

TAP Field Report No. 5



A survey of Shetland's gallow hills

Joris Coolen

Department of Prehistory and Historical Archaeology, University of Vienna

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cover illustration: Prehistoric burial cairn on the Gallow Hill near Huesbreck, Dunrossness, Mainland,

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Introduction

Looking out over Tingwall Loch from the Law Ting Holm – supposedly the main assembly site in Shetland from at least the end of the 13th till the end of the 16th century (Coolen & Mehler 2010. Coolen & Mehler 2011. Smith 2009) – one of the landscape features that draws attention is the Gallow Hill (Fig. 1). The close spatial and functional connection of the ancient court site and the supposed gallows site has long been recognised. Hence, a study of Shetland’s assembly sites and their role in Medieval society should also include the associated places of execution. This survey aims to collect the evidence of the known or alleged places of execution in Shetland (Fig. 2) and investigate their topographical setting, especially with respect to presumed assembly sites and parish boundaries.

Previous research

The old gallows sites in Shetland have drawn the attention and aroused the imagination of both local residents and visitors for many centuries. In his *Description of the Shetland Islands* from the year 1822, Samuel Hibbert stated that the Gallow Hill in Yell was ‘an occasional place of execution in the country, during the oppressive period when feudality exercised its lawless dominion over the injured udallers’ (Hibbert 1822: 397). He also described another alleged execution site, known as Hanger Heog, in Unst (see p. 22), which he believed to be associated with another Norse assembly site and a pagan sanctuary (Hibbert 1822: 403-407). Although Hibbert’s interpretation of the site is highly objectionable (Smith 2009: 38), he was the first to explicitly date one of Shetland’s execution sites and, moreover, link it to an assembly site.

In 2006, Brian Smith delivered a paper on Shetland’s gallows sites (Smith 2006). The paper dealt with the evidence of former places of execution found in place names and local traditions, and tried to interpret these sites within a historical and landscape con-



Figure 1 View of Gallow Hill in Tingwall (right) with the Law Ting Holm in the foreground.

text. Smith originally counted thirteen sites, and later added a fourteenth on the isle of Whalsay¹. However, he now considers some of these sites problematic (pers. comm. 30 May 2011). Nonetheless, they will still be discussed in the present survey.

Smith noted several common features of Shetland’s gallows sites: they are all highly visible from the surrounding area and can often only be accessed via a steep route; prehistoric structures (mostly cairns) can be found at most of the sites; some of the sites are close to important Medieval settlements, and finally some of them are associated with place names, which refer to old judicial districts.

Historical background

The history of Shetland’s places of execution is of course strongly connected with its judicial history. For certain places to be set apart as institutionalised places of execution, known to and accepted by the local society and embedded in the collective understanding of the landscape, it required a central authority, which had the power to both inflict capital punishment as well as lastingly destine a locale for this purpose. It seems unlikely that this level of authority was reached before the Norse colonisation at the turn of the 9th century AD, or even before the annexation of the Northern Islands with Norway under the rule of Harald Fairhair in 875².

The political and judicial organisation of Shetland in the Norse period has been the



- 1 Gallow Hill, Huesbreck
- 2 Golgo, Sandwick
- 3 Knowe of Wilga, Cunningsburgh
- 4 Gallow Hill, Scalloway
- 5 Gallow Hill, Tingwall
- 6 Gallow Hill, Walls
- 7 Gallow Hill, Brae
- 8 Golga Scord, Gluss
- 9 Watch Hill (Gallow Hill?), Eshaness
- 10 Gallows' Knowe, Mid Yell
- 11 Gallow Hill, Fetlar
- 12 Gallow Hill, Unst
- 13 Muckle Heog, Unst
- 14 Setter Hill (Gallow Hill?), Whalsay
- 15 Wilgi Geos, North Roe

Figure 2 Map of Shetland with the location of the discussed sites.

topic of debate for almost a century (Clouston 1914: 429-432. Donaldson 1958: 130-132. Smith 2009. Sanmark, forthcoming). At large, it was probably similar to the organisation in the Scandinavian mainland and the Norse colonies. Hence, Shetland may have been divided into several parishes, each of which had their own local thing council. The local things were probably subjected to one supreme court, an *athing*. The latter resided in Tingwall at least from the late Norse period. Throughout Scandinavia, the *athing* was the main legislative and judicial power, which acted by unrecorded, local laws. However, during the course of the Middle Ages, the different *athing*s became more and more dependent on the king and his noblemen. At the same time, the judicial function of the things became more prominent, implementing royal, centrally enforced legislation rather than local, unwritten laws (Sanmark 2006. Smith 2009: 39).

The location of some of Shetland's thing sites can be deduced from place names (Sanmark, forthcoming). Some scholars believe the thing-sites of the Northern Islands to date back to the ninth century (Fellows-Jensen 1996: 26), but Smith has recently argued that the known thing-parishes were probably only

established around 1300 (Smith 2009).

In general, death penalties, especially by hanging, were rare during the Norse period. It was not until the 11th century that the laws of the different assemblies in the Norwegian kingdom were started to be recorded. Even then, most crimes were sentenced with fines or outlawry, while blood vengeance must have been common practice well into the 13th century as well. Although the Norse laws did prescribe capital punishment in rare cases, the thing-courts had no central executive power. In Iceland for example, the *athing* seems not to have executed death penalties before 1564 (Bell 2010: 31). At the end of the 13th century, Shetland's lawthing adopted the general law issued in 1274 by Magnus Hákonarson, nick-named the Lawmender. There were different versions of Magnus' lawbook for the individual law districts of (mainland) Norway; Shetland and Orkney adopted the Gulathing version, which formed the base of the udal law on land ownership still occasionally invoked today (Robberstad 1983; Jones 1996). The Gulathing law states that a native thrall, who has committed theft, shall be beheaded (Gulathing 259), but it does not contain any other explicit statements on death

penalty. However, several references to the hanging of thieves and traitors can be found in the Heimskringla sagas, recorded around 1230 by Snorri Sturluson.

From the second half of the 13th century, the kings of Scotland increasingly gained power in the Northern Islands. Shetland finally came under Scottish rule in 1469, as it was pledged by Christian I of Denmark-Norway to James III of Scotland for the dowry of his daughter Margaret (Crawford 1983). However, it was not until 1611 that Scottish law was fully adopted in Shetland. Until then, judgements by the lawthing and (later) the sheriff were still mainly based on the law issued by Magnus Lawmender.

In 1564, Lord Robert Stewart received a feu of Orkney and Shetland from his half-sister, Queen Mary of Scotland, and he later acquired the earldom and sheriffship of both archipelagos (Anderson 1982. Anderson 1996: 179). Robert appointed his half-brother, Laurence Bruce, as sheriff. Soon after Robert Stewart came into power, the lawthing was moved from its traditional site in Tingwall to Scalloway, Shetland's new capital. After his death in 1593, Robert was succeeded by his son Patrick, who commissioned the building of Scalloway castle (Anderson 1992). Like his father, Patrick used his power to exploit the islands for his own benefit rather recklessly (Donaldson 1958: 10 f.). He was arrested upon charges of treason in 1609 and finally executed in Edinburgh in 1615.

From the reign of the Stewarts onwards, we get a good view of judicial practice in Shetland from the preserved court books. They document several executions and other punishments, which were carried out at the gallows (*Appendix I*). The oldest known reference to gallows in Shetland dates from 1574, and most likely refers to the Gallow Hill in Scalloway. Smith (2006) believes that the last execution in Shetland took place around 1690 (Smith 2006). The folklorist James ('Jeemsie') Laurenson has claimed that the last witch was hanged on Fetlar in 1703, but the historical record mentioned by Laurenson is not known to me.³ Most of the convicts, who were

sentenced to death in the 17th century, were found guilty of thievery; some, however, were condemned for witchcraft, and there is one case each of murder and bestiality.

Sources

The main evidence of former execution sites in Shetland is found in place names. The name Gallow Hill can be found at least seven times in Shetland. Apart from the frequency, the name is highly remarkable in itself, since more than ninety percent of all place names in Shetland are of Norse origin and not comprehensible to modern English speakers (Nicolaisen 1983). Apart from the Gallow Hills, there are four place-names, which have been interpreted as derivatives from *gálgi*, meaning gallows in Old Norse.

The only place of execution in Shetland, for which there is historical evidence, is the Gallow Hill in Scalloway. Several executions, which took place here in the early 17th century, are documented in the court books of Shetland and Orkney (see *Appendix I*). Unfortunately, no old maps or scenes that show the exact location of these or any other gallows in Shetland are known so far.

By the time when the documents start to speak, Scalloway was the seat of Shetland's main court, which dealt with all capital offences. Death penalties were only performed in Scalloway. Assuming that at least some of the other alleged gallows sites were indeed used for executions, the lack of historical evidence thus provides a *terminus ante quem*.

With one possible exception on Fetlar (see p. 19) none of the sites offers any visible, archaeological evidence for the former presence of gibbets or gallows. Hence, archaeology in its traditional sense, as 'the study of past human societies and their environments through the systematic recovery and analysis of material culture or physical remains' (Darvill 2002: 21), cannot help us much further either.

In some cases, the morbid history of the site is recalled by a local tradition. Although these stories form an interesting part of the

site's biography and a wonderful example of the cultural meaning of places, we need to be aware that they also have their own cultural biography and may well have turned up later or may have significantly changed over time.

In short, the evidence for the alleged places of execution needs to be critically assessed for each site individually. By comparing the nature of the sites and their position in the wider landscape, and compare them to places of execution in other regions, we might find similarities that could give us some more information about the history of these intriguing places. A Geographical Information System (GIS) provides a valuable tool to analyse the topography of the sites and their relationship both with the physical environment and the historic landscape.

Methodology

Most of the sites, which will be discussed below, were visited in May and June 2011 to investigate their topography and check for the presence of archaeological features. On this occasion, panoramic photos were taken in a 360° angle on every site, using a regular compact digital camera (*Appendix II*). Since the exact location of the gallows is not known for any of the sites, except (perhaps) the one on Fetlar, the photos were taken from the spot, which offers the widest view of the surrounding area (and hence also presents the most visible spot). The single photos were adjusted and stitched together in Adobe Photoshop.

Additionally, a viewshed was created for every site in ArcMap 10.0. A viewshed models the areas, which are visible from one or several observation points, based on a digital ter-

rain model (DTM). The accuracy of the viewshed hence depends on the spatial resolution and vertical accuracy of the used DTM.

The viewsheds presented below were calculated on the basis of the OS Landform Panorama DTM of Shetland (excluding Fair Isle), freely available from Ordnance Survey.⁴ It has a horizontal resolution of 50x50m and vertical resolution of 1m. The OS Landform Panorama DTM was created by interpolation of 10m contour lines, derived from the Landranger® 1:50,000 scale map series, which in turn were generated from stereo aerial photography from the 1970s (Ordnance Survey 2010: 9).

It is assumed that the visibility of the site and its surroundings are reciprocal, i.e. that the site can be seen from all areas, which are visible from the site. Since the gallows or gibbets would have risen to a certain height from the ground, the observation points were given an offset of 2m. In some cases, a combined viewshed was created for several points around the spot from where the photos were taken, to reduce the effect of sharp drops in the DTM at grid cell edges and to achieve a better correspondence with the actual view.

The viewsheds do not only help to locate the landscape features shown on the panoramic photos, but also allow for a quantitative analysis of the view. We can calculate the size of the visible area, and also calculate the division of the visible land and sea surface. Since Shetland's vegetation has hardly changed in the past 3000 years (Bennett et al. 1992), it offers good opportunities for viewshed analysis; trees being rare, it can be assumed that the view across the landscape was almost the same in the Middle Ages as it is now.

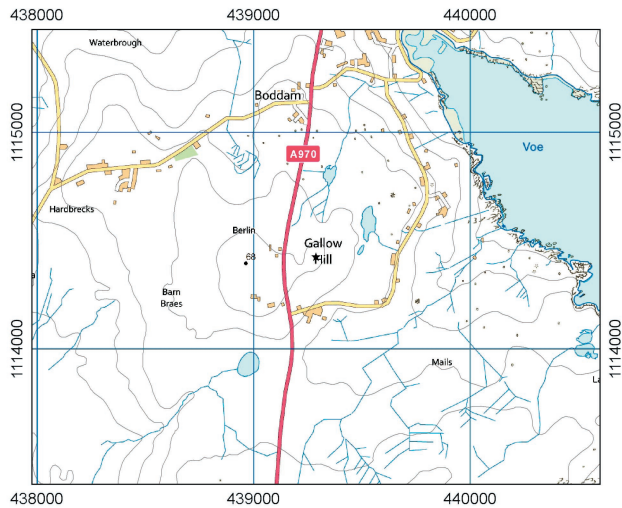


Figure 3 Topography of Gallow Hill, Huesbreck. The little star marks the viewshed's observer point (see fig. 4). (Data: Ordnance Survey. © Crown copyright /database right 2010).

Discussion of the sites

1) **Gallow Hill, Huesbreck, Dunrossness, Mainland**

HU 3929 1443

The southernmost Gallow Hill is located south of Boddam (Fig. 3). It is formed by a small hillock at the east side of a larger but gradual hill. The main road A 970 crosses the hill between the Gallow Hill and the slightly higher 'summit' (68 m) to the west of the road. Despite its moderate elevation, the Gallow Hill offers a fine view of southern Dunrossness and can in return be seen from a large surrounding area (Fig. 4 & 49). The Gallow Hill overlooks the valley up to the ridge of Ward Hill (80 m), about 2km to the south, with the top of the Compass of Sumburgh just visible behind it. The West Voe of Sumburgh, opening out into the Atlantic Ocean, appears to the southwest, adjacent by Fitful Head. However, since the land continues to slope up in this direction for about 350 m, the land lying between the top of the hill and the landscape features mentioned before is largely obscured. To the Northwest, Loch Spiggie and

Forra Ness are visible in the distance, with a small stripe of the Atlantic behind them. The best land view from Gallow Hill is towards the north, where it overlooks almost all the land between the observer and the Ward of Scousburgh (263 m), located 4.5km to the north. To the northeast, one can see the settlements of Boddam and Dalsetter. To the east, the Loch of Browbreck is visible in the foreground, and we have a grand view of the North Sea, with the horizon at a distance of c. 30km. However, the coast itself, which is about 850m from the top of Gallow Hill, and the voe below Boddam are obscured by the slope.

The top of the Gallow Hill is marked by a cairn, which was scheduled by Historic Scotland in 1975.⁵ It is surrounded by other,



Figure 4 Viewshed from Gallow Hill, Huesbreck. (DTM: Ordnance Survey. © Crown copyright /database right 2010).

to the northwest of Golgo, around the Stove, are obscured by the gradual hill slope, but one can see the settlements of Houlland, Lee-bitten and Sandwick. To the north, the view extends to the Ward of Veester (257 m) at the border of Cunningsburgh. To the northeast, one can see parts of Greenmow and Helliness. The hill overlooks No Ness to the (south)east, with Mousa behind it, and offers a wide view of the North Sea of almost 150°, the horizon lying again at a distance of c. 30km.

According to a report by Elizabeth Stout, traces of ancient burials were found at Golgo in 1911 (Smith 2006).

