THE IMPOLICY

OF

CAPITAL PUNISHMENT

CONSIDERED;

DERIVED FROM OBSERVATIONS, SUPPLIED BY RECOLLECTION OF PUBLIC EXECUTIONS; TO WHICH IS ADDED,

LETTERS ON CIRCUMSTANTIAL EVIDENCE,

BY THE AUTHOR; ALSO, A

RETURN OF THE NAMES OF THE CRIMINALS WHO HAVE BEEN EXECUTED AT CHESTER DURING THE LAST 300 YEARS,

SPECIFYING THE OFFENCES FOR WHICH THEY DIED; WITH MUCH INTERESTING MATTER ON THE VARIED CAUSES OF CRIME.

BY GEORGE BAKEWELL.

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The usual allowance to the trade.

RECOLLECTION OF PUBLIC EXECUTIONS.

It is upwards of forty years since I was induced to witness the execution of a female who had been convicted, at the Stafford assizes, of the crime of murder, and I must own, although very young at the time, that a more revolting scene could not be laid open to human observation. All parts of the town, at an early period of the morning, were crowded with anxious spectators, many of whom, I am sorry to state, appeared to feel that they had quitted their homes in order to survey some object of merriment or rejoicing. Indeed, for upwards of two hours previous to the frightful tragedy which afterwards happened, drunkenness had been indulged in to an extent at once disgraceful to a Christian community. I am happy, however, to state, that the disciples of that good man, the Rev. John Wesley, attended in great numbers, in order to teach the vulgar masses that the death of a sinner was not desired by the Almighty; and, moreover, that the agonising spectacle about to be enacted was by no means calculated to deter from the commission of crime; in short, that it was more likely to convert the sufferer into an object of commisseration, rather than as one leaving the world amidst universal indignation. Various addresses were delivered in order to render manifest the above just and most righteous conclusions; but some portions of the drunken mob, as was natural from their supreme ignorance, gave vent to their feelings by the most disgusting shouts of derision. As the hour of execution drew nigh, a large number of farmers had assembled exactly in front of the scaffold, and they appeared deeply impressed at the supreme folly of the Government allowing such an assemblage to take place; in a word, whilst the depraved were revelling in views and feelings, at which even savages would revolt, the pious and the wise were all convinced that at no far distant day the hideous scaffold would totally disappear from amongst us, and verily what followed must, had George III. been present to have witnessed it, have induced him to resolve never more to put a fellow creature to death.

At twelve o'clock the Rev. Thomas Whitby, of Creswell, made his appearance, reading, in the deepest tones, the service for the dead. In another instant the hangman had completed his frightful duties, and the drop had no sooner fallen than its whole fabric followed, including the beam on which the wretched creature was suspended in the agonies of death. The yells and execrations that ensued defies description: fully an hour elapsed before the arrangements were completed

to effect the final work of strangulation. Afterwards, large and influential public meetings were held in order to convince not only the Government, but all persons possessed of correct feeling, that the Punishment of Death was wholly unjustifiable.

The next execution I witnessed was at Derby, of four persons, named Brown, Jackson, Booth, and King, who had been convicted, upon purely circumstantial evidence, of setting fire to a corn stack, the property of a gentleman named Colonel Wingfield Norton. The judge who presided at the trial had told the jury, which was composed of farmers, that even on the assumption that all, or one of the prisoners had been on the prosecutor's premises on the night stated in the indictment, it was by no means improbable that the fire might have been occasioned by a tobacco pipe igniting the straw, in which event there ought to be an acquittal. In those days, it is well known, juries were extremely illiterate, and the result was, the four unfortunate men, all in the flower and pride of their youth, were consigned to the scaffold, although great efforts had been made to save them. When the day arrived which was to remove them from life into an unseen eternity, the sun had risen with more than usual splendour, the weather, up to eleven o'clock, had been beautifully fine, scarcly a cloud was to be seen on the celestial horizon. As usual, the morbid anxiety of man was brought into its full requisition: nearly the whole rural population came forth to witness the disgusting scene; the voice of mirth had issued from most of the common alehouses whilst the preparations of death were being completed. At length the fatal moment was drawing nigh, which was to be the last of three beings, whom God had created in his own image. At length the sky became clouded, and exactly at twelve o'clock a sudden darkness veiled the sun. "The thunders rolled, the lightnings flew." At this awful juncture the condemned were brought on the scaffold, the rain then poured down as if the floodgates of heaven had been opened wide, and the authorities took the poor creatures away. When the storm had abated the barbarous work was finished. Three of the victims appeared to yield up their lives almost without the least apparent struggle, but the sufferings of one was agonising in the extreme, his frame quivered for fully seven minutes before

"The breath of heaven
Would quit its tenement of clay."

So far from the above exhibition proving of the slightest value, by way of example, it is an absolute fact that the following assizes exhibited a calendar stained with every species of offence that could possiby darken the statute book of an age. The crimes of murder, highway robbery, *stood out in bold relief;* indeed, the Lord Chief Baron, in his charge to the grand jury, admitted that the execution of criminals appeared to be without avail. And, with regard to the crime of arson, it was quite clear that if the Government were not prepared to compel the different parishes, throughout the whole kingdom, to afford food and shelter to the wandering outcast, it was equally manifest the insurance offices must either be ruined, or else make such provision themselves.

However, to return to the direct subject, hanging was still continued, as will appear from a perusal of the annexed letters. But another execution took place at Stafford, namely, that of Abel Hill, for the murder a young woman and her infant child, which appeared to convince the Government that the scaffold must go down.

