

This PDF version of the NYCHS PowerPoint presentation at the

The 31st

Conference on New York State History

Ithaca College Ithaca June 3–5 • 2010

9–10:30

Morning

June 4

Emerson Suite A

- ◆ **LAW AND ORDER IN THE EARLY REPUBLIC:
THE LEDGERS OF JUSTICE SIMEON BUTTON**

Walter Auclair

Pittstown Historical Society

- ◆ **LASTING QUESTIONS ABOUT NEW YORK'S
LAST HANGING EXECUTION**

Thomas C. McCarthy

- ▶ **New York Correction History Society**

- ◆ **DIVORCE IN THE EARLY REPUBLIC: ISAAC
GOUVERNEUR VS. ELIZABETH GOUVERNEUR**

Michelle Duross

SUNY Albany

Comment:

Dr. Michael A. Bellesiles, Central Connecticut State U.



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in an upper corner, left or right, depending
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webmaster
presents



*Lasting
questions
about
NYS'
Last
Hanging
Execution*





Electrocution law enacted 6/4/1888 to take effect 1/1/1889. Earlier efforts to reform death penalty: 1835 - end of public executions. 1860-62: Limit to 1st degree murder, high treason.



Horrifically botched hangings such as the slow strangulation of Alexander Jefferson on 8/1/1884 at Brooklyn's Raymond St. Jail fired drive for more humane method. Linda Gilbert, reformer ('mother of inmate libraries') had frequently visited him.



Alexander Jefferson on 8/1/1884 at Brooklyn's Raymond St. Jail fired drive for more humane method. Linda Gilbert, reformer ('mother of inmate libraries') had frequently visited him.

He was 1 of 9 hanged at the 1838 jail.

THE DEATH PENALTY.

Virgil Jackson, Metcalf's Murderer,

Hanged at Utica.

KILLED A JEALOUS HUSBAND

He Was Calm on the Scaffold—His Last Night on Earth Was Enlivened by the Singing of a Local Glee Club—The Crime.

UTICA, N. Y., March 14.—Virgil Jackson was hanged in the jail yard here at seventeen minutes past 9, for the murder of Morton Metcalf over a year ago. The execution was the last which will occur in the county, as the new law of punishment by electricity is now in force. The gallows was the same as

**8 hanged after 1/1/89
for pre-1/1/89 murders.**

#1 – Oneida Cty 3/14/89.

#2 – Ontario Cty 7/10/89.

#s 3, 4, 5, 6 NYC Tombs

8/23/89

**Cases
not tied.
Victims
women.**

FOUR MURDERERS HANGED

A QUADRUPLÉ EXECUTION IN
THE TOMBS PRISON.

PACKENHAM, NOLAN, CAROLIN, AND
LEWIS, THE SLAYERS OF WOMEN,
EXPIATE THEIR CRIMES.

For the first time since that gloomy old place of execution, the Tombs Prison, was erected four criminals were yesterday hanged in the shadows of its walls at practically the same time. Two scaffolds had been erected, one at

EXECUTION OF A MURDERER.

**CARLTON EXPIATES HIS CRIME ON
THE SCAFFOLD.**

**The Last Culprit to Die by Hanging
in New York.** City

NEW YORK, Dec. 5.—“Handsome Harry” Carlton, the murderer of Policeman Brennan, was hanged in the Tombs yard this morning at 7.29. His neck was broken and he did not struggle. The execution in scenes preceding and immediately attending it was more than usually lacking sensational incidents. The prisoner was to have been awakened at 4 this morning, but was sleeping so soundly at that time it was decided to let him rest till five o'clock.

#7 - 'Handsome
← Harry' Carlton
12/5/89 at Tombs.

Last in NYC.
Fataally shot cop
James Brennan
who came to aid
of a man whom
Harry & his
gang buddies
were beating.

EXECUTION OF GREENWALL

FOR THE MURDER OF LYMAN S. WEEKS
IN MARCH, 1887.

John Theodore Wild was the name marked on a plain stained-wood coffin that was carried out of Raymond-Street Jail, Brooklyn, yesterday morning, but the body within it was that of John Greenwall, who at 7:30 o'clock had expiated on the gallows the brutal murder of Lyman S. Weeks. The condemned man had retained his unnatural calm until a second before the black cap was drawn over his eyes. Then his face grew suddenly white and his pinioned knees trembled. Father O'Hara quickly placed a crucifix on Greenwall's lips, and the latter kissed it passionately. The next instant "Joe" Atkinson had rapped sharply on the wooden partition concealing the 552 pounds of weights, a crash was

#8-John Greenwall
(Greenwald) aka

← John Theodore
Wild at Bklyn
Raymond St. Jail
12/6/1889 last rope
execution in NYS.

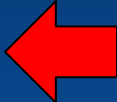
Convicted as
deadly shooter in
case of burglary-
gone-bad.

