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‘RECEIVE THIS AS A VOICE FROM THE DEAD’: THE FINAL WORDS OF THE ENGLISH HANGED, 1840-68

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Abstract

This article explores the final words of condemned prisoners who were executed in England between 1840 and 1868. Drawing on a sample of just over a hundred accounts of executions from the provincial press, we show how, although the majority of those sentenced to death died penitent, appearing resigned to their fate and offering warnings to others should they risk a similar demise, there was some deviation from this script. In particular, we focus on the role of chaplains in encouraging, if not cajoling, suitable contrition and penitence from the prisoners from the condemned cell to the gallows.

Keywords: Capital punishment, public execution, nineteenth century, execution, last words

Introduction

On Tuesday, 16th March 1841 James Taylor, a 39-year-old pig dealer from Tokenham, Wiltshire was executed outside Fisherton Anger Gaol for the murder of his wife. The *Berkshire Chronicle* reported that Taylor had shot his “young and very beautiful” wife

to death after she had eloped with a railway worker, named Jack, who had until recently lodged along with other work fellows at their home. Taylor was reported to have "coolly and deliberately fir[ed] his gun at his wife while she was in the act of cleaning some carrots and potatoes…kill[ing] her dead on the spot". According to the newspaper, Taylor behaved "in a manner altogether extra ordinary" after his conviction, a state of affairs that continued right up until his death. Not only did he deny his guilt, justifying his own actions on the basis of his wife's, but "[h]is conversation was blasphemous, lewd and insulting to the authorities…". He went as far as to claim that the workmen constructing the gallows "were lazy fellows for not coming and putting up his drop (the scaffold) at an earlier hour", and "gave three hurrahs with a firm voice" when they began their grim task. When the officials entered his cell at eleven o'clock to take him to the gallows, he exclaimed to them "Give me a pint of gin, and I'll show them how to dance Jim Crow!' – he then proceeded to dance and sing "Turn about and wheel about, and do just so, and every time I turns about I jumps Jim Crow!" as he was taken to the gallows. The officials were disabused of any hope that Taylor might use his last moments of life to seek forgiveness and die penitent before the crowd, who had gathered to watch his execution. Rather, he told them, albeit "in a hurried manner",

> I am very glad to see so many of you present – such a grand assemblage of people to see me hanged! And mind, if ever any of you go a robbing be sure and take a double-barrelled gun with you to murder all you can! And I got to tell you that Jane Newman and farmer James Hathway of Tokenham are the greatest enemies I had; and had it not been for them, I should not have been here now. I am glad that I killed my wife, and I don't mind being hanged – (here the executioner drew the cap over his eyes, and the unhappy man resumed) – "I don't care for that, I can keep on talking. Oh! What a pleasant view – what a grand sight. I likes this kind of fun!" At this moment, the bolt was drawn, and he was launched into eternity.[1]

Without doubt, Taylor's actions in the condemned cell and on the gallows were extraordinary, and, crucially, were recognised as such at the time. A recurring theme in the historiography of English executions from the seventeenth to the nineteenth century is that, while some condemned prisoners may have attempted to 'die game' like Taylor, the vast majority apparently went to their death penitent, expressing contrition for their crimes and praying for mercy in the hereafter. In his seminal article on last dying speeches in the seventeenth century, James A. Sharpe argued that the condemned was expected to make a 'penitent end', accepting that they deserved to die because of past wickedness and that they were reconciled to their fate. Indeed, some

professed that, while innocent of the crime for which they had been condemned, they nevertheless accepted their fate because of past wickedness. In both cases, Sharpe argued, the condemned were playing a crucial role in the 'theatre of execution' by "helping to assert the legitimacy of the power which had brought them to their sad end". In contrast, those who died unrepentant, denying their guilt until the last moment, and thus denying the legitimacy of their execution, were "…regarded as very reprehensible by contemporaries".[2] In her work on English executions from the late seventeenth- to the late eighteenth-century, Andrea McKenzie concurred with Sharpe, arguing that, while some condemned prisoners may have died protesting their innocence,

> …the overwhelming majority made at least a token effort to die 'in charity' or 'in peace with the world': forgiving others as one hoped to be forgiven; assuming responsibility for the sins of one's life; and expressing (however disingenuously) both a fitness and willingness to die.[3]

In particular, McKenzie focuses on the role of religious language in last dying speeches, arguing that – far from being stage managed events – executions were in fact inherently unstable events where a variety of meanings could be played out. In this context, the invocation of religious language could equally be used by the condemned to accept their fate as well as to challenge temporal justice; accepting their fate as God's will, and forgiving those who had condemned them, while simultaneously asserting their innocence.

Zoe Dyndor and John Walliss have further explored these two themes – that the condemned typically died penitent and the role of religious language in final statements – in more recent work on eighteenth- and nineteenth century executions.[4] In her analysis of execution reportage in Northamptonshire between 1780 and 1834, Dyndor argued that the actions and final words of the condemned on the gallows were a key aspect of the moral theatre of execution. Condemned prisoners were routinely described as dying penitent and, in their last words, warning others to avoid their fate. According to Dyndor, these were typically expressed in religious language, with the condemned acknowledging themselves to be both a criminal and a sinner, and framing the path to the gallows as one of moral decline and, hopefully, redemption. Similarly, in his work on executions in nineteenth century Norfolk, John Walliss described how the Tory *Norfolk Chronicle* outlined at length the confessions and final statements of the condemned, and championed the role of the chaplain in securing a confession even from the most recalcitrant criminals. Like Dyndor, Walliss noted the way in which the

condemned – no doubt influenced by the presence of the chaplain both in the condemned cell and on the gallows – framed their path to the gallows in both legal and religious terms. Conversely, the unwillingness to accept guilt and protestations of innocence by the condemned were regarded by the *Chronicle* as yet further evidence of their sinfulness.

In this article we expand the historiography of last dying speeches by analysing the final words of executed criminals in nineteenth century England: specifically between 1840 and the end of public executions in 1868. Whereas Zoe Dyndor and John Walliss' work on nineteenth century executions explored the final words of the condemned within the context of execution reportage more broadly, we, focus exclusively on these words. Moreover, we widen the analysis by focusing on executions *across* England rather than just individual counties. Drawing on a sample of just over a hundred newspaper accounts of executions from the English provincial press, we show how, although the majority of those sentenced to death died penitent, admitting their guilt and dying as sinners, there was some deviation from this script. While there was little evidence of the condemned 'dying game' like Taylor, facing death with bravado and mockery, a number refused to play their part in the execution ritual in a no-less important way: by denying their guilt to the last and adopting the role of martyr rather than sinner. Chaplains were a central figure in both cases, acting - to use the historian Harry Potter's term - as 'technicians of guilt' by exhorting the condemned to accept their allotted role in the execution drama and die penitent.[5]

The article is structured in four sections. In the first, we outline the newspaper sources that provide the basis for our analysis and the methodology adopted. Then, in the following two sections, we explore both the final words of the condemned and the active role played by chaplains in attempting to secure admissions of guilt and penance respectively. While the majority of those who died on the gallows did so accepting their guilt, dying penitent and warning others to avoid their fate, some protested their innocence to the end. Chaplains, we show, played a central role in the execution drama from the condemned cell through to the gallows, encouraging, if not actively cajoling, penitence and an 'appropriate' attitude by the condemned towards their fate. Finally, in the concluding section, we draw together the threads of our analysis and discuss how the present article contributes to wider inter-disciplinary debates on final statements of condemned prisoners.