3) *Knowe of Wilga, Cunningsburgh, Mainland*

HU 4236 2664

The Knowe of Wilga is a small, yet remarkable outcrop knoll on the east slope of the Ward of Veester, on the border between Cunningsburgh and Dunrossness (Fig. 7). It lies about 180m above sea level and can only be reached by a steep climb (Fig. 8). Jakobsen (1897: 118 f.) referred to the hill as *Wulga*, which ‘stands for *Gwulga*, (...) another form of *Golga*’. This reading of the name is supported by a local tradition, according to which the notorious sheep thief Kail (or Kil) Hulter was hanged here. A written version of the story, published in the *Shetland Times* in

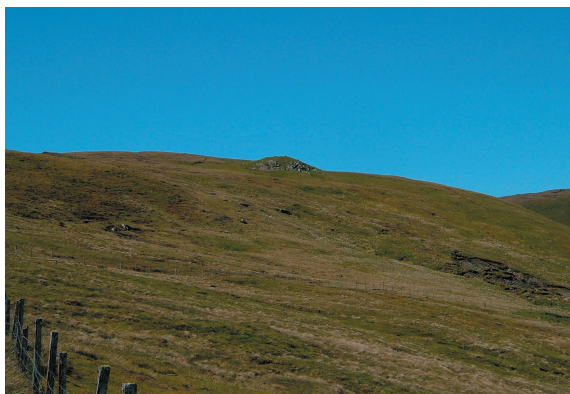


Figure 7 *The Knowe of Wilga (Cunningsburgh) seen from the southeast.*

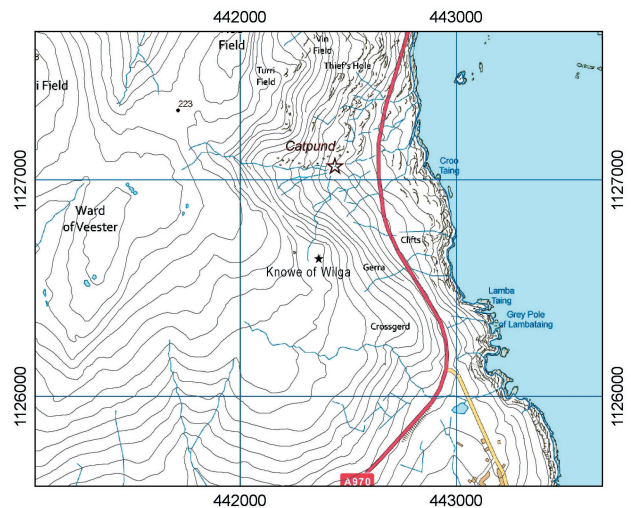


Figure 8 *Topography of the Knowe of Wilga, Cunningsburgh. (Data: Ordnance Survey. © Crown copyright /database right 2010).*

1877 (27 January), sets the story in the early 18th century. The story shows many similarities to the abundant folk stories dealing with outlaws from Iceland (Sigurðsson 2006), and is obviously much older. Interestingly, the name of Kil Hulter is very similar to that of Kit Huntling, known from Orkney (B. Smith, personal communication). The latter has been interpreted as a derivation of the Old Norse ‘*kett-hyndla*’ (cat-bitch), an evil, female dog-cat hybrid, which (just like the Medieval outlaws) haunted inaccessible, marshy upland areas, such as the Burn o’ Kithuntlins in the Birsay Hills on Mainland Orkney (Towrie 1996-2011). The figure of the ‘*kethontla*’ in



Figure 9 *Remnants of a chambered cairn on the Knowe of Wilga, overlooking Cunningsburgh and Bressay to the northeast.*

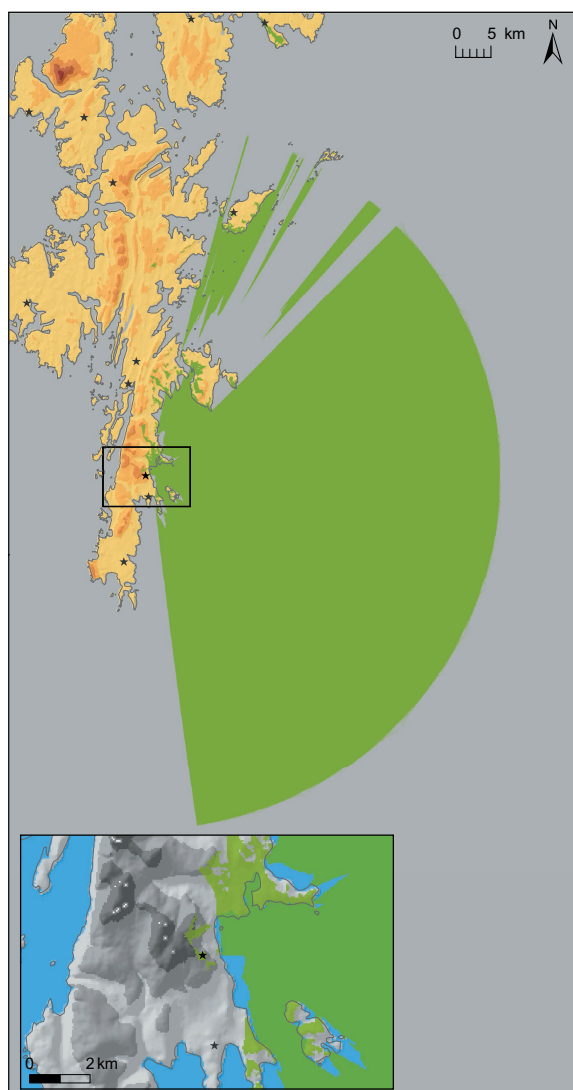


Figure 10 Viewshed from the Knowe of Wilga, Cunningsburgh. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

turn resembles the Icelandic monster Grýla (Jónasdóttir 2010: 21). Hence, both the story itself and the name of its main character seem to be part of Shetland's Norse heritage. It is doubtful, whether the story of Kil Hulter has a kernel of truth. However, it is possible, that a common story passed on across the Norse colonies was connected to existing locales, such as the place of execution.

The Knowe of Wilga is marked by the remnants of a large chambered cairn, which was built on top of the natural, rocky hillock (Fig. 9). About 120m to the west, there's a remark-

able quartzite outcrop, known as the White Stane of the Knowe of Wilga. It is separated from the Knowe of Wilga by a boggy depression and is not as exposed (and therefore not as visible) as the cairn.

Since the Knowe of Wilga is set at a rather steep slope, the vista covers an angle of almost 160° towards the east of the cairn, while the view towards the west is limited by the nearby hillside (Fig. 10 & 51). Although the view from the cairn is quite spectacular, covering an area of almost 3000km², it mainly covers distant areas, while the closer neighbourhood is largely obscured.

To the north, we can see the hilltops of Hoo Field on the opposite site of the Burn of Catpund, the latter being known for its Norse steatite quarry. Catpund itself is obscured by the slope below the Knowe of Wilga. The site offers a wonderful view of Cunningsburgh to the northeast, extending as far as Bressay and on clear days even to Whalsay. To the southeast we see Mousa, and turning further in the same direction we can see the headland of No Ness. Because of the higher elevation of the Knowe of Wilga, the horizon at the open sea lies at c. 50km distance.

4) *Gallow Hill, Scalloway, Mainland*

HU 3991 3963

The Gallow Hill of Scalloway lies directly to the west of the town (Fig. 11). The site of the gallows is described as 'the west hill of Scalloway callit the gallow hill abone Houll' in the court book of Shetland in 1615 (Barclay 1967: 116). (Wester)Houll was a group of houses on the west side of Scalloway, the name of which still survives in Houll Road. In recordings of 1616 and 1625 the Gallow Hill is referred to as 'the place of execution' on the 'hill above Berrie' (Donaldson 1991: 43 & 124). Berry is a farm on the north side of Scalloway, about 500m from Houll. Morphologically, the Gallow Hill is a small spur on the hillside of the Hill of Berry (103 m), at the edge of the steep base towards the town.



Figure 11 Topography of Gallow Hill, Scalloway. (Data: Ordnance Survey. © Crown copyright /database right 2010).

According to local residents, there is a low knoll of reddish soil about 100 yards west of the television mast on Gallow Hill.⁷ The soil appears to be burnt, and local tradition has it that this was the stake of the last witch burnings.⁸ In an internet forum thread on Shetland's gallows sites, one user commented that the burnt spot may be much younger and may have been caused by bonfires held during the annual Scalloway Gala until the 1990s.⁹ Yet, the spot seems to have been known to locals for quite a long time. Indeed, the court books show that several women, who had been accused of witchcraft, were strangled and burnt at the Gallow Hill, while the male convicts were usually hanged. The hill to the southwest of Scalloway, on the Ness of Westshore, is known as Witch's Hill. The name appears in J.G. Bartholomew's Survey Atlas of Scotland of 1912¹⁰ and the half inch to the mile map of Shetland issued in 1926 by the same publisher.¹¹

Be this as it may, the place on Gallow Hill, which apparently shows traces of a major fire, is not particularly visible from Scalloway or the surrounding coastal area. Since we may assume that visibility was a major factor for the location of the gallows, they may have been located closer to the steep drop on the hillside above Scalloway. There is a natural knoll on this side of the hill, which offers an

excellent view of the town and the adjacent valley. The panoramic photo was taken from here.

The viewshed (Fig. 12) represents the combined viewsheds from two observer points spaced 30m apart to overcome obstructions at the edges of DTM grid cells. The cumulative viewshed corresponds better to the actual vista shown on the panoramic photograph (Fig. 52).

The area, which can be seen from this spot, is much smaller than at the sites discussed before. This is mainly due to the fact, that it is not possible to see the open sea from here in any direction, but the visible land surface is definitely smaller too. The view towards the west and northwest is largely obscured by the up-sloping hillside of the Hill of Berry. Towards the northeast, we see Tingwall Valley, with Veensgarth and Laxfirth in the distance. Towards the east, the site overlooks Scalloway, with the Hill of Easterhoull behind it. The site offers the best vista towards the

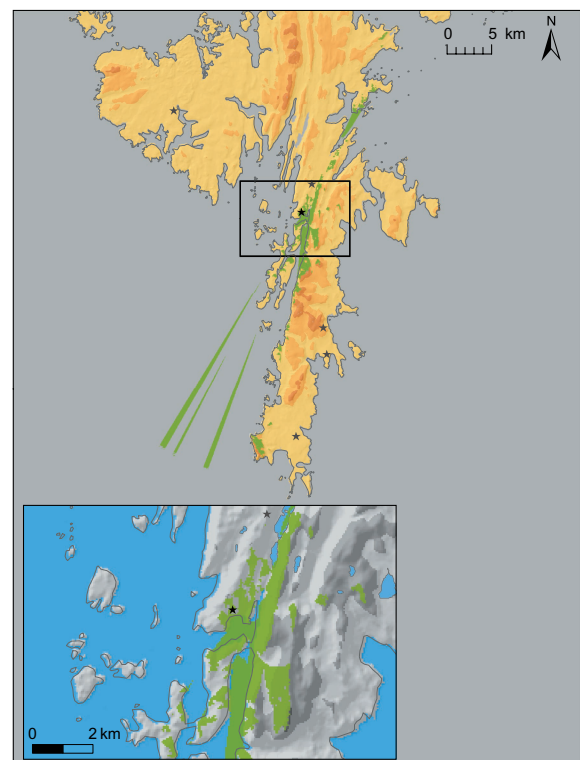


Figure 12 Viewshed from Gallow Hill, Scalloway. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

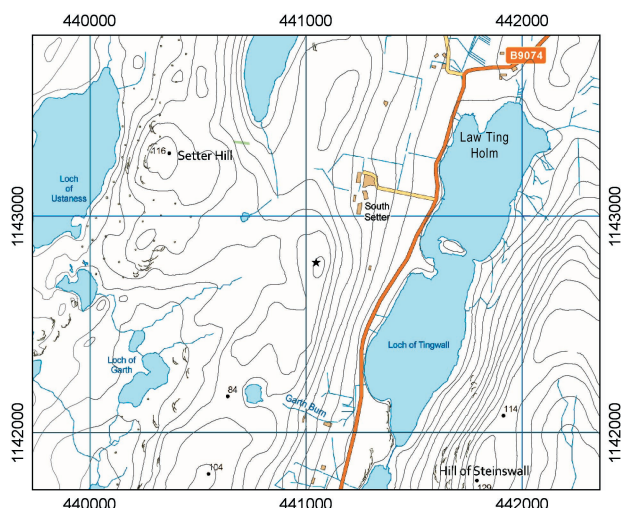


Figure 13 Topography of Gallow Hill, Tingwall. (Data: Ordnance Survey. © Crown copyright /database right 2010).



Figure 14 Outcrop knoll on the summit of Gallow Hill, Tingwall. View towards the north.



Figure 15 Remnants of a cairn and stoneline enclosure, possibly of prehistoric age, on Gallow Hill, Tingwall. View towards the northeast.

south, where we can see parts of Trondra, East and West Burra and the west coast of southern Mainland, and even Fitful Head in the far distance.

5) *Gallow Hill, Tingwall, Mainland*

HU 4105 4279

The Gallow Hill of Tingwall is located west of Loch Tingwall (Fig. 13). The summit lies at the edge of the moorland behind the farm Kirkasetter. It is formed by a small knoll marked by a cairn (Fig. 14). The summit of Gallow Hill lies at slightly over 100m ODN, more than 90m above the water level of Loch Tingwall.

Some interesting structures can be seen about 400m south of the cairn.¹² At HU 4093 4242, there is a group of big stones, which seems to consist of various features (Fig. 15 & 16). The major concentration (Fig. 16, A) may be the remnants of a chambered cairn. About 15m to the southwest, there is a derelict, rectangular enclosure of about 10 x 5m (Fig 16, B). It consists of a single row of stones and is oriented WNW-ESE. It seems to be open at the NW side. A local amateur archaeologist reports to have dug two small 'test pits' on the inside of the enclosure several years ago, and to have found pieces of charcoal at six inches depth.¹³



Figure 16 Aerial photograph showing the remnants of a cairn (A), enclosure (B), old field wall (C) and modern clearing for feeding sheep (D) on Gallow Hill, Tingwall. (Photo: ARSF / NERC, courtesy of Alexandra Sanmark / TAP)

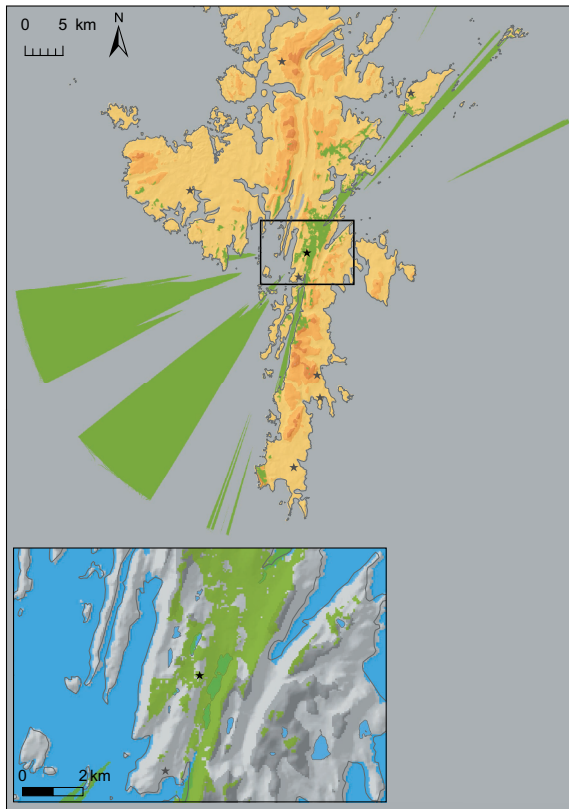


Figure 17 Viewshed from Gallow Hill, Tingwall. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

A derelict, NNE-SSW oriented field wall runs past the burial cairn and the enclosure to the east (Fig. 16, C). About 50m west of this group of structures, there is a large, oval enclosure surrounded by a low, earthen bank (Fig. 16, D). While at first sight it could be taken for an archaeological site, it appears to be a clearing made for feeding sheep some years ago.¹⁴

According to Michael Leask of Asta, there is a circular enclosure about 200 yards north-west of the site mentioned before, which he believes might delimit a burial ground associated with the gallow.¹⁵ I did not find the enclosure during my short survey of Gallow Hill. At the moment, there seems to be little evidence to support the interpretation of a burial site.

None of these structures is marked on the OS map or recorded by Historic Scotland, but at least the cairn quite obviously represents a prehistoric monument.

The viewshed (Fig. 17) was created by

combining the viewsheds from three different points on the summit of Gallow Hill, to achieve the closest correspondence to the actual vista from the small cairn on the summit of Gallow Hill (Fig. 53).

To the north and northeast, the site overlooks Tingwall valley, Whiteness and Laxfirth. The view reaches as far as Nesting, Whalsay and the Out Skerries, and – according to the viewshed – even to Fetlar, more than 50km away. The site offers an excellent view of Loch Tingwall and the Loch of Asta and the hills at the opposite side of both lakes. Towards the south, the view reaches down the valley and Clift Sound and includes Scalloway, Trondra, East Burra, the Ness of Ireland and Fitful Head in the far distance. Towards the southwest and west, the site overlooks the moorland between Tingwall and Whiteness Voe, with several small lakes. Behind it, one can see the Scalloway islands, parts of Sandsting, Foula and the Atlantic. To the northeast, the view includes the Loch of Griesta and reaches as far as Weisdale.

6) Gallow Hill, Walls, Mainland

HU 2556 5104

The Gallow Hill of Walls is located at the head of the Voe of Browland, which extends

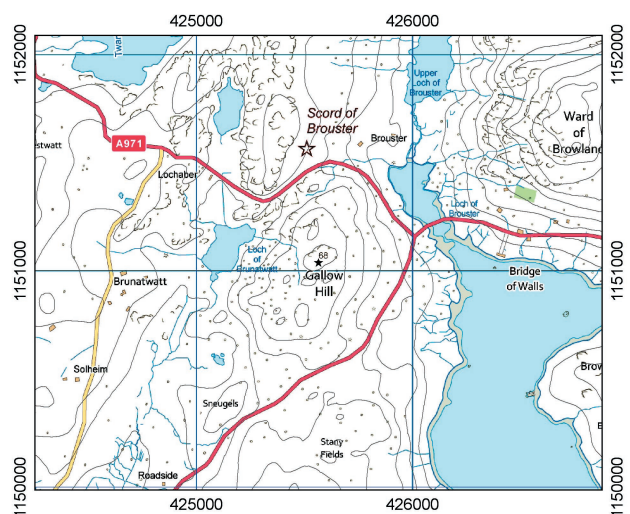


Figure 18 Topography of Gallow Hill, Walls. (Data: Ordnance Survey. © Crown copyright / database right 2010).

