

Hanging in Chains: The Criminal Corpse on Display

The enacting of additional punishments upon the criminal corpse, such as the displaying of the body, whether whole or in pieces, had been a penal option prior to the mid-eighteenth century. However, the 1752 Murder Act made explicit that the bodies of executed murderers were to be either dissected or hung in chains “in the same manner as is now practiced for the most atrocious offences.”¹ A total of 22 men were hung in chains, or gibbeted, in Scotland between 1746 and the final case in 1810. In 19 of the cases the condemned had been convicted of murder and the other three had committed serious property offences. In Scotland, the death sentence pronounced by the judge stipulated the logistics of the public execution, such as the time, date and location at which it would be carried out as well as the details of any post-mortem punishments to be enacted. Throughout this period, if an offender was to be gibbeted in Scotland, it was invariably stipulated by the judges that this would take place at the same location as the execution itself. This contrasted with practices in England, where it was common for executions to occur in one location but the bodies to be gibbeted at another, with more discretionary power afforded to local authorities, namely the sheriffs. Comparatively, while local authorities in Scotland, for example sheriffs and magistrates, were tasked with enacting the death sentences and thus possessed some discretion in how the spectacle was carried out, Scottish judges, perhaps more so than their English counterparts, played a crucial role in shaping post-mortem practices.

The first half of this chapter will investigate the implementation of gibbeting, questioning who was sentenced to it, the chronology of the

punishment and the locations at which it was carried out. The Murder Act did not distinguish between dissection and hanging in chains for certain offenders and thus the decision was left to the discretion of the judges. This chapter will examine these cases to offer potential explanations why some murderers were sentenced to be hung in chains and will argue that there were often particular aggravations that led to an offender being gibbeted. Table 7.1 provides a breakdown of everyone sentenced to the punishment by decade and circuit. It is evident that over half of the total cases occurred in the 1740s and 1750s and thus correlated with the peak numbers of executions at the time, particularly following trials before the Northern Circuit. A handful of cases occurred in the 1760s and 1770s before the punishment disappeared apart from one final case in 1810. The chapter will offer explanations for the decline and subsequent cessation of the practice of hanging in chains, despite its remaining a penal option until it was abolished by an act passed in 1834 (4 & 5 Will. IV c.26). One potential explanation can be found by linking the chronology of the punishment with the locations at which it was carried out as, in Scotland, offenders were always gibbeted at the same place they had been executed. Therefore, the bodies were either gibbeted at the common place of execution or at the scene of the crime. In the early part of the period under investigation here neither of these locations were typically urban centres. However, Chap. 5 explored the gradual changes made to the common place of execution across Scotland by the final quarter of the eighteenth century and demonstrated a shift

Table 7.1 Chronology of hanging in chains in Scotland

	<i>Edinburgh</i>	<i>Northern</i>	<i>Western</i>	<i>Southern</i>	<i>Total</i>
1740–1749	2	1	0	0	3
1750–1759	3	6	1	1	11
1760–1769	0	2	1	0	3
1770–1779	0	3	0	1	4
1780–1789	0	0	0	0	0
1790–1799	0	0	0	0	0
1800–1809	0	0	0	0	0
1810–1819	0	1	0	0	1
1820–1829	0	0	0	0	0
1830–1834	0	0	0	0	0
Total	5	13	2	2	22

Source Figures compiled using the Justiciary Court records

from urban peripheries to locations closer to the place of confinement in town and city centres which were unsuitable gibbet locations.

The second half of this chapter will investigate the potential impact the body in chains could have upon the condemned criminal and the spectator at the gibbet foot. When passing a gibbeted body in Bawtry, England, an early nineteenth-century diarist commented that he regretted the “barbarity of a practice which wounds only the living.”² The punishments of dissection and hanging in chains were comparable in that both involved the dismembering of the criminal corpse but, in Scotland, during dissection this was carried out before a predominantly medical audience. For the offender hung in chains the body was left to slowly rot in the gibbet cage in full public view. Like the punishment of dissection and public executions more broadly, it is not the intention to argue here that the corpse in chains acted as a successful deterrent to crime as this is almost impossible to accurately determine. In addition, the fact people continued to commit heinous murders would suggest that it was not. However, the sight and smell of the gibbeted body was certainly intended as a stark example of the reward for crime to those who encountered it. In turn, from a reading of the available qualitative sources, this study will offer details of some of the outward responses to the gibbet in this period. Through an analysis of the potential longevity of the punishment, this chapter will highlight cases where the bodies were stolen from their gibbets for various reasons, ranging from a desire to see them buried, to the offence their sight and smell caused to local inhabitants. The final section of this chapter will provide an in-depth investigation into the case of James Stewart who was executed and hung in chains in 1752. His case occurred at a time when post-rebellion tensions were still evident in parts of Scotland and provides a stark example of the desire of the Scottish courts and the legal authorities in London to make a poignant spectacle of the criminal. In addition, the gibbeting of his body embodied various themes that are presented here, namely the importance of location and potential threats to the security of the gibbet.

HANGING IN CHAINS AS A PUNISHMENT

Historically, the displaying of the criminal corpse was used as the final part of either an aggravated execution or a post-mortem punishment in the most atrocious criminal cases. In Scotland, prior to the mid-eighteenth century, it was used for heinous murders. Hugo Arnot cited the 1601 case of Thomas Armstrong, tried for the murder of

Sir John Carmichael, the warden of the west marches, as the first instance in Scotland of a malefactor hung in chains.³ Lord MacLaurin also highlighted the case of John Dow Macgregor, hung in chains in 1637 for theft, robbery and slaughter.⁴ Chapter 5 argued that executions causing prolonged pre-mortem suffering were waning by the mid-eighteenth century. Instead, in murder cases, the condemned were to be executed more swiftly but their bodies subject to post-mortem punishment. While there was no single belief system regarding how far post-mortem punishments affected the dead body or the fate of the soul, there is evidence of concerns, in this chapter and others, regarding the disposal of criminal corpses. The hanging of an offender's body in chains potentially had a multiplicity of impact, as it not only denied the corpse a burial but also placed the body in full public view to gradually rot.

