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HUNG IN CHAINS: A LATE SAXON EXECUTION CEMETERY AT OLIVER'S BATTERY, WINCHESTER

By ANDREW D RUSSEL

ABSTRACT

> Another shall swing on the wide gallows, hang dead, until the casket of his soul, his bleeding body, is rent to pieces. There the raven takes the eyes from his head, the dark-coated birds tear at the corpse; nor can he ward off with his hands the outrage of the hateful flying foe: his life is gone, and he, without feeling, and past the hope of life, pale on the gallows tree endures his fate, enveloped in the mist of death: his name is accursed (The Fortunes of Men from The Exeter Book (late 10th century) (Mackie 1934, 29).

Southampton City Council Archaeology Unit carried out a watching brief at 82 Oliver's Battery Road, Winchester in 2009. The site lay within the scheduled area around a Bronze Age barrow which had been subject to excavation in the 1930s. Those excavations revealed a secondary use of the site as an inhumation cemetery and a number of skeletons, some headless, were found. The excavator suggested a date in the English Civil War. The 2009 groundworks revealed a small cemetery. Part of one grave was excavated. It contained at least four individuals, one of whom had been buried face down and fettered to a second. Radiocarbon dates from three individuals spanned the period AD 980–1170. The broken bones in the legs of one of the fettered individuals showed that they had fallen from a height onto outstretched feet around the time they died. The fetters are the first such artefact to be found in a burial context in England. The site appears to be early medieval execution cemetery of which other examples are known in Hampshire.

INTRODUCTION

The Archaeology Unit of Southampton City Council carried out an archaeological watching brief at 82 Oliver's Battery Road, Winchester, Hants (Fig. 1). The site lies at SU 45872796 at approximately 120 m OD towards the top of a hill overlooking the valley of the Itchen to the east. The geology is the Seaford Chalk. The site lay to the north of, and partly within, the scheduled area around a Bronze Age burial mound.

The works revealed natural chalk cut by a number of features, some of which were clearly graves. After discussions with English Heritage and Winchester City Council all the graves apart from one were left *in situ* after suitable protection with geotextile. The one excavated grave lay partly inside the area of the new building and its construction would have destroyed the upper parts of the grave fill. The grave contained multiple burials and the legs of a number of individuals were removed with the more deeply buried skeletons being left undisturbed.

The householder was concerned about the potential costs of the post-excavation work and this was funded by English Heritage through the HEEP programme. The English Heritage Project Number was 5952. The site archive will be held by Winchester Museum under Accession No WINCM:AY 420.

ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

The chalk downland to the south of Winchester is rich in archaeological remains dating from the Neolithic period onwards, with a number of ditched enclosures thought to be settlements, and numerous round barrows. Archaeological sites recorded on the Winchester Historic Environment Record within 500 m

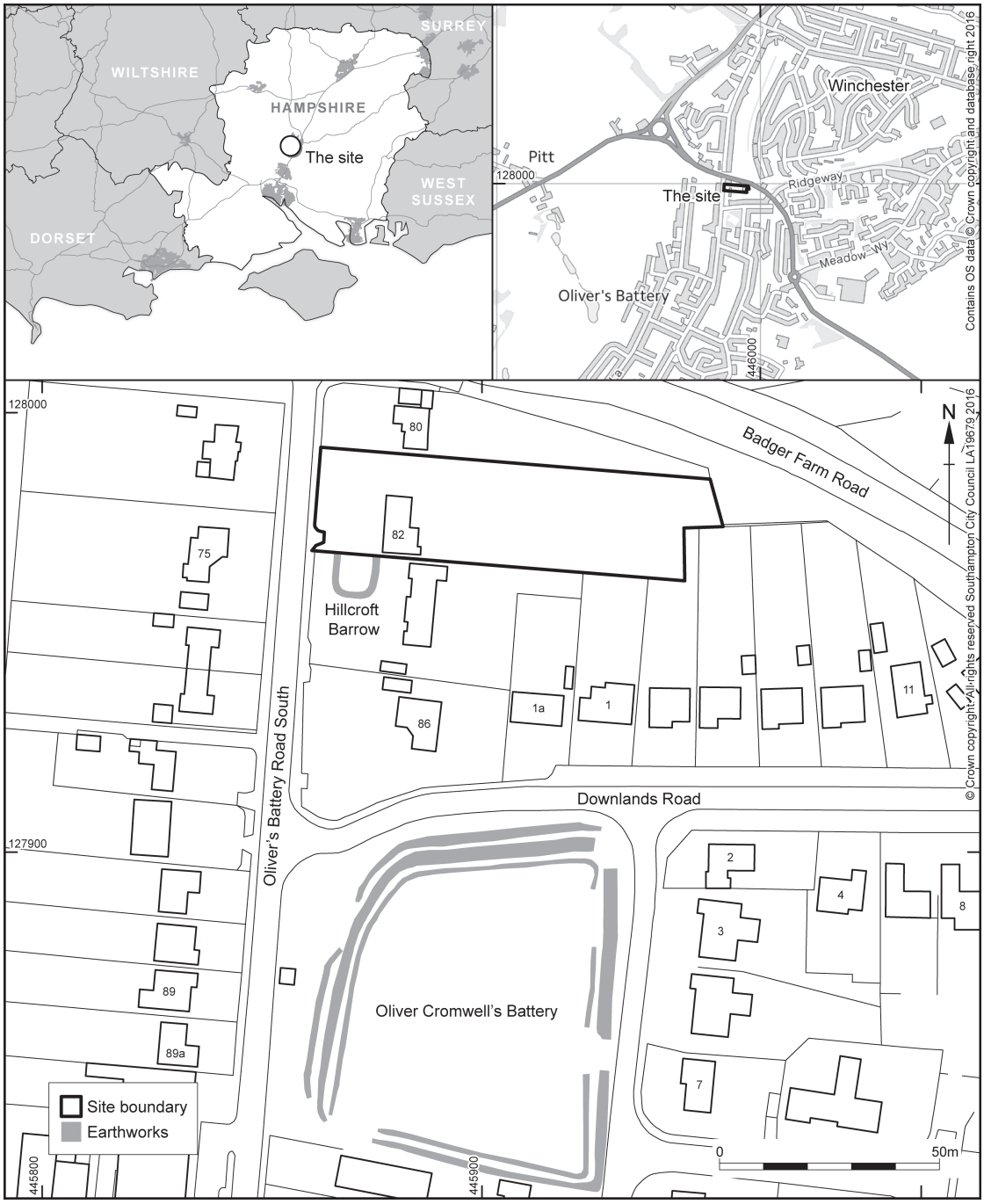

Fig. 1 The location of 82 Oliver's Battery Road. The earthwork known as Oliver Cromwell's Battery lies to the south of the site