Hills (252m). The summit of Gallow Hill lies at slightly over 180m ODN. Again, the only indication for the former presence of gallows is the name itself. The only thing that gives us a small hint about the possible location of the gallows is the Gallow Burn, which has its source on the slope between Gallow Hill and Ladies Hill, and runs down to the west.

Archaeological sites around the Gallow Hill include a scheduled cairn at the base of Ladies Hill (Historic Scotland site index nr. 3558) and two scheduled cairns in Burravoe (index nr. 3469), both sites located c. 1.5km from the summit of Gallow Hill.

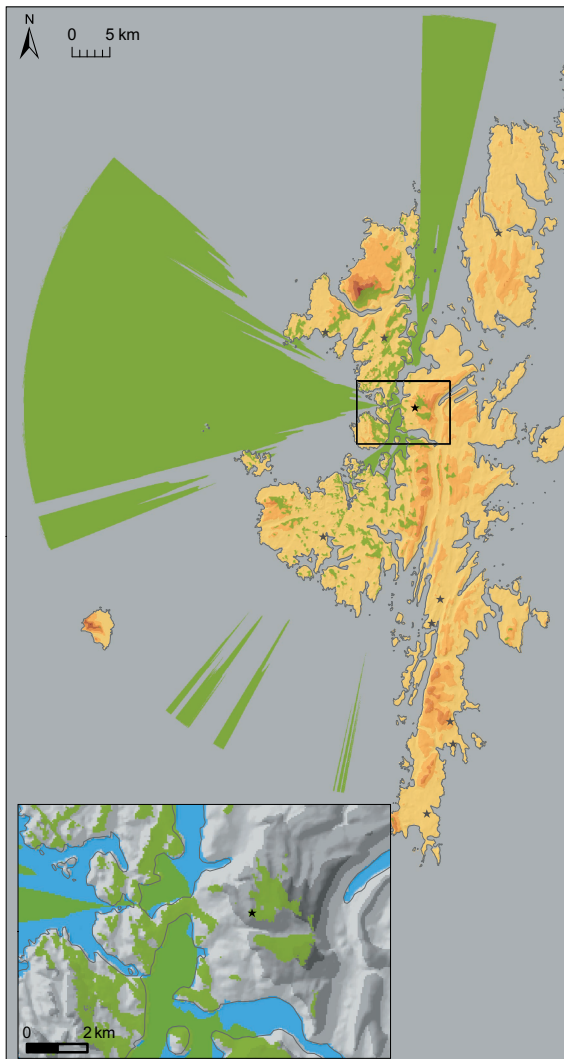


Figure 21 Viewshed from Gallow Hill, Brae. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

The panoramic photo (Fig. 54) was taken from the slope of Gallow Hill about 600m northwest of the actual summit (which was mistaken for the nearby Riding Hill), above the source of Gallow Burn. The viewshed (Fig. 21) represents a cumulative viewshed from five observation points around the summit, and hence does not entirely correspond to the view on the photo.

The view from the summit of Gallow Hill mainly extends to the west, the view towards the east being largely obscured by the nearby hills. Towards the southwest, the view covers much of Aithsting and the Walls peninsula. Due to the moderate slope at the top of the hill, the western hillside is hardly visible from the summit (as opposed to the panoramic photograph, which was taken from the hillside), but it is possible to see the village of Brae at the base, as well as Busta Voe and the eastern part of Muckle Roe. Behind Mavis Grind, one looks out over St. Magnus Bay, with some hilltops on Papa Stour being visible to the WSW. The horizon on the open sea lies at c. 52km distance. Towards the northwest, the view covers the uplands of Northmavine, with Ronas Hill towering above the rest. Towards the north, the view includes Sullom Voe, opening out to Yell Sound.

8) 'Gulga', Gluss, Northmavine, Mainland

HU 3379 7660?

This site was discussed by Brian Smith (2006). Apparently, Da Scord o Gulga is 'the name of a notch in the hillside just south of a hill with a cairn on top of it'. Smith believed that the name Gulga might then refer to the hill with the cairn. Jakobsen (1897, 118) mentions a hill called Golga in Northmavine, but unfortunately, he does not give a precise location. Neither Golga nor the Scord o Gulga is marked on any edition of the OS map and both names seem to be of very local character. However, judging from Smith's description, Da Scord o Gulga may well be the same as Hamara Scord near South Gluss. The hill would then be the one west of South Gluss, which

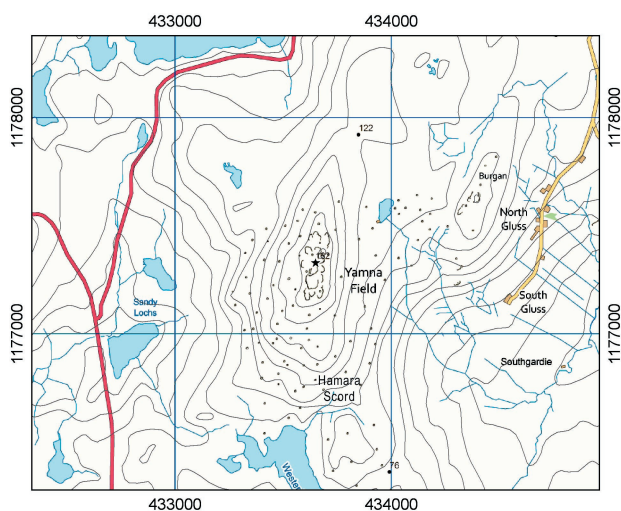


Figure 22 Presumed location of the hill Gulga near Gluss, Northmavine (Data: Ordnance Survey. © Crown copyright /database right 2010).

is marked as Yamna Field on the OS map and which indeed has a cairn on top (Fig. 22).

Smith admits that the identification of the gallows site at Gluss is highly speculative, and he now prefers not to include the site in his study of Shetland’s places of execution (pers. comm., May 30 2011). Yet, for reasons that will be discussed below, the site is included in this study, although the evidence is of course very weak. Tentatively, a viewshed was created for the summit of the aforementioned hill, which lies at 162m ODN (Fig. 23). It must be said that this presents a highly visible site; towards the (north)east, one can see the entire western coast of Yell, a large part of Delting, and even the North Sea beyond, including the Skerries. Towards the south, the view extends at least to Weisdale; if we are to believe the viewshed, even Fitful Head is visible, located more than 60km to the south. Towards the west, the site offers a grand view of St. Magnus Bay, including Papa Stour and Foula.

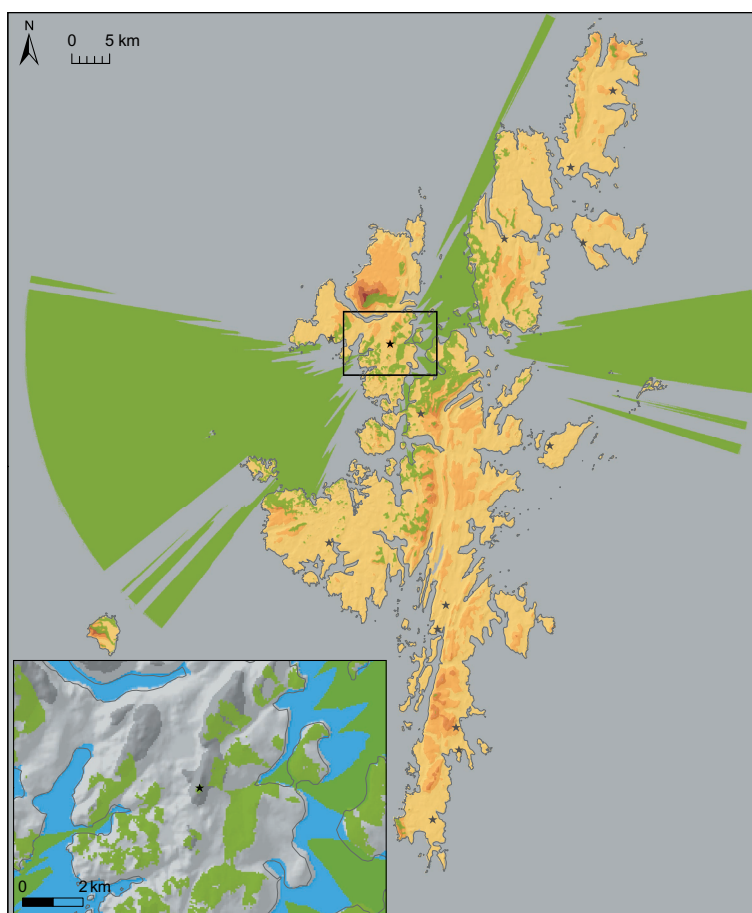


Figure 23 Viewshed from Gulga (Yamna Field), Gluss, Northmavine. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

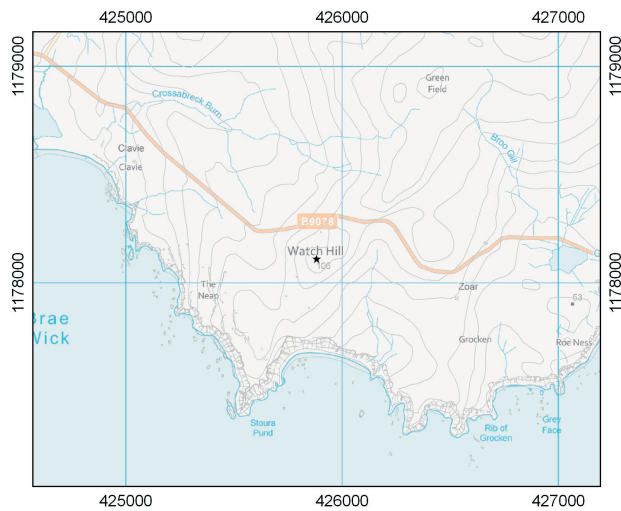


Figure 24 Topography of Watch Hill (Gallow Hill?), Eshaness (Data: Ordnance Survey. © Crown copyright /database right 2010).

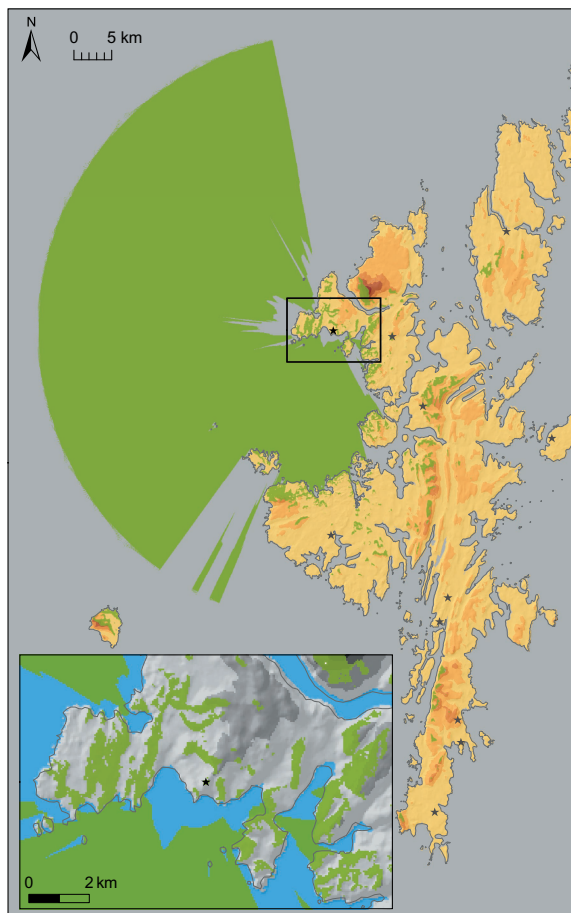


Figure 25 Viewshed from Watch Hill (Gallow Hill?), Eshaness. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright / database right 2010).

9) **Watch Hill (Gallow Hill), Eshaness, Northmavine, Mainland**

HU 2590 7809?

Smith mentions a Gallow Hill at Eshaness, located ‘more or less on the boundary with the rest of Northmavine’. The name does not appear on any edition of the OS map. The Shetland Amenity Trust’s Place Names Project has mapped the site on Watch Hill, a knoll to the east of Braewick (Fig. 24). The top of the hill is marked by a circular cairn, possibly of Bronze Age date (Historic Scotland site index nr. 6150).¹⁷

Located 500m from the coast, but at an elevation of 106 m, the site offers a splendid view of St. Magnus Bay and the Atlantic covering an angle of 200° (Fig. 25). The horizon at sea lies 40km away. The site overlooks Eshaness to the west; towards the south, one can see the coastline of south Northmavine, Muckle Roe, West Mainland, Papa Stour and Foula. To the northeast, one can see Ronas Hill, while to the east, the view includes several hilltops on Yell. Both the Gallow Hill of Brae and the hilltop at Gluss supposedly named Gulga are visible from the top of Watch Hill.

10) **Gallows Knowe, Holsigarth, Mid Yell**

HU 4878 9122?

Smith (2006) mentioned a site called Gallows Knowe at Holsigarth (spelled Halsagarth on OS maps), a deserted croft opposite the infamous Windhouse near Mid Yell (Fig. 26). He refers to a tradition recorded by the folklorist Laurence Williamson. According to this story, two men, who were found guilty of stealing cattle belonging to the lord of Windhouse Charles Neven, were hanged at the Gallows Knowe in the early 18th century. As Smith points out, it is very unlikely that an execution took place at this site as late as the 18th century, but he believes the story may have a more ancient origin. Although this is admittedly a daring thought, it is remarkable that the Windhouse, known as the ‘most haunted

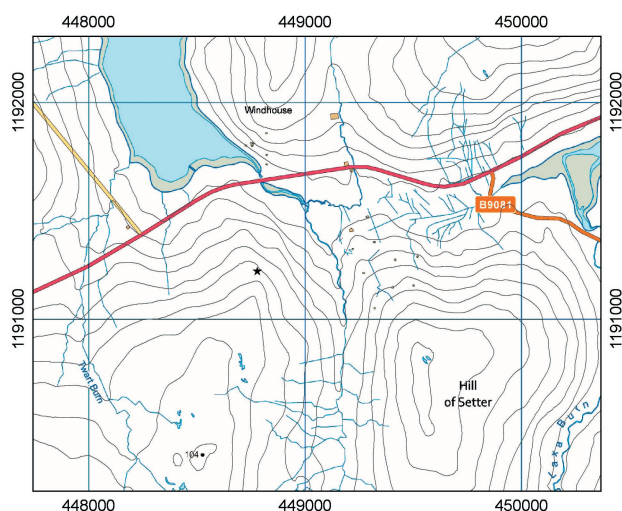


Figure 26 Topography of the Hill of Halsagarth, Mid Yell, with the approximate location of Gallows Knowe (Data: Ordnance Survey. © Crown copyright /database right 2010).

house' in Shetland (and beyond), is associated with a place of execution in a local tradition. In this case, the reputation of the house may have inspired the story, but it could also be the other way round; similar to the reservation against the last inhabitant of Golgo, the negative connotation of Windhouse may be older than the house itself and originate from an older, fearful place.

Be this as it may, the name of the Gallows Knowe is neither marked on any historical or modern map, nor is it generally known to local residents. Smith now considers the evidence for this site too weak and prefers not to include it in his study of gallows sites anymore (pers. comm., May 30 2011). Due to the poor localisation of the site, little can be said about its visibility. Tentatively, a viewshed was calculated for the spot on the northern slope of the Hill of Halsagarth (Fig. 27), where the panoramic photos were taken (Fig. 55). It must at least be close to the alleged Gallows Knowe. Compared to the other sites, the visibility appears rather limited. However, the view includes both Whale Firth in the west and (parts of) Mid Yell Voe in the east.

