

V.

NOTICE OF A PAIR OF THUMBKINS, THE PROPERTY OF THOS. MACKNIGHT CRAWFURD, Esq., OF CARTSBURN, WITH SOME NOTES CONCERNING THE APPLICATION OF THE TORTURE IN SCOTLAND. BY ALEXANDER J. S. BROOK, F.S.A. Scot.

At the end of last century, when the Crawfurds were removing from the mansion-house of Cartsburn, Crawfurdsdyke, to Ratho, the thumbikins now exhibited were brought to light, along with a belt of *penance made of wire links, now in the National Museum*, and many other curiosities which had been long forgotten and about whose history little was known.

It has been supposed that these thumbikins were used as a terror either to accused persons or to recalcitrant witnesses in the Baron Court of Crawfurdsburn, of which the Crawfurds were the barons. But there is no evidence to show that they were ever actually so used. The court books contain no reference to them.<sup>1</sup>

In one respect they are unique—they are complete; and this would almost imply that they had not been much used. Their design is, moreover, artistic. The specimens of this instrument still preserved in this country are not very numerous, and none of them possesses such an artistic device for a padlock and key as this pair has.

Mr George Williamson, F.S.A. Scot., made an exhaustive examination of the Baron Court Books, but found no reference to them.

Before proceeding further this specimen of the thumbikins may be described.

The instrument (fig. 1) consists of a bar of iron,  $3\frac{1}{8}$  inches long, from which there rise three vertical wires  $2\frac{1}{2}$  inches long, the centre one of which is screwed. Upon these wires a bar of iron fits loosely, and is forced downwards by a nut working on the vertical screw. This bar is prevented from getting detached by three balls riveted on the ends of the wires. To one of the side-wires a movable hasp is attached, which fits into either of the wings of the nut working on the centre screw. But the most interesting feature of these thumbikins is the artistic design of the padlock which fixes the hasp, and thus prevents the slackening of the pressure. This is in the form of a serpent, whose mouth grasps the hasp. The body is twisted and the tail is curled up and has

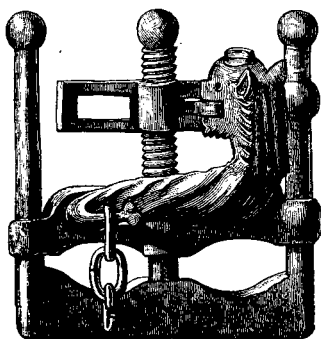


Fig. 1. Thumbikins, the Property of  
T. Macknight Crawford, Esq.  
(Scale one-half.)



Fig. 2. Key of Thumbikins belonging to  
T. Macknight Crawford, Esq.  
(Scale one-half.)

suspended from it three links, evidently part of a chain once attached to it, which may have been used for intensifying the torture by elevating the hands, or keeping them in any position desired. This padlock is attached to, or detached from, the hasp by a screw which passes vertically through the serpent's head. The key of this screw is in the form of a Latin cross,  $1\frac{3}{4}$  inch long (fig. 2), with a slot in the palmar foot fitting the head of the screw. To the key is

attached an iron chain with an egg-shaped pendant of ivory, slightly burned, on which is engraved *ih̄s* in black letter capitals.

The introduction of the serpent and the cross in connection with an instrument for inflicting pain, and the special purpose for which each part is adapted, appear to be symbolical of the power of the cross over the dominion of the serpent.

Regarding the workmanship of the instrument, it may be said that it is a very fine specimen of iron-work; but that it does not appear to be of Scottish origin. The introduction of the cross and of the sacred initials might be said also to imply that it had been fabricated for ecclesiastical purposes.

It has been frequently asserted that thumb-screws were among the torturing instruments used during the Spanish Inquisition, and that part of the cargo of the Invincible Armada consisted of a large number of these instruments, designed for the purpose of converting the heretics. If there is any foundation for this, I know of no specimen of this instrument which in itself would better countenance that supposition than that now exhibited.

Instruments of torture for application to the hands are known under the names of *Pilniewinkies* and *Thumbikins*. The terms are sometimes, though incorrectly, used indiscriminately, and refer to the same instrument; but in other cases they refer to two instruments constructed on the same principle but different in details.

