

1955

## Philadelphia Gibbet Iron, The

Thorsten Sellin

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Thorsten Sellin, Philadelphia Gibbet Iron, The, 46 J. Crim. L. Criminology & Police Sci. 11 (1955-1956)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

## THE PHILADELPHIA GIBBET IRON

THORSTEN SELLIN

Professor Sellin is chairman of the Department of Sociology, University of Pennsylvania, editor of *The Annals of the American Academy of Political and Social Science* and acting president of that Academy. His interest in the history of punishment is of long standing and is reflected in the articles on Filippo Franci, Dom Mabillon, and the House of Correction for Boys in the Hospice of St. Michael, Rome, published in this Journal in 1926, 1927 and 1930, in his book on *Pioneering in Penology* (1944) and in an article on Philadelphia Prisons in the 18th Century, published in the *Proceedings of the American Philosophical Society* in 1953.—EDITOR. (case)

In the Atwater Kent Museum in Philadelphia, devoted to the preservation of material relating to the history of the city, hangs an iron framework shaped to contain a human body (Fig. 1). A card describes it as a "metal straight jacket used to restrain disorderly and recalcitrant prisoners in the 1840's" and notes that its presence is due to the courtesy of the Board of Inspectors of the Philadelphia County Prison. However, no one familiar with the history of punishment would be willing to accept this description as correct, for the contraption is obviously a so called gibbet-iron designed to encase the body of an executed criminal, while it hung exposed to public view as a warning to prospective evildoers.

The Philadelphia gibbet iron is interesting for several reasons. First, it suggests that the gibbeting of executed offenders was not an unknown practice in colonial times, although the latest edition of the *Encyclopedia Americana* assumes that it was limited to "certain European countries". Second, its excellent state of preservation is puzzling, for these contraptions, in so far as they have been preserved, generally show the corrosive effects of weather and wind, of the decay of their contents, and of the damage from the soil in which they often have lain buried. Perhaps the Philadelphia iron was never put to its intended use. Who, then, escaped its embrace?

Finally, it is a great rarity. It is probably the only complete example of its kind in this country. The only other reasonably well-preserved iron is in the museum of The Essex Institute in Salem, Massachusetts (Fig. 2). However, this is of Canadian origin and dates from 1763, when a Mme. Dodier was hanged and gibbeted at St. Valier, near Quebec, for the murder of her husband.<sup>1</sup>

<sup>1</sup> An unsigned article in the *New York Sun*, August 8, 1931, entitled "Salem's Gibbet a Rare Antique", gives a complete description of the instrument and a brief statement of the case. It appears that Mme Dodier "was arrested and convicted by the British military authorities" and that "following the hanging her body was placed in an iron gibbet and suspended from a pole at a cross-road near the Levis church. Here it remained for some time. . . . The body was later buried, still encased in its iron cage. In 1855 [The Institute's catalogue gives the date as 1850] the body was exhumed and the gibbet was presented [by David P. Kimball] to The Essex Institute at Salem, Mass."

A curious feature of this iron is "a series of slots and punch holes, by means of which adjustments could be made to conform with the length and size of the body which it was to contain. Thumb screws, now so completely rusted in place as to be immovable, were used to hold the adjustable parts in the desired position." This caused the writer of the above story to suggest that the iron

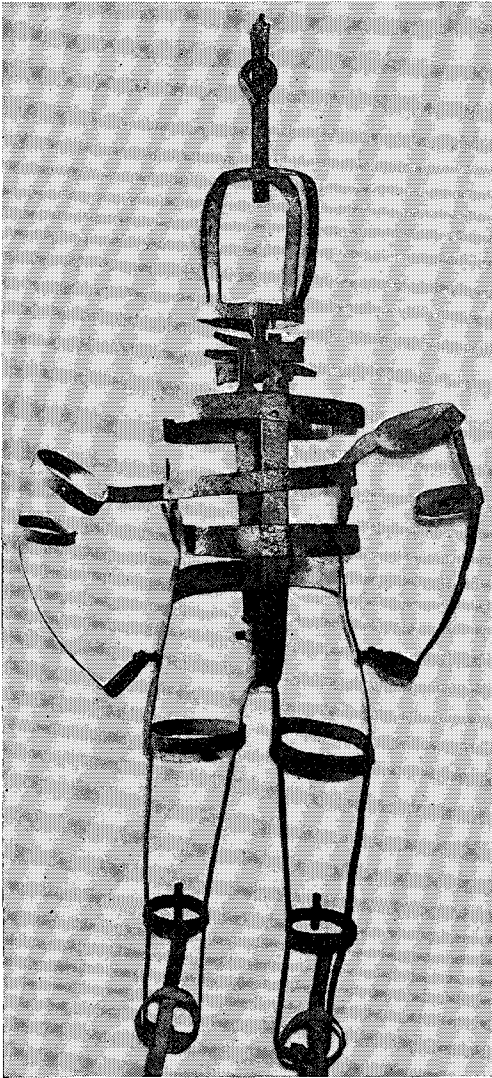


Figure 1



Figure 2

The Philadelphia Gibbet Iron (Courtesy of the Atwater-Kent Museum, Philadelphia, Pa.)  
 The St. Valier, Quebec, Gibbet Iron. (Courtesy of Essex Institute, Salem, Mass.)

In Saint-Edme's Dictionary of punishments<sup>2</sup> under the term *Fourches patibulaires*, or gallows forks, we find the following statement:

Thus were called formerly the stone pillars, supporting transversally placed wooden beams, from which were hung criminals sentenced to strangulation, whether the execution occurred where the

was designed to be used more than once, which would be a novelty. More likely, it was constructed by someone who had no opportunity to take accurate measurements and had to allow for adjustments on the spot. Otherwise it is difficult to understand why the iron was buried with the body.