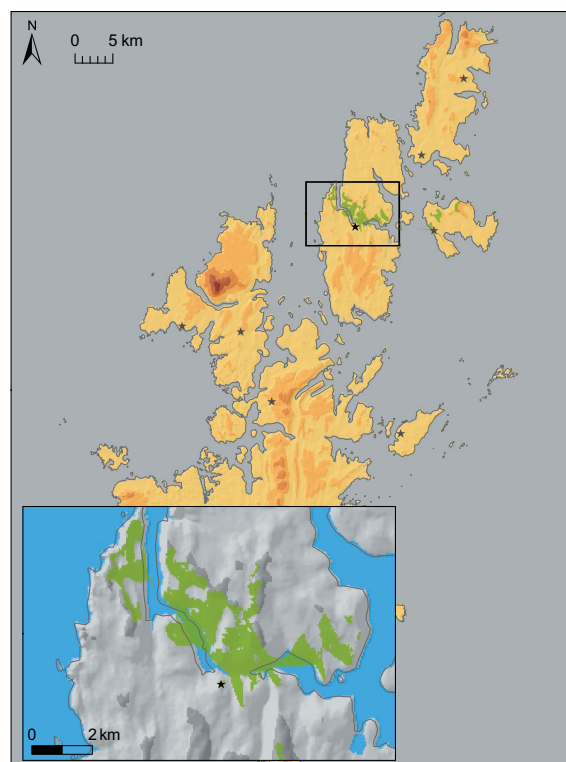


Figure 27 Viewshed from the Hill of Halsagarth (approximate location of Gallows Knowe), Mid Yell. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

11) Gallow Hill, Fetlar

HU 5919 9070

The Gallow Hill of Fetlar is located at the west side of the island. It is a large hill with gradual slopes on all sides, except for the west, where it has steep cliffs to Colgrave Sound (Fig. 28). Its summit lies at 106m ODN.

The Gallow Hill of Fetlar is the only place known in Shetland, where possible remains of the execution site can still be seen today. About 750m SSW of the television mast and 200m from the coast, there is a knoll with a remarkable enclosure on it (Fig. 29). The enclosure is formed by a low turf wall (though a stone wall might be buried beneath) up to 40cm high and about 1m wide at the base (Fig. 30). It is slightly trapezoidal; the side

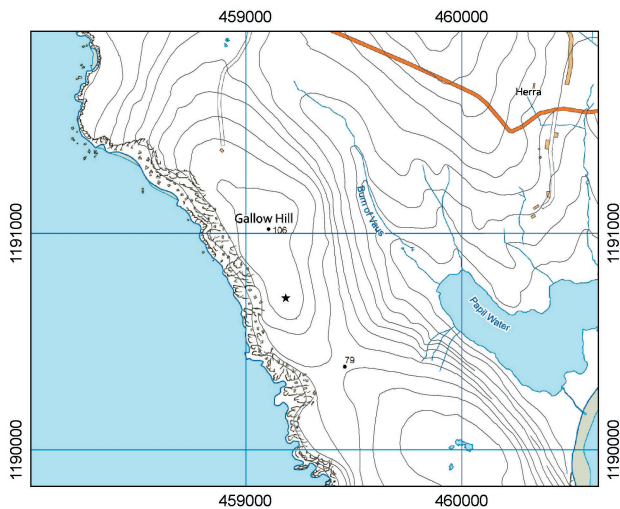


Figure 28 Topography of Gallow Hill, Fetlar. The star marks the location of the square enclosure (Data: Ordnance Survey. © Crown copyright /database right 2010).



Figure 29 The enclosure on Gallow Hill, Fetlar, set on top of a natural low mound. View towards the south.



Figure 30 Earthen bank on the east side of the square enclosure on Gallow Hill, Fetlar. View towards the north.

lengths are 22-24m on the north, west and east sides, while the south side measures c. 29m. The bank is highest on the north side, which is also the highest part of the terrain, while at the deepest spot, in the south, it can only be vaguely recognised. Smith (2006) mentions a possible gate on the east side, but this was neither observed in the field, nor can it be seen on the satellite imagery shown on Google Earth¹⁸ (Fig. 31). Apart from the enclosure, the satellite photos clearly reveal traces of peat extraction along the coast on the west side of the enclosure.

The enclosure is marked on the first edition of the OS County Series 1:10,560 (Sheet XVII), issued in 1882, as an old (!) sheepfold.¹⁹ As Smith pointed out to me, there are several reasons why this is an unlikely interpretation.²⁰ In Shetland, sheepfolds were usually round or oval shaped and located on the shoulder of a hill, along hill-dykes, or at the coast, where it would be easier to collect the sheep. Since the enclosure on Gallow Hill lies in open terrain, it would be very hard to drive sheep into it, unless it had lead-fences associated with it. Moreover, the enclosure would be exceptionally large for a regular sheepfold. Finally, there is a strong local tradition that the site represents an old execution place, which was first recorded by T.A. Robertson and J.J. Graham in 1964 (p. 51), quoting the folklorist J. Laurenson. They stated that ‘the hole in the Gallow Hill where the gallows stood can still be seen’. Indeed, there is a hole more or less in the centre of the enclosure, with at least one stone visible at the side. However, Laurenson recalled that the stones, which used to line the pit on Gallow Hill, were removed by some boys hunting rabbits.²¹ Laurenson also mentioned two stones at both sides of the execution site, on which according to the tradition the judges sat during the witch trials.²² However, there are no visible large stones on or near the enclosure today. According to Laurenson, the last witch executed on Fetlar in 1703, but this date seems not to be confirmed by any written evidence. Laurenson also stated that hanging was the usual punishment for witches on Fetlar, as opposed to Scalloway, where



Figure 31 Sattelite imagery showing the square enclosure and adjacent traces of peat extraction on Gallow Hill, Fetlar, on Google Earth. Image taken on May 8, 2008.

© 2010 Google ; © Tele Atlas 2011; Image © 2011 Getmapping plc.

they were usually burned.²³ Interestingly, he also mentioned another place called Gallow Knowe near Houbie on Fetlar.²⁴

A cumulative viewshed was created for each of the corner points and the centre of the enclosure on Gallow Hill (Fig. 32). The viewshed corresponds well with the panoramic photograph taken from the centre (Fig. 56). Below the Gallow Hill to the east, one can see the lake of Papa Water and the surrounding area with the main settlements of Fetlar. The view extends over the sea to the Skerries and Whalsay to the south and to Central Mainland to the southwest. Towards the west, we can see much of the eastern coast of Yell and the isle of Hascosay. The view to the northwest is obscured by the summit of Gallow Hill, but the higher parts of Unst are visible to the north, including the summit of the Gallow Hill of Unst. The horizon at the open sea lies approximately 40km away.

12) Gallow Hill, Unst

HP 5752 0070

The Gallow Hill of Unst is located on the southwest of the island and presents a large hill with gradual slopes to all sides, the western slope being slightly steeper (Fig. 33). The

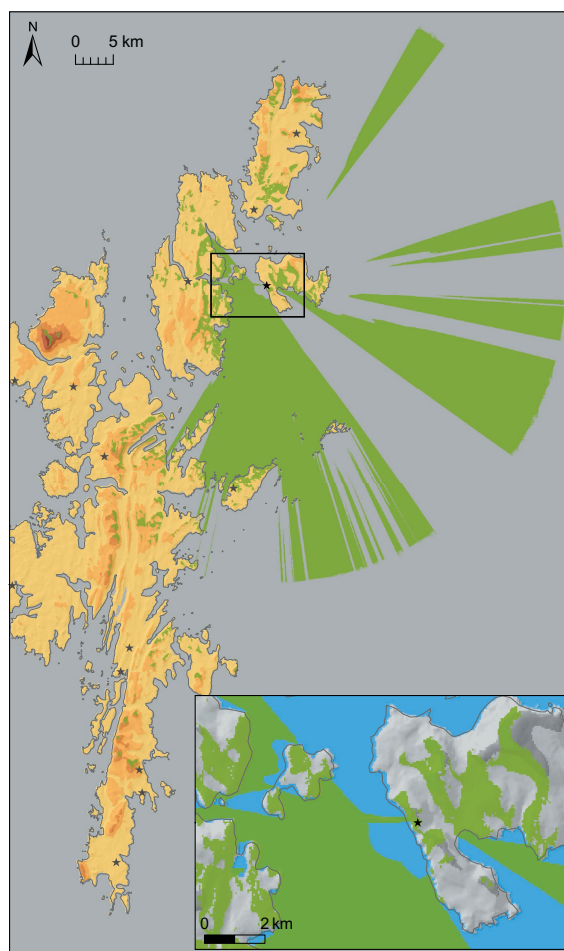


Figure 32 Viewshed from Gallow Hill, Fetlar. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright / database right 2010).

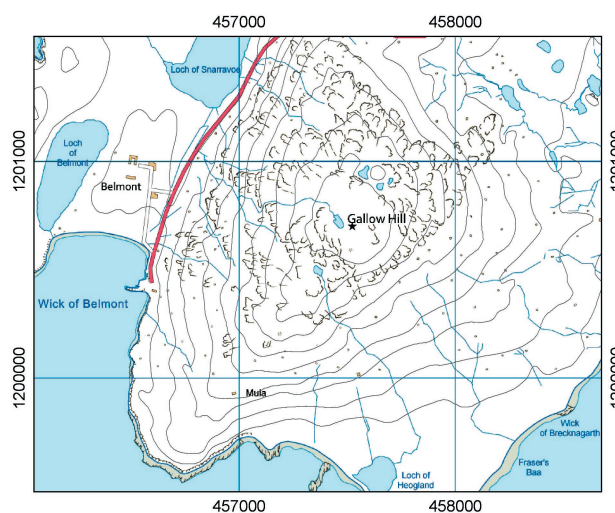


Figure 33 Topography of Gallow Hill, Unst. (Data: Ordnance Survey. © Crown copyright / database right 2010).

top of the hill forms a plateau. The actual summit is not very distinctive, but it is marked by an OS benchmark. It lies at 99m ODN, between two small ponds. The benchmark stands within an interesting structure, recorded by the RCAHMS as site number HP50SE 23 (Fig. 34).²⁵ It comprises several small and larger, partly interconnected circular drystone walls. According to the RCAHMS database, this is a look-out shelter, built from the stones of a very large cairn. The cairn was subject to several excavations in the 19th century. As the first edition of the OS Country Map series 1: 10,560 notes, stone cists were found here in 1825, apparently containing several human skulls. Forty years later, the site was excavated by James Hunt (Smith 2011), who found the remains of a human skeleton with some limpet shells (Hunt 1866, 297). About 100m to the south, there is another cairn, which apparently also yielded stone cists in 1825. Next to it is an old sheepfold known as the Pund of Gallow Hill. On the southern hillside, 650m southwest of the summit, there is a large, heel-shaped chambered cairn scheduled by Historic Scotland (index nr. 7667).²⁶

The panoramic photo was taken from the OS benchmark at the summit of Gallow Hill (Fig. 57). A cumulative viewshed was calculated for the summit and four additional points at the corners of the respective DTM grid cell (Fig. 35). The site offers an excellent view of Colgrave Sound and the surrounding islands, including Uyea, Fetlar, Hascosay and Yell. The east coast of Yell is almost entirely visible. The view reaches as far as Whalsay or even North Nesting to the south and Ronas Hill to the west and across Unst to the north. The site offers a view of the open sea to the northwest, east and south, the horizon lying at a distance of 40km.

13) *Muckle Heog, Baltasound, Unst*

HP 6315 1081

Muckle Heog is a knoll on the east side of a chain of hills between Baltasound and Haroldswick (Fig. 36). Its summit lies at 140m



Figure 34 Remnants of a prehistoric burial cairn on Gallow Hill, Unst, apparently reused as an outlook shelter and destroyed by early excavation .

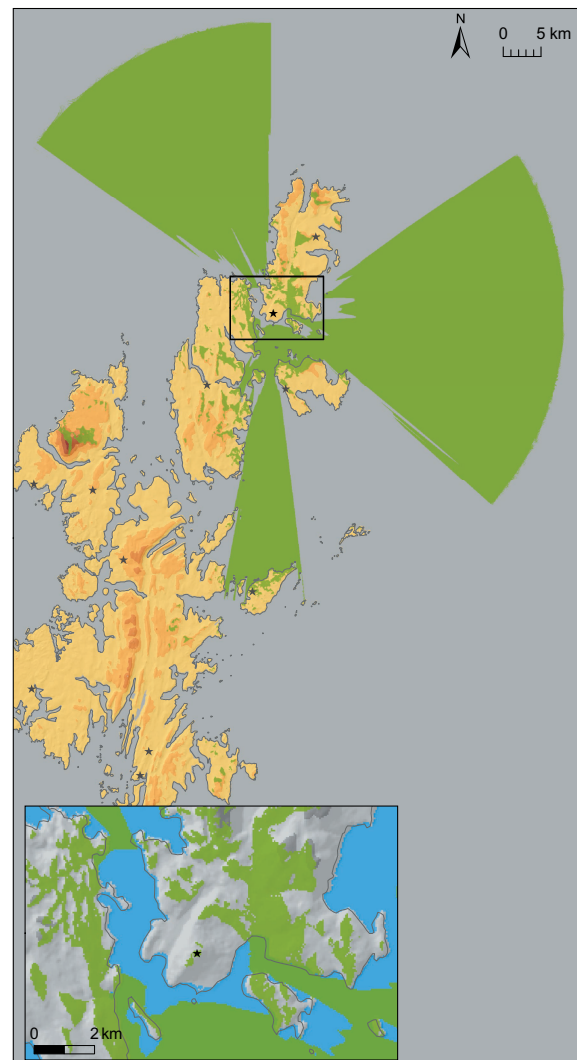


Figure 35 Viewshed from Gallow Hill, Unst. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

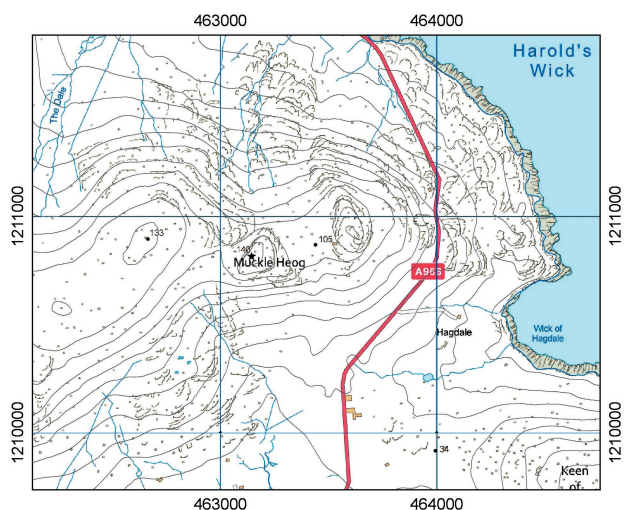


Figure 36 Topography of Muckle Heog, Balta-sound, Unst. (Data: Ordnance Survey. © Crown copyright /database right 2010).

ODN. Although Smith (pers. comm., May 30 2011) is now sceptical about this site, several sources recount the tradition that this site was used as a place of execution.

In 1774, George Low wrote about a site called Hanger Heog. He was shown a 'heap of stones' on the top, which was 'called by tradition a place of execution' (Low 1879).

At the foot of the hill was another stone heap, 'called the House of Justice, from which one ascends by steps to the former. Tradition says, that whatever criminal ascended the steps of Hanger Heog never came down alive'. The site presented a key site for the reconstruction of the ancient judicial system in Shetland to Samuel Hibbert in 1822 (p. 406). His account seems to be based on Low's, since he uses very similar words. He adds that 'in confirmation of the account, two bodies, supposed to have been executed criminals, were, about sixty years ago, found buried in disorder near the base of the lower heap of stones'. Surprisingly, Hibbert (1822: 269) interprets the site as a Scandinavian temple elsewhere, erected by the first Norse settlers upon their arrival in Haroldswick. He also believed the place of execution on Hanger Heog was associated with what he interpreted as an assembly site marked by three concentric circles at Crussa Field, about 1.5km to the west (Hibbert 1822: 405 f.).²⁷ Between the alleged assembly site and the place of execution there was another similar monument, which according to Hibbert was a sanctuary, to which a convict

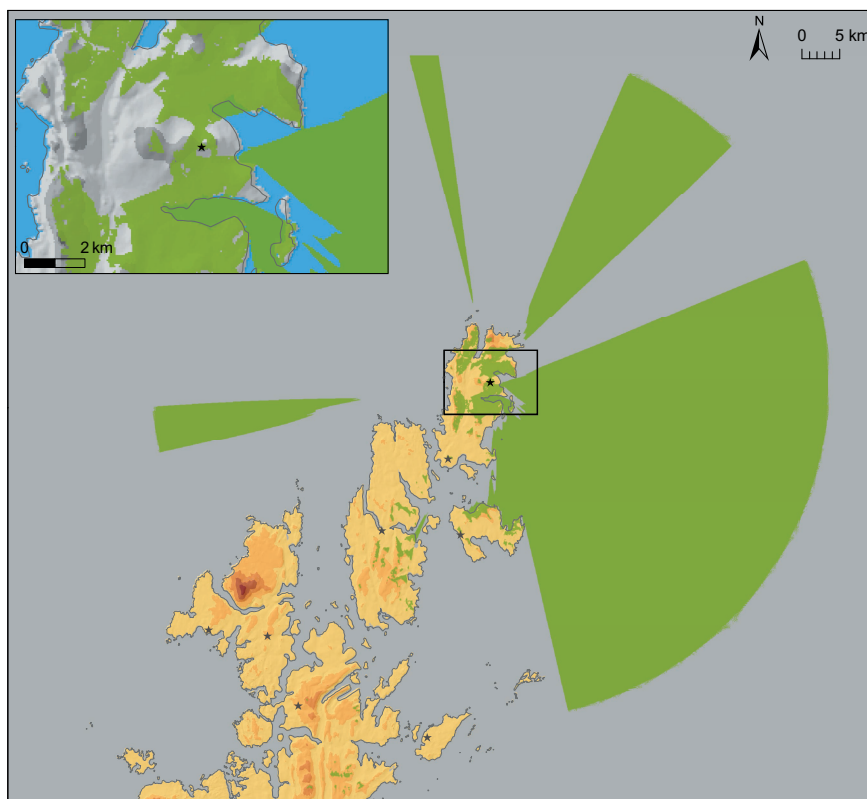


Figure 37 Viewshed from Muckle Heog, Unst. Legend: see fig. 4 (DTM: Ordnance Survey. © Crown copyright /database right 2010).

could try to escape after his trial; if he managed to reach it safely, his life was preserved, but anybody was free to pursue and kill him on his way there. There is a similar story in Tingwall, featuring either the steeple of Tingwall Kirk (Brand 1701 [1883]: 184) or the so called Murder Stone at Asta (Fojut 2006: 116) as the sanctuary, to which a convict could try to flee.

