

An Adelaide Gaol Execution

William Burns

Executed 18 January 1883

It was Sunday morning 10 December 1882 when the *Douglas* sailed into Semaphore with a cargo of timber from the Baltic. The captain had a man on board who was confined to the wheelhouse and kept in irons. The captain wanted to hand his prisoner over to the police. Captain Wilson recorded in the ship's log that the voyage had gone well until the early evening of 23 September 1882. While the ship was off Senegal on the African coast a catastrophe involving loss of life had taken place at sea near the Cape Verde Islands.

Police Constable Michael Shanahan from Semaphore was called and arrested the prisoner, 27 year old William Burns.

The ship had been under full sail when the master observed a change in the weather and ordered all hands forward to take in the studding sails. The prisoner and the other hands went to haul down the main topgallant studding sails but were called down by the second officer, Brian Loton, to take in the lower studding sails first. Burns remarked that he thought the topmast sails were to be taken down first but Loton replied, "No, I want the lower sails taken in."

In reply to Loton's remark the prisoner retorted, "Why the hell didn't you say so?" Loton raised his hand as if to emphasise what he was saying and said, "Burns, I'll have none of your cheek." whereupon Burns quickly turned and lunged at Loton. Loton only had time to say, "Burns, you have mur....." before he slumped to the deck with blood pouring from a massive wound in his neck. Other sailors went to his aid and attempted to stem the bleeding but Henry Loton died within seconds.

The captain was summoned and Burns was made to hand over his knife which was covered in blood. Captain Wilson said to Burns, "You've stabbed the man." and he replied, "I know I have."

The captain ordered that Burns be held in his cabin but the crew requested he be kept in irons because they feared for their lives if he should escape. The ship's carpenter was detailed to build a secure room for the prisoners in the wheelhouse on the deck. Burns was permitted his normal meals but could only exercise on deck while wearing hand irons and having a guard around him.

A gloom was cast over the vessel and it was with a heavy heart that the master read the funeral service for his officer on 24 September 1882. The captain noted in his log that the body of the second officer, Henry Loton, had been committed to the deep with the usual ceremony.

William Burns declined to make any statement when he appeared at a preliminary hearing. He was then committed for trial at the sittings of the Supreme Court. The trial opened in late December 1883 where the 27 year old seaman was charged with having on the high seas and on the British ship *Douglas*, feloniously, wilfully, and of malice afterthought, murdered one Henry Loton, on 23 September 1882.

Burns claimed he was provoked when Henry Loton had struck him while giving the order to bring the sails in, however none of the other crew members saw any such blow delivered. He also denied rumours that he had previously served an 18 month gaol term in Melbourne for stabbing a man during a hotel brawl.

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The defence council, Mr Pater, told the jury that the crime of murder had not been proved on the evidence presented and they should bring in a verdict of manslaughter.

The Chief Justice went to great lengths to explain the case to the jury in his summing up. He clarified why they were investigating a charge of murder off the African coast. He told them that a British ship was a floating island and the persons on board were subject to the same laws as if they were in Great Britain or the colonies.

His Honour defined what constituted murder, manslaughter and justifiable homicide and advised the jury that the real issue was whether the prisoner was guilty of murder or manslaughter.

The jury had to enquire if the deceased did strike a blow as the prisoner had described and secondly if that blow would have caused a reasonable ordinary man to avenge the act.

The jury seemed to have little difficulty in dealing with the issues of provocation and vengeance and returned after a 30 minute retirement with the verdict - guilty of wilful murder. When asked if he had anything to say as to why sentence should not be passed, Burns was apparently unable to speak and merely shook his head as a negative. The judge then passed the mandatory death sentence.

William Burns devoted most of his remaining time at Adelaide Gaol to religious duties. He wrote letters to his mother and brother bidding them goodbye and expressing his penitence for his crime.

He paid great attention to Mr Berry, the City Missionary, and Rev. Lyall and avoided conversation on all other subjects.

Burns had little sleep on the morning of 18 January 1883 and spent his remaining time in prayer, occasionally singing hymns.

At 8am the bell tolled slowly as the prisoner was led to the scaffold erected at the western corner of the Gaol. The bolt was drawn at the signal from the Sheriff and William Burns dropped to his death. After an hour the body was cut down and following a short inquest by the City Coroner, Burns was buried between the inner and outer walls in the north west corner.

One of his last remarks made to a prison official was, "When you walk over my grave you can say, 'Poor Burns isn't dead, he's gone.'"

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