



***FRANCIS
WATT***

***THE LAW'S
LUMBER
ROOM
(SECOND
SERIES)***

Francis Watt

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Tyburn Tree

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TO-DAY you cannot fix the exact spot where Tyburn Tree raised its uncanny form. To the many it was the most noteworthy thing about Old London, yet while thousands who had gazed thereon in fascinated horror were still in life, a certain vagueness was evident in men's thoughts, and, albeit antiquaries have keenly debated the *locus*, all the mind is clouded with a doubt, and your carefully worked out conclusion is but guesswork. There is reason manifold for this. Of old time the populous district known as Tyburnia was wild heath intersected by the Tyburn Brook, which, rising near Hampstead, crossed what is now Oxford Street, hard by the Marble Arch, and so on to Chelsea and the Thames. Somewhere on its banks was the Middlesex gallows. It may be that as the tide set westward the site was changed. Again, the wild heath is now thick with houses; new streets and squares have confused the ancient landmarks; those who dwelt therein preferred that there should not be a too

nice identification of localities. How startling the reflection that in the very place of your dining-room, thousands of fellow-creatures had dangled in their last agonies! How rest at ease in such a chamber of horrors? The weight of evidence favours (or disfavors) No. 49 Connaught Square. The Bishop of London is ground landlord here; and it is said that in the lease of that house granted by him the fact is recorded that there stood the "Deadly Never-Green." Such a record were purely gratuitous, but the draftsman may have made it to fix the identity of the dwelling. But to-day the Square runs but to No. 47. Some shuffling of numerals has, you fancy, taken place to baffle indiscreet research. However, you may be informed (in confidence) that you have but to stand at the south-east corner of the Square to be "warm," as children say in their games.

Let these minutiae go. Tyburn Tree stood within a gunshot to the north-west of the Marble Arch. Its pictured shape is known from contemporary prints. There were three tall uprights, joined at the top by three cross-beams, the whole forming a triangle. It could accommodate many patients at once, and there is some authority for supposing that the beam towards Paddington was specially used for Roman Catholics. In the last century the nicer age objected to it as an eyesore; and it was replaced by a movable structure, fashioned of two uprights and a cross-beam, which was set up in the Edgware Road at the corner of Bryanston Street, and which, the grim work done, was stored in the corner house, from whose windows the sheriffs superintended executions. To accommodate genteel spectators there were just such stands as you find on a racecourse, the seats

whereof were let at divers prices, according to the interest excited. In 1758, for Dr. Henesey's execution as arch-traitor, the rate rose to two shillings and two and sixpence a seat. The Doctor was "most provokingly reprieved," whereat the mob in righteous indignation arose and wrecked the stands. Mammy Douglas, a woman who kept the key of one of these stands, was popularly known as "the Tyburn pew-opener."

Fanciful etymologists played mad pranks with the name. In Fuller's *Worthies*, *Tieburne* is derived on vague authority from "Tie" and "Burne," because the "poor Lollards" there "had their necks *tied* to the beame and their lower parts *burnt* in the fire. Others" (he goes on more sensibly) "will have it called from *Twa* and *Burne*, that is two rivulets, which it seems meet near the place." And then it was plainly a *Bourn* whence no traveller returned! Most probably it is a shortened form of *The*, or *At the Aye Bourne* (= 't *Aye-bourne* = *Tyburn*) or Brook already denoted. Tyburn was not always London's sole or even principal place of execution. In early times people were hanged as well as burned at Smithfield. The elms at St. Giles's were far too handy a provision to stay idle. At Tower Green was the chosen spot for beheading your high-class criminal, and it was common to put off a malefactor on the very theatre of his malefaction. There are few spots in Old London which have not carried a gallows at one or other time. Some think that certain elm-trees suggested the choice of Tyburn. In the end it proved the most convenient of all, being neither too near nor too far; and in the end its name came to have (as is common with such words) a general application, and was

applied at York, Liverpool, Dublin, and elsewhere, to the place of execution.

