



## ARCHAEOLOGICAL PILOT STUDY OF THE GALLOWES HILL IN TARTU

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### INTRODUCTION

Archaeological studies of Medieval and Early Modern execution sites are gaining popularity, and several sites across Europe have recently been excavated (read more Auler 2008; 2010; 2012). The execution sites in Estonia have so far not been archaeologically very well researched. Smaller excavations have taken place at the execution site in Haapsalu (Postimees 1932, 3), the gallows hill in Tallinn has been studied more thoroughly (Lavi 1995a). The gallows hill of Tartu has not been archaeologically researched at all, and there are not many written sources about it. Here, we present the results of a pilot excavation of the Tartu gallows hill, which is part of a larger project aiming to investigate Medieval and Early Modern execution sites in Estonia. Upcoming steps of the planned project are to carry out excavations at the gallows hill site in Haapsalu and the probable gibbet site near Lihula. Since written records about these sites are scarce, archaeological investigations are the most direct source of information about these structures.

The main purpose of the excavations in Tartu was to try to find the structure of the gallows, and to investigate whether the executed were buried in the same area. In case of finding bones of the executed, the osteological material was to be compared with the material found from Tallinn to find out the age and sex distribution of the cemetery, and they were to be examined for markings that could reveal how the people were executed.

Previously, some fieldstones had been found from the execution site in Tartu, which Uno Hermann (1977, 488) associated with the structure of the gallows. During farming and construction work (a cellar was built inside the hill in the 1940s), numerous human bones have been found at the top of the hill. This indicates that, similar to the gallows hill in Tallinn, the executed were buried near the gibbet. While visiting the mound in spring 2012, human bones washed out by erosion could be

found. Since the area is quite densely inhabited, the site in question is the only place in the vicinity where it is possible to look for the evidence of gallows. The area under heritage protection is a 2.5 m high mound, with a 20 × 35 m flat plateau (Fig. 1). It is situated 0.8 km north from the city walls as the crow flies, and about 150 m east from the Narva Road (Fig. 2).

## **HISTORICAL BACKGROUND**

### ***Sites of execution and capital punishment in Medieval and Early Modern Europe***

The history of European execution sites in Medieval and Early Modern times is tightly connected to the profession of the executioner, which became a professional occupation generally in the Late Middle Ages (from the 13th to the 15th centuries). The establishment of this profession was due to the concentration of political power that made court activities more effective, and by urbanization: the executioner was usually the servant of the magistrate (Klemettilä 2003, 39–40). Concurrent with the appearance of the professional executioner, fixed sites of execution appeared, and they were usually called gallows hills (in German *Galgenberg*, or *Rabenstein*; in Swedish *Galgbacke*; in Estonian *võllamägi*). These were used from the 13th century until the beginning of the 19th century, when public executions in most parts of Europe ended (Auler 2008, 8). The public enforcement of capital punishment, the so-called ‘Theatre of Horror’, displayed the authority of the political power, and served as a warning to potential criminals. It also allowed people to be assured, that ‘fair judgement’ had taken place, and approve it by attending the event.

In medieval Europe, the ruler (usually a king or a queen) was the highest judge. He or she also had the right to designate courts with the jurisdiction to rule over cases where a death penalty could be sentenced. In German-speaking territories these courts



Fig. 1. View to the Gallows Hill of Tartu from north-east.

Jn 1. Vaade Tartu Võllamäele kirdest.

Photo / Foto: Martin Malve



Fig. 2. The location of the Gallows Hill of Tartu: 1 – trench, 2–3 – test pits.

Jn 2. Tartu võllamäe asend: 1 – kaevand, 2–3 – prooviaugud.

Drawing / Joonis: Raido Roog

were called Blood Courts (Germ. *Blutgericht*, or *Halsgericht*). In the Holy Roman Empire, Blood Court rights were given also to the Princes of the Empire (*Reichsfürsten*). In Medieval Livonia (which comprised modern Estonia and Latvia), which at least in the 16th century had fairly direct connections with the Holy Roman Empire, the local rulers had the right to use capital punishment. In 1532 the Empire adopted the general body of criminal law known as ‘*Constitutio Criminalis Carolina*’ (usually called ‘*Carolina*’). It was imposed also in Livonia, where it was used until the 18th century. In the Holy Roman Empire, it was in effect even until the beginning of the 19th century (Schroeder 1986; Whaley 2012, 295–303).