<sup>2</sup> B. SAINT-EDME, DICTIONNAIRE DE LA PÉNALITÉ, Vol. 4, pp. 114-18. Paris, 1828.

forks were placed or was done elsewhere. The *fourches patibulaires* were ordinarily placed outside cities, towns or villages, near some highway and on the highest spot in order to prolong the effect of the punishment. Through the *fourches patibulaires* one wanted also to add to the punishment of the executed by making his body a plaything of the winds, by abandoning it to carnivorous animals and by depriving it of burial, a punishment which anciently was regarded as even more severe than death, since according to heathen mythology it affected the destiny of a future life. The origin of the *fourches patibulaires* goes back to the earliest days of the Roman republic; it was then customary to undress the one sentenced to perish by flogging. He was attached to a piece of lumber ending in a fork, his head was placed in the fork and he was thus flogged until he died. In France before stone pillars were devised . . . one was satisfied with putting two forked timbers into the ground supporting a transverse beam to which the executed was hung. To this we trace the origin of the expression *fourches patibulaires*. These forks were also called Justice, meaning that they were the external symbols of high justice. The right to possess *fourches patibulaires* was divided into five classes: the lowest lord of high justice could have only two pillars, the chatelain three, the baron or viscount four. . . . There were several *fourches patibulaires* outside Paris. The best known were at Montfaucon and Montigny. At Montfaucon<sup>3</sup> were hung the cadavers of those executed in Paris. Under Charles IX, one would always see fifty to sixty corpses, dried up, mutilated, decomposed and swinging in the wind. When all places were taken and new bodies had to be hung up, the oldest were taken down and thrown into a cellar, the opening of which was in the middle of the yard. This terrible monument was reached by a ramp ending at a solid door that kept the enclosure shut, undoubtedly for fear that the corpses might be removed by relatives for burial or by sorcerers for magic uses. . . . Some think only men were gibbeted. An ordinance by the Parliament of Paris forbade the gibbeting of women in 1773, but this practice was not adopted everywhere; in Rouen women continued to be gibbeted.

Continental travellers during the sixteenth to the eighteenth centuries often refer to the sight of gibbets erected at crossroads or outside city walls. Painters of these periods at times placed them in the background of their pictures. Sometimes the body was fastened upon a wheel placed on top of a pole, especially perhaps when the execution itself had taken the form of "breaking on the wheel". Since dismemberment was sometimes a part of the punishment—the cutting off of a hand, for instance—the exposure of the body occasionally occurred in parts. Maes, speaking of the administration of criminal justice in the town of Mechelen in Belgium, says that beheading usually occurred on the town square and that the head was usually stuck on a pole on the platform until evening when it and the body were removed to Gallows Hill, where the body was either buried under the gallows, hung on it or put on a wheel, while the head was exposed on a pole. If the hand had been cut off, the head was also placed on the wheel and the hand nailed to a pole.<sup>4</sup>

In his autobiography, Goethe says, "Among the ancient remains, from my childhood onwards, I had been greatly astounded by the skull of a State criminal which had been fixed up on the tower of the bridge; it, out of three or four, as the naked iron spikes showed, had been preserved through all the injuries of time and weather since 1616."<sup>5</sup>

<sup>3</sup> For several drawings of the Montfaucon gibbet see E. VIOLETT LE DUC, DICTIONNAIRE RAISONNÉ DE L'ARCHITECTURE FRANÇAISE DU XI<sup>e</sup> AU XVI<sup>e</sup> SIÈCLE. (10 vols., Paris, 1868), vol. 5, pp. 553-62. (Author's note.)

<sup>4</sup> LOUIS TH. MAES, VIJF EEUWEN STEDELIJK STRAFRECHT. (xxii, 830 pp. Antwerp: De Sikkel, 1947). p. 393.

<sup>5</sup> GOETHE'S AUTOBIOGRAPHY. POETRY AND TRUTH FROM MY OWN LIFE. By JOHANN WOLFGANG VON GOETHE. Translated by R. O. Moon (xvi, 700 pp., Washington, D. C.: Public Affairs Press, 1949) p. 124.

In order to make it serve its function as an object lesson as long as possible, steps were often taken to keep the gibbeted body from being corrupted too quickly by the action of the elements. To accomplish these purposes, it was sometimes dipped in tar before it was gibbeted. The post was often studded with nails and bound with iron bands to prevent its being cut down, and the body either literally hung "in chains" or enclosed in a framework of iron bands, which formed a kind of lattice-work cage for head, torso and limbs. The part enclosing the head would usually have a ring bolt by which the entire contraption could be suspended from the arm of the gibbet.

The gibbet was in common use in England. In fact, "hanging in chains" the common term used for "re-enforced" gibbeting, so to speak, was not abolished until 1834.<sup>6</sup> That very year "a man named Cook, a bookbinder, . . . murdered Mr. Paas, with the iron handle of his press, at Leicester. . . . He was sentenced to death, and the body ordered to be gibbeted. This was done in Saffron Lane, outside the town, and the disgraceful scene around the gibbet, as described by an eye-witness, was like a fair. A Dissenter mounted upon a barrel and preached to the people, who only ridiculed him, and the general rioting soon led to an order for the removal of the body."<sup>7</sup>

Until 1752 gibbeting in England was evidently a custom which had grown up without any special order by the court. In that year an act was passed which enabled the court to "direct the body to be hung in chains by giving a special order to the sheriff. This Act . . . was the means of gibbeting rapidly increasing in this country."

#### THE GIBBET IN THE AMERICAN COLONIES

It would seem natural that a well-established British custom of dealing with certain executed offenders would not pass unimitated in the American colonies. As a matter of fact, there are enough such instances to suggest that a more extensive search of historical records than has been made during the preparation of this brief article would uncover many more. The custom was known in all the colonies, no doubt, although the cases to be cited below occurred in only seven of them: Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland and Virginia. Massachusetts

In 1701, Samuel Sewall made the following entries in his diary<sup>8</sup>:

July 15th. To Ipswich: Try Esther Rogers. Jury next morn ask'd advice, then after brought her in Guilty of murdering her Bastard daughter. July 17. Mr. Cooke pronounc'd the sentence. She hardly said a word.

That same day "Esther Rogers of Newberry, for killing a child Nov. 12th, 1700, is hung and placed on a gibbet at Pingrey's Plain in Ipswich."<sup>10</sup> While some may believe

<sup>6</sup> 4 & 5 Will. 4, c. 26, secs. 1 and 2.

<sup>7</sup> ALBERT HARTSHORNE, *HANGING IN CHAINS* (xiii, 120 pp., London: T. Fisher Unwin, 1891), p. 110.