When the jury had returned their verdict in the case just named, the criminal said with an oath, "had I a cask of gunpowder I would blow you all to ——;" and whilst the late Mr. Justice Richards was addressing him, in the most feeling terms, the monster made use of the most impious expressions, nor was his conduct on the scaffold in the slightest degree altered, indeed, he was wholly unfit to die; but, in point of all human probability, the heartrending scene which took place at the execution of Sarah Harriet Thomas, at Bristol, a few years back, did more towards shaking public opinion, with regard to Capital Punishment, than any preceding circumstances of the kind. I happened to be at Gloucester, on business, the previous day, and always being desirous, at the earliest convenient period, to render my humble aid in accomplishing the object under consideration, I went to Bristol, and witnessed what was nothing less than a judicial murder; the girl was believed to have been insane, *to a greater or less extent.* When brought out, her screams were piteous, *and she struggled hard for life.* Calcraft and four powerful turnkeys, however, dragged her to the fatal tree; the poor creature saying, "Do, now, let me go; I want to go home." At length all was still, and a portion of the vast assemblage at once sang of the beautiful hymn—

"And am I born to die,
To lay this body down;
And must my trembling spirit fly
Unto a world unknown."

I do not, however, suppose that it will become essential for me to say more on this part of the subject; and will, therefore, now furnish the letters, which I gave, in the first instance, to the press gratuitously:—

LETTER I.

TO THE EDITOR OF THE "CHESTER RECORD."

SIR,—The alarming increase of the crime of wilful murder, during the compass of the last few years, and the futile results of public executions on the minds of the wicked, are events calculated to enlist serious consideration. Indeed, I much question whether the subject is not one requiring from the Legislature a far more urgent attention than any of the many amendments needed in our social and political system, by an industrious and intelligent people. But, in making use of this expression, I am, of course, not unmindful of the immense extent of savage ferocity which exists in the midst of the religion and piety lately manifested in almost every district of the empire. The recent meeting held in Chester, on the subject of establishing homes for poor, destitute, neglected children, I regard as another proof of the sincere desire of those who possess their good things in this life, to assist by all judicious means, in sowing the seeds of virtue in the human heart, so that when the season of youth shall be succeeded by that of riper years, a strong hope may be entertained that England will be blest with a people on whose hearts will be engraved the solid principles of brotherly love, so that the

clouds of darkness, despair, and wickedness, and all its attendant horrors, will have rapidly began to decline and wither away. However, the pressing questions are, What is the cause of that awful state of things which, in after ages, will be regarded as so great a stain on this generation, inasmuch as it is scarcely possible to take up a newspaper without reading the details of murders, and other outrages, revolting to the feelings of that nature sown by the Creator in the breasts of all when he formed the stupendous undertaking of creating the world, and man to cultivate and enjoy it for a season, and afterwards to receive everlasting life? Secondly—Is the punishment of death, inflicted by the law-makers of kingdoms, authorised by the Almighty, or by any means calculated to accomplish the great aim of all punishments inflicted by man, namely, the prevention of crime?

I feel that a temperate discussion of the above important questions may be deemed interesting at the present period to a portion of your readers, and for this reason. Notwithstanding all that has been published of late years on the expediency of abolishing Capital Punishment, little information has found its way amongst the masses, who, since the abolition of the newspaper stamp, can afford to read such excellent productions as your own, which, although in its infancy, is a credit to your ancient city. With these feelings, and also with the desire to place before the higher classes some details supplied by a recollection of criminal trials and executions, I will proceed to furnish my own views on the whole subject, in all its important points, and for this purpose must, of necessity, trouble you, probably, upon a few other occasions. I do this, as experience tells me that long communications, with whatever ability written, do not receive that general attention to which, under other circumstances, they might be entitled.

I am, of course, not insensible to the strong feeling entertained by a great portion of society, that life is required for life; and I am equally aware that many persons, possessing not only strong religious sentiments, but extensive knowledge on human affairs, regard the passage in Genesis wherein it is written, "whoso sheddeth man's blood, by man shall his blood be shed," as a positive command from God that a murderer should die. Now if this were so, it is somewhat remarkable that the same authority was not given to inflict the like punishment upon those convicted of the crime of forgery, and other offences, now visited with imprisonment or transportation; and it is also remarkable that ages should have rolled over without this important point being settled on the basis of sound reason, which tells us, that if the Divine authority was needed to take away life for one description of offence, it was also needed for every other. The plain truth, however, to borrow the words of the late Sir Samuel Romilly, is, that man begins to feel the conviction that he has been usurping the authority of God, who has said, "Vengeance is mine. To me vengeance belongeth. I will repay." It does, therefore, appear strange if it was ordained in the manner suggested, that murderers should be exterminated from the earth, that Cain was spared, inasmuch as his crime was of the most atrocious description, and his conduct afterwards did, not entitle him to the slightest leniency. The Almighty, in permitting him to terminate his existence as a vagabond and a wanderer, gave an unmistakeable exemplification of his written word, that he takes "no delight in the death of a sinner, but, rather, that he should turn from his wickedness and live."