The number of legal executions in Europe arguably peaked during the 16th and 17th centuries. This was a period when the political power could enforce its norms and regulations much more effectively than in the medieval times, yet its authority was still uncertain, and thus punishments for breaking the laws were harsh. For example, in ‘*Carolina*’, the crimes punishable with death were: murder, manslaughter, robbery, rape, arson, treason, counterfeiting money, breaching *Urfehde* (an agreement ending a feud), certain serious property crimes, and witchcraft, if it was harmful to persons (Carolina 1533; Schroeder 1986). This last offence is of importance, as the 16th and 17th centuries were the ‘golden age’ of witch trials in Europe. As these trials often ended with a death sentence – in Estonia as well as in the rest of Europe (Uuspui 1938) – the prosecution of witchcraft certainly contributed to the high number of executions in this period.

At the end of the 17th century the number of executions declined, as the authority of the political power became consolidated and witch trials declined due to the spread of rationalism. In the 18th century, during the Age of Enlightenment, the idea to completely abolish capital punishment began to spread only gradually.

### ***The prestige of execution sites and methods of capital punishment***

Although the executioner was an implementer of justice, his profession had an extremely low prestige in Medieval and Early Modern times. The hangman himself was alienated and feared by common citizens, mainly due to the bloodshed that inevitably hounded the executioner's profession. Blood was perceived as a sacred essence of life, which is why the butcher and the barber also were considered as professions of low prestige. Moreover, people also linked the profession of executioner to the 'bad death': the life of the criminal was ended violently, and they were usually not permitted to be buried in the sacred ground of the cemetery, but were rather buried next to the site of their execution. People therefore tried to avoid places connected to the executioner, especially sites of execution, as people were afraid of the ghosts of the criminals (Klemettilä 2003, 45–69).

For these reasons, the gallows hill was usually situated outside of the populated area, but still in a place easily accessible and visible, allowing the executions to take place in public, and the body of the criminal or parts of it could be displayed afterwards. However, some executions took place in the settlement area, e.g. at the town's market place. This type of execution was generally reserved for the élite, especially when people were executed for 'political' crimes. For example, in 1550, Hans Vegesack, a merchant from Tallinn, was beheaded on the market place of Tartu, because he had violated the terms for trading (Rauch 1932). Many executed criminals, whose felonies were not totally unforgivable in the eyes of the clergy, were buried in holy ground, or even in the church. This might be the case of a most likely beheaded male found buried inside the Tartu Cathedral (Malve 2011, 65–84).

Executions that took place inside town walls were generally performed with the sword; this was perceived as a noble device for death. On execution sites outside settlements, hanging was overwhelmingly the most common solution. Depending on the nature and severity of the crime, however, the executioner could use many other methods for ending a criminal's life: putting him or her to the breaking wheel, quartering (or dismembering), drowning, and burning, burying or boiling alive. After the 16th century, the harshest methods were in decline, and criminals were usually beheaded or hanged. Only in the most serious cases they were put to the wheel or burned alive; the latter especially in the case of witches. Most of the executed criminals in Medieval and Early Modern times were middle-aged men of low birth, as the legal system was more lenient towards the élite, women, youngsters and elderly people.