If a criminal was to be hung in chains, the body would be cut down from the scaffold after hanging for the usual time of between 30 and 60 minutes so that it could be hung up again inside the gibbet cage. The words gallows and gibbet have often been used interchangeably to describe the apparatus on which the criminal was to be executed. However, this study refers to the gallows as the apparatus from which criminals were hanged by the neck during their execution, and the gibbet describes the structure used for the exposure of criminal corpses: an upright post with a projecting arm from which the cage would hang. Tarlow has conducted an extensive search for surviving details of gibbets used in England in this period. She has demonstrated that gibbet cages were made for individual offenders as they were required. This appears to have also been the practice in Scotland as, in some cases, the bodies remained on display for several years making reuse impractical. In terms of the cost of gibbeting offenders, Tarlow demonstrated that it was potentially very expensive. For example, the execution and hanging in chains of Edward Miles in England in 1793 amounted to over £67.⁵ The most detailed description of a Scottish gibbet found by the current study is the one used for Kenneth Leal in 1773. His body was stolen and buried at the gibbet foot but was discovered in 1829 with the cage relatively intact. It consisted of a ring around each ankle, from which a chain passed up each leg fastened to a band of strong iron hooped around the body. Four straps passed from the hoop, up the body, to a ring at the neck. The neck ring was attached to the head cap by four straps passing on each side of the head to meet at the top. The assembly was attached to a strongly riveted swivel-link which allowed the contraption to rotate. The cage was

then suspended from a two-foot chain and all the metalwork was made of iron.⁶ Certainly, this was a visually impressive form of punishment intended to leave a marked impression upon those who encountered it.

THE GIBBETED MALEFACTOR

There were 22 men sentenced to the post-mortem punishment of hanging in chains between 1746 and the final gibbeting in Scotland in 1810.⁷ Women were not subjected to the punishment in either Scotland or England due to the historic belief that it was indecent to display their corpses. This was similarly the case when women were executed by strangulation and burning as opposed to being hung, drawn and quartered for treason. Following the Murder Act they were exclusively sent for dissection. The Murder Act did not direct who was to be dissected and who was to be hung in chains and thus the decision was left in the hands of the judges. Therefore, this chapter will examine discernible explanations, based upon the circumstances surrounding the cases, why certain murderers were hung in chains in Scotland.

One contributory factor was the manner in which the murder was carried out. In six of the total 19 murder cases the men had murdered their wives. Nicol Brown had previously beaten his wife with a horsewhip to take her ring to sell. He would later kill her by throwing her into a fire.⁸ In a few of these cases the men were also sentenced to have a hand severed immediately prior to execution, an aggravation to the execution spectacle discussed in Chap. 5. John Shirvel had correctly predicted that “some time or other he would be hanged on his wife’s account” following one of their arguments.⁹ In all of the cases, except one instance of poisoning, the wife killers had used excessive and seemingly unprovoked violence in committing the crimes. This was often attested to in the evidence provided in the court cases and the condition of the victim’s body. Alexander McCowan stabbed Margaret McLean repeatedly and cut his child’s throat and, as a result of the violence used, only parts of their mangled bodies were ever found.¹⁰ There were other cases of particularly violent murders, such as Robert Keith, who beat and stabbed his step-daughter to death in 1760 or Alexander Provan, discussed in Chap. 5, whose case was deemed severe enough for him to lose a hand prior to execution. Yet, these men were sent for dissection rather than being hung in chains. This attests to the discretionary implementation of post-mortem punishment in Scotland.

In addition to the method of killing used in the murders, a degree of importance can also be attached to the victim or the particular circumstances surrounding it. As discussed in Chap. 5, Normand Ross' victim was his employer, Lady Billie. He cut her throat in a botched robbery attempt and, despite an apparent lack of premeditation to murder, he was sentenced to have a hand severed and his body to be hung in chains.¹¹ Donald McIlroy was convicted of the murder of Kenneth Happy in Urquhart in 1756. On the day of the murder, McIlroy was met by two armed constables who had been employed by the commission for executing the late act for recruiting His Majesty's forces in the county of Ross and his name was on their list. When the constables attempted to take McIlroy, he drew a weapon and a struggle ensued. Kenneth had been passing and attempted to take the knife from McIlroy when he was stabbed.¹² Again, McIlroy had no prior malice towards the deceased. However, it was his resistance while being apprehended that led to a capital conviction and to his body being ordered to be hung in chains.

A further factor that explained why an offender was sentenced to be hung in chains was if the murder was financially motivated. In over half of the cases where the victim was not a family member, the murders had occurred with a property offence. In some, the premeditation to rob and murder was believed to be evident in the perpetrator's choice of location to commit the crime. This prompted the courts to use the gibbet as a reminder of the long arm of the law, especially in more remote areas. Soldiers John Chappell and Duncan Campbell mortally stabbed James Imrie on a road just south of Perth so they could rob him.¹³ In 1779 James McLachlan was convicted of robbing and murdering Jean Anderson. She had been travelling from Glasgow to Kilmarnock when McLachlan offered to personally escort her on the final leg of her journey from Kilmarnock to her brother's house in Irvine. Her body was later found with marks of violence on the throat and chest with blood coming from her mouth. In addition, she had been stripped of her cloak, stockings, silver buckled shoes and all her possessions.¹⁴ The fact that his victim was a woman, that she had trusted him to escort her, and that he had left her dead body half exposed, were all factors that led to his body being hung in chains.

However, other murders were committed with property offences that did not result in the offenders being hung in chains. John Brown and James Wilson robbed and murdered Adam Thomson in his own home in 1773 but the High Court in Edinburgh sentenced them to dissection.¹⁵

A potential explanation for this could be the location at which they were tried as the High Court had not sentenced anyone to be hung in chains since the 1750s (see Table 7.1). In addition, as discussed in Chap. 6, Edinburgh University had become a centre for medical education by the second half of the eighteenth century and, within this, received a sizeable proportion of all offenders executed for murder and sentenced to be dissected. This may explain why, after an initial concentration of hanging in chains in the 1750s, the punishment of dissection was more favoured in the capital. An additional explanation can be found when providing an analysis of the locations where offenders were gibbeted. This chapter will argue that the gradual changes made to the locations of executions more generally was a crucial factor in the decline of gibbeting in practice decades before it was removed as a penal option by legislation.

Of the 22 men hung in chains in this period, only three were gibbeted for property offences. In comparison, research investigating gibbeting in England indicated that more offenders were hung in chains for property crimes, although not as many as for the crime of murder, and many of the cases were concentrated in the mid-eighteenth century.¹⁶ In Scotland, James Davidson was tried in Aberdeen in May 1748 for robbery and housebreaking and his case was explicitly linked to the government's efforts to purge the north of the country of its Jacobite sympathisers. The court heard how he was the captain of a notorious gang of robbers. Davidson, along with at least two accomplices who were not apprehended, forcibly entered the house of Robert Paton armed with broadswords and pistols, weapons that had been banned by legislation in the wake of the recent rebellion. They threatened his life, shot his daughter in the arm and stole over £5 in silver as well as a quantity of gold and bank notes. He was sentenced to be executed in Ruthrieston. The magistrates chose to erect the gibbet at the most convenient place near to the road leading to Aberdeen, perhaps to serve as a visible reminder to local residents as well as those travelling upon the public road.¹⁷ At his execution he wore a tartan vest and breeches, both banned pieces of Highland dress, along with white stockings and blue ribbons to pay homage to the Jacobite cause. In committing the crimes he claimed he was "revenging himself upon the enemies of the cause he espoused."¹⁸ In contrast, Alexander Cheyne was capitally convicted by the same circuit for breaking into the house of William Smart, terrorising his family and stealing a quantity of money and clothing.¹⁹ However, he was not sentenced to be hung in chains, demonstrating that gibbeting was not a central part

of the punishment for property offences in Scotland and that it was likely used against Davidson as he was part of a gang armed with banned weapons and had likely been involved in the 1745 rebellion.