Notwithstanding the above remarkable manifestation of the Divine Will, it is

insisted by those in power that blood for blood is required. My own views are, that the passage in Scripture to which I referred in the commencement, is open to a very different interpretation to that generally put upon it. And, with regard to the Mosaic Law, I must remark, although that truly pious person exhibited, during the whole period of his lengthened existence, the most sincere desire to carry out the will of his Divine Master, yet I completely dispute that his commands, promulgated on the eve of his departure from the people whom he governed, and which breathed a spirit of philanthropy that seemed too bright to die, were intended to be binding on all generations. Moses was only mortal; and what might in his day have been exceedingly good laws, would not be adapted for a period like the present. Indeed, the slightest consideration of the Edicts themselves, which are very plainly written in the book of Josephus, must convince any person of ordinary understanding of the correctness of my hypothesis. But as I hope to resume the subject next week, I will not omit to place a few extracts of the Mosaic Law under the consideration of your readers, one clause of which expressly prohibited females, on account of their great inquisitiveness, from giving evidence in a court of justice.

I am, Sir, yours respectfully,

G. BAKEWELL.

Beeston, May 5, 1857.

LETTER II.

TO THE EDITOR OF THE "CHESTER RECORD.

SIR,—In concluding my communication of last week, I expressed an intention of furnishing some extracts from the code of laws promulgated by Moses, previous to his departure from the world; I feel, however, upon further consideration, that if I carried out the intention, I might, in all likelihood, lay myself open to the imputation of wishing to bring contempt upon a great and good man; on one who, most admirably, completed his earthly mission, and then announced to his people the precise period when he would be called to his Maker's kingdom in heaven. But I must, certainly, strongly urge on the consideration of those who contend that the Mosaic Law, requiring that life should answer for life, forms but a very small portion of the whole. The Punishment of Death was also enjoined for various other offences; consequently, the question arises, why was it not carried out. My answer is, that succeeding governors to Moses discovered that the execution of criminals for crimes mentioned was contrary to the intention of God, consequently Moses must have been in error when he gave the law publication. But upon one point there can be no kind of controversy, namely, that mankind, in relaxing the punishment fixed for one portion of the offences, possess an equal authority to adopt the same course with regard to the whole.

In proceeding to the further consideration of the important subject before me, I feel exceeding anxious to impress on the minds of your readers that in advo-

cating the total abolition of Capital Punishments, I am not actuated by the horrid principles of what is termed Socialism, which amounts to nothing less than absolute infidelity. In short, I have no sympathy with a murderer, who, I am well aware, can carry into the midst of many a happy family the utmost extent of affliction which it is possible for the human mind to endure; indeed, in the neighbourhood wherein I reside, the blood stained hand has recently occasioned such results. I am induced to take up the subject for the reasons already stated, and because I feel that the revolting spectacle afforded by public executions is utterly useless by way of example, and, moreover, that convictions for the particular offence to which I refer, can, in a very general way, only be secured by the adoption of what has been emphatically termed, circumstantial evidence; a description of testimony which has frequently misled the ablest judges, and the most enlightened juries. With these remarks I will proceed to furnish some details relating to the immense sacrifice of human life which has taken place during the compass of the last three centuries, by the hands of the common hangman, which, when compared with the statistics of a period, when the population has so vastly increased, must, of necessity, excite one common feeling of sorrow in every reflecting mind.

Before the reign of Henry VIII. thousands of persons had perished for witchcraft and political offences; and when that monarch came to the throne, Parliament enacted that robbers, forgers, and cattle stealers should undergo the like punishment; in this reign no fewer than 72,000 persons had been put to death, and crime steadily increasing during the whole period. This state of things was carried on for successive reigns, without the slightest remorse or relaxation; and George III. had governed fifty years before he began seriously to feel the enormous weight of guilt which, undoubtedly, rested somewhere. At this period a jubilee was held, and it became the duty of both Houses of Parliament to vote addresses to the throne, which, of course, led to a reply from the King, wherein he expressed the joy he felt in having been spared to rule so long over a happy, contented, and loyal people. Some little time afterwards, the subject of doing away with Capital Punishment for all offences except the crime of wilful murder, was mooted in the Lords, the indignation of all the refined classes in England, Ireland, and Scotland having been most painfully excited some years previously, by the execution of Dr. Dodd, and the two brothers, Perreux, for forgery. The then Duke of Portland is reported to have made use of the following remarkable words:—

"His Majesty, in his gracious reply to this house, mentioned the contentment of the people over whom he had been so long spared to rule. Now my feelings are, that a deep discontent exists in the minds of all candid men who are convinced that the execution of at least one of the Perreux, as well as that of Dr. Dodd, were judicial murders, inasmuch as the last-named person never really intended to cheat Lord Chesterfield by signing his name; but if he did, the offence was condoned by the acceptance of a security for the money; and upon these, as well as various other grounds, I hope the punishment of the scaffold may be mitigated so far as offences against property are concerned."

Little, however, was done towards accomplishing so desirable an object, until after the accession of George IV., in 1821, as will appear from the following returns:—In the year just named, there were executed in England and Wales, for various

offences, 114 persons. Strong efforts were then made to induce the Government to amend the law, and many able appeals to accomplish that object in the House of Commons were made. One of the speakers quoted the following lines, with a view to show that the human race was entitled to pity, and, consequently, that God should deal out his own measure of punishment to the more serious offender:

"Man, in his first estate, by ill advice,
Lost his Creator, and his Paradise.
Caused, in the place of flowers, rank weeds to grow;
And peace departed at the sight of woe.
Since then the world in bitterness has known,
The sigh, the tear, the lamentable groan.
Eternal day has fled—and awful night
Hangs over earth in horror and affright.
Man succeeds man, and time gives way to time,
Change rolls on change—but yet, through all is crime."

