
About tortures

Tortures were used in capital cases, where the culprit was either not evidently proved guilty by the inquiry, or, although his crime was proved, he did not want to plead to what was proved to him by the inquiry. This pleading guilty was commonly practised in all courts and was necessarily required from the culprit. Although a denial of charge did not liberate him from death if the evidence was precise, the culprit was anyway taken to torture, which could not be avoided by any criminal unless he voluntarily pleaded guilty of crime he was charged with. Even when he pleaded guilty during tortures and then he denied, he was then tortured for the second and the third time. If he endured three torture sessions and denied again, the judges inspected the circumstances of evidence and testimonies of witnesses. If these were strong, the culprit was punished with death, without taking his denials into consideration, as these were ascribed to the stubbornness of his mind and the toughness of his body. If the evidence and testimonies were weak and the prisoner did not plead guilty during the tortures, or, having pleaded guilty during the first and the second session of tortures, he then denied his guilt during the third session, he was set free with an opportunity of the punishment being executed on the party upon whose charge he was tortured. If there was no evidence, but only some indications, and the prisoner pleaded guilty during the first, the second and the third session of tortures and then he did not revoke his plead, he was executed. If the evidence was strong and the culprit endured the torture without firmly pleading guilty, he was set free. But the party of the plaintiff was also free from punishment for torturing the culprit for strong reasons which – as it was said before – were likely to be true. In most cases such tortures of people who were sometimes innocent went unpunished for the following reason: usually, the people who were taken to torture were either vagrants, or were subjects of their lords who let them be tortured, or such people came from the common mob and there was no-one to take their side. In contrast, these who sent the accused to tortures must have been wealthy people, as it cost a lot to carry out tortures.

Tortures, that is the way of tormenting people, was as follows: in principal towns there was a cellar under the Town Hall and it was used for this purpose. A thick iron hook was secured in one of its walls, with a similar ring at the height of 2.5 ells from

the floor. In the other wall there was also such a hook with a ring at the height of one ell from the pavement, that is from the floor. A low stool was placed in the middle of the cellar and the executioner seated the prisoner on it. The executioner tied the prisoner's arms at his back with one rope and with another rope he tied the prisoner's legs together. He then firmly tied the ends of the rope to the lower ring. He then reeved another cord through the rope on the prisoner's hands – that cord was long and thin and it was well rubbed with tallow to secure smooth moving. That cord was reeved once through the upper ring and the executioner held its other end, having wrapped it twice around his wrist, so that he did not let it go while pulling.

Having prepared the prisoner in such a manner and having stood close at his side, the executioner delicately pulled the cord, so that it became straight relative to the distance from the hands of the culprit to the ring, in such a manner that neither the ring nor the cord hanged loosely but were stretched. At the side, next to the wall in front of the prisoner a small table and stools were placed, with an ink pot, a quill pen and paper on the table. The mayor with one or two jurors sat at the table and the municipal scribe sat at the corner. When everything was ready, the municipal prosecutor, who stood next to the mayor, asked the venerable magistrate in a short speech in the name of the plaintiff (who was present or absent there, as he wished) to take the prisoner to torture according to the holy justice, as the prisoner did not want to voluntarily plead guilty of committed crime. The mayor then asked the prisoner first: what his condition was, what his religion was, where he was born, what his occupation was from his youth to the time of his imprisonment and whether he had already been charged, sentenced or tormented with regard to a similar crime. After the prisoner had responded to all these questions as he had understood them and the scribe had noted it all down, the mayor got down to the business which was concerned here. He spoke mildly to the prisoner by his name: "It is said that it was you (or Sir) who committed this theft or this crime. Plead guilty voluntarily and do not let yourself be tortured. Denials will be of no help for you; no matter you plead guilty or not, you will not escape death anyway, as there is strong evidence against you that you and no-one else did it. If you plead guilty voluntarily, you will not suffer prepared tortures. The court will take your voluntary pleading guilty into consideration and will punish you with milder death. And if you did it out of extreme poverty (for example, if the case concerned a theft), or out of carelessness or spontaneous impetuosity (in case he killed someone), or out of foolishness (if the case concerned witchcraft), or at someone's instigation, having learnt it from other older sorcerers or witches – plead guilty and the court may spare your life for your humility."

