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Understanding the Past II

A forestalled campaign and a forgotten tragedy: the prison suicide of Edward Spiers in 1930¹

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There can be few documents as emotive and unsettling as a suicide note or letter. Even if the contents are brief or matter of fact, the knowledge of what followed the writing of that document is likely to make any of us reflect on the quality of mortality. Their importance is enhanced by our awareness of the intensity and consequences of the moments in which they were written. When written on scraps of paper or even toilet paper, as was the case with the notes left by Ernest Collins, a prisoner who committed suicide in Dartmoor Prison in 1934, the ephemeral nature of those materials seems to increase their tragedy. Ernest Collins was found dead in his cell on 27 November 1934, shortly after he was informed his appeal against a prison sentence and corporal punishment (often referred to as flogging) had been rejected. His suicide notes make it clear he had been distressed at the thought of being flogged.

‘The strain has now finished off my heart which was bad before and I feel if I lived through the beating, I would die before all these years go by for I have felt very sharp pains over my heart to just below the shoulder at left at back — my head goes just like a clock before it strikes and I shake awful then. It’s no good complaining with this sentence hanging over me as I don’t say all I feel...The Policeman in my head keep lashing me every night...My head is awful with all this worry and I think it might go back on me any minute. I try to hide what is really the matter with it from the Doctor — I don’t tell him all... — I cannot rest or sleep — keep starting up feeling the lash across my body — my mind’s in agony — God help me.’

The verdict of the coroner’s court was that he had hanged himself while in ‘a state of unsound mind’.

These scant records of the last remaining hours or minutes of someone who was about to take their life offer strong material for cultural history. The associations and judgements made about these tragic actions at the time, and those who committed them are reflected in the language used to describe, discuss and record them. Historically, they reveal the darkest aspects of human experience. Occasionally, these tragic acts take on broader meaning and importance. The suicide of Ernest Collins became politicised and the central evidence in a debate, which reached into the House of Commons, about the use of corporal punishment as a sentence of the court. Much less was said about the use of corporal punishment by prison authorities for offences committed in prison. This suicide resulted in an investigation by the Prison Commission but failed to directly instigate a Parliamentary investigation although, as I suggest elsewhere, it was an important driver behind campaigning by the Howard League against flogging as a penalty of the court which resulted in the establishment of the *Departmental Committee on Corporal Punishment* in March 1937.³ Ultimately, Rose asserts, that Committee’s recommendations (finally implemented as a result of the 1948 Criminal Justice Act) were ‘virtually the death warrant of corporal punishment outside prisons.’⁴ The ability of a prison’s visiting justices in England and Wales to order the birch or cat (flogging) for prisoners was not affected. That power was retained until 1967 (but last used in 1962).

1. An earlier iteration of the ideas in this article appeared in *Exchanges*, the blog site of the Social History Society, on 17 September 2018 https://socialhistory.org.uk/shs_exchange/suicide-and-the-fear-of-flogging/. It has been developed and used here with their kind permission.
2. The National Archives HO144/19791.
3. Brown, A. (2018) ‘The sad demise of z.D.H.38 Ernest Collins, suicide, informers and the debate on the abolition of flogging’, *Cultural & Social History* Vol.15 (1): 99-114.
4. Rose, G. (1961) *Struggle for Penal Reform*. Stevens & Sons Ltd, London, pp.211-212. In fact, consequent legislation was delayed by the war and the recommendations of this Committee were not carried through until the *Criminal Justice Act* of 1948, 11 & 12. Geo.6, ch.58.

This article looks at another prison suicide that occurred a few years before that of Ernest Collins. There are similarities between the two, for example, they both attracted a lot of press attention because of the link made between the penalty of flogging and the suicide. Indeed one article observed, while getting Spiers' name wrong, that 'No more vivid example of how a single untoward act can excite the public conscience could be adduced than the recent suicide in Wandsworth Gaol of James Edward Spiers [sic].'⁵ On 31 January 1930, James Edward Spiers was sentenced at the Old Bailey to 10 years' penal servitude and 15 strokes of the cat-o-nine-tails for robbery with violence. The cat-o-nine-tails was an instrument used for flogging adults, which had nine leather knotted straps attached to a handle and its use in the English criminal justice system had a long history. On 3 February 1930, aged only 37-year-old, Edward Spiers committed suicide in Wandsworth Prison by making a fatal leap from his first-floor cell headfirst onto the floor below. He had been in prison before on multiple occasions and been the subject of previous press attention for his first serious offence, the theft of nearly £2000 from Coventry Post Office in 1914, the proceeds of which were later discovered by the police to have been cemented up in boxes beneath the stairs of his uncle's house.⁶ In 1930 the Governor of Wandsworth described him as an 'old prisoner'.⁷

