

# The Hangman And The Electric Chair

By Bernie Matthews

The last execution in Australia was in 1967. Advocates for the reintroduction of the death penalty in Australia would argue “an eye for an eye” is adequate justification for the return of the hangman. Accompanying this is a groundswell of opinion that prison does not appropriately exact society’s revenge for murder and violent crime.

But capital punishment is also an irrevocable step within any legal system. And legal systems are not infallible.

Proponents of the death penalty point to child murder as a crime worthy of capital punishment, but as unpalatable as this crime may be, there is no guarantee a miscarriage of justice cannot occur.

After the disappearance of 10-year-old South Australian schoolgirl, Louise Bell, from her parents’ home in the Adelaide suburb of Hackham West in January 1983, concerned parents demanded immediate action from the South Australian police.

A South Australian prisoner, Raymond John Geesing, was serving time in Adelaide Jail for an unrelated crime when he was charged with the abduction and murder of Louise Bell. The Crown case rested largely on evidence from four prisoner informants who had been in prison with Geesing and alleged he had confessed to them. Based on their evidence, Geesing was convicted and sentenced to life imprisonment.

On April 12, 1985, the South Australian Court of Criminal Appeal unanimously upheld an appeal by Geesing. South Australian Chief Justice, Mr Len King, ruled that Geesing’s 1983 trial had miscarried and the guilty verdict for the murder and abduction of Louise Bell was set aside. Chief Justice King said the prisoner informants were unreliable and untrustworthy witnesses.

One prisoner retracted his original statement. The evidence of another prisoner informant was declared inadmissible. The Court of Criminal Appeal ordered there be no retrial and Geesing walked to freedom after serving 17 months for a crime he had not committed.

## Innocents Executed in England

In March 1950, Timothy Evans was convicted and hanged in England for the murder of

his baby daughter, Geraldine. The court did not proceed with a second charge of the murder of his wife. During the trial, the dull-witted Evans insisted his wife and daughter had been murdered by “the other man” living in the house at 10 Rillington Place, London.

“The other man” was John Reginald Halliday Christie, one of the main witnesses for the prosecution. The trial judge complimented Christie for “his clarity of evidence” during the trial. Three years after Evans had been executed, Christie confessed to murdering eight women in England between 1940 and 1953. One of them was Evans’ wife. Christie was convicted and hanged at Pentonville Prison on July 15, 1953.

In 1966 the British Government granted Timothy Evans a posthumous pardon in recognition of his innocence. But the Evans case is not the only miscarriage of justice under British law where an innocent man has been executed.

In 1819, Thomas Harris, landlord of the Rising Sun Inn, on the York-Newcastle road, was executed for murder. It was later established that the barman at the inn and chief prosecution witness was the actual killer, and Harris had been innocent. The posthumous pardon awarded to Harris did not ameliorate the travesty of justice.

In March 1835 an Irish peddler, Daniel Savage, was sentenced to death for the murder of his wife 10 years earlier. After having his beard shaved off to “make the hangman’s job easier,” he was allowed a final visit from his sister.

The woman looked at the condemned prisoner, completely baffled, saying, “He’s not my brother. He doesn’t look anything like my brother!” There was not enough time to investigate the woman’s claim before the man was led to the scaffold and hanged. The sister had been correct. The man who had gone to his death was innocent. His name was Edmund Pine. Not Daniel Savage.

In the same month, another innocent man was executed in England.

Edward Poole Chalker was convicted and sentenced to death for killing a gamekeeper. He was led to the gallows protesting his innocence. Seven years later another man confessed to the crime. Chalker, like Pine, had been innocent.

Unlike Harris, Pine and Chalker, William Habron survived the death cell and the gallows. Habron was sentenced to death in

1876 for the murder of a London police officer, but because of his youth the sentence was commuted to life imprisonment. Three years later, while Habron was serving his life sentence, a notorious criminal, Charles Pearce, confessed to the murder. William Habron received a pardon and £800 compensation from the British Government.

In 1909, Oscar Slater was sentenced to death for the murder of an elderly woman in Glasgow but like Habron, had his sentence commuted to life imprisonment. After he had served 19 years in prison, it was established that Slater was completely innocent. He was relieved and awarded £6,000 compensation.

## Australian Cases

The Australian legal system is not immune from the same miscarriages of justice experienced in countries that retained the death penalty. But if the death penalty had still been a sentencing option under Australian law these people would, in all probability, have been executed for murder:

- New South Wales (NSW), 1947. Frederick McDermott was convicted of murder. He served seven years before a Royal Commission established his innocence. He was released from prison and granted a pardon for wrongful imprisonment.
- South Australia, 1978. Edward Charles Splatt was convicted of murder. He served six years before a Royal Commission established his innocence. He was released from prison and granted a pardon for wrongful imprisonment.
- NSW, 1979. Three men known as the Ananda Marga Trio — Paul Alister, Ross Dunn and Timothy Anderson were convicted of conspiracy to murder. They served seven years before a judicial inquiry into their convictions, conducted by Mr. Justice Wood in 1985, concluded they were innocent. They were released from prison and granted unconditional pardons.