Sources and Methodology

The analysis detailed below is based on a sample of 102 newspaper reports of executions that were published in the English provincial press between 1840 and the abolition of public executions in 1868. Following the rolling back of the so-called Bloody Code in the 1830s, where a range of property offences were also punished by capital punishment, all those who went to the gallows during this 28-year period had been convicted of either murder or attempted murder.[6] Multiple accounts of each execution were sampled from the online British Newspaper Archive in order to obtain the most detailed report (771 reports in total).[7] Those articles that just reported the final words of the condemned second-hand were removed from the sample, leaving only those that reported what was said and/or written first hand. It was not possible to trace the reports of nine executions over the period.

We have adopted a deliberately broad definition of 'final words', defining them as any statements produced by the condemned between their trial and execution. This includes letters, as well as what the prisoners were reported to have said from their time in the condemned cell up to the moment that the drop fell. This approach was driven by the execution reportage itself. It was often difficult to determine what exactly was a condemned prisoner's 'final statement'. For example, not only did some prisoners choose not to make a final statement on the gallows, some were actively enjoined not to do so by prison officials. Others were reported to have given deeply moving speeches to fellow convicts at the Condemned Service on the Sunday preceding their execution. Yet others wrote numerous letters to family, friends and the wider community and/or gave statements prior to execution, but said nothing on the gallows or simply gave instructions to the executioner, or prayed with the chaplain. By adopting a broader approach to condemned prisoners' final words, rather than simply what they said in their final moments on the gallows, we have been able to analyse a richer set of utterances.

"[H]is voice cannot be heard; and words spoken, even on such an awful occasion, are soon forgotten": The final words of the English hanged[8]

Declaring Innocence: "If we suffer we shall suffer wrongful"[9]

As noted, some of those who died on the gallows in nineteenth century England did so professing their innocence to the end. In doing so - by rejecting their allotted role in the execution ritual - they challenged and undermined 'the moral lesson of the

scaffold' that the state wished to inculcate in the masses much more than those, such as James Taylor detailed in the introduction, who attempted to 'die game'. While Taylor and his antics on the gallows could be denounced as outlandish, signs of mental instability or an attempt to play to the crowd, professing innocence represented much more of a nuanced challenge to the normative ritual of execution. As Michel Foucault argued in his classic analysis of capital punishment and the birth of the modern prison, public executions were ceremonies in "which a momentarily injured sovereignity is reconstituted" through the death of the condemned "who has dared to violate the law" and thereby offended "the all powerful sovereign who [through the execution] demonstrates his strength". The public execution for Foucault was thus fundamentally about power: "it did not re-establish justice", he argued, but rather "…reactivated power".[10] By claiming to be innocent, the condemned thus undermined the accepted function of execution and destabilised the state's authority.

Indeed, by professing innocence, the condemned were publicly claiming that the state's actions were wrong: the authorities were not taking the life of a guilty party, but were unjustly murdering a citizen. By professing innocence, the condemned were publicly claiming that the state's actions were wrong: the authorities were not taking the life of a guilty party, but were unjustly murdering a citizen. Moreover, by rejecting their allotted role in the morality play of the execution, the condemned were also casting doubt on the actions of the chaplain who was exhorting them to die penitent and accepting their fate. Rather than the chaplain convincing them to accept their rightful role as penitent sinner, they were in fact not only only complicit in - but providing a theological gloss for - this murder. In this way, denial of guilt was both a challenge to, and rejection of, temporal justice and its theological support. Consequently, as is be discussed in more depth in the 'technicians of guilt' section below, chaplains extended huge efforts in attempting to reconcile the condemned to an acceptance of their fate, exhorting those who denied their guilt to confess their crime and die penitent.

According to the *Royal Cornwall Gazette*, James Holman, executed in April 1854 for the murder of his wife, denied his guilt until the end, frequently declaring "It is hard to die innocent,' – 'it is hard for a man to die for nothing!' – and other phrases of a like effect". At the close of the Condemned Service on the Sunday preceding his execution, the chaplain again asked him, "Now, Holman, it is come to your last hour; are you innocent?", to which he replied, "'Yes, I am innocent, sir, it is hard to die for what one is not guilty of.'"[11] A similar sentiment was expressed by James Mullins, executed outside Newgate gaol in November 1860. In his final statement, given to the Alderman

on the morning of his execution, he claimed that he had been convicted "through the most false and gross perjury that was ever given in a court of justice". Every word of the two witnesses for the prosecution swore against him, he claimed, "was totally false and untrue. They swore their falsehoods against me in the hope of obtaining money, the produce of my blood…[the two witnesses]…have caused my poor wife to be made a widow, and my poor children fatherless". Concluding his statement, he reiterated in no uncertain terms that he made "…this statement in order to let the public know that my life has been taken away by the most gross and most false-swearing evidence that was ever given in a court of justice, all through the hopes of getting money".[12] In this way, Holman not only accused the state of taking his life unjustly, but alleged that the courts - places designed to determine the truth and deliver justice - could be easily manipulated for personal gain.

John Wiggins, executed outside Newgate gaol in October 1867, not only went to the gallows protesting his innocence, but also actively resisted the executioner while he was attempting to put the rope around his neck. According to the account of the execution in the *Hampshire Telegraph*, after being pinioned Wiggins told the gathered representatives of the press that "I am entirely innocent of the crime I am to die for, and I suffer the law innocently. I can assure you on my dying oath that I never done it, and I shall die with a clear conscience. I go with a clear heart to my Maker". Shortly after, a violent altercation ensued on the gallows ensued that required the intervention of several warders. Wiggins not only refused to place himself under the gallows beam as requested by the executioner, "…but retreated behind it, and while the executioner was in the act of adjusting the rope around his neck, continued to seize a portion of it with both hands, notwithstanding that he was pinioned";

> He then began to shriek out with frantic energy, 'I am innocent - by my dying oath I am innocent'. During this time a violent struggle was taking place, as the warders were obliged to use all their strength to release the rope from his grasp, and while this was going on, the culprit screamed out, 'Don't hang me, don't hang me; chop my head off, chop my head off; I am innocent'. At last the rope was forced out of the grasp of the wretched man, and the end of it was attached to the top beam, but the warders were compelled to hold the culprit while Calcraft went underneath to disengage the apparatus. This was done in a very short period, and when the drop fell the culprit was still screaming 'I am innocent," and the drop fell as the syllable 'in' was passing from his lips...[13]

Paul Downing and Charles Powys, executed in Stafford in February 1845, went to the gallows protesting their innocence albeit in a less dramatic fashion. According to the *Berkshire Chronicle*, Downing told the gaol chaplain on the morning of their execution that, "I have spoke the truth; it's [a] hard thing to suffer for other folk's deeds; the lad and me is as far from it as the Bible is". He then went further, claiming,

> If we suffer we shall suffer wrongful. We could na' help what folk said agen us or the jury brining us in guilty; but we are as innocent as a child unborn; and Powys in reply to the rev. gentleman, said, 'I am innocent of it.'[14]

During pinioning they were again asked by the chaplain whether they had any requests to make regarding their relatives, to which they again reiterated "that they were going out of the world innocent, and were not afraid to die". On the gallows, while the executioner was adjusting the rope, Powys declared to the prison officials "God bless you: it is hard to die innocent but I can forgive". For his part, Downing addressed them "Gentleman, here is two chaps going to be murdered: we are going to die as innocent as a child unborn; we are free from it". Then, in response to the chaplain's final exhortation for them to tell the truth of their crime, Downing replied again that "I am not guilty";