The *pilniewinkies* were for compressing the fingers, while the *thumbikins*, as the name denotes, were for applying pressure to the thumbs.<sup>1</sup>

A set of *pilniewinkies* (fig. 3) was exhibited at the Glasgow Exhibition of 1888.<sup>2</sup> This instrument seems specially designed for crushing

<sup>1</sup> Both the *pilniewinkies* and the *thumbikins* were intended for inflicting pain; but there were other instruments with which they are sometimes confounded which were intended merely for confining the fingers. These were variously known as *Finger Stocks* and *Finger Pillories*. A description of them will be found in *Notes and Queries*, 25th October 1851, vol. iv. p. 315; 15th November 1851, pp. 395, 498, and in vol. iv. (second series), 25th July 1857, pp. 66, 67.

<sup>2</sup> The *pilniewinkies* here figured are described in *Scottish National Memorials*, p. 333; and I have quoted the account there given of the instrument. To Messrs T. & A. Constable the Society is also indebted for the use of the illustration.

all the fingers of one hand, or one or two fingers of each hand. It consists of two plates of iron, hinged at the back, and held open by a stout C spring. Attached to the lower plate is a strong iron bar which bends up over the hinge, and divides into two arms, which stretch towards the extremities of the upper plate, and are each provided with a screw. The front edges of the plates are turned over so as to touch each other, and are sharp enough if sufficient pressure be used to cut bluntly. The plates are rather curiously shaped. The front edge is concave, and from horn to horn is about 6 inches; of the other two sides, one is convex, the other is concave. When the instrument is to be used the fingers are placed between the plates, which are then forced together by the screws, with the result of stopping the circula-

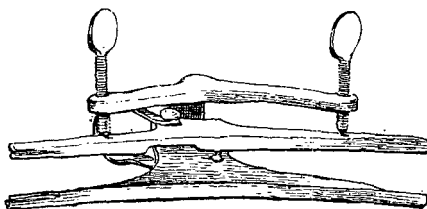


Fig. 3. Pilniewinkies, the property of W. Murray Threipland, Esq.

tion, then of cutting or bruising the flesh, and finally of crushing the bones.

The same torture was sometimes practised upon one finger with a still ruder and more accessible instrument. The tooth of a harrow was taken out, the finger of the victim put into the hole, and the tooth driven in again upon the finger. This is said to have been practised as late as the year 1745.<sup>1</sup>

It may be useful, before narrating what is known of the history of the application of torture to the fingers and thumbs, to describe briefly some other specimens of the thumbikins which are still preserved. Besides the Cartsburn thumbikins already described, there are at least nineteen other pairs to be found in various collections.

In the National Museum there are seven pairs:—

<sup>1</sup> *Edinburgh Magazine*, vol. lxxx. pp. 214, 437.

(1) One pair ( $2\frac{3}{4}$  by  $2\frac{1}{8}$  inches) is of Italian workmanship, and was brought from Rome by the late Sir William Fettes Douglas, and presented by him to the Museum. Their construction is rather peculiar. To the upper bar, which is flat, is attached a collar or tube about an inch long. This contains the screwed wire and nut. A key,  $2\frac{1}{2}$  inches long, fits inside the tube and on the nut, and the process of screwing the nut downwards closes the bars.

(2) One pair ( $2\frac{7}{8}$  by  $1\frac{3}{4}$  inches) also differs from other specimens in this respect that the side-wires are screwed, and have each a nut with one circular wing, while the centre wire forms the guiding or steadying pin. The lower bar of this pair is in the form of two contiguous semi-circles, while the upper bar is flat.

(3) One pair (fig. 4) is of unusually large size ( $4\frac{1}{8}$  by  $4\frac{7}{8}$  inches), and is said to have been used by the authorities of the town of Montrose. This pair has a massive iron chain with a catch at the end which is attached to the hasp by a screw worked by a key.

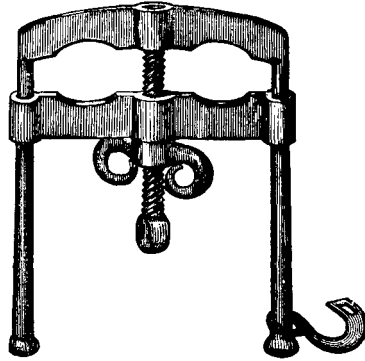


Fig. 4. Thumbkins in the Museum of the Society of Antiquaries, Scotland.

(4) One pair ( $3\frac{1}{8}$  by  $2\frac{1}{4}$  inches)

with plain flat upper and lower bars, and with small flattened knobs, is noteworthy from the fact that there is attached to the hasp a small ball padlock which locks by means of an ordinary key.