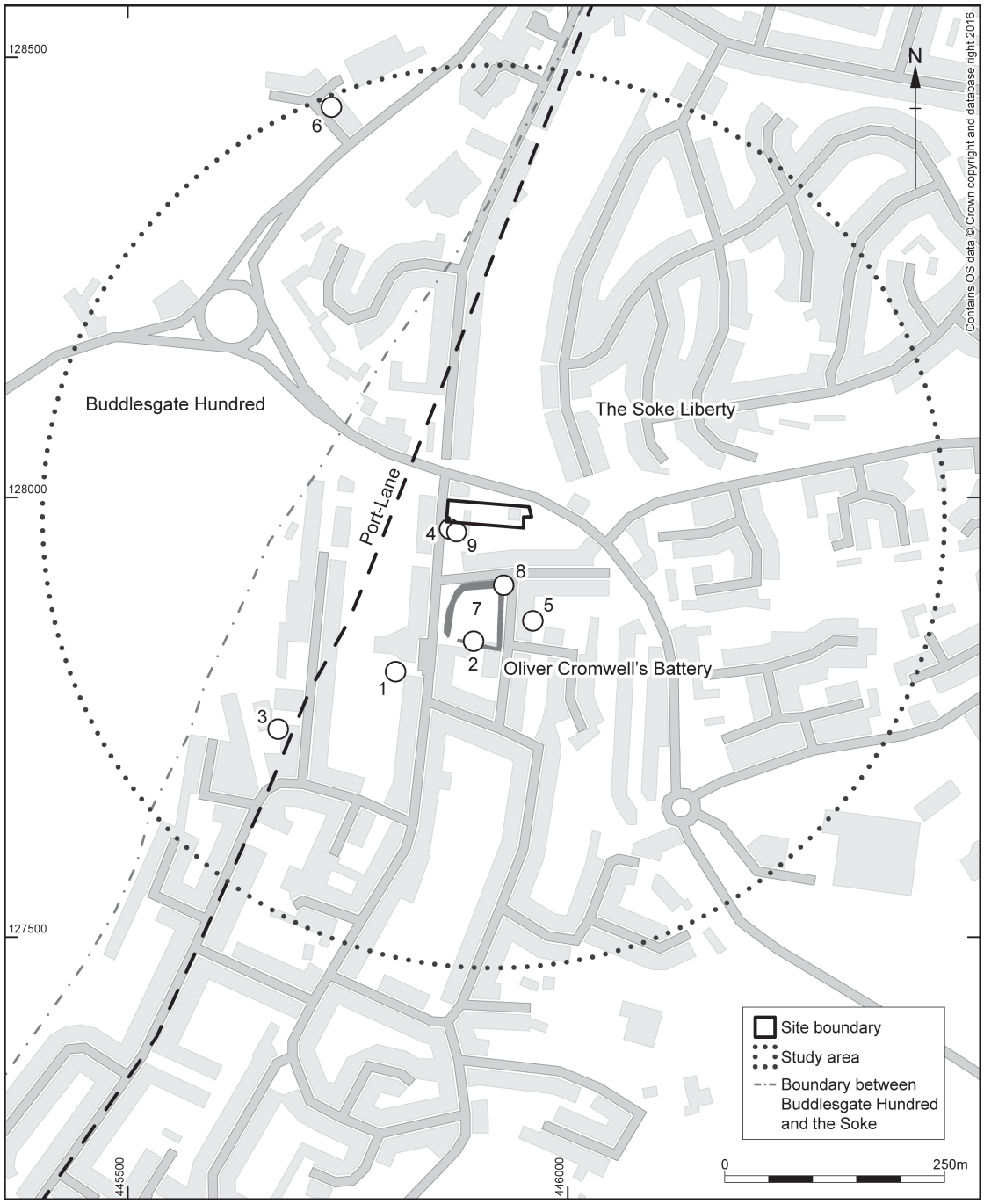

Fig. 2 Findspots and sites in the area around the site, shown as a rectangle

of 82 Oliver's Battery Road are shown in figure 2. The sites are as follows:

1. Quartzite pebble mace head with hour-glass perforation, a stray find. Thought to be Mesolithic. NGR SU 458278
2. A Neolithic axe, found in the bank of the Oliver's Battery earthwork. NGR SU 458278.
3. Neolithic flint knife, finely worked on both long edges and one short end, found at 3 Mount View Road. NGR SU 45652773.
4. Bronze Age bowl barrow in the grounds of 'Hillcroft'. The barrow, designated Scheduled Monument Number 12141, lies partly within the boundary of No 82 Oliver's Battery Road, with the majority of the upstanding mound being in the property to the south, No 84. The barrow is recorded on the Winchester District HER as 'Hillcroft bowl barrow' under no MWC3780. It is described as surviving some 700 mm high with a 3 m wide ditch. Excavations in 1930 found a primary cremation urn in a hole cut into the chalk with 6–7 secondary urns, calcined bones and charcoal. NGR SU 45872796.
5. Bronze Age pottery sherds and bone fragments found in 1942 in the grounds of 'Saxonhurst'. Possibly a cremation. NGR SU 45962786
6. Bronze Age pit found at Pitt Manor in 2012. Three pottery vessels, together with freshly knapped flint flakes, and a burnt sarsen fragment. NGR SU 45722845
7. Iron Age/Roman Sub-rectangular enclosure, known as Oliver Cromwell's Battery. Internal dimensions of 75 m (N–S) by 66 m. The bank survives up to 1 m above the ground surface, with an external ditch, up to 8 m wide and up to 1.5 m below the top of the bank. A bank and ditch which extended south-eastwards from the south-west corner of the monument has been destroyed. Excavations in 1930 recovered Iron Age and early Roman material (Andrew 1932, 11–19). NGR SU 45892786.
8. Anglo-Saxon burial found in 1930 (Andrew 1932, 11–19) cutting into the earthwork of Oliver Cromwell's Battery. Male inhumation, orientated towards the north and accompanied by a bronze hanging bowl placed over the chest, a silver-pommelled scramasax with the remains of a wooden sheath, and an iron spearhead. Dated to the second half of the 7th or early part of the 8th century (Geake 1999, 7–8). NGR SU 45922789.
9. Secondary burials from 'Hillcroft' barrow. As part of the investigation of the Oliver Cromwell's Battery earthwork in 1930 (see above) Andrew also excavated a three-foot-wide trench from north to south across the barrow which now lies within Nos 82 and 84 Oliver's Battery Road. He described it as "a low 'round' barrow 38ft by 32ft in diameter and of an average height of only 3ft." The locals knew the site as 'a burial mound of the great plague at Winchester in 1666' (Andrew 1932, 9–10). A disturbed, central, urn was revealed together with cremated bone, but the excavation was abandoned due to the large number of skeletons, which being left *in situ*, prevented further excavation. Andrew described them as 'thrown upon the natural surface of the soil in any direction, and even crossing each other." He recorded three headless skeletons north of an area which conversely contained more skulls than bodies. One loose fragment of bone bore two cuts. Artefacts consisted of a bottle and a 'churchwarden pipe', together with two iron buckles. Andrew considered the buckles to be of the Cromwellian period, and the skeletons to be of that date, with the 18th century bottle and pipe relating to an antiquarian excavation which had disturbed the central cremation (Andrew 1932, 9–10). None of the finds or any records of the work appear to have made their way to a public collection.

Some 70 m to the west of the site lies the Port-Lane. This was the old route from Winchester to Hursley and on to Romsey, marked on both Taylor's 1759 map of Hampshire, and the Ordnance Survey's 1810 edition, both of which give the name hyphenated. The north end of Port-Lane has disappeared, but further south it survives as Old Kennels Lane and then Port Lane. The name Port-Lane suggests that the road, which runs adjacent to the site, was in existence in the Saxon period, reinforced by it closely following the boundary of Buddlesgate Hundred.

The boundary of Buddlesgate Hundred lies some 170 m to the west of the site. Buddlesgate Hundred covered a large area to the north, west and south of Winchester, and was the property of the prior and convent of St Swithun in Winchester (VCHH III, 401). The Priory was said to have been founded in 634 by Cenwalh, King of Wessex, acquiring its dedication to St Swithun in 971, and being later known as Old Minster (VCHH II, 108). The land to the east of the boundary was in the soke or Liberty of

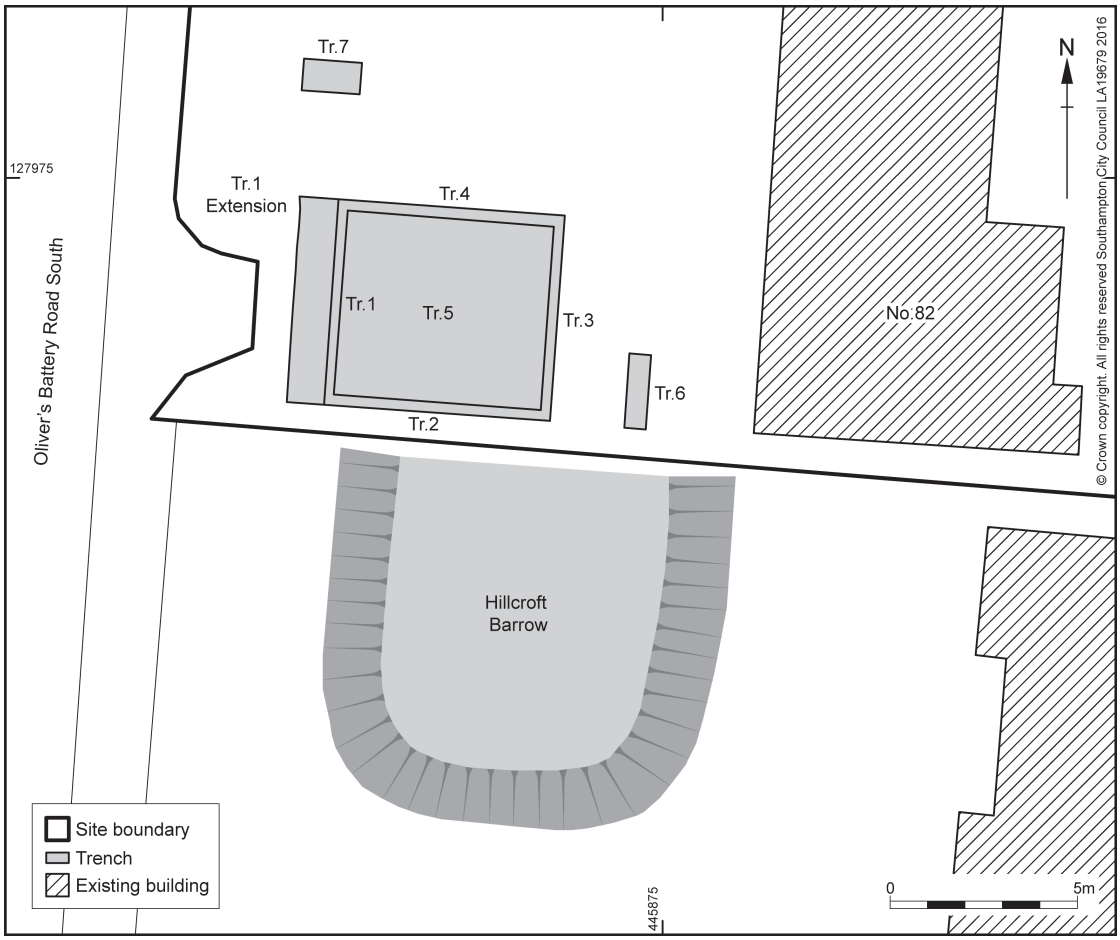

Fig. 3 Trench plan, with upstanding mound of the Hillcroft barrow to the south

Winchester. The soke was held by the Bishops of Winchester, and was an area of land in and around the city that fell under the personal jurisdiction of the Bishop. It is thought to have been established at the Conquest (VCHH V, 47).