<sup>8</sup> WILLIAM ANDREWS, *BYGONE PUNISHMENTS*, 2nd ed. (ix, 292 pp., London: Philip Allan & Co., 1931), pp. 39-40.

<sup>9</sup> *Diary of Samuel Sewall 1674-1729*. COLLECTIONS OF THE MASSACHUSETTS HISTORICAL SOCIETY, vol. vi, Fifth series, Boston, 1879, p. 39.

<sup>10</sup> JOSEPH B. FELT, *HISTORY OF IPSWICH, ESSEX AND HAMILTON*. (xvi, 377 pp., Cambridge:

that this means that she was merely hanged, the wording quoted and the fact that at the time the word gibbet had a perfectly clear meaning suggest that being "placed on a gibbet" was an operation which followed upon the execution.<sup>11</sup>

On May 13, 1724, a court of admiralty in Boston tried William White, John Rose Archer and William Taylor for piracy. The court was presided over by the lieutenant governor, William Dummer, with four commissioners as co-judges. Ordinarily Samuel Sewall, one of the eleven members of the Council, would have been a member of the bench but he was absent on this occasion. The defendants were convicted and Archer and White were executed on June 2nd. Jameson, who gives an extensive report of the trial<sup>12</sup> states that "Cotton Mather ministered to them in their last days, adding, one would think, a new horror to death. The sermon he preached at them was forthwith printed by him, *The Converted Sinner. . . . A Sermon Preached in Boston, May 31, 1724, In the Hearing and at the Desire of certain Pirates a little before their Execution, To which there is Added, A more private Conference of a Minister with them.* (Boston, 1724)."<sup>13</sup> On June 8, the *Boston Gazette* carried the following notice: "On Tuesday the 2d instant, were executed here, for Piracy, John Rose Archer, Quarter Master, aged about 27 years, and William White, aged about 22 years. After their death they were conveyed in Boats down to an Island, where White was buried, and the Quarter Master was hung up in Irons, to be a spectacle, and so a Warning to others."<sup>14</sup> The same day Jeremiah Bumstead wrote in his diary that "My wife and Jerry and Betty, David Cunningham and his wife and 6 more, went to the castle to Governor's Island, and to see the Pirate in Gibbets at Bird Island."<sup>15</sup> The very day of the execution Robert Dobney presented a bill for twelve pounds and ten shillings "To Making of the Chains for John Rose archer one of the Pyrats and the hire of a man to help fix him on the Gebbet att Bird Island."<sup>16</sup> The Marshall of the court also presented a bill "for Sundrys by him Expended being Marshall And by Order of a Speciall Cort of Admiralty for the Execution of John Rose Archer and William White two Pirates, Viz.

Printed by Charles Folsom, 1834), p. 116. THOMAS FRANKLIN WATERS, in his *IPSWICH IN THE MASSACHUSETTS BAY COLONY* (2 vols., Ipswich: The Ipswich Historical Society, 1905, 1917) notes in vol. 2, p. 91, that the court had ordered the sheriff to erect a gibbet for Esther Rogers at a place called Pingrey's Plain, "still known as the 'Gallow's Lot'".

<sup>11</sup> Esther Rogers' case was also the subject of three sermons delivered by John Rogers. *Death the certain wages of sin to the impenitent: Life the sure reward of grace to the penitent: Together with the only way for youth to avoid the former, and attain the latter.* Deliver'd in three lecture sermons; occasioned by the imprisonment, condemnation and execution of a young woman who was guilty of murdering her infant begotten in whoredom. To which is added an account of her manner of life and death, in which the glory of free grace is displayed. . . . Pp. (12) 153 (1). Boston: Printed by B. Green and J. Allen for Samuel Phillips at the Brick Shop, 1701. Evans, no. 1020.

<sup>12</sup> JOHN FRANKLIN JAMESON, *PRIVATEERING AND PIRACY IN THE COLONIAL PERIOD; ILLUSTRATIVE DOCUMENTS.* (xxvi, 619 pp. New York: Macmillan, 1923), pp. 338-44.

<sup>13</sup> *Ibid.*, p. 344, note.

<sup>14</sup> *Ibid.*, p. 345.

<sup>15</sup> *Ibid.*, p. 345, note. Since then Bird Island has disappeared. It lay about a mile and a half from the town between Governor's Island and Noddle's Island (East Boston).

<sup>16</sup> *Ibid.*, p. 344, quoted from MASS. ARCHIVES, vol. 63, p. 399.

To the Executioner for his Service I paid him	£12.00.0
To Mr. Joseph Parsons for Cordage I paid his Bill	£2.17.6
To Boat hire and Labourers to help Sett the Gibet And there attendance at the Execution and Diging the Grave for White	3.10.8
To Expenses on the Sheriefs officers and Cunstables after the Execution att Mrs. Mary Gilbert's her Bill	3.15.8
	<hr/>
	22.3.10
To Georg Mayo, Blockmaker, his Bill	1.5.00
	<hr/>
	23.8.10 <sup>17</sup>

Two years later, William Fly, another pirate "was hanged in chains on one of the islands in Boston Harbor."<sup>18</sup>

The most famous Massachusetts case was that of a slave, who was executed for the murder of Captain John Codman of Charlestown. The Boston *Evening Post* of September 22, 1755 contained the following notice: "Thursday last, in the Afternoon, *Mark*, a Negro man and *Phillis*, a Negro Woman, both servants to the late Capt. *John Codman*, of *Charlestown*, were executed at *Cambridge*, for poisoning their said Master as mentioned in this paper some Weeks ago. The Fellow was hanged, and the Woman burned at a Stake about Ten Yards distant from the Gallows. They both confessed themselves guilty of the Crime for which they suffered, acknowledged the Justice of their Sentence, and died very penitent. After execution, the body of *Mark* was brought down to *Charlestown* Common, and hanged in Chains on a Gibbet erected there for that purpose."<sup>19</sup> According to Dr. Josiah Bartlett, *Mark's* gibbet stood on "the northerly side of Cambridge Road, about a quarter of a mile above our peninsula, and the gibbet remained till a short time before the revolution."<sup>20</sup> Three years after *Mark's* execution, Dr. Caleb Rea, riding from Boston to Lexington, "viewed the Negro hung on Gibbets for poisoning his master Ct Codman."<sup>21</sup> The fact that Paul Revere, in describing his ride on April 18, 1775, twenty years after the execution, refers to passing the place "where *Mark* was hung in chains"<sup>22</sup> has been assumed to mean that the gibbet was still standing at that late day, which is conceivable.

