The focus of Part I of this volume was to gain an understanding of the implementation of the death sentence in Scotland. It provided an exploration of the contextual and judicial drivers that impacted upon its use and quantitative analyses of focal periods to enhance our knowledge of Scotland’s capital punishment history between 1740 and 1834. Part II will now turn to present a qualitative exploration of public executions in Scotland and an investigation into the changing nature of capital punishment and execution practices across the period. It will also examine the implementation of the post-mortem punishments of dissection and hanging in chains, and situate their usage within the broader bodily punishment narrative.

The current chapter will provide some insight into the spectacle of the scaffold in Scotland between the mid-eighteenth and early nineteenth century by drawing upon the extensive source materials gathered, including newspapers and execution broadsides, which offer rich qualitative details of the scene at the public execution. The opening section will begin by questioning the role of the key actors of the event, namely the condemned criminals and the concourse of spectators gathered to witness them suffer their lamentable fate. The multitude of behaviours and responses that the execution spectacle could generate will also be considered. Following this exploration of the scene at the gallows, the chapter will examine the changes made to the logistics of the public execution including those related to its location. In Edinburgh, between 1660 and 1784, executions were conducted at the Grassmarket following a procession.
from the Tolbooth through the Old Town. However, in 1785 they were moved closer to the Tolbooth itself. At around the same time, and continuing into the early nineteenth century, Scotland’s circuit cities and towns began to follow suit, relocating their common place of execution from urban peripheries to locations closer to their places of confinement. In addition, other traditional elements of the scaffold ritual were subject to adaptation. Notably there was a decline in the need for a lengthy procession to the place of execution which had historically been a focal part of the proceedings. Despite these changes, the public execution continued to hold a pervasive attraction and drew large crowds throughout the period under investigation here.

The chapter will then move on to examine the changes made to execution practices. Although there is currently limited work that focuses upon Scottish execution practices, the discussion will draw upon the wider historiography discussed in Chap. 1 and combine this with the previously unexplored primary material utilised here. By the mid-eighteenth century, it was evident that the courts almost exclusively sentenced offenders to be hanged by the neck until dead, and aggravated executions that inflicted prolonged pre-mortem suffering upon the condemned, that were more characteristic of the Early Modern period, had declined significantly. However, the current study has identified the last examples of older execution practices in Scotland in the mid-eighteenth century. For example, one man was sentenced to be burnt to death and there were four cases where offenders were sentenced to have a hand severed as a prelude to their execution. The precedent for these punishments can be found in earlier centuries and sporadic decisions to use them in the mid-eighteenth century require further analysis when they are situated within a discussion of the long-term decline of aggravated executions. Furthermore, the chapter will provide a brief discussion of the broad changes that occurred to executions for treason in the ‘Long Eighteenth Century’. It will demonstrate that the perceived heinousness of the crime had long prompted distinct and severe judicial responses and, throughout much of this period, the sentence passed against those convicted remained largely unchanged in that they were to be hung, drawn and quartered. However, in practice, the executions were increasingly subject to discretionary implementation which blurred the line between an aggravated execution and a post-mortem punishment.

The post-mortem punishment of the criminal corpse had been a penal option prior to the mid-eighteenth century, but it was subject to discretionary implementation. However, the 1752 Murder Act placed it at
the centre of the criminal justice system’s response to homicide. Despite this, the subject has been largely ignored by crime historians until recent pioneering research into the uses and treatment of the criminal corpse highlighted that the execution narrative extended beyond the end of the hangman’s rope.¹ Chapters 6 and 7 will offer in-depth investigations into the use of dissection and hanging in chains in Scotland. However, this chapter will first situate the post-mortem punishment of the criminal corpse within the broader historiography of capital punishment in this period, particularly the meta-narrative pointing towards the changing nature of execution practices. In addition, it will highlight that there was a concentration of gibbeting in the mid-eighteenth century, on the eve of the Murder Act, that occurred at around the same time as older execution practices were disappearing. In examining the use of post-mortem punishment to enact additional infamies to the death sentence, even before 1752, the chapter will identify an intermediate stage in the long-term decline of public bodily punishments in Britain.

**The Gallows Protagonists**

In eighteenth- and early nineteenth-century Scotland, the theatre of the gallows involved numerous actors, from the authorities responsible for carrying out the death sentence including the sheriffs, magistrates and executioners, to the condemned criminals themselves and the vast number of people who attended to see the spectacle unfold. This study has already acknowledged that, prior to the final quarter of the eighteenth century, reports of crime and punishment were rather limited in the Scottish newspapers, especially when compared to their English counterparts. However, from an extensive search and accumulation of the information available regarding public executions, it is possible to build up a picture of the scene at the gallows, including key elements such as the procession to the scaffold, the delivery of final speeches and the multitude of crowd reactions that executions could provoke.

The procession of the criminal to the scaffold was of great importance to the execution ritual. On the morning of their execution they would be brought out of the prison and placed in a cart, or in some cases would walk, to make their final journey to the scaffold. Often crowds would gather to see the criminals brought out and to join the procession which consisted of the condemned, local authorities including the sheriffs and the magistrates, the executioner and ministers who would offer religious instruction.
When lamenting against the abolition of the procession to Tyburn, Samuel Johnson stated that “the old method was most satisfactory to all parties; the public was gratified by a procession, the criminal supported by it.”

As processions to the gallows and the executions themselves attracted large crowds, which often contained relatives of the condemned, security was required. This was organised by local sheriffs and magistrates and drawn from military regiments, local militia and, as in the case of the execution of Margaret Minna in Jedburgh in 1753, a guard formed of the town’s principal inhabitants. The procession to the scaffold would often begin hours before the execution itself and in many cases the businesses and shops in the area would be closed making the execution spectacle a whole day event. In other cases, people would travel for days to attend an execution. For example, friends and relatives of Patrick Wallace had travelled as a large group for two days from Glasgow to Edinburgh to witness his execution in 1747. In addition, in some cases the procession crossed through more than one jurisdiction and thus the sheriffs of each area ceremoniously exchanged responsibility for the condemned. In 1770 Alexander McDonald and Charles Jamieson were taken on a cart by the Sheriff of Edinburgh to be received by the Sheriff of Linlithgow for execution near the scene of their crime. Thus the procession was not only a necessary part of the execution, it was often a focal element of the spectacle and, in some cases, even a legal and ceremonious procedure of passing on responsibility for the execution from one local jurisdiction to another.

An additional key actor in the theatre of the gallows was the executioner. In Scotland, the death sentence would, under the direction of the judges, be read out in the court by the ‘dempster’. In the records this was referred to as their “pronouncing of doom.” The dempster was an officer of the court who was often also the local executioner in the larger cities. John Dow Cameron had been convicted for murder and cattle theft in Perth in 1753. The Caledonian Mercury noted that “when the dempster or hangman came in order to pronounce the sentence against him, he struck at him with hands and feet, and would not allow him to come near him at any rate.” Hume argued that this practice was a “rude ceremony” that “savoured barbarity.” However, it certainly served to demonstrate the centrality of the executioner from the moment the death sentence was pronounced and perhaps even began the process of the condemned person’s legal and social death. The practice was abolished by an Act of Adjournal in 1773 and thereafter the death sentence would be pronounced by the presiding judge and read out by the court
clerk. Across this period, executioners occupied an ambiguous position in the execution proceedings. They were certainly a focal part of the event and the criminal often took the time, in their last dying speeches, to publicly forgive them for the fateful task they had to carry out. However, there were examples of crowds reacting negatively towards the executioner, particularly in cases where criminals suffered a slow death by strangulation due to their perceived ineptitude, an example of which will be discussed later in this chapter.