These finds suggest this hilltop has attracted people for millennia. The Neolithic finds (2 & 3) may relate to the clearance of the woodland cover from the chalk. Certainly by the Bronze Age the area was probably open and the hilltop was chosen for burial with Hillcroft barrow situated on the crest of the ridge (4), another probable burial to the south-east of it (5), and a pit with a possible structured deposit to the north-west (6). In the Iron Age an enclosure was sited on the highest point (7). The area was chosen again for the burial of a high status individual around AD 700, placed in the bank of the Iron Age enclosure (8).

THE EXCAVATIONS

Three areas were excavated by machine: one 7.35 m by 5.75 m (Trenches 1–5), a second (Trench 6) 2.0 m by 0.6 m for post pads, and a third 1.6 m by 1 m (Trench 7) for a soakaway (Fig. 3). Trenches 1 to 5 were not all open at

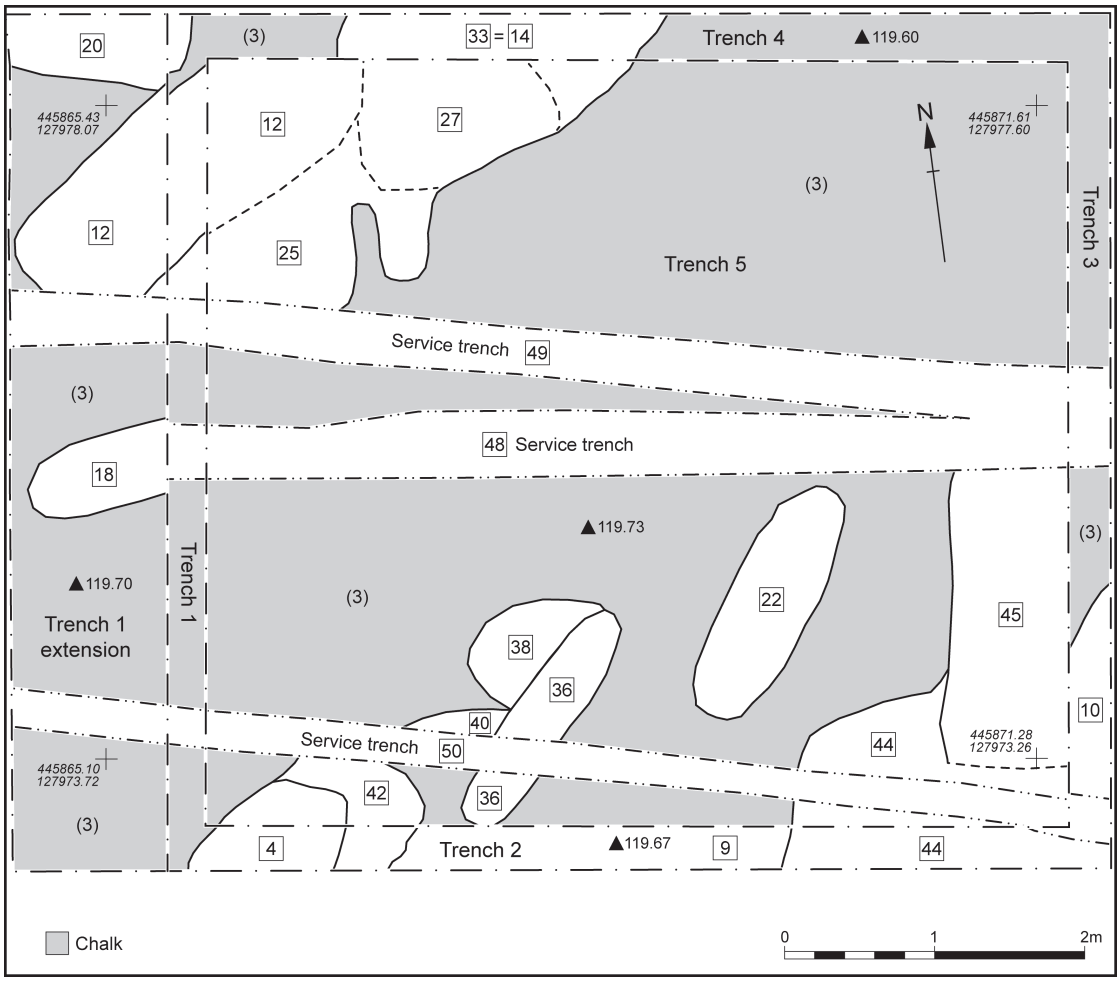

Fig. 4 Plan of Trenches 1 to 5, showing the features exposed after mechanical excavation. The natural chalk is shown as grey

the same time, or excavated to the same depth. A number of features were observed (Fig. 4). Some intercut but not enough to be able to define a complete stratigraphic sequence for the site. Features were numbered as they were recorded; for example the eight graves were numbered 4, 10, 12, 14/33, 18, 22, 36, and 42.

Natural

Natural chalk, 3, was encountered in all trenches except Trench 6, which was 400mm deep. In Trench 7, the soakaway, it was seen to be at least 1.2 m thick. Context 2 was a layer of weathered chalk, some 200 mm thick, that was encountered across the entire site. There was some disturbance of its upper surface, possibly due to ploughing.

Possible barrow ditch

At the south end of Trench 5 and in Trench 2 was a deposit of soil, context 8. It was brown silty clay with a high density of chalk fragments and

much disarticulated human bone including a broken tibia, a fibula and foot bones, all belonging to an adult (over 18yrs). In Trench 5 soil 8 lay on the natural chalk but in Trench 2 it was still present in the base of the trench after it had been excavated to formation depth so it would appear to fill a feature, 9, over 400mm deep, with a fairly steep north edge and to spill over that edge northwards. It is assumed that the edge of feature 9 coincided closely with the north edge of Trench 2 and it was removed by the machine. Given the presence of the barrow mound to the south it is likely that the feature is the barrow ditch, although it could have been an east–west grave. A similar deposit to context 8 was seen in Trench 6 where it was numbered 29, from which fragments of adult human bone were collected. If both soils were in the same feature it was over 7 m from east to west so is likely to be the ditch around the barrow.

Possible post-pits

Two features were much smaller than the probable graves and may have been pits, perhaps for posts.

Feature 38
Feature 38 lay in the southern half of the site and was sub-circular measuring at least 0.90 m in diameter. It contained chalky brown silty clay, 39, which included fragments of human bone. The human bone was left *in situ*. The eastern half of this pit had been removed by grave 36.

Feature 40
Feature 40 lay adjacent to and south of feature 38. It measured at least 0.75 m in length and 0.20 m in width, but had had its eastern end removed by grave 36 and its southern half removed by water pipe trench 50. It contained fill 41, brown chalky silty clay. No finds were recovered.

Features of uncertain purpose

The definite graves were aligned north-east–south-west. A number of other features, not on this alignment, were found. As they were not excavated further, and in some cases not fully exposed, they can only be said to be of an uncertain purpose.

Feature 20
Feature 20 was located in the north-west corner of the site. It measured at least 1.22 m east–west by at least 470 mm north–south and was 300 mm deep. It contained fill 21, brown silty clay loam from which no finds were recovered.

Feature 25
Feature 25 was an area of soil in the north-west corner of the site. It may have been a number of intercutting graves. It was cut by grave 12, feature 27, and by the modern service 49 to the south. Its relationship to grave 14 to the north is uncertain. It measured at least 3.5 m by at least 1.0 m by at least 300 mm deep. Its fill, 26, was brown silty clay from which no finds were recovered.