#### Rhode Island

Several instances of hanging in chains occurred in Rhode Island. Brooks<sup>23</sup> says that "in the papers that we have examined we have not found any instances recorded of

<sup>17</sup> *Ibid.*, p. 345.

<sup>18</sup> HENRY ST. CLAIR, *THE UNITED STATES CRIMINAL CALENDAR: OR AN AWFUL WARNING TO THE YOUTH OF AMERICA; BEING AN ACCOUNT OF THE MOST HORRID MURDERS, PIRACIES, HIGHWAY ROBBERIES, ETC., COMPILED FROM THE BEST AUTHORITIES.* (viii, 356 pp. Boston: Charles Gaylord, 1835), p. 51. The case is related at length in this work, pp. 45-51.

<sup>19</sup> Quoted in ABNER C. GOODELL, JR., *The murder of Captain Codman.* PROC. OF THE MASS. HIST. SOC. 20: 122-57, March, 1883, p. 147.

<sup>20</sup> JOSIAH BARTLETT, *An historical sketch of Charlestown, in the County of Middlesex, and Commonwealth of Massachusetts.* COLL. OF THE MASS. HIST. SOC., Second Series 2: 163-84, 1814, p. 166, note.

<sup>21</sup> F. M. RAY, *The Journal of Dr. Caleb Rea, written during the expedition against Ticonderoga in 1758.* HIST. COLL. OF THE ESSEX INSTITUTE, 18: 81-120, 177-205, 1881, p. 88.

<sup>22</sup> Quoted by GOODELL, *op. cit.*, p. 148.

<sup>23</sup> HENRY M. BROOKS, *Strange and Curious Punishments*, THE OLDEN TIMES SERIES, no. 5, 1886, pp. 14-15. I am indebted to Miss Amelia E. McSwiggin, assistant curator of the Museum of the Essex Institute, Salem, Mass., for this reference.

the old English law of hanging the remains of executed criminals in chains as having been carried into effect in our country. But from some investigations of Mr. James E. Maura, of Newport, R. I., we learn that on March 12, 1775, one Mecum of that town was executed for murder and his body was hung in chains on Miantonomy Hill, where the remains of an Indian were then hanging, who had been executed Sept. 12, 1712. Mecum was a Scotchman and lived at the head of Broad Street. A Negro was hanged in Newport in 1679, and his remains were exposed on the same hill."

The date given for Meecum's execution is evidently wrong. Meecum killed his wife and her sister on March 22, 1715, and burned his home to hide the crime. Five days later the well known minister, Nathaniel Clap preached a sermon, the prisoner being present, and the execution took place on April 22, 1715.<sup>24</sup> A notice from Newport, printed in the *Boston News-Letter* of April 11-18, 1715 informed the reader that "Jeremiah Mecham (who barbarously Murder'd his Wife and her sister) was Executed here, and hung up in Gibbets." Finally, an echo of this case is heard in an act passed the same year by the General Assembly of the Colony: "Whereas sundry accounts of charges (that happened by the late unhappy action of Jeremiah Meecum) hath been presented to this Assembly, by the which accounts considerable is due from said Meecum's estate, and no provision as yet being made for the disposition thereof; Therefore, it is enacted by this Assembly, that Mr. Nicholas Lang, the present vendue master of Newport, do expose the estate of the said Meecum to sale at public vendue, and with the sales thereof to pay the said accounts, as are lawfully payable; and if any overplus remain, the same to render to Major Bliss, for the support of the said Meecum's children."<sup>25</sup>

Still another Rhode Island case occurred in 1751. In April of that year, one Thomas Carter murdered and robbed a fellow traveller. He was executed the following month "and his body was suspended from an iron frame." This too happened in Newport.<sup>26</sup>

## New York

A number of New York cases have been recorded. On February 15, 1672/3, two Indians, Kaelkompte and Keketamape, were convicted in Albany of the murder of one Jan Stuart. Their sentence read: "Therefore, their honors sitting as this Special Court of Oyer and Terminer, having duly taken into account and considered the proceedings and also the verdict of the twelve jurymen that according to the docu-

<sup>24</sup> NATHANIEL CLAP, *A broken heart acceptable with God through Christ*. A sermon preached at Newport, March 27, 1715 . . . on a murder committed by Jeremiah Meacham (the prisoner being present and addressed by the preacher), with the dying words of the criminal at the execution at Newport, in Rhode Island, Apr. 12, 1715. 54 pp. Boston: Printed by B. Green, 1715. Evans, no. 1728. NATHANIEL CLAP, *The Lord's Voice, crying to His people*: in a sermon, occasioned by some terrible tragedies, preached 27, 3 m. 1715. Occasioned by . . . a man barbarously murdering his wife and her sister, and then burning his home, March 22, 1715. Together with some account about the poor man. (2) 137 (1) pp. Boston: Printed by B. Green. . . 1715. Evans, no. 1729.

<sup>25</sup> JOHN RUSSELL BARTLETT, *RECORDS OF THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, IN NEW ENGLAND*, vol. IV, 1707 to 1740. iv, 622 pp. Providence: Knowles, Anthony & Co., 1859.

<sup>26</sup> EDWARD FIELD, ED., *STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS AT THE END OF THE CENTURY: A HISTORY*. (3 vols. Boston & Syracuse: Mason Publishing Co., 1902), vol. 3, p. 148, where the crime is described at some length.



ments placed into their hands the said Kaelkompte and Keketamape are guilty of the murder of the aforesaid Jan Stuart, condemn them both, as they condemn them hereby in the name of his Royal Majesty of Great Britain, under the government of the Right Honorable Colonel Francis Lovelace, to be brought together to the place of execution and to be hanged by the neck / omme gestraft te woorden met de koorde / until they are dead, dead, dead, and thereafter to hang in chains."<sup>27</sup> It is interesting to note that here the gibbeting was ordered in the sentence.