(5) One pair ( $2\frac{7}{8}$  by  $2\frac{7}{8}$  inches), presented to the Museum by Mr W. W. Hay Newton, has both bars hollowed out on the inside edges, and has small knobs. It closely resembles fig. 6 in its general features.

(6) In one pair ( $3\frac{1}{8}$  by  $2\frac{1}{2}$  inches), presented to the Museum by Sir J. Noel-Paton, the upper and lower bars are flat, and have the additional refinement of being notched on their inside edges (fig. 5).

(7) One pair ( $2\frac{1}{2}$  by  $2\frac{1}{2}$  inches), presented to the Museum in 1781 by Mr Thomas Rattray, has both bars hollowed out on the inside edges, and has brass knobs (fig. 6).

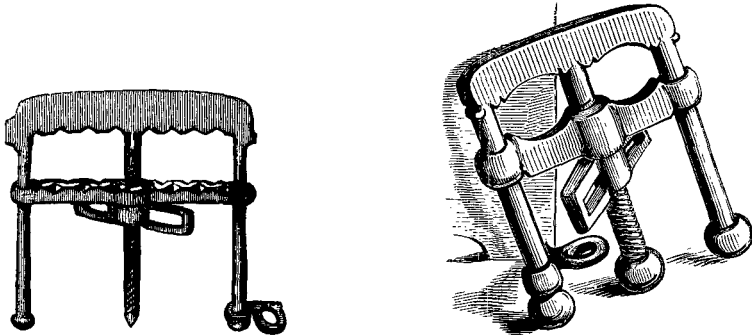
In the local museums throughout Scotland there are five pairs:—

(8) In the museum at Montrose there is one pair ( $2\frac{1}{2}$  inches by  $2\frac{1}{2}$  inches), with hollowed-out bars and with iron knobs, almost exactly similar to fig. 6.

(9) In the museum in the High Street, Paisley, there is one pair ( $3\frac{1}{16}$  inches by  $2\frac{3}{8}$  inches), with flat bars both notched on the inside edges, and with iron knobs. The lower bar is decorated with a simple ornament of lines alternately crossed and vertical.

(10) In the museum in the Public Hall Buildings, Arbroath, there is one pair (4 inches by  $2\frac{3}{4}$  inches), with hollowed-out bars and with small iron knobs made in a piece with the wires.

(11) In the Falconer Museum at Forres there is one pair (3 inches by 3 inches), which was found in the thatched roof of an old house in



Figs. 5 and 6. Thumbbikins in the Museum of the Society of Antiquaries, Scotland.

Forres, which tumbled down in the early years of this century. The upper bar is flat, the lower is in the form of two contiguous semicircles, and both are notched on the inside edges. This pair, unlike most of the other specimens, has no hasp for fixing into the wings of the nut, and does not appear ever to have had one.

(12) In the Archæological Museum in King's College, Aberdeen, there is one pair (4 inches by 4 inches), with a flat upper bar and a hollowed-out lower bar and with small iron knobs. The lower bar of this pair is decorated with mullets, and the upper bar is notched—apparently only for ornament—on the outside edge.

Nothing is known of the history of any of these thumbikins shown in the local museums.

(13) The thumbikins with which Principal Carstares was tortured in 1684 (fig. 7) are now in the possession of Mr Alexander Graham Dunlop, Consul - General, London, a lineal descendant of the Principal. In their general design they resemble the Roman thumbscrews (No. 1), and the powerful key with the cross handle for turning the nut gives them more the appearance of a piece of machinery than almost any of the other pairs.

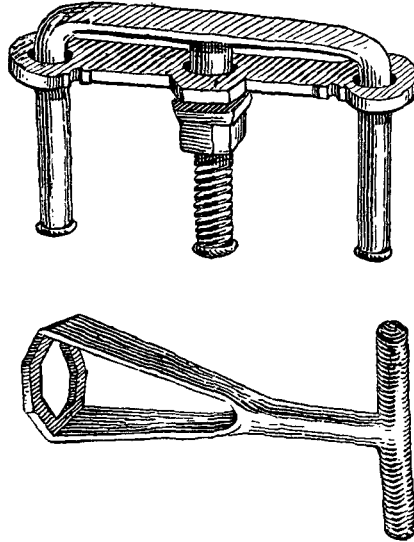


Fig. 7. Thumbikins by which Principal Carstares was tortured, and their key.