Feature 27
Feature 27 was an irregular feature, at least 1.3 m by 1.0 m and at least 300 mm deep. It may have been a grave. Its relationship to grave 14 was uncertain but it cut feature 25 and appeared to be cut by grave 12. Its fill, 28, was a yellow silt loam which contained human bone and West Country roof slate. A rib bone from an adult (over 18yrs) was recovered.

Feature 44
Feature 44 was an irregular feature in the south-east corner of the site. It measured at least 2.22 m by 1.25 m and was at least 300 mm deep but its east and southern edges were outside the excavated area. It cut context 8 and was cut to the north-east by feature 45, but its relationship to feature 10 was not clear. It contained fill 17, a pinkish-white fine silt. No finds were recovered.

Feature 45
Feature 45 was aligned north–south, and was sub-rectangular measuring at least 2.0 m in length by 1.16 m wide. It cut feature 44 to the south, and grave 10 to the east. The north end had been removed by a modern service, the east side by the machine. It contained fill 24, brown silty clay. No finds were recovered.

Graves

Grave 4

This grave was located at the southern edge of the site towards the western corner of the foundation trenches (Fig. 4). It was a north-east–south-west rectangular cut with rounded corners but was only partly exposed (Fig. 5). It had near vertical sides where exposed and the exposed part of the grave was 1.30 m long by 940 mm wide. Some 300 mm in depth was excavated but the full depth was not reached and further skeletons were present beneath the level at which the archaeological excavation ceased. The grave cut soil 8 in feature 9 (the possible barrow ditch) and grave 42. The fill, 5, was a brown silty clay loam. The lower legs of several skeletons were exposed within the grave cut (Fig 6), each leg was given a context number. Six legs were removed from the grave, and based on position, size, morphology, and condition of the bone, the six legs have been conclusively paired by the bone specialist as follows:

> Individual 1: context 7 and context 31
> Individual 2: context 30 in fetter and context 32
> Individual 3: context 6 in fetter and context 35.

As such, it is apparent that Individuals 2 and 3 were fettered together, and Individual 2 was buried in a prone position.

The legs of the three individuals were removed while further legs were left *in situ* in the grave and protected by geotextile. The human remains were submitted to Wessex Archaeology, the fetters to Patrick Ottaway, and organic remains from the fetters to The Anglo-Saxon Laboratory (see below).

A sample of bone from Individuals 1–3 was submitted to the Scottish Universities Environmental Research Centre (SUERC) and Oxford Radiocarbon Accelerator Unit (ORAU). Full details of the methodology and an assessment of reliability are in the archive. The three measurements (Table 1) are statistically consistent. These individuals therefore all probably died in the 11th or 12th centuries cal AD.

Grave 10

Grave 10 was exposed in Trench 3. Only a small part of the north-west edge of the cut was seen which suggested the grave was aligned north-east–south-west. It measured at least 1.47 m by 300 mm by 300 mm and contained fill 11, a brown silty clay loam. An area of spongy human bone, probably part of a pelvis, was exposed; it was left *in situ*. The southern edge of this feature had been removed by modern water pipe trench 50. It was cut by feature 45, but its relationship to feature 44 was not clear.

Grave 12

Grave 12 was a north-east–south-west, parallel-sided, probable grave in the north-west area of the site. It measured at least 1.84 m by 900 mm by 300 m. Its fill, 13, was a brown silty clay loam which did not produce any finds. It cut features 25 and 27 and was cut by grave 12 and modern service trench 49.

Grave 14/33

Grave 14/33 was exposed in the base of Trench 4 in the northernmost part of the site. It was difficult to differentiate from feature 25, and its relationship to feature 27 was unclear. If it was aligned north-east-south-west then it was some 1.6 m wide and probably was a multiple burial. The exposed part was at least 2.10 m east–west by 300 m north–south and it was over 300 mm deep. It contained fill 15/34, a brown silty clay loam. At its west end the top of a skull 16 was revealed; it was left *in situ*.

Grave 18

Grave 18 was aligned east-north-east–west-south-west. It measured at least 1.0 m long by 480 mm wide and 150 mm deep, and had rounded ends. Its east end had been cut away by Trench 1 and its upper levels had been truncated by a shallow modern service trench 48, but it can have been no more than 1.3 m in length originally and if it was a grave it probably belonged to a child, or a partial body. It contained fill 19, a brown silty clay loam, from which no finds were recovered.

Grave 22

Grave 22 was a parallel-sided grave with

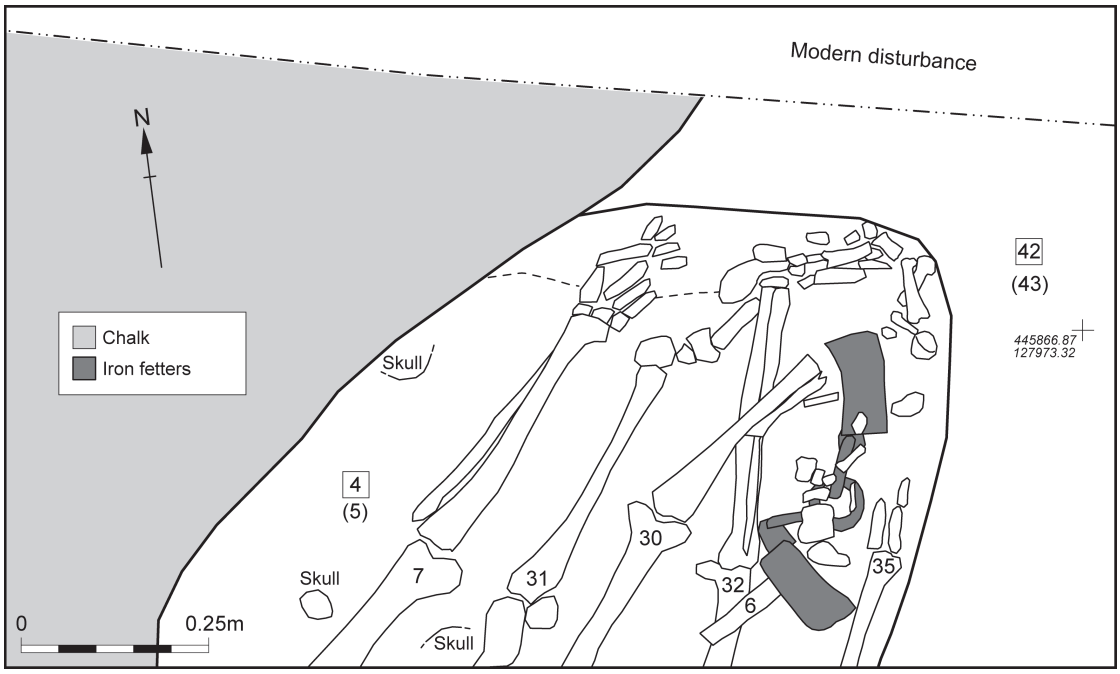

Fig. 5 Plan of skeletons in grave 4 (showing fetters in dark grey)

Fig. 6 View of Grave 4 from the south showing skeletons and the fetters (right)

Table 1 82 Oliver's Battery Road, Winchester – radiocarbon results

Laboratory number	*Sample reference*	*Material*	$\delta^{13}C$ (‰)	$\delta^{15}N$ (‰)	*Radiocarbon Age (BP)*	*Calibrated Date (95% confidence)*
OxA-25745	AY 420 (7) Individual 1	Human bone, left femur	–19.2	+8.2	942±24	cal AD 1020–1170
OxA-25679	AY 420 (30) Individual 2	Human bone, right femur	–18.9	+11.0	991±26	cal AD 990–1150
SUERC-37908	AY 420 (6) Individual 3	Human bone, left tibia	–18.9	+11.6	991±26	cal AD 980–1160

rounded ends. It was aligned north-east–south-west and measured 1.70 m long by 550 mm wide. It contained fill 23, a brown silty clay loam. No finds were recovered.

Grave 36

Grave 36 was a north-east–south-west aligned, narrow, parallel-sided feature with rounded ends. It measured 1.69 m by 390 mm and was not excavated. It cut possible post-pits 38 and 40 and was cut by modern water pipe trench 50. Its fill, 37, was a dark yellowish brown, silty clay containing fragments of human bone including a humerus.

Grave 42

A small part of grave 42 was exposed, measuring 340 mm by 160 mm. It had been almost completely removed by grave 4 to the south and by water pipe trench 50 to the north. It contained brown silty clay 43 that contained a fragment of tibia that was left *in situ*.

THE FINDS

The human bone by K. Egging Dinwiddy (Wessex Archaeology)

A total of 227 fragments of bone weighing 2549g from 11 contexts was examined. The majority, 196 fragments weighing 2308g, came from grave 4, 25 fragments weighing 216g came from grave 9, one fragment weighing 4g came from grave 27, and five fragments weighing 21g came from soil 29 in trench 6.