In a letter from Christopher Bancker to Abraham De Peyster, Jr., dated January 23, 1716/17, the writer states that "a negro . . . was executed December 27 . . . first hanged on the gallows till Dead Dead Dead and afterwards hanged in Gibbets where he was to remain for forcing a little girl of 13 years to lay with him. On the 24th of December at Schoharie . . . /one Trucax/ was murdered . . . by a negro man and woman . . . they were executed the second of instant. The negro man was burned half an houre until dead and then hanged in gibbets where he is to remain and the wench was burned one houre and afterwards to ashes."<sup>28</sup>

As a consequence of the Negro slave conspiracy of 1712, in New York City, a number of brutal punishments were inflicted. Three of the participants were burned at the stake, one was broken on the wheel, and Adrian Hoghland's slave, Robin, was sentenced "to be hung in chains alive and so continue from lack of any sustenance until he is dead."<sup>29</sup> This is the only case so far discovered in the colonies of hanging a live person in chains.

### New Jersey

Boyer reports that "in 1716 a Negro slave was convicted of murdering his master and was ordered to be burned alive. A Negro boy who had brought the hatchet to the murderer with full knowledge of the purpose for which it was to be used was sentenced to be 'hanged by the neck until dead and then hung up in the gibbets.'"<sup>30</sup>

### Maryland

In Maryland<sup>31</sup> in 1739, "two slaves of Anne Arundel were executed, one for burglary the other for rape on a white woman; and the body of the second, who had been a notorious offender, was hung in chains at some distance from the gallows". In 1743, "two Negroes murdered an Indian and they were hung in chains", and in 1755, "a Negro who murdered his overseer was hung in chains as near as possible to the scene of the murder."

<sup>27</sup> A. J. F. VAN LAER, transl. and ed., *MINUTES OF THE COURT OF ALBANY, RENSSELAERSWYCK AND SCHENECTADY 1668-1673*, vol. 1 (356 pp. Albany, New York: The University of the State of New York, 1926), p. 328.

<sup>28</sup> Quoted in JULIUS GOEBEL, JR. AND T. RAYMOND NAUGHTON, *Law Enforcement in Colonial New York. A STUDY IN CRIMINAL PROCEDURE (1664-1776)*. (xxxix, 867 pp. New York: The Commonwealth Fund, 1944), p. 705, note.

<sup>29</sup> *Ibid.*, p. 118.

<sup>30</sup> CHARLES J. BOYER, *Jersey justice in olden days*. *PROC. OF THE NEW JERSEY HIST. SOC.* 16: 257-83, July, 1931.

<sup>31</sup> J. R. BRACKETT, *THE NEGRO IN MARYLAND. A STUDY OF THE INSTITUTION OF SLAVERY*. (268 pp. Baltimore: N. Murray, 1889), pp. 131-32.

## Virginia

In Virginia, in connection with Bacon's Rebellion, 1676, one of the leaders, Anthony Arnold, was sentenced to be "hang'd in chaines in his own County, to bee a more remarkable Example than the rest."<sup>32</sup> Two years later one Thomas Hellier, convicted of murdering his master and mistress and a maid was hanged and "was hanged up in chains at Windmill Point on James River."<sup>33</sup>

It is evident from the cases so far mentioned that hanging in chains, no matter how rarely it may have occurred, was practiced in most of the colonies in North America. Neither was the practice of dismemberment and the exposure of parts of the body in various locations unknown. In 1706, a slave murdered his mistress in Rhode Island and committed suicide by drowning. When his body was washed up at Kingston, the General Assembly "ordered his head, legs and arms be cut off and hung up in some public place near Newport, and that his body be burned to ashes."<sup>34</sup> Scott reports that in 1710, in Virginia, Salvadore, an Indian, and Scipio, a Negro, both slaves were convicted of high treason in plotting a slave rebellion. While the sentence to death contained no reference to the manner of disposing of their bodies, an order of the Council of April 27 decreed as follows: "To the end therefore that their execution and exemplary punishment may have a due effect for deterring other Slaves from entering into such dangerous Conspiracys It is Ordered that Salvadore be executed . . . at the Court House of Surry County on the first Tuesday in May, and that his body be disposed of as follows viz. his head to be delivered to the Sherif of James City County and by him sett up at the City of Williamsburgh. Two of his quarters likewise delivered to the sd Sherif of James City one whereof he is to cause to be sett up at the great guns in James City and the other to deliver to the Sherif of New Kent County to be sett up in the most publick place of the said County, and the other two quarters to be disposed of and sett up as the Justices of the County of Surry shall think fitt to direct."<sup>35</sup> The execution of Scipio was to take place in Gloucester County and his remains distributed in a similar manner in Gloucester, Lancaster, King and Queen counties.

In 1733, two Negro slaves, Champion and Valentine, murdered one Robert Allen in Goochland County, Virginia. The court ordered their heads and quarters set up in various parts of the county.<sup>36</sup> Scott also refers to the case of a slave in Orange County who in 1737 was convicted of killing his master. The court ordered him hanged and afterwards his head was to be cut off and set on a pole near the court house. In 1767 four Negroes convicted of an attempt to poison their overseers in Alexandria were similarly treated, but their heads were set up on the chimneys of the court house. In 1778 the head of a Negro in Rockingham County was put on a pole at a crossroads and in 1780 the head of a Negro woman convicted of arson was exposed on a pole.<sup>37</sup>

<sup>32</sup> THOMAS J. WERTENBAKER, *VIRGINIA UNDER THE STUARTS*. (xi, 271 pp. Princeton: Princeton University Press, 1914), p. 204.

<sup>33</sup> ARTHUR P. SCOTT, *CRIMINAL LAW IN COLONIAL VIRGINIA*. (x, 335 pp. Chicago: University of Chicago Press, 1930), p. 195.

<sup>34</sup> EDWARD FIELD, *op. cit.*, p. 443.

<sup>35</sup> SCOTT, *op. cit.*, pp. 161-2.

<sup>36</sup> *Ibid.*, p. 195.