Poor farmer Joseph Chapleau on 1/28/1889 beat to death well-off

CHAPLEAU ESCAPES THE CURRENT
GOV. HILL RESCUES A MURDERER FROM DEATH BY ELECTRICITY.

ALBANY, July 16.—Gov. Hill has commuted to imprisonment for life the sentence of Joseph Chapleau, convicted in Clinton County of murder in the first degree and sentenced to be executed during the week commencing July 21. In his decision the Governor says:

“This application for executive clemency is based upon a petition signed by many of the leading citizens of Clinton County, including nearly all the county officials. The County Judge strongly favors the application. The District Attorney does not oppose it. The twelve jurymen who rendered the verdict against the defendant unanimously unite in asking for a commutation.

 farmer Erwin Tabor whom he said killed his cows. The 1st electric chair sentence cut to life in prison due to pleas by jury, officials.

1st electrical execution: ax murderer Wm. Kemmler Aug. 6, 1890 at Auburn Penitentiary.

The issues in his case:

capital
punishment
& method to
be used, not
the trial, its
verdict or his
guilt.



Intrigues & legal moves of
George Westinghouse (A.C.) vs.
Thomas Edison (D.C.) delayed
implementation of the law.



Westinghouse

Neither
wanted
his
current
known
as a
killer.



Edison



But precisely those validity-of-process issues arise when

the long-forgotten case
of the last man hanged

in NYS is
studied.
Began as
Raymond
St. Jail
history
research.





Lyman Smith Weeks shot

dead checking
noise below at
1071 Dekalb Av.
12:30 a.m. 3/15/
1887. Cellar
street level.
Neighbor ran to
14th Pct. Hq to
report break-in
& murder.

Weeks, top staffer at Shethar & Sanford, NYC hatters, a kin of

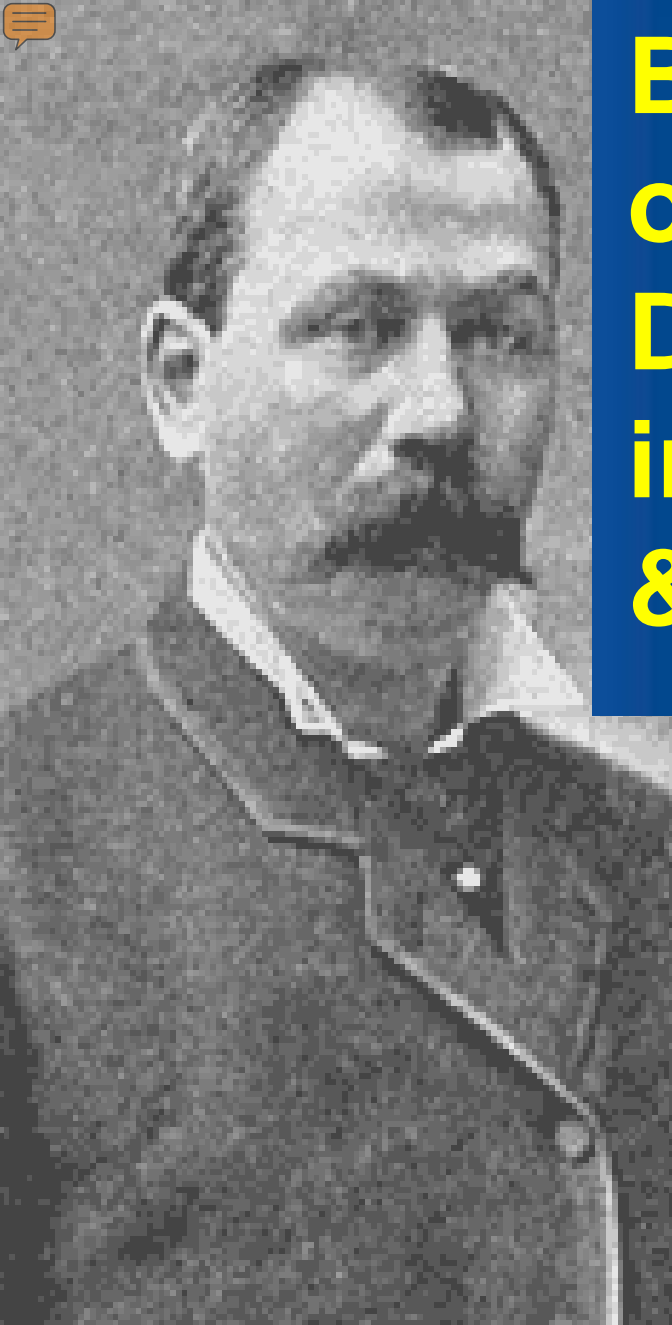


Samuel Shethar

Sanford
hat-making
family.
\$2,500
reward.
Hat trade
added
hundreds
more \$\$.



