

Crime and Punishment in 19th Century York: Analysing the Skeletons Excavated at the former Female Prison.

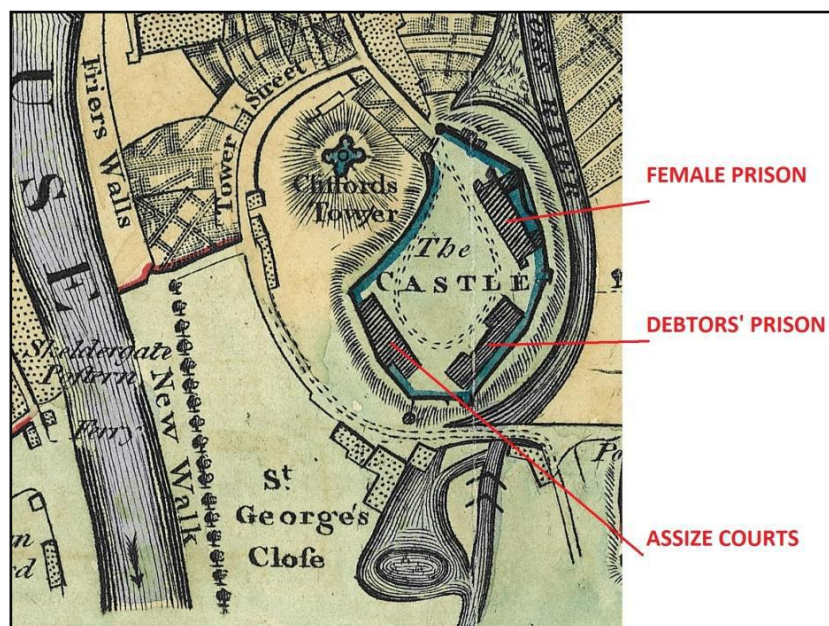
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Introduction

In Spring 1998, five skeletons dating to the 19th century were discovered during an archaeological evaluation by York Archaeological Trust at York Castle Car Park (Evans 1998). The skeletons were buried immediately north of the former Female Prison and appeared to be the remains of individuals incarcerated in the County Gaol at York Castle. Osteological analysis of three of the well-preserved skeletons revealed that the group included one mature adult male and two young adult females (Keefe and Holst 2016). One of the young adult females appeared to have received a post-mortem craniotomy and possibly an autopsy to her chest. The burials were believed to date between 1802 and 1826, though they could potentially be slightly earlier. It has been suggested that these burials were criminals who had been hanged in the prison; however, it was unclear from the skeletal evidence how these individuals had died. The aim of this short report is to establish why these prisoners were buried within prison grounds, the nature of the crimes that they might have sentenced for, and the circumstances in which convicted criminals were subjected to autopsy.

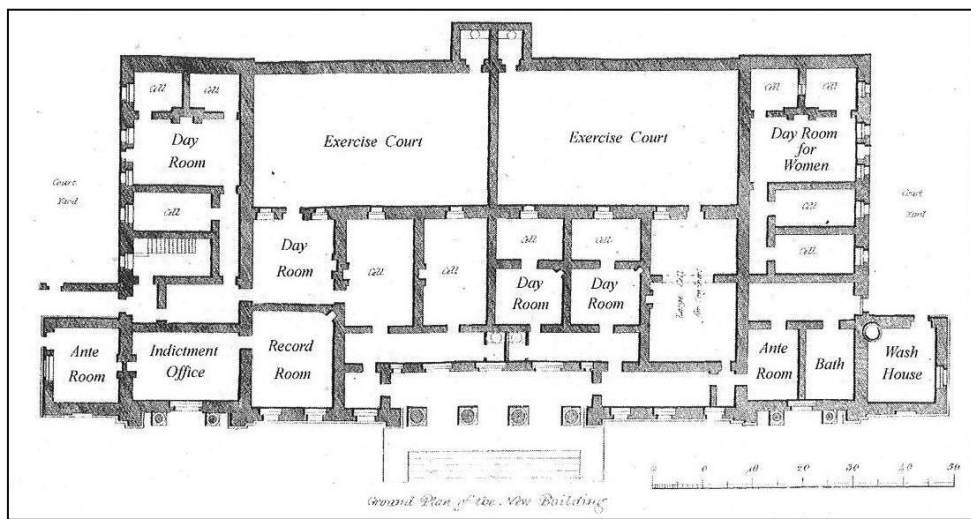
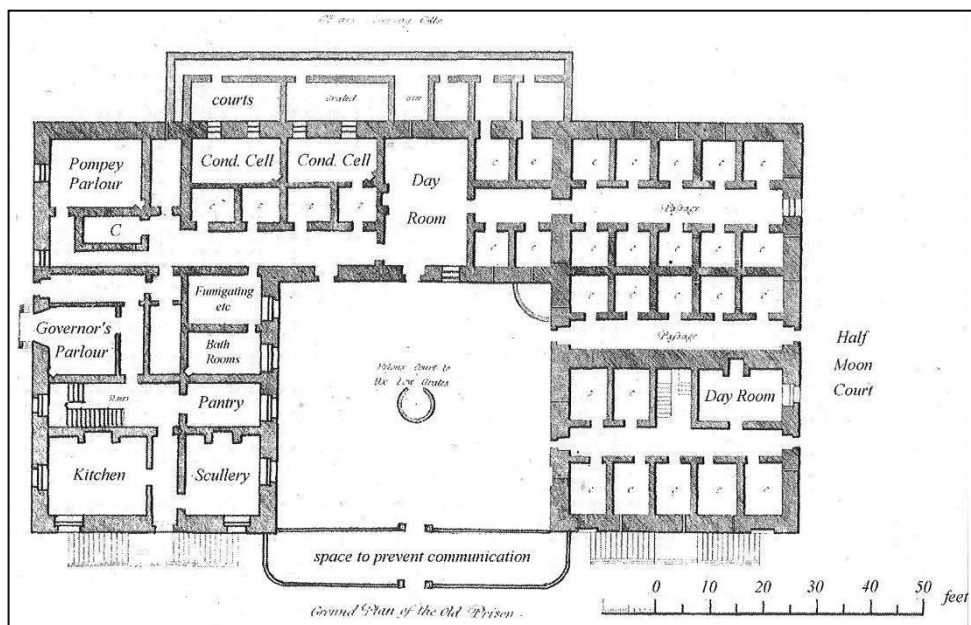
The York Prison

