A Family Affair?: English Hangmen and a Dublin Jail, 1923–54

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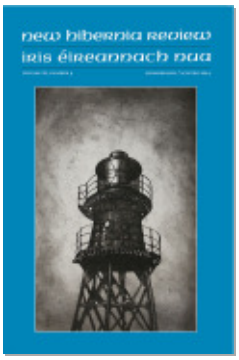

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A Family Affair? English Hangmen and a Dublin Jail, 1923–54

The genealogy of capital punishment in twentieth-century Ireland defies easy articulation, and several aspects of the practice appear especially perplexing in the absence of an appreciation of a precise historical context. It is puzzling, for instance, that Irish politicians couched arguments favoring the retention of capital punishment in terms of its perceived efficacy as a deterrent to potential subversives when the death penalty was imposed almost exclusively for non-political civilian murder.[1] It is puzzling, too, that the taoisigh and ministers who were prepared to allow executions go ahead had not only been comrades with men executed during the revolutionary period, but in some cases, had themselves been sentenced to death.[2] It is puzzling that the sanction was retained after Independence when one considers the "politicization" of capital punishment and the attendant public antipathy toward what was seen as an unfortunate colonial (and civil war) legacy; in the minds of many nationalists, hanging was nothing more than a manifestation of English tyranny.[3] And, finally, it is puzzling that when the need arose to execute a condemned person in Ireland an English hangman was always contracted to arrange the "drop."[4] This final puzzle may, however, be illuminated by a detailed examination of the men who discharged this grisly function.

A motley succession of executioners had been employed in Ireland since the 1870s, but it has been generally accepted that Thomas and Albert Pierrepoint

1. There were thirty-five executions between 1923 and 1954, of which six involved politically motivated offenders. In thirty cases the method used was hanging and in the remainder it was shooting. Only one woman, Annie Walsh, was executed. Her death took place in Mountjoy Prison on August 5, 1925. See David M. Doyle and Ian O'Donnell, "The Death Penalty in Post-Independence Ireland," *Journal of Legal History*, 33 (2012), 65–91.

2. This will be discussed in David M. Doyle, "Republicans, Martyrology and the Death Penalty in Britain and Ireland," *Journal of British Studies*, 54 (2015).

3. See Gerard O'Brien, "Capital Punishment in Ireland," in *Reflections on Law and History,* ed. Norma M. Dawson (Dublin: Four Courts, 2006), p. 223.

4. Doyle and O'Donnell, 65.

were the principal actors in the Irish state in the post-Independence period.[5] For many years after his retirement from the official Home Office list of approved executioners, Albert Pierrepoint remained reticent about his career. But in 1974 he published his reminiscences in an autobiography titled *Executioner: Pierrepoint*. Its pages reveal an extraordinary double life, which involved regular time away from his usual domestic routines to execute an estimated tally of 450 people (433 men and seventeen women, including more than two hundred Nazi war criminals hanged after the Nuremberg trials). Pierrepoint's memoir concludes with the provocative claim that none of these hangings actually "prevented a single murder."[6]

This is not the only suspect claim in Pierrepoint's memoir, but, although not always the most reliable source, his recollections offers an offbeat and intriguing insight into capital punishment in Ireland. In this regard, four of the claims made in *Executioner: Pierrepoint* with regard to Irish hangings are particularly noteworthy. First, Pierrepoint asserted that that the position of executioner in independent Ireland had been, to use his own words, "entrusted to me and my family since the Free State had been formed" (*E* 161). Second, he intimated that his first execution experience, which set him on course to become Britain's most prolific executioner in the twentieth century, actually came in Dublin acting as an assistant to his uncle, Thomas, in Mountjoy Prison, in the early 1930s. Third, although Irish officialdom was unable to find a willing hangman within the jurisdiction, Pierrepoint recounted that he "was asked by the authorities in the Republic of Ireland" during the 1940s if he would "train an Irishman in the British method of execution" (*E* 161). And finally, he recollected that a notable feature of Irish executions was the propensity for alcohol consumption in their immediate aftermath.

Pierrepoint's reminiscences need to be situated in the context of a larger judicial and legal history.[7] A survey of the hangmen, along with a sample of the

5. See Tim Carey, *Mountjoy: The Story of a Prison* (Cork: Collins Press, 2000), p. 209; O'Brien, p. 237; Steve Fielding, *The Executioner's Bible* (London: John Blake, 2008), pp. 105, 272–88; Steve Fielding, *Pierrepoint: A Family of Executioners* (London: John Blake, 2008), pp. 289–303; Mary Rogan, *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment* (London: Routledge, 2010), p. 58; Doyle and O'Donnell, 69; Tim Carey, *Hanged for Murder* (Cork: Collins Press, 2013), p. 3.

6. Albert Pierrepoint, *Executioner: Pierrepoint* (London, 1974), p. 211; hereafter cited parenthetically, thus: (*E* 211). This assertion provoked an incredulous response from one of his former colleagues, Syd Dernley: "When you have hanged more than 680 [sic] people, it's a hell of a time to find out that you do not believe capital punishment achieves anything!" Syd Dernley, *The Hangman's Tale: Memoirs of a Public Executioner* (London: Pan Books, 1990), p. 199.

7. In September 2012, the authors were granted access by the Freedom of Information Officer at the Department of Justice and Equality to previously untapped records relating to prisoners sentenced to death after 1922. This has allowed us to correct the misapprehension that the execution of Irish prisoners by hanging was a matter reserved exclusively for the Pierrepoints.

hanged, reveals that Irish executioners were conspicuous by their absence. It also discloses that certain English executioners were allowed to officiate in Ireland, despite serious concerns about their capacity to fulfill their duties in England and Wales.