In 1773 Alexander MacIntosh was indicted at the circuit court for entering an association to rob coach passengers on the highway in Inverness. At least four other men were called to stand trial, all of whom failed to appear and were subsequently outlawed. In effect this meant their names would be called in the court and when they did not appear it would be ordered that any goods could be seized and their names would be publicly denounced, in Scots law this was referred to as their being “put to the horn.” The group were all part of a gang who had committed several robberies, terrorised the area and gained a degree of notoriety. Prior to the beginning of the trial the Advocate Depute was informed that two principal prosecution witnesses had been kidnapped to prevent their attendance in court. It was strongly believed that Lady Borlum, the wife of one of the men outlawed, had orchestrated the abduction and a military party was required to retrieve the witnesses in time for the trial. MacIntosh was convicted and sentenced to be executed at the common place in Inverness, situated very near to the Edinburgh Road, and his body hung in chains upon the same spot.²⁰ It is clear that MacIntosh and his accomplices were well known in the area and, whether they were revered or feared, his gibbeted body would provide a stark and, due to the nature and locations of his crimes, a very poignant example, especially as he was the only one of the group the authorities were able to successfully apprehend and punish.

The final property offender hung in chains following his execution was Kenneth Leal. He was convicted for assaulting and robbing 16-year-old post boy John Smith between Elgin and Fochabers. Several letters were stolen, including one that contained 50 guineas.²¹ Theft from the mail was a crime made capital by special statute in the eighteenth century and was one of only a few types of theft where specific legislation was extended to Scotland. In England, 17 men were hung in chains between 1752 and 1834 for robbing the mail, usually at the scene of the crime.²² However, the fact that hanging in chains was rare in Scotland, especially for property offences, suggests that the decision to gibbet Leal’s body can, in part, be attributed to the fact that he was tried by the Northern Circuit at Inverness in May 1773, at the same sitting as Alexander MacIntosh. The crimes, both believed to be atrocious in their own right, taken at the same time called for a stark example to be made in the area.

In England, the sheriff's 'cravings' and their associated assize calendars provide information on the claims they made to the Treasury to cover trial costs and carrying out capital punishments and the gibbeting of offenders in the eighteenth century. Although a similar source does not appear to have survived for Scotland, or perhaps it is yet to be located, it is still possible to discern the role of the various legal authorities involved in shaping execution practices from other sources such as court records and newspapers. It was the judges who decided upon the location of gibbeting, but the death sentence tasked sheriffs and magistrates with carrying out the actual executions and subsequent post-mortem punishments within their jurisdictions. In the case of Leal, the court had ordered that he be executed and hung in chains between Elgin and Fochabers, as it was on this road that he had committed the crime. However, the exact location was chosen by the magistrates. The spot they selected was among a large cairn of stones on the left side of the road leading from Elgin to Fochabers, known locally as 'Janet Innes' Cairn' as she had been the last witch to be burnt in the area a number of years previously.²³ Thus the location was spatially significant due to the crime committed, as was intended by the courts, but the choice of this specific, celebrated spot by the local authorities imbued the spectacle with added significance due to its association with the area's historical criminal past.

CHRONOLOGY OF HANGING IN CHAINS

Table 7.1 provides a breakdown by decade of Scottish offenders hung in chains across this period. There was a concentration of cases between 1746 and the late 1750s, with some evident links to ongoing attempts to establish control and sustained stability in parts of northern Scotland. The concentrated use of the punishment between 1746 and 1758 correlates with the increase in executions more generally. However, there were only a handful of cases in the 1760s and 1770s before the punishment disappeared, apart from one particularly atrocious case in 1810. The chapter will now provide an analysis of the chronology of the punishment in Scotland, offering comparisons with its use in England. It will then offer some potential explanations for its disappearance in practice by the late 1770s, despite its remaining a penal option until 1834.

As discussed in previous chapters, the mid-eighteenth century is an important period of investigation for historians of capital punishment in both Scotland and England. The drivers behind the increased

use of the death sentence north and south of the border are informative to a discussion of the punishment of hanging in chains. Rogers made the argument that the mid-eighteenth-century crime wave did not compromise the use of capital punishment in England. Instead it gave rise to calls for more severity in its implementation. He highlighted that between 1748 and 1752, forty criminals were hung in chains for the crimes of highway robbery, smuggling and murder in the southern counties of England, twice as many as in the previous four years combined.²⁴ Dyndor provided a more thorough examination of the punishments meted out to the Hawhurst gang in the late 1740s for smuggling, robbery and murder and argued that their gibbeted bodies held specific temporal and spatial significance. She highlighted cases where offenders were executed at Tyburn and other execution locations but gibbeted miles away in East Sussex due to its links with the activities of the gang.²⁵ In Scotland, 14 of the 22 cases occurred in the 12-year period between 1746 and 1758, seven of which were prior to the passing of the Murder Act. Again, the geography of the punishment was important, as seven of the 14 cases occurred following trials before the Northern Circuit. Thus, the chronological pattern of gibbeting was broadly consistent with wider capital punishment practices in the mid-eighteenth century, as the Northern Circuit was also sending the most offenders to the scaffold in an evident determination to make stark and lasting examples of certain malefactors. However, as the eighteenth century progressed, there was less of a correlation between the use of gibbeting and periods of increased capital punishment levels.

