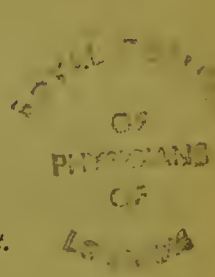
M'Laren also said that in the

THE

ELTHAM TRAGEDY

REVIEWED.

By NEWTON CROSLAND.



"Thou shalt do no murder."—*Sixth Commandment.*

THIRD EDITION, REVISED AND ENLARGED,
UNDER LEGAL SANCTION.

WITH PORTRAIT OF JANE MARIA CLOUSON
AND A VIEW OF KIDBROOKE LANE.

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1871.

JANE MARIA CLOUSON.

VIEW OF KIDBROOKE LANE.

PREFACE TO NEW EDITION

OF

THE ELTHAM TRAGEDY REVIEWED.

THE First Edition of this Essay did not please every one. Some very fastidious people thought that it contained expressions which could be perverted into libellous imputations. I do not like to give needless offence, so I have determined to bring out a Second Edition, revised and enlarged, and with such improvements as shall enable Author, Publisher, and Bookseller to set at defiance those troublesome objectors who cannot allow a book to circulate without putting it under the scrutiny and criticism of the law. Those who have copies of the First Edition may comfort themselves with the certain knowledge that they possess something which will never again appear in print; and those who may be induced to purchase this New Edition may be assured that I have endeavoured to render it more worthy of public attention and approval. I have not compromised the truth, but I have amiably modified some expressions which were liable to be misunderstood. I am a great believer in the text, "Woe to you when all men speak well of you." The applause of some people would frighten me into the notion that I had done something wrong, while the censure of others would satisfy me that I had done something right. There is, however, a very estimable third order of critics, for whom I entertain a great respect, who do not concur in the course I have adopted. I will endeavour to put their arguments against myself in as concise and cogent a form as I can express. They say, "Why do you trouble yourself in this affair? What business is it of yours? This young man has been tried and acquitted; he has gone through the most painful ordeal ordained by his country; he has satisfied all the conditions required by the law. You have no right to disturb him now.

Leave him alone. You are cruel and unjust. Let him have fair play." Have I put the objections in a sufficiently earnest and convincing mode?

Now listen to my answer:—No one loves fair play more than I do. I expect it to be shown to me. I desire to show it to others. I should be the first to cry out "shame" upon myself if I thought I had violated its holy rules. But the fair play I love must be fair play indeed. It must be fair play all round. "Fair play is a jewel," but it must shine with equal lustre in whatever direction it is turned. When I attended the trial which I have criticised, I found fair play exhibiting itself with a very narrow margin and very limited liability. Now I demand fair play not only for the accused, but for the police; for the witnesses; for the relations of the murdered girl; for the public; for the principles of truth and justice, and for the poor girl herself. Fancy her dying by inches for five days, with her skull battered in! My fair play must overflow abundantly in all directions. Now mark that I have brought no unjust accusation against this young man. If my analysis of the testimony produces an impression against him, it is caused by the facts and the evidence, and it is not the result of any wilful perversion on my part.

Suppose a captain lost his ship in a battle, and he was accused of losing it through cowardice and incapacity, that he was tried for this naval crime, and, in consequence of the insufficiency of evidence, acquitted, no one could afterwards lawfully accuse him of the offence for which he had been tried and acquitted; but if I, as a historian, write an account of that battle, and in giving a minute account of the fight, the drift of my narrative of facts is overwhelming against the courage and capacity of the captain, no one could accuse me of libel unless I distinctly and deliberately repeated the charge from which the commander had already been exonerated. Rightly interpreted, I deny that I have published a single line that imputes the guilt of murder to the young man who was acquitted at the Eltham trial. I am told that this trial is no business of mine. Indeed! Is it so? It is the business of every man to watch narrowly the history and progress of his country and the events which concern the daily life of the nation. It will be a sad day for England when her sons and daughters become indifferent and careless respecting the rights and usages and the proper administration of the law. With regard to this particular trial, I felt that the truth about it must be told by some one who was not mixed up with the actors in it—by some one who could afford to be independent of any influences surrounding it—by some one who was totally unbiassed in his

opinions of the event under examination—by some one who could not be accused of having any personal motive or pique to gratify in the discussion which he raised. I felt that I could fulfil all these conditions, and I determined, from my self-erected witness-box, to tell the public my story of the Eltham trial.