The county prison at York housed three groups of prisoners: those committed for trial at the Assize, convicted criminals serving sentence, and debtors incarcerated at the behest of their creditors (Pugh 1961, 521-31; Fawcett 2005). In the early 1800s, the prison buildings at York Castle comprised two buildings known as the Debtors' Prison (erected 1701-1705) and the Female Prison (erected 1780 and enlarged 1803). The third building within the precinct was The Assize Courts (erected 1773-1777). The prison was located to the south-east of Clifford's Tower and was surrounded by a curtain wall.



Detail of York Prison from Hargrove's map of York 1818

A ground plan of the Debtors' Prison and the Female Prison were made in 1823. The Debtors' Prison accommodated the bulk of the male debtors, as well as misdemeanants and felons. Female prisoners as well as some debtors were detained in the Female Prison. This building also housed the offices of the clerk of the assize and his visitors, and a record repository. The "condemned cells" for prisoners awaiting execution were located in the rear of the Debtors' Prison.



Ground Plans of the Debtor's Prison (top) and Female Prison (bottom) at York, from the Report of the Committee of Visiting Magistrates 1823 (Fawcett 2005, 4, fig.1)

From the beginning of the 19th century, executions at York Castle took place at the gallows on St George's Field (Pugh 1961, 491-98). Between August 1802 and December 1826, a total of 95 convicted criminals were recorded as having been executed at York Castle, five of which were female (Knipe 1867). Executions were a public affair and were often carried out in front of large crowds of onlookers. It was not until 1868 that the Capital Punishment (Amendment) Act ended all public hangings. From then onwards, hangings took place in a new balcony-style gallows at the end of one wing of the Debtors' Prison (Capital Punishment UK 2016).

Between 1826 and 1835, a new prison built to a radial plan was erected between Clifford's Tower and the River Foss. This building became known as the Felons' Prison.



Detail of York Prison from 1852 OS Map of York

Prior to the construction of the Felons' Prison, the area to the north of the Female Prison was open ground and would have been a convenient location for the burial of prisoners. It was also a highly visible location, close to the entrance into the prison from Castlegate. The dating of the skeletons to 1802-1826 (or slightly earlier) indicate that the bodies were interred shortly before the prison was re-organised and work commenced on the Felons' Prison. The excavation showed that the westernmost grave had been cut by a wall which formed part of a passageway that linked the new Felons' Prison with the Female Prison (Evans 1998).

Autopsy and Dissection

The 1751 Murder Act "for the better preventing the horrid crime of murder" mandated the dissection of the bodies of executed murders, including both males and females. Anatomy was an important area of scientific investigation during the 18th century, with surgeons dissecting humans and animals in order to improve the understating of how the human body functioned (Mitchell et al. 2011). By the 19th century, it was common for medical schools to teach anatomy. Fresh corpses were highly sought after and bodies obtained from the gallows were often supplemented with those acquired through grave robbing. In 1832, the Anatomy Act gave access to unclaimed bodies in an attempt to bring an end to the exhumation of bodies from graveyards.

Excavations in hospital burial grounds, prisons, and workhouse cemeteries in Newcastle, Oxford, and London, have uncovered evidence for dissected bodies dating from the 18th and 19th centuries (Mitchell et al. 2011; Poore et al. 2010). In 2002, Oxford Archaeology carried out excavations within Oxford Castle precincts and exhumed sixty-two burials dating from the 16th to the early-19th century, with the majority dating from the late-17th to 18th century. Oxford Castle served as the county prison for much of the post-medieval period and public hangings were carried out at the gallows in front of the prison. Evidence for dissection was identified in at least five of the skeletons, two of which had undergone a craniotomy.