All structures on the hills north of Balta-sound that were mentioned by Low and Hibbert are in fact prehistoric burial cairns. Some of them were excavated by J. Hunt and R. Tate in 1865 (Hunt 1866. Tate 1866), after an initial find of human remains and soapstone vessels on the Muckle Heog the previous year (Roberts 1865) had awakened their interest. Tate (1866: 342) also mentions the tradition of the place of execution in his report, which allows us to identify Hanger Heog as the Muckle Heog.

As Smith (2009: 38) rightly states, 'every step in Hibbert's reconstruction is fantasy'. Both Hibbert's and Tate's accounts seem to heavily rely on Low's, and neither of them cites any contemporary source to confirm the tradition. There is no archaeological evidence to support the tradition, at least if we do not attach too much value to Hibbert's interpretation of the human remains from the so called House of Justice. Of course it needs to be questioned if the laymen, who had excavated the cairns at Muckle Heog and the House of Justice even before Tate's expedition, would have noticed any difference between Medieval, deviant burials and a prehistoric communal grave. Finally, the place name Hanger Heog is suspicious too and might refer to a steep, overhanging hill rather than a gallows site (Smith 2006). However, given the tradition and the location of the site, it should not be altogether dismissed as a possible place of execution.

The viewshed represents a cumulative viewshed of the summit of Muckle Heog and one point in each of the four adjacent grid cells of the DTM (Fig. 37). The site offers a good view of Unst both towards the north and south, including Balta Sound, Haroldswick

and Hermaness. The southern part of Unst is largely obstructed by the Hill of Caldwell and Valla Field, but interestingly, the summit of Gallow Hill is visible. Towards the south, the view includes the northern coast of Fetlar, as well as the summit of Fetlar's Gallow Hill. Towards the southwest, the view reaches to some hilltops on Yell and Mainland. The open sea can be seen towards the (south)east, west, north and northeast; the horizon lies c. 45km away.

14) 'Gallow Hill', Marrister, Whalsay

HU 5480 6388?

As Smith reported in an internet forum²⁸, he was informed about another Gallow Hill at Marrister on Whalsay after his lecture in 2006. However, the name is not marked on any map and could so far not be verified. Perhaps it is another name for Setter Hill, since this is the only distinct hill near Marrister (Fig. 38). The site was mapped, but the evidence is considered too weak to attempt further analysis (including a viewshed), as long as the name and location of the site are not confirmed.

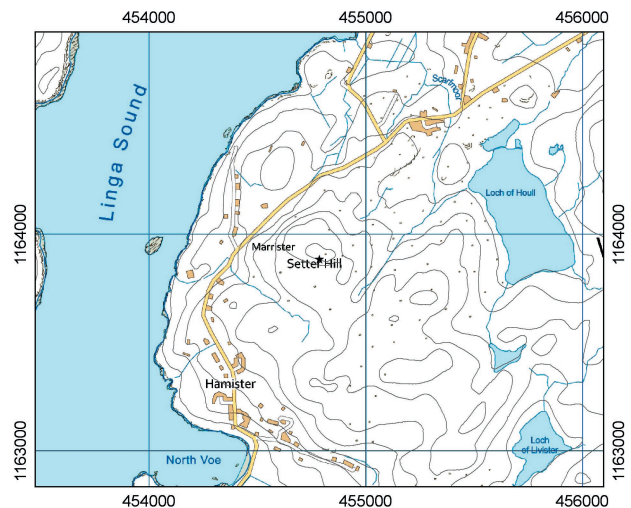


Figure 38 Topography of Setter Hill (Gallow Hill?), Whalsay. (Data: Ordnance Survey. © Crown copyright /database right 2010).

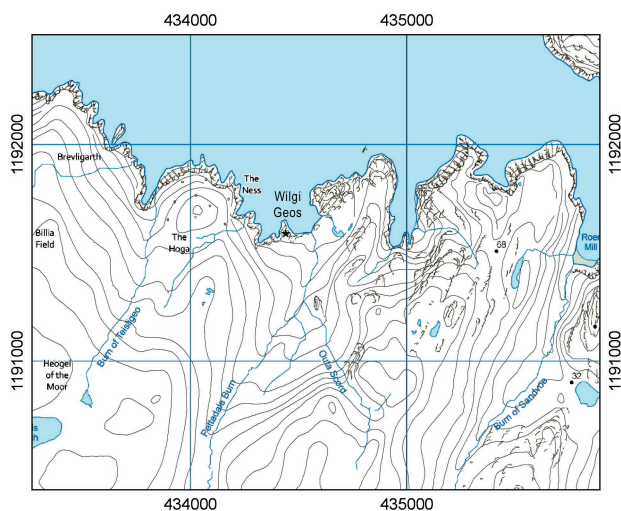


Figure 39 Topography of the Wilgi Geos, North Roe. (Data: Ordnance Survey. © Crown copyright /database right 2010).

15) Wilgi Geos, North Roe, Mainland

HU 3444 9163

The Wilgi Geos is an inlet at the northern coast of North Roe (Fig. 39). It has been suggested, that the name Wilgi Geos (very similar to the Knowe of Wilga in Cunningsburgh) might also be derived from Old Norse *gálgi*. The Wilgi Geos is a remote place, and not particularly visible. Although boats might pass entering or leaving Sand Voe, the gallows would not have been visible unless they were placed at the head of one of the neighbouring promontories, or indeed higher up the hill. In this case, it would be surprising that the inlet instead of the promontory was named after the gallows.

The site is located 3km from the pre-Reformation St. Magnus church in Houll, which, as we shall see, does constitute a common characteristic of Shetland's gallows. However, there would have been more suitable places for this gruesome purpose closer to the settlement at Houll.

Apart from the name, nothing indicates, that the site was used as a place of execution. Even if the name derives from *gálgi*, it may be named after an overhanging rock. I agree with Smith (pers. comm., 6 June 2011) that the

Wilgi Geos should probably not be included in the list of gallows sites in Shetland. It was listed for completeness, but was not included in the following analysis.

Comparison of the sites

Although Smith (2006) highlighted the high visibility of all the gallows sites, a comparison of the viewsheds shows that there are in fact large differences. The total area, which can be seen from each site, varies from less than 40 to almost 3,000km² (Fig. 40). The most visible site is the Knowe o Wilga, while – surprisingly perhaps – the Gallow Hill of Scalloway is least visible.

The huge difference in the visible area is mainly caused by the visibility of the open sea. The sea can be seen from all sites, and in all cases sea surfaces account for more than half of the visible area; in 10 out of 12 cases, it even accounts for more than 90 % of the visible area. The total land surface visible from each site varies from 16 to 134km². Again, the Gallow Hill of Scalloway has the lowest score, but the ranking of the other sites is completely different. The dubious site of Gluss overlooks the largest land surface, followed by the Gallow Hills of Brae and Fetlar.

However, these numbers are somewhat misleading; since the area, which is covered by a certain angle, gets larger with increasing distance, even a small strip of the sea visible at the horizon represents a huge area. Moreover, due to the curvature of the earth, the distance to the horizon is much larger from higher elevated points than from a point close to sea level. This again leads to an exponential increase of the visible area towards the horizon for higher elevated sites.

Although it is amazing just how far one can see from most sites, it is of course unrealistic that the gallows would have been visible from 40km distance; even though the site itself may have been visible, the gallows and their involuntary companions were much too small to be seen with the naked eye. Hence, it would be interesting to analyse the visibility of the

direct surroundings, since this may indicate if the sites were potentially meant to be seen from afar and may hence have a more symbolic character, or if they would have been effective locations to impress the local passers-by.

Although we do not know what the gallows in Shetland may have looked like, they are unlikely to have been monumental enough to be clearly discernible from more than 3km distance. Hence, the total visible area and the visible land and sea surface within a radius of 3km were calculated for each site (Fig. 41). This corresponds to a maximum area of 28.3km². It must be stressed that the inaccuracy of the viewshed caused by the resolution of the DTM plays a larger role at this scale.

The total visible area within 3km from each site varies from 17.3 to 6.6km². The largest area can be seen from Muckle Heog in Unst, while the Gallow Hill of Brae has the most limited view of the surrounding area. Again, Scalloway is at the bottom of the list, directly after Brae, the visible area covering 6.9km².

The viewshed analysis within a limited circle gives a clearer impression of the importance of the visibility from the sea. The visible sea surface (including inlets) in the direct surroundings varies greatly. From the Gallow Hill of Tingwall, the sea cannot be spotted within a radius of 3km at all. On the opposite, the sea represents 70 % of the area visible within this circle from the Knowe of Wilga. Putting it the other way round, there are only four sites, which are more widely visible from the sea in the direct surroundings than from land. These are the Knowe o Wilga, the Gallow Hills of Fetlar and Unst and the Watch Hill in Northmavine.

Summarising the above results, we can conclude that the gallows sites were potentially highly visible indeed (taking into account that we do not know the exact spot of any of the gallows, except perhaps those of Fetlar, and that the above results are a best-case scenario). More importantly, most locations seem not to have been chosen to be primarily visible for the advancing sailors, but rather seem to form a compromise: while being visible from afar

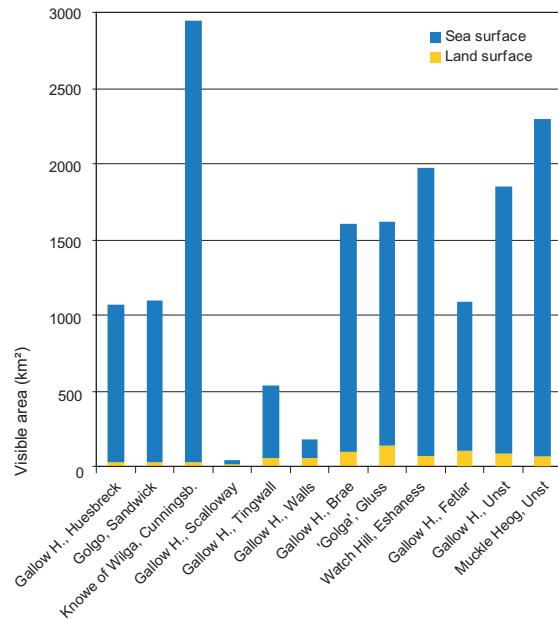


Figure 40 Diagram of the total land and sea area visible from the discussed sites. The doubtful and poorly localised sites in Mid-Yell and Whalsay are not included in the diagram.

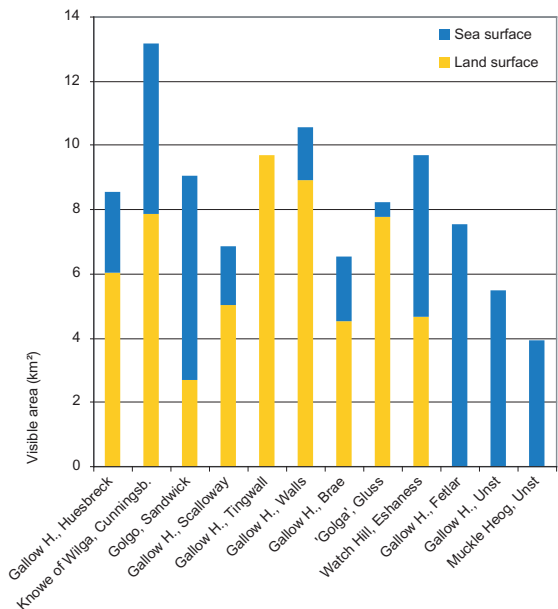


Figure 41 Diagram of the total visible land and sea area within a radius of 3km from the discussed sites. The doubtful and poorly localised site in Mid-Yell is not included in the diagram.

both from the sea and land, they must have formed a very confronting sight to the people moving about the surrounding land. In Scaloway, wide visibility of the gallows seems not to have been a major concern at all; however, they may have been perfectly visible from the town, the castle and the harbour.

Gallow hills and parish division

The parish division in the late 16th and early 17th century can be reconstructed on the basis of the report on the complaints of the commons and inhabitants of Shetland of 1576 (Balfour 1854: 13-92), the court books (Barclay 1962. Barclay 1967. Donaldson 1954. Donaldson 1991), and a list of ecclesiastical 'benefices' in Shetland written by Rev. James Pitcairn between 1579 and 1612 (Goudie 1904: 155-158). The latter shows that the parishes formed both administrative and ecclesiastical units and corresponds to the description of the different (ecclesiastical) parishes given by John Brand in 1701 (p. 125-146).

Most parishes, which appear in these documents, comprise several communities or isles. Since the districts are not always grouped the same way, the total number of parishes ranges from nine to thirteen. However, the districts are essentially the same and largely corresponded to the present parishes in Shetland.

In general, we can reconstruct at least ten parishes:

- **Nesting, Lunnasting, Whalsay and Skerries.** The Skerries are listed together with Fetlar, Unst and Yell in 1576.
- **Fetlar**
- **Unst**
- **Yell**
- **Northmavine**
- **Delting.** In 1576, it is listed as Delting and Scatsta.
- **Walls, Sandness, Aithsting and Sandsting.** Walls is listed separately in 1576 and in Pitcairn's list of ecclesiastical parishes. It also included Papa Stour.

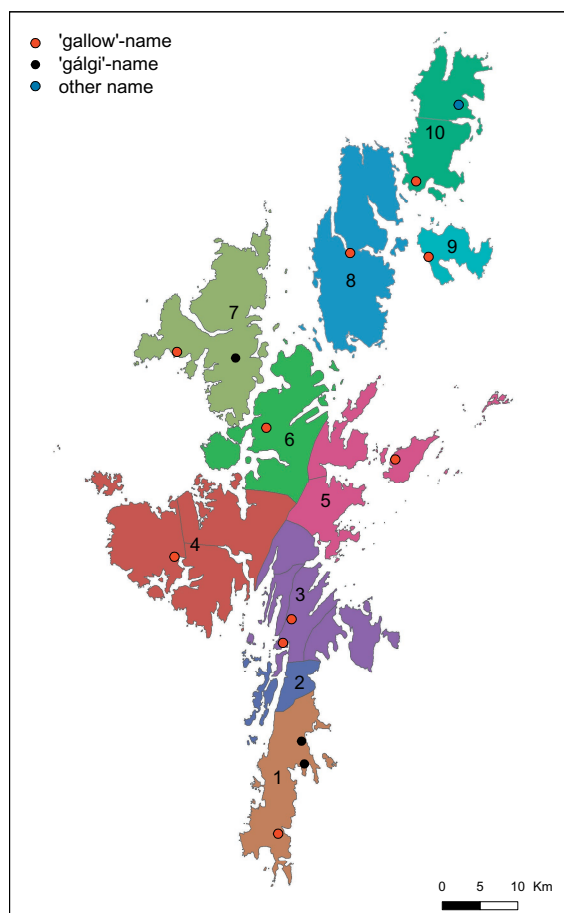


Figure 42 Judicial districts (parishes) in Shetland around 1600 with the location of gallow hills and other possible gallows sites.

Parishes: 1 Dunrossness; 2 Burra & Gulberwick; 3 Tingwall, Whiteness, Weisdale & Bressay; 4 Walls, Aithsting & Sandsting; 5 Nesting, Lunnasting & Whalsay; 6 Delting; 7 Northmavine; 8 Yell; 9 Fetlar; 10 Unst.

- **Burra and Gulberwick.** The parish also included Quarff and Trondra, but these are not always mentioned. In 1603, the parish was grouped together with Tingwall, Whiteness, Weisdale and Bressay, in 1604 with Bressay only.