Despite the importance of the scaffold authorities in staging the public execution spectacle, the central actors in the theatre of the gallows were the condemned themselves. A reading of reports detailing the behaviour of malefactors upon the scaffold reveals a multitude of reactions to their fate. Some faced the noose with outward confidence, bolstered by the presence of their friends and relatives. John Breck MacMillan used his execution in Inverlochy in 1755 as an opportunity to toast the health of Charles Stuart, the ‘Young Pretender’, with the watching crowd. The *Scots Magazine* lamented that it was a “pity the criminal’s friends are allowed to carry off his body from the gallows in triumph…burying it at the gallows-foot would be looked upon as more disgraceful than hanging.” For his execution in 1788 William Brodie was elaborately dressed in satin breeches and silk stockings and entered into “easy conversation with his acquaintances in attendance.” There were others, such as Randall Courtney who was executed in Fettercairn in 1743, who remained seemingly undaunted until they came in sight of the fatal apparatus upon which they would be hanged.

There were also some criminals who believed that their lamentable death had been somehow forecast due to their own previous attendance at the execution spectacle. When Catherine Davidson was executed in Aberdeen in 1830 for the murder of her husband the *Caledonian Mercury* commented upon the vast conourse of spectators gathered to witness the event due to the rarity of the occasion, namely the execution of a woman. The article noted that the last woman executed in Aberdeen was Jean Craig in 1784. Catherine would have been five years old at the time but had attended the execution. Following her own condemnation, she recalled that when Jean’s body had been cut down and the rope thrown among the crowd, as was customary, the knot had struck her on the breast. She descried having recoiled in horror at the time but stated that she had not thought of it again until she received the death sentence herself. Similarly, when Thomas Rogers was executed in front of
Jedburgh Castle in October 1831 for a murder he had committed during a drunken brawl, he recalled that he had previously been confined in the castle in May 1822 when William Robison was executed in the same place. After witnessing the execution Rogers had purchased the rope used to hang Robison from the executioner. In this period, certain props of the theatre of the gallows, including the hangman’s rope and even pieces of the scaffold, could be coveted mementoes of the occasion. In these cases, the rope was also believed to have held superstitious meaning which adds yet another layer to our understanding of the scaffold scene.

In Scotland, as in England, after they had mounted the scaffold, condemned criminals were given the opportunity to deliver their last dying speeches in the presence of the watching crowd. The authorities intended for them to attest to the justice of their sentence and to warn others from the commission of the crimes that had led them to such a lamentable fate. However, some offenders refused to speak and others continued to deny their crimes to the last. In 1774 John Reid’s last words were “mine is an unjust sentence.” While we must be cautious when taking newspaper reports entirely at face value due to their repeated use of the words penitent and resigned to describe the behaviour of the condemned, many Scottish criminals in this period did use their last dying speeches to confess their guilt of the crimes for which they were to suffer, with some recounting details of their actions. Others took the opportunity to confess to crimes they had never even been suspected of, such as Margaret Douglas in 1764 who confessed to having murdered her previous employer’s son whose death was believed to have been accidental.

Several criminals also gave speeches that were replete with warnings against crimes but were also cautionary tales of the moral degeneracy caused by drinking, Sabbath-breaking and the keeping of bad company that had ultimately led them on a path to criminality. They claimed to take comfort in the religious instruction they received between sentencing and execution and thanked the ministers in attendance at the scaffold before partaking in a final prayer. In addition, the condemned sometimes even praised the magistrates for the humane treatment they had been afforded and publicly forgave the executioner. The behaviour of the condemned is of vital importance to building up a picture of the scene at the gallows in this period. However, by their very nature, executions were public events and thus to gain a fuller understanding of them we must
also investigate the behaviours and reactions of those who gathered to witness them.

Scottish executions in the eighteenth and early nineteenth centuries attracted large crowds that included people of various ages, gender and social rank. Crowther stated that the Scots attended a public hanging as enthusiastically as the English. They just did not get the chance to do so as often due to the lower numbers sent to the gallows north of the border.¹⁵ Historians of crime and punishment have cited the deterrent value of the scaffold as both a motive for, and a recurring justification of, the public execution in the minds of contemporaries. It is important to note here that this study is not arguing that executions were a successful deterrent from crime. The fact that they were a long-standing cornerstone of Britain’s penal history demonstrates that they were not. However, the punitive aims attached to their use by contemporary legal authorities, whether this was deterrence or not, is crucial to our understanding of the message they were intended to convey. Within this, Gatrell advised that we must engage more closely with what happened upon the scaffold to gain a degree of understanding of how people felt about it.¹⁶

While it is difficult to know exactly what individual spectators took away from an execution, attention has been given to the roles and reactions of the crowd. Early crime historiography argued that attendance at the public execution “could only flourish amidst a callous people.”¹⁷ However, subsequent historians have demonstrated that the subject requires deeper analysis. Laqueur wrote of a “buoyant, holiday crowd wholly unconcerned with serious state theatre and unaffected by its efforts.”¹⁸ In addition, McKenzie investigated the early eighteenth-century “criminal celebrities” such as highwaymen and robbers who gained infamy for “dying game” at the scaffold.¹⁹ An often cited criticism of executions was the concern that they encouraged drunken revelry mixed with immoral behaviour which undermined the solemn carrying out of justice.²⁰ However, the work of McGowen provided a further dynamic to our understanding of the criticisms of the public execution by the late eighteenth century. Drawing upon the idea that executions were not only susceptible to disorderly behaviour, but that they could also have lasting negative effects on the spectator, he highlighted contemporary fears that attending an execution and witnessing violence could lead to a desire to emulate “the hero of the spectacle.”²¹ If witnessing state-sanctioned violence encouraged people to commit crimes, this again undermined the deterrent value of the scaffold.
The motivation behind attendance at a public execution and what, if anything, a person took away from the experience, while impossible to ascertain for every individual, is a key part of this investigation into the spectacle of the gallows between the mid-eighteenth and early nineteenth century. Despite the desire for the scaffold to act as a reminder of the punishment for crime, there were those within the crowds who were unconcerned with this piece of state theatre. For example, when William Webster was hanged in Aberdeen in 1787 for theft, the *Caledonian Mercury* was dismayed by the numerous cases of pick-pocketing that had occurred. The article stated that the spectacle had little effect upon the perpetrators of the offence as they were “so hardened as to persist in theft with the gibbet staring them in the face.”22 Similarly, when a woman was caught stealing a man’s watch at an execution in Glasgow in 1819, a fight ensued among members of the crowd which again detracted from the solemn scene of punishment the authorities had intended.23

One of the primary motivations in sentencing offenders to be executed at the scene of their crime was to send out a stark reminder of the long arm of the law, especially in the more remote areas of Scotland. In some cases, the executions were the first to occur in the area in decades or even within living memory and they had the potential to produce a range of reactions from the local inhabitants including curiosity to partake in the whole event from the procession to the gallows.24 Executions at the common place could also be driven by a morbid curiosity to witness the spectacle. In 1787 the desire to get the best possible view of an execution at the Lawnmarket in Edinburgh meant the large crowd was in danger of being crushed and led to one man walking across the heads of those around him in order to get closer to the scaffold.25 Prior to the execution of John Worthington at the scene of his crime in 1815 the executioner, Thomas Young, was practicing pulling the “vile trigger” of the scaffold drop mechanism and a cheer went up from the large crowd that had gathered to watch each practice ‘drop’.26 When 16-year-old Richard Smith was executed in Glasgow in 1820 Dr Muir, who had attended him in jail, spoke to the gathered crowd and reminded them that their attendance at the spectacle should not be driven by idle curiosity and instead he encouraged them to join him in fervent prayer.27

Despite the curiosity and even excitement that the prospect of a public execution could generate, in some areas chosen to host a crime scene hanging which were often less accustomed to the execution spectacle, there was evidence of the locals petitioning against their towns being sullied by association with the gallows. Following the conviction of
Moses McDonald for housebreaking and theft in 1812 he was sentenced to be hanged near the scene of the crime in Greenock. The magistrates of the town sent a petition to London stating their firm conviction that “every beneficial consequence to that community [Greenock] which could be contemplated by the result of a public execution...will be equally, nay preferably, prompted by a commutation of his punishment from death to transportation.” This rhetoric demonstrates that the petitions were not necessarily driven by a desire for mercy to be extended to the criminal himself. Instead they were directed against the prospect of the town having to host the public execution spectacle.