<sup>37</sup> *Ibid.*, p. 196.

A case reported from New Hanover County, North Carolina in 1768 also deals with a slave convicted of robbery. After his hanging, the body was beheaded "and his head affixed upon the point near Wilmington."<sup>38</sup>

It has been suggested that this form of aggravating the death penalty was employed only in the case of slaves, but this is not true. On August 15, 1781, the *Pennsylvania Gazette* carried the following notice: "At a special Court, lately held at Frederick-Town, Maryland, Peter Sutman, Nicholas Andrews, John George Graves, Yost Plecker, Adam Graves, Henry Shell and Casper Fritchie were found guilty of high treason . . . [for having recruited and sworn in troops to fight for England. Judge Hanson imposed the following sentence on them:] You will be carried to the gaol of Frederick County, and there be drawn to the gallows of Frederick-Town and be hanged thereon; you shall be cut down to the earth alive, and your entrails shall be taken out, and burnt while you are yet alive; your head shall be cut off; your body shall be divided into four parts, and your head and quarters shall be placed where his Excellence the Governor shall appoint—So Lord have mercy upon your poor souls!" Whether the sentence was carried out in all frightful details has not been ascertained.

### Pennsylvania

There is little evidence that gibbeting was used in Pennsylvania. In the early years of the colony, a case occurred of an Indian who, after being killed by order of the tribal chiefs for murdering a white in New Jersey, was brought to Wicaco and New Castle and hung in chains.<sup>39</sup> Then there is the case of Thomas Wilkinson, who is the chief character in this article, for reasons which will soon be apparent.

In their history of Philadelphia, Scharf and Westcott list, among the prisoners in the Walnut Street Prison who were executed, one Thomas Wilkinson, a pirate, with a statement that he was hanged May 23, 1781, on Windmill Island, (then located in the middle of the Delaware River in front of High Street, now Market Street), and immediately gibbeted on Mud Island, (at the mouth of the Schuylkill River and now no longer separated from the mainland).<sup>40</sup> The same information occurs in other local histories, but is erroneous on two counts. First, the Walnut Street Prison was not used in 1781 for common law offenders, and second, Wilkinson was apparently never executed. The first hint of this fact came from the jail diary which Samuel Rowland Fisher kept while an inmate of the Old Stone Jail at Third and High Streets from 1779 to 1781. On May 23, 1781, he made the following entry, "This morning Thomas Wilkinson was ordered to be hanged on the Island opposite this City & afterwards to be taken down and hung in Gibbets at the Fort on Mud Island—but just as he was going out of the Gaol orders were sent to stop his execution."<sup>41</sup>

Exactly a month earlier Wilkinson had been convicted of piracy, at the sessions of

<sup>38</sup> *Capital Punishment in North Carolina* (Special Bulletin no. 10 issued by the N. C. State Board of Charities and Public Welfare) 173 pp. Raleigh, N. C., 1929; p. 11.

<sup>39</sup> ELLIS PAXON OBERHOLTZER, *PHILADELPHIA. A HISTORY OF THE CITY AND ITS PEOPLE*. (4 vols. Philadelphia: O. I. Clark Publishing Co., n.d.) vol. 1, p. 24.

<sup>40</sup> J. THOMAS SCHARF AND THOMPSON WESTCOTT, *HISTORY OF PHILADELPHIA 1609-1884*. 3 vols. Philadelphia: Everts, 1884; p. 1832.

<sup>41</sup> *JOURNAL OF SAMUEL ROWLAND FISHER OF PHILADELPHIA 1779-1781*. Contributed by ANNA WHARTON MORRIS. 172 pp. n.p., n.d.

a court of admiralty of the State of Pennsylvania. The presentment upon which the trial was held is preserved in the Prothonotary's office of the Pennsylvania Supreme Court.<sup>42</sup> It is signed by William Bradford, Jr., then register of the court and countersigned by the foreman of the jury, William Adcock. It avers that "Nicholas Coleman and Thomas Wilkinson both late of the City of Philadelphia, mariners, on the fifteenth of October in the year of our Lord one thousand seven hundred and eighty with force and arms upon the high seas, within the jurisdiction of this Court of Admiralty Sessions, then being Mariners in and on board a certain Prize Ship or Vessel called the Richmond, belonging and appertaining to Subjects of the State of Pennsylvania and of the United States of America (to the jurors aforesaid as yet unknown) whereof one Nicholas Hyman and Flavel Porter were Prize Masters and Commanders, . . . piratically and feloniously did endeavor to make and did make a revolt . . . and the same Ship or Vessel . . . did seize, master and subdue . . . and . . . did navigate, convey & run away with to the Port & City of Charlestown then and yet being under the power and in the possession of the King of Great Britain the open enemy of this State & of the United States of America and the said Ship or Vessel then and there piratically and feloniously did yield and deliver up to be employed by the subjects of the said King of Great Britain . . . against the ordinance of the Honorable the Continental Congress, against the form of the act of Assembly in such Case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania." The jurors further presented that Coleman and Wilkinson, by their behavior "did turn pirates and together with other malefactors" seized the ship "with the Tackle, apparel, furniture and Cargo . . . to the value of Ten thousand pounds, being the proper goods and chattels of divers Subjects of this State. . . ."

On May 17 the Supreme Executive Council considered the case. "The record of the conviction of Thomas Wilkinson, found guilty of piracy at a Court of Admiralty Sessions, held at Philadelphia for the United States of America, and for the State of Pennsylvania, the twenty-third day of April last, and sentenced to be hanged by the neck, till he be dead, being now read; thereupon, *ordered*, that a warrant for execution of the sentence on Wednesday the twenty-third instant, between the hours of ten of the clock in the forenoon, and two of the clock of the afternoon of the said day, on the island in the river Delaware called Windmill Island; and it is further *Ordered*, That the body of the said Thomas Wilkinson be taken down to Mud Island, in the said river, and hanged in chains on the north end of said island."<sup>43</sup>

This action by the Council did not, however, seal the doom of the pirate. On May 21 a petition for the pardon of Wilkinson was presented to the Council.<sup>44</sup> It reads as follows: "A Petition. To His Excellency the President and the Honorable Supreme Executive Council of the Commonwealth of Pennsylvania,—The Subscribers, with the utmost Deference and Respect, humbly beg leave to recommend to your Honourable Board, the unhappy Petitioner Thomas Wilkinson, a Seaman, as an Object of

<sup>42</sup> Box 28, file A. For assistance in locating this document I am indebted to Mrs. Dorothy Hill Gersack of the National Archives and Records Service, Washington, D. C. and Professor Richard B. Morris of the Columbia University Law School.