- **Dunrossness**

- **Tingwall, Whiteness, Weisdale and Bressay.** Bressay is listed separately in 1576, while it is grouped together with Burra in Pitcairn's list of ecclesiastical parishes and in the court book of 1604.

There is a remarkable correspondence between the distribution of the gallows and the parish division listed above. Apart from the smallest parish of Burra and Gulberwick (also including Quarff), each of the parishes has at least one alleged gallows site (Fig. 42). Interestingly, there is only one site named Gallow Hill in each of them, except for Yell, which has none, and Tingwall, which has two. The Gallow Hills of Scalloway and Tingwall were probably not used at the same time; the former was probably taken into use after the *lawthing* was moved from Tingwall to Scalloway in the late 16th century and can hence be considered as the successor of Tingwall's Gallow Hill (Smith 2006). It is also striking that most of the sites lie in the interior of the parishes. This is most obvious for the sites in south and west Mainland and the more dubious sites in Northmavine and Yell. The Gallow Hills of Unst and Fetlar are the only exceptions, since they are both located at the west-coast of the islands, facing the neighbouring islands (and parishes). This also applies to the alleged Gallow Hill of Whalsay, but as we have seen this island did not constitute a separate parish. Indeed, it is surprising, that there is no Gallow Hill in the parishes of Nesting and Lunnasting, but one on Whalsay instead.

The Gallow Hill of Brae is a bit harder to judge: it is located very centrally, but also overlooks the border of Northmavine.

Apart from Scalloway, there is no obvious relation between the gallows sites and the venues of the local courts held in the early 17th century (Donaldson 1958: 133-136) (Fig. 43). Some of the gallows sites are relatively close to a court site, as in Unst (2.3km) and Delting (2.9km), but most of them are not. This is hardly surprising, since the local courts probably did not have the power to inflict capital punishment. Although the district courts were presided over by the same judge as the main court in Scalloway, there seem to have been different levels of judicial power, as in most of Europe at this time. Capital crimes were only brought before the Lawthing or head court in Scalloway. The Court Books of

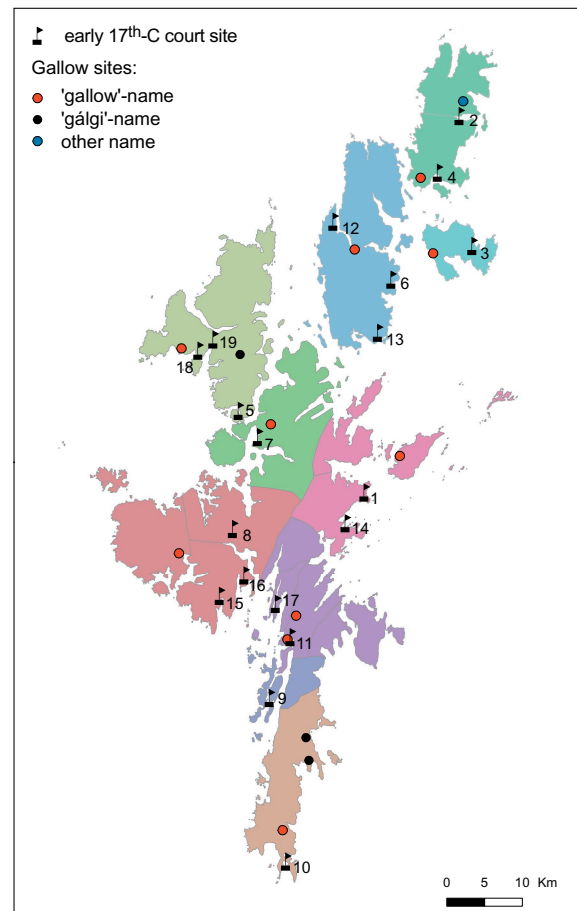


Figure 43 Location of court sites mentioned in the courtbooks between 1600 and 1615 with the location of gallow hills and other possible gallows sites. The parishes correspond to fig. 42.

Court sites: 1 Neap; 2 Gardie; 3 Still; 4 Ueyasound; 5 Islesburgh; 6 Aywick (Eawik); 7 Wethersta (Woddirsta); 8 Twatt; 9 Houss; 10 Sumburgh (Soundbrughe); 11 Scalloway; 12 Graveland; 13 Burravoe; 14 Brough; 15 Skeldvoe; 16 Sand; 17 Ustaness; 18 Hillswick; 19 Urafirth.

Shetland only document one case, in which the convict was sentenced to death by a district court. This concerns the case against Christopher Johnston from Scatstay, who was convicted of repeated theft by the court of Delting at Wethersta in 1602 (Donaldson 1954: 18 f.). As far as I know, this is also the earliest known death sentence in Shetland. In standard wording, Johnston was sentenced *'to be taine to the gallow hill and thair to be hangeit be the crage quhill he die, in exempill*

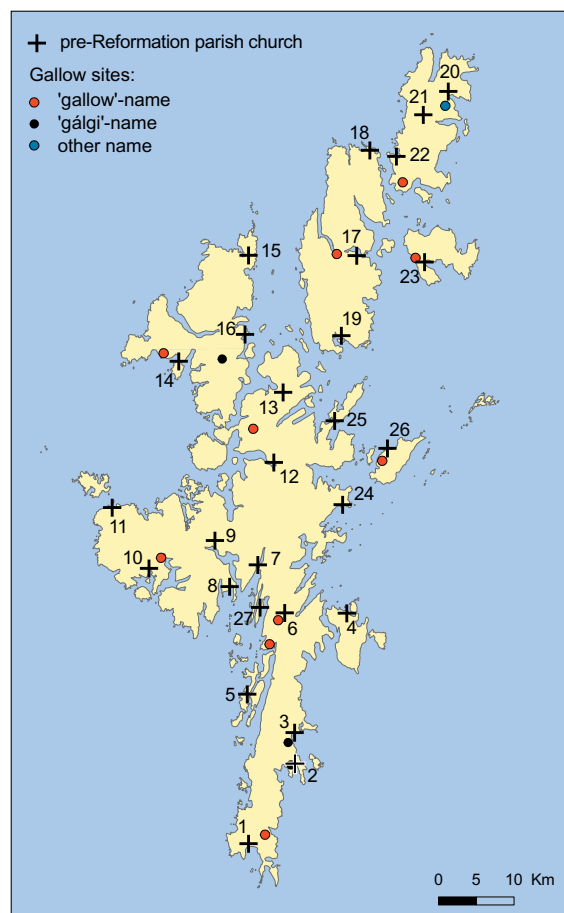
Figure 44 Location of pre-reformation parish churches (after Cant 1975) gallow hills and other possible gallows sites.

Parish churches: 1 St. Matthew / Cross Kirk, Quendale; 2 St. Magnus?, Sandwick; 3 St. Colme?, Cunningsburgh; 4 St. Olaf, Gunnista; 5 unknown, West-Burra; 6 St. Magnus, Tingwall; 7 St. Mary?, Weisdale; 8 St. Mary, Sand; 9 unknown, Twatt; 10 St. Paul, Kirkigarth; 11 St. Margaret, Sandness; 12 St. Olaf, Olnafirth; 13 St. Magnus, Laxobigging; 14 St. Magnus / St. Gregory?, Hillswick; 15 St. Magnus?, Houll; 16 St. Olaf, Ollaberry; 17 St. John, Reafirth; 18 St. Olaf, Breckon; 19 St. Magnus, Hamnavoe; 20 St. Mary, Haroldswick; 21 St. John, Baliasta; 22 St. Olaf, Lundawick; 23 Cross Kirk, Papil; 24 St. Olaf, Kirkabister; 25 St. Margaret, Lunna; 26 Cross Kirk, Kirkness; 27 St. Olaf, Whiteness.

of *utheris*'. Unfortunately, the text does not reveal if this refers to the Gallow Hill in Brae (overlooking Wethersta) or to the one in Scaloway.

The local courts of the early 17th century were usually held at the manors of the fouds (bailiffs) or other officials. Although most of the manors were located in or nearby a major settlement, they do not necessarily represent the old centre of their parish (Smith 2009: 43). Since it has been assumed that Shetland's gallows sites are indeed older, we need to look for other possible associations.

The old parish churches may give a better clue in this respect. Indeed, there is a striking correlation between the gallows sites and the location of the pre-Reformation parish churches listed by Cant (1975) (Fig. 44). The distance varies from 550m (Sandwick) to 5.2km (Brae); 10 of all 14 sites are located less than 3km from a Medieval parish church. This applies both to the Gallow Hills as well as the *gulga*-names. The most striking example for this is Dunrossness. The Gallow Hill of Huesbreck lies 2.5km from St. Matthew's church (Cross Kirk) in Quendale, which was abandoned in 1790.²⁹ The Knowe of Wilga lies 1.5km from St. Columba's church in Mail (Cunningsburgh), while Golga lies only 550m from the old parish church of Sandwick.³⁰ The strong link between the gallows sites and the pre-Reformation parish churches seems to confirm that the latter hold valuable informa-



tion on the old administrative (and judicial) division of Shetland. Cant (1996: 166) states that Shetland Medieval, ecclesiastical parishes corresponded with thing-parishes and were generally divided into thirds, each with a church, one of them being the main parish church.

As said before, few documents present a clue to the administrative units before the reign of the Stewarts. Based on the number of original parish churches in each of the districts mentioned by Pitcairn, Clouston (1914: 430 f.) drew a parallel between the parish division of Iceland, Orkney, the Isle of Man and Shetland. This administrative model generally involved a division into quarters and thirds at multiple levels. According to Clouston, this apparently typical Norse administrative system had its origins in the organisation of the Scandinavian homelands of the settlers, going back to the Germanic Iron Age. Hence, he be-

lieved Shetland's parishes to be 'very, very old indeed' (Clouston 1914: 432).

The *thing*-element in the name of some of the parishes indicates a Norse origin. It has been noted before that the *thing*-parishes are all located in the central part of Mainland, which lacks clear geographical boundaries (Donaldson 1958: 130. Smith 2009: 41 f.). To the names still used today (Deltung, Nesting, Lunnasting, Aithsting, Sandsting, Tingwall), two more names can be added, which appear in a document of 1321: Þvæitapung and Rauðarþing. The former may have been located in the west of Shetland, possibly in the present parish of Walls, while the latter may have been in, or even correspond to Northmavine (Jakobsen 1897: 102. Smith 2009: 42). The name Neipnating, recorded in the early 16th century and in 1628, probably refers to Nesting (Smith 2009: 41).

Smith (2009: 42) points out that there are no *thing*-parishes in Orkney, and that Shetland's parish things may hence have been formed around 1300, after Shetland's separation from the Earldom of Orkney. He does agree, though, that Shetland may once have had the same, symmetrical division into quarters, eighths and thirds known from Norway. The former division of Fetlar into three small districts was still recalled by a local lady at the end of the 19th century (Jakobsen 1897: 117), although it must have been outdated for many centuries by then. A Norwegian document of 1490 mentions the districts *Vogafjordwngh* ('the quarter of the voes') in the west and *Mawedes otting* ('the eighth at the narrow isthmus') in the north of Shetland (Smith 2009: 43). Although the names themselves can be identified as Walls and Northmavine – parishes still existing today – Smith stresses that the parish division and borders may still have been very different.

Another recurring name, which refers to an older judicial system, is the 'Herra' (from Old Norse *hérað*, meaning county or district) (Jakobsen 1897: 117. Smith 2006. Smith 2009: 43). The name occurs four times in Shetland: in Yell, Fetlar, Lunnasting and Tingwall. The Herra in Yell now refers to a small

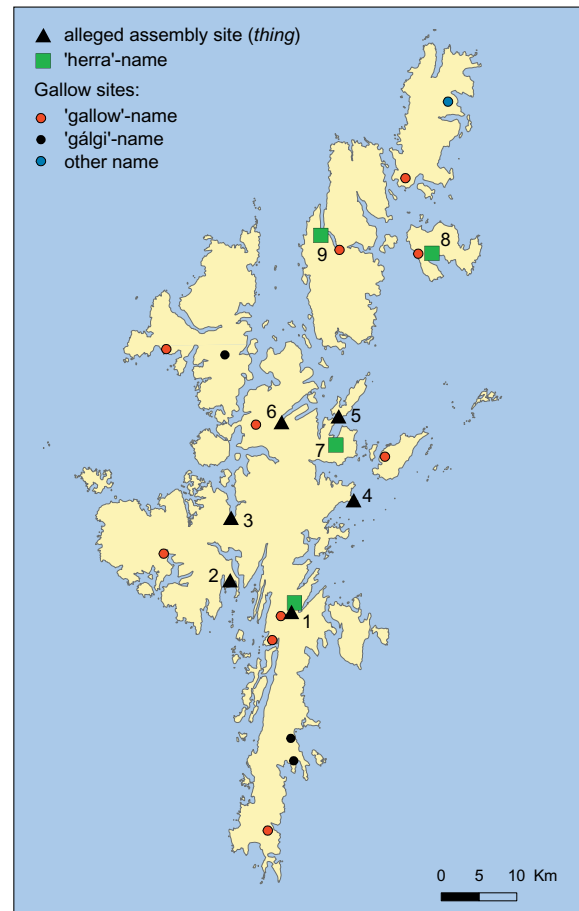


Figure 45 Location of 'ting-' and 'herra'-place names and gallow hills (see fig. 44 for legend). Marked sites: 1 Tingwall; 2 Sand; 3 Aith; 4 Neap; 5 Lunna; 6 Dale; 7 Herra, Lunnasting; 8 Herra, Fetlar; 9 Herra, Yell.

area on the west side of Whale Firth. It was formerly called the 'Oot Herra', as opposed to the 'In Herra', which lay at the opposite side of Whale Firth. The Herra in Fetlar refers to the settlement area to the north and east of Papil Water. Again, the area is divided into an Upper Herra and the Lower Herra, each including a few farmsteads and located about 1km apart. The Herra in Lunnasting lies at the south end of Vidlin Voe, between the villages Vidlin, Gillsbreck and Orgill. In Tingwall, the name appears in a slightly different form: the area to the north and west of Tingwall Loch is referred to as the Harray in a document of 1525 (Stewart 1987: 130). The name survives

as Herrisdale (Park) and Herrislea (House / Hill) in Veensgarth.

It is generally assumed that the old *thing*-parishes, as well as the *héruð* each had their own, local assembly. The only assembly site which can be located with some certainty is at Tingwall (from Old Norse *Þingvöllr*, 'the fields of the parliament'). According to the tradition, the assembly met at the islet called Law Ting Holm, at the north side of the lake (Coolen & Mehler 2010: 6-9). There is a very close spatial relationship between the assembly site, the parish church and the Gallow Hill: the holm is located only 340m from the church and exactly 1km from the summit of Gallow Hill.

It seems logical to believe that the local assemblies of Delting, Nesting, Lunnasting, Aithsting and Sandsting were held in the Dale, Neap, Lunna, Aith and Sand respectively (Smith 2009: 41). Sand and Lunna each host a Medieval parish church, while Neap is at least close to the former parish church of Kirkabister. There are old church sites in Aith and Dale too, but they are not documented as parish churches. However, none of these alleged thing-sites is close to any of the gallows sites (Fig. 45). As for the *herra*-names, there is an interesting association of the Herra with a parish church and a Gallow Hill in Fetlar, all being located within 2km from each other. The Herra in Mid Yell is about 3km from Holsigarth, but as said, this site is very dubious. Although there are several pre-Reformation chapel and church sites known in the vicinity, none of them is recorded as a parish church. The same applies to the chapel site in Vidlin, which is located about 0.5km from the Herra in Lunnasting.

One could argue that the places of execution might have been located near the boundary of a judicial district rather than close to the court site. In Medieval and Early Modern Europe, gallows were often erected near district boundaries for both practical and symbolic reasons (e.g. Piech 2010: 314. Mol 2007, 281 ff.). Reynolds (2009, 219-27) has described

the strong association between Anglo-Saxon execution cemeteries and Early Medieval hundred boundaries. Since we know little about the Medieval parish division of Shetland, it is almost impossible to reconstruct the parish boundaries. However, no matter where the boundaries were, the area between the alleged thing-sites mentioned above is completely devoid of known gallows sites. Of the present *thing*-parishes, only Tingwall and Delting include a gallows site. Although the former is close to the border of Whiteness, it does not overlook any access route between the two parishes. Moreover, Whiteness is no *thing*-parish. The Gallow Hill of Brae in Delting seems more convincing: it is close to the border of Northmavine, and everybody who would cross Mavis Grind and the wider isthmus of Brae would have been confronted with the sight of the gallows.

