

VII

TYBURN

Sometimes on a clear morning after rain if you happen to cross Green Park you may see a streak of white mist stretching from the dip in Piccadilly to the Mall. That line of mist marks the course of the brook Tyburn where it flows underground. Its hidden course leads to the pond in Saint James's Park and thence by Westminster to the Thames. It takes its rise in Hampstead, flows under Regent's Park, thence down Marylebone Lane crossing Oxford Street at Stratford Place, thence to Brook Street, Lansdowne Gardens and Half Moon Street, across Piccadilly and Green Park, by Buckingham Palace and St. James's Park to Westminster and the Thames. In other days it was an open stream that gave its name to a spot, which, though bearing no trace of its claim to remembrance, must remain forever one of the landmarks of old London. Stand at the northern end of Park Lane opposite the northeast corner of Hyde Park. With your back towards the line of Oxford Street, High Holborn, Newgate and the CITY and your face towards the Marble Arch, you have Watling Street, the ancient Roman road to the North, running away on your right towards Edgware, and in front you have Bayswater Road running westward. It was the junction of these two roads that made the place historic ground, for at that junction the gallows stood and this is Tyburn, ancient Tyburn, tragic Tyburn. No situation in London recalls more intense or indelible memories than this and no monument in London has a longer weird to keep or a greater fame to hold than Marble Arch* that marks the place of Tyburn Tree, old Deadly Never Green. Their tale is not recorded in the marble and their names are not written on the arch. I mean the names of those who came from Newgate over there to wear the Tyburn Tippet in view of the crowd. Commonly the tippet was made of fur or wool, something soft and warm to wear about the neck, but the Tyburn Tippet was made of hemp; it was hard and cold; it was the hangman's rope. For six hundred years the public gallows stood at Tyburn for it was

* There is a plate in the pavement marking the exact spot where the gallows stood but the Marble Arch is near enough.

there in the twelfth century and it was last used in 1783, before it was moved to Newgate. If you are in the habit of saying a prayer at Smithfield, take time for two when you visit the Marble Arch and recall a few of the forgotten scenes.

Between Tower Hill and Tyburn no one was overlooked. Everyone in the realm was provided for against a day of reckoning. From the sovereign to his meanest subject, all were included in the service of these two stations. Kings, queens, princes, great ladies, noblemen of every rank went to Tower Hill and the block, while the common people went to Tyburn and the gallows. The way of justice was swift and straight—swift as the descending axe and straight as the hangman's rope. The only difference was defined by a horizontal plane and that was as level and as clear cut as the scales of justice on the top of Old Bailey. It was the plane between the nobleman and the commoner. The Tower and block were reserved for people of rank charged with high treason and other high crimes and misdemeanours. Tyburn Tree was for commoners convicted of treason, murder, manslaughter or felony. The crime of felony included theft, robbery, sorcery, coin clipping, forgery, slander, sending horses to Scotland and several other awful misdeeds.

It is essential to our understanding of London to mark the fact that though a commoner could not qualify for Tower Hill, his descendants might and did so qualify. Likewise though a nobleman never wore the Tyburn Tippet his ancestors might. A single example selected from many will serve to illustrate. Geoffrey Boleyn, alderman and merchant, was the grandfather of Anne Boleyn and ancestor of Queen Elizabeth, Lord Nelson and the Earl of Kimberly. Moreover, younger branches of noble houses were frequently London merchants, so that when a merchant's daughter married a peer, a common occurrence, she might be marrying her own cousin. Yet the gulf between the gallows and the block was not diminished.

For treason a commoner was hanged, drawn and quartered. He was allowed to swing long enough to convince him that he was as good as dead, but not long enough to render him insensible of the fact that he was still alive. He was then taken down, stripped naked and marked for the final operation. A sharp knife point was drawn over his body marking with a series of incisions certain lines to guide the executioner in his work. This done, his entrails were removed and then his body was divided into four quarters. Finally his head was cut off to be placed on the gate of London Bridge, or else on

Temple Bar. Treason was the greatest crime and merited the greater punishment. Other malefactors were simply hanged. The great prison for common malefactors was Newgate, whence when sentenced to capital punishment they rode in a cart to Tyburn.