> The chaplain having also shaken hands with Powys, and repeated his exhortation. Powys said, 'We are going to die for a thing we know nothing about, and I hope the Lord in Heaven will protect us'. Downing further said, 'I hope it will come out, and that the country will know that we are innocent, and that our friends will be released from it'.[15]

In his last words, Downing thus not only accused the state of murdering Powys and himself, but drew on divine support to help them in the ordeal that they were to undergo. In doing so, he rejected both the authority of the state in taking their lives, but, perhaps more importantly, wrested the theological narrative for their suffering and deaths away from the chaplain. Rather than them accepting their fate as penitent sinners as intended, he asked for heavenly protection to help them undergo their wrongful death. His thinly veiled threat that 'the country will know' demonstrates the magnitude of the apparent wrongful conviction; it was neither confined to a final letter nor private conversation, but instead publicly expressed on the scaffold, exposing the wrong judgments delivered by actors of the state.

Displays of Penitence: "My sentence is just and I have prayed for grace to receive it with submission"[16]

Nevertheless, the majority of those executed during the period died penitent, admitting both guilt for the crimes and accepting that their punishment was just. In doing so, to quote Potter, the condemned effectively "…transform[ed] their executions into an expiation. Their suffering would be their penance". More broadly, "[t]he state was thus portrayed as both punitive and benevolent: the punishment was severe but was not merely for the present benefit of society but for the everlasting welfare of the criminal".[17] For example, in a letter to his mother and sister dictated to the gaol chaplain, Rev. Mr. Appleton, shortly before his execution outside Kirkdale gaol in Liverpool in January 1849, James Kelly evoked not only the idea of sin, but that his death was a form of sacrifice for previous sinful actions, not least the murder for which he was convicted. He wrote that he "own[ed] the justice of my sentence, and am willing to offer my life as a sacrifice for that which I have taken. I now deeply deplore the crime, and my sins are always before me".[18] Similarly, Francis Price, executed outside the county gaol in Warwick in August 1860, confessed his guilt "before heaven and earth that I am guilty of the dreadful crime for which I am this hour to die". Although he had denied his guilt at trial, he now claimed that he "felt sorry that I gave consent to the plea 'not guilty' being entered", concluding that "My sentence is just and I have prayed for grace to receive it with submission".[19]

The condemned often framed their deaths in terms of broader Christian themes of sin and repentance, admitting that they died as sinners in hope of God's mercy. Such sentiments reflected contemporary evangelical Christian notions of both the importance of repentance and, crucially, the necessity of suffering as a necessary precondition of obtaining God's mercy. As Bill Forsythe has observed in his discussion of the role of evangelical Christianity in the early Victorian prison, the notion of repentance - understood as "…a deep and permanent remorse and abhorrence in regard to all past sins, the willing endurance of penance for them and the embracing of a new beginning or rebirth" - lay at the heart of the evangelical prison mission during this period. Believing all persons, not least prisoners, were born and then mired in sin, they held that the only route to salvation was through Christ's suffering on the cross and a genuine born-again conversion. The prisoner, no less than every other person, thus had to admit their inherent sinfulness and embrace a spiritual rebirth. However, this would not be painless. As Forsythe points out, sin, penitence and spiritual rebirth were fundamentally linked with suffering in the evangelical mind. If all sin attracted divine punishment, it logically followed that, like Christ, the penitent

Christian must endure affliction in order to share in His glory. From this perspective, by suffering death on the gallows, the condemned were atoning for past sins as a necessary precondition for entering the Heavenly Kingdom.[20]

Francis Bradley, executed outside Kirkdale gaol seven years before Kelly, for example, declared he "depart[ed] this life satisfied with my sentence, and cheerfully submit to the death which it is the will of God I should suffer; hoping, through the infinite merits of our Lord and Saviour, Jesus Christ, to obtain pardon for my sins and life everlasting".[21] Similarly, Elias Lucas, executed alongside Mary Ann Reeder outside the Cambridge county gaol for the murder of his wife, declared in a letter to his 'unhappy fellow-prisoners" that, "although "my heart was hard indeed" it was "not too hard for God to melt with His mercy";

> a broken and contrite heart are not despised by Him, and the angels in heaven rejoice over a repenting sinner. I have felt my sins a heavy burden, and have by grace been led to ask for mercy for Jesus's sake, and I am glad to tell you, my once fellow-prisoners, that I, who feel myself the vilest of all sinners, have a hope in God's mercy.[22]

Through these words, they expressed the earnest hope that through their suffering and death they would receive God's mercy for their transgressions and would gain eternal life in the hereafter with their loved ones. As Richard Thomas Parker wrote to his wife shortly before his August 1864 execution in Nottingham for the murder of his mother, "I have almost lost all hope of seeing you in this world, but I hope we shall soon meet in Heaven, where I shall be ready to welcome you to eternal happiness and glory. Oh, what a happy meeting it will be".[23] These sentiments were echoed by Robert Alexander Burton, who expressed the "sincere wish" in a letter to his father from the condemned cell in Maidstone gaol, that "…after the trials and cares are all over in this world, I hope we may meet in that glorious place where sorry never cometh".[24] Similarly, in a letter written days before his execution outside Newgate prison in May 1855, Luigi Buranelli told an unnamed female correspondent that he desired for her to impart to his daughter a "truly Christian heart, so that we may meet again in a better world, where, I hope, I shall be to-morrow, through the mercy of Jesus Christ, my lord and mediator".[25] Each of the excerpts demonstrate a hope for redemption combined with optimism that the heavenly hereafter will be a markedly better state of existence.

Prisoners used their final words to offer warnings and moral guidance to others, cautioning those left behind to live moral and upstanding lives to avoid an identical fate. These 'warnings' - offered to family and friends verbally and in letters as well as,

at times, more generally to other prisoners or from the gallows to the crowd - tended to be formulaic in tone, with the condemned typically blaming their fate on some combination of alcohol, immoral living and bad company, and falling into irreligion. In doing so, they were drawing on longstanding views that located the causes of crime in the moral failings of criminals themselves. Writing just before the turn of the century, the London magistrate Patrick Colquhoun, for example, argued that "idleness is a never-failing road to criminality". For Colquhoun, an early advocate of an organised police force, once idleness had "unfortunately taken hold of the human mind" it was prey to "unnecessary wants and improper gratifications, not known or thought of by persons in a course of industry, are constantly generated". This in turn, he claimed, led not only to crime, but to "every kind of violence, hostile to the laws, and to peace and good order".[26] Such views were echoed six decades later by the Revd. Sidney Turner, an Inspector of Industrial and Reformatory Schools and resident chaplain of the Philanthropic Society for the Reformation of Juvenile Offenders, who stated that: "Crime has its roots in unlicensed appetites, in bold, rebellious will, in vicious and enthralling habits".[27] In their final words, condemned criminals clearly drew on - and crucially perpetuated - these longstanding cultural ideas about the causes of crimes.

