

Identifying the Condemned: Reconstructing and Analyzing the History of Executions in The Bahamas

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ABSTRACT

The stories of those who have been executed in The Bahamas are heretofore untold. In telling these stories and in linking them to the changing course of Bahamian history, the present research adds an important dimension to our understanding of Bahamian history and politics. The major theme of this effort is that the changing practice of the death penalty is more than a consequence of changes in crime. The use of the death penalty parallels the changing dynamics of colonial and racial relations, resulting in four distinctive eras of death penalty practice: (1) the slave era, where executions and commutations were used liberally and with a clear racial patterning; (2) a long era of stable colonialism, characterized by poverty, economic and colonial marginalization, and few executions; (3) an era of unstable colonialism characterized by increasing racial political turmoil and intensive and efficient use of the death penalty; and (4) the current independence era of high murder rates and equally high impediments to the use of executions.

INTRODUCTION

The *Bahama Gazette* of April 12-15, 1791, included a notice that:

A Negro man named Emanuel, who has been for some time past, advertised runaway from Samuel Kemp, was taken up at sea near Hyburn Key, in a failing boat, belonging to the brig *Eliza*, Stuart, in the beginning of last week, and brought to town. He has since been tried for stealing the boat, condemned, and sentenced to be hanged on Tuesday next. (p. 3)

The next week's paper does not record his fate. The paper of April 26-29, 1791, however, notes that "A negro man found guilty of murder, was executed last Tuesday. He and the negro who was executed on Tuesday last week, are hung in chains

on Hog Island, at the entrance of the harbour" (p. 3).

These two executions, both of blacks and of men who were probably slaves, one never named and the other identified only as Emanuel, as anonymous in death as in life, are graphic public spectacles of racialized state power. They also represent, as far as I can determine, the first executions in modern Bahamian history, the period that begins with the re-establishment of British colonial control in 1784.

More than 200 years later, at the end of the first week of the new millennium, David Mitchell was hanged for the double murder of German tourists at Treasure Cay, Abaco. His execution, which followed years of appeals and which occurred

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despite a pending appeal, evidence of the defendant's developmental disability, and opposition from the victims' son, attracted the attention of international legal and human rights organizations and global media.

In the interim, at least eighty-three other executions were conducted in The Bahamas. These executions – at first within days of the crime and conviction and later not within five years, for crimes ranging from theft to slave revolt to piracy to murder, and all by hanging – also mark the distance that has and has not been traveled by The Bahamas in its efforts to reconcile its practices of punishment to its understandings of the mandates of law and human rights.

The present research represents an effort to document every execution in The Bahamas, as part of a larger project of examining how the death penalty has been used over the long and changing course of Bahamian history. Understanding how frequently, against whom, and when executions are used; the relationships between the death penalty and slavery, colonialism, and independence; the role of commutations in the exercise of state power; and the race, class, and gender patterning of the death penalty are integral to the efforts of social scientists to understand the operations of punishment as a mechanism of state power.

The dominant pattern that emerges from this effort is that the death penalty functions as more than punishment imposed within the narrow purview of criminal justice, and thus the patterns of its use reflect processes broader and more complex than changing crime rates and types. Further, the interests that have animated use of the death penalty in The Bahamas are racial before they are economic. As a tool of state power, the death penalty has been wielded more in the service of enforcing systems of racial domination from slavery to white minority rule than in protecting the economic interests embedded within slavery and colonialism.

The Political Sociology of the Death Penalty

At its most basic level, the death penalty operates as punishment, as a legal sanction imposed by the state upon conviction for a crime. At this level, its use is simply reactive, dictated by the criminal

and the crime. The political sociology of the death penalty, drawing on several generations of scholarship on punishment, reveals the limitations of this crime control argument (e.g., Hay, 1975; Garland, 1990; Foucault, 1979; Zimring, 2003; Rusche & Kirchheimer, 1939). Rather than functioning directly and non-problematically as punishment, the death penalty is viewed as a particular expression of state power, wielded to protect the state's interests against real and perceived threats. Its application, in the form of capital sentencing statutes, death sentences, commutations, and executions, changes with changing state needs.

Even when the imposition of the death penalty is mandatory for capital convictions, as in The Bahamas, examining the “spaces between” the law—such as the decision to pursue or impose a capital conviction for an eligible crime, the use of commutations, and the length of time between crime, conviction, and execution—may reveal variations in public and political commitment to the death penalty.

Within this more critical perspective, research has focused both on the role of criminal sanctions, including the death penalty, as a means of protecting and reproducing specifically class-based social relations (e.g., Garland, 1990) and on the role of such sanctions in maintaining a racial order against threats to that order (e.g., Blumer, 1958; Blalock, 1967). Consistent with the class-control perspective, research has found that the availability, use, and abolition of the death penalty are associated with levels of economic inequality (Jacobs & Carmichael, 2002).

The racial control or racial threat hypothesis is supported by cross-national research linking availability of the death penalty to ethnic heterogeneity (Ruddell & Urbina, 2004). Historical (Vandiver, Giacomassi, & Lofquist, 2006; Marquart, Ekland-Olson, & Sorenson, 1993) and contemporary (Lofquist, 2002) research on the United States has also found that the intensity of death penalty use varies according to levels of racial threat. Interestingly, research also suggests that the relationship between punitive action and racial threat may be non-linear, increasing only to the point that a level of minority group power is reached that limits

dominant group power (Blalock, 1967; see also Eitle, D'Alessio, & Stolzenberg, 2002). Previous research on The Bahamas has also found support for the racial threat hypothesis (Lofquist, 2006).

Researching Bahamian Executions

In the absence of an existing comprehensive record of all executions in The Bahamas, I have endeavored to create such a record. While a previous article (Lofquist, 2006) details the process of creating this record and the broad historical contours of the use of the death penalty in The Bahamas, the present research details each execution and locates each within these larger historical patterns. These complementary efforts draw on research conducted at the Bahamian Department of Archives,² Fox Hill Prison,³ the British National Archives, and through an exhaustive review of the available newspaper record.⁴

The results of this research are surely not comprehensive. Newspaper records, my primary source, are of uneven quality and availability for the first decades of Bahamian history. Most notably, there is no known newspaper record of the years 1838-1848, and many other days and weeks for which records are missing or badly damaged. As a result, there are occasions on which a newspaper reference to a murder or other capital crime is followed by missing or damaged issues.

