

## Information sheet no 113

# Punishment

In 1661, the first Parliament of the newly restored Charles II passed the Naval Discipline Act that included the Articles of War. In an attempt to curb the indiscipline of both officers and seamen, the Articles of War established a penal code for the Navy and introduced the court martial. They dealt with a wide range of offences from murder and sodomy through to drunkenness, swearing and sleeping on watch.

Death was a mandatory or optional punishment in many cases that could be awarded only by sentence of a court martial. High ranking officers were brought before a firing squad but the standard method of execution was hanging from a yard-arm. All hangings were public; on the appointed day of the execution, a yellow flag - the symbol of death- was flown from the masthead of the ship where the hanging was to take place.

As an alternative to the death penalty, courts martial could order the punishment known as 'flogging around the fleet'. The man undergoing the sentence would be rowed alongside each naval ship lying in harbour and flogged with a cat-o'-nine-tails by the Boatswain's Mate of each ship. The number of strokes the prisoner was to endure was determined by the Commander-in-Chief of the station. The crew of each ship were mustered on deck and in the rigging to watch the flogging and the drums on board beat out the '*Rogue's March*' as the boat approached.

Most offences did not reach the stage of a formal court martial but were dealt with by a Captain or Commanding Officer. The most common form of punishment inflicted was that of 'flogging at the gangway'. It usually took place at half past eleven in the morning (seven bells) and began with the Boatswain's order for the ship's company to muster by watches on either side of the main deck. The accused sailor was brought on deck and allowed to plead his case to the Captain. The Captain then gave his verdict and explained it to the crew. If the defendant was found guilty, he was stripped to the waist and bound to the wooden gratings situated at the gangway. The relevant Article of War was then read aloud and the man was lashed with a cat-o'-nine-tails. At the conclusion of every dozen lashes, a new Boatswain's Mate would be called to continue the punishment.

Until it was banned in 1806, another punishment inflicted was that of 'running the gauntlet'. The crew of the ship were arranged in two columns around the perimeter of the main deck. The prisoner was ordered to remove his shirt and, to the accompaniment of the '*Rogue's March*', walked between the two lines of men. Every man along the route flailed him with a short piece of knotted rope, known as a 'knittle'.

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A common punishment for laziness or negligence was that of 'starting' - the beating of a seaman with a rope's end. Insolence was dealt with by 'gagging'. This entailed the insertion of a metal or wooden rod into the culprit's mouth, which was then fastened securely by ropes around the back of his head. The 'gag' remained in place until the man was exhausted.

Until the middle of the 18<sup>th</sup> century, uncleanliness and scandalous behaviour could be punished by 'keel-hauling'. This involved suspending a sailor by blocks and pulleys, which were fastened to the opposite ends of the main yard. By this apparatus, the man was dropped into the sea, passed underneath the ship and hoisted up on the other side. The process was usually repeated two or three times.

In addition to these primary corporal punishments, there were numerous other secondary penalties inflicted for petty offences such as quarrelling or swearing. 'Ducking' was a common practice, for example. This entailed putting a culprit on a small batten, with his feet weighted down by shot, hoisting him up a yard-arm and then plunging him suddenly into the sea. The 'spread-eagle' consisted of tying a man by his outstretched hands and feet to the rigging of the mizenmast. The 'wooden collar' called for the culprit to wear a yoke laden with cannonballs (weighing about 60lbs) for a few hours in public on deck. Carrying the 'capstan bar' required the man being punished to carry a heavy beam of wood up and down the weather gangway for the duration of a whole watch (about four hours).

More minor punishments were usually inflicted on the Midshipmen who were generally young boys. 'Kissing the gunner's daughter' was a common practice. The youthful offender had his trousers pulled down and was tied to the carriage of a gun before being lashed a half dozen or a dozen times. 'Mastheading' was the naval equivalent of sending someone to stand in the corner. A troublesome lad would be ordered to climb up to one of the mast's platforms and stay there for a period of time.

The Navy also administered a wide range of non-physical penalties, mainly for the officers. The most severe of these was dismissal from the service. Only Warrant and Commissioned Officers could be 'cashiered' and then only by the authority of a court martial. An officer could also be dismissed from his ship or demoted. Demotion was usually administered as a result of drunkenness, negligence, contempt, sedition, riotousness or absence without leave. Officers were occasionally given prison sentences by a court martial with the maximum term being two years. Shipboard confinement could also be imposed summarily by a ship's Captain, for indiscretions like drunkenness or disobedience.

Finally, there were a host of minor, non-corporal punishments inflicted upon seamen for minor offences. Such penalties depended entirely on the imaginations of the senior officers but mainly denied the culprit one of the few pleasures naval life afforded him (often his grog) or caused him to suffer humiliation in front of the other men.



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The original Articles of War were revised in 1749 and then replaced by the Naval Discipline Act in 1860, which, subsequently, was replaced by those of 1861, 1864 and 1866. The Act of 1866 incorporated the earlier Acts and remained in force until 1957. Corporal punishment was still permitted but no more than 48 lashes could be inflicted at any one time. Later, a circular letter issued by the Admiralty in 1871 directed that corporal punishment could be inflicted only for mutiny or violence towards a superior officer. In 1899, another letter directed that no Commanding Officer could award a sentence of more than 25 lashes. In March 1949, an Order in Council removed all authority to award corporal punishment.

The punishments administered to seamen were generally accepted by the men as an integral part of navy life. On occasion, however, mutinies against excessive punishments have occurred. The famous naval mutinies of 1797, for example, although largely due to the horrible conditions under which the men lived, were in part a protest against the unnecessarily severe system of discipline. The Stokers Riot of 1906 in Portsmouth was also triggered by the attempt of an officer to punish the ranks for a supposed breach of discipline. The order to the men to kneel in front of him ('On the knee'), was seen as an unacceptable humiliation and, in fact, was an inappropriate use of this command. Their reaction and the ensuing escalation of their discontent fuelled the most serious breakdown of naval discipline of the period.