The result was, that transportation for life was substituted for various capital crimes, which had the effect of reducing the number of executions in the seven years between 1821 and 1828, to the average of 59. Eventually, urther mitigation was effected, by which means, in the next seven years, the number hanged was reduced to 17; and in the succeeding ten years to six annually. I am sorry, however, to state, that from the year 1810 to the year 1832, the period when William IV. began to reign, no fewer than 56 persons had perished every year on the scaffold. The above facts exhibit a painful retrospect, and naturally raises the inquiry, whether the enlightened period in which we now live has not only served to banish crime from the calendars of our sessions and assizes, but to do away with the necessity of Death Punishment, provided man ever received a power to exercise it.

With regard to the first point, the reader who has only recently been accustomed to take his weekly newspaper, will be very sorry to receive an answer in the negative. And what is, perhaps, a more startling announcement, there never was a season, in the whole history of the kingdom, wherein there existed a greater extent of depravity and remorseless wickedness than the present. In short, the large towns and cities, nay, the rural districts, are infested with vagabonds of the vilest cast. Of course I may be asked to explain how, and in what manner, such a terrible state of things has been produced? I answer—one portion of this class have been their own destroyers, by imbibing habits of intemperance, which clouds the mind, so that the light of solid understanding cannot penetrate within; and, moreover, the heart become hardened, and capable of perpetrating offences at which the finer feelings of humanity stand aghast. Another class are the offspring of vagrants, or persons who always prefer a wandering and idle life to that of honest industry. But it is to be observed that the laws relating to the relief of the poor, although apparently liberal, are, in their operation, exceedingly cruel; so much so, as to induce those who would gladly betake themselves to industry, if they had the power, to rush into a career of crime from which they very seldom escape in following years.

With such an hideous mass of depravity—which has now reared its head amongst us, like some ancient ruin—to deal with, the important questions arise:—

Would it be safe to abolish the scaffold? If so, what punishment should be substituted instead? What is to be done with our criminals, both in prison and out of them? What measures are to be adopted so as not only to destroy the whole fabric of vice, but to prevent, so far as laws can prevent, similar results from arising either in the present or in any future generation? And, finally, on the assumption that a majority of both Houses of Parliament should decide in favour of the right of earthly rulers to destroy the breath of heaven, I feel fully convinced that a large portion of my countrymen, whose conduct has been as chaste as the icicle that is curdled by the frost from purest snow, will naturally demand to be told whether life is to be taken on doubtful evidence. I am well aware that such men as Lord Sidmouth and Lord Ellenborough had always ready answers to give to those who, in days now gone by, made appeals for mercy on the grounds suggested. I can well remember reading of the dismay occasioned to a sorrowing nation when the fate of poor Eliza Fenning was trembling in the frail balance of life and death. Alas! the joy it would have given, had even a short respite been granted her before the cruelty of the Government had cut her off, and removed her far beyond the pale of human reparation, inasmuch as her guilt was questioned by ninety-nine persons out of every hundred (the unfortunate creature was executed for poisoning her master). Scarcely, however, had the bloody work been done, before the real criminal, stung by all the agonies of remorse and wild dêspair, gave himself up to justice, and afterwards suffered the extreme penalty of the law. The general affliction occasioned by the death of the victim was somewhat alleviated by the Christian spirit and fortitude she had exhibited throughout the period of her tribulations. Even when the shadows of death encompassed her, and in the face of her destroyers, her demeanour was great, firm, and equal.

I hope, in succeeding letters, to be enabled, by furnishing the details of other cases that have occurred within my own recollection, so to shake the whole fabric of circumstantial evidence, as to induce those who have hitherto held with Capital Punishment, to falter in their opinions, and to agree with me in believing that when it becomes necessary for any one to be put to death, that such a work belongs exclusively to the King of Kings. The Scripture says, "The Lord gave and the Lord taketh away." I am, nevertheless, aware that society would naturally expect, when such an important change as the one contended for, was made, that a punishment should be substituted, calculated to convince those who choose to imbrue their hands in blood, that their sufferings will not be confined to a few mortal pangs, but that a continued gloom, throughout the whole period of their natural existence, is the certain result, awaiting them after conviction. Such a law would also be the means of weakening the chances of escape for the guilty, and what is of far greater moment a reparation could always be made to innocence when it was discovered.

I am, Sir, yours very respectfully,

G. BAKEWELL.

Beeston, May 12th, 1857.

LETTER III.

TO THE EDITOR OF THE "CHESTER RECORD."