In the Glasgow Exhibition of 1888<sup>1</sup> three pairs were shown, belonging respectively to (14) Mr W. Murray Thriepland, (15) the Baroness Willoughby D'Eresby, and (16) Mr Allan Buchanan. The pair belonging to the latter of these is here represented (fig. 8). The upper bar is flat and slightly hollowed, the lower is hollowed out and notched.

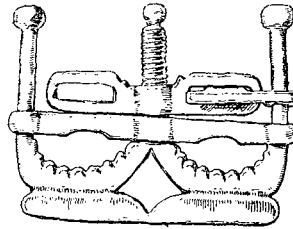


Fig. 8. Thumbikins, the property of Allan Buchanan, Esq.

In addition to these there is figured in the illustrated edition of the *Waverley Novels* a ruder pair of peculiar form (17). There is also in the British Museum a pair (18) which were presented by Sir Walter Scott to Sir Samuel R. Meyrick, and there is another pair (19) in

<sup>1</sup> See *Scottish National Memorials*, 1890, p. 334. By the kindness of Messrs T. & A. Constable, figs. 6 and 8 are here reproduced.

the Torture Case in the Tower, which is also figured by George Cruikshank in Ainsworth's *Tower of London*.

All these specimens of the thumbikins which have been enumerated (with the exception of Nos. 17, 18, and 19, regarding which I cannot speak definitely) are constructed on practically the same principle, and the variation in detail in the great majority of them is less than might have been expected. In most of them the pressure is applied by turning a winged nut with the thumbs, the exceptions being Nos. 1 and 13. All of them have a central screw, with the exception of No. 2, which has two side-screws. With the exception of Nos. 1, 2, 11, and 13, they all have a hasp for fitting into the wings of the nut, and it cannot be doubted that they have had also originally a padlock for attaching to the hasp, but the only specimens which now possess this are the Cartsburn thumbikins and Nos. 3 and 4.

There are some other minor details in which they differ. Some have the compressing bars hollowed out, others are flat, and some are notched; but these refinements could have made little difference to the victim, whose thumbs could be hopelessly crushed by any of the instruments.

There can be no question that both the pilniewinkies and the thumbikins are of very ancient origin, and that neither of them can claim to be a Scottish invention.

Torture, which the Roman law permitted only to be used in compelling the evidence of slaves, bore no such limitation in mediæval Europe; and the name *The Question* commonly applied to it abundantly shows the direct purpose for which it was employed. Examples of this barbarous mode of seeking to elicit evidence either from an accused person or from a witness are frequently met with in the earlier acts of sederunt of the Court of Session:—as in a case of suspected perjury, 29th June 1579,<sup>1</sup> where the King's Advocate produces a royal warrant for examining "Johne Soutter, notar, dwelland in Dundee, and Robert Carmyle, Vicar of Ruthwenis, witness in the action of improbatioun of ane reversioun of the lands of Wallace-Craigy; and for the mair certane tryall of the

<sup>1</sup> *Archæology and Prehistoric Annals of Scotland*, by Sir Daniel Wilson, p. 517.



veritie in the said matter to put them in the buttis, genis, or ony other tormentis, and thairby to urge them to declair the treuth."

The first account of torture by the pilniewinkies I have as yet discovered is the case of Gellis Duncane, a maid-servant at Tranent, who was suspected of witchcraft.<sup>1</sup> Somewhere about the year 1590 or 1591 a certain David Seaton, who acted as deputy-bailiff in Tranent to the Chancellor's brother Lord Seton, because his "young and comely" maid helped people who were ill, suspected her of doing it by "unlawful means"—in other words, by sorcery. And because she would not answer his questions, "her maister, to the intent that he might the better trie and finde out the truth of the same, did with the help of others torment her with the torture of the Pilliwinkes upon her fingers, which is a grievous torture, and binding or wrinching her head with a cord or roape, which is a most cruell torment also, yet she would not confesse anie thing."

But it is principally with the sufferings of the Covenanters during the reign of Charles II. that judicial torture by the thumbkins as well as the boots is associated.

It was frequently applied by direct orders of the King,<sup>2</sup> as in 1683 when Lord Fountainhall notes that "a letter came from his Majestie, ordaining Gordon of Earlston and Mr Spence to be tortured in the boots, to extort a discoverie of the late designs;" and Lord Fountainhall further records that Earlston, when brought to the Council Chamber to be tortured, "thro fear and distraction roared out like a bull and cryed and struck about him, so that the hangman and his man durst scarce lay hands on him."