My small individual Olympus may probably become a Gethsemane. Doubtless I have brought upon myself, by my interposition, no small amount of trouble and anxiety; but I consider that the man who makes the study of his own comfort and convenience the principal law of his nature, may be a very respectable member of society, but he is scarcely fit to do any of the self-denying, worthy work of the world.

I know a great trial, which I will not mention more definitely at present. It went wrong, because some persons who could have given important information kept out of the way; they would not come forward because "they did not like to have anything to do with such a bad business." Others, who were compelled to be witnesses, withheld valuable knowledge because "they were not asked the question." Such weak and unworthy members of society should be cautioned, and told that some day they may, in their turn, require all the aids the law can give them, and then they will be very angry and surprised if they are treated in the same objectionable manner.

I must now venture to take exception to an erroneous view of the purpose of my pamphlet, expressed by no less a person than the COMMON-SERJEANT of London, who is well known to, and respected by, the public as a discreet, sagacious, learned, and able judge; but I will not insult him by any compliments of my own. In his charge to the Grand Jury, on the 18th September, when my publisher was arraigned at the Old Bailey and the bill ignored, the Judge is reported in *The Times* to have said:—

"He particularly referred to the case of Frederick Farrah, who stands charged with a libel on Edmund Walter Pook, contained in a pamphlet commenting on the recent trial in this court for the murder of a young woman at Eltham. It was certainly, he said, a very severe criticism on that trial. It was written with great ability, and criticised and commented on the whole case, the general drift and upshot of the pamphlet being that the *writer entirely differed from the jury as to the conclusion at which they arrived on that occasion.* A trial in a criminal court, added the learned Serjeant, was often a matter of great public importance, and was always, very properly, conducted in the presence of the public. It was, besides, so far a public matter that the proceedings were published in the journals of the

day; and all comments on a trial, if they were fair and *bonâ fide*, and did not exceed the proper limits of criticism, were for the public interest. As regarded the particular pamphlet in question, it might be well for the grand jury to find a true bill for libel, and, in that case, whatever excuses, justification, or extenuation the defendant might wish to offer could be fairly tendered before the court and jury who would ultimately have to try the charge, and he would also have an opportunity of presenting, through his counsel, all the circumstances under which the pamphlet was written. That being done, the jury would then have to say whether it exceeded the fair line of criticism which a person, writing in the public interest, was bound to observe in commenting on a public trial."

I must dispute the accuracy of the opinion, which I have marked in italics. I did not question the verdict of the Jury. My complaint is that in the shape in which the evidence was judicially presented to them, the jury could not have given any other verdict than that which they delivered; unless indeed they had departed from the usual custom and abstained from giving any verdict whatever. My criticism was directed, not against the verdict of the jury, but against the whole conduct of the trial and the mode in which the case was analysed for their guidance.

I have been accused of attempting to bring the administration of justice into contempt. God forbid! I have endeavoured, in my small way, and by fault-finding, to elevate the administration of justice—the only sure plan of making it permanently respected by the public. I believe there is not in the world, so grand a group of men as our Judges. In learning, wisdom, high principle, eloquence, cultivation, and intelligence they are unrivalled; and if I have spoken disparagingly of one of this august body, he can well afford to be censured by me. Those who have no faults have no excellencies; and true greatness is shown, not in the absence of failings, but in struggling with and conquering those defects which cling to our human nature.

Men who are worth anything, must have "the faults of their qualities," and if I thought there was in the world, an infallible man, I should avoid him as a monster and a bore.

We want, at least, two legislative reforms in our modes of legal procedure, and I trust the day is not far distant when they will be carried—

1.—The appointment of a public prosecutor.
2.—A third verdict of "Not proved."

If the above measures were adopted by the country, they would drive away a herd of crying evils.