It seems to have been customary for the headsman at the Tower to apologize to his victim before performing his duty and it was customary for the noble victim to accept the apology. Whether it was customary for the Tyburn hangman to apologize, I do not know, I have not found it mentioned, but I should not be greatly surprised to find mention of it. I should be rather more surprised to learn that his apology was invariably accepted.

There is no room in these pages for the toll of those who wore the Tyburn Tippet but I must make room for a few incidents that show how swift and merciless was the law and how straight the ways of justice. Once during the reign of Edward I a goldsmith in a quarrel with a tailor wounded his adversary and thinking he had killed him took refuge in the Church of Saint Mary le Bow in Cheapside. In the morning his body was found hanging in the Church tower. The coroner found a verdict of suicide and the body of the poor goldsmith was taken outside the City and thrown into a ditch according to custom. Then a boy came forward and told how he had been hiding in Bow Church tower on the fatal night and had seen men enter the church and hang the goldsmith. It was then discovered that a certain woman had planned the murder and prevailed upon some men to put it into execution. For that one murder the woman was burnt and sixteen men were hanged at Tyburn all on the same day together.

A band of thieves broke into a man's house—it was in the reign of Henry II—and the owner, in defending his property, slashed off the hand of one of his assailants. The others then fled and the captive on being turned over to the authorities impeached his confederates, among whom was a rich and respected citizen named John Olde. He was allowed to prove his innocence by means of the Ordeal by Hot Water. The manner of the Ordeal by Hot Water was this. The person suspected was required to plunge his bare arm into a cauldron of boiling water and pick up a stone from the bottom. If the arm remained uninjured his innocence was established, otherwise he was adjudged guilty. John Olde went to the gallows with a badly scalded arm. I am not sure that I understand the theory of Ordeal by Hot Water. Of course any man's arm was sure to be scalded but on the

other hand it might be argued that any man was sure to be guilty of something even if he were innocent of the particular crime of which he was charged. If that was the theory of the Ordeal by Hot Water it was doubtless sound; otherwise it seems to me onesided.

Henry VI at the age of nineteen was a sickly lad and in the event of his death his uncle, the Duke of Gloucester, would be King. Duke Humphrey's second wife, Eleanor, appears to have sought to bring about Henry's death by sorcery. That is the nature of the charge brought against her and four accomplices to wit, her chaplain, a canon of St. Stephen's, a man named Roger Bolingbroke a necromancer and Marjory Jourdemayne the Witch of Eye. The three men were sentenced to be hanged, drawn and quartered. The Canon died in his cell; the Chaplain was pardoned; Marjory, the Witch of Eye was burnt at Smithfield and Roger Bolingbroke the necromancer was first placed in the pillory at Paul's Cross with his wizard's implements hung upon him; then he was taken to Tyburn where he was hanged, drawn and quartered. Eleanor's punishment is another story. She was ordered to do penance which was performed in the following manner. She was taken in a barge from Westminster to the Temple Stairs where her maidens removed her robes and head-dress, wrapped her in a white sheet, and took off her shoes and stockings. Then with a taper in her hand she walked barefoot to Saint Paul's, preceded by trumpeters and attended by men at arms. On three separate days she went through this ceremony and on each day the Lord Mayor of London, the Sheriffs and representatives of the guilds met her in State at the stairs as she landed; for this woman, doing public penance barefoot on the rough pavements was a great lady, the wife of the Regent of England, brother of King Henry V. Thereafter the Duchess lived in seclusion at Chester till the end of her days.

A few years later, her husband, Duke Humphrey, was himself arrested for high treason and next day was found dead in his bed. Five of his associates were condemned and hauled to Tyburn. They were all hanged in the usual perfunctory manner common to these cases. Then they were cut down alive and stripped and marked according to the custom for those who were to be drawn and quartered. Just as the executioners were about to perform their office a messenger from the King arrived on the scene with a pardon. Meantime the hangman had appropriated the clothes of the five pardoned men. That was his right. Now arose a delicate point.