There are other occasions on which references to capital crimes or even capital convictions are not followed by any reference to the ultimate

disposition of the case. Surely some of these cases resulted in executions, the records of which are probably only available through court documents. Further, newspaper records do not consistently provide the range of details—particularly related to the identities of the involved parties—necessary for definitive social scientific analysis.⁵

Patterns of Death Penalty Use in the Bahamas, 1784-Present

Bahamian history, indeed the post-Columbian history of the Caribbean, has been shaped by the interplay between slavery and colonialism, resulting in four distinctive historical eras defined by the status of slavery and the stability of colonialism and white minority rule: (1) the slave era, the formal end of which came in 1834 with the abolition of slavery in the British colonies, but was extended by an Apprenticeship period which ended in 1838; (2) post-abolition colonialism, a century-long period of stable, though poor and marginalized, white minority rule; (3) unstable colonialism, during which political opposition to colonialism and minority rule escalated; and (4) majority rule and independence, a transition which began with the granting of political rights to Bahamians in the 1950s, proceeded to black majority rule in the mid-1960s, and ended with independence in 1973.

The eighty-six executions I have documented reveal that the death penalty has been a persistent but changing feature of Bahamian society from its earliest days. Considered individually, the following vignettes of each execution provide the available information about the offender(s) and victim(s), the circumstances of the crime, and noteworthy features and precedents of the case. Considered together, the cases of each era illustrate how the operations of the death penalty changed in response to changes in the racial and

² The Department of Archives maintains a list of executions that includes 45 cases beginning in 1929. Ultimately, construction of a fully comprehensive record of Bahamian executions will require review of the court records held by the Archives, the fullest record of Bahamian legal history available to researchers.

³ The records of Fox Hill Prison, shared with me during my research there in the summer of 2005, list 50 executions at Her Majesty's Prison, beginning with the execution of Lemuel Albury in 1929.

⁴ Newspaper records are drawn from the *Bahama Gazette* (1784-1819), *Royal Gazette* (1807-1837), *Bahama Herald* (1849-1863), *Nassau Guardian* (1849-present), and *Nassau (Daily) Tribune* (1911-present).

⁵ The next and final stage of this research project involves review of police and court documents, provided such records survive and are available to scholars. Emphasis will be placed on confirming the racial and other demographic characteristics of offenders and victims and examining the relationship between case characteristics and case disposition (acquittal, non-capital conviction, commutation, and execution).

political balance of power, with higher levels of racial threat, first to slavery and then to

colonialism, being met with more aggressive use of the death penalty (see Table 1).

Table 1
Eras in the History of the Death Penalty in The Bahamas

	Slave Era 1784-1837	Era of Stable Colonialism 1838-1936	Era of Unstable Colonialism 1937-1966	Independence Era 1967-present
Known Death Sentences	64	20	28	109
Percent of All Known Death Sentences	29.2	8.2	12.8	49.8
Known Executions	27	15	26	18
Percent of All Known Executions	31.4	17.4	30.2	20.9
Percent of Known Death Sentences of Era Resulting in Execution	42.2	75.0	92.9	16.5

The Death Penalty During Slavery

The devastating effects of initial European incursions into the Caribbean by Columbus and subsequent explorers are well documented. The introduction of disease (Cook, 1998), subjugation, and forcible removal (Diamond, 1997) decimated indigenous populations. The result was a truly “new world,” a nearly blank slate on which subsequent generations of European colonizers imposed their designs. These designs took the form of plantation slavery, which expanded rapidly after the late 1600s.

The development of the Caribbean as large-scale agricultural colonies worked by slaves set The Bahamas on a separate course from its Caribbean neighbors. The rich soils of the lush and mountainous islands bordering the Caribbean Sea were ideally suited to large-scale agriculture. As a result, these islands saw the development of vast sugar plantations worked by slave populations overseen by small white populations relying on force and the threat of force to maintain order. The Bahamas, by contrast, geologically distinct and characterized by thin and rocky soils, was not suited to plantation agriculture, a conclusion that became clear only after the Loyalists and their slaves immigrated in the late 1700s. Even with the larger black population associated with the plantation ambitions of the Loyalists, The Bahamas developed a smaller slave population, a more even ratio of blacks to whites, a larger population of free blacks, and a distinctive practice of slavery (Craton & Saunders, 1992).

Though slavery was thus a less profitable, smaller

scale, and less repressive enterprise in The Bahamas than elsewhere (Craton, 1998), its use was still forcefully supported and actively legitimized by slaveholders, the media, and the colonial government. Indeed, the most aggressive use of the death penalty in Bahamian history, as defined by the number of executions, the broad range of capital offenses, and the active use of the death penalty in cases that involved threats to social relations, came during the slave era. From the reestablishment of British colonial control of The Bahamas in 1784 to the formal abolition of slavery in 1834, followed by a period known as Apprenticeship before full emancipation in 1838 (e.g., Johnson, 1996; Johnson, 2000; Saunders, 1995; Williams, 1984), executions were frequent and were mostly of slaves (19 of 27) or free blacks (3 of 27) and often for crimes related to resistance to slavery. Victims in cases resulting in executions were apparently exclusively white, at least until 1829. An additional seven of these slavery-era executions were for minor property crimes.

Notable also is the large number of commutations, a practice linked by penal historians to the maintenance of state legitimacy during repressive periods (e.g., Hay, 1975). These commutations were provided mostly to accomplices in cases involving multiple defendants. The case of Dick Deveaux is particularly illustrative. Ten defendants, all slaves, were tried on capital charges for the non-fatal shooting of their owner. Seven were convicted, with only Deveaux, the instigator and shooter, being executed.

Answering the theoretical question of the relative significance of economic and racial interests in the operation of the death penalty during this era is particularly difficult. African slavery was, of course, a racialized practice legitimized by an ideology of racial superiority in the service of the economic interests of slaveholders. Executing slaves for personal and property crimes against their owners certainly represents the exercise of the state's power on behalf of the economic and racial interests of slaveholders. It should be noted, though, that such executions were accomplished at the expense of destroying the slaveholder's property. Remembering also the somewhat limited intensity of slavery in The Bahamas and the associated lesser economic value of slaves, the aggressive application of the death penalty to slaves suggests the predominance of racial interests. Slaveholders and the state, it could be concluded, were more interested in maintaining a tenuous and inherently unstable system of human bondage against the threat of social unrest than in maintaining the economic benefits that system produced.