Lord Fountainhall records that the thumbkins were introduced into Scotland by Generals Dalryell and Drummond,<sup>3</sup> who had seen them used in Russia; and he also notes that the instrument was used among the colliers in Scotland, and is called the Pilliwinccks.

Among the first persons of whose torture a record is preserved is Mr

<sup>1</sup> Pitcairn's *Criminal Trials*, vol. i. pp. 214, 230, and also a rare tract entitled *Neves from Scotland, declaring the damnable life of Doctor Fian*. London, William Wright (1592).

<sup>2</sup> Fountainhall's *Historic Notices*, vol. ii. p. 463.

<sup>3</sup> *Ibid.*, vol. ii. p. 557.

William Spence,<sup>1</sup> a servant of the Earl of Argyle, from whom it was sought to obtain a key to some letters in cipher. On the 26th July 1684 "he was put in the boots to force him to reveall what he knows of the Earle's and other persons accession to the late English phanatique plot, and the association and designe of rising : and in regard he refused to depone upon oath, if he had the key, wherby he could read some letters of the Earle's, produced by Major Holmes, written in ciphers ; and seeing he would not say upon oath that he could not read them, and that they offered to secure him by a pardon for his life, it rendered him very obnoxious and suspect of prevarication ; so that after the torture he was put in General Dalzeill's hands ; and it was reported that by a hair-shirt and pricking (as the witches are used) he was 5 nights keiped from sleip, till he was turned half distracted ; but he eated very little of purpose, that he might require the lesse sleip. Yet all this while he discovered nothing."

On the 7th August 1684 he was again tortured with pilniewinkies or thumbikins. "After this, when they ware about to have cawed him of new again in the boots, he, being frightened, desired tyme, and he would declare what he knew." And on the 22nd of the same month we find that, "to avoid any farder torture, he reads thesse hieroglyphick letters."

In September of the same year Mr William Carstares,<sup>2</sup> son of Mr John Carstares, once minister at Glasgow, was tortured with the thumbikins, and "confessed ther hes bein a current plot in Scotland thesse ten years past."<sup>3</sup> He is said to have borne the pain with firmness, though not without giving vent to his agony by cries, until the Dukes of Hamilton and Queensberry left the room, unable any longer to witness the revolting spectacle.

<sup>1</sup> Fountainhall's *Historical Notices*, vol. ii. pp. 545-548.

<sup>2</sup> *Ibid.*, pp. 555, 556.

<sup>3</sup> "In thus confessing Carstares showed great discretion. He gave some substantial information as to the past and defeated Rychouse Plot ; but he was then in intimate correspondence with the Pensionary Fagel and other Dutch statesmen, who brought him deep into the secrets of the probable policy of the Prince of Orange. While drivon to confession on the past and defeated plot, he kept his knowledge of intentions and possible future movements as close as the grave" (*History of Scotland*, by John Hill Burton, vol. vii. p. 307).

After the Revolution this remarkable man became, as is well known, Principal of the University of Edinburgh and the confidential adviser of King William regarding the affairs of Scotland; he was familiarly recognised as Cardinal Carstares. The identical thumbkins by which he had been tortured were presented to him by the Privy Council, and they are still preserved by his family.

An anecdote was handed down by his descendants respecting the horrible instrument.<sup>1</sup> "I have heard, Principal," said King William to him, "that you were tortured with something they call thumbkins; pray what sort of instrument of torture is it?" "I will show it you," answered Carstares, "the next time I have the honour to wait upon your Majesty." Soon after, accordingly, the Principal brought the thumbkins to be shown to the King. "I must try it," said the King; "I must put in my thumbs here; now, Principal, turn the screw. Oh, not so gently—another turn, another. Stop, stop! no more! Another turn, I am afraid, would make me confess anything."<sup>2</sup>

In 1686 Chiesley of Dalry, who assassinated Sir George Lockhart, was tortured by the thumbkins. In Father Hay's Manuscript Memoirs (Advocates' Library, tome iii, p. 135), the circumstance is narrated:—"The Court sat down as the States rose. The Murderer was brought in, who did not deny the fact, and confesst that none was accessarie. He got the boots and the thumekins. Dureing the torture he confessed nothing. Cardross and Polwart were against the tortureing."

After the Revolution, notwithstanding that torture was proclaimed unlawful in the Declaration or Claim of Rights, except in special or important cases, the thumbkins were still used.<sup>3</sup> We find the Duke of Hamilton in December 1690, within three months of his presiding at the passing of this Declaration, writing to Lord Melville

<sup>1</sup> *Dom. An. Scot.*, vol. ii, pp. 460, 461.