Methods

The degree of bone erosion was recorded using the system of grading devised by McKinley (2004, fig. 6.1–7). Age was assessed from the stage of skeletal development and the patterns and degree of age-related changes to the bone (Scheuer & Black 2000; Buikstra & Ubelaker 1994). Sex was ascertained from the sexually dimorphic traits of the skeleton (Bass 1987; Buikstra & Ubelaker 1994). Measurements were taken and skeletal indices calculated where possible (Brothwell & Zakrzewski 2004; Bass 1987). Non-metric traits were recorded in accordance with Berry & Berry (1967) and Finnegan (1978).

Results

The following provides a summary of the results, full details are in the archive.

The bone is predominantly in excellent condition, with most having minimal surface erosion (grade 0–1 and 1). The redeposited material is slightly more degraded, ranging from grades 1 to 3. Fragmentation is slight and consists predominantly of old breaks; slight machine damage is also evident in context 6 in grave 4. Recent cuts were present where the *in situ* legs in grave 4 had been separated from the unexcavated remains. The percentage of skeletal recovery from the *in situ* burials is low (all <25%) for the same reason.

The *in situ* remains from grave 4 are those of three adult males (one probable), all *c.* 18 to 35 years of age, and all fairly large and robust. Based on position, size, morphology, and condition, the six legs were paired as follows

Individual 1: context 7 and context 31
Individual 2: context 30 in fetter and context 32
Individual 3: context 6 in fetter and context 35.

There is no evidence to suggest a genetic relationship between any of the individuals in the assemblage.

Individual 1

Individual 1, contexts 7 and 31, was a fairly large and robust male, *c.* 1.70 to 1.71 m (*c.* 5′7″) in height (this is a little above the mean of *c.* 1.71 m for late-medieval males, given by Roberts and Cox (2003, 248, table 5.11), and aged 18–35 years. He was buried supine. An advanced bunion *Hallux valgus*, was identified in the first metaphalangeal joint of the left foot. Associated bevelling of the articular margin and enthesophyte growth suggest that the condition was advanced. The cause of the condition is thought to be largely genetic, associated with the ligaments and tendons. Unsuitable footwear is also considered to be a factor by some. The metatarsals exhibit dorsal extension, perhaps from persistent pressure on the mid-foot causing plantar splaying and dorsal constriction. Double anterior calcaneal facets and distinct peroneal grooves were manifest in the calcanea.

Individual 2

Individual 2, contexts 30 and 32, was a large male, *c.* 18–35 years, *c.* 1.74 to 1.75 m (*c.* 5′9″) in height (this is a little above the mean of *c.* 1.71 m for late-medieval males, given by Roberts and Cox (2003, 248, table 5.11), and aged 18–35 years. He was buried prone. The ankle of the right leg, 30, was fettered to Individual 3. The right foot showed hyperflexion of the feet and ankles, the left foot had changes as seen in congenital *talipes calcaneovalgus* (the opposite of 'clubfoot'), and *pes planus* (flat footedness) (Adams 1986, 438). The patellae showed a fairly uncommon non-metric variation (vastus notch). The tarsals were somewhat deformed, the tali, naviculars, and cuneiforms being affected. Nodular bony buttresses extend along the dorsolateral aspects of the tarsals and the talal necks, implying a constriction of the dorsolateral surfaces, and/or splaying of the plantar surfaces (hyper-flexion of the feet and ankles). The lateral portions of the tali heads are abnormally concave, whilst the corresponding surfaces of the naviculars are distinctly convex. The changes give the impression of prolonged contact or pressure along the dorsolateral side of the mid-feet. The changes are consistent with prolonged dorsiflexion and/or eversion of the foot, as seen in congenital *talipes calcaneovalgus* (the opposite of 'clubfoot'), and *pes planus* (flat footedness) (Adams 1986, 438).

Individual 2 had a variety of fractures and injuries to the lower limbs. The nature of the fractures (macro- and microscopically) determined that they occurred in green or fresh bone (Lyman 1994, 315–328), and are consistent with a *perimortem* traumatic incident, i.e. a fall or drop onto the feet from a height. None of the lesions show any signs of healing. Injuries to the right leg comprise a depressed plateau fracture to the medial condyle of the tibia (from an impact with the femur condyle), and lower, mid-shaft fractures to the tibia and fibula, probably from an angulated force (Adams 1987, 254–5). A small depression on the distal shaft of the tibia may be a result of the shackle riding-up and pressing into the leg. The left proximal tibia has a depression across the anterior surface, just above the tuberosity, which corresponds with the inferior edge of the patella. The left fibula has an incomplete mid-shaft fracture, probably caused by a direct blow over the bone (Adams 1987, 264). A shear fracture has separated the medial malleolus from the left distal tibia, while small depressions on the posterior of the trochlear surface of the left talus correspond to the topography of the distal tibia. The navicular has a hairline fracture on the plantar edge of the talal articular surface, and small depression indicating forceful contact with the talus. These injuries suggest an impact whilst the foot was hyper-extended. The calcaneum is fragmented and damaged; it is possible that it was also injured (Adams 1987, 280).

Individual 3

Individual 3, context 6 and context 35, was probably male, and aged 18–35. He was buried

supine. Lateral squatting facets were observed in the tibiae, the only individual in the grave to have them. The left leg, 6, was fettered to Individual 2.

Individual 4
Context 51 was allocated to two metatarsals recovered with the left foot of Individual 1. They were of a pale greyish colour, and noticeably smaller than the metatarsals of Individuals 1, 2 and 3. They probably belong to one of the lower burials. Sex: uncertain; age: adult over 18 years.

Other skeletal material
The grave backfill (context 5) included four fragments of human skull with old breaks. They were scattered throughout the grave (Fig. 5). These came from adults greater than 18 years, and probably male. Also recovered were a large fragment of a right scapula, a small fragment of a left scapula, a finger bone and two toe bones. Grave 27 produced a fragment of redeposited rib from fill 28. Soil layer 29 produced five fragments of redeposited bone comprising a radius fragment from a fairly robust and large individual, and four fragments of rib.

The iron fetters by P. Ottaway

The iron fetters from Oliver's Battery are composed of two robust straps formed into U-shaped fittings joined by two figure 8-shaped links with a ring between them (Fig. 7). Each U-shaped fitting has an arm which is drawn out at one end into an eye joined to a figure 8-shaped link. Each fitting is also pierced twice on each side of the 'mouth' and the mouth is then closed by a pair of sturdy rivets flattened at the head. One fitting is bent inwards slightly at the mouth, broken over one of the rivet holes and the rivet is missing. Overall L. *c.* 455 mm. Fittings: L. *c.* 170 mm, W. across mouth 80 mm, W. (strap) 49 mm, Th. 10 mm; rivets: L. *c.* 94 mm, Th. 11 mm; space within each fitting *c.* 66 mm × 72 mm. Figure- eight-shaped links: L. 90 mm and 78 mm, W. 37 mm and 35 mm, Th. 9 mm.

This object is unusual and very important evidence for the history of punishment and restraint, especially as there is no known comparable item from the period in question. As was shown by the burial, the U-shaped fittings would have fitted around a person's ankles preventing them from walking freely. The size of fittings with an internal diameter of *c.* 70 mm suggests they were a tight fit. Attached to the central ring there would probably have been another chain which divided into two; at each end there would have been a fitting to secure the wrists. This arrangement can be clearly seen, for example, on the well-known Wedgewood medallion of *c.* 1787–90, depicting a kneeling negro slave, which was based on the seal of the London Abolition Committee (collections of the National Maritime Museum: www.collections.rmg.co.uk/collections/objects/254428.html). Although the rivets closing the U-shaped fittings could have been removed, the Oliver's Battery fetters were probably intended for the restraint of an individual over a long period of time rather than being temporary as in the case of a fetter with a lock.

Although essentially simple in form, the very robust character of the Oliver's Battery fetters is unusual for the ironwork of the time and may speak of a specialist smith undertaking a commission for a particular circumstance. Depictions of men under restraint are very rare in Anglo-Saxon and medieval illustrations, but, whether as prisoners or as Christ prior to the Crucifixion, they are usually shown with their arms tied, but not their legs, and there is no use of ironwork to be seen. For example, the thieves shown hanged in the Life and Miracles of St Edmund, King and Martyr of *c.* 1130 have their wrists tied together in front of them (New York, Pierpont Morgan Library, M736). However, there was presumably a model for the smith who made the Oliver's Battery leg irons to work from which probably lies at or near the beginning of a long tradition of the restraint of criminals, prisoners and others in a manner which did not change a great deal until modern times.