During other executions across the period the fateful scaffold scene could not fail to strike a chord with members of the large crowds gathered. When Margaret Gillespie was hanged in Stirling in 1749 for drowning her illegitimate infant the Scots Magazine reported that the story she recounted upon the scaffold, of having been ravished against her will by a man who refused to acknowledge the child, could not fail to create an atmosphere of deep sympathy for her plight. The execution of Andrew Low in Forfar in 1785 was held on a market day and the town was filled almost to capacity. However, when the steeple bell commenced its death toll at midday and the cart pulled up outside the prison to take him to the scaffold, a solemn silence fell over the town.

Similarly, the case of three young men in Edinburgh in 1812 had generated massive public interest in the lead up to their execution at the scene of the crime which was replete with a lengthy gallows procession and a large concourse of spectators who had been gathering from very early in the morning. However, the tolling of the great bell as the drop fell struck an “inconceivable awe into the minds of the spectators, many of whom took off their hats and remained uncovered” for the whole hour that the bodies hung for.

At the execution of Francis Cain and George Laidlaw for robbery in Glasgow in 1823 the large crowd, which included many women, were described as crying through compassion. Gatrell argued that, while older curiosities surrounding scaffold horrors were not wholly retracted after the mid-eighteenth century, this curiosity came to be justified as a “valued element in the sympathetic sensibility” that was still evident in the early nineteenth century. Similarly, Friedland traced two largely incompatible trends in France in this period, namely a fascination with the spectacle of the scaffold and a revolution in sensibilities which meant that any pleasure taken from the suffering of others came to be seen as inhuman. Even in cases such as that of brothel-keeper...
Mary McKinnon, who was hanged for the murder of a patron, the bitter feelings of the 30,000 people gathered were subdued by feelings of sympathy as she mounted the scaffold.\textsuperscript{36}

The chapter will now progress to investigate the changes that were gradually made to the format and logistics of public executions, and highlight that, regardless of people’s motivations for attending, the event continued to offer a widespread attraction throughout the period.

\textbf{STAGING THE PUBLIC EXECUTION}

Public executions were planned events intended as a staged lesson in morality and legality in which orderliness was a prerequisite. However, they were also potentially susceptible to disorderly behaviour during the administration of justice. The period between the mid-eighteenth and the early nineteenth century was one of fundamental discussion and change in the carrying out of the public execution. There were adaptations made to the logistical staging of the spectacle, including its location, as well as ideological shifts in legal and popular responses to the gallows. However, these changes were not centrally driven, nor do they present an entirely linear trajectory, and certain elements of traditional gallows culture persisted throughout the period.

By the eighteenth century public executions were predominantly conducted at an established location, often referred to as the common place. The Grassmarket, a busy area in Edinburgh’s Old Town, was used for executions between 1660 and 1784. Today the site continues to commemorate its historically central importance to Scotland’s criminal past through the aptly named ‘Last Drop’ pub. However, in 1785 the Grassmarket ceased to be a desirable location for the hosting of the public execution spectacle. Archibald Stewart was condemned to death for two instances of housebreaking and theft and was sentenced to be executed there in April 1785. However, between his sentencing and the scheduled date of execution, the location was changed to the west end of the Luckenbooths, closer to the place of confinement in the Tolbooth. The \textit{Caledonian Mercury} remarked that “the disagreeable ceremony of walking from the prison to the former place of execution was avoided.” Furthermore, most of his religious devotions were also conducted in the prison, as was to gradually become customary, and only a brief prayer was said on the scaffold\textsuperscript{37} In addition to the change in location, alterations were also made to the scaffold’s construction. Following an observation that the previous scaffold was too diminutive in size for the
execution of William Mills in September 1785, the *Caledonian Mercury* reported that “it has very properly been enlarged by which means not only the criminal and executioner, but also the magistrates, clergymen and officers can appear in view of the spectators.” It was believed that this gave the scene a solemn atmosphere which had previously been wanting and had a stronger effect upon the spectators as, the article reminded its readers, the intention of the public execution was to deter people from a path of crime rather than to solely punish the offender.38

Similar alterations to the location of the common place were gradually occurring elsewhere in Scotland as well as in England. Devereaux investigated the abolition of Tyburn in 1783 in favour of staging London’s executions outside Newgate prison. He highlighted similar moves from urban peripheries to sites nearer the jail in other English towns, including Chelmsford in 1785, Oxford in 1787 and Liverpool in 1788.39 While executions in Edinburgh had been carried out at the Grassmarket until 1784, a central urban location, those in Scotland’s circuit towns and cities had often been conducted at locations which were outside of urban centres. However, they gradually moved closer to the places of confinement by the late eighteenth century. In Aberdeen executions were held at Gallows Hill until 1783 when they moved nearer the Tolbooth. In Perth the common place of execution was to the west of the town on the Burgh Muir, now known as ‘Old Gallows Road’, until the late 1780s when they moved to the foot of the High Street, a more central urban location.

Executions in Glasgow moved from the Gallowmuir to the Howgate-head in 1765, just north of the infirmary and near to the industry developing around the canal. However, the development of the Monkland Canal in 1776 necessitated another change of location. By the final quarter of the eighteenth century, executions were being conducted first at the Castleyard and then at the Cross before moving to a location outside the jail by the second decade of the nineteenth century. In some circuit cities executions continued in urban peripheries into the early nineteenth century. For example, executions in Ayr were conducted upon a common south of the town before moving outside the Tolbooth in 1809. Similarly, John Hume’s 1774 map of Inverness showed the scaffold as part of the landscape, situated on the town’s common near the main road which led towards Edinburgh. Executions persisted there until the early nineteenth century.40 The situating of the gallows on a main route towards Edinburgh would have served as a lasting and ever present warning against crime to both the inhabitants of Inverness and any potential visitors.
In addition to the changes made to the location of public executions in the late eighteenth century, there were also accompanying alterations to other aspects of the execution ritual. The procession of the condemned to the gallows was of great importance to the whole proceedings, but attracted increasing criticism. In 1751 Henry Fielding proposed conducting executions more privately as he argued that it would remove any semblence of support the condemned could gain from the procession crowd and would thus make the whole experience more shocking. With the move of execution locations closer to the places of confinement there was a decline in the need for lengthy processions which was sometimes viewed as a beneficial development, as in the above case of Archibald Stewart in 1785. However, the shift of the common place of execution was a gradual one. This, coupled with an increased use of crime scene executions in the early nineteenth century, meant that the reduced need for the procession to the scaffold in Scotland was not a pattern of uniform and uninterrupted decline.