In a letter to his father, Robert Alexander Burton hoped that both he and Burton's brother James "…will from this time forward take the advice of a dying son. Do not go any longer in sin and drunkenness, for the fruits of sin is death, which you may see from your own son".[28] Similarly, in a statement written on the eve of his execution in Derby in 1861 and passed to the governor of the gaol, George Smith described how,

> the first cause of my troubles was being disobedient towards my parents, and from that to Sabbath breaking and from that to staying out late at night, and from that to a passionate desire for gambling, intemperance and a desire for gay society – I got hardened in my crimes and despised all warnings and cautions from pious friends and ministers. I then got acquainted with a most dissolute set of people which as [sic] proved my ruin…[29]

Similar sentiments were expressed by John Gould, executed for the murder of his daughter outside Reading Gaol in March 1862. On the morning of his execution, he told the chaplain to instruct his fellow prisoners

> …That they will take warning from me; and that they will abstain from drunkenness. Drink has been the ruin of both my body and my soul. It has robbed my conscience so that I had no fear of God before my eyes, through drink. I hope

> they will all pray earnestly to God to keep them from temptation, and live nearer to God than I have hitherto done till now'.[30]

Often, as in the case of Smith and Gould cited above, they adopted overtly religious language to enjoin their audience to abandon their sinful ways and live a more religious life. Such sentiments, again, were typically highly formulaic in tone, with the condemned often, like Burton, using overtly religious language and citing relevant Biblical passages to add weight to their exhortations. For example, Joseph Dobson, executed in Leeds in January 1844, wrote to his wife from the condemned cell, asking her to

> Train up my children in the fear of God – show them all a good example – send them to Sabbath school, that in an early life they may be taught those things which belong to their peace, that they may know the way of salvation, and knowing, walk therein.[31]

Similarly, Edwin Alfred Preedy, executed alongside Charles Fooks in Dorchester in March 1863, wrote a long missive from the condemned cell – addressed to 'MEN, WOMEN, AND CHILDREN' –, in which he enjoined his listeners to "Believe the word of God in the Scriptures; study it; obey it…Pray for the teaching and aid of the Holy Spirit",

> Use diligently those public means of grace which I have, alas! So entirely neglected. Hallow that holy day which I, like so many, have profaned. Shun places of temptation; shun evil company. Children, try with prayer to restrain violent tempers and passion. Unrestrained pride and passion, just like drinking in some men, have ruined me. Profane and filthy and obscene language too, hardens the heart; it injures your neighbour; it insults God. I have felt this as much as anything in these last few days.[32]

Robert Alexander Burton went further, claiming in the previously discussed letter to his father that "Ever since I knew you to be my father you have been serving that hard taskmaster the Devil". It was not, however, too late for him to change his ways, as it was for his son;

> Therefore I ask you, in the name of your kind, loving, merciful Father, to devote the rest of your short life to Him who gave His only begotten Son to die upon the cross for you, and I, and all other miserable sinners. And again I ask you, for your sake, and my sake, and Jesus Christ's sake, to turn from the path of sin before it is

> too late. You have time yet; do not for one moment think that you are past His mercy, for He says, 'He that cometh unto me let his sins be ever so great, his crimes ever so bad, He will in no wise cast them out.' That is, if they come truly sorry for their sins, and wish them to be blotted out, He will grant their request. With that, fall down on your knees, and cry as the poor publican cried, 'God be merciful to me a sinner.' Ask Him to pour out His Holy Spirit into your heart that you may become one of his elect, and enjoy those blessings which are at His right hand.[33]

Both the similarity and formulaic nature of these expressions, from warning against drunkenness and places of temptation to the overtly religious language used, suggest that the condemned were drawing on a shared cultural 'script' that evoked the theological language of sin and redemption to frame crime and punishment in explicitly religio-moral terms. In their final words, the condemned who died penitent not only admitted their guilt but characterised their path to the gallows as one mired in sin and godlessness. Through their deaths hoped to atone for their previous sinful ways and achieve redemption.[34]

Technicians of Guilt: The role of the chaplain

Although some criminals went to their deaths protesting their innocence, denying their guilt to their last breath, the majority, in contrast, died penitent, hoping for mercy when, as one termed it, they stood before "my almighty judge".[35] In doing so, they often used their final words to warn others, whether family and friends or generalised others, in typically formulaic terms to change their behaviour to avoid an ignoble end. It is unclear, to what extent such sentiments were genuine or merely 'encouraged' through the ministrations and exhortations of the chaplain in the final, emotionally-charged days of the offender's life. The latter view was certainly expressed by contemporaries. In his 1840 polemic against capital punishment, "Going to see a man hanged', William Makepeace Thackeray claimed that the "Scripture phrases brought in now and anon" and "the peculiar terms of tract-phraseology" were simply "imitated from the priest at the bedside, eagerly seized and appropriated, and confounded by the poor prisoner".[36] More recently, Potter has concluded, albeit in discussion of the Georgian period, that the formulaic nature of the condemned person's final words "…gives rise to the strong suspicion that they had been worked upon and honed by skilful practitioners in penitence or that the accounts had been edited or even composed according to a set and edifying formula".[37]

Going further than this 'suspicion' of constructed narratives, some contemporaries even alleged that the primary role of chaplains in the execution drama was, in the words of Edward Gibbon Wakefield in *Facts relating to the punishment of death in the Metropolis*, to act as an "…adjunct of the executioner…[by]…break[ing] the spirits of capital convicts so that they may make no physical resistance to the hangman…".[38] Far from merely wishing to bring the condemned to an acceptance of their fate and prepare them to meet their 'heavenly judge', their critics alleged instead that, at best, chaplains deployed forms of psychological-cum-theological pressure upon the condemned to ensure that they died penitent, and, at worst, invented what they purported to be their last dying statements. Drawing on his experience of Newgate gaol in the early 1830s, Wakefield described how

> From the moment that a prisoner enters the cells of Newgate, no pains are spared to excite in him a strong sentiment of religion; and this course is pursued towards all, without distinction, who are considered to be in danger... As soon, then, as the council has selected from a body of Old Bailey convicts those who are to be executed, the Ordinary and his assistants visit the press-yard frequently every day, and indeed almost live with the condemned man, exhorting them to repentance, prayer and faith[39]

He doubted, however, whether many among the condemned who professed religious belief did so sincerely. Rather, he claimed, 'religious fervour' was only displayed by convicts after they had been ordered for execution. Once they received a pardon, they then "invariably behave[d] as if all [their] religion had been hypocrisy".[40] He estimated that only half of those who went to the gallows expressed genuine religious belief. Of the remainder, half went through the religious ceremonies "with an air of indifference, being occupied to the very last moment with the hope of a reprieve" while half again reacted violently with "ridicule, scorn and violent hatred" against the chaplain and his ministrations, dying on the gallows "scoffing at God, and Christ, and the Holy Sacrament"[41]

Wakefield's conclusions were echoed a few years later by Thomas Wontner in his book, *Old Bailey Experience.* According to Wontner, " not one statement in one hundred given to the public, of the conduct and penitence of malefactors who suffer death is founded in fact.[42] Rather, he claimed, they were invented wholesale by religious 'interlopers' who, having gained access to the condemned, circulated what they purported to be their final words and confession for a variety of motives. As he described it,

> When a batch of capitally condemned prisoners are confined in the cells of Newgate, awaiting the decision of his Majesty's council, if there should be one or more on whom it is thought the sentence of the law will be executed, the prison is beset with applications for admittance, by persons who wish to be allowed to administer consolation to the unhappy malefactors: these applications are generally made by dissenting ministers, but many ministers of the orthodox church do occasionally apply for admission… The consequence is, that frequently after the ordinary has been with a man ordered for execution, preparing his mind for the awful event ; that immediately afterwards another minister is admitted, and not unfrequently, whilst the reverend ordinary is in privacy with the malefactor, a knocking at the door is heard to announce the Rev. Mr. _____, who is waiting for admittance — so little ceremony does their enthusiasm allow them to use on these occasions.[43]

