

Document Background

The two letters are part of the Governors Papers Collection, Record Group 1302.7, and can be found in Box 132952, Correspondence, Folder 3-1, Capital and Corporal Punishment. This collection holds the general administrative files created by the Office of the Governor reflecting the operations of that office. This collection dates from 1874 to 2001. Charles L. Terry, Jr. served as Governor of Delaware from 1965 to 1969. The whipping post photographs can be found in the General Photograph Collection, Subject: Government and Politics, Box One.

Background Information Historically, corporal punishment has been used worldwide as a deterrent to misdeeds. Long ago, use of stocks, pillories, and whipping posts were routine in English common law, and in other European countries such as Sweden and Holland. Specific numbers of lashings with cat-o-nine tails, rawhide straps, or tree branches were meted out according to legal codes, connecting lashings with categories of crimes. The European tradition of corporal punishment appeared in North America, and thus in Delaware, with colonization.ⁱ

According to a letter written by Delaware archivist Leon DeValinger in 1936, codification of the use of corporal punishment in Delaware was accomplished in the year 1713. William Keith was Governor of the colony, and during this time the General Assembly of the Three Lower Counties of Pennsylvania passed legislation identifying punishments for specific crimes. Capital crimes were punishable by death while larceny “and a number of similar offenses ‘are to be punished the same as provided by the laws of England.’” In England documented crimes were punished by whipping and thus it can be assumed that the intent of the law along with the specified crimes and punishments of England transferred to colonial Delaware.ⁱⁱ

Reformist and religious groups, such as the Quakers, recognized the inhumanity of this form of punishment early. By 1794, pressures from penal reform movements brought about great changes in Pennsylvania and public displays of punishment, such as the

whipping post, were declared illegal. Delaware lawmakers, however, asserted their right to determine their own system of punishment for its residents and continued its use.

Each county had its own whipping post, and those assigned lashings were said to “hug Red Hannah,” the citizens’ familiar name for the state’s whipping posts. Use of the color red in the name was from the color of paint once applied to the post.ⁱⁱⁱ In New Castle County, Thursdays were picnic days on the public green, and citizens were “treated” to witnessing public whippings of those convicted of crimes. Such corporal punishment was assigned to both men and women until 1889 when the General Assembly passed legislation that prohibited flogging of women.

Delaware continued its use of public punishments for a long time after other states ceased its application. For example, the Congress of the United States prohibited use of the pillory (stocks) in 1839. Once again, however, Delaware asserted its state’s right to determine punishment for its citizens and continued use of the stocks to humiliate and, it was hoped, “deter those engaged in larceny, forgery, highway robbery, and those pretending to practice the art of witchcraft, fortune telling, or dealing with spirits” until 1893. The pillory was abandoned and officially outlawed by the legislature in 1905. Public punishment for men still continued through the use of the whipping post and legislation defined crimes and mandated procedure: “punishment of whipping shall be inflicted publicly by strokes on the bare back, well laid on.”^{iv}

According to Robert Caldwell’s book *Red Hannah: Delaware’s Whipping Post*, 1,604 prisoners received whippings. Fully 66% of those subjected to the Post were African Americans, underscoring the racially based assignment of public punishment. As time passed, only two whipping posts remained in use in the state, one in Wilmington and one in Dover. Delaware and Maryland were the only two states still using the whipping post as late as the 1950’s.^v The last public whipping occurred in Delaware on June 16, 1952 when an African American man was punished for breaking and entering. It was not, however, until July 6, 1972, that the General Assembly passed legislation officially ending the potential for use of the whipping post.^{vi}

ⁱ Delaware. *The 1911 Encyclopedia*. [Online: <http://49.1911encyclopedia.org/D/DE/DELAWARE.htm>]. ⁱⁱ DeValinger, Leon. Letter to Dr. Walter Stack. October 27, 1936. Mr. DeValinger quoted from Scharf's *History of Delaware* p. 609. Letter is in the General Reference Collection, File #781, at the Delaware Public Archives. ⁱⁱⁱ Red Hannah: Delaware's Whipping Post. [Web page] [Online: <http://www.dca.net/jreid/hannah.html>] ^{iv} Delaware, *ibid.* ^v Hoffecker, Carol E. *Delaware: a Bicentennial History*. New York: Norton, 1977. ^{vi} Whipping Post and Hanging Statistics. General Reference Collection, File #781, Delaware Public Archives.