It is unclear where the autopsies of York prisoners were undertaken. The records state that the bodies were “handed over to the surgeons for dissection”, but tend not to provide any further details (Knipe 1867). There is one exception, in the case of Mary Bateman who was hanged on the 20th March 1809. Mary Bateman became known as the “Yorkshire Witch” and her body was sent to the General Infirmary in Leeds for dissection (Yorkshire Archaeological & Historical Society 2016). Her skeleton was retained as a specimen and is now on display in the Thackray Medical Museum in Leeds. In Oxford, dissections are known to have been carried out by the University in the basement of the Old Ashmolean Museum (Mitchell et al. 2011). It is presumed that the dissections of convicted prisoners were carried out there before being transferred back to the prison for burial, though human remains were sometimes retained as specimens for teaching or display.

It is probable that the prison surgeon was involved in making arrangements for the autopsies of executed murders. George Champney was appointed surgeon to the York prison in 1813 and, following his reappointment in 1824, remained in post until his death in 1860 (Eames 2012, 26-27). He also ran his own private practice, and is said to have spent most of his time there. William Anderson, his junior partner, was often in attendance at the prison during Champney’s absence. Anderson succeeded Champney as prison surgeon on his death. Both of these men would have had contacts with medical professionals and institutions within York, and perhaps further afield. It is also possible that autopsies were carried out within the prison itself, though as yet there is little evidence to prove this. The cuts to the head of the female patient were extremely crude, suggesting that they were carried out hurriedly, without care, or by someone who was relatively inexperienced at carrying out dissections (Keefe and Holst 2016, 13-14).

Burial in Prison Grounds

In the early 19th century, there is only one reference to burial within the prison grounds. In 1813, Joseph Crowther and Nathan Hoyle, both executed for robbery, were recorded as having been buried “in the hoppet at the back of the Castle” (Knipe 1867, 153). This suggests that executed prisoners convicted of all crimes were buried within the prison walls. The death penalty was mostly sentenced on those convicted of murder, but also on those found guilty of crimes such as burglary, horse stealing, highway robbery, rape and arson (Eames 2012, 18).

The surviving journals of the prison governor (also known as the gaoler) record further details about the burial of prisoners (YCA/Y/ORD/1/2). The journals span the period 1843-1861 and therefore post-date the skeletons identified in excavation. Nevertheless, they provide useful evidence for burial arrangements within the prison. These records confirm that the bodies of convicted murderers such as Alfred Waddington, Henry Dobson, and William Dove were buried within the grounds of the prison. In some instances, executed prisoners were buried together in the same grave. On the 15th January 1853, James Barbour was reportedly buried in the same grave as Alfred Waddington. Prisoners were also buried very closely to the graves of others. On 6th August 1859 John Riley was noted as being buried on the west side of the grave of John T Whitworth. Prisoners who died in the prison from ill health or natural causes were either buried in York Cemetery, or taken away by their families for burial in a place of their choosing. Executions usually took place at 12 noon, with burials four hours later. In some instances, such as the death of William Dove, the body

was buried three hours after execution. Autopsies carried out between execution and burial would therefore have been completed within a limited timescale.

In nearly all of the executions recorded in the journals, the bodies were buried in a location that was described as being “near to the condemned cell”, or “near to the condemned cell windows”. Alfred Waddington was recorded, quite specifically, as having been buried “in front of the middle window of the condemned cell about 15 feet distant”. The plan of the prison buildings compiled in 1823 shows that the condemned cell was located to the rear of the Debtors’ Prison. This was some distance away from the skeletons that were excavated to the north of the Female Prison, suggesting that burial practices within the prison changed over time depending on the use and availability of space within the grounds of the Castle. It is possible that the construction of the Felons’ Prison and the re-arrangement of York Castle in the 1820s marked a change in the location of burials within the prison.

Conclusion

Despite not showing signs of having been executed, it is highly likely that the skeletons excavated to the north of the Female Prison were those of convicted criminals that had been sentenced to death by hanging. That having been said, there is much more information available for burial practices in the prison from the mid-19th century onwards, and the possibility that they died from illness or natural causes should not be ruled out. Convicted criminals were sentenced to death for crimes ranging from murder to burglary. Given that after 1751 autopsies were carried out on the bodies of convicted murderers, it is probable that the young female identified in burial had been found guilty of this crime. It is unclear where the autopsies of executed criminals were carried out, though the short length of time between execution and death (3-4 hours) suggests that it would have taken place nearby. Whether autopsies were carried out within prison grounds or not, demands further exploration. The identification of skeletons to the north of the Female Prison along with documentary evidence for burials to the south of the site near to the condemned cell windows, suggests that bodies of executed criminals are interred throughout the former prison site.

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