Executions during slavery

Emanuel, a runaway slave of Samuel Kemp, was executed on April 19, 1791, less than two weeks after having been apprehended for stealing a boat. He was hanged, after which his body was displayed, still in chains, at the entrance to the harbour of Hog Island, present-day Paradise Island. Newspaper accounts of his execution identify it as the first in The Bahamas in six years. Available newspaper records for 1784 and 1785 make no reference to any executions.

One week later, on April 26, 1791, an **unnamed slave** who had been convicted of murder was also hanged. His body was displayed with Emanuel's for days after his execution.

James Brown, a free black, and **Tom**, a slave belonging to Mr. Slater, were executed outside the Court House at noon on June 13, 1794, for the robbery of Mr. Hodgkinson's cellar, Colonel Irving's kitchen, and Mr. Sheress's store. Both confessed. Tom also confessed he had frequently robbed his master.

Baptiste Perpall, **Baptiste Tucker**, **Police Edgcombe**, **Tom Bethune**, and **Tom Lockhart**, were executed for their role in a plot to burn

Nassau. On August 21, 1797, a slave named Francis Montell alerted authorities of a plot of "French negroes" originally from St. Dominigue (Haiti) to kill those who were guarding them at Fort Charlotte, seize their weapons, and set fire to the town. Montell had been asked by the conspirators to assist in their effort. Based on this information, the guard was doubled and the plot was foiled. Eight conspirators were arrested, having been found in a home with weapons. They were tried, these five were convicted and sentenced to death; the three others were convicted and transported. Perpall, Tucker, and Edgcombe were hanged on August 23, 1797. Bethune and Lockhart were hanged August 30, 1797 (Craton & Saunders, 1992, p. 211-212).

John Artrill, the commander of the warship *Antelope*, was executed on November 12, 1799, for the murder of "a certain Spaniard (name unknown)" who was the master of another vessel. Artrill's trial was conducted a week earlier, resulting in his conviction "on the clearest evidence."

Neptune, **Abram**, and **Monday**, slaves owned by Thomas Pratt, Esq., a planter on Long Island, were brought to New Providence to be tried for the murder of Andrew Holmes, Mr. Pratt's overseer. They were tried and convicted on May 11, 1809, in a slave court. Returned to Long Island, they were executed later that month "at the place where the murder was committed." By order of the court, the body of Neptune was "to be hung in chains, at or near the place of execution."

Jem Fine, the male slave of Frederick Fine, was tried in Slave Court, before the characteristic two-judge panel, for "breaking open and robbing the store of Captain Marmaduke Sands of sundry articles of considerable value." Fine was convicted and sentenced to death on December 20, 1813, and executed on December 30, 1813.

Jean Dupuis was commanding officer of a ship that stopped another ship. Two men, not including Dupuis, boarded the ship. Once onboard, they "committed the most inhuman brutality upon a poor defenceless woman in the sight of her own husband." Dupuis then ordered the woman and her husband, the captain of the boarded vessel, brought aboard his vessel. The woman was raped again; the man was beaten,

shot, and thrown overboard on Dupuis's orders. Dupuis subsequently confessed to his involvement. At least three crew members, all black, including Daniel Mercier, Louis La Rue, and John Davis, were also sentenced to death. Two others were tried as accessories to piracy and acquitted. Dupuis was sentenced to death on July 2, 1819, and executed on the morning of July 5, 1819, at a public gallows constructed between Fort Charlotte and Fort Montague. The death sentences of his co-defendants were commuted.

Joseph Lewis and **John Lee** were executed on March 20, 1820, for crimes related to piracy aboard the vessel *Jeune Creole*. Apparently Lewis and Lee were in charge of *Jeune Creole*, which sailed from North Carolina as a wrecker, but whose mission was subverted at sea when the ship "assumed an Insurgent flag." Somewhere in the vicinity of Green Key in December 1819, they killed seaman Thomas Walsh. They and their crew were apprehended by Mr. Symonett, a planter, at Andros, and brought to Nassau. Lewis was tried March 7, 1820, Walsh a week later, both in the Court of Admiralty Sessions. They were convicted and sentenced to hang "at the usual place for the execution of pirates, between Fort Charlotte and Nassau." Two of their crew were convicted of misdemeanors. The others were "informed that unless they quitted the Country in ten days, they would be taken up and dealt with as Vagrants."

Ben Hunt and **Andrew Fife**, along with Hunt's brother Jacko, James Harvey, and George Lancaster, all of whom were black and some of whom, including Hunt, were slaves, burglarized the home of Henry M. Williams, Esq., removing a chest containing more than \$1,000 of silver, gold, treasury certificates, and legal papers. The theft occurred on September 13, 1821; they were arrested several days later. Lancaster, a former soldier in the West Indies Regiment, confessed and agreed to testify against the others. The Hunt brothers were tried first and convicted. After conviction, Ben Hunt confessed and took the authorities to where the money was hidden. More than \$800.00 was recovered. Fife and Harvey were tried next and also convicted. All four were sentenced to death. Ben Hunt and Fife were executed on October 19, 1821. Harvey and Jacko Hunt were scheduled to be executed on October

26, but had their sentences commuted on condition of "being transported from the Colony."

George Alexander, a slave, was convicted and sentenced to death for rape. He was executed on July 24, 1827. That no other information about his crime or execution is published suggests that Alexander's victim was also black, which would make Alexander the first person executed in The Bahamas for a crime against a black person. Other executions in this era received considerable newspaper attention; almost certainly the same attention would have been given to this case had the rape victim been white.

James H. Cocken, a white man, was convicted and sentenced to death on January 24, 1827, for the rape of his wife's 11-year old sister. The execution, originally scheduled for February 2, was suspended at "the pleasure of the Crown." The order for execution came from England months later, resulting in Cocken's execution on July 24, 1827.

Robert Telfair, a black soldier newly arrived from Africa, was convicted of the murder of fellow soldier George Ramsey, at Fort Charlotte. Ramsey, who had accused Telfair of stealing his pants, was killed on May 29, 1827. Telfair was convicted on July 20. He was executed with Alexander and Cocken on the morning of July 24, on a gallows constructed on the Eastern Parade.