They demanded their clothes; the hangman refused their request. Even a hangman has his rights. It wasn't his fault that the men were pardoned. He kept the clothes and the five men went naked from Tyburn to the City where their friends received them with great joy.

In a newspaper published in London in the year 1824, I have read in the news of the day an account of two hangings. One of the victims had stolen a suit of clothes and a half crown; the other had cheated the Bank of England out of two hundred and sixty five thousand pounds. Both were hanged. This instance reminds us forcibly how times have changed in a hundred years. Today a man convicted of stealing a suit of clothes and half a crown might get ten days free board and lodging but a man who should cheat the Bank of England out of two hundred and sixty five thousand pounds today would expect a peerage.

On the days fixed for execution, the condemned prisoners at Newgate were turned into a room in the gatehouse. In that room their fetters were removed and their elbows pinioned. While preparations were being made for their departure certain writers whose business was very much like that of our reporters went about among them taking down their last statements or dying speeches or confessions from such as would oblige these early representatives of the press. Very often the principal actors were ready enough to oblige by sensational and highly coloured accounts of their exploits delivered with more bravado than veracity.

A Printer's Boy was muttering out that the Men stood still for Copy; upon which I perceived a slender Gentleman address himself to one of the Criminals in a low tone to the Effect That he would tip him as handsome a Coffin as a Man need desire if he would come down but half a dozen more Pages of Confession. The Prisoner, mighty elate at the Proposal, answered with an audible Voice, Sir, strike me as stiff as an Alderman's Wife in a Church Pew, if I don't oblige you. (From a contemporary 18th century account quoted by Besant.)

These dying confessions and last speeches of famous criminals and desperadoes were promptly printed and sold on the streets for a halfpenny a copy before the culprit had reached the gallows. The prison chaplain likewise was present in that gatehouse room in the interval before the departure of the prison guests on their last journey. He exhorted them to repent and think of their souls before it was too late. They treated him with indifference or with scorn. They boasted of their misdeeds. Here is a passage from a writer of

the eighteenth century who relates a personal experience in this room at Newgate at the departure of the prisoners.

A Turnkey kept jostling me to take notice of the Behaviour of a little rough fac'd Sailor, with a speckled Handkerchief hanging down to the Knees of his Breeches. That Man, said he, will turn out the Hero of the Tree and do Honour to our Execution; observe how negligently he palms his Prayer-Book, how disdainfully he treats the Exhortation, how steadfast are his Eyes on his Mawks, and how regardless of the Minister. Ah! adds he with a deep sigh, what a fine thing it is to die well, and what would I not give to be certain of making so good an End. (Ibid.)

Just outside Newgate, on the way to Tyburn, stands the Church of St. Sepulchre. Long ago a member of the Merchant Taylors Guild bequeathed a legacy of £50 to the Church to be used for a curious purpose. The provisions of the will were carried out in the following manner. At midnight before each execution, the bellman of St. Sepulchre's, with lantern in one hand and a bell in the other, took his stand beneath the wall of Newgate and ringing certain tolls on his bell repeated these foreboding measures.

All you that in the condemned hold do lie,
 Prepare you, for tomorrow you shall die;
 Watch all and pray, the hour is drawing near,
 That you before the Almighty must appear;
 Examine well yourselves, in time repent,
 That you may not to eternal flames be sent.
 And when St. Sepulchre's bell tomorrow tolls,
 The Lord above have mercy on your souls.
 Past twelve o'clock!

How they must have wanted to throw something at him!

In the morning after the prisoners had been led through the gate, they rested in front of the Church of St. Sepulchre where each received a nosegay. It was the custom to see that each prisoner had a nosegay as he started on his journey, for another benefactor had left the Church of St. Sepulchre a sum of money for that purpose. Next a procession was formed. The prisoners were loaded in a cart. They took their places according to a regular order of precedence which they looked to carefully like so many members of the House of Lords. The master of ceremonies had his hands full to place them in the proper order. The highwayman ranked above all others and occupied the seat of honour in the prison cart; next to him in dignity came the stage robber, then the forger, then the common crew of shoplifters, pickpockets and murderers. An eyewitness describes an incident that could not have been uncommon.