SIR,—With regard to the adoption of circumstantial evidence, and upon which convictions for murder are generally founded, I readily admit that owing to the fact of the criminal selecting for the completion of his purpose a time, a place, and an opportunity, when he thinks no eye can see him, that no ear can hear him, it would often be found impossible to secure the conviction of the guilty, if the description of testimony to which I have adverted was to be excluded. If however, as I contend, it is true that circumstantial evidence has again and again led to the execution of the innocent, it forms in my judgment, apart from all other considerations, the strongest possible ground for the total abolition of the scaffold. In short, it is known also, beyond all question of controversy—not only to the judges, but to every individual fully acquainted with the administration of justice —that the secresy with which a murderer generally veils his guilt, frequently leads to a verdict of acquittal. I know of numerous cases of the kind, in which the juries would have felt no kind of hesitation in finding a verdict of guilty, but for "The Punishment of Death." I need only mention the case from Manchester, tried at Liverpool, before Baron Platt—not many years ago—wherein a man and his wife were tried for murder, and escaped all punishment whatever, simply because the jury durst not, *strong as the evidence was*, consign the prisoners to a doom from which they could never afterwards be extricated. I may also mention —I trust without impropriety—the cases of Evans, for the murder of Mr. Price, and that of Hodge, for the murder of Mrs. Moore, of Winnington, as affording unanswerable arguments in favour of the correctness of my views. Away then, I say, with the scaffold—and for ever. In short, I do not hesitate to assert that the root, the stem, the bud, the flower, from which Death Punishments have so long flourished, has been in all times and in all ages, a source of bitterness to the well-being of kingdoms, and a kind of cankerworm from which has emanated the very worst results. I know these remarks may not be acceptable to one portion of society, whose indignation at a murderer lead them frequently to forget the passage in Scripture, wherein it is written, "Shall not the Judge of all the Earth do right." Supposing, therefore, the malefactor was consigned to imprisonment for life, as previously suggested, the Almighty, whose power is infinite, could add to his pangs every punishment that was required. The great aim, however, of earthly rulers ought to be in allaying the ferocity of human passions; inasmuch as all experience has proved that education, timely counsels, and the certainty of punishment, are the surest and strongest barriers against lawless violence. Murder is a crime not confined to poverty, or ignorance; men of a superior education, and of even refined sentiments, have been known to imbrue their hands in blood; but it has been generally discovered that they have done so after being permitted to pursue a long career of profligacy. *Laurence, Earl Ferrers, for instance, in the opinion of all sensible men, ought to have been confined, as a dangerous member to society, for years before he sent poor Mr. Johnson to the grave. In plainer language, the offence of drunkenness—the origin of every

* This nobleman was executed at Tyburn, in the last year of the reign of George II.

social evil—ought to be punished with the greatest severity, and by whosoever committed; and, until the Government has done this, all the efforts of philanthrophy will be incomplete. The operation of the Poor Law, to which I briefly alluded in one of the preceding letters, I regard also as a most fertile source of crime. From the very best information which has been gained on the subject, it appears there are no fewer than three hundred thousand persons, spread over the surface of the kingdom, who are nothing more than mere wanderers, or vagabonds, living without, of course, any lawful means of existence; and when it is considered that a portion of such a class are men who have been frequently convicted of violating the laws, and now at large on tickets-of-leave, I do not see how society can be considered as safe. Nevertheless, the recent amendment of the law, with regard to the abolition of transportation, I am induced to believe will be productive of much good. I trust, however, that further measures may be urged on the consideration of Parliament, in order to make a suitable provision for all cases of destitution. The present treatment of the poor, particularly those who are called wayfarers, is cruel in the extreme. At many of the Unions the poor creatures are bedded down like swine, and fed worse than the rich man's dogs; whilst the allowance to the regular recipients of parochial relief, is a scandal to a civilised nation. I mention these things as, in considering the question of doing away with the scaffold, I feel how important it is that the absolute causes of crime should be considered at the same time. When alluding to the immense number of persons who are outcasts, I do not wish an inference to be drawn that the whole are vicious members of the community. It is far otherwise, to a certain extent; a portion of them have been persons formerly in good circumstances, but being reduced by misfortune, or overtaken by age, refuse the Workhouse. They look with scorn upon the law, as well as those who made it, and elect to travel from place to place, in order to gain, by the enlivening scenes of nature, a temporary relief from their tribulations, until God shall call them to that kingdom where the weary and heavy laden find everlasting rest.

In thus advocating a provision for the poor, I wish to impress on the minds of the young, that I believe all have a chance at one period or other to do well, provided it is embraced; and with regard to the working classes, I am convinced that nothing would be more just than for the Government to get passed a National Poor-rate, and, at one stroke, abolish the whole band of locusts, called Union Officers, who absorb more than one-half of the rates. A plan of this kind would render an ample allowance to all cases of destitution, a matter of mere insignificance; whilst the good effects to society would be beyond calculation. Indeed, there has been more money expended during the last century, in the prosecution and transportation of criminals, in making good losses from fire wilfully occasioned, in the destruction of machinery, and in useless removals, than would have been needed had the amount been invested for the support of the poor for time evermore. It is true that lawless violence must be repressed, but it is much better to prevent than cure.

In resuming the consideration of circumstantial evidence, which I regard as so important a feature in the abolition of Capital Punishment, I need not ransack such books as the Percy Anecdotes or the Newgate Calendar, in order to render manifest its mischievous tendency. Cases, too numerous now to mention, have

occurred within my own recollection, so as to afford a complete illustration on this head. I will merely refer to those of Rush, for the murder at Stanfield Hall, and of Palmer, for the Rugeley poisonings, to show how near two of the greatest criminals were of absolutely escaping punishment. In the former case, it is generally believed that if the criminal had employed counsel, the prosecution would have failed; and as it was, Mr. Baron Rolfe remarked, in passing sentence with reference to Emily Sandford's evidence:—"Had you have kept your promise to that young woman, by marrying her, in point of probability, the rule of law, which seals the lips of a wife in all proceedings against her husband, would have allowed your guilt to have gone unpunished." Whilst with regard to that of Palmer, all thinking men are convinced that his conviction, in consequence of the conflicting nature of the medical testimony, was wholly unjustifiable; and, moreover, that the summing up of Lord Campbell was partial and unfair. Such opinions might not have been so strongly and generally entertained, had the issue not been a matter of life or death, and until that punishment has been removed, great offenders will always have awarded to them a sympathy.