When an Irish murderer was sentenced to death, the authorities almost always called upon the services of Thomas and Albert Pierrepoint. Little is known about the rare occasions when other English hangmen were involved; the position of the "official" Irish executioner was to all purposes a family preserve.[8] In a macabre reversal of the migratory networks of the previous century that involved more benign, and less lucrative, manual labor, all of the executions in Ireland after Independence were carried out by Englishmen who plied their trade on both sides of the Irish Sea.

The first execution in the Free State that did not involve a Pierrepoint was that of James Myles in 1926. Myles had been convicted for his part in a double homicide in what would become known as the "bog murders" in Ardee, County Louth. Myles and his alleged accomplice, Eugene McKeever, were tried separately for the murders, but the jury disagreed in the latter's case and McKeever was acquitted after three trials.

Myles made a statement describing the murder of the Smyths and claimed that he and McKeever were sent by two well-to-do farmers to "do the deed" in order to silence John Smyth, junior, with respect to information he possessed relating to cattle rustling in the locality. Myles also stated that it was McKeever who fired the fatal shots, but he later refused to depose the statement in open court, alleging it to be false.[9] He indicated that the reason he had refused to swear to this statement was because "by doing so he might hang an innocent man in the person of McKeever."[10] There were also reservations about the plausibility of the alleged motive. The statement, nonetheless, was put into evidence at trial and apparently accepted by the jury who convicted Myles of murder—albeit with a strong recommendation to mercy "having regard to the conditions existing at the time, and previous to the crime, in the district."[11]

Mr. Justice Hanna, who tried the case, did not agree with this recommendation. A Department of Justice memorandum pointed out that although there was undoubtedly a considerable amount of lawlessness taking the shape of raids and burglaries in the area where the prisoners resided, conditions in the country

8. Albert Pierrepoint claimed that his uncle Thomas had a private agreement with the Irish authorities which allowed him to choose his own assistant (*E* 101–02). Henry Pierrepoint (brother of Thomas and father to Albert) had worked as an executioner in Ireland prior to Independence.

9. NAI DJUS H234/1316, 14 July 1926, "Document prepared by the Secretary of the Department of Justice in advance of Cabinet Meeting on the case of James Myles."

10. NAI DJUS H234/1316, undated, "Letter from P.J. O'Hagan to the Minister for Justice."

11. NAI DJUS H234/1316, 21 June 1926, "Letter from Henry Hanna to the Minister for Justice."

as a whole were not particularly grave at the time of the murders. The executive council [cabinet] also decided that the circumstances of the case did not warrant a recommendation to mercy and that the law should take its course.[12] Myles, in one final plea for his life, maintained that his statement was a complete falsehood from start to finish and that although he was a thief and a raider, he was not a murderer:

> If I have to die I will Prove my Innocence to the eyes of the world, in my dying Statement. Again If i have to die the blood of an innocent man will be on your concience [*sic*]. For Gods sake dont hang me. Spare me my life untill [*sic*] God is pleased to take me away of this world. I have a cleare conscience [*sic*] since I was a child, even unto this day. And for Gods sake spare me my life.[13]

But Myles, at the end, was "most resigned to his fate."[14] The prison chaplain expressed his gratitude to the officers in charge who "one and all rendered very valuable service and showed deep christian sympathy and kindness to the condemned man."[15]

The archival material does not indicate why Thomas Pierrepoint was absent from the execution of Myles, but it does reveal that another English executioner, William Willis, officiated on this occasion, with the assistance of Charles Goodwin.[16] Willis had acted as assistant to John Ellis in Mountjoy Prison prior to Independence, which may explain why he was contacted as a substitute for Thomas Pierrepoint. Whatever the reason, the execution was deemed to be "most efficient and satisfactory," conducted without "a hitch of any kind & with marvellous celerity."[17]

This would prove to be the final time that Willis officiated as chief executioner in either Ireland or Britain. A mere twenty-four days later he was removed from the official list of approved executioners after the careless way in which he placed the leg-strap on the condemned man while assisting Robert Baxter at an execution in Pentonville Prison in London. As one report noted, the execution "was successful without mishap," but it also adverted to the inherent dangers: "with a loose leg strap there is a great possibility of the leg catching the sides of the pit and interfering with the operation." "In the performance of this duty,"

12. NAI DT S5079, 14 July 1926, "Decision of the Executive Council. Death Sentence on James Myles."
13. NAI DJUS H234/1316, 14 July 1926, "Petition from James Myles to the Minister for Justice."
14. *Irish Independent*, 16 July 1926.
15. NAI DJUS H234/1316, 15 July 1926, "Extract from the R.C. Chaplain Journal of this date."
16. NAI DJUS H234/1316, 15 July 1926, "Record of an Execution Carried out in Mountjoy Prison on 15th July 1926."
17. NAI DJUS H234/1316, 15 July 1926, "Letter from J. R. Russell to the Secretary of the Department of Justice."

it continued, "there should be no laxity." The observer concluded that he could "only attribute the occurrence to the fault by the asst. executioner who in the present case is fat, clumsy and possibly a little flurried."[18] The governor of Pentonville recounted that:

> As to the personality of Willis I am not impressed; even an executioner can remain humane and decorous. Willis appears to be the reverse he is offensive, overbearing, ostentatious, and generally objectionable in his manner. The Foreman of Works also reports that he was most aggressive on arrival when he found his tea was not prepared.