Following a concentration of gibbeting in the late 1740s and 1750s, three of the remaining cases occurred in the 1760s, four in the 1770s and one final case in 1810. In terms of comparing the use of the punishment north and south of the border, Tarlow highlighted that in England and Wales, of 1394 offenders capitally convicted under the terms of the Murder Act, 134 were hung in chains.²⁶ The proportions found in Scotland are relatively similar as, of 104 convicted male murderers between the passing of the act and the repeal of gibbeting in 1834, thirteen were sentenced to be hung in chains. Of the remaining cases that made up the total 22 in Scotland, six murders had occurred prior to 1752 and three offenders were gibbeted for property offences. However, the chronology of hanging in chains in Scotland needs to be examined further. Despite occupying a similarly central role in the criminal justice system as dissection in the two decades following 1752, gibbeting disappeared in

Scotland after 1779, apart from one isolated case in 1810. Comparatively, although gibbeting in England was used to a lesser extent than dissection, the collapse of the punishment south of the border occurred later, in the early nineteenth century.²⁷ In Scotland, following the case of James MacLauchlan in 1779, another 31 years would pass before the next offender was hung in chains. The chapter will now provide an in-depth examination of the final gibbeting in 1810 before offering some explanations for the disappearance of the punishment in practice.

Alexander Gillan, a farmer's servant in the parish of Speymouth, Elgin, was convicted at the Inverness Circuit Court in September 1810 for the rape and murder of 11-year-old Elspeth Lamb. She had been herding her father's cattle when Gillan barbarously assaulted her and beat her about the head with a large oak stick. Her mangled body was found concealed in the nearby woods. When addressing Gillan, the Lord Justice Clerk stated: "I look upon any punishment which you can receive in this world as mercy." He added that the enormity of the crime called for the most severe and lasting punishment. Gillan was to be executed on the moor, near to where the body had been found, and hung in chains on the same spot. The Lord Justice Clerk stated that it was his duty to make the area of vast woods, well-calculated for the perpetration and concealment of crimes such as Gillan's, as safe as the streets of the biggest cities. Therefore, his gibbeted body would hang "until the fowls of the air pick the flesh off your body and your bones bleach and whiten in the winds of Heaven" to serve as a constant warning of the fatal consequences of murder.²⁸ Gillan's case provides an interesting exception to an otherwise uninterrupted pattern of the decline in gibbeting. Although his crime stood out for its atrocity, what is crucial to our understanding of why the courts ordered that his body be hung in chains is its correlation with the increased use of crime scene executions in the first third of the nineteenth century.

The reintroduction of crime scene executions, which had been used sporadically following a concentration of cases in the mid-eighteenth century, and the remote location Gillan had chosen for the perpetration of his offence offered a suitable location for the gibbeting of a criminal corpse. Both were crucial factors in the decision-making process. The court was not only willing to forgo the concerns that had previously prevented the use of hanging in chains, they were also willing to pay the additional costs of having the gibbet and the iron cage in which the body would be encased custom-made to provide a stark reminder of the reward for murder.

Gillan's execution potentially held additional punitive currency as the area in which it occurred was unaccustomed to hosting public executions. A broadside of the execution described how the body had been lowered from the gallows and placed into irons and how it was hoped the example would "strike deep into the minds of the rising generation and tend to prevent the recurrence of such terrifying spectacles."²⁹ From a reading of this evidence one gets the impression that when the author wrote of a desire to prevent the reoccurrence of such a terrifying spectacle, they were referring to the nature of the crime as well as to the nature of the punishment. By the last decades of the eighteenth century, hanging in chains increasingly came to be viewed as an unsuitable penal option in Scotland. Even in the most atrocious cases, where previously the punishment would likely have been gibbeting rather than dissection, the judges had refrained from using this sentence due to a belief that it was potentially harmful, and thus counter-productive, to the public good.

In Scotland, apart from Gillan's case, hanging in chains had ceased as a punishment by the end of the 1770s. There were notable examples when the punishment appeared to have been considered by the courts but was not sentenced due to both practical and ideological concerns. In 1770 Mungo Campbell, an excise officer in Ayr, was condemned before the High Court for the murder of Alexander, Earl of Eglinton. On the night of the murder the deceased had been informed that there were two men on his lands who were suspected to be poaching. He rode along the sands and came upon Campbell. He demanded that Campbell give up his gun but Campbell had refused, stating that he was an excise officer looking for smugglers in the area. The Earl then went to get his own gun before advancing upon him. Campbell told the court that, as he was backing away, he tripped over a stone and his gun went off, mortally wounding the Earl.³⁰ Following a guilty verdict, one of the judges stated that, due to the circumstances of the case, he did not want to hang Campbell in chains or go further in the post-mortem punishment of the body than was obliged by the Murder Act.³¹ Campbell was therefore sentenced to be executed and his body sent for public dissection in April 1770, although he committed suicide in prison and his body was handed over to his relatives.³² His case had garnered much debate during the court proceedings, especially over the charge of murder as opposed to the non-capital option of culpable homicide. However, the status of the victim, in large part, swayed the decision against him. The fact that the judge did not want to hang his body in chains demonstrates a belief at the time that, of the two

available post-mortem punishments, hanging in chains was the harsher and was to be reverted to only in the most atrocious cases.

In England, the last instances of hanging in chains occurred in 1832. Convicted murderers William Jobling and James Cook were gibbeted in Jarrow and Leicestershire respectively. However, the removal of Jobling's body by his fellow colliers for burial and the order to pre-emptively remove Cook's by the Home Secretary signalled the end of the punishment. During parliamentary debates to abolish the punishment, it was labelled an "odious practice", with Lord Suffield adding that it was "unsuited to the present state of public feeling."³³ In Scotland, similar attitudes towards hanging in chains had already gone some way to its prevention several years prior to the 1830s. When addressing the court following the conviction of McDonald and Black for a heinous murder committed just outside Edinburgh in 1813, the judges expressed at length their abhorrence for the nature of the crime. They stated that they had intended to order their bodies to be hung in chains so they could "wither in the winds." However, due to a "consideration of the uneasiness it must occasion to the innocent neighbourhood", they instead sentenced them to be executed at the scene of their crime and their bodies were to be sent for dissection.³⁴ Spierenburg highlighted a similar argument made in 1770 in Amersfoort, a city in the province of Utrecht in the Netherlands. Although the practice of gibbeting did not stop completely, the council decided to relocate the standing gallows, which was also used for the exposure of criminal corpses, away from the Utrecht main road. It was stated that the sight of the corpses "cannot be but horrible for travelling persons." Previously, criminal bodies had been displayed upon main roads to act as a stark warning for people travelling into the city.³⁵

Following the conviction of William Burke in 1829, the Lord Justice Clerk, David Boyle, stated that the only doubt in his mind was, whether to satisfy the violated laws of the country and the voice of public indignation, his body ought to be exhibited in chains. However, in taking into consideration "that the public eye would be offended by so dismal a spectacle", he stated that he was "willing to accede to a more lenient execution of your sentence, and that your body should be publicly dissected." He added that he hoped Burke's "skeleton will be preserved in order that posterity may keep in remembrance your atrocious crimes."³⁶ While the sentence of dissection for Burke was apt in poetic justice, the fact that Boyle had appeared to consider, yet dismiss, the prospect of hanging his body in chains due to the enormity of his crime is important

for two reasons. First, it supports the argument that in Scotland hanging in chains was a post-mortem punishment largely reserved for the most heinous murderers and by Boyle's own admission was apparently more severe than dissection. Second, despite Burke's status as perhaps Scotland's most notorious murderer in living memory, by the 1820s there was a belief that the punishment would cause more damage and offence to the public than good, thus undermining and even threatening its punitive value. Again, this attitude was perhaps reflective of a wider ideological shift in attitudes towards public and punitive bodily display. However, this must be measured alongside the more practical and logistical considerations that impacted upon the disappearance of the gibbeted body in Scotland.