Mayor Whitney



**Bklyn & Kings not beat
of NYC Insp. Thomas '3rd
Degree' Byrnes' but he
involved himself in case
& credited as 'solving' it.**

**Effective, innovative,
ruthless, dogged, self-
promoter, w/o scruples.
Regarded by historians
as corrupt as the rest in
Tammany-era office.**

Insp. Byrnes



**Tried to pin Weeks murder
on Peter Inglis, an 'extra,'
but the youth was well-
liked, articulate, believable.**

**← Margaret Mather
trouper publicly made
known he had been with
them in other cities at the
times of crimes Byrnes
sought to push against him.
The charges crumbled.**

Conveniently diverting attention away from Inglis case collapse: emergence of John Greenwall, German tailor & thief

who barely mumbled in English. Picked up as 1 of 4 NJ mansion burglars.



Young mansion



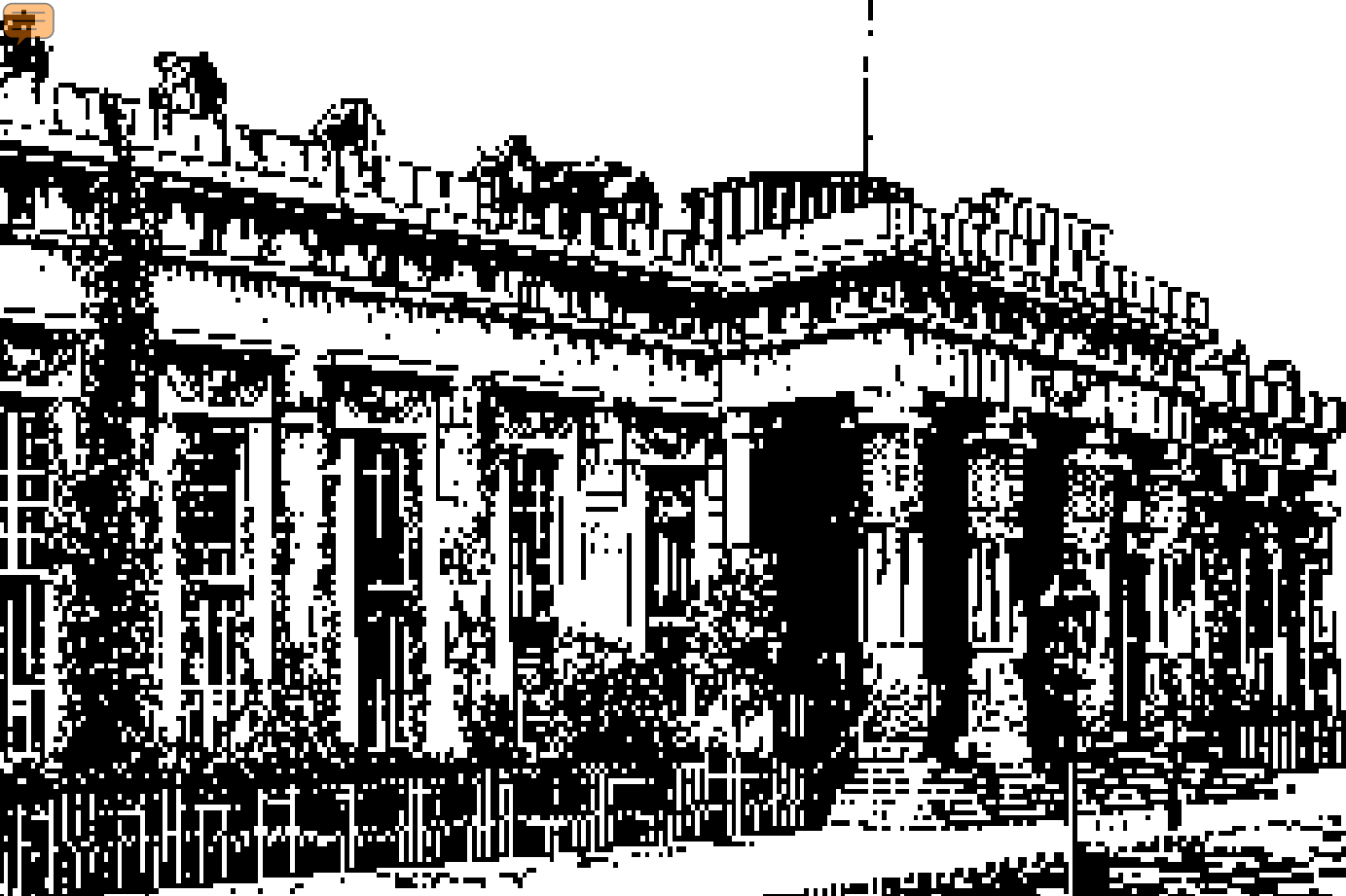
E.F.C. Young, banker/'pol'

4/5/1887, Greenwall, John Baker and Paul Krauss arrested in Bowery flop house for NJ burglary. Contrary to a



Byrnes later claim, Butch Miller wasn't arrested then.