From reports of executions at the Castleyard in Glasgow it appears that it was just under half a mile between the prison and the place of execution, so a procession was still required. During the execution of three men in 1787 this had taken an hour as they had received wine from the “commiserating multitude of spectators.” Poole demonstrated that the standardisation of execution practices in England after 1783 was by no means driven by one central policy and that the processional culture persisted for some time thereafter, even on the doorstep of the capital. Furthermore, from a reading of reports detailing crime scene executions in the early nineteenth century, it is evident that, rather than solely being a necessary part of the execution, the procession was a focal part of the whole spectacle and the desire for more severity in the face of increased levels of capital punishment outweighed more modern concerns for efficiency. For example, when John Henderson was executed in Cupar in 1830, 15,000 people travelled from all over the county of Fife for the event. The town’s shops and businesses were closed for the day and the harvest was at a standstill for miles around.

The relocation of execution sites and shorter processions led to gradual changes to the timing of executions. In Scotland, the courts specified that executions should take place between two and four in the afternoon. However, in Edinburgh in 1819, followed by Glasgow in the 1820s, the time was altered to between eight and ten in the morning. This represented an attempt by the authorities to exercise greater control over the execution crowd as earlier executions limited the opportunity for excessive drinking, which had previously been facilitated by the closure of
local businesses and people having the day off to partake in the spectacle. Additionally, whether intentional or not, in some cases the earlier timings reduced the size of the crowd. Following the change in time in Edinburgh, the crowd witnessing the execution of Brine Judd and Thomas Clapperton in January 1820 was described as not as great in number as on former occasions. A report of the execution of John Dempsey in December 1820 also pointed to the relatively small crowd. An explanation offered in both instances was the cold weather and the early morning timings. However, these cases proved to be the exception rather than the rule as most public executions continued to attract very large crowds.

The decline in the time taken to transport the criminal from the place of confinement to the scaffold meant that there were arrangements increasingly made for parts of the traditional execution ritual to be conducted inside the court house. Immediately prior to the execution offenders would often be taken into a nearby court house to receive much of their religious instruction and to address the magistrates and acknowledge the justice of their sentence. While these proceedings were still open to the public, space inside was limited. To some extent, the Scottish experience had parallels with Continental European practice. In an examination of jurisdictions in the Netherlands, Spiersenburg highlighted the practice of the magistrates meeting with the condemned, usually in the town hall, before they proceeded to the scaffold. In Paris, the condemned were not permitted to address the crowd with the last dying speeches that were central to the execution ritual in Britain. Instead, Bastien found that the exchanges between the condemned person, the confessor, the Parliament clerk and sometimes the judges took place before more limited audiences in the halls of the Palais de Justice before the execution was carried out at the Place de Grève.

In Scotland, although prayers would still be said and the condemned could still give their last speech to the watching crowd, the time spent on the scaffold was shortened in some cases. During the execution of three men in Glasgow in 1817, they spent 70 minutes in the court hall being received by the magistrates and partaking in most of their religious devotion. However, the time taken to proceed to the scaffold, say a prayer and for ‘the drop’ to fall was only 20 minutes. When William Noble was executed in Elgin in 1834 for murder, the gallows were erected on the west side of the gaol level with the court house and a window was taken out so that he could walk to the scaffold without leaving the building. His body was then buried within the old guard house, as was stipulated following the removal of the penal option of dissection for murderers in 1832.
Therefore, the whole proceedings, from the religious devotions to the deliverance of his last speech, the procession to the scaffold and even the post-mortem punishment of the body, were conducted with a degree of distance from the crowd gathered below.

The final part of the scaffold ritual to be discussed in this chapter is the hanging of the condemned person. Following the move from Tyburn to Newgate in 1783, the drop system was used in London to hang offenders and was gradually adopted elsewhere in England and Scotland. When three offenders were executed in Glasgow in 1784 it was reported that the scaffold was constructed “on the plan of the London scaffold with springs and it sunk down with ease” which was intended to launch the criminals into eternity more swiftly. Similarly, the *Caledonian Mercury* observed in Aberdeen in 1788 that James Grant was executed in the same way, “a scaffold being erected in front of the prison, over which the gibbet projected; the place on which the criminal stood was made to fall down and leave him suspended.” Prior to the use of the drop in Scotland, as elsewhere, the condemned were hung from the ‘fatal tree’ and from rudimentary gallows where they would have the rope tied around their neck and they would be pushed from a ladder or have a cart driven out from under them. In 1774 Alexander Monro, Professor of Anatomy at Edinburgh University, told James Boswell that “the man who is hanged suffers a great deal; that he is not at once stupefied by the shock…for some time after a man is thrown over he is sensible and is conscious that he is hanging.” In earlier periods, before executions upon raised scaffolds presented slightly more distance from the crowd, a condemned person’s relatives could pull on their legs in the hope of occasioning a quicker death. Even after the adoption of the drop, Gatrell stated that the condemned continued to suffer slow deaths by suffocation and choking through the ineptitude of the executioner and the relatively insignificant advancements of scaffold construction. Subsequently, Hurren has provided more thorough details about the experience of the body during execution from a medical perspective, including the sight and smell produced by the body at the end of the hangman’s rope.

By the early nineteenth century there was a degree of awareness that the length of the rope could be an important factor in quickening death. There were reports of criminals themselves asking that the executioner give them ‘more rope’ and thus a longer drop which, it was believed, would be more likely to break the neck. While successful dislocation of the neck did not necessarily mean that a person died instantly,
as discussed further in Chap. 6, it could paralyse them and provide a quicker, if not easier, death to the watching crowd. However, the sight of someone being strangled slowly could potentially trigger unrest among the crowd. At the execution of Alexander Gillan in 1810, he was described as being detained in an “awful suspense” due to the incompetence of the hangman. In this case the executioner, William Taylor, would pay with his own life. He was passing through the town of Elgin when he was identified as the executioner who had bungled Gillan’s execution and a considerable mob gathered and beat him to death.55

The execution of Robert Johnston in Edinburgh in December 1818 received mass press attention both in Scotland and in England due to the actions of the crowd. In this case the rope was too long and Johnston was able to rest his toes on the platform but still struggled and slowly began to choke. The scene was met with “a loud shout of horror with cries of murder bursting from the immense multitude assembled” and a shower of stones were thrown at the executioner, the magistrates and other authority figures who had to retreat into the church. Cries of “cut him down—he is alive” ensued and someone jumped up and obliged and the criminal was taken on a furious ride towards the High Street before being retaken by the authorities. The spectacle at the scaffold was described as “a disgraceful scene of outrage and riot” with people breaking his waiting coffin to pieces and trying unsuccessfully to tear the whole scaffold down. However, the authorities finally managed to clear the scaffold and he was brought back and hanged.56 The case again demonstrates the knife edge on which the crowd’s reaction to public executions could sit as, had Johnston’s death not been prolonged, it is most likely that the crowd would have dispersed peacefully whether they sympathised with his plight or not.

Scottish Execution Practices

Chapter 1 examined the varied execution practices, some of which involved extensive pre-mortem suffering on the part of the condemned, that were characteristic of the Early Modern period. By the mid-eighteenth century, capitally convicted criminals were almost exclusively sentenced to be hanged by the neck until dead, with the penal option of enacting some further post-mortem infamies upon the corpse. However, within this broad narrative of the decline in aggravated executions, the current chapter will identify the final examples of older execution practices that had not entirely disappeared in Scotland by the mid-eighteenth century.
It will question the potential reasons why the courts chose to sentence one man to be burnt and a further four to have a hand severed from their bodies immediately prior to their execution. In addition, it will explore where to situate these punishments within a discussion of the changing nature of capital punishment between the mid-eighteenth and the early nineteenth century.