<sup>2</sup> It may be interesting to note that her present Majesty, on a late visit to Balmoral made by Professor Story as one of the Deans of the Chapel Royal, having been informed that these thumbkins were in the possession of Mr Dunlop, expressed a desire to inspect them. Her Majesty's wish was complied with, and it is said she tried them on her thumbs, but it is not recorded whether her Majesty's sensations were similar to those of her royal ancestor.

<sup>3</sup> *Dom. An. Scot.*, vol. iii, pp. 39, 40.

about a little Jacobite conspiracy—"Wilson can discover all; if he does not confess freely, it's like he may get either the boots or the thumbikins."

The last occasion on which the thumbikins were used in Scotland as a judicial torture was in the case of Neville Payne, who was connected with the plot in England, and fled to Scotland on being threatened with prosecution for high treason. It is said<sup>1</sup> that there is reason for thinking that he was designedly frightened across the Border, that he might be subjected to this torture, which was then obsolete in England. The Scots Solicitor-General wrote from London to Lord Melville, saying that Payne knew secrets that would "hang a thousand," but he would only part with them under torture. "Pray you," says the law officer, "put him in such hands as will have no pity on him; for in the opinion of all men, he is a desperately cowardly fellow." The Privy Council records show that Payne was subjected to torture on the 6th August 1690, on suspicion of "a treasonable and hellish plot," along with three accomplices. He revealed nothing. A second time, on the 10th December, under instructions signed by the King and countersigned by Lord Melville, he was tortured. Again he revealed nothing, but "in a boasting manner bade them do with his body what they pleased."

Lord Craufurd gives the following description of the scene:—

"Yesterday, in the afternoon, Nevill Payne (after near an hour's discourse I had with him in name of the Council, and in their presence, though at several times, by turning him out, and then calling him in again) was questioned upon some things that were not of the deepest concern, and had but gentle torture given him, being resolved to repeat it this day;—which, accordingly, about six this evening, we inflicted on both thumbs and one of his legs, with all the severity that was consistent with humanity, even unto that pitch that we could not preserve life and have gone farther—but without the least success; for his answers to our whole interrogatories, that were of any import, were negatives. Yet he was so manly and resolute under his suffering, that such of the Council as were not acquainted with all the evidences, were brangled, and began to give him charity that he might be innocent. It was surprising to me and others that flesh and blood could, without fainting, and in contradiction to the grounds we had insinuate of our knowledge of his accession in matters, endure the heavy penance he was in for two hours; nor

<sup>1</sup> *History of Scotland*, by John Hill Burton, vol. vii. p. 349.

can I suggest any other reason than this, that by his religion and its dictates, he did conceive he was acting a thing not only generous towards his friends, but likewise so meritorious, that he would save his soul and be canonised among their saints. My stomach is truly so far out of tune by being a witness to an act so far cross to my natural temper, that I am fitter for rest than anything else. Nor could any less than the dangers from such conspirators to the person of our incomparable King, and the safety of his government, prevail over me to have, in the Council's name, been the prompter of the executioner to increase the torture to so high a pitch. I leave it to other hands to acquaint your lordship how several of our number were shy to consent to the torture, and left the board, when by a vote they were overruled in this. I shall not deny them any charity that this was an effect of the gentleness of their nature; though some others of a more jealous temper than I am, put only another construction on it."<sup>1</sup>

King William's name is not free from reproach in this matter, and it was certainly a scandal of the Revolution Government that torture was applied in this instance; but Payne was the last victim in Scotland of the brutal practice.<sup>2</sup>

The use of torture was abolished by the Act 7 of Queen Anne, cap. 20.

<sup>1</sup> Melville Papers, 582, quoted in John Hill Burton's *History of Scotland*, pp. 349, 350.

<sup>2</sup> In other lands and in more recent times the practice has however continued. Darwin, in his *Naturalist's Voyage*, writing in 1836, says:—"Near Rio de Janeiro I lived opposite to an old lady, who kept screws to crush the fingers of her female slaves." The "Castellamare Incident," which consisted in the outrageous conduct of the Italian carabinieri in thumb-screwing and putting to torture an Englishman on 4th November 1872 (the correspondence about which took the form of a *Blue-book*), may also be cited as the most notorious case in recent years of the application of this torture.