William Morgan, a black soldier, was convicted of "maliciously shooting with intent to commit murder." His crime occurred in June 1829 when, having been punished by his superiors for poor treatment of a female friend, he left her. When she became involved with another soldier, Morgan went to her home and shot her. He was sentenced to death on August 4 and executed August 11, 1829, "at the usual place." The attending clergy later stated that he had "never attended a convict whom I considered more truly penitent, more resigned and more happy in his last moments than the unfortunate Morgan."

John William Hinson was a master mariner tried and convicted on July 23, 1830, for violation of Lord Ellenborough's Act, which defined malicious non-fatal shooting as a capital offense. Hinson shot Barnett, who was a mate on a ship of which Hinson was master, after an argument

while at anchor at West End, Grand Bahama. Though the jury that convicted Hinson, who was white, recommended mercy, he was executed on August 17, 1830. Newspaper coverage characterizes this execution as particularly solemn and subject to some open public opposition.

Dick Deveaux and nine others, seven men and two women, all slaves owned by the Honorable Joseph Hunter, were tried for firing a gun at their owner on his plantation on San Salvador in January 1832. Deveaux and six of the men – Wally, Richard, William, Young Guy, Jack, and Morris – were found guilty and sentenced to death on January 24, 1832. Deveaux, who was the driver at the plantation, and who incited the revolt and fired the shot at Hunter, was executed on February 8, 1832. The other defendants were granted mercy.

Jem Russell, a slave, was convicted and sentenced to death in August 1833 for raping a child younger than seven. His execution, originally scheduled for September 6, ultimately occurred on October 19, 1833. The case is notable not only because the victim was black, but also because, as the newspaper noted, “this wretched man” had been convicted of a jury that included blacks and that the Peace officers attending the execution also included blacks.

Castletown Roberts and four others were tried for the burglary of a large and well-known dry goods store in Nassau, owned by Messrs. Greenslade and Forster. At trial on July 19, 1834, Roberts was found guilty and sentenced to death; the four other defendants were acquitted. Roberts was executed on August 5, 1834, “on the top of the prison, where there is a terrace round the cupola, and is a most convenient site for purposes of this lamentable kind.”

The Long Interlude: The Death Penalty during Stable Colonialism

With the abolition of slavery, The Bahamas settled into a long period of quiescence. This second era, which lasted nearly 100 years, was characterized by isolation, colonial neglect, poverty and subsistence farming and fishing on the margins of the British colonial system (e.g., Albury, 1973; Craton & Saunders, 1992; Saunders, 1996). The Bahamian population was small and population growth was slow, increasing

from 28,000 in 1850 to 48,000 in 1890 to 59,000 in 1930. Economic growth was similarly slow. Most economic activity was of the subsistence variety, with periodic booms provided by Civil War blockade running and the sisal, sponge, and pineapple industries. Once again, the limitations imposed by agricultural conditions and the availability of cheaper producers and alternative products elsewhere worked against the development of sustainable economic growth.

With the abolition of slavery and associated slave codes, the number of capital offenses declined to include only murder.⁶ The end of slavery, and also of piracy, also brought the end of the crime and violence both in resistance to and in defense of those institutions. Crime rates were low, gun use was infrequent, and murders were few. The murders that did occur were largely of the traditional domestic types: marital disputes, love triangles, and arguments among friends and acquaintances, usually accomplished by stabbing or poisoning.

Despite considerable economic hardship and clear racial divisions, Bahamian society maintained a level of civil disrepair defined more by subsistence than resistance. Under the circumstances, death sentences and executions were infrequent. Indeed, there were fewer executions in the seventy-five years after abolition (seven) than in the ten years before abolition (eight). Commutations were few. Absent slavery or open racial antagonism, the death penalty functioned more as conventional punishment than as a political tool. Notable features of its use include the first and thus far only two executions of women in Bahamian history, in 1856 and 1909, and the end of public hangings in 1885.

Executions during stable colonialism

William Gwynn was convicted and sentenced to death for the December 13, 1849, murder of his

⁶ The last death sentence for a crime other than murder that I have been able to document was imposed on Peter Bain for arson in 1850. I do not believe he was executed, though the newspaper record is not conclusive. This contrasts dramatically with the United States, where death sentences were regularly imposed for rape into the 1970s and for robbery well into the 20th century.

wife. Gwynn attempted suicide by slitting his throat soon after stabbing his wife. He survived to stand trial in January 1850. Facing what was described as overwhelming evidence, Gwynn was convicted and sentenced to death on January 31. He was hanged on the Eastern Parade on February 22, 1850.

Daphne Neilly, the first woman to be executed in The Bahamas, murdered Ada Roxbury (or Roxborough) on October 10, 1855, on New Providence. The trial, which began on January 17, 1856, received close press attention. Neilly stabbed Roxbury on a path near their homes. She was convicted and sentenced to death on January 23. Following an elaborate processional, an “immense” crowd kept under control by seventy soldiers saw Neilly hanged from a gallows constructed on the Eastern Parade on February 2, 1856.

Jose Robert, a Spaniard also referred to as Joseph Roberts, stabbed co-worker Joseph Stubbs to death on April 1, 1868, after a dispute over the firing of Robert’s girlfriend. Both Stubbs and Robert were cooks at the Royal Victoria Hotel, where Robert’s girlfriend, Hester Johnson, also worked. When Stubbs told Robert that Johnson was to be fired, Robert stabbed him with a razor. Robert was hanged at the Eastern Parade before dawn on May 16, 1868.

Frank E. Smith was convicted and sentenced to death on January 27, 1876, for the December 29, 1875, murder of John Candler Avery, a fellow sailor on the brigantine *Florence*. Smith’s co-defendant, George Roberts, was acquitted. After stabbing Avery, Smith stole his watch, jewelry, and other items while aboard ship in the Port of Nassau. Smith, who was black, was hanged on February 4, within the walls of the prison, marking what appears to be the first execution not visible to the public. Nevertheless, “[o]ne of the densest crowds we ever saw in this colony assembled in the vicinity of the Prison for the purpose of witnessing what they could of the inhuman culprit.” A black flag was raised to announce the execution.