To-day the criminal's progress from cell to gallows is an affair of a few minutes. To an earlier time this had savoured of indecent haste. Then, the way to Tyburn, long in itself, was lengthened out by the observance of a complicated ritual, some of it of ancient origin. Let us follow "the poor inhabitant below" from the dock to the rope. To understand what follows one must remember that two distinct sets of forces acted on his mind:—on the one hand, the gloom of the prison, the priest's advice, the memory of mis-spent days, the horror of doom; on the other, the reaction of a lawless nature against a cruel code, the resolve to die game, the flattering belief that he was the observed of all observers, and perhaps a secret conviction that the unknown could be no worse than the known. According as the one set or other prevailed he was penitent or brazen, the Ordinary's darling or the people's joy. Well, his Lordship having assumed the black cap and pronounced sentence of death, the convict was forthwith removed to the condemned hold in Newgate. There he was heavily fettered, and, if of any renown as a prison-breaker, chained to a ring in the ground. Escape was not hopeless. Friends were allowed to visit and supply him with money, wherewith he might bribe his keepers; and the prison discipline, though cruel, was incredibly lax (Jack Sheppard's two escapes from the condemned hold, carefully described by Ainsworth, are cases in point). To resume, our felon was now frequently visited by the Ordinary, who zealously inquired (from the most interested motives) into his past life, and admonished

him of his approaching doom. At chapel o' Sundays he sat with his fellows in the condemned pew, a large dock-like erection painted black, which stood in the centre, right in front of and close to the ordinary's desk and pulpit. For his last church-going the condemned sermon was preached, the burial service was read, and prayers were put up "especially for those awaiting the awful execution of the law." The reprieved also were present, and the chapel was packed with as many spectators as could squeeze their way in.

Now, our old law was not so bad as it seemed. True, the death-penalty was affixed to small offences; but it was comparatively rarely exacted. In looking over Old Bailey sessions-papers of from one to two centuries ago, I am struck with the number of acquittals—brought about, I fancy, by the triviality of the crime, not the innocence of the prisoner—and jurors constantly appraised the articles at twelve pence or under to reduce the offence to petty larceny, which was not capital, and after sentence each case was carefully considered on its merits by the King in Council (the extraordinary care which George III. gave to this matter is well known: he was often found pondering sentences late into the night). Only when the offender was inveterate or his crime atrocious was the death-penalty exacted. In effect, cases now punished by long terms of penal servitude were then ordered for execution. I don't pretend to say whether or no to-day's plan may be the more merciful. We have, on the authority of the Newgate Ordinary, a list between 1700 and 1711. Of forty-nine condemned in one year, thirty-six were reprieved and thirteen executed, in another year thirty-eight were

condemned, twenty were reprieved, and eighteen were executed; the highest annual return of executions during that period was sixty-six, the lowest five. An Act of 1753 (25 Geo. II., c. 37) provided for the speedy exit and dissection of murderers; but the fate of other felons might hang dubious, as weeks often elapsed without a Privy Council meeting. The Recorder of London brought up the report from Windsor. When it reached Newgate, usually late at night, the condemned prisoners were assembled in one ward. The Ordinary entered in full canonicals and spoke his fateful message to each kneeling wretch. "I am sorry to tell you it is all against you," would fall on one man's trembling ears; while "Your case has been taken into consideration by the King and Council and His Majesty has been mercifully pleased to spare your life," was the comfortable word for another. The reprieved now returned thanks to God and the King; the others, all hope gone, must return to the condemned hold.

There broke in on them here, during the midnight hours on the eve of their execution, the sound of twelve strokes of a hand-bell, the while a doleful voice in doleful rhyme addressed them:

You prisoners that are within,
Who for wickedness and sin....

Here the rhyme failed; but in not less dismal prose the voice admonished them that on the morrow "the greatest bell of St. Sepulchre will toll for you in the form and manner of a passing bell"; wherefore it behoved them to repent. In later years the songster procured himself this rigmarole:—
Prepare you, for to-morrow you shall die.
Watch all and pray, the hour is drawing near

When you before th' Almighty must appear.
Examine well yourselves; in time repent,
That you may not th' eternal flames be sent.
And when St. 'Pulcre's bell to-morrow tolls,
The Lord have mercy on your souls!
Past twelve o'clock.