LOCATING THE GIBBET

Throughout this period in Scotland, if an offender was sentenced to be hung in chains following execution it was invariably stated, within the judges' sentencing, that this would occur at the same location as the execution. This provides a contrast to practices in England where executions could occur in one location but the bodies could be gibbeted in another, which may have been spatially specific due to the crimes committed. Therefore, in Scotland, the implementation of gibbeting was more explicitly linked to the public execution and, crucially, to the changes that occurred to its location as this period progressed. Taking into consideration the chronology of hanging in chains, this chapter will now turn to question how far the decline, and eventual end, of the punishment correlated with changes made to the locations of executions more generally, namely their gradual move to more central urban areas which were perhaps unsuitable places to gibbet dead bodies.

In Edinburgh, the common place of execution between 1660 and 1784 was the Grassmarket, a central area within the city's Old Town. However, the four men sentenced to be hung in chains following trials before the High Court in Edinburgh between 1746 and 1755 were instead executed at the Gallowee between Edinburgh and Leith. The historical port of Leith had become a more populated thoroughfare during Cromwell's invasion of Scotland in the mid-seventeenth century. The Gallowee was situated in Shrubhill, the halfway point of Leith Walk where Edinburgh and Leith met. An 1865 history of the town cited the existence of a permanent gibbet at the site. Prior to the mid-eighteenth

century, it appears to have been used predominantly for hanging bodies in chains rather than executions. When Philip Stanfield was executed in 1668 for the murder of his father Sir James Stanfield, he was hanged at the Cross in Edinburgh. However, his body was taken to be hung in chains at the Gallowlee.³⁷ By the mid-eighteenth century the gibbeting of a rotting corpse in Edinburgh's busy centre remained an impractical penal option and thus the Gallowlee was still viewed as a more appropriate location. There had also been a shift in practice, perhaps due to an acknowledgement that it was more expedient to also conduct the executions there following a procession from the place of confinement in Edinburgh.

In demonstrating adaptations to the staging of public executions in this period, Chap. 5 highlighted the importance of location within the whole proceedings and noted the changes made to the place of execution towards the end of the eighteenth century. When investigating both the chronology of gibbeting and the location chosen for it in various parts of Scotland, it becomes apparent that gibbet sites were not within city centres. In terms of the exposure of criminal corpses outside the town walls, Spierenburg argued that this added to the dread experienced by the condemned as their body was to be eternally banished.³⁸ Locations in England were usually chosen due to their proximity to the crime scene and visibility from public roads, thus away from densely populated areas.³⁹ In Scotland, while the motivations behind the choice of location were not always discernible, in the five cases where the punishment was to occur at the scene of the crime it was explicitly stated that this was to add a further degree of severity to the punishment. In the remaining cases the condemned were to be executed between Edinburgh and Leith, if tried in Edinburgh, or at the common place of the circuit city. The common place of execution in Perth was upon the permanent gallows situated on the Burgh Muir to the west of the town. Executions persisted there until they were moved to the High Street in the 1780s. Incidentally, the cases of the five men hung in chains at the common place in Perth occurred between 1750 and 1767, prior to the move. Similarly, in Aberdeen, two men were hung in chains at Gallows Hill in 1752 and 1776 respectively. The latter, Alexander Morison, would be the last criminal executed there before the common place was relocated to the more central location of Castle Street. A comparable pattern is discernible when chronicling the punishment in other cities such as Ayr, Inverness and Glasgow.

LONGEVITY OF THE GIBBET

The post-mortem punishment of the body was intended to add a further degree of infamy to the sentence of death for both the condemned and the spectator. However, as has already been acknowledged, the theme of deterrence and the gibbeted body was complex. For the offenders, the prospect of their bodies being hung in chains had not prevented them from committing their crimes. However, the enacting of post-mortem punishment upon the corpse evoked various reactions from the spectator. By its very nature, the hanging of a criminal's body in chains was intended to be a lasting example. The mechanics of the gibbet, such as its height and the fact that the cage was made from iron and the additional measures regarding security that were sometimes taken to prevent any interference with it, aimed to ensure its longevity. David Edwards was executed and hung in chains on the common muir of Ayr in 1758 for the crimes of murder and robbery. Figure 7.1 is 'A Map of the Common Grounds Belonging to Ayr' by J. Gregg from 1768. It included the gibbeted body of Edwards, demonstrating that it had become a noted part of the local landscape. A diarist recorded that his body was still hanging in the gibbet in 1778.⁴⁰ While Edwards' case provides an example of the potential longevity of the punishment, there are numerous others where the bodies were removed for varying reasons.

Andrew Marshall was executed in 1769 for murder and robbery and was the only criminal to be hung in chains in Glasgow in the period under examination here. On the night following the execution his body was stolen from the gibbet and was not recovered. In 1841 the removal of the body was attributed to the Glasgow market gardeners' fear of the decomposing body and its adverse effects due to its proximity to their garden nurseries.⁴¹ Similarly, James McLachlan's body was stolen from the gibbet in Ayr only 36 hours after it was hung up in June 1779. The suspicion at the time was that it had been removed in order to protect the kailyards from the flies it would attract, a problem which would likely have been exacerbated by the fact that it was summertime.⁴² In the earlier case of David Edwards, surviving records detailing the cost of gibbeting his body include two carts of lime being delivered to the place of execution.⁴³ Lime can be used in the disposal of human remains, especially when the bodies cannot be afforded proper burial. It aids in preventing the strong smell caused by the putrefaction of the body.⁴⁴ The use of lime when gibbeting the body of Edwards suggests that the



Fig. 7.1 A map of the common grounds belonging to Ayr, J. Gregg, 1768. *Source* Reproduced with the permission of Ayrshire Archives, a joint initiative by East Ayrshire Council, North Ayrshire Council and South Ayrshire Council

authorities were aware of the potential difficulties caused by the putrefying body and thus took preventative measures to ensure the longevity of the punishment.⁴⁵