James Alexander Morrison was executed on November 14, 1885, for the July 31, 1885, murder and mutilation of Thomas Ingraham at Tarpum Bay, Eleuthera. Morrison confessed after having

been convicted in October. Following the newly established practice, the execution occurred on a gallows constructed inside the prison. A large crowd assembled to see the black flag raised.

Susan Tait, the second woman executed in The Bahamas, was hanged on August 21, 1909, for the June 26 murder of Julia Bethel. Nearly twenty-five years had passed since the previous execution. Tait stabbed Bethel, both sisal workers, using a sisal cleaning knife during an argument over money. Tait was sentenced to death on August 4. Her petition for commutation was subsequently rejected.

John Smith was convicted on January 27, 1910, of the October 9, 1909, killing of Martha Robinson on Inagua. A deadlock among the jurors in Smith’s first trial led to a second trial, resulting in a comparatively lengthy period between the crime and the execution. Smith was executed on February 16, 1910, inside the prison.

Ormond Sands was convicted of the poisoning death of Eliza Jane Bethel in Nassau on April 30, 1911. Bethel was killed and four others were made seriously ill by arsenic-laced coffee. Sands, from Abaco, was the brother-in-law of the owner of the home in which the poisoning occurred and was staying in the home at the time. Apparently Sands, who was described as “a cripple” and a beggar, sought revenge for being made unwelcome in the home. Sands was sentenced to death on July 27 and was hanged on August 15, 1911.

Alexander Munnings was charged with the shooting death of James Douglas on Cat Island on May 16, 1925. Munnings and Douglas had argued over the use of land they co-owned on San Salvador. He was convicted on the basis of circumstantial evidence after a second trial, maintaining his innocence until his execution on December 3, 1925.

Lemuel Albury was sentenced to death for the August 7, 1929, murder of George Butler in the Eastern District of Nassau. Following an argument at the wharf, Albury and co-defendant Arthur Colebrooke confronted Butler in his church and killed him outside the church. Albury was hanged on December 13, 1929; Colebrooke had his death sentence commuted to life.

Albury's execution was not announced in advance; the public learned of it only by the raising of the black flag.

John Woody was sentenced to death for the shooting murder of his wife, Alice Woody, and was hanged on February 21, 1930. He also wounded his sister-in-law, and slashed his own throat. His life was saved by the interventions of doctors, though he did not fully recover. He was "practically an invalid until the rope completely undid the work of the doctors," according to the *Nassau Daily Tribune*. The high level of official secrecy surrounding executions that had developed in recent years continued, and drew media criticism that such secrecy "defeat[ed] the purpose" of executions.

Albert Christian and **Donald McIntosh**, both West Indians, were executed for the October 1931 murders of brothers Roger and Erskine Wilson in what was described as "[t]he first double hanging in Nassau in the memory of the present generation." Indeed, the most recent multiple hanging was in 1827; the previous case in which two defendants were executed for the same crime was in 1821. Christian and McIntosh were convicted on February 4, 1932 and executed on March 4 inside the Nassau Prison.

Lewis Allen, from Eleuthera, was hanged for the shooting death of James Wilberforce Carey during the summer of 1934. Newspaper coverage of the case emphasized the divisions and unrest on Eleuthera, characterizing Tarpum Bay as "the only settlement in The Bahamas where such a medieval feud exists." Apparently Allen had intended to shoot a constable who had come into the western territory searching for guns; Carey was an innocent bystander. Allen was executed on February 25, 1935.

Hezekiah Butler was executed on November 26, 1936, for the murder of Theodore Knowles of Eleuthera on October 9, 1936. Newspaper coverage of the murder and the execution was limited.

The Death Penalty in the Waning Decades of Colonialism

The first fissures in British control of its Caribbean colonies began to appear when labor and racial unrest and early calls for black majority

rule were sounded in Jamaica, Trinidad, and Barbados in the 1930s (e.g., Hart, 1996; Lewis, 1996). The Inagua Riot of 1937, a conflict between black laborers and white owners that ultimately resulted in a murder and two executions, represented the arrival of these tensions in The Bahamas (Saunders, 1990). The Burma Road riots of 1942 signified continuing racial colonial resistance. With these developments, the extended calm of The Bahamas ended. At the same time, The Bahamas was moving more and more into the orbit of the United States, primarily through the growth of the tourism industry.

This third era, marked by increased domestic racial political tensions side by side with increased tourism-related economic growth and stability, the first such stability in Bahamian history, also saw increased violent crime rates, death sentences, and executions. Over the next thirty years, a remarkable twenty-six executions occurred in The Bahamas. This high level of "death penalty intensity" (Lofquist, 2002) was the result of a convergence of preconditions for punitiveness: increased violent crime rates, increased racial political threat to ruling interests, and the absence of political or legal obstacles to punishment. Economic growth and stability do not appear to have weakened the state's recourse to the death penalty, just as their absence does not appear to have increased punitiveness in earlier eras.

The result was a death penalty system that "worked" with lethal efficiency, as seen in short delays between arrest, conviction, and execution; limited use of commutations; and numerous multiple hangings. To a far greater extent than at any other point in Bahamian history, a death sentence meant an execution. The absence of commutations is particularly significant in that they provide a mechanism for the state to moderate the severity of punishment. Within this era, the intensity of death penalty use peaked in the early 1960s, the last years of white minority rule, with eleven executions in the forty months beginning in August 1959.

Executions during unstable colonialism

Brothers **George Duvalier** and **Willis Duvalier** were hanged on November 22, 1937, for the

murder of John Monroe. Monroe, a black manager at the Duvalier's employer, who they viewed as too close to the white business owners, was killed during a labor disturbance at Inagua when the Duvaliers attempted to kill the business owners and injured the police who intervened.

Bleby Albury stabbed Jerome Pratt during an altercation at the Palace Theatre on July 31, 1938. Albury and Pratt argued over a seat. With the Supreme Court in session at the time of the killing, Albury was charged on August 2. Having been arrested at the scene, identified by multiple witnesses, and later confessing, Albury's prosecution was straightforward. He was convicted and sentenced to death and hanged on August 30, 1938.