Alexander Geddes was indicted at Aberdeen in 1751 for the crime of bestiality, with witnesses attesting that he had been committing the crime for over a decade. He was sentenced to be taken on 21 June between three and five in the morning to Gallows Hill in Aberdeen and strangled by the neck upon the gallows but “not until he be dead.” He was then to be cut down and burnt at the gallows foot until his body was consumed to ashes.\(^57\) It has been suggested that the punishment of burning in Scotland had deeply religious connotations due to its links with judicial responses to condemned heretics and witches.\(^58\) In his study of Early Modern Europe, Muir argued that the witch craze led to the enacting of the most extreme forms of judicial ritual wherein scenes of utter bodily degradation and “purifying pain” were intended to eliminate corrupted bodies.\(^59\) Bestiality, a crime deemed to be particularly immoral and unnatural, had historically been punished by burning in Scotland with recorded cases in the late seventeenth century and in 1702 and 1719.\(^60\) In 1732 John Louthian stated that those condemned for the crime of bestiality “are generally stifled with a rope and then burnt in the morning before sun rise; as are also witches.”\(^61\) In 1570 a brother and sister were burnt for incest as was another man for incest with his sister-in-law at the Cross in Edinburgh in 1613.\(^62\)

In each of these crimes there was an element of moral revulsion and even superstition that required them to be marked out for exemplary punishment. The fact that the sentence stipulated that Geddes’ body was to be burnt to ashes also suggests a desire to not only end his life, but to also obliterate his body in the process. His case therefore supports the argument that for offences of a particularly aggravating nature, in this instance the unnatural crime of bestiality, the courts would resort to the punishment of burning, a practice almost obsolete in Scotland by this period. In addition, as his sentence stipulated that he was to be strangled, but not until he was dead, the burning part of the sentence was intended as an aggravated execution that would also cross the line into a post-mortem punishment, with his body to be burnt to ashes. However, it is unclear from the brief details provided of his execution if he was alive during the latter part of the sentence. Reports of his execution provide only the basic details that he confessed to the unnatural crime and died penitently.\(^63\)
There are a few potential explanations for the disappearance of executions by burning in Scotland after Geddes’ case. First, the persecution of witches in Scotland had been more sanguine than in England, and had been particularly concentrated in the east-central Lowlands, with approximately ten times the number of executions per head of population.\textsuperscript{64} However, the last recorded burning of an accused witch in Scotland occurred in Sutherland in 1727.\textsuperscript{65} Thereafter, the Witchcraft Act passed in 1735 (9 Geo II c.5) repealed former statutes relating to the crime. Second, in England the punishment of burning at the stake was attached to the crime of a wife murdering her husband as per the existing laws of petty treason until their repeal in 1790. However, the 1708 Treason Act, which brought Scotland’s treason laws in line with those of England, did not extend the crime of petty treason to Scotland. As discussed in Chap. 4, women who murdered their husbands were instead sentenced to be hanged and their bodies dissected as was the case for other murderers. A final explanation for the end of executions by burning can be linked to the disappearance of the crime of bestiality from the court records. After Geddes’ case there were only a further few bestiality cases found in the High Court or circuit court minute books and no one else received a capital sentence. In the case of Thomas Kirkland in 1765, the jury found him guilty only of attempting the crime and he was transported for life despite similar details in the witness statements that were found in Geddes’ case.\textsuperscript{66} The \textit{Scots Magazine} believed that “a corporal punishment would probably have been inflicted, but it was thought such an odious crime should not be made a subject of conversation among the populace.”\textsuperscript{67} This demonstrates that it was not only the punishment of burning that was to become extinct in Scotland, the exemplary marking out of the crime of bestiality was also to become less desirable as evidenced by the fact that Geddes was the last person to suffer a capital punishment for the offence.

Cameron cited a range of punishments in medieval Scotland that fell short of death but left an offender permanently marked out. These included having their cheek branded, scourging with branding, cutting out tongues and cutting off ears and hands.\textsuperscript{68} The mutilation or disfiguring of an offender in the Early Modern period was intended to incite shame and to mark out their criminality when they were attempting to reintegrate into society. Edward Johnston had both of his hands cut off and displayed for sedition in 1597, possibly a symbolic punishment targeting the source of his criminality.\textsuperscript{69} However, mutilation as a punishment in itself fell into disuse by the late seventeenth century and was
only considered acceptable if it was inflicted as a prelude to execution. In Scotland there were examples in the seventeenth century where men who had committed particularly heinous murders were to have their hand struck off prior to execution. As offenders were to be executed anyway, this pre-mortem aggravation held a different meaning to mutilation as a punishment in itself. It can be argued that the motivation in sentencing the punishment was not only to add further infamy to the death sentence but to also inflict an additional degree of physical pain due to the egregious nature of the cases.

In the early part of the period under investigation here there were four male murderers sentenced to suffer the aggravation of having a hand severed from their body immediately prior to execution. One case occurred in Perth in 1750, one in Edinburgh in 1752, one in Inverness in 1754 and one in Glasgow in 1765. A similarity shared by the three earlier instances was the judges in the cases. Five Lords of Justiciary sat in the High Court in Edinburgh and twice a year two of their number would attend each of the circuit courts. In the 1750 case of Alexander McCowan, judges Fergusson of Kilkerren and Grant of Elchies had attended and passed judgement at the Northern Circuit. They were also two of the five Lords of Justiciary who sat in the High Court in Edinburgh when Normand Ross received the sentence in 1751. In addition, Fergusson was one of the two judges to attend the Northern Circuit when John Shirvel was sentenced in 1754. While these judges would have presided over numerous other murder cases during these years it can be argued that they chose to sentence the additional punishment of having a hand severed prior to execution due to the atrocious nature of the cases. In addition, the first three cases were relatively close together and presented the first examples of the punishment since at least as far back as 1740, when this study commences. Incidentally, Fergusson of Kilkerren had been made a Lord of Justiciary in 1749 and was described as one of the “ablest” lawmen of his time.

An additional similarity in each of the four cases was that there were particularly aggravating circumstances evident in the murders. Alexander McCowan murdered Margaret McLean and their 3-year-old child in Perth so that he could “carry on the filthy intrigue more easily with another woman.” The Scots Magazine emphasised the image of how “his bloody hand thrust the dirk into her belly” in order to be rid of Margaret. He was sentenced to have his hand severed, then to be hanged until dead and his body hung in chains with the hand fixed to the top of the gibbet. John Shirvel received the same punishment in Inverness in 1754,
again for the murder of his wife and child through beating them with his bayonet. He was described as a drunk who systematically beat his wife excessively. A witness in the case recalled how John had predicted “some time or other he would be hanged on her account.”

The manner in which Alexander Provan had committed the crime of murder was also especially brutal, even compared to the above cases. The Scots Magazine called the crime so atrocious “that the devil could not have exceeded it in wanton cruelty.” He had suspected that his wife was with child by another man, although the surgeons who examined her body found this not to be the case. From the depositions given by the surgeons to the court it appeared that he had literally attempted to pull the non-existent child from her body and had made several lacerations in his attempt to do so. There was also evidence of suffocation. The Glasgow Circuit Court ordered that his right hand was to be struck off prior to his execution near the scene of the murder in Paisley.