I will now mention the following cases, and leave the reader to form his own conclusions:—

At the Stafford assizes, held in March, 1824, Thomas Powell, a labouring man, was indicted for the wilful murder of a female named Anne, the wife of Edward Spencer, who resided at Gorst Cottage, near Willenhall, by striking her on the head with a hatchet. He was further charged with stealing a quantity of wearing apparel. The evidence, as usual, was purely circumstantial; the strongest point was, that the prisoner had pledged at the shop of Mrs. Moore, a pawnbroker, a portion of the stolen articles, on the day following the murder. But in his defence he alleged that a man, dressed in a blue smock frock, had given him the bundle to pledge, under a promise of paying for a quart of ale; and he asked the judge if it was likely, had he committed the murder, that he should instantly have exposed himself to the consequences of detection.

Mr. Justice Littledale summed up strongly in favour of an acquittal, but the jury returned a verdict of guilty, and the unfortunate man received sentence of death, and was executed within forty-eight hours. Connected with this case the *Staffordshire Advertiser* remarked, "Whilst the dying knell toll'd for the living man, he solemnly denied all participation in the robbery or murder;" and, moreover, the late Mr. Brutton, who was the governor of Stafford Gaol, with whom I was on terms of intimacy in youth, told me that he believed Powell to have been entirely innocent. I may also mention, that a solicitor, now living at Uttoxeter' who had to attend the judges lodgings, shortly after the trial, heard Mr. Justice Littledale say, "Well Brother Garrow, I must confess that I should have been better satisfied with a verdict of acquittal." A few months afterwards, the man dressed in the blue smock frock was himself transported for burglary, and he, although making no admission of the murder for which Powell suffered, stated that he had been wrongfully convicted.

Several years afterwards two men, named Paul Rigby and John Grimes, were convicted at the Lancaster assizes, for an highway robbery, at Scotworth, near Garstang. The prosecutor stated that his name was Stanley, and that he was by trade a coiner, residing at Market Drayton, in Shropshire. That although the

night was dark when the attack was made upon him, yet he was convinced the prisoners were the men who ill-treated and robbed him. The constable, who had charge of the case, also gave evidence that the marks of Rigby's shoe exactly corresponded with various prints he discovered on the spot where the robbery was alleged to have been committed. The prisoners protested their innocence, but Mr. Justice Park strongly summed up against them, and the jury, without hesitation, returned a verdict of guilty, and sentence of death was pronounced, with no hopes of mercy. Fortunately a chain of circumstances was discovered, proving that the prosecutor was a gross impostor, and a reprieve obtained just in time to stay the execution, the judge remarking, "If these men are innocent there is no reliance to be placed on circumstantial evidence, and I shall consider it a dangerous thing to take away life upon it hereafter." It is, perhaps, needless for me to add that the persons thus rescued at the eleventh hour, in the dreary passage to the grave, were restored to their liberty, and to those who were well nigh made fatherless children and widows. Stanley was soon afterwards apprehended, and received sentence of transportation for the perjury he had committed, but with regard to the circumstantial evidence in the case, it, of course, merely shows its utter worthliness in all cases, and, consequently, how careful juries should be in acting under its influence, particularly in business capital. That, also, of the Ashcrofts, convicted of the murder at Pendleton, was never very satisfactorily proved. The men suffered, denying their guilt with their last breath, and many persons, now alive, are strongly convinced of their innocence.

In conclusion, I feel that I ought not to omit alluding to the case of Mansell, at Maidstone, who being kept in suspense for six months, and many times respited; after, also being removed from the condemned cell, was publicly strangled, to the utter abborance of a great portion of the nation.

I cannot avoid also mentioning the case of John Blagg, now lying under sentence of death in Chester Castle, and whose conviction was founded on exceedingly dubious evidence; the case altogether manifests the gross injustice of the present game laws; and, until these laws are amended, it will be in vain to expect the causes of murder will become diminished. Most persons to whom the facts have become known, are convinced that Blagg, even if he was the destroyer of Bebbington, did not premiditate the act; but, that it was committed under sudden passion. The deceased was the game-keeper to Mr. Corbett, of Tilstone Lodge, and had repeatedly assaulted the prisoner, and upon one occasion broke two of his ribs, still the verdict has been considered unjust, inasmuch as the evidence of the foot-marks was far from being satisfactory; and, moreover, the cutting observations of Mr. Justice Crowder to the grand jury, were highly-calculated to destroy all chances of a fair trial.

Such scenes, however, as those lately enacted in various parts of England can be of no long duration, provided towns like Manchester will only give full expression to their opinions on the subject. Let this be done, and the scaffold will be removed, and the convicted murderer consigned to a punishment far more terrible than death, namely,—one continued suffering so long as his life shall last.

G. BAKEWELL.

Beeston, near Tarporley, Cheshire, August 1857.

SINCE the preceding remarks were written, the author has been enabled to procure the following returns of the number of criminals who have perished on the scaffold at Chester, during the last 300 years; and also of the offences for which they suffered. In point of all human probability, another victim will have to be added to the list before this work shall meet the public eye, no respite having been granted for the unfortunate Blagg up to the time of its going to press:—

LIST OF PUBLIC EXECUTIONS IN CHESTER,

FROM THE 16TH CENTURY.

1554.—George Marsh, burnt at Spital Boughton, for his attachment to the Protestant faith.

1588.—September 8: A woman burnt at Boughton, for poisoning her husband.

1589.—John Taylor, gaolor of the Castle, for the murder of Mr. Hockenhull, a prisoner in his custody for recusancy.

1592.—William Geaton, servant to the Bishop of Chester, for the murder of James Findlove, a Scotch pedlar; his body was hung in chains on Groppenhall Heath.