If the prisoner did not plead guilty after these first mild persuasions, the mayor adjured him by everything sacred of the religion, by the salvation of his own soul, which the prisoner exposed to the danger of perdition, as he did not want to confess his sin and solely by his own stubbornness he exposed his sinful body to torments. If

these exhortations did not make the prisoner confess anything, the mayor then said to the prosecutor: "Lord Prosecutor, tell the master executioner to proceed according to the law." And the prosecutor said aloud to the executioner: "Master executioner, proceed according to the law." The executioner, before taking to the execution of the order, shouted three times: "Lords behind the table and at the table (by these terms he addressed the officials sitting behind the table and the prosecutor standing at the table) – is it with your will or not?" The prosecutor responded each time: "With the will." And then the executor pulled firmly the cord, that is the rope, which he held firmly in his hand, as said above. Then, the arms of the prisoner began to be dislocated from the joints of his shoulders and to rise behind the head and rested at the equal height with it. Concerning the position of the prisoner's body, the upper torso followed the rope and the buttocks remained on the stool, while the legs, stretched and tied to the hook, remained as if hung in the air. The prisoner shouted with terrible voice: "I am not guilty! I do not plead guilty of anything! Do not torture me! I adjure you by the terrible Judgement of God, let me free," and similar things. Or, if he was of weak constitution, he asked for a relief of his pains. Having been granted this, he pleaded guilty of what he was charged with and he even confessed various other offences committed in his life. This was because apart from the crime which was the reason of the case, it was never neglected to examine the entire life of the prisoner. After such a confession, the prisoner was not tortured any more. But if he did not want to confess anything, or he confessed his other offences but denied the one which was the matter here, he was held in the position of the first procedure, that is, being pulled up. And, after the orders and questions from the magistrate, the prosecutor and the executioner, he was pulled up more firmly.

For the second procedure the executioner took his apprentice, that is the dog-catcher. They both pulled the rope as firmly as they could: the prisoner was stretched like a string, the arms were twisted to the back and they formed a straight line with the torso above the head, a deep hollow originated in the chest and the head bowed down into it. The man was completely suspended in the air and he did not touch the stool at all. Almost all his ribs, bones and joints were visible, so that one could count them. This was because culprits of both sexes were undressed naked, with the private parts only being covered with some cloth. There, the prisoner was taking his last breath, either attempting at screaming, or he seemed to expire his last breath via all his natural openings by coughing and breaking wind aloud with thick, watery and mucous exhalations. These infected the noses of the present people and were a miserable view. Therefore, all those who had to be or wanted to be dispensers, executors or spectators of such tortures, had some incense and intoxicants at hand, to repel the stench and invigorate their hearts, which were weakened by compassion. Some prisoners – being overwhelmed by fainting – seemed to fall asleep during such tortures and they gave no sign of life, apart from the breath coming out of their mouth. This

was tested by putting a mirror to the prisoner's mouth. If the prisoner remained silent for long, he was made speak with a new kind of torture, which will be described shortly thereafter.