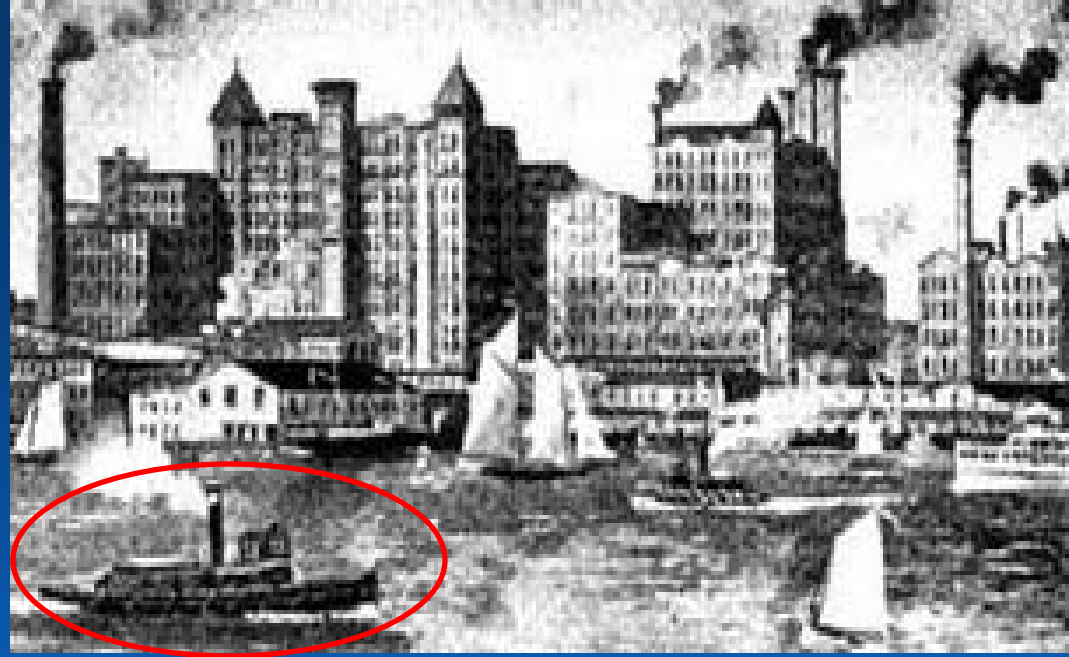
He already was in the Tombs on another case.



Miller
← away
in Tombs
may have
figured in
Krauss'
asking to

to see Byrnes, claiming Greenwall 1/2
asleep told of killing Weeks during a
break-in with Miller as lookout. Baker
backed up Krauss' story to Byrnes.

Miller said he was near Weeks home, not with Greenwall, but with Krauss.



**Route there:
via Wmsburg
steam ferry &
Ralph Ave.
horse trolley.**

At trial, Miller testified he refused to be look-out after Krauss showed him gun; wanted no part of any gunplay.



Kings
County
Court
House

Instead went to local bar. A Krauss cellmate said Krauss in 'half-sleep' admitted he shot Weeks.



DA sought to bolster case via an uncharged crime. Ridgway had 1 'sleep' confession too many, Miller ID-ing Krauss as the killer, & eye witnesses who could only place man with hunchback Miller (Greenwall?) in the Weeks general vicinity.