In 1930 James Spiers died immediately as a result of his fall due to a compound fracture of the skull. In a morbidly dramatic way his death was reported, on multiple occasions, with a heading 'Dive to Death' or 'Fatal Leap'. Early reports suggested he had actually been on his way to being flogged when he plunged over the balcony. 'ON HIS WAY TO RECEIVE HIS

PUNISHMENT' the *Lancashire Evening Post* announced 3 Feb 1930. It was the link to his sentence of flogging that gained this tragedy an exceptional level of public attention. Other suicides in prison such as that of Frederick Beeden in Wakefield Prison or William Arthur Curtis in Armley Prison, Leeds, attracted a press article or two and a mention in the reports of the Prison Commission but little more, although all prison suicides were subject to a coroner's inquiry.⁸

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However, by 5 February it was reported that his impending penalty of flogging was not the cause of Spiers' suicide. The *Illustrated Police News* (13 Feb 1930) and others reported a statement from his wife that Spiers had said to her, 'I don't mind the flogging; it's the ten years I object to.' The *Exeter and Plymouth Gazette* (4 Feb 1930) said that he had told his wife, 'Don't you worry, kid. If I have to go through it I am quite prepared.' The coroner's jury returned a verdict that 'Spiers met his death through jumping from a height, and that he killed himself during temporary insanity brought on by thought of his long term imprisonment.'⁹

Early coverage shows how receptive the press was to interpret Spiers' suicide as caused by fear of flogging. Some newspapers were especially alert to stories about flogging. In a few articles, Spiers' suicide was used to condemn flogging as primitive, 'DRASTIC TORTURES OF THE MIDDLE AGES'.¹⁰ The *Daily Herald* (5 Feb 1930) quoted George Bernard Shaw, a socialist playwright, as stating that every 'flogging judge', 'ought to have two or three dozen himself to bring him to understand'. 'It was difficult, he went on, to speak without disgust, of a state of society in which such a thing was allowed.' The *Western Daily Press* (4 Feb 1930) asked in a headline, 'SHOULD 'CAT-O-NINE-TAILS' BE ABOLISHED?' It then quoted

5. *The Sphere* 22 February 1930.

6. *Coventry Herald* 7 February 1930

7. *Sheffield Independent* 6 February 1930

8. For example, *Sheffield Daily Telegraph* 19 March 1930)

9. *Illustrated Police News* 13 Feb 1930

10. *Hartlepool Northern Daily Mail*, 5 Feb 1930)

Cecily Craven and Marjorie Fry of the Howard League, a prison reform society. Fry referred to flogging as a 'barbarity' and 'degrading' and observed, 'I sincerely hope this terrible event may hope to bring England into line with the many other countries which have entirely abolished flogging as a legal punishment'.

Lieut.Col. Rich, who was Governor of Wandsworth Prison, later recalled Spiers' death in his memoir, *Recollections of a Prison Governor*.¹¹ Rich was a supporter of corporal punishment, critical of the stir the case caused in the press and, it has to be said, not sympathetically inclined to the emotive tragedy of the case at the centre of the controversy. He imagined there was 'a perfect rush to the newspaper offices' to sell the story that the 'poor fellow had been on his way to be flogged and had torn himself loose and committed suicide rather than undergo the degrading performance. People fell over

themselves in their haste to write letters to the Press.' After investigation, 'the matter whittled down, evidently, to its being the long sentence that he funked [sic], not the 'cat'".

In many ways, the suicide of Edward James Spiers was primed to be the central case taken up by anti-flogging campaigners to drive through political action on the issue. However, when the link between Spiers' sentence of flogging and his suicide became weak, particularly when his own wife suggested to the coroner's court that his tragic act was not caused by his impending corporal punishment but by the long prison sentence, momentum was stalled. Instead it was the case of Ernest Collins in 1934, who, according to his suicide notes, did commit suicide because of his fear of flogging, that was to be an important part of reformers' campaigns and the abolition of corporal punishment for adults.

11. (1932), Hurst & Blackett, London, p.219