

Verbatim Reconstruction of the Inquest

combined from the reports of the *Huddersfield Daily Chronicle* (04/12/83 p. 4 col. D), *Liverpool Mercury* (04/12/83 p. 5 col. H + I), *Manchester Courier* (04/12/83 p. 8 col. D + E), *Sheffield Daily Telegraph* (04/12/83 p. 6 col. A). Words in [square brackets] are added by the editor, Traugott Vitz.

Time: 10 o'clock a.m.

Place: Private office of the governor in the jail

Presiding: T. W. Barker, county coroner

Also present: Major Leggett, governor; Dr. Barr, surgeon; two Press representatives

THE CORONER addressed the jury:

I do not think it is necessary to direct you as to what are your duties on an occasion like this. You have simply to satisfy yourselves on the evidence placed before you – first as to the identity of the deceased man whose body you have seen – that it is the body of Dutton who was sentenced to death at the Liverpool Assizes; and, secondly, that the sentence of the law has been carried out – namely, that he was hung by the neck until he was dead. I do not know whether any of you has had the misfortune to attend before at inquiries of this kind; but, if so, you will know that, as a rule, the evidence of two persons is taken – Major Leggett, who proves the identity, and Dr. Barr, the surgeon, who corroborates as to the execution, and gives medical evidence as to the cause of death. I do not know whether the executioner is here or not.

Major Leggett: No, he has gone.

MAJOR GEORGE EDWARD LEGGETT, who was then called, said:

I am the governor of her Majesty's prison at Kirkdale. I was present at the execution of the deceased man at eight o'clock. I produce the order for the execution, signed by the clerk of assize at the last assizes, where Dutton was tried for the murder of Hannah Hamshaw. He was sentenced on the 17th November, since when I have seen him twice every day. The deceased was a driller, and 22 years of age. In addition to myself there were present at the execution, the under-sheriff (Mr. [Walter] Gregg), Dr. [James] Barr, the Rev. Mr. [Octavius Frederick] Pigott (the Chaplain), the chief warden [Mr. Cranston], and two or three others. There were also two members of the press. Bartholomew Binns was the executioner. The length of the drop was 7 ft. 5 ½ in.

THE CORONER: Was all regular and in order?

MAJOR LEGGETT: Yes, as far as I can judge.

THE CORONER: You say that all proceeded regularly as far as you could judge?

MAJOR LEGGETT: Yes. Life was not extinct for some seven or eight minutes.

THE CORONER: Usually death is almost instantaneous, is it not?

MAJOR LEGGETT: Yes. In all my experience, death has been instantaneous on former occasions.

THE CORONER: Can you yourself attribute the prolongation of life to anything?

MAJOR LEGGETT: No, I should not like to express an opinion, because I think the doctor has carefully noticed everything.
The same appliances have been used as regards this establishment. Of course this is a new executioner, and he brings his own rope, straps and so forth.

THE CORONER: Mr. Foreman, would you or any of the jurymen like to ask any questions about the carrying out of the law?

THE FOREMAN: No, sir.

A JURYMEN: Was anything done after the drop to hasten the extinction of life?

MAJOR LEGGETT: Nothing was done afterwards, I think.

DR. JAMES BARR was called and said:

I am the surgeon to this prison. I saw the prisoner after the sentence of death almost daily, and I was present at the execution this morning. I concur in what Major Leggett has said as to the general carrying out of the sentence. I examined the body after it was taken down, and found that life was extinct.

THE CORONER: Can you tell me what was the cause of death?

DR. BARR: Strangulation.

THE CORONER: Was there no breaking of the spinal cord?

DR. BARR: No. It was simply strangulation. There was a slight separation between the first and second cervical vertebræ, but there was no dislocation.

THE CORONER: How long did he seem to live after the drop?

DR. BARR: He struggled for two minutes, and the pulse did not cease beating for eight minutes.

THE CORONER: What was the weight of the man?

DR. BARR: 128 lbs.

THE CORONER: In your judgment was there a proper length of drop?

DR. BARR: The length of the drop was 7 ft. 5 ½ in., and the thickness of the rope was 1 ⅛ in.