<sup>43</sup> MINUTES OF THE SUPREME EXECUTIVE COUNCIL OF PENNSYLVANIA . . . vol. xii; May 21, 1779–July 12, 1781. (xiii, 784 pp. Harrisburg, 1853), p. 730.

<sup>44</sup> MS. STAUFFER COLLECTION, Pennsylvania Historical Society, vol. x, item 665. 2 pp.

Mercy, in hopes that should his Life be prolonged, he may become a sincere Penitent and a useful Member to the Community. Philadelphia May 21st, 1781." The chief signers of this petition were Stephen Decatur and Thomas Truxtun, both of them well-known privateer captains. A footnote to Decatur's signature states that "Capt Decatur is the greatest Sufferer by his Conduct"<sup>45</sup> which suggests that the Richmond had been taken by him as a prize. A footnote to Truxtun's signature indicates that "The Petitioner sailed with Capt. Truxtun as Boatswain." Two former shipmates of Wilkinson, Jacob Bankson and David McCullough, were signers. A footnote explained that "He [the petitioner] sailed with them in the Rattlesnake." Other signers were Johannis Erkelen, John Baker, Samuel Judah, James Robinson, Joseph Kerr Andrew Burkhard, Alexr Boyd, John Kerr, James Nicholson, Hugh Stocker, Jos. Huddell, Jer. Fisher, Abraham Roberts, John McLaughlin, Leeson Simmons, Fredk A. Muhlenberg, Fred. Phile, George Habacher, Amos Wickersham, Abrm Dubois, Joseph Spencer, John Campbell, Charles White, James Montgomery, Wm Allen, Peter Young, Robt Collings, Th Forest, Jno Burrow, John Duffield, Philip Wager, Saml Morris Junr, and Wm Ritchie.

The above list shows that Wilkinson was given exceedingly powerful support in his attempt to save his life. In addition to Stephen Decatur and Thomas Truxtun, David McCullough and James Montgomery were privateer commanders<sup>46</sup>, Jacob Bankson was a lawyer, who appeared as proctor for libellants in admiralty cases. Dr. Frederick Phile was a naval officer in command of the Port of Philadelphia<sup>47</sup>, James Nicholson was a senior captain in the Continental Navy, captain of the Trumbull, a Continental frigate, and Joseph Spencer was a major general, serving on the Council of Safety in 1781, as did Samuel Morris, Jr., who also had been elected in 1780 a member of the General Assembly from the City of Philadelphia. Frederick A. Muhlenberg was the speaker of the General Assembly of Pennsylvania. John Duffield and Philip Wager had at the October, 1780 elections been chosen respectively as an assessor of the County and a Warden of the City. (*Pennsylvania Gazette*, October 18, 1780). Abraham Dubois had recently been appointed as auditor at Newborn, Bucks County, to settle the accounts of Pennsylvania troops in the service of the United States. (*Pennsylvania Gazette*, March 7, 1781) and Samuel Judah was a respected merchant, formerly of New York, who died later in 1781, on October 19. (*Pennsylvania Gazette*, October 24, 1781).

On May 22, the day before the scheduled execution, a committee of Congress attended the session of the Supreme Executive Council. A conference "was had on the case of Thomas Wilkinson, now under sentence of death, respecting the legality of his sentence; the Chief Justice [Thomas McKean] being a member of Congress;

<sup>45</sup> In the PENNSYLVANIA GAZETTE, no. 2629, November 1, 1780, a notice appeared that on Sunday last the privateer *Holker*, Captain Keane, had arrived in Philadelphia from a cruise during which, in company with the *Fair American* (Stephen Decatur's ship) several prizes had been taken including the ship Richmond (Captain Jameson, from Glasgow and heading for Charlestown, South Carolina), "which after a smart action struck."

<sup>46</sup> In a list of admiralty cases in 1766, preserved in the Pennsylvania Historical Society (Admiralty Court of Pennsylvania Papers, 1770-1797) both McCullough and Montgomery figure as libellants and a court order of July 3, 1779, refers to a prize taken by the latter.

<sup>47</sup> See PENNSYLVANIA ARCHIVES, vol. 5, p. 298.

and the Articles of Confederation declaring that no member of Congress shall be a Judge of any of the Courts appointed for the trial of piracies and felonies committed on the high seas, and Courts established for receiving and determining finally, appeals in all cases of captures; and after a free communication on the subject, it was *Ordered*, That the said Thomas Wilkinson be reprieved for twenty-one days.<sup>48</sup> June 11, the Council extended the reprieve for another twenty-one days<sup>49</sup> after which Wilkinson appears to have been forgotten, except that on October 6, 1781, it is reported that "The following orders were drawn on the Treasurer, to wit; . . . In favor of David Henderson, for the sum of seventeen pounds, sixteen shillings species, amount of his account for making a gibbet for Thomas Wilkinson."<sup>50</sup>

What happened to Wilkinson? There is good reason to assume that he was never executed, for in the old days indefinite reprieves were not infrequent.<sup>51</sup> The gibbet iron made for Wilkinson, therefore, was probably never used, for there is no doubt that David Henderson had it ready in advance of the execution and that he had previously measured the prospective client in order to produce a well-fitting iron frame, for this was not only customarily done but was an obvious necessity.