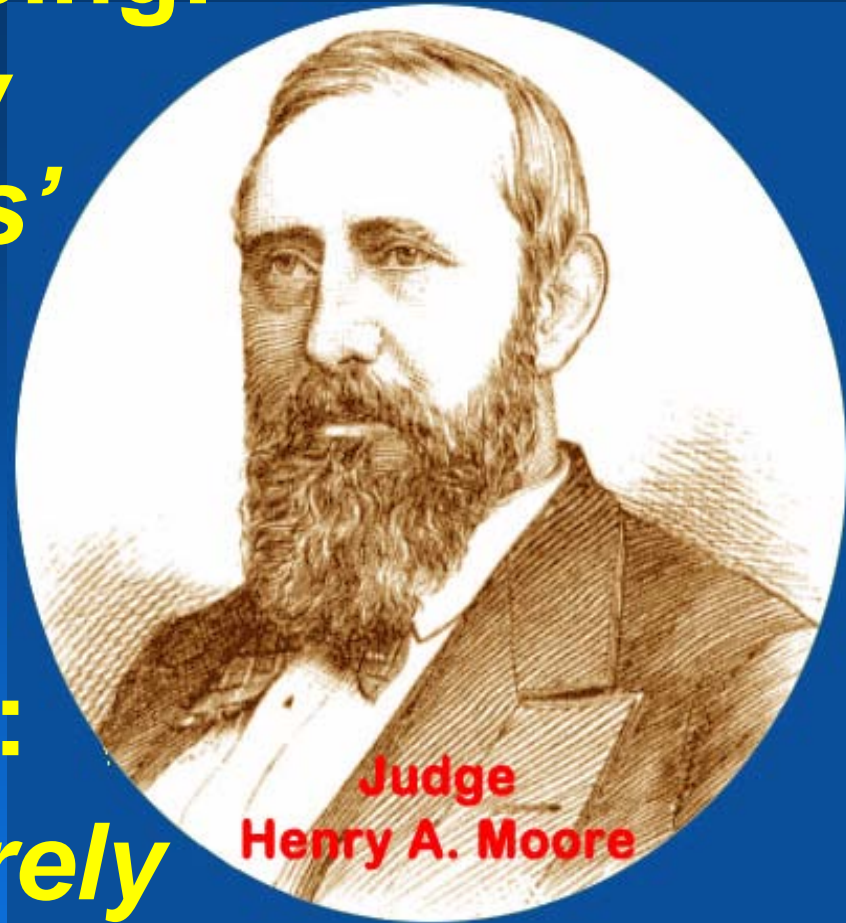
DA James Ridgway

Greenwall at sentencing:

I'm innocent...I know nothing of Mr. Weeks' death. My blood will be on Mr. Ridgway, Judge Moore, & the jury. Moore declared:

"I am personally entirely

satisfied with the jury verdict." The incompetent testimony Moore let DA use involved an uncharged burglary.



**Judge
Henry A. Moore**

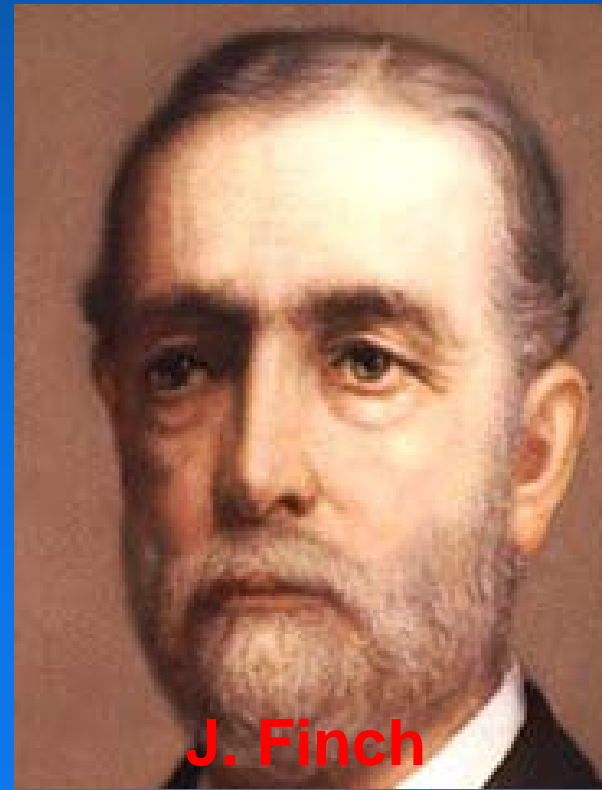
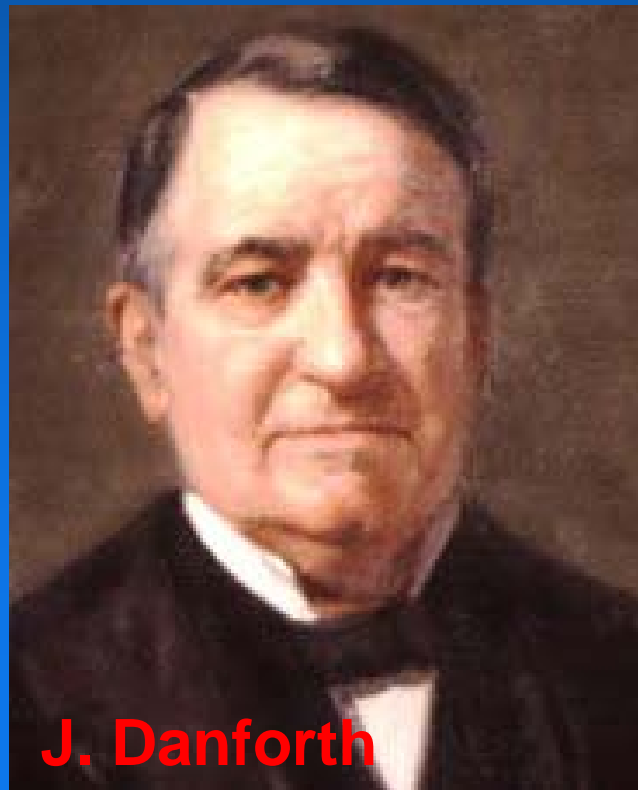
Earl's 2/7/88 top court unanimous ruling overturning conviction reads like Trial Law 101 why uncharged crimes n.g. –

The defendant's guilt was not so clearly established by other proof that it can be said that this [incompetent] evidence was harmless.