The organic remains by Penelope Walton Rogers (The Anglo-Saxon Laboratory)

A sample of the reddish brown material on the inner surface of the shackle with bones *in situ* was removed with a scalpel and mounted

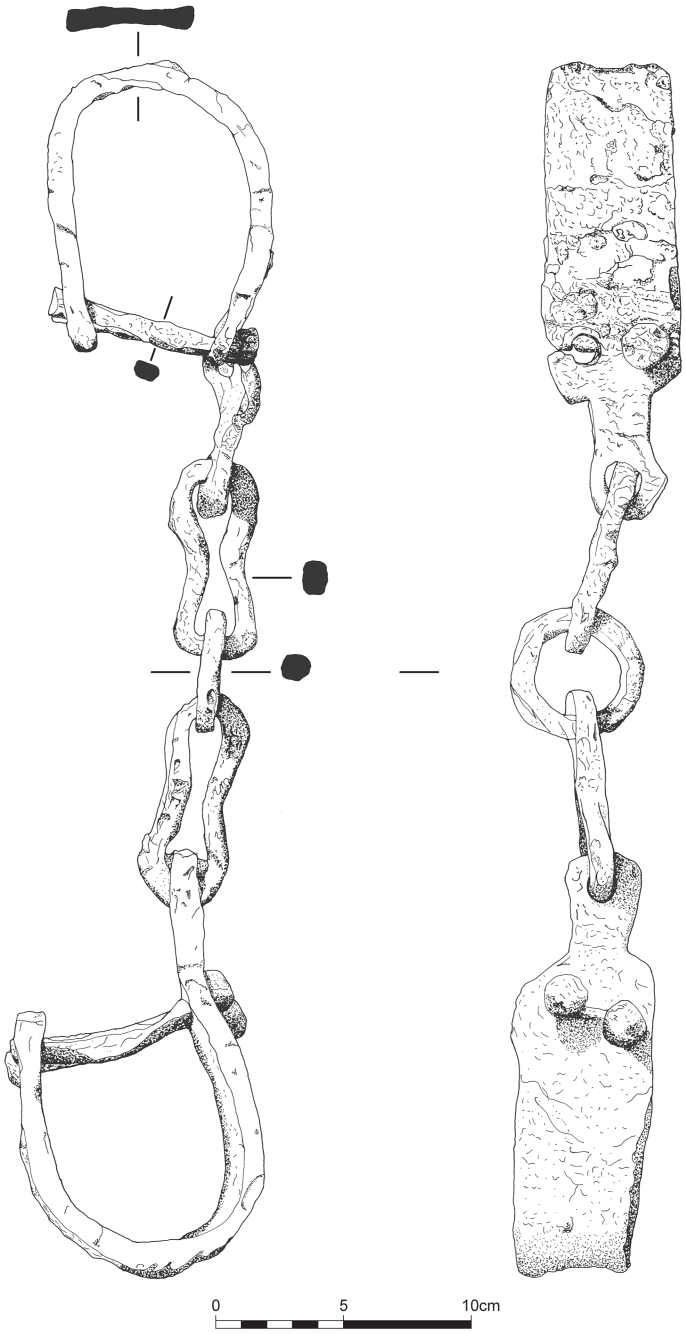

Fig. 7 The fetters after cleaning (drawn by M Footit)

in water for microscopy. It was viewed at ×100–×400 magnification, with a transmitted-light microscope, using incident light and transmitted light, with and without a polarising analyser. The sample proved to be organic material arranged in small aggregates with little internal structure. It most probably represents decayed and semi-mineralised flesh or leather.

DISCUSSION

The site has a number of traits that make it unusual.

Variations in burial alignment. It is difficult to be certain that the unexcavated features were graves, but of those identified as graves the alignments are either with the head to the west (grave 18) or with the head to the south-west (graves 4, 10, 12, 14/33, 22, 36, and 42). Other features that may have been graves were aligned closer to north–south (features 25 and 45) or east–west (feature 20). Such variation from the more usual west–east alignment is typical of execution cemeteries (Reynolds 2009, 158), and can be seen in the Hampshire execution cemeteries such as Meon Hill, where the bodies had the head to the north or to the south (Liddell 1933); Stockbridge Down where the orientation seems random (Gray Hill 1937); and Old Dairy Cottage, Harestock, where the bodies were laid with heads predominantly to the south-east (Reynolds 2009, 118).

A prone burial. Reynolds has argued that prone burials in the Christian period are not only indicators of offences involving superstition, witchcraft, and sorcery, but also continue a pagan practice of burying in a way designed to stop 'powerful' individuals from returning to haunt the living. The other Hampshire execution cemeteries of Meon Hill, Stockbridge Down and Old Dairy Cottage all contained prone burials.

Two individuals fettered together. Individuals 2 and 3 were fettered together. The site appears to be the first such cemetery to produce such evidence, but a contemporary record of fetters being used at an execution comes from a continental account of the Guildford massacre in 1036, where Earl Godwine decimated the aethling Aelfred's retinue. The Flemish *Encomium Emmae Reginae* (*c.* 1041–2) describes how the victims were manacled and fettered before being speared to death (Reynolds 2009, 58).

Presence of a gallows. The large possible post-pits 38 and 40 can be matched at other Early medieval execution sites (Reynolds 2009, 158–9), including an example from Stockbridge Down, Hants. Individual 2 fell from a height onto outstretched legs, inflicting multiple breakages on the legs and ankles, possibly after being cut down from a gallows.

Multiple burials. Grave 4 contained at least four burials. The lowest burials could have been earlier, but the top three were probably buried at the same time. Multiple burials point to contemporaneous execution and/or display of corpses, and double burials are known from the Hampshire execution cemeteries of both Stockbridge Down and Old Dairy Cottage. Contemporary burial of three or more individuals is rare, known only at Dunstable and Guildown (Reynolds 2009, 176–7).

Evidence of decapitation. The scattered fragments of skull in grave 4 could be evidence of decapitation although none showed evidence of cut marks. Andrew's excavations in the Hillcroft barrow, a few metres south of the present work provides better evidence and Reynolds has argued (2009, 60) that Andrew found an execution cemetery as evidenced by a number of bodies without skulls, and groups of skulls found together without bodies. Such findings are paralleled at other Hampshire execution sites; at Stockbridge Down 12% were decapitated, at Meon Hill 56% were decapitated, and at Old Dairy Cottage 78% were decapitated. At Old Dairy Cottage references to *heafod stocc* 'head stakes' in the Saxon charter bounds (giving the present village name 'Harestock') point to display of skulls, and Aelfric's late 10th century description of a city marked by the heads of wrongdoers placed outside the city walls, was written in Winchester at this time (Reynolds 2009, 119).

Location on a prominent position in the landscape. The Hillcroft barrow occupied a prominent position in the landscape. It first attracted burials in the Bronze Age (Fig. 8), and the Saxon use of Oliver Cromwell's Battery for an elite burial *c.* AD 700, shows that