### ***The Tartu Gallows Hill***

In Estonia, gallows hills were typically situated outside the town walls. Many cities had a gallows hill, but only the execution site in Tallinn has been thoroughly archaeologically excavated. That one was used from the turn of the 14th to the 15th century until the middle of the 18th century (Lavi 1995b, 446). Much less is known about the Gallows Hill in Tartu, which was first mentioned in the chronicle of Johannes Renner. He states that in the beginning of 1558, 12 peasants defended themselves against the Russians behind the walls of the gallows ('...*dye 12 nemen dye bemuirden galgen in...*', Renner 1953, 17; '*...de andern twelve nemen de bemurden galgen in...*', Renner 1876; in English translation, the sentence is not precisely translated: '*...twelve others*

took refuge behind the wall around gallows...’, Renner 1997, 38; also in Estonian it is translated slightly inaccurately : ‘...*kaksteist võtsid kokkukukkunud võllad enda valdusse...*’ (...*twelve took collapsed gallows into their hold...*), Renner 2006, 29). Thus, this text mentions the gallows standing on a stone foundation. This indicates that the gallows were a permanent execution site, possibly resembling the walled gallows in Tallinn, which are depicted on the epitaph from 1561, which belonged to the Blackheads of Tallinn (Lavi 1995b, fig. 2). From the materials of the magistrate of Tartu, it appears that the gallows hill was also used as a burial place: a suicide was buried there in 1649 (Hermann 1977, 488).

The location of the Tartu gallows in the 17th century is given on a plan of the vicinity of Tartu, probably dating from the year 1671 (Fig. 3). The execution site (*Rätteplatz*) is also present on a road map from 1695 (Fig. 4), where it is situated near the road to Narva, and to the leprosy cemetery of St George, about one kilometre from the Russian gate in Tartu. The chronicle of Christian Kelch states that in June 1704, during the Great Northern War, the Russians made a cannon platform near the gallows (Kelch 2009, 269). Also a contemporary Swedish plan of the siege of Tartu locates rather precisely the gallows, which probably were wooden and stood on three poles (Kroon 2007, fig. 28). The wooden gallows are also shown on a Russian artist’s depiction of the bombardment of Tartu in 1704 (Oengo *et al.* 1961, 68). After the conquest of Tartu, the Russian authorities appear not to have used that execution site, as the execution of reverend Adrian Virginius in 1706, accused of cooperation with the Swedes, took place near the German gate (Treiberg 1927, 99). The gallows hill was used again



Fig. 3. The Gallows Hill of Tartu on a plan from 1671.  
Jn 3. Tartu Võllamägi 1671. aasta plaanil.  
(EAA 2623-1-2049, page 55.)

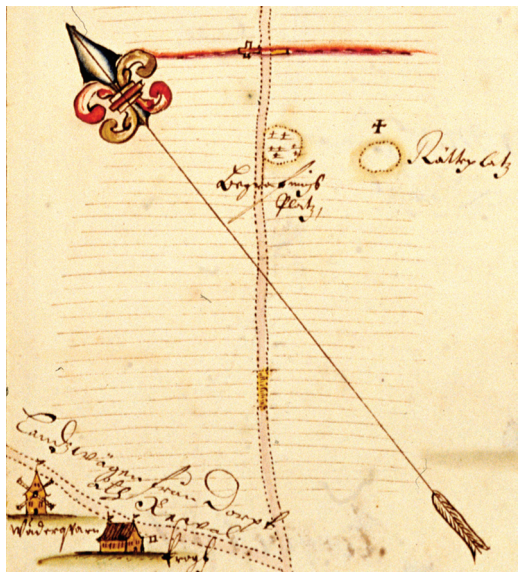


Fig. 4. The location of St George's leprosy hospital cemetery (left) and the Gallows Hill (Rätteplatz) on a road map dating from 1695.

Jn 4. Püha Jüri leprosooriumi kalmistu (vasakul) ja Völlumäe (Rätteplatz) asukoht 1695. aasta teedekaardil.  
(EAA 308-2-70, page 74.)



Fig. 5. Fieldstones and brick construction found on the plateau.

Jn 5. Mäelaelt leitud maakivid ja telliskonstruktsioon.

Photo / Foto: Raido Roog

after the Northern War, but in 1747 a decision was made to discontinue it. In the end of the 18th century a windmill was built on the former execution site, and it remained standing there also in the 20th century (EFA 197-0-29587; ERM Fk 349: 383). The street that runs near the presumed gallows hill is named *Tuule tänav* (Wind street), presumably after this mill together with another one situated nearby (both mills were called *Mustaveski*, i.e., Black mill). The name 'Gallows Hill', however, remained on the town map from 1792, where the place was called *Lillitto Mäggi oder Rabenstein* (EAA 995-1-6851, page 2), and even in the 1920s the neighbourhood has been referred to as *Kaagilinn*, i.e. Gallows Town (Hermann 1977, 489).