There is, however, an interesting relationship between the gallows sites and post-Medieval parish borders (Fig. 46). The latter were taken from a modern map showing the parishes listed in the Old Statistical Account (1791-99).³¹ Alternatively, the parishes can also be modelled based on the descriptions of Pitcairn and Brand and the location of Medieval parish churches. Assuming that each parish church lies more or less in the centre of its associated parish, the parishes can be modelled as Thiessen polygons (Fig. 47). Of course this is a highly theoretical and perhaps simplistic approach, since it does not account for the actual geography. Surely, the actual division was more complex. However, the Thiessen polygons show strong similarities with the parishes listed in the Old Statistical Account, and as long as we acknowledge the theoretical character of this approach, there seems to be some justification for it.

At first sight it seems striking that there is never more than one gallows site per parish, except in the already discussed case of Tingwall. However, this is simply a consequence of the already discussed correlation between the gallows sites and Medieval parish churches. The Thiessen polygons show

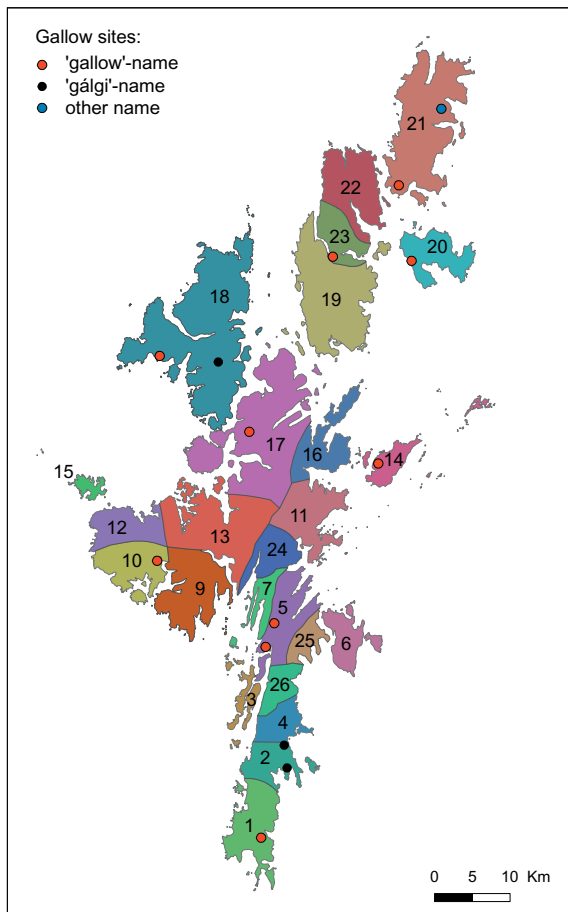


Figure 46 Parish division of Shetland as documented in the Old Statistical Account (1791-99) with the location of gallow hills and possible gallows sites.

Parishes: 1 Dunrossness; 2 Sandwick; 3 Burra; 4 Cunningsburgh; 5 Tingwall; 6 Bressay; 7 Whiteness; 8 Foula; 9 Sandsting; 10 Walls; 11 Nesting; 12 Sandness; 13 Aithsting; 14 Whalsay; 15 Papa Stour; 16 Lunasting; 17 Deltig; 18 Northmavine; 19 South-Yell; 20 Fetlar; 21 Unst; 22 North-Yell; 23 Mid-Yell; 24 Weisdale; 25 Lerwick; 26 Quarff

another, more interesting thing: several of the discussed gallows sites are indeed close to the (theoretical) border of different parishes. The best examples are the Know of Wilga, which lies at the border of Cunningsburgh and Sandwick, and the Gallow Hill of Walls, which is close to the border of Sandsting, 'guarding' the Bridge of Walls. If we assume that Deltig was divided into several parishes, with St. Magnus church in Laxobigging and St. Olaf's church in Olnafirth as the principle churches,

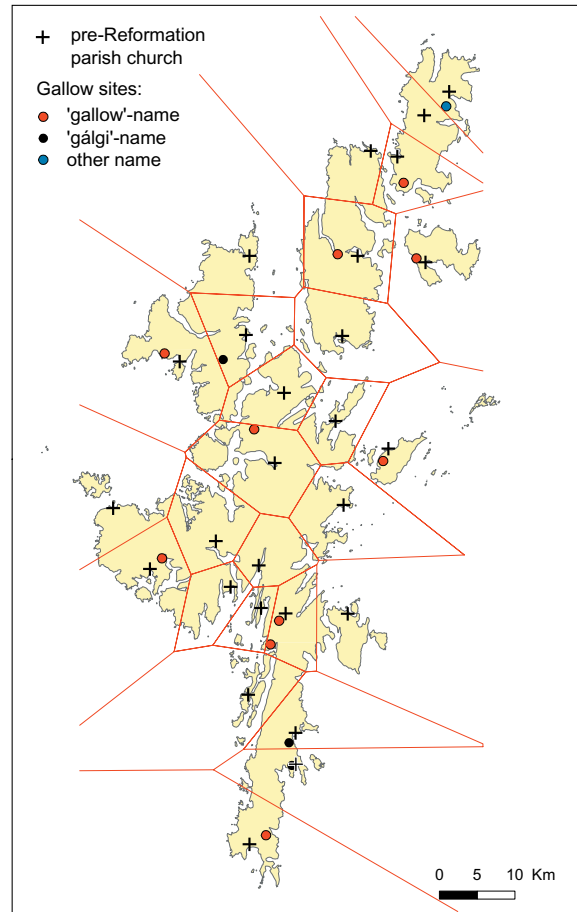


Figure 47 Pre-reformation parish churches (after Cant 1975, see also fig. 44) and their associated parishes modelled as Thiessen-polygons with the location of gallow hills and possible gallows sites.

the Gallow Hill of Brae would be exactly at the border. The same applies to Gulga in Gluss, located near the theoretical border between the parishes of St. Ofaf's church in Ollaberry and St. Magnus' (?) church in Hillswick, as well as to Muckle Heog, at the border between the parishes of St. Mary's church in Haroldswick and St. John's in Baliasta. The so-called Gallow Knowe at Holsigarth in Mid-Yell is right at the border between Mid- and South-Yell, both of which are listed separately in the Old Statistical Account. As stated above, the Gallow Hills of Unst, Fetlar and Whalsay can also be considered to be located at the border of their parishes.

However, it needs to be stressed that not all

of the discussed sites follow this rule. The Gallow Hill of Huesbreck, Golgo in Sandwick and the Watch Hill (Gallow Hill?) in Northmavine are in the centre rather than at the border of their respective parishes.

Summarising the above, it is hard to see any connection between the gallows place names and the alleged thing-sites or the division of the *thing*-districts. There is, however, a very strong link with the pre-Reformation parish churches and the early modern parish division. Most of the gallows sites are close to an old parish church and directed towards an internal parish boundary; that is, near the border of several parishes, which must have been joined together before the 17th century.

Gallows and prehistoric monuments

One of the common features that Smith (2006) identified in his analysis of Shetland's gallows sites was their close association with prehistoric monuments. Most of these monuments can be identified as Neolithic and Bronze Age burial cairns. Only in Golgo in Sandwick, the place of execution is reported to have been a standing stone, which, unfortunately, does not survive.

The association of (Medieval) gallows with prehistoric monuments, especially barrows, is well known from all over north-western Europe (Meurkens 2010; Reynolds 2009). However, we need to distinguish between prehistoric barrows called Gallow Hill, and large, natural hills, which bear the same name and have prehistoric burials on their summit or slope. In the former case, the name refers to the prehistoric monument itself (although the nature of the monument need not have been apparent to those, who coined the name); in the latter case, the name refers to a natural hill, which just happens to host one or more prehistoric sites. In the latter case, the association between the prehistoric monument and the place of execution is less evident and needs further verification. For

the gallows sites in Shetland, this is very difficult, since we do not know the exact location of any of the gallows. To assume that they may have been located on or near the prehistoric monuments would be an obvious circular argument.

Of the 13 sites discussed above, seven are hilltops or hillocks with a cairn on their summit. At least three of them are problematic: the summit of the Gallow Hill in Tingwall is merely marked by a small, undateable stone heap, which does not seem to have formed an impressive monument at any time. There are some more elaborate structures nearby, but again, we do not know the exact location of the gallows. The same applies to the Gallow Hill of Unst, which has some truly spectacular cairns, but lacks a distinct summit. For the time being, the evidence for the gallows site in Gluss is very weak, and its identification, as Smith (2006) argued, is partially based on the presence of a prehistoric cairn. Hence, this site should be excluded from the discussion to prevent circular reasoning.

In five cases, there is no evident association of the gallows site with any prehistoric monuments. There are burial cairns on the Gallow Hills of Walls and Brae, but they are located at the base or on the slope of the hill. The Gallow Hills of Scalloway and Fetlar and the hill of Holsigarth do not host any visible prehistoric sites at all.

To this it must be added, that it is harder to find a hill without visible prehistoric remains in Shetland than one with. In my opinion, there is not enough evidence to postulate a general association of the Medieval places of execution in Shetland with prehistoric (sepulchral) monuments.

However, the situation is slightly different for the vanished standing stone at Golgo in Sandwick. Here, the tradition directly describes the use of a possibly prehistoric monument as a gibbet. There is a similar example from Aberdeenshire: the Hanging Stone on Gallows Hill near Rosehearty, a tall standing stone now included in a field wall (Fig. 48), is also said to have been used to hang people.³² In fact, numerous standing stones



Figure 48 *The Hanging Stone on Gallows Hill near Rosehearty, Aberdeenshire. Photo: drew/amj http://themodernantiquarian.com/site/12294/gallows_hill_hanging_stone.html#images (accessed November 7, 2011).*

called Hanging or Hangman's stone can be found all across Great-Britain and Ireland (Crawford 1922; Grinsell 1985).³³ The name either refers to their declination, or indeed to a place of execution or gibbet site. In many cases, there is a local tradition of a thief, who was accidentally strangled at the stone as his booty (usually a sheep or a deer) fell on the other side of it, drawing the thief up against the stone by the rope, by which he held his loot. As O.G.S. Crawford noted, the story probably refers to the gallows, which ended the life of many a (sheep) thief. Some of the Hanging Stones are definitely too small to have been used as a gibbet themselves, and even the bigger standing stones may not have been very practical for this purpose. Instead, the stones seem to have been ancient boundary markers. As mentioned before, gallows were usually located at judicial boundaries all across Europe. Their spatial association with ancient and distinct boundary markers such as standing stones or burial mounds not only confirmed the boundary in a strong way, but also justified the authority of those who controlled the place by claiming its ancient origin.

Discussion

In conclusion, 15 sites have been suggested as possible places of execution in Shetland.

Nine are called Gallow Hill (although two of them are marked by different names on OS maps), while four sites bear names which may be related to the Old Norse word for gallows, *gálgi*. Of the latter sites, two are recalled as hanging places in local traditions, while the Wilgi Geos in Northroe present an unlikely site for a public execution place and should probably not be included in this list. The two remaining sites have been referred to as Gallows Knowe and Hanger Heog by local residents at some point.

In itself, these different names are interesting. According to the Shetland Place Name Project, 95% of all place names in Shetland are of Norse origin. Hence, it is surprising that most of the suggested places of execution bear an English name. There could be several reasons for this:

A. Since the English gallow-names are easier to identify, the mapping may simply be biased towards these, while not all of the older names may have been identified yet. The gallow-names are more striking than the Norse counterparts, not only because of their meaning, but also since they stand out among the vast majority of placenames of Old-Norse origin. The latter are much harder to interpret. However, the number of alleged places of execution in Shetland already is surprisingly high considering the size and population density of the islands, and unless the sites were successively used for short periods, it seems unlikely that many remain to be discovered. Moreover, this argument does not explain why some of the sites kept their Norse name, while others got an English name.

B. The gallows formed such an impressive and important element in the landscape that the name of the execution sites was 'translated' as the old Norn language, a local Norse dialect, was replaced by a Scottish dialect. Norn is believed to have been extinct since the late 18th century, but of course this was only the end of a gradual process. The change of language reflects the shift of the main contacts with overseas areas, which in

turn are strongly connected with the territorial dependency. In any case, the sites could only have been renamed if their (previous) function was known and still considered relevant. The Gallow Hill of Tingwall was probably used as long as the main assembly was held there (i.e. until c. 1570), and thus was still in use as the Scottish took over the reign of Shetland. But again, it needs further explanation why some sites kept their old names, while others were renamed.

This leads to another possible conclusion:

C. The gallow-names refer to later places of execution than the *gálgi*-names. If the interpretation of the latter names (Golga and Wilga being derived from *gálgi*) is indeed correct, the sites were apparently not in use, or rather not deemed relevant anymore by the time Shetlanders used Scottish language. The local traditions about the Knowe of da Wilga and Golgo in Sandwick show that the sinister use of the site is in fact recalled in some way until today. But as Smith rightly states, later generations were probably not even aware of the link between the origin of the name and these traditions. Interestingly, Golgo bore an English name – Gallowtoon – at some point according to Stewart (1987, 116), but in this case, the older name appeared stronger than the new one.

There is one more remarkable clue, which seems to have been overlooked so far. As shown above, some of the sites bearing Norse names are associated with traditions of executed thieves, while the Gallow Hills are linked with stories of witch trials. Although the number of sites and local traditions is again too small to prove anything, this distinction seems to reflect the judicial practices of the Medieval and the Early Modern period.

As discussed above, there is no obvious relationship between the alleged places of execution and the presumed Medieval assembly sites, although it must be stated that both are rather poorly understood due to the scarcity of evidence. The only notable excep-

tion is Tingwall – the main assembly site and the only one, which has been located so far. However, all the discussed sites were found to be close to a Medieval parish church. Again, this needs explanation.

Of course it is unlikely that the places of execution were directly linked to the church. However, the example of Tingwall shows the strong connection between the church and the political establishment, which marked the Medieval and early modern society. As historical documents show, the church of Tingwall was even occasionally used as a venue for the assembly. The strong ties between the administrative and the clerical organisation is also underlined by the post-Medieval parish division. Since the separation of church and state is a relatively recent concept in western society, this situation is hardly surprising. Moreover, the parish churches simply formed an essential part of the main settlement areas, just as the assembly sites or (later) courts and their associated places of execution.

There are two possible conclusions from the above: either have we been looking for the assembly sites in the wrong places, or the hanging places that we know simply started to be used after the old *thing*-sites were abandoned. The latter conclusion would fit well with the fact that most of the gallow sites bear English names.

Arguably the most significant observation made in this survey is the strong relationship between the distribution of the gallow sites and the parish division known from late 16th century and younger sources. Although Smith (2009) is sceptical about the historical continuity of the administrative organisation, I am surprised that he did not mention this apparent correlation. As shown above, each of the ten main parishes has one Gallow Hill (or, in the case of Yell, Gallows Knowe). The two Gallow Hills in the parish of Tingwall can be considered successors and thus counted as one.

In my opinion, both the place name evidence as well as the location of the Gallow

Hills suggest that most of them are younger than the Norse period. As historical sources show (or rather do NOT show), none of the hills apart from Scalloway seems to have been used for executions after 1600, or probably even 1570.

Hence, the gallows may present a key to the history of Shetland's judicial system before the reign of the Stewarts. Indeed, they suggest an important administrative re-organisation between the time of the Norse local assemblies and the central authority of the Stewarts. If the Gallow Hills are indeed connected with the late-Medieval parishes, the latter must have developed after Scottish had succeeded Norwegian as the official or main language. Although individual parishes may indeed date back to the Norse period, Smith is justifiably sceptical about the ancient origin of Shetland's parish division. Perhaps, the re-organisation of Shetland's parishes followed on the transfer of sovereignty from Denmark-Norway to Scotland.

Tentatively, I would like to draw the following hypothesis. Some of the gallows-sites discussed above possibly date back to the Norse period, suggesting that death penalties were executed at several places throughout the islands. Whether this means that local assemblies also had the power to inflict death penalties, or even each had their own place of execution, we do not know. Neither do we know exactly if and how the political organisation of Shetland changed after the islands became part of Scotland. Perhaps, the old assembly places (apart from Tingwall) were abandoned and replaced by courts in new parish centres during the re-organisation of the communities into new parishes. Each parish may still have had the power to inflict death penalties, and thus had a place of execution. Only at the end of the 16th century, Robert Stewart appointed one central court in Scalloway, with its nearby execution site, and the other gallows may have been taken down.

However, there is another possible explanation for the fact that only the Gallow Hill of

Scalloway is mentioned in historical documents: perhaps the other gallows were not used for executions at all, but only to eventually display the bodies of executed criminals. In this case, they may well be contemporaneous, perhaps even designated by the infamous Stewarts. None of the historical sources tells us what happened to the bodies of the convicts, who were executed in Scalloway. It was rather common in most of Europe in the late Middle Ages and early modern period, that convicts were publicly executed in or near a town and their bodies subsequently put on display elsewhere. Gibbets were usually located near the border of the jurisdiction area. In very severe cases, the bodies were even split in parts and distributed over several gibbets in all four corners of the jurisdiction area. A similar procedure might have been followed by the Stewarts. Indeed, one document of 1597 tells us how Patrick Stewart threatened to erect gibbets on 'every great holm and isle' to scare off trespassers, as sheep thieves kept coming to his isles (Ballantyne & Smith 1999, 116).