The above cases suggest that the removal of the bodies from their gibbet cages was not due to a belief in the injustice of the punishment or any real concern for the condemned person. Rather, the presence of the gibbeted body was an inconvenience and was thus removed. However, an evident motivation for the removal of criminal corpses from their gibbets that recurs in the following cases was the desire to see the body buried. In some instances, this appears to have been more premeditated,

and thus more successful, than in others. Nicol Brown was executed and his body hung in chains in April 1755 between Edinburgh and Leith at the Gallowlee for the murder of his wife. During the night between 7 and 8 June his body was taken down and carried off but was soon found again in the Quarry-holes near the Gallowlee. The following day it was hung up again.⁴⁶ However, during the night between 19 and 20 June the body was carried off for a second time and, though a diligent search was made, it was not found.⁴⁷ In stealing the body the first time it appeared that the perpetrators may have attempted to give Brown a makeshift burial in a shallow grave in the Quarry. However, what is also likely is that they just did not want the sight or presence of a dead body gradually decaying where they would see it daily and so they stole it a second time and successfully disposed of it.

Unlike in Brown's case, there are examples where bodies were taken from their gibbets and remained successfully buried for up to a century. The *Dundee Courier* reported on the life of Robert Bain, a man who had died in 1865 at the age of 107, and included his reminiscences of the case of Kenneth Leal. Bain would have been aged 15 at the time of Leal's execution in 1773 and stated that "according to the barbarous laws of the times he was sentenced to be hung in chains on the spot the deed was committed." He recalled the body hanging from July to mid-winter, with the place of execution coming to be known as 'Kenny's Hillock', and how the "clanking of the chains at night terrified the surrounding inhabitants." One morning it was discovered that the body had been removed.⁴⁸ In 1829, during cultivation of overgrown land by John Sellar, it was reported that flooding had uncovered the body buried about three feet under the surface. The bones and the gibbet cage had been buried wholesale and were reinterred in the same manner except for the head and the chain, which were hung up outside Sellar's workshop and exhibited as morbid mementos.⁴⁹

When Alexander Gillan was executed in 1810 he garnered no sympathy from the execution crowd due to the horrific nature of his crimes. Despite this, and the fact that the authorities had ordered his gibbet to be set at a great height to act as a stark illustration of the reward for murder, his body was removed. However, the location was still easy to find as part of the ironwork of the cage had been hung in a tree when the wooden gibbet post had been cut down. In 1911, the *Aberdeen Journal* reported that the cage was ordered to be removed by the Duke of Richmond and in its place a slab put to mark "Gillan's grave—November 1810."

When carrying out the job workers found the skeleton of Gillan buried about two feet eight inches deep, with part of the chains still encasing the body. It was ordered that no further investigation be done on the grave and the remains were reburied along with the chain.⁵⁰

There are some notable similarities in these cases that can shed light upon the motivations behind the removal of the bodies from the gibbet. In both instances the bodies were buried at the foot of the gibbet. While it may have increased the risk of detection to attempt to transport the bodies to a more desirable location, it may also suggest a simple desire to have them out of sight without regard for the condemned criminal. In addition, both were buried sufficiently deep to conceal them, unlike in Brown's case. However, they remained encased, or at least partly so, in the gibbet cage. Again, the fact that the cage was made of iron may have prevented the removal of the body. But it may also have been the case that the perpetrators had no further desire to interfere with the body other than to have it removed from sight. Furthermore, as argued above, by the time of Leal's execution in 1773, and especially by Gillan's in 1810, the punishment was a rarity and, as Bain commented, believed to be a barbarous practice of an earlier age, despite the offence committed. Attendance at public executions was one thing, and could draw large crowds, including in areas unaccustomed to the spectacle of the gallows, but witnessing this prolonged punishment and having it entrenched within the landscape indefinitely was clearly a step too far.

THE CASE OF JAMES STEWART

The case of James Stewart in 1752 embodied various themes running throughout this chapter, including the importance of the crime committed, the location of the gibbet and the risks to its security. His case occurred during the post-rebellion tensions still evident in the political management of parts of Scotland. The highest legal authorities in the country, as well as those in London, monitored its progress, from his apprehension for murder to his trial and subsequent execution. Despite deficiencies in the case against him there was an evident determination to see him receive swift and exemplary punishment. James had been active for the rebels during the 1745 Jacobite Rebellion and was the illegitimate brother of Charles Stewart of Ardshiel, the exiled leader of the Lochaber and Appin Stewarts. Prior to the murder, James was employed by Colin Campbell of Glenure, also known as the 'Red Fox', as his assistant.

Campbell was the Crown Factor on the forfeited estates of Ardschiel, Callert and a portion of Lochiel and Stewart helped to oversee the properties which had once belonged to members of his clan. When investigating the government's relationship with the Highlands prior to 1745, Mitchison cited the non-cooperation rife among the Appin Stewarts but argued that their Jacobitism was motivated more by their disdain for the typically pro-government Campbells than by any personal affection for the deposed Stuart king.⁵¹ The determination of the authorities, and powerful members of Clan Campbell, to prosecute and convict James Stewart, despite the deficiencies in the evidence against him, demonstrated this continued tension in the area even after the Jacobite cause was soundly defeated in 1746.

On 14 May 1752, Colin Campbell was en route to Lochaber to carry out evictions of Stewart tenants in the area. One of his traveling companions and kinsman, Mungo Campbell, provided an account of the events that led to his murder to the court. They were travelling through Lettermore Wood, on the south side of Loch Linnhe. As the road was too narrow to accommodate two horses riding abreast Colin rode behind him. Mungo heard two gunshots and turned to find Colin had been shot in the back. Although Mungo told the court that he caught a brief glimpse of the assailant he was only able to recall his dark coat. Despite attempts to get him medical attention, Colin died shortly after.⁵² The events that followed led to perhaps one of the most well-known, yet still contentious, cases in Scottish legal history. Immediately following the murder the case attracted widespread attention. On 18 May Charles Areskine, the Lord Justice Clerk, wrote to the Earl of Holderness, the Secretary of State, in London to assure him that a vigorous enquiry would be made in order that the "barbarous wretches, actors and accomplices of this assassination may be discovered and exemplarily punished."⁵³ In reply Holderness warned Areskine of the dangerous consequences should this "notorious attack" on the government go unpunished.⁵⁴ James Stewart was accused as he and the deceased had previously engaged in public disputes despite working together. Stewart had claimed Campbell was "no friend of his" and had accused him of carrying out his business with a "high hand."⁵⁵

From the beginning of the legal proceedings the odds were stacked against Stewart as he was to be tried before the Western Circuit at Inveraray, a Campbell stronghold, as opposed to the High Court in Edinburgh which may have been more appropriate for such a high-profile case.