## EXCAVATIONS

### The trench

During our pilot excavations we dug a 17 m long and 1 m wide trench, oriented from northwest to southeast. On the plateau this trench was expanded into a  $2 \times 5.3$  m pit (Fig. 2: 1). The natural soil was covered with a 1.2 m thick layer containing debris such as brick fragments, mortar and human bones. Disarticulated human bone fragments were more numerous in the middle layers. At a depth of 0.4 m, a brick construction at least 12.5 m long was revealed (Figs 5–6). This brick construction resembled a flume: the sides and the top layer were laid of bricks, the bottom was of sand. The structure was built with bricks measuring  $30 \times 15 \times 7$  cm, indicating a rather recent manufacture date, but the flume's purpose is unknown.

A large fieldstone ( $80 \times 110 \times$  at least 45 cm) with several smaller granite stones nearby was located on top of the plateau (Fig. 5). Two postholes surrounded by

small fieldstones (diameter 10–20 cm) were situated around the large stone. These postholes and the fieldstones may belong to the wooden gallows depicted on the Northern War era map (Kroon 2007, fig. 28; Oengo *et al.* 1961, 68). However, it is also possible that these postholes and the brick construction belong to the windmill that stood on the hill during the 18th – 20th centuries. The pottery sherds, a pipe stem fragment, and coins (kopecks – TM A-203: 12 (from 1795), 13 (from 18?2), 14 (from 1910)) that were found relate to active use of the hill during the 18th – 20th centuries when the windmill was present. It is also possible that the soil containing human bones might have been brought to the hill, e.g. from the nearby St George's cemetery, to construct a base for the windmill.



Fig. 6. Close-up view of the opened brick flume.  
Jn 6. Avatud telliskonstruktsioon lähivaates.  
Photo / Foto: Raido Roog

### Test pits

In addition to the trench, two test pits were dug on top of the northern part of the hill (Fig. 2: 2, 3). In the first test pit (1 × 4.5 m; Fig. 2: 2) a large fieldstone that filled half of the bottom of the pit was revealed. In addition, two Hanseatic brooches of copper alloy, dating back to the 13th – 14th centuries<sup>1</sup> were found only 5 cm below the top soil (Fig. 7). These annular brooches are characterised by the needle surrounding the body of the arch (Valk 1999, 85). An embossed text had been pressed onto the first brooch (Fig. 7: 1), while the other brooch was a more simple variation without any text (Fig. 7: 2). The brooches may originate from an unknown burial site for the executed next to the gallows or from the undiscovered medieval part of the neighbouring cemetery of St George (Piirits 2009; see Malve *et al.*, this volume). A map from 1695 (Fig. 4) shows that the gallows hill and the cemetery of St George (*Püha Jüri*) were situated close to each other. The second test pit (60 × 60 cm; Fig. 2: 3) proved that the soil on the gallows hill had been severely disturbed, as from the depth of 40 cm both bone fragments and cartridges were found.

### Human bones

The total of 295 human bones and fragments were found during the excavations. Some bones had been severely fragmented a long time ago. Mostly smaller bone frag-



Fig. 7. 'Hanseatic brooches' found from the first test pit. 1 – embossed, 2 – plain.  
Jn 7. Esimesest prooviaugust leitud "hansasõled". 1 – tekstiga, 2 – lihtne.  
(TM A-203: 17, 16.)  
Photo / Foto: Raido Roog

<sup>1</sup> SEM imaging and SEM-EDS analysis of the two brooches were carried out at the Department of Physics, Biology and Chemistry at Linköping University. The bulk elements were found to be mainly copper, alloyed with zinc, tin, and lead. This alloy is fairly common in cast metal objects from these times, and it is possible that these brooches were made from recycled material from other metal objects.

ments were present, again possibly indicating that the soil on the hill was brought from somewhere else, in order to elevate the mound. A similar tendency has previously been noticed in Pärnumaa while cleaning the vaults of the Mihkli church. There, only smaller and fragmented bones in the soil had found their way onto the top of the church vaults, while larger bones were absent (Mäesalu & Malve 2012, 209–216). Thus, the bones at the Tartu Gallows Hill may originate from the previously mentioned unknown burial place for the executed or from the cemetery of St George (see Malve *et al.*, this volume).