Justice Robert Earl

***The evidence was clearly incompetent
... It was objected to; the attention
of the [trial] court [judge] and the
district attorney was clearly called to
its incompetency.***





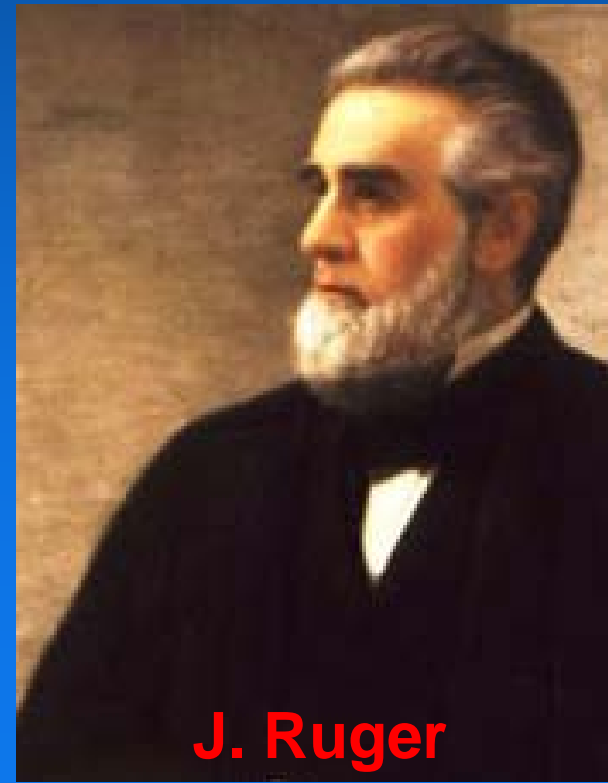
... the error of its reception cannot, ought not to be disregarded. A person on trial for his life is entitled to have his case submitted to an impartial jury upon competent evidence.