1601.—A woman named Candey, executed for conspiring to murder her husband; her paramour, Boon, refusing to plead, was pressed to death in the Castle.

1602.—One Arnet, servant to a Mr. Manley, of Saltney Side, hung for murdering his fellow servant.

1651.—Sir Timothy Fetherstonhaugh, shot in the corn market of Chester, by order of the Parliament.

1750.—Two Irishmen executed, and gibbetted on the Parkgate Road, near the Two Mills, for a murder.

1768.—Three men hung for burglary; the rope of one of them broke, when, lifting up his cap, he exclaimed in horrible agitation, "My God! what am I to suffer?"

1776.—May 4: Execution of James Knight, for a murder at Odd Rode.—Sept. 21: Christopher Lawless, Isaac Hutchinson, Alexander Solomon, and Isaac Josephs, executed for robbing the shop of Mr. Pemberton, jeweller. They were buried behind the Roodee Cop, opposite Overleigh.

1777.—April 10: S. Thorley, executed for the horrible murder of Ann Smith, a ballad-singer, near Congleton. After cutting off her head, he severed her legs and arms from her body, which he threw into a brook! part, however, he actually broiled and ate! He was hung in chains on the Heath, near Congleton.

1779.—April 16: William Ellis, for burglary, and William Loom, for discharging a loaded pistol at Charles Warren, of Congleton, executed at Boughton.—October 2: Sarah Jones, executed for stealing 28 yards of chintz, from the shop of Mr. Meacock, Chester.

1783.—Resolution Heap, and Martha Brown; the former for a burglary at Whaley; and the latter for a similar offence at Over.

1784.—April 26: Elizabeth Wood, hung for poisoning James Sinister, at Bredbury. —May 15: John Oakes, hung for coining.

1786.—April 24: Execution of Peter Steers, for the murder of his wife, by poison. —May 6: Edward Holt, for a burglary at Knutsford.—October 1: Thomas Buckley, aged 20, for a burglary at Chester.—October 7: Thomas Hyde, aged 35, for horse-stealing.—October 10: James Buckley, aged 22, for a burglary in Miss Lloyd's house, in Newgate-street, Chester.

1789.—February 4: Thomas Mate, for the murder of John Parry, a constable, in Handbridge. He was 64 years old, and when at the gallows, he charged his wife, 70 years old, with infidelity.

1790.—John Dean, from Stockport, for the most brutal murder of his wife, who was seven months advanced in her pregnancy. He was hung in chains on Stockport Moor.

1791.—April 21: Execution of Lowndes, for robbing the Warrington mail. His prosecution, it is said, cost £2,000. He was hung in chains on Helsby Hill; but the gibbet pole was in a short time after cut down by some people in the neighbourhood, and was not again erected.—October 8: Allen, Aston, and Knox, for a burglary at Northern. Upon this occasion, the fatal tree was removed from Gallows Hill to the opposite side of the road, where it continued till 1801, when the place of execution was finally removed within the Walls of the City.

1796.—April 30: Thomas Brown and James Price, for robbing the Warrington mail. They were hung in chains on Trafford Green, and remained there till 1820, when the pole was taken down, the place having been previously inclosed. In the skull of Price was found a robin's nest.

1798.—John Thornhill, for the murder of his sweetheart, Sarah Malone, at Lymm. —October 4: Peter Martin, *alias* Joseph Lowter, for firing at a boat's crew of the *Actæon*, in the Mersey, when employed in the impress service.

1800.—Thomas Bosworth, for forgery, and Alexander Morton, for felony.—October 10: Mary Lloyd, for forgery, at Stockport.

1801.—May 9: Thompson, Morgan, and Clare, for burglaries. When near the gallows, Clare made a spring from the cart, rushed through the crowd, which made way for him, rolled down a gutter-way towards the Dee—a rapid descent—and plunged into the river. He was drowned, having immediately sunk, from the weight of the chains, but his body was found, and afterwards hung up with the others, the other two malefactors being kept in the cart in the interval. These were the last criminals hung at Boughton, which had been the place of execution for some centuries.—October 3: Aaron Gee and

Thomas Gibson, hung out of a temporary window way, in the attics, on the south side of the old Northgate, a building not now in existence.—The unfortunate men were propelled from the window about five feet, and dropped near 40 inches, their bodies beating against the windows beneath, so s to break the glass in them.

1809.—May 6: Execution of George Glover and William Proudlove, in front of the House of Correction, for shooting at an officer of excise at Odd Rode. When the drop (used for the first time) sunk, the ropes broke, and the poor men fell to the platform, half strangled; new ropes were procured, and the sentence was carried into effect about an hour after the accident.

1810.—May 2: Execution of John Done, for the murder of Betty Eckersley, a woman of bad character, at Lymm. He denied the offence to his last moment. —October 10: Execution of Smith and Clarke, for a burglary and felony in the shop of Mr. Fletcher, watchmaker, Eastgate. The conduct of Smith on the drop was exceedingly unbending and audacious, and the night before his execution he played at cards with some of his companions. They were buried in St. Martin's Church-yard.

1812.—June 12: Temple and Thompson for rioting. They were connected with the Luddites.—August 24: Execution of John Lomas, for the murder of his master, Mr. Morrey, of Hankelow.