Now this iron nightingale was the sexton or his deputy of St. Sepulchre's, hard by Newgate; and his chant originated thus. In the early seventeenth century there flourished a certain Robert Dowe, "citizen and merchant taylor of London"; he disbursed much of his estate to various charities, and in especial gave one pound six shillings and eight pence yearly to the sexton of St. Sepulchre's to approach as near as might be to the condemned hold on execution eve, and admonish malefactors of their approaching end, as if they were likely to forget it, or as if "Men in their Condition cou'd have any stomach to Unseasonable Poetry," so pertinently observes John Hall (executed about 1708), "the late famous and notorious robber," or rather the Grub Street hack who compiled his *Memoirs*. The rhymes were, so the same veracious authority assures us, "set to the Tune of the Bar-Bell at the Black Dog," and their reception varied. Hall and his companions (but again you suspect Grub Street) paid in kind with verse equally edifying, and, if possible, still more atrocious. Most, you fancy, turned again to their uneasy slumbers with muttered curses. Not so Sarah Malcolm, condemned in 1733 for the cruel murder of old Mrs. Duncombe, her mistress. An unseasonable pity for the sexton croaking his platitudes in the raw midnight possessed her mad soul. "D'ye hear, Mr. Bellman?" she bawled, "call for a Pint of Wine, and I'll throw

you a Shilling to pay for it.” How instant his changed note as the coin clinked on the pavement! Alas! no record reports him thus again refreshed.

But *Venit summa dies et ineluctabile fatum* (a tag you may be sure the Ordinary rolled off to any broken-down scholar he had in hand); and our felon’s last day dawns. He is taken to the Stone Hall, where his irons are struck off; then he is pinioned by the yeoman of the halter, who performs that service for the moderate fee of five shillings (rope thrown in). At the gate he is delivered over to the Hangman (who is not free of the prison), and by him he is set in the cart (a sorry vehicle drawn by a sorry nag in sorry harness), his coffin oft at his feet, and the Ordinary at his side, and so, amidst the yells of a huge mob and to the sad accompaniment of St. Sepulchre’s bell, the cart moves westward. Almost immediately a halt is called. The road is bounded by the wall of St. Sepulchre’s Churchyard, over the which there peers our vocalist of yester-eve, who takes up his lugubrious whine anew:—“All good people pray heartily with God for the poor sinners who are now going to their death,” with more to the same effect, for all which the poor passenger must once more bless or curse the name of the inconsiderately considerate Dowe. He gave his endowment in 1605, seven years before his death: had some mad turn of fate made him an object of his own charity you had scarce grieved. But now the sexton has done his office to the satisfaction of the beadle of Merchant Tailors’ Hall, who “hath an honest stipend allowed him to see that this is duly done,” and the cart is again under weigh, when, if the principal subject be popular, a lady (you assume her beauty,

and you need not rake the rubbish of two centuries for witness against her character) trips down the steps of St. Sepulchre's Church and presents him with a huge nosegay. If nosegays be not in season, "why, then," as the conjuror assured Timothy Crabshaw, squire to Sir Launcelot Greaves, "an orange will do as well." And now the cart rumbles down steep and strait Snow Hill, crosses the Fleet Ditch by narrow Holborn Bridge, creaks up Holborn Hill (the "Heavy Hill," men named it with sinister twin-meaning), and so through Holborn Bars, whilst the bells, first of St. Andrew's, Holborn, and then of St. Giles-in-the-Fields, knell sadly as it passes. In the High Street of the ancient village of that name, Halt! is again the word. Of old time a famous Lazar-House stood here, and hard by those elms of St. Giles, already noted as a place of execution. The simple piety of mediæval times would dispatch no wretch on so long a journey without sustenance. Hence at the Lazar-House gate he was given a huge bowl of ale, his "last refreshing in this life," whereof he might drink at will. The most gallant of the Elizabethans has phrased for us the felon's thoughts as he quaffed the strange draught. On that chill October morning when Raleigh went to his doom at Westminster, some one handed him "a cup of excellent sack," courteously inquiring how he liked it? "As the fellow," he answered with a last touch of Elizabethan wit, "that drinking of St. Giles's bowl as he went to Tyburn, said:—'That were good drink if a man might tarry by it.'" The Lazar went, but the St. Giles's bowl lingered, only no longer a shaven monk, but the landlord of the Bowl or the Crown, or what not, handed up the liquor.