Yet, whatever about the vitriol that Willis's empty stomach provoked, the governor had more pressing concerns:

> One considers cold calculated callousness as part of an executioner's make up but brutal callousness bordering on blood-lust is not desirable, and this is the impression Willis gave to me when the man was secretly paraded the previous day for the benefit of the executioner.[19]

Distraught at the notification that he was now an ex-hangman, Willis pursued the matter with the Home Office but to no avail, and thus had little alternative but to settle into retirement, however reluctantly.[20]

In January 1934, Irish authorities hired Robert Baxter to officiate at the execution of John Fleming. With Thomas Pierrepoint, Baxter was the only recognized chief executioner on the official Home Office list at this time. He was no stranger to condemned Irishmen, having assisted John Ellis at the execution of Roger Casement in Pentonville almost twenty years earlier.[21]

Fleming had been condemned for bludgeoning his wife to death with a hammer (after an unsuccessful poisoning attempt). The motive, according to the prosecuting counsel, was to put himself in a position to marry Rita Murtagh, a girl whom he had seduced and impregnated. Fleming was convicted and sentenced to death on November 21, 1933. After the trial, the judge, James Meredith, wrote that he was "not in favour of a definite and complete abolition" of capital punishment but that the "death sentence should only be carried out in exceptional cases" and generally not in cases where the only evidence was circumstantial.[22] The secretary of the Department of Justice was not persuaded: he believed

18. TNA PCOM 8/198, [no precise date specified] July 1926, "Minutes."

19. TNA PCOM 8/198, 2 August 1926, "Enclosure."

20. TNA PCOM 8/198, 7 November 1926, "Letter from William Willis to the Prison Commissioners." Edited extracts from Willis's diaries were published posthumously in the *Sunday Dispatch* between 16 April and 18 June 1939.

21. Fielding, *Executioner's Bible*, p. 270.

22. NAI DJUS H234/6221B, 30 December 1933, "Letter from James Meredith to the Minister for Justice."

that if a reprieve were to be granted on the basis of unsatisfactory evidence it would be "difficult to conceive how any execution could be justified in the absence of actual eye-witnesses to the crime."[23] A letter from a friend to Fleming in prison, which had been intercepted in the post and forwarded to the police, surely did not help his case:

> I was stunned when I read in the paper on Thursday night that they knew all about the strychnine. For God's sake don't give in about it. If you do you will only damn yourself and then they will not be satisfied until they find out where you got it and then I would be for it. I know you would not let me down for anything. Keep your head and everything will be O.K. . . . You will be a free man soon. We got men out of the Joy under worse conditions and we will have you out soon. Rita sends you her love. She says she forgives and will marry you when you are free. Burn this in case any of the Warders get it.[24]

Both the *Irish Independent* and the *Irish Press* erroneously reported that Pierrepoint was Fleming's executioner.[25] As the governor of Mountjoy, Sean Kavanagh, explained, the change of personnel was due to a diary clash: "The employment of Mr Baxter is recommended for the reason that Mr. Pierrepoint who officiated on previous occasions, had already been engaged elsewhere."[26] No "unusual incident occurred."[27] Nevertheless, it was recorded that the assistant executioner, Stanley William Cross—who was also on the official list of executioners—appeared to have "defective eyesight."[28]

It is, of course, difficult to substantiate the veracity of this assertion, but files in the National Archives at Kew (London) reveal that it was not just Cross who suffered from defective vision. After a mishap at Swansea prison it was discovered that Baxter had "no vision whatever in the left eye." However, a medical examination established that he was "capable of seeing all that goes on during the immediate preparation for the execution and seeing that all is in order before he pulls the lever." It concluded that he had "sufficient acuity of vision to perform the duties of an executioner efficiently."[29] The authorities in Mountjoy Prison,

23. NAI DJUS H234/6221B, 1 January 1934, "Memorandum from Domhnall de Brún to the Minister for Justice."

24. NAI DJUS H234/6221B, undated, "Letter from P.H. to John Fleming."

25. *Irish Independent*, 6 January 1934; *Irish Press*, 6 January 1934.

26. NAI DJUS H234/6221B, 1 January 1934, "Letter from Sean Kavanagh [Seán Caomhánach] to the Secretary of the Department of Justice."

27. NAI DJUS H234/6221B, 5 January 1934, "Telephone Message."

28. NAI DJUS H234/6221B, 5 January 1934, "Records Respecting the Executioner and his Assistants (if any)."

29. TNA PCOM 9/229, 18 January 1929, "Executions. Examinations of Baxter." Like his contemporaries, Baxter prided himself on his alacrity on the gallows and believing that his assistant, Alfred Allen, had completed his tasks and withdrawn to the side, pushed the lever to open the trap doors

by contrast, were not persuaded. After the execution of Fleming, the governor noted that Baxter "was not as efficient or expeditious as Pierepoint [sic], and if possible should not be employed here again."[30]

Excepting the executions of Myles and Fleming, it appears, insofar as can be ascertained from the available archival evidence, that it was one or other of the Pierrepoints, and frequently both, who crossed the Irish Sea to work the gallows in Dublin's Mountjoy Prison.[31] Notably, Albert had his first experience as a hangman when he assisted his uncle Thomas, at the execution of Patrick McDermott in 1932.[32]

The McDermott case is noteworthy for several reasons. Patrick had been sentenced to death for killing his brother John. The stated motive for the murder was that he shot him in order to dispossess him of the family farm, a point reiterated by Mr. Justice Hanna in his letter to the executive council in which he advised that he could not find anything in evidence to justify mitigating the ultimate sanction:

> In my judgment it was a murder, deliberately planned, & carried out with unusual callousness & determination. The use of firearms in connection with land disputes is too common. At the same Central Criminal Court I had two other cases of shooting, one of them fatal, arising out [of] land disputes. I am in entire agreement with the verdict, and think that the law should take its course, not only as a punishment for this crime, but to deter others by the knowledge that the law will be enforced.[33]

The condemned man told the governor of Mountjoy Prison that the prosecution was wrong in this regard and that "he could have called evidence to prove that his father, before his death two years ago, offered to leave him the farm and that he refused to accept it." Patrick was adamant that he did not want the land and that he "never had any intention of depriving his brother of it." The prisoner made no direct confession to the governor, but he appeared "quite satisfied" with the trial and the verdict and never protested his innocence. He did, however, give an indication of the motive:

only to observe the assistant executioner follow the prisoner into the pit. Fortunately for Allen, he suffered no injuries. TNA PCOM 9/229, 17 December 1928, "Execution – Swansea."