1813.—Edith Morrey, executed for the murder of her husband. She was tried with Lomas, and with him found guilty on the clearest testimony. Immediately after conviction she pleaded pregnancy, and a jury of matrons being impannelled, she was pronounced quick with child, and her sentence, of course, respited till after her delivery. It appeared that an illicit intercourse had for some time existed between her and Lomas, which led to her exciting him to destroy her husband, and the crime was perpetrated with circumstances of peculiarly savage atrocity.—June 26: Execution of William Wilkinson, James Yarwood, and William Burgess, for a rape on Mary Porter, near Weston Point. They were flatmen, and when Wilkinson (a fine stout man, about six feet high,) mounted the scaffold, he exclaimed to his companions, "Keep up your spirits; never mind, my lads—we are all murdered men; I'm just as happy as if I was going to a play!" and when the halter was placed round his neck, he added, "My new handkerchief fits me nice and tight."—Simeon Betson, William Betson, and James Renshaw, for a burglary at Henbury.

1814.—May 28: William Wilson, an old sailor, in his 70th year, executed for arson, at Tiverton, near Tarporley. His exit was most extraordinary: on the morning of his death he entertained a number of persons in the parlour of the constable's house, with an account of his naval exploits; and in his way along the streets to the City Gaol, he chewed bread in his mouth, and threw it at the beadle, observing that he was like Peeping Tom of Coventry. On the drop he said, "What a many people are here to see an old man hung; here's as much fuss as if there were a hundred to be hanged."

1815.—April 22: Execution of Griffith and Wood, for a burglary in the house of John Holme, near Stockport.

1817.—May 10: Execution of Joseph Allen, for uttering Bank of England notes. In a solemn declaration, made on the morning of execution, he denied his guilt, alleging that he did not know the notes were bad ones.

1818.—May 9: Abraham Rostern and Isaac Moors, the former for a burglary at Edgeley, the latter for a similar offence at Cheadle Bulkeley. Both of them acknowledged their guilt.—September 26: John Moor, executed for a burglary.

1819.—May 8: Joseph Walker, for robbing his former master on the highway between Northwich and Manchester. He denied his guilt to the last.—September 25: Samuel Hooley and John Johnson (a man of colour), for a burglary at Bowden.

1820.—April 15: Jacob M'Ghinnes, for shooting Mr. Birch, at Stockport. He was connected with the radical reformers, and his intention was to have shot Mr. Lloyd, then solicitor of that town, and now prothonotary of the county court. This unfortunate man had not only embraced the politics but the theology of Tom Paine, but during his confinement, and before his execution, he was brought to embrace the Christian system, and died with great composure.—April 22: Thomas Miller, for a burglary at Bowden.—September 16: Execution of Ralph Ellis, for a burglary at Elton, and William Ricklington, for setting fire to a rectory house at Coddington.

1821.—May 5: Execution of Samuel Healey, for a highway robbery at Stockport.

1822.—May 4: William Tongue, for a rape on an infant, and George Groom, for a highway robbery on a man named Kennerley.—September 14: Thomas Brierley, for a highway robbery near Congleton.

1823.—April 14: Execution of Samuel Fallows, for the murder of his sweetheart at Disley. Several galvanic experiments were made on his body previous to dissection.—May 20: Execution of John Kragon, for a rape on an infant, at Stockport.—September 13: Execution of Edward Clarke, for a highway robbery at Stockport.

1824.—April 21: Joseph Dale, for the murder of Mr. Wood, near Disley. He had been convicted at the preceding assizes, but execution deferred, in order to take the opinion of the judges on a point of law urged in his favour by Mr. D. F. Jones, his counsel. He died with great composure.

1826—April 26: Philip M'Gowan, for the robbery of an inoffensive man, near Disley, and Abraham Stones, for the robbery of Mr. Marsden, a gentleman of upwards of 70 years of age, near Cowlane Bridge, under circumstances of great violence. On this melancholy occasion, the apparatus for executions was removed from the east to the west end of the City Gaol, where these melancholy spectacles have ever since been exhibited.—August 26: John Green, for burglary.

1829.—May 9: John Proudlove, for highway robbery, and John Leir, for burglary in the house of the Rev. Matthew Bloor, attended with aggravated circumstances of violence.—September 26:—Joseph Woodhouse, for a rape on his

own daughter; and Joseph Henshall, for firing at the keepers, while poaching in the grounds of the Earl of Stamford and Warrington.

1832.—Samuel Cumberledge, for arson.

1834.—Samuel Thorley, for the murder of Mary Pemberton, at Northwich; John Carr, for felonious shooting; Thomas Riley, for felonious cutting; William Naylor, for felonious shooting; James Mason, for attempting to procure miscarriage

1841.—Bartholomew Murray, for the murder of Joseph and Mary Cooke, at Over Peover.

1843.—James Ratcliffe, for murdering his wife at Stockport.

1844.—Mary Gallop, for poisoning her father, at Crewe.

1848.—William Bates, for murdering William Wyatt, at Adlington.

1856.—December 20: William Jackson, for the murder of his two children, in Handbridge, Chester.

THE EXECUTION OF BLAGG.

At eight o'clock on Friday morning, August 28th, the above unfortunate person suffered the extreme penalty of the law with a degree of fortitude and composure, never equalled since the execution of Lord Balmarino, on Tower Hill. John Blagg, with whom the author had been well acquainted for many years, in consequence of their being close neighbours, denied his guilt to the last; and it is to be hoped that his fate may be the means of inducing the parliament to pass, next session, a short bill, depriving gamekeepers of the power of making a sudden arrest of poachers.

Blagg died without the slightest struggle, in short, his body never moved after the drop fell. About 1,500 persons were present. His poor widow has received notice to quit her cottage from the agent of John Tollemache, Esq., M.P., of Peckferton Castle.

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