The gibbet iron frame in the Atwater Kent Museum is, therefore, most likely the one made for Wilkinson. We believe that it dates back to the early years of the Walnut Street Prison. It is possible that David Henderson delivered it to the Old Stone Jail, so that it could be taken along by the Marshall when he called for the prisoner on the day of execution, and that it remained there until 1784 when the jail was abandoned and its prisoners, records, etc., were transferred to the Walnut Street institution.<sup>52</sup> It is claimed that in the middle 1780's, a gibbet iron hung in the cupola of that prison.<sup>53</sup> In 1835, when a reporter visited the institution just prior to its demolition he found hanging on a wall in one of the administrative offices used by the board of inspectors "an iron frame, curiously wrought; its purpose was to encase the body of a culprit who was sentenced to be gibbeted, so that he might not fall to pieces, while he 'hung on high, to poison half mankind.'"<sup>54</sup> Scharf and Westcott report that a "gibbet" from pre-Revolutionary times was one of the two relics transferred to the new county prison constructed in the Moyamensing borough in 1835, now at 10th and Reed Streets in South Philadelphia. There it hung for a long time suspended "over the entrance to the convict corridor, having been lately painted and repaired."<sup>55</sup> When finally removed it was stored in the small room behind

<sup>48</sup> MINUTES OF THE SUPREME EXECUTIVE COUNCIL OF PENNSYLVANIA, p. 732.

<sup>49</sup> *Ibid.*, p. 751.

<sup>50</sup> *Ibid.*, vol. xiii, July 13, 1781–December 31, 1783. (xii, 778 pp. Harrisburg, 1853), p. 76.

<sup>51</sup> See WILLIAM W. SMITHERS, *TREATISE ON EXECUTIVE CLEMENCY IN PENNSYLVANIA* . . . 289 pp. Philadelphia: International Printing Co., 1909; p. 78. Fisher, who was released from the Old Stone Jail two weeks after Wilkinson's second reprieve expired, made no further reference to him in his diary.

<sup>52</sup> THORSTEN SELLIN, *Philadelphia prisons of the eighteenth century*. TRANSACTIONS OF THE AMERICAN PHILOSOPHICAL SOCIETY, 43, pt. 1: 326–30, 1953.

<sup>53</sup> WILLIAM WEBB, *Reminiscences of the Old Walnut Street Prison*. PHILADELPHIA SUNDAY DISPATCH, October 30, 1859.

<sup>54</sup> *A visit to the Walnut Street Prison*. THE UNITED STATES GAZETTE, September 19, 1835. Reprod. in HAZARD'S REGISTER OF PENNSYLVANIA 16: 230–32, October 10, 1835.

<sup>55</sup> WEBB., *op. cit.*, November 6, 1859.

the paint shop, where its only close companion was the demountable gallows. In the early 1940's, the gibbet iron was, by resolution of the Board of Inspectors of the Philadelphia County Prison (instigated by the author of this article who was a member of the Board) transferred to the Atwater Kent Museum.

A closing note on the meaning of the word gibbet is in order. On the continent and in England, it is clear that the word referred to the structure, on which the body was hung and not to the instrument (chains, iron frames, etc.) used to hold the body itself in place. The structure usually pictured in England was a half-gallows, i.e. a single pole with a braced arm. The contraptions for encasing or holding the body on the gibbet were generally called merely irons.

In the various quotations given in this article it appears that the term gibbet was used often to refer to the irons. The body is described as being hung *in*, rather than *on*, a gibbet. The pirate Archer is "fixed on a gibbet", which is "set up" for him, the Negro Mark hanged "on" a gibbet and Esther Rogers "placed on a gibbet", but Jeremiah Bumstead went to see Archer "in gibbets" and the Boston *Newsletter* reported Meecum as having been hanged up "in gibbets". This terminology was also used by Bancker in describing two events in New York. Fisher, in his diary, said that Wilkinson was to have been hung "in gibbets" and the Supreme Executive Council paid Henderson for making "a gibbet" for him. The catalogue of The Essex Institute also describes the instrument portrayed in Figure 2 as a "gibbet". In the southern colonies the words "hanging in chains" were used. This phrase was the time-honored formula, but was not to be taken literally; although the Supreme Executive Council ordered Wilkinson to be hanged in chains, a gibbet iron frame was actually to be used.

Whether or not chains were literally used anywhere in the colonies is not known. It may well be that such chains may have been preserved in some American museum, however. Illustrations in Hartshorne's work, cited above, show that in England this instrument consisted of a heavy chain about twelve feet in length, divided in the middle by a curved iron bar or narrow saddle which fitted the crotch of the body. A hinged iron neckband, which could be passed through the links at the height of the neck, locked the head in place, holding the body upright and the two ends of the chains were attached to a ring which was hung on a hook attached to the arm of the gibbet.

#### POSTSCRIPT

While this article was being set in type, the author ran across an article on *Capital punishment in Detroit* by M. M. Quaife,<sup>56</sup> dealing chiefly with the colonial period. He notes that following the advent of the Americans in 1796, there was for a generation no execution in Detroit, but that across the river in Canada they were frequent and "attended, moreover, by certain aspects of eighteenth century British justice which rendered the roadways of Sandwich, in the words of a recent local historian, 'full of horror to the wayfarer.'—For not merely were murderers and thieves hung with distressing frequency, but their corpses, clasped in the cold embrace of the creaking bilboes, were left to sway in the wind until they rotted, constituting at once

<sup>56</sup> BURTON, HISTORICAL COLL. Leaflet 4: 33-48, Jan. 1926; p. 45.

a warning to the evilly-disposed and a sanitary horror to the eyes and nostrils of the townsmen. At one time three such ghastly 'warnings', swaying on their gibbets, assailed the sensibilities of the people of Sandwich, producing, as all excesses are bound to do, a revolt of public opinion. The last victim at Sandwich of such a spectacle was a Negro who had been convicted of murder. William Hands, a former resident of Detroit, was sheriff and, presumably, executioner. Local opinion demanded the removal of the bodies, but no one appeared willing to incur the pains of prosecution by interfering with the agencies of justice."

It would appear from this notice that gibbeting may have continued in Canada into the early years of the nineteenth century, which would seem possible since the practice lasted in England until 1834. Another curious feature is the reference to the gibbet iron as bilboes. By bilboes we ordinarily mean the iron bar with ankle rings attached which were used, especially at sea, to shackle offenders. This device seems, if Quaife is right, to have been adapted to serve the purpose of gibbet irons. He states in footnote that "the bilboes was an iron frame, consisting of a perpendicular rod about six feet long, to which were attached iron rings designed to encircle the neck, waist and ankles of the corpse."