30. NAI DJUS H234/6221B, 5 January 1934, "Records Respecting the Executioner and his Assistants (if any)."

31. The files relating to the hangings of Felix McMullen in 1924 and John J. Cox in 1929 are unavailable in the National Archives, so we are reliant on reports in the *Irish Independent* for the intelligence that Thomas Pierrepoint was the executioner in each case.

32. Copy of Albert Pierrepoint's Execution Diary, Mountjoy Prison Museum.

33. NAI DJUS H234/4684, 15 December 1932, "Letter from Henry Hanna to the Minister for Justice."

> He further said that he had intended to get married and that his grievance against his brother was that he did all he could to prevent the marriage by keeping the girl from coming to his house and asking her family not to allow her visit his house.[34]

It appears that John had an interest in marrying the same woman and that this was the source of the fraternal animosity.[35] Patrick was convicted on a majority verdict, nine to three, which was the legal minimum necessary to secure a conviction.[36] The timing of the killing was unfortunate for McDermott; Ireland only briefly experimented with majority verdicts between 1929 and 1933 in response to the attempted murder of a juryman and the actual assassination of a witness in a criminal trial in the late 1920s.[37] The Juries (Protection) Act 1929 provided that a majority of nine members was sufficient for a verdict and that a verdict of nine or more was to be taken without disclosure of the number or identities of the dissentients.[38]

In a capital case, however, the judge was obliged to inquire of the foreman as to whether the verdict was unanimous, and in the case of a majority verdict he was required to record the number of dissentients and convey this information to the minister for justice.[39] The Act also contained a sunset clause to the effect that it would expire on September 30, 1931, unless renewed. It was renewed for another two years in 1931, the year before the murder. Had this provision not been temporarily extended, McDermott would not have been convicted of the crime, never mind executed.

On the day of the conviction, Governor Kavanagh exchanged a few words with McDermott who told him that he "expected to be acquitted." Although McDermott never explicitly proclaimed that he was guiltless, he did appear to be confident that the testimony he had tendered on his own behalf while under cross-examination the previous day was convincing. But as Kavanagh observed, this optimism proved short-lived. Initially he "received his sentence calmly, but on returning to his cell in the Courthouse he immediately began to scream, 'Oh! I'm going to be hung'." He then made a desperate, albeit unsuccessful, attempt to cheat the hangman:

> While walking up and down the cell he suddenly banged his head against the wall and was immediately restrained by the warders. He got into the van without assistance but on reaching the prison was apparently in a state of collapse, and refused,

34 NAI DJUS H234/4684, 29 December 1932, "Letter from Sean Kavanagh to the Secretary of the Department of Justice."

35. NAI DJUS H234/4684, 19 November 1932, "Murder—John McDermott."

36. NAI DJUS H234/4684, 15 December 1932, "Letter from S.A. Roche to Runai do'n Ard-Chomhairle."

37. Thomas O'Malley, *The Criminal Process* (Dublin: Round Hall, 2009), pp. 849–50.

38. Juries (Protection) Act 1929, s. 5(1).

39. Ibid., s. 5(2).

> or was unable, to walk to his cell and was carried. He moaned continuously "I'm going to be hung" and threatened suicide.

Two days later, he apologized to the governor and downplayed the incident in the courthouse by saying he got weak, lost his balance, and struck his head against the wall.[40] Thereafter, the prisoner was quite composed. The *Irish Press* reported that he was guarded night and day by the warder, with whom "he passes the time by card-playing and chatting."[41] The *Irish Independent* noted that on the morning of the execution "McDermott ate a good breakfast, and walked steadily to the scaffold."[42]

Around 1940, concerns began to emerge about whether Thomas Pierrepoint was "still altogether suitable for the post of executioner." The medical officer at Wandsworth Prison considered that he was "getting past his job," that he was "uncertain" and that it was doubtful whether his eyesight was good.[43] Two years later, the governor of Wandsworth Prison, Major Benjamin Grew, also complained that Thomas had "passed his peak of efficiency" and was "becoming less tactful and more abrupt in his methods."[44] Although the Prison Commission conceded that he was "in fact 72 years of age" and thus was "approaching the time when his further employment" would have to be "seriously considered," it also acknowledged that "reports to hand" indicated that he appeared to be "efficient" and "expeditious," and further that they were not entirely persuaded that "abruption" was "to be considered a matter for criticism in an Execution." All governors, nevertheless, were directed to report on his behavior and methods at future executions.[45] A report from Liverpool Prison in February 1943 is representative:

> Mr. T.W. Pierrepoint carried out the execution in an expeditious manner and his behaviour throughout was quiet and decorous. He obviously regards speed as the hallmark of efficiency and there hardly seems sufficient time for him to ensure that the assistant is clear of the trap. This zeal for speed may be related to a desire to show that his ability is unimpaired by his advancing years.[46]

A report from Wandsworth in July 1943 stated that Thomas was "not as alert physically or mentally as he used to be."[47] But "owing to war time difficulties of

40. NAI DJUS H234/4684, 27 November 1932, "Letter from Sean Kavanagh to the Secretary of the Department of Justice."

41. *Irish Press*, 28 December 1932.

42. *Irish Independent*, 30 December 1932.