All of the human bones found were analysed and reburied. The fragmentation of the osteological material impeded the study and did not allow any major conclusions. No injuries referring to execution were observed. Among the material bones of children and the elderly people existed. Due to the great fragmentation of the bones, it was difficult to determine the minimum number of individuals, but the observed pathologies and age composition seem to reflect a typical city or rural cemetery. Several morphological changes associated with ageing were noticed on the bones, such as wear of joint surfaces and vertebra. One clavicle had the characteristics of inflammation typically seen in more severe diseases (e.g. infections: syphilis, tuberculosis, leprosy, etc.). This may indicate that the bones originate from the leprosy hospital cemetery, although this may only be an assumption.

## CONCLUSIONS

The Gallows Hill of Tartu was probably a typical European execution site situated outside the city walls. Most of the information about its use dates to the 16th – 18th centuries when executions were common, and the criminals and suicides were most likely buried close to the gibbet. As with the gallows in Tallinn, the gibbet in Tartu may have had a stonework base.

During the preliminary studies on the Gallows Hill in Tartu, no constructions or finds were found that would directly indicate the presence of a Medieval and Early Modern execution site. The discovered brick construction, ceramics and coins indicate an active use of the hill at the end of 18th century and 19th – 20th centuries, when a windmill stood on the hill. Nevertheless, the fieldstones and postholes discovered on the hill may refer to the wooden gallows depicted on the 17th – 18th century city plans. The 13th – 14th century brooches may have been brought there with the soil from a nearby cemetery. Since the area of the gallows hill was not fully excavated, it cannot be determined whether or not there were walled gallows on the mound.

The Tartu Gallows Hill requires further studies to give us more clarity about the nature of the place. In addition, studies carried out near the hill could help us find the medieval execution site and its associated cemetery.

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- EAA 995-1-6851, page 2.** Geometrische Chartre von der Kreisstadt Dorpat. 1792. (*Map in EAA.*)
- EAA 2623-1-2049, page 55.** Grenzkarte zwischen dem Stadt Dorpat und Gut Jama. 1671. (*Map in EAA.*)
- EAA 308-2-70, page 74.** Ny Inrättad Mätning Öfwer Landzwägar och Broar uthi Dörptska Kreyszen i Liffland. Landzwägen ifrån Dörpt äth Narwen [Tartumaa road atlas]. 1695. (*Map in EAA.*)
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## EELUURINGUD TARTU VÖLLAMÄEL

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Viimasel ajal on kesk- ja varauusaegsete hukkamispaikade arheoloogiline uurimine hoogustunud mitmel pool Euroopas. Eestis on põhjalikumalt uuritud Tallinna völlumäge, väiksemad kaevamised on toimunud Haapsalu hukkamispaigal. Tartu völlumäge ei ole arheoloogiliselt uuritud ning kirjalike allikate teated on napid. Kaevamistega taheti välja selgitada, millised olid Tartu völla konstruktsioonid ja kas hukatuid oli sellele kohale ka maetud. Luude leidmisel sooviti neid võrrelda Tallinna völlumäelt leitud osteoloogilise materjaliga.

Tartu Völlumäena on muinsuskaitse all tasase platooga 20 × 35 m suurune ning 2,5 m kõrgune kungas (jn 1), mis asub linnamüürist linnulennul 0,8 km kirdes ning Narva maanteest u 150 m idas (jn 2). Põlluharimise ja ehitustegevuse käigus on mäe laelt välja tulnud maakive ja hulgaliselt inimluid. Völlumägi oli kasutusel kesk- ja varauusajal, samaaegselt avalike hukkamiskohtade aktiivse kasutamisega kogu Euroopas. 16.–17. sajandil kasvatasid hukatute arvu oluliselt ka nõiaprotsessid.