In addition, 11 of the 15 jurors in the case had the last name Campbell and the presiding judge was Archibald Campbell, the Duke of Argyll and Chief of Clan Campbell. Stewart was indicted and convicted of being guilty “art and part” of the murder. This in itself demonstrated the determination of the authorities to see someone capitally punished for the crime as another man, one Allen Breck Stewart, suspected of being a principal actor, was never found nor tried for the murder. During debates over the reform of Scots law in the 1820s, a specific critique expressed by Whigs such as Henry Cockburn centred upon the Scottish system of jury selection. Forty-five persons would be gathered from the surrounding areas and named in the circuit court as potential jurors. From these, the presiding judge would choose the 15 to hear the case. In his critique of the system in 1822, Cockburn used Stewart’s case to highlight the defects of the system as he claimed there were several qualified jurors who had no affiliation to either side and could have been balloted to be on the jury, but instead a Campbell judge had been allowed to appoint a Campbell jury in what Cockburn called a “mockery of justice.”⁵⁶

Following a lengthy trial, James was sentenced to be taken back to the prison of Inveraray until 5 October when he was to begin the journey through Argyleshire to Inverness and then on to Fort William. On 7 November, he was to be escorted by three companies of soldiers on the ferry to Ballachullish in Appin, on the south side of Loch Linnhe and there to be executed upon a gibbet to be erected on a “conspicuous eminence” on 8 November. His body was to be subsequently hung in chains on the same spot.⁵⁷ The location was chosen due to its proximity to the murder scene and as the nearby Ballachullish was Stewart’s home. Due to the political tensions surrounding the case, largely attributable to the doubts over his guilt, his gibbeted body was to be guarded by 16 men from the military command at Appin. A guard built a hut at the scene and it was continually manned until April 1754. In January 1755, it was reported to the High Court that the body had blown down but the Lord Justice Clerk ordered it to be speedily hung up again before the news spread and attempts could be made to bury the body.⁵⁸

The case of James Stewart provides a further layer to this chapter’s investigation of hanging in chains as a post-mortem punishment in Scotland. His trial occurred just prior to the time when the Murder Act came into effect, yet he was sentenced to be hung in chains, as were others at the time, due to the perceived heinous nature of his crime and the need to make a stark example. Immediately following the murder,

correspondence between the highest legal authorities in Scotland and London demonstrated the widespread concern over finding the perpetrator, or at least finding a potential perpetrator to make an example of. Shortly after the capital conviction was returned, reports of the trial were sent to London. Holderness wrote to the Lord Advocate to commend how the affair had been conducted and stated that “nothing could be more material to the future wellbeing and governing of distant parts of Scotland.” Furthermore, he hoped the exemplary punishment of this notorious criminal would convince those “previously misled that hitherto the only true and solid happiness was founded on His Majesty’s authority and protection.”⁵⁹ From this correspondence we can discern undertones that Stewart’s case was being billed as almost treasonous in nature. Despite standing trial, and facing death and hanging in chains, for murder his execution was to make a lasting political statement. The case continues to garner debate today with the general belief that neither James Stewart, nor even Allen Breck Stewart, committed the murder. Some years following his execution and gibbeting, the body was taken down and secretly buried in the chapel of Keil, situated on the shore of Loch Linnhe. Today, Stewart’s case continues to attract visitors to the scene of the execution and the believed location of his burial. A memorial monument, built in 1911, poignantly states that Stewart was executed “for a crime of which he was not guilty.”

CONCLUSION

To conclude, this chapter has provided an in-depth study of the post-mortem punishment of hanging in chains in Scotland. It has examined its administration and implementation and has explored the punishment’s potential effects upon both the condemned and the spectator between the mid-eighteenth and early nineteenth centuries. In charting the chronology of the punishment, it is evident that there was a concentration of cases on the eve of the Murder Act in the wake of the 1745 Jacobite Rebellion. The fact that the Northern Circuit accounted for half of the total offenders hung in chains in the late 1740s and 1750s demonstrates a correlation with the increased numbers being sent to the scaffold following trials there. However, despite the broad consistency in practices in the mid-eighteenth century, the sentencing of hanging in chains and peak periods of executions did not follow the same trajectory as the century progressed. In the 1760s and 1770s there were a handful

of cases before the punishment all but disappeared, apart from one final atrocious case in 1810. Despite the relatively low number of offenders hung in chains, this chapter has shown that, between the passing of the Murder Act and the late 1770s, gibbeting occupied an equally central role in the criminal justice system as the other post-mortem option of dissection. Between 1752 and 1779, a total of 25 men were capitally convicted for murder. Of these, 12 were sentenced to be hung in chains and 13 to be dissected. This suggests that there did not appear to be any aversion on the part of the Scottish authorities to sentence the punishment of gibbeting. Thus, its disappearance after the 1770s required further exploration.

Chapter 5 cited a gradual shift in Scotland's common places of execution from urban peripheries to more central locations closer to the places of confinement in the final quarter of the eighteenth century. This chapter has shown that, following these moves, in circuit cities such as Aberdeen, Inverness, Perth, Ayr and Glasgow, no further offenders were sentenced to be hung in chains and instead murderers were exclusively sent for dissection. Furthermore, the removal of the penal option of dissection following the passing of the Anatomy Act in 1832 was to ensure the better supply of cadavers to the medical profession. While the dissection of criminals was criticised during debates over the act, it was not the practice itself that was targeted; instead, it was the inadequate number of bodies it yielded. However, the punishment of hanging in chains differed from dissection in that it had all but disappeared in Scotland half a century before it was formally repealed by legal statute. The act of 1834 had been largely prompted by the difficulties the English authorities faced in gibbeting the bodies of Jobling and Cook in 1832. In the wake of the cases the *Leicester Journal* summed up the debates over the punishment of hanging in chains in the newspapers, calling it an "old practice... worthy of an era of profound barbarity" and questioned how justice could continue to "disgrace herself by acts which public decency repudiates."⁶⁰ In Scotland, while the rhetoric was not quite as strong, similar sentiments can be found in the previously cited cases where the punishment of gibbeting appeared to have been considered yet was dismissed by the courts.

The preamble to the Murder Act stipulated that the post-mortem punishment of the criminal corpse was intended to add a further mark of infamy to the punishment of death. This chapter has shown that a key variable of this was the spectator at the gibbet foot. While it is difficult to

gauge exactly how people felt about the gibbeted body, it is evident that it did evoke some reaction, although not necessarily the deterrent desired by the authorities. A couple of bodies were apparently removed for the simple reason that they might disturb the local agriculture. Others were taken and afforded a kind of burial, even if this was makeshift at best. In the case of James Stewart, the correspondence between key Scottish legal figures with authorities in London reveals a large degree of satisfaction at his conviction and execution. Although a constant guard being required at the gibbet for 18 months does not necessarily suggest that his gibbeted body answered the purpose of deterrence. It was rich in punitive, and even political, currency as the staging of the death sentence and subsequent post-mortem punishment near the crime scene, but also in an area populated by many who sympathised with his plight, acted as a marked example of justice being seen to be done.