While he did not want to impugn their capabilities "in matters of divinity" and, "applaud[ed] their zeal", he nevertheless went on to

> …condemn decidedly their interference, as being opposed to good and sound judgment, and, in many instances, their motives may fairly be questioned — perhaps it may arise from conceit of their own powers of persuasion — or it may be love of fame; their names are to be blazoned forth to the world as having made such extraordinary impressions on hardened malefactors. Sometimes it is curiosity, or the love of witnessing excitement. Be the motive what it may, the practice is a very bad one, as it only tends to bewilder the wretched men whom they affect to serve.[44]

For evidence, he cited the case of one 'Doctor R_____' who, he claimed, had "…for a long time endeavoured to make himself popular, by attending all the executions in and about the metropolis". Having spoken at length with the condemned,

> …he went home and wrote a full account of all the particulars, detailing the conduct and confession of the unhappy man up to the moment of his being executed, making himself an active party, and inserting his own name as being present at the fatal catastrophe. This he sent the next day to the editors of several papers.[45]

However, Dr R_____'s "ruse for fame" was subsequently unmasked when the felon in question received a pardon on the morning of his execution as his purported final statement on the gallows was published in the press.

Other contemporaries – as well as historians – have gone further; alleging that, far from being an innocent bystander to the ruses of interlopers, the Ordinary of Newgate played an active role in inventing or, at least, embellishing the condemned's final words - largely for financial motives. One of the prerequisites of the Ordinary's office was the right to publish regular accounts of the lives, confessions and final statements of condemned felons under his spiritual care at Newgate. These Ordinary's Accounts, as they were known, were a lucrative source of income for the Ordinary. By the early nineteeth century he was earning £200 a year from the sale of the Accounts, significantly more than his £35 a year salary for ministering to inmates. According to Linebaugh, the income earned from the Accounts "...must have been substantial".[46]

Nineteenth century execution reportage reveals ample evidence of chaplains coaxing repentance from the condemned and attempting to stage manage executions right up until the point that the drop fell.[47] The German Franz Müller, for example, went to the gallows outside Newgate in November 1864 protesting his innocence, although in the final moments of the execution drama, the Lutheran pastor, Dr Louis Cappel, was able to wrest a confession from him:

> "Dr Cappel said: Muller! In a few moments you will stand before God; I ask you again, and for the last time, are you guilty or not guilty?
>
> Muller answered: Not guilty
>
> Dr Cappel: You are NOT guilty?
>
> Muller: God knows what I have done!
>
> Dr Cappel: God knows what you have done. Does he also know that you have committed this crime?
>
> Muller: Yes, I have done it
>
> Dr. Cappel was seen to hold up his hand intending to request a minute more before the drop should fall, believing that Muller would now tell all the truth about his crime. It was too late – the executioner was busy with the fatal drop, anxious to complete his task with nimbleness.[48]

Similarly, the *Liverpool Mercury* described attempts made by two Catholic priests, Rev. Mr Marshall and Rev. Mr Egan to ensure that Patrick Lyons, executed outside Kirkdale gaol in April 1851, did not wax too expansively in his address to the crowd from the gallows. According to the *Mercury*, after the rope had been placed around his neck,

Lyons expressed his desire to address the crowd and so one of the priests called out the assembled mass "Let him speak;". Lyons then delivered his address to his 'Dear Brethren', in which he admitted his guilt for the murder, but stated that his wife, who was imprisoned in the gaol behind him, played no part in the crime. Warming to his theme, he then launched into a long verbose exhortation to the crowd, during which he was interrupted twice by the clergymen; in the first instance being told that he was neglecting his prayers:

> Here is the hands that has done the murder; here is the body that has committed the sin. Thank God that I am willing to suffer, but my suffer is nothing. I am willing that you nail me to the tree; I am willing that you drag me between four horses; I am willing to put me in the fire and burn me to ashes - for the sake of my soul. (The Rev. Mr. Egan:- 'You are neglecting your prayers." Lyons turned round, and, after nodding his head resumed his address).

A few moments later, one of the priests again interrupted him, although what he said was not reported in the article beyond that he "made some remark", to which Lyons "turned to him, good humouredly, and shook his head". Lyons then concluded his address by thanking the prison staff for their kindness during his imprisonment, and prayed that "…the Lord would deliver [his wife] from gaol". That one or more of the chaplains intervened when they presumably believed that Lyons had spoken either for too long or in too verbose a manner is particularly curious as, although he was speaking expansively, he was, nevertheless playing his allotted role in the execution drama with aplomb. Not only did he admit his guilt, but he framed his fall in theological terms ("I neglected my mass; I neglected God; I neglected my prayers morning and evening, and only for I did, I would not be dying here to-day"), and hoped that his death would "be a warning for ye". Indeed, according to the *Mercury*, his address to the crowd drew the appropriate solemn response, with some of them ejaculating 'amen' and 'Lord have mercy upon him' during pauses in his address.[49]

In other cases, however, chaplains were somewhat less successful in securing expressions of repentance or ensuring that the condemned played their allotted role in the execution drama. In contrast to Müller's dramatic last moment confession, the chaplain at Stafford county gaol in the same year was unsuccessful in wresting one from Richard Hale at the foot of the gallows:

> [The Chaplain:] 'In a few moments you will have to stand in the presence of Almighty God. I adjure you, not to die with a lie upon your lips, but to tell the truth. Are you guilty of the murder of Eliza Sillitoe?

> Hale: I am quite innocent
>
> The Chaplain: When did you last see her alive?
>
> Hale: At half-past twelve on the previous night.
>
> The Chaplain: And you say you are innocent?
>
> Hale: I am.
>
> The Chaplain: So help you God?
>
> Hale: So help me God!
>
> The Chaplain: May the Lord have mercy on your soul!
>
> Hale: Amen
>
> In a reply to a further question put to him by another person in the procession as to his guilt or innocence, Hale said 'This is the place to test me. I am innocent'".[50]

Similarly, the poisoner William Palmer went to his death, outside Stafford gaol in 1856, declaring "…I go to the scaffold a murdered man". According to the *Hertford Mercury*, Mr Buckeridge, the chaplain then "in the most solemn manner exhorted him to admit the justice of his sentence", to which Palmer "firmly replied that it was not a just sentence. 'Then,' said the chaplain, 'your blood be upon your own head.' To this observation the prisoner made no comment".[51] Even though, in these examples, the chaplain was not successful in securing a confession, it was not due to lack of trying. The haranguing from the chaplain at such an emotionally-charged moment, even going so far as to continue questioning the condemned as to their whereabouts at the time of the crime, reveals a pervasive - aspect of the role.