J. Peckham



J. Miller



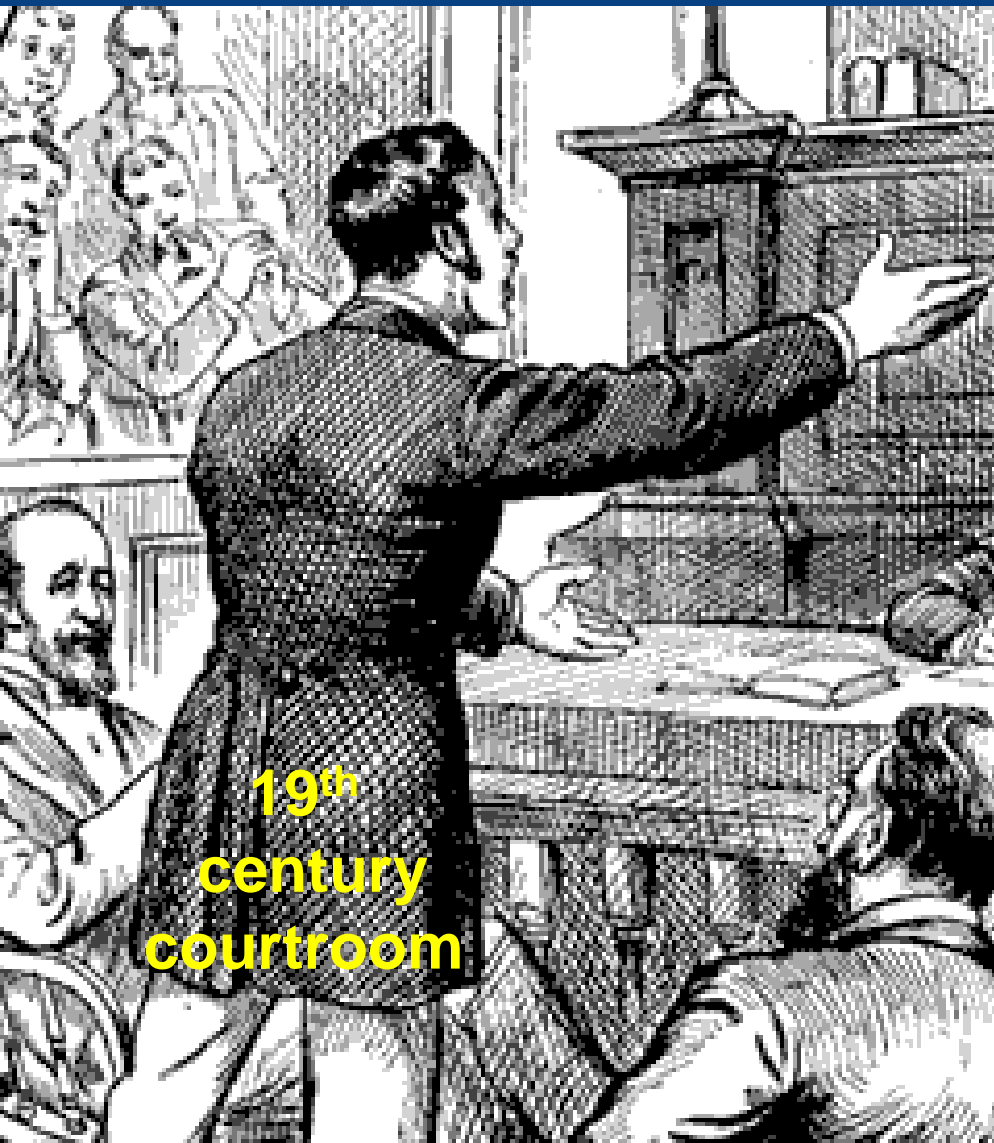
J. Ruger



2nd trial resulted in guilty verdict, death sentence & NY highest court again unanimously critical of DA 'improper' conduct. His comment on having convicted the defendant before & vowing to "do it again" ran contrary to Criminal Trial Procedure Code Section 464.

Court of Appeals

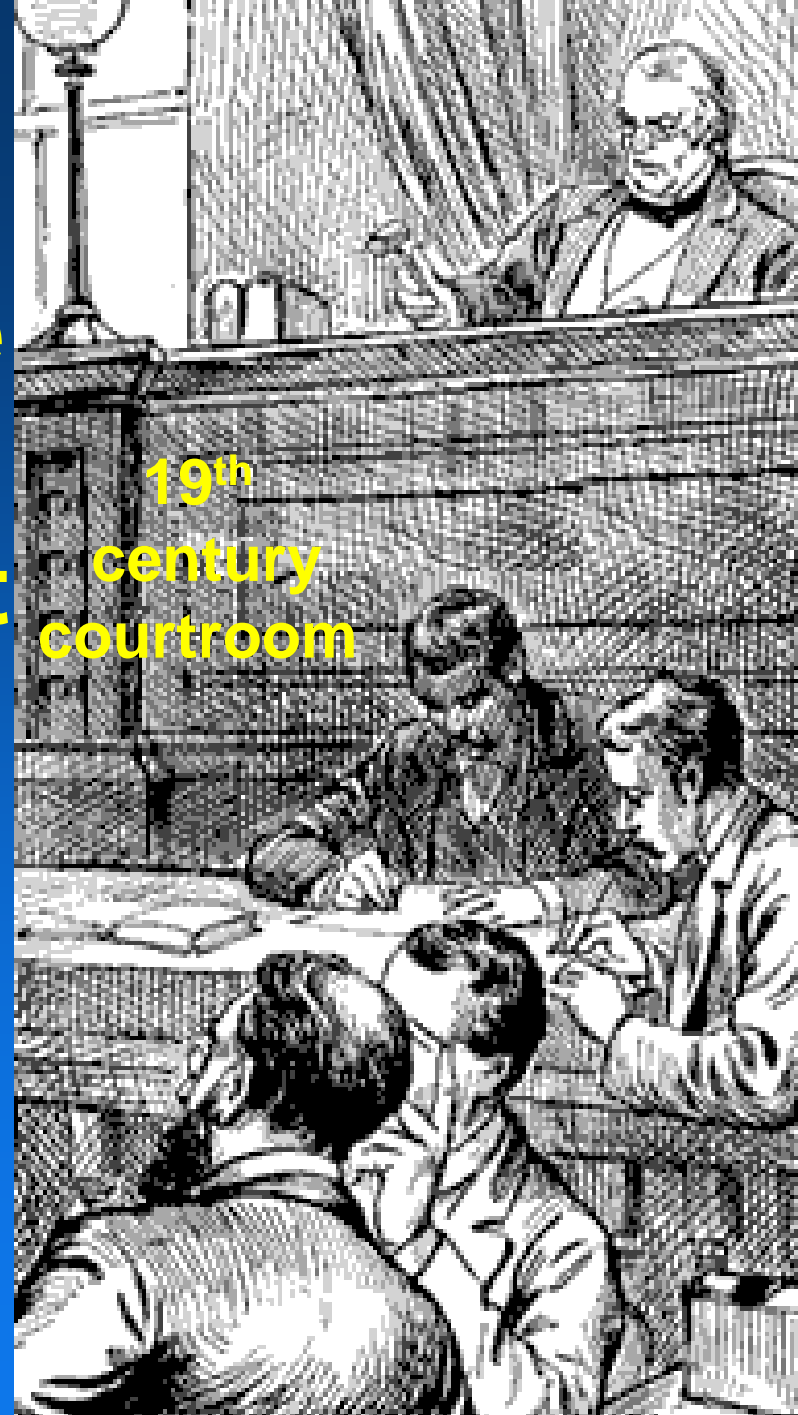
Co-defendant Miller had not been called by the defense at the 2nd trial.