If it occurred that the prisoner actually died during the torture, everything immediately came to an end – the deceased was buried and the case was lost. There were such culprits who, instead of asking for a relief of their pain, used extreme words of insult against the other party and the judges and they endured the worst torments in an admirable way. Such culprits were usually thieves. In the second procedure, which was described above, when the prisoner persisted in his stubbornness, a piece of iron was put on his legs. It consisted of two pieces and it had sharp notches in the shape of the teeth of a saw. Screws went through both ends of the iron. The dog-catcher used them to screw the toothed iron together, which was put on and under the shinbones of the culprit. Squeezing and hurting the legs more and more, the teeth inflicted intolerable pain to the culprit, who was still pulled up and not lowered down at all. Master executioners called such irons – which were similar to stocks – in their own way, namely the Spanish Boots. These were not used everywhere, but in larger towns only. I was told as a certain thing that no culprit could be found who would not be made plead guilty by means of such boots. Sprinkling with hot sulphur or putting red-hot sheets of metal to the culprit's sides, which was used in other towns, was not as effective as these Spanish Boots.

In other smaller towns and in villages, if the municipal magistrate was invited there for the sake of such inquiry, the prisoner was tortured in any house or a barn. He was laid down on a ladder and was tied to the first and the second rung. Then, he was pulled up, with a wooden plank being placed under him, so that the arms did not knock against the rungs. When witches and sorcerers were to be tried with tortures, the executioners – who were very superstitious people – first shaved their hair everywhere, wherever this ornament and cover was given to people by nature. They said that the devil hid in that hair and prevented the witch or the sorcerer to make the confession and suffered for him or for her. They believed that it was for that reason that the prisoners endured the tortures in a quiet and calm way, as it was said above. In fact, it was due to fainting and the collapse of forces, and not owing to devil's grace, who – as a traitor and enemy – in no way intended to suffer for the man. They also shaved thieves, who were hard to make them plead guilty. This procedure was regularly done to Jews, who were taken to torture for whatever offence. However, it happened quite often that a Jew, who was shaved without the soap, endured all these torments without pleading guilty, in the same way as some Christians did. In this case, the executioners, who were great jugglers in physical affairs, pretended that a great sorcerer cast a spell on the tortures, so that these could not have their effect. Similarly, the executioners blamed the witchcraft for the clumsiness of their own hands, in case they clumsily decapitated someone who was sentenced to death by sword. But

wise magistrates did not accept such an excuse, and such executioners were usually whipped one hundred whips for an unskilled execution.

Having finished the initial tortures with a successful or unsuccessful result with regard to finding out the truth, the executioner lowered the prisoner down and took the Spanish Boots off his legs, in case such boots were used. He then seated the prisoner on the stool, as before the tortures. Having then grasped the prisoner's dislocated arms, the executioner twisted them back to the original position, thus inflicting new pain. Then, having crossed the prisoner's arms on the chest, he set and adjusted dislocated joints, by means of pressing and drilling with his knee between the prisoner's shoulder blades. This was not much less painful than the torture itself. Then, the executioner dressed the prisoner in clothes and took him to the prison, from which he was taken to tortures.

Such tortures were repeated up to three times on tough prisoners or such ones who were unsteady in their pleading guilty. These were intertwined with some days of rest to let the prisoner gather strength. Thereafter, a verdict of death or release was issued, according to circumstances.

Tortures were never used by any court of nobility; but if someone was sentenced to tortures by the tribunal, the land court or the castle court, he was sent to the municipal court, so that the tortures could be carried out there. The same was done with criminal decrees, where a phrase "*pro cuius modi executione reum ad officium scabinale civitatis praesentis remittit*" (for the execution in such a manner, the culprit is sent to the board of aldermen of this town) was put at the end, after the sentence of death (19). This did not apply to the Marshall Courts of the Crown and Lithuania, from which the culprit was taken straightaway to the place of execution, without being sent to the town. This is because the Marshall's jurisdiction has its own soldiers. As other jurisdictions do not, they send the culprits to towns. And the town surrounds the prisoner with younger people belonging to various guilds and being armed with halberds and sabres for this occasion. The tribunals, although they have the assistance of enlisted soldiers, do not want to take the prisoner. We have namely frequently seen a prisoner who went to the place of execution in the escort of armed enlisted soldiers, in case he was distinguished by his birth. And for this reason there was a fear of him being rescued and liberated in a violent way.