Bolton Fernander and **Edward Mackey (alias Seymour)** were convicted and sentenced to death on April 24, 1942, for the February 27, 1942 murder of Clarence Walters. Walters, a shopkeeper in Grant's Town, was injured during a robbery and died two days later. This case is notable for the strong doubts about the guilt of the defendants. *The Nassau Tribune's* coverage was decidedly of the view that this case represented a wrongful conviction. The key prosecution witness, Julia Nixon, may have been involved in the crime. The victim had been drawn back into his shop after hours by Ms. Nixon, who claimed she saw the defendants enter the store while she waited outside for Walters. Further, it was reported, her story included demonstrably false claims and was unsupported by corroborating evidence or witnesses. The jury initially deadlocked. Fernander and Mackey were executed on May 12, 1942.

Naamon (Naaman) Curtis was convicted and sentenced to death for killing four children by arson in a house fire in Grant's Town in early April 1946. The victims – Samuel Coakley, Ephraim Cooper, Harold Greene, and Wilfred Greene – were the children of three sisters who were together at the Zanzibar Hotel at the time of the fire. Curtis was executed August 6, 1946.

David Dean was executed on May 20, 1947, for the fatal shooting of Edward Taylor at Little Creek, Andros in March 1947. Taylor had been dating Dean's daughter. Dean reacted violently when he found Taylor and his daughter alone

together in her bedroom. Dean's daughter, Marina Munroe, was also arrested as an accessory after the fact for her role in disposing of Taylor's body. Dean claimed self-defense at trial.

William Mackey was convicted and sentenced to death on April 23, 1947, for the stabbing murder of Joshua Thompson at Wemyss Bight, Eleuthera on April 8, 1947. Mackey and Thompson were farmers who had quarreled over injured livestock. He was executed on May 20, 1947, after David Dean's execution, marking "the first time in living memory that two men have been executed at Nassau Prison on the same day for different crimes."

Jeremiah Elliot was sentenced to death on June 23, 1948, for the murder of District Constable Lloyd Johnson on Harbour Island. Elliott confessed to the crime, claiming self-defense. A unanimous jury rejected his claim after deliberating only twenty minutes. Elliott had been charged with a different murder three years earlier. He was executed July 13, 1948.

Leonard Pratt was convicted and sentenced to death in October 1948 for the July 24, 1948 stabbing murder of Joseph Swain. The murder occurred on Andros. Pratt was subsequently arrested while trying to sail away; he was found in possession of the murder weapon when arrested. He was executed on November 2, 1948.

Leon Newbold was convicted and sentenced to death on August 2, 1949, for the murder of 18-month old Edward Michael Farah on Cat Island. The killing occurred during a fight at a dance, when Newbold became angry and was "slashing indiscriminately." He was executed on August 23, 1949. A large crowd gathered outside the prison at the time of the execution.

Raphael Miller was sentenced to death on July 24, 1953, for the April 12, 1954, stabbing murder of stevedore William Strachan. Miller denied responsibility for the murder. Though his bike was found at the scene of the crime, he claimed it had been stolen and also noted that the shoes found nearby did not fit him. The prosecution pointed to Miller's injuries as evidence of the altercation. Miller claimed the injuries were inflicted by the police. The murder occurred near the newly constructed prison at Fox Hill. Miller's

execution, on August 18, 1953, was the first at Fox Hill Prison.

Bruce Bonaby was sentenced to death on July 20, 1954, for the stabbing murder of Moses Stubbs on a street corner in Nassau on May 29, 1954. Bonaby was represented at trial by future independence leader and first Prime Minister Lynden Pindling. The trial was briefly delayed when a juror indicated that as a matter of conscience he was unwilling to impose a death sentence. Over Pindling's objection, the juror was replaced and the trial resumed. Bonaby was executed on August 9, 1954.

Joseph Flowers was convicted and sentenced to death for the September 15, 1957, stabbing murder of John McKenzie, at Fox Hill. The murder followed an argument over a dice game. Flowers admitted the stabbing, but denied intent to murder. McKenzie was the ninth person murdered in 1957, the worst year on record and more than twice the annual average. Flowers was executed at Fox Hill Prison on November 11, 1957.

William Munnings was executed for the shooting death of his 8-year old daughter, Willamae. The murder occurred on June 17, during an incident in which Munnings had threatened to kill his entire family. He was captured after a gun battle with police, during which the police fired tear gas. Two officers were wounded during the incident. Munnings, represented by Lynden Pindling, mounted an insanity defense; he was convicted by a unanimous jury. Due to legislative changes, the historical practice of the judge wearing a black cap when pronouncing a death sentence was discontinued at this time. Munnings was hanged on August 11, 1959.

Donathan Johnson, a carpenter, was convicted on April 27, 1960, for the February 2, 1960, stabbing murder of John Larrimore outside a club in Nassau. The late-night incident resulted from a fight over a woman, during which Johnson stabbed Larrimore with a screwdriver. His claim of self-defense was rejected by the jury. Johnson was executed on May 17, 1960.

Isaac Johnson, of Eleuthera, was sentenced to death for the July 17, 1960, murder of Ernest Johnson (no relation), at Lower Bogue. His co-

defendant, Bursel Albury, was one day short of his eighteenth birthday at the time of the crime, leaving him ineligible for the death penalty. The victim was drunk and asleep at the time of the killing. Johnson was hanged on November 22, 1960, three weeks after having been sentenced to death.

Charles Culmer was convicted and sentenced to death in January 1961 for the October 28, 1960, stabbing murder of Kenneth Butler, 29, on October 28, 1960. According to witnesses, Culmer killed Butler "when he laughed at him." Culmer's defense claimed he was "borderline mental defective." Indicative of the intersection of an increasing number of murders, a mandatory death penalty, and a somewhat more complex death penalty system, Culmer was the seventh person sentenced to death in the past year. Two of six previous cases had already resulted in executions; four awaited hanging. Culmer was executed on February 28, 1961.

Alvin Table, Jr. and **Billy Sees** were convicted and sentenced to death in a particularly noteworthy case. Table and Sees were Americans who, along with Table's wife, had stolen a boat in Florida in April 1960 and traveled in to the area around Cay Sal Bank. When their stolen boat ran out of gas, they flagged down another boat in the area, a fishing boat captained by American Angus Boatwright with a party of four. When Boatwright came to their assistance, an argument ensued and Sees shot Boatwright. Table and Sees then fled to Cuba. When they were apprehended by Cuban authorities, in the early years of the Cuban revolution, they sought to avoid extradition by claiming political motives for their actions. After months of delay, they were extradited to The Bahamas, where they were convicted on December 16, 1960. They were hanged on May 9, 1961, the first Americans executed in The Bahamas. Sees had been convicted of an earlier murder in upstate New York.