As Potter has noted, several nineteenth century chaplains were censured for their zeal in attempting to bring the condemned to repentance. One clergyman, the Revd. Mr Cotton, of Newgate gaol for example, earned a rebuke in 1824 for delivering a condemned service so forceful in its tone that it was considered to be too harrowing for the condemned.[52] Similarly, in 1845 the previously discussed Revd. John Davis was accused in the press of laying emphasis on the Commandment 'Thou shalt do no murder' while looking directly at the condemned murderer John Connor during the condemned service; a claim that both he and the prison authorities strongly denied. He was, however, censured in the same year for his behaviour towards another man,

Thomas Hooker, in the condemned cell shortly before his execution. According to a subsequent parliamentary report by the Inspector of Prisons, Revd W. Russell, five minutes before the execution, Davis entered the cell with the executioner, the Sheriff and Under-Sheriffs and - in clear contradiction to a blanket refusal by the authorities to admit outside parties to the prison - "Six or Seven Reporters of the public Press". Davis then "...addressed the Convict, and told him that there were Gentlemen connected with the public Press present, and that if he had anything to communicate they would give it Publicity". At this point, Hooker, who had always denied his guilt, promptly fainted and the Surgeon had to be summoned to render assistance. Concluding his Report, Russell railed against the practice of seeking a confession from the condemned, arguing that it was in fact "calculated to defeat its very Object":

> It makes [the condemned] feel that something is wanted to complete the Case against him; and the more earnestly he is solicited to make a Confession the more he is led to discern in that very Earnestness a Chance of Escape; it betrays the Hesitation of those who question him; it shows that, notwithstanding his Condemnation and Sentence, something like a Doubt still rests upon his Case, which even at the last Moment may delay the Execution, if not avert his Doom.[53]

Often, however, the influence of the chaplain was more subtle, revealing itself in the way the condemned cited poorly remembered Biblical verses in their final words. Examples of this include a dictated address to 'his young companions' shortly before his execution alongside Henry Carey in August 1859, in which William Pickett referenced Romans 7:24, asking them "'Who can deliver me from the body of this death?' Vain is the help of man: to God alone can I look for help and comfort".[54] Likewise, in his missive from the condemned cell, Charles Fooks drew on Ephesians 2:3 when he described his previous life as "...fulfilling the desires of the flesh and of the mind – a child of wrath".[55] Robert Alexander Burton similarly drew on 1 Thessalonians 5:2 when he claimed that "Death is like unto a thief; it cometh upon you unawares".[56] Alfred Waddington referenced the Lord's Prayer (Matthew 6:9-13 and Luke 11:24) in his letter to the mother of the child he murdered, telling her "...when i resign my breath i hope the almighty god above will forgive my trespasses as i forgive them theirs".[57] Finally, in his address to his 'unhappy fellow-prisoners', Elias Lucas evoked Matthew 13:41-2 and Luke 13:3, when he entreated them "...to consider where the path leads to in which you are now treading? Is it to the joys of heaven, or to that place where there is weeping and wailing, and gnashing of teeth?...'Except ye repent you must all perish,' and know and feel the bitter pains of eternal death".[58]

A recurring theme in the execution reportage is the attention paid by the chaplain and other clergymen to the condemned not only on the gallows, but in the condemned cell. In the case of Ebenezer Cherrington, executed in Ipswich in August 1858, the *Ipswich Journal* observed how, since his condemnation, he had been visited daily by an Independent Minister and the chaplain; the combined effect of these men's ministrations appearing "to have a marked and complete effect in bringing about his repentance". According to the newspaper, Cherrington

> ...always listened most attentively to what was said and read to him; and, to quote the words of one of his spiritual advisers, upon each day the culprit became 'more and more earnest for the salvation of his soul.' He showed every desire to extend his knowledge of the Scriptures, and he appeared to search them most diligently, endeavouring to apply such parts to himself as he considered had reference to such a guilty sinner as he was. He also seemed anxiously seeking to probe his heart to the very core, so as not, if possible, to leave one sin unrepented of. His faith in the promises of God, through Jesus Christ, seemed firm and decided, and his hope of salvation, simply through the cross, steadfast and immoveable. He appeared to perfectly understand what he read, and always delighted if any sweet and soothing text of the Word of God seemed to apply more particularly or pointedly to his own case and circumstances.[59]

Similarly, in a letter to the governor shortly before her execution in Bury St Edmunds in April 1847 Catherine Foster expressed her "grateful thanks" to several named members of the clergy, including "Rev. W. West the chaplain of the gaol...for their great attention to my eternal interest, and for the spiritual hope and consolation I have received from their instructions and admonitions. I should wish Mr. Eyre to attend me in my last moments, and earnestly request he will do so".[60] In a letter dictated from the condemned cell, Daniel Good, executed outside Newgate gaol in May 1842, extended his thanks to "...Rev. Mr. Carver for his kind attention, and also to the Rev. Mr. Taylor, who read prayers this day, which drew my attention with tears, and also return thanks to the Rev. Mr. Russell, who has been to see me this day".[61]

The execution reportage often mentions the satisfaction that chaplains took in wresting a confession from a previously recalcitrant criminal. This was in marked contrast to how they responded when the condemned denied their guilt to the end, as detailed above. According to the *Reading Mercury*, the chaplain who heard John Gould's final statement to his fellow prisoners, discussed above, stated "...that he never knew a case of more genuine earnest repentance than that of Gould's; and that

the composure he manifested under the awful circumstances was truly wonderful"[62] Similarly, the *Northampton Mercury* described how James Tapping's admission of guilt before his execution outside Newgate in March 1845, "...appeared to give great satisfaction to the chaplain and the sheriffs, who regarded it as a confession... [particularly as]... he had reserved [it] to the very last moment – perhaps buoyed up by a vain hope that he might escape the fate which awaited him".[63] In contrast, the *Liverpool Mercury* described the apparent pique exhibited by the previously discussed Revs. Mr Marshall and Mr Egan at the execution of John Gleeson Wilson at Kirkdale gaol in 1849. According to the *Mercury*, Wilson went to his death protesting his innocence, and shortly before his death he dictated a prayer to a gaoler restating this and asking that his sins be forgiven. This piece of paper was, in turn, pinned to his chest at the time of his execution below a crucifix. However, after his execution, according to the *Mercury*, "...one of the clergymen removed the piece of paper, tore it up, and carried away the pieces".[64] By not only literally and symbolically destroying the executed man's protestation of innocence before the crowd and the removing the evidence of this alleged injustice in the front of the crowd, the clergyman thus revealed in striking terms the disdain that he felt for one who had refused to play his allotted part in the execution ritual.

Conclusion

In this article we have drawn on newspaper execution reportage to explore the final words of condemned criminals in nineteenth century England. While some of the condemned went to their deaths, protesting their innocence, the majority died penitent, admitting guilt for their crimes, accepting that their punishment was just and hoping that their deaths would serve as a lesson to others to avoid an ignoble end. In doing so, they thus played the role that was expected of them in the execution ritual. However, while the condemned played the central role in this ritual, their final statements were, we have shown, influenced heavily, if not actively scripted, by the chaplains whose ministrations accompanied the prisoner from the condemned cell to the gallows. While it may be an overstatement to claim, like Edward Gibbon Wakefield, that chaplains operated as an 'adjunct to the executioner', breaking the spirits of the condemned so that they would not resist the executioner and his operations, there is some truth in this assertion. At the very least, gaol chaplains were, to use Potter's term, 'technicians of guilt': they provided not only a theological gloss for the state taking a life, but heavily influenced, if not actively scripted, the condemned's final words to posterity. They also, as we have seen, actively encouraged – if not cajoled –

those who asserted their innocence to admit their guilt – and play their allotted role in the execution ritual – until the moment that the drop fell.