43. TNA PCOM 9/628, 16 December 1940, "Letter from Secretary of Prison Commission to the Governor, Manchester Prison."

44. TNA PCOM 9/629, 11 November 1942, "Minutes to Head Office."

45. TNA PCOM 9/629, 17 February 1942 "Executions—Adverse Reports on T.W. Pierrepoint."

46. TNA PCOM 9/629, 10 February 1943, "Execution of Ronald Roberts."

47. TNA PCOM 9/629, 13 July 1943, "Minutes."

replacements and favourable reports from other Prisons" the Prison Commission was content to allow the elder Pierrepoint to continue in his role.[48]

Two months later, Thomas executed William O'Shea in Mountjoy Prison, but unlike at Wandsworth, "everything passed off satisfactorily."[49] O'Shea had been convicted of the murder of his wife, Maureen, at the Central Criminal Court in 1943. His accomplice, Thomas White, who was also charged with the killing, was deemed unfit to plead.[50] After an ill-fated attempt to burn his wife and his three-week-old child to death a few weeks previously, O'Shea and White concocted a plan to kill her. On a daily basis for almost three weeks, O'Shea escorted his wife toward Cappoquin, County Waterford, in order to furnish White with the opportunity to shoot her. On March 15, 1943, the plot was finally executed, when White slinked up behind O'Shea and his wife, and shot Mrs. O'Shea dead from close range. The police reported that the murder of the young woman such a short time after giving birth to her first baby was "one of the most brutal which has occurred within living memory."[51]

The trial judge also regarded the case as one in which "a long premeditated and cold blooded crime" was committed and the jury did not make a recommendation to mercy.[52] At issue was whether O'Shea was "sufficiently mad to be regarded as Insane within the very strict definition contained in McNaughton's Rules"—namely, whether the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know what he was doing was wrong.[53] Although John Dunne, the chief resident medical superintendent of Grangegorman Mental Hospital felt that he was "malingering" and knew the difference between right and wrong at the time of the crime, Dr. Dunne still felt it incumbent upon himself to place the following observations before the executive council in the interests of justice:

> I submit to you that the absence of proportionate motive, the stupidity of the measures of concealment taken by him and his confession to the Guards are in themselves sufficient evidence to throw grave doubt on the condemned man's sanity. The fact that I as an expert witness could not find definite evidence of

48. TNA PCOM 9/629, 20 July 1943, "Mr Thomas W. Pierrepoint—Executioner."

49. NAI DJUS 18/6535, 12 August 1943, "Letter from the Governor of Mountjoy Prison to the Secretary of the Department of Justice."

50. NAI DJUS 18/6535, 29 July 1943, "Letter from A.K. Overend to the Secretary of the Department of Justice."

51. NAI DJUS 18/6535, August [no date specified] 1943, "William O'Shea sentenced to death for the murder of his wife Maureen O'Shea."

52. NAI DJUS 18/6535, 29 July 1943, "Letter from A.K. Overend to the Secretary of the Department of Justice."

53. NAI DJUS 18/6535, 3 August 1943, "Letter from J.F. Kenny to the Minister for Justice."

> mental disease or mental deficiency cannot be taken as complete proof that O'Shea was not suffering from defective reasoning at the time of the crime and leading up to it. In my experience I have known many cases where examination revealed no evidence of mental disorder or mental defect but where behaviour obviously indicated defective reasoning. In my opinion, this crime is stamped with all the characteristics of a mental defect.[54]

The doctor's qualms, like the insanity defense, proved futile in saving the condemned man from the noose.

The 1944 execution of Charles Kerins would prove to be the last occasion that Thomas Pierrepoint went to work in an Irish hang house. Albert had already assisted him at eight executions in Dublin, and was commissioned to take the lead for the next one, which was that of wife killer James Lehman. On March 8, 1944, Lehman prevailed upon a chemist to sell him 150 grains of potassium cyanide (prussic acid), purportedly requiring it for the purpose of testing coffee.[55] Twelve days thereafter, Mrs. Lehman, who was at an advanced stage of pregnancy, complained of feeling "giddy" and later became very ill. Lehman belatedly informed his landlady of her malady, but by that juncture she had lost consciousness. She was transported by ambulance to the Rotunda Hospital where she was declared dead and delivered of a lifeless baby.[56] A postmortem examination of her organs revealed traces of prussic acid.

After initial questioning, during which he gave a detailed statement recounting the circumstances surrounding his wife's untimely death, Lehman missed a second appointment with the gardaí. His description was circulated to police stations throughout the country and to national newspapers and he was detected a week later in Monaghan, using the pseudonym of James McCague and posing as a pilot in the American Air Force. He had removed "distinguishing marks such as his moustache, gold teeth and spectacles." When apprehended by the police, according to the official memorandum on the case, he was "quite normal," albeit denying that he was in fact Lehman; about an hour afterward, he appeared "drowsy and deaf and he answered questions in monosyllables."

The trial at the Central Criminal Court lasted nine days. The defense argued that Lehman had suffered from loss of memory in the period since his wife's death and that "he was a drug addict whose mind was at times in a state of disorder amounting to insanity." These pleas were rejected on the basis of medical evidence tendered by the prosecution. The defense's contention that Mrs.

54. NAI DJUS 18/6535, 6 August 1943, "Letter from John Dunne to the Minister for Justice."

55. NAI DT S13600, 7 March 1945, "Memorandum for Government in connection the case of James Herbert Lehman who is under sentence of death for the murder of his wife, the date of execution being fixed for 19th March 1945."

56. *Irish Times*, 16 January 1945.

Lehman's death may have been self-inflicted also appeared to hold little sway, and on January 24, the jury returned a verdict of guilty and Lehman was sentenced to death. The conviction was quashed, however, by the Court of Criminal Appeal on the grounds that the "questions put to the accused in the course of cross-examination were irrelevant to any issue in the case and tended to prejudice him in the eyes of the jury."