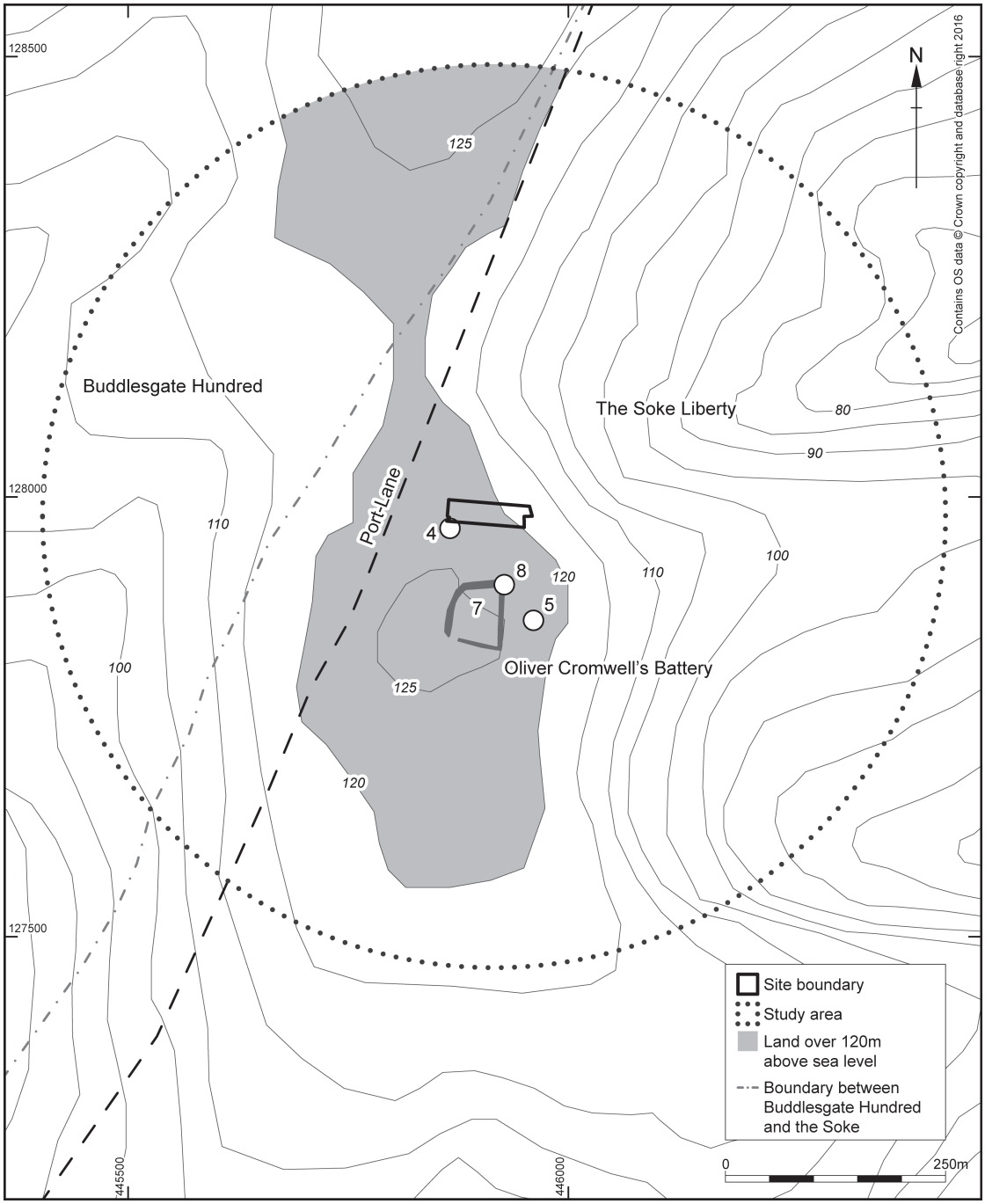

Fig. 8 The location of the site in the landscape. Land over 120 m above sea level is shaded

such dominant positions were still considered important in the Saxon period. The later use of the hilltop for execution would have allowed a gallows to be seen from as wide a compass as possible. It would have been potentially visible to any traveller heading north up the Itchen valley, approaching Winchester from the south-west, or travelling along the Roman Road from Old Sarum from the east. The Old Dairy Cottage execution site would have covered the northern approaches to the city. A close parallel in Hampshire is at nearby Stockbridge where the Meon Hill cemetery and the Stockbridge Down cemetery occupied prominent positions to the west and east of the town.

Position on an important boundary. The Hillcroft site lies just inside the soke of Winchester, where its west boundary met the Buddlesgate Hundred. The Hundreds probably preserve a pattern of estates potentially as early as the 7th century (Reynolds 2009, 205), and the meeting of Hundred boundaries were common places for the siting of execution cemeteries from the late 7th century onwards (Reynolds 2009, 155–6). The soke is thought to be an immediate post-conquest subdivision, if correctly dated the placing of the execution cemetery at this spot suggests a post-conquest date.

These traits suggest the site was used for execution, display and burial of criminals. The development of burial practices in Winchester in the Early medieval period has been explored recently by Cherryson (2005). In the Early period there are a number of small cemeteries or individual burials around the outskirts of Winchester. The Middle period is marked by the presence of the introduction of unusual burials, given the term 'deviant'. The cemetery of Winnall II, (Meaney and Hawkes 1970) for example suggests that wrongdoers were buried in community burial grounds but separated from the general population by their method of interment (Reynolds 1997, 38). The Late period sees the establishment of large cemeteries inside the walls such as at Old Minster (Kjolbye-Biddle 1992, 22). While these graveyards provided sites for burials in accordance with the Christian rite, individuals who transgressed were buried outside them, and it seems in some cases removed to some distance from the city. Two burials were found in The Brooks excavations in 1987–8, and were dated to the late 9th or early 10th century (Scobie *et al.* 1991, 37). At the time of the burials the area is thought to have been waste land so these two individuals may have been excluded from the normal burial rite. A clearer example is to the north of Winchester, where a cemetery of deviant burials was found at Old Dairy Cottage (Wessex Archaeology 2007). Four bodies exhibited cut marks, the burials were on different alignments, and one was buried prone. Radiocarbon dates suggest the cemetery may have been used from the late 8th to the early 11th century. The cemetery lay on the boundary of the Chilcomb Hundred and burial on such boundaries seems to be a factor in the placing of 'deviant' burials (Reynolds 1997, 37).

If the Oliver's Battery Road cemetery was being used to execute and bury 'deviants' who would have controlled it? Given that the site lies within the later soke, a holding of the Bishop, the law here was presumably under the control of the Church. By the late Saxon period written laws were in place and they were intended to be widely distributed and followed, with the Church playing a central role in this process (Wormald 1978, 57).

Church men were acknowledged as holders of laws and precedence and in the early 1070s Aegelfric, bishop of Chichester, although elderly, was taken to a trial in Kent by wagon to advise on the law (Douglas & Greenaway 1981, 482–3). One aspect of the trial process in Late Anglo-Saxon England was trial by ordeal with either hot iron or water, as laid out in the laws of Aethelstan. The ordeal was almost exclusively carried out at minster churches as it was God's judgement that was being made manifest and it has been suggested that the wells and cisterns found at principal church sites, such as the cisterns uncovered inside the Old Minster at Winchester (Biddle 1969, fig 6) would have been suitable (Reynolds 2009, 22–3).

Trials would have taken place at regular, probably monthly intervals, so places of confinement would have been required. The capture and securing of wrongdoers was recorded in the laws of the late 7th century, and it is clear in the laws of Ine of Wessex

(688–726) that any person that had a captured thief in his custody and allowed him to escape became responsible for the original crime, and if it was an ealdorman who allowed the escape he could forfeit his "shire" (Reynolds 2009, 12). The laws of Alfred (871–99) stated that a pledge-breaker was to remain 40 days in prison, at a royal manor, and undergo whatever sentence the bishop prescribes for him (Alf 1.2). Restraining of prisoners would therefore have been of great importance. The late 10th century *Vita S. Aetholwold* (ch 46), written by Wulfstan of Winchester records the imprisonment of a thief by Aelfheah, Bishop of Winchester between 984–1006, and the prison itself is mentioned in the time of Edward the Confessor as standing on the corner of High Street and Parchment Street (Lapidge & Winterbottom 1991; Barlow 1976, 37). The Winton Domesday (Survey I) of *c.* 1100 refers to the prison as *le balcheus regis,* suggesting it was constructed from baulks of timber.

Prisoners may not just have been confined to a room, the Harley Psalter (BL MS Harley 603, fo 54v: http://www.bl.uk/catalogues/illuminatedmanuscripts/record.asp?MSID=18402& CollID=8&NStart=603), derived from the 9th century Utrecht Psalter, shows prisoners tethered by ropes and stocks. Ropes could not have been a long term method of confinement and iron restraints would have provided a more secure method. Shackles and fetters have a long history in the confinement of people, British examples are known from the Iron Age and Roman periods, and although Thompson (1993) assumes they were used to restrain slaves, they were presumably the method used by those in authority to restrain all those in custody. Shackles might be specially made to hold a prisoner, the 7th century King Ecgfrith of Northumbria ordered his smiths to forge iron fetters to hold Saint Wilfrid before his banishment (Colgrave 1927). Shackles are also recorded in use with other restraints; The Genesis B poem, possibly mid–9th century, has an inhabitant of hell complain that 'fetters of links, a cruel chain, have impeded my movement, deprived me of my motion. My feet are shackled, my hands tethered. Great bars of tough iron forged in fire surround me and with them God has tethered me by the neck.' (Bradley 1982, 22).

It is perhaps just a coincidence, but Winchester has produced the only previously known examples of Late Saxon fetters (Goodall 1990, 1011–14). One, found in a domestic context in Houses IX and X at the Lower Brook Street site, was probably a piece of scrap or undergoing repair as only one shackle was present, but two complete pairs were found in the 10th to 11th century levels at the Old Minster, suggesting a role for such items in an ecclesiastical context. The Old Minster examples would have held the ankles some 15cm (6 inches) apart and through an ingenious system of loops both ankles were locked in place by a barrel padlock on one shackle, operated by a slide key. Barrel padlocks relying on metal prongs could easily be picked, and the Oliver's Battery fetters, which used rivets to close the fetters, would have been far superior; only by cutting through the iron could the prisoner escape.