**19th
century
courtroom**

Ridgway tried to suggest what testimony Miller would have given had he taken the stand. Earl noted the DA shouldn't have so spoken.

Unlike its opinion on the first trial's appeal, the high court -- while again critical of DA's misconduct -- did not undo the 2nd trial's verdict. The top panel deferred to the trial judge to instruct the jury that summations were not evidence.



19th
century
courtroom

Only former Surrogate/District Judge



Abram H. Dailey

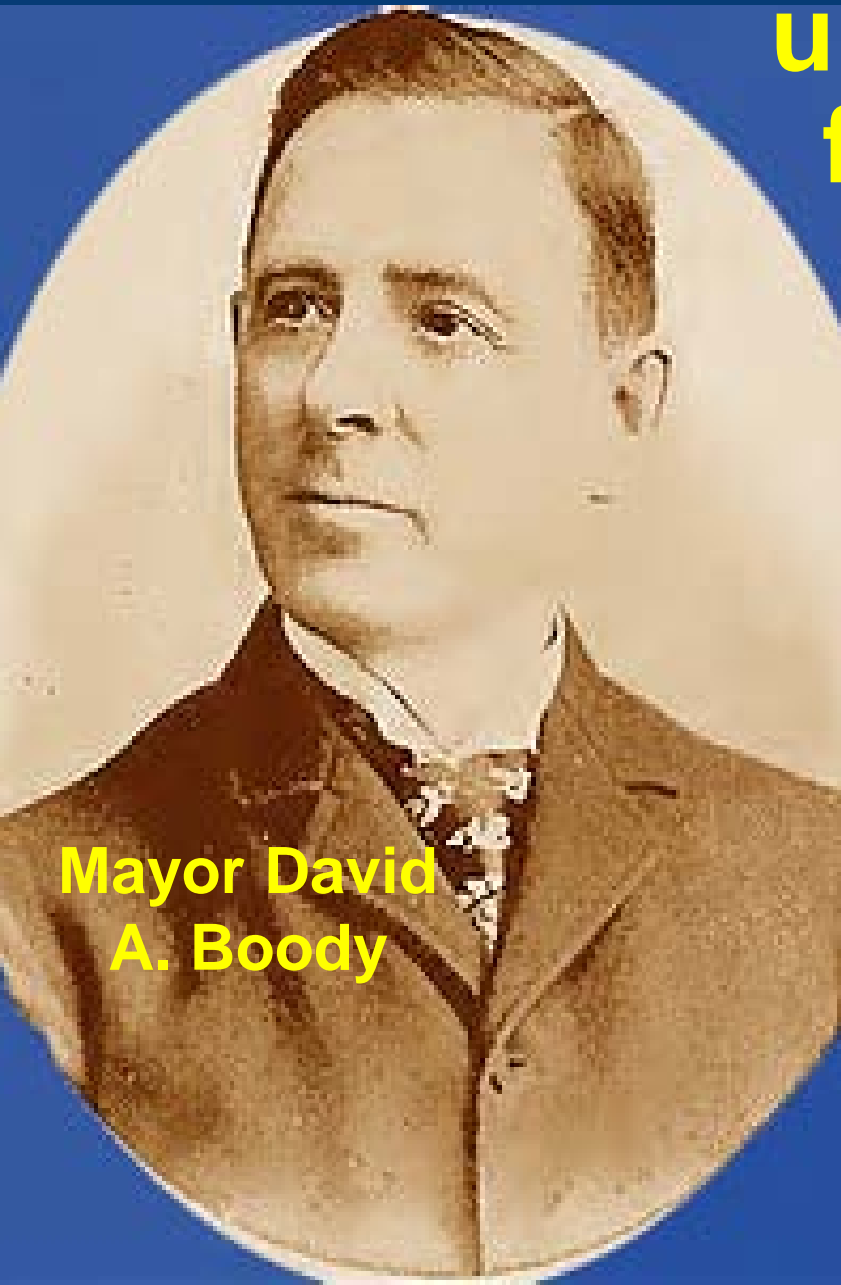
Abram H. Dailey, Greenwall's last lawyer, sought to have another judge hear bid for a 3rd trial, citing Moore's 'prejudicial' remarks after the first trial.



GONE TO MEET JOHN KELLY.

High court justices may have been less inclined to defer to Moore if they had seen him, as did the *Times* and other reform forces, as part of 'Bklyn Boss' Hugh McLaughlin's machine along with Ridgway. *Times* cited DA-Moore political teamwork.

NY Times: Ridgway & Moore teamed up to keep Grand Jury from indicting Mayor, Aldermen, & other Bklyn officials on trolley franchise fix raps. Case raises question about the high court's reliance on this trial judge to restrain this DA.



**Mayor David
A. Boody**



*Lasting
questions
about
NYS'
Last
Hanging
Execution*



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**Brooklyn Jail
Scene of NYS'
Last Hanging
Execution 120
Years Ago
Dec. 6th**

