sentencing unless it happened to be a Sunday. He would be taken from Newgate Prison in an open horse-drawn cart, which was sometimes draped in black, to the Tyburn. His arms would be pinioned to prevent escape. The streets would be crowded with people eager to glimpse sight of some notoriety. The cart would be preceded by a number of mounted officers being led by the City Marshal and the Under-Sheriff. Travelling with the prisoner would be a Chaplain. As the procession passed the spectators the latter would follow hoping to have a good view of the proceedings at the gallows. As they passed the Church of St. Sepulchre's a nosegay would perhaps be given to the condemned criminal,

As the procession continued on its way the condemned man was allowed to stop at a tavern for whatever drink he requested on the proviso that he paid for it on his return from the hanging! Only those who were lucky enough to be granted a reprieve at the very last moment ever kept their promise. The

journey from the prison to the execution site would take about three hours. depending on the financial state of the criminal he would perhaps pay for some official mourners to follow the procession or travel with him in the cart. He might also make arrangements for his earthly goods to be given to his friends after his death. If he was wise he would also pay the Hangman to do a good quick job.

If the condemned person was well known, crowds of many thousands would be present at the execution and seats would be erected around the scaffold to ensure that people were comfortable as well as entertained. When Courvoisier was hanged for the murder of 72 year old Lord William Russell a crowd of 20,000 attended. When Dr. Hensey was to be hanged for treason in 1758 spectators were charged either 2/- (10p) or 2/5 (12½p) depending on how close one wanted to be to the scaffold. On this occasion, however, the Doctor was reprieved at the last minute, and the subsequent riot left most of the seats destroyed.

In 1759 the triangular scaffold was demolished and replaced by a moveable gallows.

There are even reports of up to 50,000 people being present at some executions and it was these vast numbers which eventually led to the discontinuation of public executions. The crowds regarded the whole affair as virtually a public holiday or carnival instead of the public hanging acting as a deterrent. As a result in 1783 the place of execution transferred to outside Newgate Prison. The last person to be hanged at the Tyburn was John Austin in that year.

This change of scene did little to curb the vast crowds. When John Holloway and Owen Haggerty were hanged for murder in 1807 such were the numbers of spectators that nearly 100 people were killed in the crush.

It was not until 1868, however, that public executions were abolished and hanging took place in the privacy of a Prison. The last person to be publicly hanged in England was Michael Barrett outside Newgate Prison on 26th May, 1868.

The earlier figure of 222 hanging offences of the 1830's gradually reduced until in 1861 the Criminal Law Consolidation Act left only four offences punishable by death: murder, treason, piracy with violence and setting fire to arsenals and dockyards. In 1908 convicted persons under the age of 16 years were exempted from capital punishment as also pregnant women in 1931.

All prisoners on conviction of murder, would have heard the Judge pronounce sentence having performed the ritual of donning a black cap:-

"John •••••, you have been convicted of murder. I therefore pass upon you the sentence of the law. That sentence is that you be taken hence to the place whence you came, that you be there hanged by the neck until you are dead, and your body shall be buried within the precincts of the prison in which you shall have been last confined after your convictions, and may God have mercy on your soul. . ."

The Chaplain would answer "Amen."

If no appeal was lodged, execution would usually be timed to allow three Sundays to elapse following the day when the condemned man was sentenced to death.

The last persons to be hanged in England were Peter Allen and Gwynne Evans on 13th August, 1964. They murdered a 53 year old van driver named John West with a knife. Allen was hanged at Liverpool Prison and Evans at Manchester Prison.

Although hanging was abolished in England in 1964 the death penalty is still retained for treason, piracy and setting fire to arsenals and dockyards.

The author has taken the reader very basically through the various methods of capital punishment. It is hard to believe that society could have been so barbaric in its dealings with the criminal. Boiling, pressing,

breaking, burning, etc., seem unbelievable today. All were appalling punishments. Yet the fate of W. Cundell and his six colleagues who were convicted of treason in 1812 seems the hardest to comprehend. The words of the Judge adequately sum up the punishment at that time:

"That you and each of you, be taken to the place from whence you came, and from thence be drawn on a hurdle to the place of execution, where you shall be hanged by the necks, not till you are dead, that you be severally taken down, while yet alive, and your bowels be taken out and burnt before your faces - that your heads e then cut off, and your bodies cut into four quarters, to be at the King's disposal. And God Almighty have mercy on your souls."

To revert to his opening paragraph, the author considers that those who would refer to 'the good old days' might do well to think again.