Justice in Late Anglo-Saxon England was administered at monthly public meetings. The origin of the system goes back to the 7th century (Reynolds 2009, 18) and was well developed by the time of Edgar (957–75) when the *Hundred Ordinance* laid out the system of hundred, shire and borough courts in place (Wormald 1999, 378–9). The public meetings were often in rural locations, although a town or estate centre could be used (Meaney 1994, 67), and charter bounds suggest a mound on a hundred boundary was a popular location (Pantos 2003). Such mounds, recognised as places of burial and probably chosen for their antique resonances (Semple 1998), might be prehistoric, but mounds might also be constructed anew at other locations if required (Adkins & Petchey 1984, 247). The Oliver's Battery Road site may have been set up at this location due to the Hillcroft barrow, itself occupying a prominent position in the Bronze Age landscape. It is not known whether trials took place at such sites as well as the executions and burials.

The laws of Ine of Wessex (ruled 688–726) are the earliest record of Saxon capital punishment, where hanging is specifically mentioned as the punishment for absconding slaves, but by the time of Aethalstan (ruled 924–39) capital

punishment was prescribed for a greater range of offences. Thieves over the age of twelve were to be killed, as was anyone who absconded after being accused of theft. The same punishment was meted out to those who harboured or hid a thief. Male slaves who committed crimes could be stoned to death, female slaves were to be burnt. Free women found guilty of capital crimes might be thrown from a cliff or drowned. Those who swore a false oath were to be denied burial in consecrated ground. By the second half of the 10th century Lantfred of Winchester's Life of St Swithun records instances of punishment and penance, including the mutilation of gangs of thieving slaves, and the hanging of their leaders. Aethelred's laws defined further punishments, with the crimes of lack of surety, violent burglary, and murder of persons on the king's highway precluding burial in consecrated ground. The laws of Cnut (ruled 1016–35) show the death penalty was applied to corrupt reeves, those violating the protection of the church or king, those found guilty of sorcery, theft, treason against one's lord, those found untrustworthy, those assisting an excommunicate or an outlaw, or those who deserted their lord or comrades on an expedition (Reynolds 2009, 24–5).

The two methods of execution that leave their mark in the archaeological record are beheading and hanging. Beheading seems to have been the nobler method of execution. Hanging was the prescribed method used to execute slaves in the laws of Ine and in the *Life of St Swithun,* and Beowulf refers to gallows on two occasions, both include an element of disgrace (Reynolds 2009, 27). Hanging involved suspension between heaven and earth, a graphic illustration of the exclusion of the criminal from both. The best-known illustration of a Late Saxon gallows is in the BL MS Cotton Claudius BIV, thought to have been produced *c.* 1025–50 (Temple 1976, 102); it shows two uprights, each twice the height of a man and provided with peg-like steps, supporting a cross beam with a single peg around which the rope was secured. The rope has a spliced loop around the neck of the criminal, whose hands are secured behind his back. The closed eyes of the victim suggest he is dead, and the hangman appears to be untying him and about to let him fall to the ground. http://www.bl.uk/manuscripts/Viewer.aspx?ref=cotton_ms_claudius_b_iv_f001v

The use of fetters at executions would compound the disgrace of the victim. An early example comes from a continental account of the Guildford massacre in 1036 (Keynes 1998, xiv). A local, although much later example from the Tudor period can be found in the Southampton Steward's Accounts which details the purchase of gyves and fetters and an iron chain 'to hang Johnston in' (SC5/1/41).

Reynolds (2009, 96–179) lists 27 known execution sites of the 7th to 11th centuries, with three from Hampshire; Meon Hill, Old Dairy Cottage Winchester, and Stockbridge Down. Portsdown Hill is possibly another (ibid, 59). The Meon Hill cemetery, to the west of Stockbridge, contained ten burials, laid out south–north across the ditch of an Iron Age hillfort (Liddell 1933). The site would have been visible from the Winchester to Old Sarum Roman road. It lay on an estate boundary, and possibly on the boundary of the Hundred of Somborne (ibid, 117). Dating evidence comes from a coin of Edward the Confessor (reigned 1042–56) associated with one skeleton. A number of the bodies were incomplete, but all were adult, with nine male and one female, two were prone, four had tied hands, and five had been decapitated. There were no multiple burials.

The Old Dairy Cottage cemetery, situated 1.7km from the north gate of Winchester, at Harestock, was on the boundary between the hundreds of Falemere and Barton. It lay adjacent to the Roman road that ran north from Winchester to Silchester. Four radiocarbon dates suggest a date from the late 8th to the early 11th century (H Rees pers. comm.). Sixteen graves contained at least 24 individuals; 15 were buried south–north, one was west–east. One was prone, four had tied hands, eight were decapitated, and four were in burial groups (Wessex Archaeology 2007). Five were adult males and two were adult females, and there was also an older child and two infants (Dr A Cherryson report in site archive).

The Stockbridge Down site lies to the east of

Stockbridge (Gray Hill 1937). The Roman road from Winchester to Old Sarum lies 1km to the south and the execution site would probably have been easily visible across the downland. The site is dated by six coins of Edward the Confessor found in the armpit of one skeleton, but medieval buckles suggests the site remained in use for some centuries. The 41 burials were all adult males. Seven were prone, 16 had their hands tied, four had been decapitated, and there were four multiple graves. Two large post-holes at the south edge of the cemetery probably supported the gallows.

The Portsdown Hill site is less certain. The site lies in the centre of the ridge of the hill, adjacent to a suspected barrow. Numerous skeletons were unearthed in the 19th century, and speculated upon as battle victims. Two graves that survived the 19th century disturbances were uncovered in the 1960s. One was a decapitated skeleton, the other had been buried with grave goods in the form of knives and a bronze bound bucket (Bradley & Lewis 1968). The early Anglo-Saxon cemeteries of Hampshire, Sussex and the Isle of Wight have all produced examples of decapitated burials (Reynolds 2009, 263–4), and the Portsdown site is more likely to be of that period.

Dickinson (1974, 23) drew attention to the siting of Middle and Late Anglo-Saxon execution cemeteries near barrows. Reynolds synthesis of 27 Late Saxon execution cemeteries makes it clear that only less than half are associated with a mound but nearly all are associated with a major earthwork, be it a hillfort, a barrow, or a substantial bank and ditch (Reynolds 2009, 156–7). Of the Hampshire examples Meon Hill is associated with a hillfort, Stockbridge Down with a barrow cemetery, Portsdown Hill with barrows, and the Old Dairy Cottage cemetery lies among the roadside ditches of a Roman road. The barrow at the present site was perhaps the focus of the cemetery, but the presence of the Oliver's Battery earthwork enclosure to the south, itself chosen as the burial place of a wealthy man in the late 7th to early 8th century, is probably also significant.

Mounds and barrows were considered to be places inhabited by devils, dragons or ghosts, and burial adjacent to a barrow may well have condemned the soul to further torment by the spirits who resided there (Reynolds 2009, 249).

Prone burials are know from 17 of Reynolds's 27 execution cemeteries, and the incidence is likely to be higher due to poor recording on a number of the sites. Reynolds sees prone burial as 'a continuation of earlier pre-Christian practice designed to safely lay the corpses of the 'powerful' dead', and at cemeteries such as Stockbridge Down some of those buried prone were in deeper than average graves (Reynolds 2009, 161).

Fifteen of Reynolds 27 execution cemeteries have multiple burials. Many of the other sites were poorly, or partly excavated, and it is likely that multiple executions were more common than the evidence suggests. Eleven sites had 41 double burials, and nine sites had 23 triple burials. Burials with more than three individuals are rare, only being known at Dunstable and Guildown, suggesting execution of more than three individuals at a time was very rare. Given that Late Saxon execution cemeteries are of limited extent they might have only received an executed felon every ten years or so (Reynolds 2009, 247) so the execution of perhaps four or five would have been an unusual occurrence.

Nineteen radiocarbon dates are available from seven execution cemeteries, suggesting that the concept of the execution cemetery began in the late 7th or early 8th centuries and they continued to be used into the 12th century (Reynolds 2009, 155), with possible use well into the medieval period to judge by buckles from Stockbridge Down.

CONCLUSIONS

The evidence points to the site being used for the execution of criminals in the late Saxon or early Norman period and therefore belonging to group of 27 execution cemeteries as listed by Reynolds (2009, 96–179). Reynolds had tentatively identified the Hillcroft site as an execution cemetery and the evidence found at No 82 would seem to vindicate his suggestion. The 'Hillcroft' cemetery provides a second such execution cemetery for Winchester. The

cemetery, placed just within the boundary of the soke, suggests a link to the judicial role of the Bishops of Winchester, who established the soke as their personal holding at this time. The positioning of an execution cemetery on two sides of the city is paralleled at nearby Stockbridge, where execution cemeteries were sited either side of this small town on a major route way. The finding of a set of fetters, and their probable use in the execution itself, is the first such find.

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