THE CORONER: Do you attribute it [=the prolongation of life] to the thickness of the rope?

DR. BARR: To three causes – the rope was too thick and the drop was too short.

THE CORONER: That was in regard to the weight of the man?

DR. BARR: Yes. The third cause was that the noose was placed in the wrong position, in the nape of the neck instead of under the jaw or under the ear. The Rev. Dr. Haughton has calculated that it takes a momentum of a ton weight to dislocate the vertebræ. The momentum in this case would be only 1,920 lbs.

THE CORONER: What should it have been?

DR. BARR: According to the calculation of Dr. Haughton it should have been 2,240 lbs – at least 2,240 lbs – and with that weight of man to produce the momentum of a ton it would require a 9 ft. drop, and a rope about 7/8ths

of an inch thick would be quite sufficient to bear the momentum of a ton weight. When the noose is placed at the nape of the neck there is no leverage action to assist dislocation, but under the jaw there is a leverage of several inches.

THE CORONER: Was he sober, the executioner?

DR. BARR: Well, I should not like to say.

THE CORONER: He has left the jail, has he not, Major Leggett?

MAJOR LEGGETT: Yes, he has.

THE CORONER: Or else I should have him here. Is there anything further you can say, doctor?

DR. BARR: No; there is nothing except that I have examined the vertebræ since. My reason for so doing was not that there was any doubt that strangulation was the cause of death, but simply because Binns asserted that the man's neck was broken.

A JURYMAN: I would like to ask the major what was the condition of the executioner.

ANOTHER JURYMAN: Might I be allowed to ask the major his opinion of the execution?

MAJOR LEGGETT: I think it was inefficiently performed – clumsily and inefficiently performed.

JURYMAN: And as to the condition of the executioner, his sobriety or otherwise?

MAJOR LEGGETT: I should not like to say. I should be strongly inclined to say he was sober, for I have no reason to think otherwise. I did not like his manner – his general manner of conducting the execution. In adjusting the straps on the man. He seemed to do it in a very bungling way, which I did not like at all.

THE CORONER, after reading the doctor's evidence over, asked if it was true.

DR. BARR: Yes, but you may add, if you like, that I think the execution was performed clumsily.

THE CORONER: You are of the same opinion as the major?

DR. BARR: Yes.

THE CORONER: Are there any other witnesses?

MAJOR LEGGETT: Of course, there was the chaplain and the chief warder.

THE CORONER *(to Jury)*: Would you like to have any other evidence?

THE FOREMAN: I don't think it is requisite.

THE CORONER: [Gentlemen of the Jury,] you cannot have any doubt as to the identity of the man after the evidence of Major Leggett, and that the sentence of the law has been duly carried into effect. Of course, there is no doubt that the man was hanged by the neck until he was dead, and I am very sorry to find that in the execution of the last sentence of the law there seems to have been this error of judgment, to put it in the very mildest term, on the part of the executioner. He seems not to have done his work efficiently in not putting the noose in the right place, in using too thick a rope, and in not giving a sufficient length of drop. Of course, the executioner is a new man, and one does not like to say much about that, but it is very much to be regretted that anything of the kind should have

occurred.

I have held a great many inquests in these cases at Kirkdale, and I believe that in every case previously death has been instantaneous. A good deal has been said about Marwood's long drop, but I have always thought it was the most merciful and humane method, and was better than the short drop, where the man had to battle until life was extinct.

With the short drop, I believe Calcraft's practise was to go below and get hold of the man's legs and add his weight to that of the criminal until the battle of life was over; and although a good deal has been said about Marwood, I do not know, with one or two exceptions recently, that he ever failed in his duty. He always discharged it very efficiently, and was always very kind to the prisoners under his care.

I had hoped that the new executioner would follow in Marwood's footsteps. I noticed that Binns used a drop of 7 feet 6 inches in all his executions, and I thought that this was a slight improvement even on Marwood, because a 9-ft-drop seems too long, and almost nips the neck in two; but that must be left to the discretion of the executioner, as the drop must be regulated by the weight of the culprit's body.