Thus far, the evidence for the old places of execution in Shetland is very meagre, and it is hard to say anything about their exact location and age. Perhaps, new documents or archaeological evidence will once help us to reconstruct this dark side of Shetland's history in more detail. Until then, the gallows will keep their secrets and remain silent as the grave – silent as those, who unluckily ended their lives on the gallows.

Acknowledgements

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Notes

- ¹ Brian Smith, forum post on <http://www.shetlink.com/forum/viewtopic.php?p=25952&sid=42e9744c4b9e6304b446eaf47a9ebc22> (Posted 30 September 2006; accessed 31 January 2011).
- ² This date is given in the written sources and is seen as a political statement of power rather than an actual reflection of events. Most likely this took place later in time. (Alexandra Sanmark, pers. comm. 17 November 2011).
- ³ James Laurenson, oral statement recorded on 13 July 1976. Sound record on <http://www.tobarandualchais.co.uk/en/fullrecord/86149/16> (accessed 21 November 2011).
- ⁴ <https://www.ordnancesurvey.co.uk/opendatadownload/products.html> (accessed 24 June 2011)
- ⁵ Index Nr. 3727. http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2300:35:461010551245308:::P35_SELECTED_MONUMENT:03727 (accessed 20 June 2011)
- ⁶ Posts by users ‚Rasmie‘ and ‚Vivari‘ on <http://www.shetlink.com/forum/viewtopic.php?t=1444&postdays=0&postorder=asc&start=25>, (posted Nov. 28, 2008 and Dec. 23, 2008 respectively; accessed 20 June 2011).
- ⁷ Posts by ‚Njuggle‘ on <http://www.shetlink.com/forum/viewtopic.php?p=25952&sid=42e9744c4b9e6304b446eaf47a9ebc22> (posted 26 and 30 September 2006 and 11 October 2006 respectively; accessed 21 June 2011).
- ⁸ The story was also recalled by Bertha Umphray in 1958. Sound recording on <http://www.tobarandualchais.co.uk/fullrecord/35070/1> (accessed 21 November 2011).
- ⁹ Post by ‚MuckleJoannie‘ on <http://www.shetlink.com/forum/viewtopic.php?p=25952&sid=42e9744c4b9e6304b446eaf47a9ebc22>, (posted 12 October 2006; accessed 21 June 2011).
- ¹⁰ <http://maps.nls.uk/atlas/bartholomew/view/?id=1201> (accessed 21 June 2011).
- ¹¹ <http://maps.nls.uk/series/view/?sid=74467019> (accessed 21 June 2011).
- ¹² A short video of the site is available on Youtube: <http://www.youtube.com/watch?v=N0oBrfyyQx4> (uploaded 11 February 2009; accessed 22 June 2011).
- ¹³ <http://www.youtube.com/watch?v=N0oBrfyyQx4> (uploaded 11 February 2009; accessed 22 June 2011) and <http://www.shetlink.com/forum/viewtopic.php?t=1444&postdays=0&postorder=asc&start=25&sid=58b26fd4825ed1e4f181b963a3747b6b> (post by user ‚brunalf‘, posted 3 November 2008; accessed 22 June 2011).
- ¹⁴ M. Leask, personal communication (22 June 2011).
- ¹⁵ <http://www.youtube.com/watch?v=s9agcj5ABng> (uploaded 11 February 2009; accessed 22 June 2011); <http://www.shetlink.com/forum/viewtopic.php?t=1444&postdays=0&postorder=asc&start=25&sid=58b26fd4825ed1e4f181b963a3747b6b> (posts by ‚brunalf‘, posted 5 and 19 November 2008 respectively; accessed 22 June 2011).
- ¹⁶ http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2300:35:3814470527081259:::P35_SELECTED_MONUMENT:05562 (accessed 23 June 2011).
- ¹⁷ http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2300:35:2163592107452750:::P35_SELECTED_MONUMENT:06150 (accessed 24 June 2011).
- ¹⁸ <http://maps.google.com/maps?ll=60.595787,-0.92040106&z=17&t=h&hl=nl> (accessed 4 November 2011)
- ¹⁹ <http://maps.nls.uk/os/6inch/view/?sid=74430916> (accessed 24 June 2011).
- ²⁰ B. Smith (after discussion with Ian Tait), personal communication 6 June 2011.
- ²¹ James Laurenson, oral statement recorded 21 September 1975. Sound record on <http://www.tobarandualchais.co.uk/fullrecord/78536/1> (accessed 21 November 2011).
- ²² James Laurenson, oral statement recorded 21 September 1975. Sound record on <http://www.tobarandualchais.co.uk/fullrecord/78535/1> (accessed 21 November 2011).
- ²³ James Laurenson, oral statement recorded in September 1978. Sound record on <http://www.tobarandualchais.co.uk/fullrecord/81264/1> (accessed 21 November 2011).
- ²⁴ James Laurenson, oral statement recorded 21 September 1975. Sound record on <http://www.tobarandualchais.co.uk/fullrecord/78536/1> (accessed 21 November 2011). As this source was discovered after the manuscript of this report had been finished, the second alleged gallows site on Fetlar could not be further investigated.
- ²⁵ <http://canmore.rcahms.gov.uk/en/site/43/details/unst+gallow+hill/> (accessed 24 June 2011).
- ²⁶ http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2300:35:3981330868991222:::P35_SELECTED_MONUMENT:07667 (accessed 24 June 2011).

- ²⁷ <http://canmore.rcahms.gov.uk/en/site/187/details/unst+crussa+field+rounds+of+tivla/> (accessed 25 June 2011).
- ²⁸ Brian Smith, forum post on <http://www.shetlink.com/forum/viewtopic.php?p=25952&sid=42e9744c4b9e6304b446eaf47a9ebc22> (Posted Sept. 30, 2006; accessed 23 July 2011).
- ²⁹ <http://canmore.rcahms.gov.uk/en/site/570/details/the+shure+cross+kirk/> (accessed 3 July 2011).
- ³⁰ <http://canmore.rcahms.gov.uk/en/site/180983/details/sandwick+parish+church/> (accessed 3 July 2011).
- ³¹ <http://stat-acc-scot.edina.ac.uk/sas/sas.asp?action=public&passback=> (accessed 3 July 2011). The map was adapted from http://shetlopedia.com/images/c/ca/PicParishesOSA_coloured_small_numbered.gif (published 18 July 2007, accessed 3 July 2011).
- ³² http://www.themodernantiquarian.com/site/12294/gallows_hill_hanging_stone.html (posted by 'drewbhoy' 12 August 2009, accessed 4 July 2011).
- ³³ See also <http://www.celiahaddon.co.uk/standing%20stones/hangmans.html> (published 21 October 2008; accessed 4 July 2011).

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Appendix I

Historically recorded death penalties and other references to execution sites in Shetland

1574

Convict: Gilbert McReich
David Leslie
James Leslie
Normand Leslie
Robert Rotter

Trial: Scalloway, June 1574

Committed crime: ransacking a ship wreck off the coast of Nesting

Sentence: the accused were initially sentenced to death, but they were pardoned after they had been kept standing at the foot of the gallows with the rope around their neck for two hours and agreed to pay part of the loot to Lord Robert.

Place of (planned) execution: ?

Verdict: *(...) the said Lord (Robert) pardoned them after they were holden twa hours at the gallows foot and ane tow about their neck and received fra the said Gilbert McReich therefore I of the said ryallis and seven boltis of the said Holland claith.*

Source: Balfour 1859: 11

1602

Convict: Christopher Jhonsoun

Trial: Wethersta (Delting), 23 July 1602

Committed crime: thievery

Sentence: hanged

Place of execution: ?

Verdict: *"to be taine to the gallows hill and thair to be hangeit be the crage quhill he die, in exempill of utheris."*

Source: Donaldson 1954: 18 f. Peterkin 1822: 34

1615

Convict: Christopher Esplein

Trial: Scalloway, September 28, 1615

Committed crime: thievery

Sentence: hanged

Place of execution: Scalloway, Gallow Hill

Verdict: *"efter none to be tane by the lockman to the west hill of Scalloway callit the gallow hill abone Houll, and thair to be hangit be the craig to the daith."*

Source: Barclay 1967: 116. Donaldson 1991: 21

1615

Convicts: Bothuel 'Buttie' Erasmussone
Iver Manssone

Trial: Scalloway, October 3, 1615

Committed crime: thievery (?)

Sentence: hanged

Place of execution: Scalloway, Gallow Hill
Verdict: *"to be hangit upone the geibitt to the death".*
Source: Barclay 1967: 117

1616

Convicts: Katherine Jonesdochter
Jonka Dyneis
Barbaray Scord
Robert Boundsone
Trial: Scalloway, October 3, 1616
Committed crime: witchcraft, contact with the devil, thievery
Sentence: strangled and burnt (females), hanged (male)
Place of execution: Scalloway, Gallow Hill
Verdict: (Katherine Jonesdochter, Jonka Dyneis, Barbaray Scord) *"to be tane by the lockmane to the place of execution abone Berrie useit and wount efter none and thair to be wirryet at ane staik quhill they be dead and thairefter to be brunt in ashes..."*
(Robert Boundsone) *"to be taken to the same place and hangit to the death upoun the geibitt for certane poyntis of thift and commone bruit thereof".*
Source: Donaldson 1991: 43

1618

Convict: William Sutherland
Trial: Scalloway, August 20, 1618
Committed crime: murder
Sentence: beheaded by the Maiden
Place of execution: outside Scalloway castle
Verdict: to be taken by the lockman *"to the west end of the gairdin and thair his head to be dung fra his shoulders be the maiden."*
Source: Donaldson 1991: 71

1618

Convict: John Thomson
Trial: Scalloway, August 25, 1618
Committed crime: bestiality
Sentence: strangled and burnt
Place of execution: Scalloway, Gallow Hill
Verdict: *"to be taken by the lockman to the Gallow Hill and there with his mear to be wirried at ane staik to the daith and brunt in ashes."*
Source: Donaldson 1991: 72 f.

1625

Convicts: Robert Ingsetter
Marioun Thomasdochter
Trial: Scalloway, October 14, 1625
Committed crime: thievery
Sentence: hanged (male), thrown down the cliffs (female)
Place of execution: Scalloway, Gallow Hill (gallows)

Verdict: 'Luckymenis Ness' (cliffs)
(Robert Ingsetter) to be taken by the lockman, with his hands bound behind his back, to the hill above Berrie, "*quhilk is the place of execution*", and there to be hanged...
(Marioun Thomasdochter) "*to be taken by the lockman and hir hand bound behind hir back to the point of Luckymenis Ness and thair cassing over the craig in the sea and drowned to the death.*"

Source: Donaldson 1991: 124

1628

Convict: Mans Christophersson
Trial: Scalloway, November 5, 1628
Committed crime: thievery
Sentence: hanged
Place of execution: Scalloway, Gallow Hill
Verdict: "*to be taken by the lockman, his hands bund behind his back, to the Gallow Hill, the place of execution, and there hanged.*"

Source: Donaldson 1991: 146

1628

Convict: William Cogill
Trial: Scalloway, November 26, 1628
Committed crime: thievery
Sentence: hanged
Place of execution: Scalloway, Gallow Hill
Verdict: "*to be taken by the lockman, his hands tied behind his back, to the Gallow Hill, the place of execution, and there be hanged.*"

Source: Donaldson 1991: 154

1644

Convict: Marion Peebles alias Pardone
Margaret Guthramdaughter
Trial: Scalloway, 21 March 1644
Committed crime: witchcraft
Sentence: strangled and burnt
Place of execution: Scalloway, Gallow Hill (Hill of Berrie)
Verdict: "*to be taken brought hence to the place of execution to the Hill of Berrie and there wryrt at ane stak and brunt in ashes betwix and 2 aftirnoone*"

Source: Hibbert 1822: 575 and 593-602

c.1675

Convicts: Helen Stewart
her mother
Trial: ?
Committed crime: witchcraft
Sentence: strangled and burnt
Place of execution: Shetland
Verdict: ?

Source: Sinclair 1685: 231
 Note: Sinclair gives the following account: *“In Shetland a few years ago, a judge having condemned an old woman and her daughter called Helen Stewart for witch-craft, sent them to be burn’d. The maid was so stupid, that she was thought to be possessed. When she had hung some little time on the gibbet, a black pitchy-like ball foamed out of her mouth: and after the fire was kindled, it grew to the bigness of a walnut, and then flew up like squibs into the air, which the judge yet living attests. It was taken to be a visible sign that the devil was gone out of her’.*

c.1675

Convict: ‘Luggie’ (nickname)
 Trial: ?
 Committed crime: witchcraft
 Sentence: burned at the stake
 Place of execution: Scalloway
 Verdict: ?
 Source: Sinclair 1685: 237 f. Brand 1701: 167
 Note: It is not clear whether the accounts given by Sinclair and Brand are based on a historical case or rather represent a legend. Sinclair gives the following account: *(...) a wizzard accused and execute in Shetland, before named, for witchcraft several years ago, called Luggie, to a nick-name, who being a fisher, had a trick at any time, when hungry at sea, to cast out his line, and would out of Neptuns lowest kitching, bring cleverly up fish well boiled and roasted. And his comerades by a natural courage, would make a merry meal thereof, not questioning who was cook. He had another piece of art, at any time in the year, or in great storms, to go up to an high hill near his own house, whereupon there was a deep pit, out of which, with his lines he drew up codlings, or keeling for his provision, which never man could do but himself. This story is true, being yet to be seen in the criminal books of that countrey.”*
 According to Brand, this Luggie used to live at Kebister, ‘about a mile from Tingwall to the North’, where there still is a hill called Luggies Knowe (in fact this is 3 miles northeast of Tingwall).

1685

Convict: John Johnson
 Trial: ?
 Committed crime: thievery
 Sentence: the accused was dragged from Scalloway castle to the execution site on Gallow Hill with his hands bound behind his back, and whipped by the hangman. After that, he was nailed with his ears to the gallows while standing on a stone, and then thrown down. The convict was then returned to prison and finally banished forever from Shetland.
 Place of execution: Scalloway
 Verdict: *taken to the comone hangman as a bund thief, with his hands behind his back, and scurged from the castell [to] the gallows, and... receive threscoir of strypps or lasches from the hand of the said comone hangman, and thereafter his lugs*

to be naild to the gallous, a stone being under his feitt to make it a step height, and... after he is nailld therto he may fall therfrom, the stone being takne away from under his feitt.

Source: Smith 2006

c.1690

Convict: Barbara Tulloch

Ellen King

Trial: ?

Committed crime: witchcraft

Sentence: burned at the stake

Place of execution: Scalloway, Gallow Hill

Verdict: ?

Source: Turnbull 1845: 60. Smith 2006.

Note: Tulloch is referred to in the Tingwall kirk session as 'a brunt witch' in 1693 (Smith 2006). She may have been the last person sentenced to death in Shetland.

Appendix II Panoramic photo mosaics



Figure 49 Panorama from Gallow Hill, Huesbreck, Dunrossness.



Figure 50 Panorama from Golgo, Sandwick, Dunrossness.

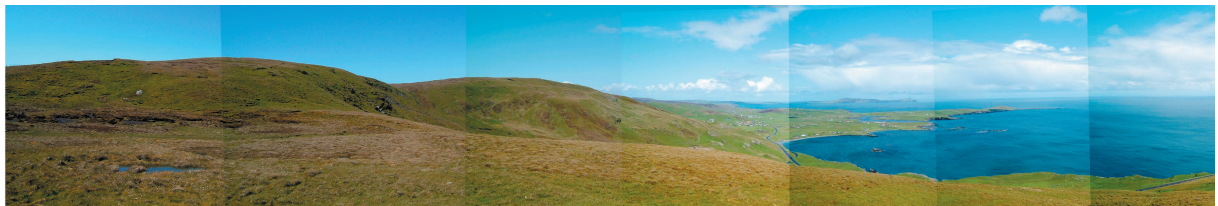


Figure 51 Panorama from the Knowe of Wilga, Cunningsburgh.



Figure 52 Panorama from Gallow Hill, Scalloway.



Figure 53 Panorama from Gallow Hill, Tingwall.





Figure 54 Panorama from Gallow Hill, Brae.



Figure 55 Panorama from Hill of Halsagarth, Mid-Yell.



Figure 56 Panorama from Gallow Hill, Fetlar.



Figure 57 Panorama from Gallow Hill, Unst.