Lindy Chamberlain during her 1982 trial

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Chief Leschi  
(Washington Historical Society)

## Chief Leschi Exonerated of Murder — 146 Years After His Execution

by Hans Sherrer

Thirty-four years before the Washington Territory became the State of Washington, the Nisqually Indian Nation and white

settlers in the Puget Sound area were engaged in what became known as the Indian War of 1855-56. The territorial government precipitated the war after members of the Nisqually Tribe refused to agree to a land cession treaty that would have created a 900 acre reservation in western Washington for the tribe.

On October 31, 1855 a firefight occurred east of present day Tacoma between the territorial militia and members of the Nisqually Tribe. During that skirmish, volunteer militiaman Colonel Abrams Moses was shot and killed.

Territorial Governor Isaac Stevens blamed Nisqually Chief Leschi for Moses'

Nisqually during the war. However Gov. Stevens didn't think the territorial government was bound by the Army's agreement. On November 16, 1856, three days after his arrest, Leschi was put on trial for Moses' "murder" in the federal territorial court.

The prosecution's case rested on one eyewitness — Antonio Rabbeson — who claimed Leschi was present when Moses was shot. However Leschi claimed he wasn't involved in the skirmish during which Moses was killed, and his counsel vigorously attacked Rabbeson's credibility. One distinct irregularity was Rabbeson chaired the grand jury that indicted Leschi for capital murder. The trial ended in a hung jury because two jurors held out for Leschi's acquittal. One of those jurors, Ezra Meeker, stated that Rabbeson was "obviously lying."<sup>1</sup>

Leschi was convicted of murder and sentenced to death after a retrial in March

"murder," and ordered his arrest. More than a year later, Leschi surrendered after being assured by the Army that he wouldn't be prosecuted for acts committed by the

1857. The territorial Supreme Court affirmed his conviction after refusing to consider new evidence: an Army map indicated Leschi was miles away from the scene of Moses' death. In its decision, the Court wrote that Leschi was the "leader of the Indian forces that "cruelly waged" war on settlers, "sacrificing citizens" in the Puget Sound region."<sup>2</sup> The Court's decision exhibited passion and prejudice against Leschi, who was the chief of the Nisqually Tribe that reacted hostilely to being displaced from their lands by white settlers.

Leschi was hanged on February 19, 1858, outside of Fort Steilacoom, south of present day Tacoma. The Army refused to participate on the grounds that Moses was a casualty of war, and had not been murdered. At the time many people, including his executioner, believed Leschi was innocent. Charles Grainger, his hangman later said, "I felt then I was hanging an innocent man, and I believe it yet."<sup>3</sup>

Since the time of his conviction and execution, the Nisqually have considered that Chief Leschi was unfairly prosecuted for Moses' death. Beginning in 2002, members

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- NSW, 1980. Douglas Harry Rendall was convicted of murder. Rendall served nine years before a judicial inquiry into his conviction concluded he was innocent. Rendall was released from prison and granted an unconditional pardon.
- Northern Territory, 1982. Lindy Chamberlain was convicted of murder. Served four years before a Royal Commission of Inquiry headed by Mr Justice Trevor Morling concluded she was innocent. Lindy Chamberlain was released from prison, compensated for wrongful imprisonment and granted an unconditional pardon.
- Queensland, 1983. Barry Mannix was accused of murdering his father at Surfers Paradise. After allegations Queensland police fabricated Mannix's confession to the murder, three other men were arrested and confessed to the crime. Barry Mannix was immediately released from prison.
- Queensland, 1984. Kelvin Condren was convicted of murder. He served six years before the High Court of Australia and the Queensland Court of Criminal Appeal cast serious doubts on the conviction and his alleged confession. After examining the evidence, Queensland Attorney-General Deane Wells recommended

Condren's release from prison. Condren was set free in 1990.

- NSW, 1990. Roger Graham Bawden, surrendered himself to Queanbeyan police and confessed to a murder he committed in 1973. Another man, Johann Ernst Siegfried (Ziggy) Pohl, had been convicted of the murder and had already served over ten years in prison. The murder of Kum Yee "Joyce" Pohl at Queanbeyan became the subject of a special judicial inquiry which cleared Ziggy Pohl of the murder. Pohl was freed from prison and granted an unconditional pardon.

The wrongful imprisonment of an innocent person is a grave miscarriage of justice. But the execution of an innocent person is an irrevocable miscarriage of justice. There is no reprieve from the grave.

In February 1955, British Home Secretary Chuter Ede revealed the weight of that responsibility when he addressed the House of Commons on the death penalty in the Timothy Evans case:

I was the Home Secretary who wrote on Evans' papers "the law must take its course."

I think that the Evans case shows, in

spite of all that has been done since, that a mistake was possible and in the form of which a verdict was given in a particular case, a mistake was made.

I hope no future Home Secretary, in office or after he has left office, will ever have to feel that - although he did his best, although none would wish to accuse him of being either careless or inefficient — in fact he sent a man who was not guilty, as charged, to the gallows.

Reprinted and edited with permission of the author. Bernie Matthews is a convicted bank robber and prison escapee who has served time for armed robbery and prison escapes in Australia — New South Wales (1969-1980) and Queensland (1996-2000). During his periods of incarceration he studied journalism and received scholarships to study as an external student at the University of Southern Queensland. He is now a journalist.

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<http://www.onlineopinion.com.au>