The court ordered a retrial. At the close of evidence for the state, counsel for the defense adopted the aberrant approach of informing the court that he did not "propose to call any evidence for the defence." He intimated that "Mrs. Lehman might have committed suicide" and insisted that the "prosecution had not shown any motive which would have impelled Lehman to commit the terrible crime of murder." This strategy proved ineffective; unsurprisingly, Lehman was found guilty and again sentenced to death. An appeal against conviction and sentence was submitted, but rejected by the Court of Criminal Appeal, and the execution was set for a third, and final, time: March 19, 1945.[57]

When the sentence came to be carried out Albert Pierrepoint was assisted by a local hangman. Lehman was not the first person to be executed by an Irish resident during the Emergency. In the four years preceding Lehman's execution, five IRA men were executed by firing party, the executioners being drawn from the ranks of the Irish army.[58] But unlike Pierrepoint's Irish apprentice, who willingly offered his services for remuneration, those involved in military executions were expected to do their duty as soldiers, however reluctant they may have been.

A subversive group with republican and Nazi sympathies known as Cumann Naisiunta, or the Irish Friends of Germany, and based in Dublin made efforts to identify the marksmen, and military intelligence reports show that it had been successful in ascertaining the name of the soldier in charge.[59] In this regard, Pierrepoint recalled a conversation he had with a customer in his pub, *The Struggler*, in the early postwar years:

> "I'm very pleased to meet you," he said, and he told me his name. "I am a member of the IRA. Now we've been trying to get you on many occasions in the past, but we could never find you. It's all over now, so it doesn't matter. Mind you, we only wanted to detain you. We had instructions to get hold of you and take you to one of our places, under arrest, but we wouldn't have hurt you in any shape or form."
>
> (*E* 163–64)

57. NAI DT S13600, 7 March 1945, "Memorandum for Government in connection with the case of James Herbert Lehman. . . ."

58. Patrick McGrath, Thomas Green and Maurice O'Neill were shot in Mountjoy Prison. George Plant and Richard Goss were shot in Portlaoise Prison. See Doyle and O'Donnell, 75–76.

59. Military Archives, Cathal Brugha Barracks, G2/X/0452, Week Ended 16 September 1940, "Extract from Weekly Miscellaneous Report—DMD."

Understandably, Pierrepoint was "not certain how to take this assurance" (*E* 164). It is unsurprising that Irish men were reluctant to risk their own personal safety by becoming executioners, although it seems reasonable to surmise that there would have been less public dissatisfaction with the hanging of murderers than the shooting of patriots. Hanging, unlike death by shooting, carried with it an enduring stigma; it was, at least in the popular consciousness, the villain's fate.

Indeed, it appears that a large portion of the Irish public viewed capital punishment with distaste, at least in part because the practice served as a reminder of colonial oppression. As Sean Kavanagh, governor of Mountjoy Prison throughout the "hanging years" would say: "having lost some of my old comrades in the Volunteers to the gallows, I was always averse to executions."[60] This mindset seems to have taken root in the eighteenth and nineteenth centuries and it was of enduring significance.[61] In his autobiography, Pierrepoint recounted how one of the reasons he was contracted to hang Irish murderers was the "unwillingness of anyone in Ireland to become an official executioner" (*E* 163) and that it would have been too dangerous for a local man to perform this task—again emphasizing the depth of public antipathy, even animosity, toward the practice. There was "no significant lobby in favour of the death penalty in the twenty six counties."[62] The view prevailed throughout the early decades of Independence that if the public had been given a chance they would have denied the Irish state the power to kill convicted killers.[63] When the matter was eventually put to the people in a referendum in 2001, a minority voted but the support for abolition was substantial.[64]

The Irish government's attempt to recruit a local executioner in the 1940s was a clandestine matter, but two extant letters cast some light on this episode.[65] The decision to employ an official Irish hangman appears to have been taken in 1941, but plans were only belatedly made for his training in Strangeways Prison in

60. Memories of Mountjoy Jail as told by Governor Sean Kavanagh to Liam MacGabhann. We are obliged to Sean Reynolds, Mountjoy Prison Museum, for providing us with a copy of this article.

61. O'Brien, p. 223.

62. NAI DT S7788C 21 February 1963, "Memorandum for Government." A National Society for the Abolition of the Death Penalty existed briefly but had little impact, further emphasizing the point that the arguments in favor of the ultimate sanction were not being put with any vigor. See O'Brien, p. 235.

63. See, for example, Seán MacBride, 21 November 1951, Parliamentary Debates, Dáil Éireann, vol. 127, col. 1159; Charles Haughey, 6 November 1963, Parliamentary Debates, Dáil Éireann, vol. 205, col. 998; NAI, DT S7788B, 12 April 1956, "Memorandum for Government."

64. The turnout to decide the twenty-first amendment to the Constitution was 35 percent, with almost two thirds (62 percent) voting in favor. See Department of the Environment, Community and Local Government, *Referendum Results 1937–2013* (Dublin: Department of the Environment, Community and Local Government, 2013), p. 63.

65. Carey, *Mountjoy,* pp. 210–11.

Manchester in February 1945—perhaps out of necessity, due to the retirement of Thomas Pierrepoint. For this trip, the Irish trainee was issued with travel documents bearing the pseudonym "Thomas Johnston" and it was at Strangeways that Albert Pierrepoint first met his Irish apprentice.[66] Pierrepoint had misgivings from the outset, remembering "Johnstone" as "old and short and timid" and recalling that when he "first took him into the execution chamber his face went as white as chalk" (*E* 161). After two nights of training, Johnston returned to Dublin where a month later he was summoned to Mountjoy to assist at the execution of Lehman.

The Mountjoy Prison *Registry of Deaths* shows that Johnston received a fee of £20 for his part in Lehman's execution in March 1945. Almost two years passed before his services were once again required but when contacted in relation to the scheduled execution of Daniel Duff in December 1946, he expressed strong reservations about taking charge:

> I think that I explained to you about a year ago, that I should like to assist at say one more, as you are already aware the only practical experience I've got is of attending one, and that was about 1 year and 9 months ago . . . as you know this is not something one sees every day and while I am sure I could carry it out at the same time I am not perfectly sure of myself, and it would never do for anything to go wrong. The first time I was speaking to you before leaving Dublin you assured me that our friend would come over for one or two more.[67]

Fortunately for Johnston (and more especially for Duff, who was reprieved), his next visit to Mountjoy appears to have been at the hanging of Joseph McManus in 1947.