Tallinna hukkamispaiga kohta on teada, et seda kasutati 14. ja 15. sajandi vahetusest kuni 18. sajandi keskpaigani. Esimene teade Tartu völlumäest pärineb 1558. aastast, mil seal oli tõenäoliselt kivimüüritis. 17. sajandi lõpu Rootsi plaanidel (jn 3) ja kaartidel (jn 4) on märgitud ka völla asukoht, mis jääb Narva maantee ja Püha Jüri leprosooriumi kalmistu lähedusse. 1704. aastast pärineval plaanil ning hilisemal joonistusel on kujutatud puuvöllast. Völlas oli kasutusel 18. sajandi keskpaigani, hiljem asus samas paigas kuni 20. sajandini tuuleveski.

Eeluringute käigus rajati loode-kagu-suunaline tranšee ja mäeplatoole kaevand (jn 2: 1). Looduslikku kungast kattis u 1,2 m paksune tellise- ja mördisegune rusupinnas, mille keskmistes kihtides oli ohrtralt inimluid. Kaevandist paljastus 0,4 m sügavuselt vähemalt 12,5 m pikkune tellistest konstruktsioon (jn 5, 6), mille küljed ja pealmine osa olid laotud kividest, selle põhi oli liivast.

Mäelaelt tuli välja suur maakivi (80 × 110 × vähemalt 45 cm), mille ümber oli pisemaid raudkive (jn 5) ning kaks väiksemate maakividega ümbritsetud postiauku. Leitud postiaugud ja maakivid võivad kuuluda Põhjasõja-aegsel kaardil kujutatud puust völlale või 18.–20. sajandil künkal asunud tuuleveskile. Võimalik, et inimluid sisaldav pinnas on just veski aluse tarvis toodud.

Mäelaelt rajati ka kaks prooviauku (jn 2: 2, 3), milles pinnas oli segatud. Esimesest šurfist leiti vaid 5 cm sügavuselt kaks 13.–14. sajandi sõlge (jn 7). Viimatinimetatud leiud ja leitud inimluud võivad pärineda hukkamispaiga kõrval asunud oletuslikult surmamõistetute surnuaialt või naabruses asunud Püha Jüri leprosooriumi kalmistult, mille keskaegset osa ei ole samuti seni avastatud.

Kaevamistel leiti 295 inimluud või selle fragmenti. Enamik luid olid juba varem tugevasti lõhutud ja suured inimluud olid välja korjatud. Pinnases esinenud peamiselt pisemad luufragmendid viitasid taas, et muld oli kusagilt mujalt mäele kõrgenduseks toodud. Luuainese fragmentaarsuse tõttu oli nende uurimine raskendatud ega võimaldanud teha kaugeleulatuvaid järeldusi. Osteoloogiline analüüs ei tuvastanud luudel ühtegi hukkamisele viitavat vigastust. Mäelt leitud inimluudel esinenud patoloogiad ja vanuseline koosseis viitavad tüüpilisele linna- või maakalmistule.

Eeluringute käigus ei paljandunud ka ühtegi konstruktsiooni ega leidu, mis kindlalt viitaks kesk- ja varauusaegsele hukkamispaigale. Avastatud tellisrajatis, keraamika ja mündid osutavad pigem mäe aktiivsele kasutamisele 18.–20. sajandil, mil seal paiknes tuuleveski. Künkal leitud maakivid võisid toetada 17.–18. sajandi plaanidel kujutatud völla puitposte. Kuna tervet mäe läbi ei kaevatud, ei saa kindlalt väita, et seal ei olnud müüritud völlast.

Völlumäel peaks uuringuid kindlasti jätkama koha iseloomu paremaks mõistmiseks. Lisaks tuleks uurida mäe ümbrust, leidmaks keskaegset hukkamispaika ja sellega seotud kalmistut.