Whether the condemned died genuinely penitent cannot be known. What is clear is that many, in a state of abject terror both in the condemned cell and on the gallows, mouthed religious phrases and drew on poorly-remembered Biblical verses that were, to quote Thackeray, "imitated from the priest at the bedside, eagerly seized and appropriated, and confounded by the poor prisoner". Indeed, even if the condemned had been aware of the ideas, phrases and verses beforehand, chaplains were, as a consequence of their vocation and through their experiences with other condemned prisoners, extremely adept at framing the condemned's past life, present situation and post-mortem prospects through the theological lenses of sin, penitence and atonement. Nineteenth century gaol chaplains had no financial motive in exhorting contrition and penitence from the condemned (unlike the Ordinary of Newgate in the seventeenth- and eighteenth-centuries). Nevertheless, they clearly gained some degree of satisfaction from their role (particularly those such as the Revd. Henry Samuel Cotton discussed above), particularly when the condemned died penitent, admitting their guilt, not least when they had previously denied it.

Footnotes

1. 'Public execution of James Taylor, for the murder of his wife', *Berkshire Chronicle*, 1841, 20th March, p.4. Even this account does not address all that Taylor said and did shortly before his death; to do so, the article's author claimed, would be "… polluting the ear, and demoralizing the community". ↩
2. James A. Sharpe, '"Last dying speeches": religion, ideology and public execution in seventeenth-century England', *Past & Present*, 107 (1) (1985) pp.144–167, p.157 & p.184. ↩
3. Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (Bloomsbury, 2007) p.128. ↩
4. Zoe Dyndor, 'Death Recorded: Capital Punishment and the Press in Northampton, 1780–1834', *Midland History*, 33 (2) (2008) pp.179-195; John Walliss, 'Representations of Justice Executed at Norwich Castle: A Comparative Analysis of Execution Reports in *The Norfolk Chronicle* and *Bury and Norwich Post*, 1805-1867', *Law, Crime & History*, 3 (2) (2013) pp.30-51. ↩

5. Harry Potter, *Hanging in Judgement: Religion and the Death Penalty in England* (SCM Press, 1993). ↩
6. Based on the list of executions provided at http://www.capitalpunishmentuk.org/1837.html. This lists 296 executions during the period (273 males and 23 females) (accessed 13th January 2021). ↩
7. www.britishnewspaperarchive.co.uk . ↩
8. From an address written by Charles Fooks shortly before his execution in Dorchester, March 1863 - Execution of Fooks and Preedy', *The Western Flying Post*, 1863, 2nd April, p.3. ↩
9. Paul Downing to the gaol chaplain on the morning of his execution, January 1845 – Execution of Downing and Powys', *Berkshire Chronicle*, 1845, Feb 1, p.4. ↩
10. Foucault, M., *Discipline and Punish: The Birth of the Prison* (Penguin Books, [1975] 1991) pp.48-49. On the role of capital punishment in manifesting state power, see Douglas Hay, 'Property, authority and the criminal law', in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson & Cal Winslow, *Albion's Fatal Tree: Crime and society in eighteenth-century England* (Verso, [1975] 2011) pp.17-64. ↩
11. 'The murderer Holman: his last days and execution', *Royal Cornwall Gazette*, 1854, 7th March, pp.6-7, p.7. ↩
12. 'Mullins's execution for the Stepney murder', *The Herts Guardian*, 1860, 24th November, p.7. ↩
13. 'The execution of Wiggins and Bordier, yesterday. Exciting scene on the scaffold', *Hampshire Telegraph*, 1867, 16th October, p.4. ↩
14. 'The Staffordshire murder – Execution of Downing and Powys', *Berkshire Chronicle*, 1845, 1st February, p.4. ↩
15. 'The Staffordshire murder – Execution of Downing and Powys', *Berkshire Chronicle*, 1845, 1st February, p.4. ↩
16. Francis Price on the gallows in Warwick, August 1860 - Execution of Price, the Birmingham Murderer', *Coventry Herald*, 1860, 24th August, p.6. ↩

17. Harry Potter, *Hanging in Judgement: Religion and the Death Penalty in England* (SCM Press, 1993) p.20. ↩
18. 'Execution of James Kelly, at Kirkdale', *Liverpool Mercury*, 1849, 9th January, p.4. ↩
19. 'Execution of Price, the Birmingham Murderer', *Coventry Herald*, 1860, 24th August, p.6. ↩
20. Bill Forsythe, 'Suffering, faith and penitence amongst British prisoners 1835 to 1860: The application of a theology', *The Howard Journal*, 40 (1) (2001), pp.14-25, p.16. For a broader discussion of the link between evangelism and the notion of a good death, see also Pat Jalland, *Death in the Victorian Family* (Oxford University Press, 1996) chapter 1. ↩
21. 'Execution', *Liverpool Mercury*, 1842, 9th September, p.6. ↩
22. 'Execution of Elias Lucas & Mary Ann Reeder', *Bury and Norwich Post*, 1850, 17th April, p.3. ↩
23. 'Execution of Richard Thomas Parker, for the murder of his mother, at Fiskerton', *Nottinghamshire Guardian*, 1864, 12th August, p.10. ↩
24. 'Execution of the murderer Burton', *Dover Express*, 1863, 18th April, p.3. ↩
25. 'Execution of Luigi Buranelli', *Cambridge Independent*, 1855, 5th May, p.2. ↩
26. Patrick Colquhoun, *A Treatise on the police of the metropolis*. (M. Fry, 1797) p.88. ↩
27. Quoted in Martin J. Wiener, *Reconstructing the criminal: culture, law and policy in England, 1830-1914* (Cambridge University Press, 1990) pp.19-20. ↩
28. 'Execution of the murderer Burton', *Dover Express*, 1863, 18th April, p.3. Presumably here he was drawing on Romans 6:23: "For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord." (KJV) ↩
29. 'Execution of George Smith, the Ilkeston Parricide', *The Derby Mercury*, 1861, 21st August, p.8. ↩

30. 'The Execution of John Gould, For the Murder of his Daughter, Hannah Gould, at Windsor, aged 7 years', *Reading Mercury*, 1862, 15th March, p. 5. ↩
31. 'Execution of Joseph Dobson, the Parricide', *Leeds Times*, 1844, 27th January, p.3. ↩
32. Execution of Fooks and Preedy', *The Western Flying Post*, 1863, 2nd April, p.3. ↩
33. 'Execution of the murderer Burton', *Dover Express*, 1863, 18th April, p.3. Here he was presumably drawing on John 6:37 ("All that the Father giveth me shall come to me; and him that cometh to me I will in no wise cast out" - KJV) and Luke 18:13 ("And the publican, standing afar off, would not lift up so much as his eyes unto heaven, but smote upon his breast, saying, God be merciful to me a sinner" - KJV). ↩
34. Condemned prisoners may also have encountered some of these passages, and certainly the Lord's Prayer, in Sunday School - see, for example, Trygve R. Tholfsen, 'Moral Education in the Victorian Sunday School', *History of Education Quarterly,* 20 (1) (1980) pp.77-99. ↩
35. Alfred Waddington, executed at York Castle in January 1853, in a letter to the mother of the child that he murdered - 'Execution of Alfred Waddington, for the murder of his child', *Yorkshire Gazette*, 1853, 15th January, p.7. ↩
36. William Makepeace Thackeray, 'Going to see a man hanged', *Fraser's Magazine,* 22, July-Dec, (1840) pp.150-158, p.158. ↩
37. Harry Potter, *Hanging in Judgement: Religion and the Death Penalty in England* (SCM Press, 1993), p.21. It is, of course, equally possible that newspaper editors themselves played a role in scripting the condemneds' final words by either censoring words or actions, or even putting words into their mouths. If this did occur, it was presumably in order that they would not be accused of putting unseemly information into the public domain and offending their middle-class readers. There is, however, no way to determine whether or not this happened and the case of Taylor cited above would suggest that this was not always the case - See Helen Rutherford and Clare Sandford-Couch, 'George Vass: the making and un-making of a criminal monster', in Patrick Low, Helen Rutherford and Clare Sandbach-Couch (eds.) *Execution culture in nineteenth century Britain: from public spectacle to hidden ritual* (Routledge, 2021) pp.136-56. ↩