It happens that in this instance Binns has committed an error of judgment, that he has not given a sufficient drop, and that the rope was too thick. I am sure this is what happened, and that the man's suffering was prolonged; but if you are satisfied that the sentence of the law has been carried out, you will return the customary verdict.

I am very glad to find that there were two members of the press at the execution. I have always held that there ought to be some one other than the prison officials to represent the public at executions, because when the act was passed to abolish public executions it was provided that an inquest should be held, in order that the public might be satisfied, through the jury, that all was duly and regularly carried out; and you can only come to a conclusion on that point by the evidence called before you. If you have the evidence only of the officials, it might lead to a suspicion in the outside world, if any bungling or irregularity takes place, that there will be a temptation on the part of the officials to screen each other, and that, although they might tell the truth, they might not observe the full oath, and be tempted to screen any little bungling. Therefore, I have always thought there should be some independent persons wholly unconnected with the jail, having nothing to do with the performance of the execution, to represent the public, who might be called before the jury, if necessary, to give their version of what took place. I think, in the interest of the prison officials themselves, that is desirable, because I do not think any irregularity is likely to take place under Major Leggett, who is the governor of a jail which has the reputation of being one of the best conducted in the country. I am sure Major Leggett would not allow anything of that kind to occur on the part of the persons under his charge, but of course he has nothing to do with the executioner.

It is desirable, as I said, that some third independent persons, as representing the public, should be present, and I do not know any persons more fitted to represent the public on those occasions than the gentlemen of the press.

I know of the objections that have been raised to the presence of reporters – that there was a temptation for them to write out a very long account of the execution, giving all its ghastly details, and thus pandering to the morbid taste of the public. I

think the risk, however, is more imaginary than real; for if it is understood that the reporters are present not for the purpose of reporting, but for the purpose of representing the public, I am quite sure – and I have had a great deal of experience with them – they would not lend themselves to that state of things for the gratification of morbid curiosity on the part of the public. A further safeguard, whoever the gentlemen selected were, is that the notes would be subject to revision by the editor of the paper, and he would eliminate from them anything that would excite morbid feeling. Therefore I think the objection to reporters being present is a futile one. I am sure the reporters would not abuse the trust reposed in them in that way.

I do not suppose the reporters would thank me for suggesting that such duties should be cast upon them. They would have very unpleasant duties assigned to them, but I think that if in future the High Sheriff would use the discretion of allowing them to be present, it would be a wise exercise of discretion.

The act of Parliament seems to contemplate that some persons besides the prison officials should be present, but it rests entirely in the discretion of the High Sheriff as to whether they should be present.

I was agreeably surprised this morning to find pressmen present, because at several executions they have been rigorously excluded. Something was once said about excluding them from the inquests, and on one occasion I was obliged to say if anything of the kind were attempted I should adjourn the inquest to the nearest public house, and have the reporters there. As I said, I was agreeably surprised to find gentlemen of the press present, and I have no doubt, if necessary, they would be glad to give evidence before the jury.

If the jury is satisfied that the culprit in this case was hanged by the neck until he was dead it will be your duty to say that the law has been carried out.

THE FOREMAN: I am satisfied that he came by his death from strangulation, as the doctor has stated.

The jury returned the usual formal verdict, that the deceased had died from strangulation.

Was the executioner sober?

Major Leggett and Dr. Barr »do not like to say«, although the major says he has no reason to think Binns was *not* sober. (Three years later, before the Aberdare Committee, Dr. Barr was very positive that Binns was drunk.) Perhaps Leggett and Barr just didn't come close enough.

One who did come close – on the scaffold – was the chaplain.

Manchester Courier, 08/12/1883, p. 16 col. C:

A Liverpool correspondent says: With reference to the statement made by Binns, the hangman, ... that no person can say they saw him either on the morning of the execution or the day before take a drop of drink, Mr. Pigott thinks it only right to say Binns smelt very strongly of liquor, so much so as to induce him to administer a solemn rebuke to Binns on the scaffold. Pointing to Dutton in his death struggle, Mr. Pigott said: »My friend, let this be a warning to you never to touch spirits in the morning.«

Probably they were both right, Binns and the chaplain: Binns was not *seen* drinking. He drank when he was alone.