The final case is that of Normand Ross who was tried in Edinburgh for the murder of his employer Margaret Home, Lady Billie. On the night of the murder another servant heard a loud shriek and when she entered Margaret’s room she found a man standing, his hand poignantly described as dripping with blood, over the victim before escaping out of the window. He had been attempting to steal a key from under her pillow to open the nearby drawers which contained a large sum of money when she awoke and, in the ensuing struggle, she was stabbed in the throat with a kitchen knife. She survived for a further two days, long enough to identify Ross as the perpetrator. He was sentenced to be executed at the Gallowlee between Edinburgh and Leith in January 1752, with his hand to be struck off first and then his body hung in chains with the severed hand fixed on top of the gibbet. In England, a servant murdering their master or mistress was stipulated to be petty treason and thus could be punished distinctly, even when compared to other forms of homicide. Although the crime of petty treason was not extended to Scotland, in this case the judges made the conscious decision to add a further degree of punishment to the execution. This was likely due to the relationship of the accused to the victim and perhaps demonstrates some similarity in attitudes towards offences of this kind north and south of the border, despite the legislative difference.

At the place of execution John Shirvel showed a relative degree of calmness as he bade the executioner not to be afraid and not to mangle his arm. Similarly, Normand Ross was described as suffering the severing of his hand from his body with great resolution. While the
newspapers at the time provided only brief details it is possible to learn more from other sources. Thomas Taylor, who was charged with gaining a confession from Alexander Provan during his confinement, published a short account of his case following the execution. From Taylor’s account of the execution it appeared that Provan’s hand was bound with cords around a block and at the same time a rope was placed around his neck. His hand was struck off with one stroke and he was immediately drawn up, with the whole process being conducted in only three minutes. However, Robert Brown, in his 1886 *History of Paisley*, provided a slightly different account of the event. The executioner had apparently struck Provan’s palm rather than his wrist causing him to cry out “cut and pull” repeatedly until the rope was brought to hang him immediately. He added that the axe used had since been kept as a relic and was shown to those curious in these matters. Despite the vague details regarding the severing of the hands, it is reasonable to assume that the condemned suffered a great degree of pain, even if only momentarily, and this was likely the intention of the courts in sentencing this type of execution. However, for the scaffold authorities, there is evidence to suggest that they conducted the process quickly and without too much deliberate elaboration as the condemned men appeared to have been hanged within minutes of their hands being cut off.

As there has been no systematic analysis of Scottish execution practices, it is difficult to quantify the use of mutilation as a prelude to execution prior to the start of this study in 1740. A reading of the available printed sources suggests that, like burning, the punishment was used relatively sporadically and had all but disappeared by the mid-eighteenth century. The fact that there are only four cases among the records analysed for this study also supports this assessment. As with the cessation of the punishment of burning following Geddes’ case, after 1765 no more criminals were sentenced to this form of pre-mortem aggravation to the death sentence. One potential reason for this could be due to the difficulties faced in cutting off Provan’s hand in 1765 and the seeming desire to conduct the execution as quickly as possible on the part of the scaffold authorities. However, the disappearance of the punishment can also be linked to the wider context of the time and the long-term decline in prolonged execution spectacles discussed in Chap. 1. In addition, by the mid-eighteenth century the post-mortem punishment of hanging in chains was used as a means of enacting some further infamy to the punishment of death in particularly heinous cases. There was a concentration
of cases in the late 1740s and early 1750s, on the eve of the Murder Act, and thus, this study argues, gibbeting had already largely replaced aggravated executions as the main exacerbation to the punishment of death.

**THE PUNISHMENT FOR TREASON**

When discussing the long-term changes that occurred to Scottish execution practices in this period, the analysis can be bolstered by a brief examination of the changes that occurred to the punishment for treason. Within the annals of penal history, the distinction attached to treason by legal statute had been matched by the nature of the punishment for the crime upon the scaffold with malefactors sentenced to be hung, drawn and quartered. This traditional traitor’s death was deliberately ignominious and steeped in the symbolism of state power and justice. Although this study does not have the scope to provide an extensive analysis of treason, it can provide a brief excerpt of the long-term adaptations that occurred to executions for the crime during the ‘Long Eighteenth Century’.

The Early Modern period has been labelled as the heyday of capital punishment due to the need to maintain control in a time of few practical alternatives with “richly symbolic rituals and representations…silencing all questions about its [the state’s] legitimacy.” Royer emphasised the historic importance of theatricality as well as brutality in the punishment for treason. During the repression and punishment of the Covenanters, who opposed the interference of the Stuart King in the Presbyterian Church of Scotland in the 1680s, a period in Scotland known as the “killing times”, there were numerous examples of the state’s use of sanguine execution spectacles and the symbolic post-mortem display of body parts. Similarity can be found in England with the aftermath of Monmouth’s Rebellion, the failed attempt in 1685 to overthrow James II in favour of the late Charles II’s illegitimate son, the Protestant Duke of Monmouth. The Western ‘Bloody’ Assizes that followed, presided over by the infamous Lord Jeffries, resulted in over 250 people being hung, drawn and quartered and many of their bodies being widely displayed. However, in the wake of the Glorious Revolution of 1688, the Hanoverian monarchs and the Whig government pointed to a departure from the despotic practices of the former regime. While the symbolism of the traitor’s death remained important in the eighteenth century, there were acknowledgements that excessive cruelty could have
potentially threatened the legitimacy of those inflicting the punishment. In turn, while the death sentence passed by the courts remained largely unchanged, the executions of convicted traitors, whilst still set apart due to the heinous nature of their offence, were subject to discretionary implementation as the century progressed. In addition, due to the multiple stages of the traitor’s death sentence, legal death could extend beyond physical death, and thus the point at which their execution became a post-mortem punishment was often indeterminate.

The Jacobite Rebellions of 1715 and 1745 were direct challenges to the Hanoverian monarchy by the rebel armies of the son, and later grandson, of the deposed King James Stuart II. While this chapter has neither the scope nor the space to detail the motivations, major events and outcomes of the respective rebellions, it is beneficial to briefly offer some details of the executions that followed in their wake.88 Although the trials and executions following both the ’15 and the ’45 occurred in England, the rebel armies had been primarily comprised of Scottish Highlanders and the aftermath of the rebellions reverberated throughout Scotland, but particularly in the Highlands, even impacting upon capital punishment levels, as detailed in Chap. 3. There were 40 rebels executed following the ’15 and 79 executed after the ’45. In most cases, with the exception of those of the handful of peers who were to be beheaded as was customary due to their status, the condemned rebels were sentenced to suffer the traditional traitor’s death of being hung, drawn and quartered and their bodies to be at the disposal of the king. However, a reading of sources offering details of the executions demonstrates that the disembowelling, beheading and quartering were carried out in varying orders and, in some cases, were post-mortem punishments rather than aggravated executions.89 What is clear is that, while the state needed these executions to act as a stark reminder of the reward for treachery, as the eighteenth century progressed this perceived justice had to be balanced with the risk of delegitimising the proceedings with excessive cruelty.

Following the extension of England’s treason laws to Scotland by the Treason Act of 1708, Robert Watt was the first person to be tried for the crime on Scottish soil. He was a prominent member of the Society of the Friends of the People and was convicted in 1794 of conspiring to raise insurrection, seize Edinburgh Castle, attack the city’s banks and imprison some of the city’s top legal officials to levy money for the Society’s cause, all to compel the king to end the war with France and
change his ministers in government.\textsuperscript{90} He was sentenced to be hung, drawn and quartered but, prior to the scheduled date of execution, the sentence was amended to order that he be hanged and his head severed from his body.\textsuperscript{91} During his execution, the body was left to hang for 32 minutes before being cut down and laid upon a purpose-built table. It was reported that his body was “completely lifeless” before the executioner struck off his head with an axe in two blows. He then held the head up briefly to the watching crowd before placing it in the waiting coffin with the rest of the body.\textsuperscript{92} Contextually, Watt’s execution occurred at a time when events in France permeated the British press. The Revolutionary Tribunal had sentenced people of all ranks to death, including King Louis XVI and Marie Antoinette, by the guillotine. A report of Watt’s execution described the crowd’s shock reaction to the appearance of the axe and noted that several people had rushed away from the scene to avoid the sight of the executioner severing the head from the body. The article lamented, “how unlike is this behaviour to that of the blood-thirsty savages of France” who exulted in sanguine spectacles of suffering.\textsuperscript{93} This again demonstrates the balance the authorities had to achieve between making a stark example of a convicted traitor without resorting to the same bloodthirsty scenes in France they so deplored.