38. Edward Gibbon Wakefield, *Facts relating to the punishment of death in the Metropolis* (James Ridgway, 1831) p.169. Wakefield was no stranger to Newgate, having served three years in the prison, after being convicted alongside his brother, William, at the Court of King's Bench in Westminster Hall in 1827 for abducting a wealthy heiress. ↩
39. Edward Gibbon Wakefield, *Facts relating to the punishment of death in the Metropolis* (James Ridgway, 1831) p.152, & pp.155-6. ↩
40. Edward Gibbon Wakefield, *Facts relating to the punishment of death in the Metropolis* (James Ridgway, 1831) p.153. ↩
41. Edward Gibbon Wakefield, *Facts relating to the punishment of death in the Metropolis* (James Ridgway, 1831) p.156 & p.157. In his evidence to the 1864-6 Royal Commission on Capital Punishment, the current Ordinary of Newgate, Rev. John Davis argued for a higher success rate among the condemned, claiming that only one man - a Frenchman - had died expressing "a total disbelief in religion". For the rest, he agreed with a Commissioner, John Bright, MP who put it to him "...that when you have conversed about religious subjects for a fortnight, and have preached to an unhappy criminal, and have administered to him the sacrament, he is in a condition of much more apparent penitence than is often the case with those who die of a natural death" (*Report of the Capital Punishment Commission; together with the minutes of evidence and appendix* [George E. Eyre and William Spottiswoode, 1866], 1255, 1248). ↩
42. Thomas Wontner, *Old Bailey Experience. Criminal Jurisprudence and the actual working of our penal code of laws* (James Fraser, 1833) p.161. ↩
43. Thomas Wontner, *Old Bailey Experience. Criminal Jurisprudence and the actual working of our penal code of laws* (James Fraser, 1833) p.162. ↩
44. Thomas Wontner, *Old Bailey Experience. Criminal Jurisprudence and the actual working of our penal code of laws* (James Fraser, 1833) p.162 & pp.163-4. ↩
45. Thomas Wontner, *Old Bailey Experience. Criminal Jurisprudence and the actual working of our penal code of laws* (James Fraser, 1833) p.167. ↩
46. Peter Linebaugh, "The Ordinary of Newgate and his Account" in J. S. Cockburn, ed., *Crime in England 1550-1800* (Methuen & Co Ltd., 1977) pp.246-69, p.250. ↩

47. Cf Walliss, ''Representations of Justice Executed at Norwich Castle: A Comparative Analysis of Execution Reports in *The Norfolk Chronicle* and *Bury and Norwich Post*, 1805-1867', *Law, Crime & History*, 3 (2) (2013) pp.42-3 on the actions of the chaplain of Norwich castle on securing confessions and expressions of repentance from condemned convicts up until the final moments of their life. ↩

48. 'Confession and execution of MuCller', *Kentish Chronicle*, 1864, 19th November, p.7. The paper provided a transcript of the final exchange between Cappel and Müller in the original German. ↩

49. 'Execution of Patrick Lyons', *Liverpool Mercury*, 1851, 29th April, p.3. Note: semi-colon in original. ↩

50. 'Execution at Stafford', *Northampton Mercury*, 1864, 31st December, p.2. ↩

51. 'The Execution of Palmer', *Hertford Mercury*, 1856, 21st June, p.4. ↩

52. According to Gatrell, the Newgate gaol authorities reprimanded Cotton for "harrowing [the prisoner's] feelings", and was instructed that in future "the object of such sermons was solely to console the prisoner, and that from the time of his conviction nothing but what is consolatory should be addressed to the criminal" (Vic Gatrell, *The Hanging Tree: Execution and the English People 1770-1868,* (Oxford University Press, 1996) p.388). Cotton kept an 'execution journal' during his tenure as Ordinary of Newgate, something expressly forbidden by the authorities. For a brief discussion of this fascinating document, see http://www.peterberthoud.co.uk/blog/21012018115206-chilling--unique--unpublished--the-newgate-prison-execution-journal/ ↩

53. 'Report by Rev. W. Russell respecting Circumstances on occasion of Condemned Sermon in Chapel of Newgate Gaol; Letter from Inspector of Prisons, with proposed Regulations on Prisoners condemned to Death (1845)', House of Commons Papers, Paper Number 366, Volume Page XXV.19, Volume: 25, pp.3, 6-7. Davis' explanation for his actions in the condemned cell, presented in the Report and supported by the Sheriffs, was that "The pinioning for the Execution having absolutely commenced, the Convict would now resign all Hope that the Execution would be deferred, he therefore expected that he might now make the Confession which he had hitherto withheld, perhaps from the Idea that it would postpone the fatal Moment. The Ordinary was also desious to induce the Convict to say whatever he might have to state then, in order to avoid any unseemly Exposure or Display by a Speech on the

Scaffold, which he rather expected, and in order to observe greater Fidelity in reporting whatever Hocker might say" (*ibid.*, p.3). ↩

54. "O wretched man that I am! who shall deliver me from the body of this death?" (Romans 7:24 KJV). ↩

55. ""Among whom also we all had our conversation in times past in the lusts of our flesh, fulfilling the desires of the flesh and of the mind; and were by nature the children of wrath, even as others" (Ephesians 2:3 KJV). ↩

56. "For yourselves know perfectly that the day of the Lord so cometh as a thief in the night" (1 Thessalonians 5:2 KJV). ↩

57. Execution of Alfred Waddington, for the murder of his child', *Yorkshire Gazette*, 1853, 15th January, p.7. ↩

58. "The Son of man shall send forth his angels, and they shall gather out of his kingdom all things that offend, and them which do iniquity; And shall cast them into a furnace of fire: there shall be wailing and gnashing of teeth." (Matthew 13:41-2 KJV); "I tell you, Nay: but, except ye repent, ye shall all likewise perish" (Luke 13:3 KJV). ↩

59. 'Execution of the Murderer Cherrington', *The Ipswich Journal*, 1858, 21st August, p.4. ↩

60. 'Execution and confession of Catherine Foster, at Bury', *Chelmsford Chronicle*, 1847, 23rd April, p.3. ↩

61. 'Execution of Good', *Kentish Gazette*, 1842, 31st May, p.2. ↩

62. 'The Execution of John Gould, For the Murder of his Daughter, Hannah Gould, at Windsor, aged 7 years', *Reading Mercury*, 1862, 15th March, p.5. ↩

63. 'Execution of James Tapping', *Northampton Mercury*, 1845, 29th March, p.4. ↩

64. 'Execution of John Gleeson Wilson, alias Maurice Gleeson', *Liverpool Mercury*, 1849, 18th September, p.5. ↩