Wilfred Moss and **Austin Davis** were executed on August 8, 1961. Moss, of Crooked Island, and Davis, of Exuma, had been convicted two weeks earlier for killing Gustavius Rolle, a night watchman, at Fox Hill in January. Their conviction came after their third trial; the first two juries deadlocked.

James A. Major, a stevedore, was sentenced to death for the September 23, 1961, murder of fellow stevedore Ivan MacIntosh, at Prince George Wharf. Major stabbed MacIntosh with an ice pick in the middle of downtown Nassau in the middle of the afternoon. It was the third murder on New Providence in the past month, and the twelfth murder of the year in The Bahamas. Major was executed on December 19, 1961.

Hartman L. Sands was convicted and sentenced to death for killing Salathiel Bethel at Hatchet Bay, Eleuthera, on February 7, 1962. Sands stabbed Bethel after being accused of forging checks on Bethel's account. Bethel was a boat captain, and was on his way by boat with Sands to the Justice of the Peace. After docking, Sands killed Bethel. Sands' first jury deadlocked; he was convicted on May 17, 1962, after a second trial, and executed on June 12, 1962.

Jeremiah Forbes, of Fox Hill, was executed for the stabbing murder of his wife, Alberta, on September 30, 1962. He was convicted on November 12, after a one-day trial, and received the mandatory death sentence. Forbes was hanged at Fox Hill Prison on December 4, 1962.

Samuel J. Thompson was executed for the shooting death of Royal Bank of Canada branch manager Everette Pearce during a robbery. Thompson was convicted in April 1966, after a second trial. The first jury deadlocked in January 1966. Thompson was hanged on July 12, 1966, in the first execution in nearly four years.

Majority Rule, Independence, and the Death Penalty

The recognition of the political rights of blacks and of black political parties in the 1950s led ultimately to the establishment of black majority rule in 1967 and Bahamian independence in 1973 (Hughes, 1981; Craton & Saunders, 1998). With these changes, The Bahamas entered into the fourth and most recent era in its history. This period was also characterized by growing political, economic, and cultural ties to the United States and the integration of The Bahamas into an American-centered nexus of drug trafficking and associated corruption, gun availability, and violence (Craton & Saunders, 1998).

One predictable result of these changes was a

significant increase in violent crime. Unlike the preceding era, however, the conditions needed to translate high murder rates into efficient or effective use of the death penalty were no longer present. Independence meant the end of the racial threat historically associated with intensive use of the death penalty (Lofquist, 2002 & 2006). With the end of colonialism, former European colonial powers also moved from exporting the legal apparatus necessary to support minority and colonial rule, such as the death penalty, to exporting legal modernization and penal restraint.

As a result, though the existence of a mandatory death penalty for murder convictions meant numerous death sentences, actual executions became less frequent; the time between crime, conviction, and execution increased; and the time between executions increased over the course of this era. Indeed, though fully half of all death sentences in Bahamian history have been imposed during this forty-three year period, fewer than twenty percent of these death sentences have resulted in an execution and no executions have occurred in more than a decade. Though the legal impediments to executions created by the Privy Council certainly complicate executions,⁷ the reluctance of policymakers to split from the Privy Council through the creation of an independent appellate judiciary or to execute even against the Privy Council's rulings lends support to the racial threat hypothesis.

This situation closely parallels that in the American deep south, where the death penalty has historically been used as an overt tool of racial political control (Tolney & Beck, 1995) and where its use remains racialized even today (Oshinsky, 2010). Much as Blalock (1967) theorized, despite high murder rates and strong public and political support for the death penalty, active use of executions in this region is limited at least in part due to increased black political power (Lofquist, 2002). In a political context of Bahamian independence and majority rule, the

⁷ In a series of decisions, the Privy Council ruled that waiting periods of more than five years between capital conviction and execution were unconstitutional and that the mandatory death sentence for a capital conviction was unconstitutional.

meaning of the death penalty has changed. No longer is it a weapon in the arsenal of a racialized state, and thus no longer is it worth the capital necessary to conduct executions. Death sentences rather than executions have become the measure of the state's resolve to maintain "order." Overall, it might be said that in the present era, the practice of the death penalty moved from being a relatively easily accomplished and normalized instrument of racialized state power to being an increasingly controversial and unnecessary instrument of state power.

Executions since majority rule

Alexander Barr was executed for the stabbing murders of Maria Roberts and her three grandchildren, Alexander, Arthur, and Daniel Gibson, in the Berry Islands on November 30, 1968. The murders followed an argument between Barr and the children's mother, Albertha Gibson. Barr was hanged to little public notice on June 2, 1969.

Charles Glinton, from New Providence, was executed for the November 1970 shotgun murder of his mother, Velma Glinton. He was convicted in February 1971. A small group of youths protested outside the prison preceding the April 13, 1971, execution.

Philip Humes and **Wendell Burrows** were executed for the murder of Raymond Barry Major, on September 5, 1972. They were convicted in November 1973. After a lengthy legal battle, including a stay of execution to permit their clemency petitions to be filed, they were executed on October 15, 1974. Several hundred young protesters gathered at the prison.

Errol Dean was convicted of murdering Detective Inspector Henderson Norville, 38, on April 10, 1974, on Grand Bahama, after escaping from prison. Norville was shot to death after wounding Dean while trying to apprehend him. Dean was sentenced to death in October 1974 and executed more than fifteen months later, on February 3, 1976. On the morning of the execution, a "huge ring of police" prevented demonstrations, with the "tightest security ever imposed outside the prison for a hanging."

Michiah Shobek, an American from Milwaukee, Wisconsin, killed three Americans in separate

incidents in The Bahamas, claiming that they were "the Angels of Lucifer". Irwin Bernstein, a New York City accountant, was stabbed to death in January, 1974; Paul Howell, of Massillon, Ohio, was killed on December 5, 1973; and Katie Smith of Detroit, was killed on January 26, 1974. Shobek was ultimately tried and convicted only for Bernstein's murder. Shobek confessed, and was sentenced to death on September 26, 1975. His execution was delayed after his mother intervened to raise claims of her son's mental health problems. After American authorities refused to intervene, Shobek was executed on October 19, 1976.