NOTES

1. *House of Commons Parliamentary Papers* [accessed 25 April 2015] House of Lords Papers, *A Bill intituled an Act for better preventing the horrid Crime of Murder*, (5 March 1752).
2. Joseph Mawman, *An Excursion to the Highlands of Scotland and the English Lakes* (London: 1805), 29.
3. Hugo Arnot, *A Collection and Abridgement of Celebrated Criminal Trials in Scotland from 1536 to 1784* (Edinburgh: 1785), 132.
4. Lord John MacLaurin, *Arguments and Decisions in Remarkable Cases before the High Court of Justiciary and Other Supreme Courts in Scotland* (Edinburgh: 1774), xi.
5. Sarah Tarlow, “The Technology of the Gibbet”, *International Journal of Historical Archaeology* 18 (2014): 668–699, 675–680.
6. Norman Adams, *Hangman’s Brae: True Crime and Punishment in Aberdeen and the North-East* (Edinburgh: Black and White Publishing, 2013), 20.
7. Although sentenced to be hung in chains following execution in 1755, Andrew Wilson committed suicide in prison and his body was instead handed over to the surgeons.
8. NAS JC7/30/345.
9. NAS JC11/19/81.
10. NAS JC11/14/168.
11. NAS JC7/28/319.
12. NAS JC11/21/30.
13. NAS JC11/26/23.

14. NAS JC12/16/51.
15. NAS JC7/38/193.
16. Zoe Dyndor, "The Gibbet in the Landscape: Locating the Criminal Corpse in Mid-Eighteenth-Century England", in *A Global History of Execution and the Criminal Corpse*, ed. by Richard Ward, 102–125, Basingstoke: Palgrave MacMillan, 2015; Nicholas Rogers, *Mayhem: Post-War Crime and Violence in Britain, 1748–1753* (London: Yale University Press, 2012), 60.
17. NAS JC11/13/15.
18. *Caledonian Mercury*, Thursday, 7 July 1748, 2.
19. NAS JC11/13/28.
20. NAS JC11/29/97.
21. NAS JC11/29/97.
22. Dyndor, "The Gibbet in the Landscape", 122.
23. *Caledonian Mercury*, Monday, 24 May 1773, 2.
24. Rogers, *Mayhem*, 60.
25. Dyndor, "The Gibbet in the Landscape".
26. Tarlow, "The Technology of the Gibbet", 670.
27. Tarlow, "The Technology of the Gibbet", 670.
28. NAS JC11/51/38; *Exeter Flying Post*, Thursday, 1 November 1810, 3.
29. National Library of Scotland, *A Broadside of Gillan's Execution*, 6.314 (23).
30. NAS JC7/35/405–447.
31. MacLaurin, *Arguments and Decisions*, 530.
32. NAS JC7/36/225. Although Campbell was given a funeral and his body was interred near Arthur's Seat, the highest point of Holyrood Park in Edinburgh, this was not to be his final resting place. Instead, his grave was discovered and desecrated, and his body dug up and left exposed. His friends therefore took the body and sunk it at sea. See MacLaurin, *Arguments and Decisions*, 532.
33. V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770–1868* (Oxford: Oxford University Press, 1994), 269.
34. NAS JC8/9/232; *Scots Magazine*, Monday, 7 June 1813, 36–39.
35. Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984), 191.
36. *Morning Post*, Tuesday, 30 December 1828, 2.
37. *Tales, Traditions and Antiquities of Leith* (Edinburgh: 1865), 296.
38. Spierenburg, *Spectacle of Suffering*, 90.
39. Tarlow, "The Technology of the Gibbet", 681.
40. Alex F. Young, *The Encyclopaedia of Scottish Executions 1750–1963* (Tunbridge Wells: Eric Dobby Publishing, 1998), 47.
41. *Morning Post*, Thursday, 29 April 1841, 7.

42. Young, *Encyclopaedia of Scottish Executions*, 53.
43. Young, *Encyclopaedia of Scottish Executions*, 47.
44. Lime was listed among the Red Cross Emergency Relief Items Catalogue for 2002 for the disposal of corpses that could not be given a sufficiently deep burial. See www.procurement.ifrc.org.
45. It is interesting to note here that when reporting upon the execution and hanging in chains of Francis Anderson at the Gallowlee in Edinburgh in September 1746, the *Caledonian Mercury* stated that he was hanged, then his entrails were taken out before the body was hung up in chains. See *Caledonian Mercury*, Tuesday, 11 September 1746, 4. The article does not give a reason why this was done, and it was not stipulated within the original court's sentencing (for details of the trial and the death sentence, see NAS JC7/25/347–349). In addition, this study has found no other reports to suggest that the removal of the entrails of the executed criminal before the body was put in the gibbet cage was the common practice. However, if the report of 1746 is accurate it may have been the case that the scaffold authorities had taken it upon themselves to inflict a further stage of punishment to the execution. Alternatively, and perhaps more likely, there may have been a contemporary belief that the removal of the entrails may have prevented the rapid putrefaction of the body and ensured its longevity.
46. *Caledonian Mercury*, Monday, 9 June 1755, 3.
47. *Caledonian Mercury*, Monday, 23 June 1755, 3.
48. *Dundee Courier*, Tuesday, 5 December 1868, 2.
49. Adams, *Hangman's Brae*, 20.
50. *Aberdeen Journal*, Friday, 16 June 1911, 5.
51. Rosalind Mitchison, "The Government and the Highlands 1707–1745", in *Scotland in the Age of Improvement; Essays in Scottish History in the Eighteenth Century*, ed. by N. T. Phillipson and Rosalind Mitchison, 24–46, 25, Edinburgh: Edinburgh University Press, 1970.
52. NAS JC13/10/25.
53. TNA SP54/42/9A.
54. TNA SP54/42/12.
55. NAS JC13/10/61.
56. Henry Cockburn, *Observations on the Mode of Choosing Juries in Scotland* (Edinburgh: 1822), 90–92. Note that in 1825 the criminal law was reformed to permit the balloting of juries in Scotland.
57. NAS JC13/10/165.
58. *Scots Magazine*, Monday, 6 October 1755, 48.
59. TNA SP54/42/34.
60. *Leicester Journal*, Friday, 24 August 1832, 2.

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