I remember having seen two gentlemen taking their last journey on this road in a two wheeled vehicle hung with solemn sable, who quarrelled as they went along over a question of precedence. (Ibid.)

In front of the procession went the Deputy Sheriff with his attendants, all on horseback; then came the cart draped in black, with constables walking beside and bringing up the rear. There were other and strange attendants in that procession—women of well to do appearance dressed in black, wearing black veils, who followed in carriages. Who were these respectable mourners in that gallows march? Were they relatives of the people in the cart who came to witness the last rites and to claim the bodies of their kin? Sometimes—yes, but you could not always tell. More often they would be resurrection women, body snatchers in the service of the Medical Faculty, who wanted bodies to dissect—they always want bodies to dissect. So these quiet and respectable looking women in black rode after the procession from Newgate to Tyburn. They witnessed the black cap drawn over the face of each prisoner in turn, they saw the Tyburn Tippet laid on each in turn, the highwayman still insisting on his right of precedence. They saw the cart drive off leaving its burden hanging in a row. They saw the highwayman kick off his shoes—a custom affected by his class as a last gesture of defiance to authority. That was the way to put it over. For an hour the resurrection women had to wait; that was the time required by law; then they were free to remove such bodies as they might claim, the bodies of such as had no friends on hand to do that service for them.

Two elderly Women decently dress'd in Black Crape, with their Faces veil'd over like a Woman of Quality, when she drives by the Door of her Mercer, were curs'd like a Box and Dice at a Hazard Table, as they pass'd down the Stairs, by a Surgeon; who withal said, they had lain as long in Bed as a Welch Dean and Chapter, so that there was hardly a possibility of their getting time enough to the Gallows to do their Duty. A pretty corpulent Man that stood near me, whose Plate Button Coat denoted him the Master of some publick House, was so kind as to inform me that these Gentlewomen were the Agents of the Surgeons, who gave them pretty good wages for personating the Parents of the dying Malefactors; for which purpose they attended in Hackney Coaches, as constantly at every Execution as Rain at a Review or Ladies at a Rape-Trial and seldom fail'd to bring off a Brace or two of Bodies for the use of their Masters the Gentlemen of the Faculty. (Ibid.)

BEN. But pr'ythee, Mat, what is become of thy brother Tom? I have not seen him since my return from transportation.

MAT. Poor brother Tom had an accident this time twelve-month, and so clever made a fellow he was that I could not save him from those flaying rascals the surgeons, and now, poor man, he is among the atomies at Surgeons' hall.

THE BEGGAR'S OPERA, Act II, Scene 1.

The route of the procession was through Newgate Street, High Holborn and Oxford Street. We are told that these streets were like a fair. I do not believe at all that we must take literally Hogarth's drawing of the scene but from all accounts it was a very motley crowd that lined that route and pursued their varied occupations, from picking pockets to selling gin and printed lists of prisoners with their records and last speeches. They cheered the handsome highwayman, sitting as jauntily as his pinioned arms would permit beside his coffin in his place of honour. He waved his free hands to the women and bowed in smiling acknowledgment of their cheery greetings.

POLLY. Methinks I see him already in the cart, sweeter and more lovely than the nosegay in his hand!—I hear the crowd extolling his resolution and intrepidity!—What volleys of sighs are sent from the windows of Holborn!

THE BEGGAR'S OPERA, Act I, Scene 12.

Polly might have added that her hero would be sitting in the place of honour claiming precedence of his meaner companions.

As for the common lot of thieves and murderers in the less elevated places on the cart, they received no attention whatever from the crowd. They were left to the exhortations of the Ordinary who went along with them and never ceased urging them to repentance. Sometimes there was a traveller in that cart, one who likewise sat beside her coffin, who could not fail to claim the sympathy of some in that seeming callous crowd. Sir Walter Besant has drawn a picture of that most melancholy sight, a woman with a baby in her arms in the gallows cart. The Ordinary might exhort, she neither saw nor heard him. She saw only her baby that would be taken from her at the gallows to be cared for by Charity, the charity that had been denied when she stole on her baby's account. Repent! What was repentance to her? Hellfire! That did not frighten her. Hope of Heaven! How could that be when her baby was to be taken from her at the foot of the gallows tree? She had stolen that it might live and she rode in the same cart with the handsome careless highwayman and the sullen murderer, but she did not whine or make a scene. It wasn't done.