Charles Dickenson was sentenced to death for the October 1977, rape-murder of Desiree Darville, of Grand Bahama. Darville, a student in New York, was shot to death. He was convicted on February 10, 1978 and executed on January 29, 1980. By this time, the protests that had accompanied executions over the past decade had diminished. Dickenson was hanged without protest and immediately buried in a pauper's grave.

Vernal Storr and **Winsette Hart** were sentenced to death for the December 17, 1978, murder of Cedric Cleare, on Cat Island. Cleare was Hart's uncle. Storr denied guilt, blaming the killing on Hart. Storr and Hart were executed on January 29, 1980.

Gregory Johnson was convicted in November 1979, for the March 1979, stabbing murder of Erwin "Spanky" Edgecombe, in Nassau. The murder occurred during an altercation at a movie theatre; Johnson claimed Edgecombe pulled a screwdriver on him. The execution was originally scheduled for November 24, 1980, but was postponed by the Privy Council. Johnson converted to Christianity while on death row, and expressed repentance for his crime. He was executed on April 28, 1981.

Javon Newbold was convicted in August 1979 of the shooting murder of fellow Fox Hill Prison officer Corporal Steadman Brown on January 28, 1979. Newbold claimed Brown's death was accidental. His original death sentence of December 8, 1981, was stayed. He was hanged on September 6, 1983.

Colin V. Evans was convicted of murdering 19-year old Jennie Marie Russell sometime between October 10 and October 12, 1980. Russell was mutilated. Originally convicted in 1981, Evans had his conviction overturned on appeal. At trial, a psychiatrist claimed Evans had serious mental health problems. He was retried and convicted in 1982 and was executed on September 6, 1983.

William Armbrister, from Berry Islands, was convicted of killing brothers Livingstone and Henry LaFleur during a speed boat chase, on May 8, 1980. Their bodies were never recovered. Armbrister was sentenced to death in May 1982, after his second trial. More than 100 spectators gathered outside the prison for his execution on April 10, 1984.

Thomas Reckley killed Benjamin Strachan in a drug-related incident in Nassau in 1989, and was sentenced to death on November 7, 1990. In 1993, the Privy Council handed down its famous Pratt & Morgan decision, which held that executing inmates after holding them on death row for more than five years constituted impermissible cruelty. Acting in defiance of this ruling, The Bahamas executed Reckley on March 13, 1996, after five stays of execution, becoming the first Caribbean nation to conduct an execution since Pratt & Morgan. There were demonstrations both for and against the death penalty at Reckley's execution, the first in The Bahamas in twelve years.

Dwayne McKinney, 24, was sentenced to death on April 27, 1992, for the 1989 murder of Brian Ferguson. Despite its active involvement in other cases and despite evidence that McKinney acted in self-defense, the Privy Council refused to intervene in his case. McKinney was executed on March 28, 1996.

Trevor Fisher was sentenced to death on March 25, 1994, for the murder of Durventon Daniels during a robbery in 1990. Daniels' vehicle had run out of gas; Fisher picked him up, robbed him, and shot him. Fisher was on death row less than five years at the time of his execution on October 15, 1998. Recognizing the Privy Council's growing opposition to the practice of the death penalty in the British colonial Caribbean, Fisher appealed his case on the grounds that the mandatory death penalty was unconstitutional.

The Privy Council voted not to intervene in the case.⁸

Richard Woods was convicted in 1995 of murdering his niece/lover, Pauline Johnson in 1993. Woods intentionally drove his vehicle into Johnson and a male companion on Harbour Island on April 10, 1993. She died on April 15. Woods was convicted on January 25, 1995. He was executed with Trevor Fisher on October 15, 1998. As many as 100 people who had gathered at the prison cheered when their execution notices were posted.

David Mitchell was convicted of murdering Horst and Traude Henning, a German tourist couple, in their home at Treasure Cay, Abaco, in 1994. Mitchell entered their home, stabbed them, and fled in the vehicle. Mitchell, a Haitian who worked occasionally for the Hennings, was described as a "rather simple fellow" unaware of the seriousness of his crime. He was executed on January 6, 2000. The Henning's son appealed for Mitchell not to be executed. Also scheduled to be executed with Mitchell were John Higgs and Eddie Thurston. Higgs committed suicide two days before his execution, despite being under a suicide watch. Thurston's execution was stayed.

Punishment Matters: A Call to Scholars

Despite strong expressions of public and political support for renewed use of the death penalty amidst historically high murder rates, it may well be that the hurdles to its use, which have blocked executions in The Bahamas for a decade and throughout the Caribbean for at least that long,⁹ are unable to be overcome. Certainly there is a rich historical irony in the fact that the same colonial power that used the death penalty as an instrument of its racialized colonial control is now working to prevent its use in an independent nation. Abolition of the death penalty is increasingly the price to be paid for integration

⁸ On March 8, 2006, in response to appeals by Forrester Bowe, Jr. and Trono Davis, the Privy Council held that a mandatory death sentence was in violation of the Bahamian constitution. It had made a similar ruling with respect to other Caribbean nations earlier in the decade.

⁹ There has been a single execution in the Caribbean since Mitchell's execution. Charles Laplace was executed in St. Kitts in 2008.

into global economic and political relationships. Yet, the foregoing also suggests that the internal dynamics of black majority rule change the meaning of the death penalty in a manner that limits the price the authorities are willing to pay to achieve actual executions.

One implication of these changes is that the study of the death penalty is likely to become more and more the study of history. Through this paper, I have sought to outline the historical contours of the use of the death penalty in The Bahamas. This is valuable in and of itself, inasmuch as it contributes to our knowledge of the history of The Bahamas. It is additionally valuable as the foundation for the development of a fuller understanding of the social factors that shape the use of the death penalty and the practice of

punishment more generally, in The Bahamas, throughout the Caribbean, and among former slave colonies.

While I continue my efforts to fill in the gaps in the historical record and supplement my records of already known cases, I have taken this opportunity to make the results of my research available to historians, social scientists, and other interested scholars in an effort to stimulate efforts to supplement these records, initiate scholarly dialogue on the history and patterns of death penalty use in The Bahamas, and contribute to a needed scholarly effort to document and explain the history of punishment, including the death penalty, in The Bahamas and across the Caribbean

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