The final executions to be briefly detailed here are those of Andrew Hardie, John Baird and James Wilson. All three men had been convicted for treason for their parts in the Scottish insurrection of 1820, often referred to as the ‘Radical War’. It had occurred at a time of an economic downturn in the wake of the Napoleonic Wars with artisan workers, especially Scottish weavers, seeking parliamentary reform, Scottish independence and universal male suffrage. In areas of western Scotland including Glasgow, Dumbarton, Stirling, Renfrew, Lanark and Ayr, especially in weaving communities, work had ceased and there were skirmishes between the radicals and the authorities which resulted in several arrests and trials, following which Hardie, Baird and Wilson were executed.\textsuperscript{94} Executions for treason had been amended by the Treason Act of 1814 (54 Geo III c. 146) which meant that those convicted would be hanged until they were dead and their heads severed post-mortem. Reports of the executions, Wilson’s being conducted in Glasgow and Hardie’s and Baird’s in Stirling, were met with cries of murder and were carried out swiftly in contrast to some of the more drawn-out spectacles following the Jacobite Rebellions.\textsuperscript{95} Furthermore, although they were
very briefly held up to the watching crowd, the severed heads of the men executed in 1794 and 1820 were not put upon spikes and publicly displayed, as several heads of prominent Jacobite rebels had been.

The punishment for treason in the ‘Long Eighteenth Century’ cannot be entirely separated from the broader adaptations that were occurring to the public execution ritual. However, the break with older execution practices was more complex and did not follow exactly the same trajectory. The Jacobite rebellions were direct challenges to the stability of the country, yet the state had to balance justice with the potential revulsion of its citizens at overt cruelty when punishing the rebels. In this sense, Elias’ model of a “civilising process” is applicable to a discussion of the punishment of treason to an extent.96 During both rebellions the government had argued that the despotic rule of the Stuart monarchy and, in particular, the bloodthirsty punishments meted out following Monmouth’s Rebellion in the late seventeenth century, had legitimised the events of the Glorious Revolution.97 Therefore, the state could not punish the Jacobite rebels with the very same prolonged and sanguine execution spectacles they argued had delegitimised the Stuart monarchy. Furthermore, by the late eighteenth century Scotland was internally stable and the use of capital punishment as an “instrument of rule, essential to state security”, more characteristic of the Early Modern period, was less justifiable at the times of the executions for treason in 1794 and 1820.98 This was particularly the case at the time of Watt’s execution, as reports took great pains to disassociate his execution from the bloodthirsty scenes in France. In briefly situating these theoretical and practical changes within the wider capital punishment narrative, a shift from the pre-mortem evisceration to the post-mortem punishment of the traitor’s body can be discerned. Furthermore, our understanding of the ‘Long Eighteenth Century’ as a focal period of transition in Britain’s public execution history is enhanced.

**Post-Mortem Punishment**

When investigating the post-mortem infamies that were enacted upon the corpse, a key question is ‘why punish the dead?’ In this period, there were various religious, legal and medical discourses as well as popular beliefs about the dead criminal body, including its potency. Tarlow highlighted that in Denmark, Germany and Switzerland the blood of decapitated criminals was taken as a form of medicine well into
the nineteenth century. Similarly, Davies and Matteoni investigated the belief in the healing properties of the hanged man’s hand if it was rubbed against bodily swellings, a practice that achieved prominence in England in the second half of the eighteenth century. In addition, the essays within a recent edited volume examining the global history of execution and the criminal corpse respectively explored the interplay between power, belief and display in the punishment of the criminal body. McGowen stated that the punishment of a criminal’s body was as much to do with the “language of community” as with the “mechanics of pain.” This would certainly fit with the aims outlined in the Murder Act, namely to make an impression on the minds of both the condemned and the spectator through the use of post-mortem punishment.

In his investigation of the punishing of the suicide body in England and Scotland, Houston distinguished between the forfeiture of goods and the more obvious punitive punishing of the body. He included examples in the sixteenth and early seventeenth centuries where suicide corpses were dragged through the streets before they were buried, or where they were hung upon the gallows. Although the displaying of suicide bodies in Scotland disappeared in the late seventeenth century, the bodies were still dragged through the streets in the eighteenth century in what Houston termed an “extra-judicial punishment.” Between 1740 and 1834, six capitally condemned criminals committed suicide between their sentencing and scheduled date of execution and there were a few others who attempted suicide but were revived and executed as planned, further demonstrating the importance of the public nature of executions rather than just their capacity to end the criminal’s mortal life. In the case of condemned murderers who committed suicide, there was some contention over the fate of their bodies as they had been sentenced to additional post-mortem punishments.

Following his conviction for the murder of his wife in 1755, Andrew Wilson’s executed body was ordered to be hung in chains, but he committed suicide in prison before the execution and instead his corpse was handed over to a group of surgeons. However, the fate of Mungo Campbell’s suicide corpse proved to be more contentious. His executed body was supposed to be handed over to Alexander Monro for dissection at Edinburgh University. As he had hanged himself in prison, this was argued to be sufficient cause for his body to be at the disposal of the magistrates. However, perhaps due to the contentious nature of his capital conviction in the first place and his previous respected position
as an excise officer, his family were given the body for interment. This suggests some progression from the earlier public punitive practices identified by Houston but also demonstrates the continued importance attached to the fate of the dead body and, in the case of murderers whose bodies were marked out for post-mortem infamy, the desire to see the punishment enacted even though the first part of the sentence, the public execution, had not taken place.

The additional punishment of an offender’s body following execution had been a penal option before the passing of the Murder Act in 1752, but was subject to discretionary implementation. However, the act made it explicit that all murderers must be sentenced to either public dissection or hanging in chains. Chapters 6 and 7 provide more in-depth analyses of these punishments, but the final section of this chapter seeks to contextualise the infliction of post-mortem infamies within the changing nature of capital punishment in this period. The first half of the eighteenth century witnessed the publication of several commentaries calling for more severity to be added to the death sentence. A notable example is the 1701 pamphlet Hanging Not Punishment Enough which advocated hanging in chains alive and breaking on the wheel for certain crimes. From a reading of these commentaries, McGowen highlighted the recurring argument that the punishment should be more proportionate to the crime committed. For example, in 1752 Charles Jones lamented that “almost all nations but ours adopt their punishments to the nature of the offence…we make no difference in the sentence of our laws between a poor sheep stealer and the most inhuman and blood mangling highwaymen or murderer.” McGowen additionally argued that there were some who advocated more severe death sentences due to a belief that stark examples would lead to a reduction in the sheer numbers capitally punished.