It was all changed in 1783 when the gallows were drawn in from Tyburn to a space in front of Newgate where they stood till they retreated in 1868 within the prison yard. In 1904 that grim and impressive old prison was levelled to the ground and under its foundations was found a piece of the Roman Wall, for a Roman gateway

had stood on the site whence so many men and women set out on their journey to Tyburn.

Ordeal by Water and Ordeal by Fire, either of which a man might choose as an alternative to immediate hanging were rare in London, a fact that is easily understood. That either should have been chosen at all is less intelligible. Ordeal by Battle on the other hand was quite common, a fact not hard to understand. Who would not choose to fight his accuser when the alternative was hanging? Of course the gallows always stood ready for the man accused in case he lost the fight, a fact that gave him heart of grace and an added interest in the ordeal.

Ordeal by Fire and Ordeal by Hot Water were attended by priestly rites and elaborate ceremony. For the latter a special service was held, the accused made confession, swore solemn oaths, kissed holy relics, a sacred seal was placed on his exposed arm and he was escorted to the boiling cauldron by attendant priests. While psalms were sung he must plunge his arm into the depth of the cauldron and bring up a stone from the bottom. I believe there is at least one case on record where a fellow came through successfully and with smiling countenance. Of his three companions who followed, one went directly to the gallows with a horribly scalded arm and the other two lost heart at the last minute and were hanged beside him. It was at Smithfield that this ordeal took place and out of the four one went free, but I think there must have been jugglery or deception somewhere.

In the case of Ordeal by Battle there were no religious exercises or attendant priests, only well ordered lists and a set of strict rules. It was a fight in the open and many a lusty rogue in those lists proved his innocence and went free. It encouraged the accused to believe in the righteousness of his own cause. It also encouraged the accuser to keep in good physical condition and above all it provided a very good show. There is much to be said for Trial by Battle.

There was one other way by which a thief might cheat the gallows and a curious way it seems. It was by Benefit of ~~the~~ Clergy. That phrase is altogether misunderstood today because it suggests to the modern mind an officiating priest. It was something quite different. The word clergy had another meaning apart from the priesthood. In its other meaning it was equivalent to clerks, and as clerks were supposed to be able to read, clergy came to mean anyone who could read, that is a scholar. in a world where few could read. A criminal

up for his first offense might claim Benefit of Clergy in the terms of the law. If he could prove his ability to read he qualified for exemption from capital punishment. The test applied appears to have been certain passages selected from the Latin Psalms, either the beginning of the fifty first Psalm *Misere Mei, Deus;* or else the fifth Psalm, *Dominus pars hereditatis Mee.* What was to prevent a thief from learning the passages by heart and making himself familiar with the general appearance of the particular Psalm in which each passage belonged when it was pointed out to him in the Book?

I suppose there was nothing to prevent him and I suppose it would be a very incompetent thief who would pick a pocket without first learning to repeat a couple of verses from the Latin Psalms. Whether this strange law was meant to encourage learning or to give every thief a chance to escape the gallows at his first offense, I do not know. William Langland (1300-1366) has this admirable plea on behalf of a liberal education. "Well may the child bless the man who set him to learn books. Familiarity with literature has often saved a man body and soul. *Dominus pars hereditatis mee* is a good text; it has been known to save from Tyburn some twenty strong thieves. When ignorant thieves are strung up, see how the learned ones are saved."

That is absolutely the most honest argument on behalf of education that I have ever come across.

The lesson of Tyburn is this. If there is less crime in London than in any other City in the World, which is admittedly the case; if London is the most law abiding spot on earth, which it is, that distinction has been acquired at a price. The price was six centuries of Tyburn Tree.