In January 1947, Joseph McManus was found guilty of killing Alice Gerrard, a married woman who was alleged to be of "easy virtue." Gerrard shared a cottage with her mother and child in the town of Navan, County Meath; her estranged husband was residing in England, but had ceased to support her since the birth of her baby son, whose paternity he denied. On the night of October 6, 1946, at approximately 3:00 AM, Alice's mother was disturbed by the persistent cries of her grandson. Accordingly, she proceeded to the bedroom where both infant and mother slept, and there she encountered the gruesome scene of her lifeless daughter lying motionless in a bed saturated with blood. The gardaí were alerted, but a perfunctory medical examination conducted by the local doctor did not reveal any injury and it was therefore assumed that Alice had passed away due to a hemorrhage.

However, when the body was being prepared for burial a wound on the right side of the deceased was spotted and the subsequent postmortem examination

66. The trainee's adopted surname is variously spelled Johnston, Johnson, and Johnstone.
67. Carey, *Mountjoy*, pp. 210–11.

established that the death had, in fact, been caused by gunfire. At this juncture, new details were observed: pieces of glass on the windowsill and holes in both the bedroom window and curtains, for instance. An investigation was initiated immediately and suspicion eventually focused on McManus, who confessed to having previously engaged in extramarital sexual relations with Gerrard. The motive for the homicide was not clearly settled during the trial, but it was established that three days prior to the killing the deceased woman had attended confession. The inference was that she had resolved to finish the surreptitious relationship.[68]

According to Albert Pierrepoint, it was initially agreed that "Johnstone" would undertake the execution of McManus while he acted as assistant but the arrangement did not proceed as anticipated:

> I stood back and waited for Johnstone to get things going with my assistance, but he had forgotten all his training and did not really have a clue . . . we went back to the execution chamber for the last preliminaries, but again Johnstone had forgotten his part and I had to keep stepping in to help him. . . . The Governor saw that I was not too happy, and he walked away to talk with one of the officers. He came back and said: "Mr Pierrepoint, I think you should take charge." I said "That's up to you, sir." The Governor looked across to see how Johnstone was reacting, and my own interpretation of his attitude was that he was very pleased. (*E* 162–63)

In the end, the hanging of McManus "was carried out to everybody's satisfaction" (*E* 163) and the career of the would-be Irish hangman came to an end.

The last prisoner to be judicially executed in the jurisdiction was Michael Manning, a carter who was convicted of the murder of Catherine Cooper, a sixty-eight-year-old nurse.[69] Prior to trial, the medical officer reported that he found "no evidence of mental disorder in his case; he is aware of the nature and gravity of the charge preferred against him, in its legal and moral aspects."[70] He deemed Manning fit to plead. Insanity was raised as a defense at trial—but, with no accompanying medical evidence, it was the question of intoxication that was the only hope of reducing murder to manslaughter, and thus of saving Manning from the noose. It was alleged that the accused had killed Cooper after "drinks in several licensed premises."[71] In his charge to the

68. NAI DT S14009, 18 March 1947, "Memorandum for Government in connection with the case of Joseph McManus sentenced to death for the murder of his cousin Alice Gerrard."

69. There were two more executions in Northern Ireland. Both Samuel McLaughlin (1959) and Robert McGladdery (1961) were executed by Harry Allen. See Stewart McLaughlin, *Britain's Last Executioner: The Life of Harry B. Allen* (London: Wandsworth Prison Museum, 2007), p. 121.

70. NAI DJUS 2005/171/4073, 12 February 1954, "Letter from the Governor of Mountjoy Prison to the Secretary of the Department of Justice."

71. *Irish Independent*, 2 January 1954. See also Dermot Walsh, *Beneath Cannock's Clock* (Cork: Mercier Press, 2009).

jury, Mr. Justice Murnaghan explained the defense of intoxication, noting that drink was not a defense

> if the only effect of the drink is the more readily to allow a man to give way to his passions. That is insufficient. The effect of drink has to go much further. It has to go so far as either to render him incapable of knowing what he is doing at all, or, if he appreciated that, of knowing the consequences or probable consequences of his actions.[72]

Only intoxication of a severe nature would have satisfied this test, and although the foreman of the jury sought clarification on the matter, the jury later returned a verdict of guilty. The judge remarked to the jurors, "If it is any consolation to you to know, gentlemen, I agree with your verdict" and sentenced Manning to death. When asked if he had anything to say Manning replied "Nothing to say, sir."[73] The subsequent report of his conduct while awaiting execution found him showing "no evidence of depression or anxiety since his trial and he appears to be taking his sentence in a calm spirit."[74] Manning, whose wife was almost full-term with their first child as he faced his imminent execution, confessed to the crime in one last endeavor to secure a reprieve:

> I did not know the woman and never saw her before in my life and I had never any entention [sic] of doing her or anybody else any harm as I was never in any trouble before in my life and I blame the drink for it as I had a lot of drink that day. I am married eighteen months and my wife is expecting a baby within the next fortnight and it is a hard strain on her worrying how I am going to get on . . . I am truly and heartly [sic] sorry for having commited [sic] such an offence against God and the Law of man.[75]

Pierrepoint was assisted on this occasion by Robert Stewart, who holds the unusual distinction of having been involved in the last executions in the Republic of Ireland, Wales, and England.[76] Manning's final plea for mercy stated that he was "not afraid to meet his God," and in the aftermath of the execution, Albert—who was to remain on the official Home Office list until 1956—made the remarkable comment, "I love hanging Irishmen—they always go quietly and without trouble. They're Christian men and they believe they're going to a better place."[77]