Rogers argued that the Murder Act was one of the measures added to the statute books to counteract the crime wave happening in London between 1749 and 1753. At the time of its passing, violent robberies that had the potential to lead to murder had become an established “theme of crime reporting” within the London newspapers. Furthermore, Beattie argued that the passing of the act was not prompted by fears over domestic or neighbourhood quarrels. Instead, fears were rooted in the committing of murders and the threat of violence involved during street and highway robberies in and around the capital. The preamble to the act stated that “the horrid crime of
murder has of late been more frequently perpetrated than formerly, and particularly in and near the metropolis of the kingdom”, again showing specific concerns over the situation in London. Despite this, the act covered all of Britain and thus placed the post-mortem punishment of the criminal corpse squarely within the criminal justice system. While it did not enact any physical pre-mortem suffering upon the condemned, it sought to add the severity to the death sentence advocated within public debates of the time and, as subsequent chapters will demonstrate, had the potential to psychologically affect the condemned criminal between sentencing and scheduled date of execution.

Chapter 7 will provide a more in-depth discussion of hanging in chains, including an analysis of the chronology of the punishment. It will demonstrate how the mid-eighteenth century in Scotland, even before the passing of the Murder Act, witnessed a concentration of gibbeting at a time of peak numbers of executions and will draw comparisons with the use of the punishment in England around the same time. However, it is useful here to place the concentration of hanging in chains within this discussion of the changing nature of capital punishment. It has already been noted how the penal option of severing a hand immediately prior to execution remained, yet it was used only sporadically by the mid-eighteenth century. Furthermore, Chap. 3 demonstrated that, following the defeat of the 1745 Jacobite Rebellion, there was a marked increase in the number of offenders sent to the gallows following trials before the Northern Circuit. In several cases the decision was taken to hang the bodies of some offenders in chains at the scene of their crime to add further severity to the punishment of death. Comparatively, the late 1740s and early 1750s in south-east England witnessed a similar increase in gibbeting for the crimes of murder, robbery and smuggling. By the mid-eighteenth century, post-mortem punishment was gradually becoming the main aggravation added to the death sentence before being placed more centrally within the criminal justice system in 1752.

In conducting this research, it has been difficult to gauge exactly how contemporaries in the eighteenth and early nineteenth centuries viewed post-mortem punishment, from those administering the punishments to those receiving and witnessing them. However, using the available sources, it is possible to situate its use within a discussion of the changing nature of capital punishment in this period. Francis Hutcheson read at Glasgow University from 1710 to 1716 and was later appointed the Chair of Philosophy in 1729. He warned, in his
posthumously published *System of Moral Philosophy*, that horrid execution spectacles, especially if frequently presented, would harden the hearts of those present and abate their natural sense of compassion by overstraining it. Instead he advised that an “easy death” of the condemned but with subsequent infamy upon the corpse would still affect the spectators and answer its judicial purpose, but without inflicting greater misery upon the criminal and thus hardening the hearts of the spectators. In 1832 Sir Archibald Alison remarked that in Scotland, in the most atrocious cases, the only peculiarities that could be added to the death sentence were executions at the scene of the crime or hanging the body in chains as opposed to the earlier practices of quartering limbs and affixing them to public places. This again reinforces this study’s argument that, by this period, the post-mortem punishment of the body had replaced pre-mortem evisceration as the main aggravation added to the death sentence for the crime of murder.

**Conclusion**

To conclude, the purpose of this chapter was to build up a picture of the staging and scene at the scaffold across this period before exploring the changes that were made to the implementation of public executions. It has demonstrated that the theatre of the gallows was a public spectacle that could generate a diverse range of behaviours and reactions on the part of the central actors, the condemned criminals themselves, and the large concourse of spectators who gathered to witness the event. Whether the scenes were characterised by obstinate or penitent criminals and a raucous or a solemn crowd, they continued to offer a widespread attraction even though this period witnessed gradual but crucial changes to the public execution spectacle.

From an examination of the different locations and times of executions as well as the adaptations to certain elements of the execution ritual, it becomes clear that this period was one of transition in the carrying out of the death sentence. However, this was a pattern of gradual progression rather than an instant break with older practices. For example, after most of Scotland’s circuit cities and towns had moved their common place of execution closer to the place of confinement there was a reduced need for certain parts of the scaffold ritual such as the procession. However, the lack of uniformity or central policy dictating these changes throughout the country, combined with the reintroduction of crime scene executions in the early nineteenth century, meant that
the processional culture continued to be of central importance in several cases and could attract a large crowd. Some executions were all-day events and disrupted local areas that may not have witnessed a similar spectacle in living memory.

By the mid-eighteenth century, capitally convicted offenders were almost exclusively sentenced to be hanged by the neck until dead. However, this chapter has identified the last vestiges of older execution practices with one man sentenced to be burnt and another four to have their hands severed from their bodies immediately prior to execution. While there has been a relative dearth in studies of Scottish execution practices, it appears that the sentence of burning had been used in the Early Modern period to punish the crime of bestiality and, of course, this punishment was also characteristic of the witch trials. Similarly, the pre-mortem aggravation of hand-severing had been used to add severity to the death sentence for the commission of particularly heinous murders. However, from a reading of the available details of Scottish execution practices within legal commentaries, it certainly appears that these punishments had declined and that decisions to use them were sporadic by the mid-eighteenth century. The apparent difficulties in the carrying out of the punishment in Alexander Provan’s case in 1765, where his hand was not cleanly severed at the wrist and he was hastily hanged crying out in pain, may have also deterred the authorities from using this punishment again. This chapter has also explored the various contemporary legal distinctions attached to the crime of treason and the ideological ramifications of the need to suppress and prevent unrest. It has shown how the offence required swift and exemplary public responses that were steeped in the symbolism of state power. However, it has also demonstrated that the adaptations to public executions for treason across the ‘Long Eighteenth Century’ need to be situated within the broader contextual capital punishment narrative.

This study has thus far focused primarily upon the journey of the criminal from the courtroom to the gallows. It has set the scaffold scene and has examined the various hallmarks of the public execution spectacle in Scotland. However, it will now demonstrate that the journey of many capitally convicted offenders extended beyond the hangman’s noose. The criminal corpse was harnessed by the authorities as a means of inflicting further infamy to the punishment of death. In turn, the Murder Act’s prescription of the post-mortem practices of dissection and hanging in chains presents an intermediate stage in the long-term disappearance
of public bodily punishment. The post-mortem evisceration of the criminal corpse, whether on the dissection table or in the gibbet cage, acted as a more exemplary form of punishment instead of the pre-mortem aggravations to the public execution found in previous centuries, a fact that has, until recently, been largely ignored by crime historians.

Notes

1. The current research was conducted as part of the Wellcome Trust funded project ‘Harnessing the Power of the Criminal Corpse’. It provides examinations of the post-mortem punishments of dissection and hanging in chains and situates their usage within its exploration of Scotland’s capital punishment history. For further pioneering research focused upon the punishment of the criminal corpse, including extensive analyses of the implementation of, and responses to, these punishments in England, see the Palgrave Historical Studies in the Criminal Corpse and its Afterlife series.

2. Simon Devereaux, “Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual”, *Past and Present* 202 (2009): 127–174, 140.

3. *Caledonian Mercury*, Monday, 28 May 1753, 2.

4. *Caledonian Mercury*, Tuesday, 21 April 1747, 3.

5. *Scots Magazine*, Saturday, 1 September 1770, 57.

6. *Caledonian Mercury*, Monday, 15 October 1753, 4.

7. David Hume, *Commentaries on the Law of Scotland Respecting Crimes, Vol. 2* (Edinburgh: 1819), 453.

8. *Scots Magazine*, Monday, 7 July 1755, 39.

9. *Caledonian Mercury*, Thursday, 2 October 1788, 3.

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