72. *The People (AG) v Manning* [1955] 89 ILTR 155, 157.
73. NAI DT S15641, 17 February 1954 "Charge to Jury."
74. NAI DT S15641, 27 February 1954, "Memorandum for Government."
75. NAI DT S15641, 3 April 1954, "Petition from a person under Death Sentence."
76. NAI DJUS 2005/171/4073, undated, "Records respecting the Executioner and his Assistants (if any)." Stewart executed Vivian Teed at Swansea Prison on 6 May 1958. Fielding, *Executioner's Bible*, p. 243. Peter Allen was executed in Liverpool Prison on 13 August 1964 by Stewart, while Gwynne Owen Evans was executed simultaneously by Harry Allen in Manchester Prison. McLaughlin, p. 89. Stewart reportedly emigrated to South Africa in later life. Fielding, p. 251.
77. *Irish Post*, 26 July 2006.

A final feature of Pierrepoint's memoir warrants consideration: his recollection that alcohol consumption was a distinctive feature of Irish executions. "Nowhere except in Ireland," he recounted, "have I known the bottle to come out after an execution, but in Ireland it was the regular rule" (*E* 112). Indeed, such was the level of consumption in the aftermath of Michael Manning's execution that a Department of Justice memorandum was sent to the prison enquiring as to the "special circumstances which made it necessary to obtain so much whiskey."[78] The deputy governor responded:

> I beg to state that the whiskey was requisitioned by the Medical Officer for issue to those members of the staff whose duty it was to attend at the execution, the removal of the remains from the execution chamber to the hospital for post mortem examination . . . and the actual burial following the holding of an inquest. This sequence of events, in the carrying out of an execution, provide a most undesirable and unpleasant experience for the officials concerned, hence the necessity for requisitioning the whiskey. Records reveal that prior to 1941, three and sometimes four bottles of whiskey were purchased for such occasions. The quantity provided and consumed on this occasion—two bottles—was, therefore, reasonable.[79]

It is ironic that Manning himself would have been entitled to a drink on the night preceding his death given that his case was to become, for many years, the leading authority on self-induced intoxication as a defense to a criminal charge in Ireland.[80] Pierrepoint was himself a publican in England. He could hardly have been unaware that the drinking ritual in Mountjoy reflected a wider funeral custom in Irish society during this period. And yet, from our perspective sixty years later, it is striking that alcohol played such a role in Manning's execution given its pernicious presence when he hastened both his victim's, and ultimately his own, premature demise.[81]

78. NAI DJUS 2005/171/4073, 22 April 1954, "Letter from the Department of Justice to the Governor, Mountjoy Prison."

79. NAI DJUS 2005/171/4073, 22 June 1954, "Letter from W. Kennedy to the Secretary of the Department of Justice."

80. The 1947 Prison Rules (para. 196) permitted prisoners awaiting trial to receive food and intoxicating liquor (other than spirituous liquors) and offenders of the first division were allowed to receive or purchase wine, beer or cider (para. 244). An Irish republican, sentenced to death in 1980, recalled how condemned prisoners were allowed "two bottles of stout per day" for "health reasons." See Peter Pringle, *About Time: Surviving Ireland's Death Row* (Dublin: History Press, 2012), p. 158.

81. On the relationship between alcohol and lethal violence, see Ian O'Donnell, "Violence and Social Change in the Republic of Ireland," *International Journal of the Sociology of Law*, 33 (2005), 101–17 and Ian O'Donnell, "Killing in Ireland at the Turn of the Centuries: Contexts, Consequences and Civilizing Processes," *Irish Economic and Social History*, 37 (2010), 53–74. On Ireland's complicated relationship with drinking, see *Alcohol, Society and Law*, ed. Shane Kilcommins and Ian O'Donnell (Chichester: Barry Rose, 2003).

There is one final point to be made regarding the legacy of the Pierrepoints, a point that speaks to a more general tendency among Irish policy makers, when confronted with intractable problems, to take advantage of what the neighboring island has to offer. The proximity of England has often provided a "workaround" both for individual Irish citizens, and—whether admitted or not—for Irish governments, when faced with unemployment, abortion, or in decades past, illegitimacy, contraception, and divorce. Indeed, one commentator referred to Ireland's ingrained reluctance to confront causal factors and design local solutions as the "Pierrepoint syndrome."[82] In 1979, the minister for health famously described his contraceptive legislation as "an Irish solution to an Irish problem."[83] We might say that the Pierrepoints and their contemporaries were, in effect, an "English solution to an Irish problem."

The importation of English hangmen marked a reversal of the trend whereby difficult Irish issues were usually exported to England, rather than solutions imported, because the Irish state found it too complex or problematic to tackle them in a domestic context.[84] The historical preoccupation with the "national question" in Ireland may have diverted political attention away from capital punishment, corruption, institutional abuse, and a variety of other difficult indigenous issues.[85] But, as Gerard O'Brien reminds us, "each execution reflected yet another failure by the Irish people to face their own shortcomings."[86] The abolition of capital punishment marked an important step toward facing these shortcomings. Ireland will know that it has reached full maturity as a nation once the "Pierrepoint syndrome" has been fully eradicated.

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82. Finola Kennedy, *Cottage to Creche: Family Change in Ireland* (Dublin: Institute of Public Administration, 2001), p. 6.

83. Charles Haughey, 28 February 1979, Parliamentary Debates, Dáil Éireann, vol. 312, col. 335.

84. Generally see Diarmaid Ferriter, *The Transformation of Ireland 1900–2000* (London: Profile, 2003).

85. O'Brien, p. 250. See also *Coercive Confinement in Ireland: Patients, Prisoners and Penitents,* ed. Eoin O'Sullivan and Ian O'Donnell (Manchester: Manchester University Press, 2012).

86. O'Brien, p. 250.