The Law of Libel is a great difficulty in jurisprudence, but its interpretation may be safely left to the common sense of a jury. The best definition of a libel is that given by Mr. Justice Blackburn; it is as complete as anything of the kind can be, viz.:— "Defamatory matter, published without lawful excuse;" and all our superior Courts have ruled that if any publication injures individuals but benefits the public it is privileged, as the personal wrong must be merged on the general good. The most judicious comments I have seen on this subject appeared in *The Examiner* of the 28th October, 1871. They are so satisfactory and able, that I here venture to reproduce them for the instruction of my readers:—

"The prosecutions of the author, publisher, and vendor of 'The Eltham Tragedy Reviewed' have resulted in failure. The Grand Jury ignored the Bills, and by simplication decided that those men ought never to have been put to the expense and vexation of preparing for trial, and that the pamphlet written by Mr. Crosland was not libellous. The finding of a jury in a libel case is of special interest, because the law makes them, practically, the custodians of freedom of speech. There does not exist in any legal text-book a definition of libel that will stand criticism, and scarcely one that could afford a bewildered writer any sure information as to whether he was perpetrating a libel or not. The nearest approach to a working definition of libel is that it is what twelve men in a jury-box think a man ought to be punished for writing. In this view, we can gather only from reported trials what are the limits in public criticism that one must observe in order to avoid heavy expenses or an acquaintance with the interior of a gaol.

"Mr. Crosland's pamphlet was the work of a man who was dissatisfied with the result of Pook's trial, and it contained a thinly-concealed opinion that young Pook ought to have been convicted. Although the author stated that he did not wish to re-try the case, yet his observations could scarcely receive any other interpretation, and, in particular, he gave a highly-colored description of the mode in which a murderer might act so as to avoid suspicion and wear an air of innocence. On the other hand, Mr. Crosland appears to have been perfectly honest, and to have been actuated by a perfectly legitimate desire to see justice done. The question, therefore, as it came before the Grand Jury, was free from complication, and was simply; how far can a writer go in criticising and condemning the result of a criminal trial? Is it a crime to state in a pamphlet that the case was mismanaged, and that a man who was acquitted by the jury that tried him was really guilty?

"The Deputy-Recorder stated his opinion to be, that if the pamphlet attempted to fix guilt upon a man who had been acquitted, it would be libellous. If this be the law, there is much to say in favour of its reasonableness. Upon an innocent man the hardship and expense of a trial inflict a grevious injury; and the injury is not lessened when he finds that even a public acquittal by a competent authority does not shut the mouths of his detractors. The law, having pronounced in his favour, will be reluctant to permit him to be deprived of the most valuable result of an acquittal—the good opinion of the community. It may therefore charge itself with the protection of his good name, and rigorously suppress all public expressions of ill-content. This is a plausible view, but it rests upon a supposition that is becoming less and less true every day. It supposes a wide gulf between the Court that tries a man and the public, on the ground of either the superior information or the capacity possessed by a jury. Formerly, when cases were not reported at all, or when only the baldest sketch was given of them in the newspapers, the supposition in the main accorded with the facts. An appeal from a jury that heard the whole evidence, to a public ignorant or imperfectly informed, could certainly not have been recommended. Those who knew little or nothing might be content to accept and repeat the verdict of the jury who had been sworn to try the case. But in exciting trials like those of Pook or Dr. Watson, full and accurate reports of the whole proceedings appear from the first in the newspapers, and the outside public knows so much of the facts that the formation of a definite opinion is unavoidable. Our courts of law are open, and transact their business in the full blaze of publicity. The public cannot help forming opinions on what passes. Why should not those opinions be as publicly expressed?

"The supposed hardship of holding up a man who has been acquitted as a criminal is more apparent than real; for the acquittal may have resulted from some flaw in the proceedings, and not from the innocence of the accused. We do not say that it was so in Pook's case. But his counsel, with perfect propriety, doubtless, made a great deal of the errors of the police, and tried to obtain an acquittal by arguments, some portion of which had no direct bearing on the guilt or innocence of the accused. A prisoner has a perfect right to use such advantages as the negligence or officious zeal of the prosecutors puts in his way; but, if he does so, he must be prepared for the observation, that, although the police may have made blunders, he may, nevertheless, be guilty. If a prisoner were to get off on a technical plea,

in spite of evidence of his substantial guilt, it would be little short of impudence in him to claim that his character should be considered as whitewashed. On rare occasions a judge feels it his duty to say that a prisoner leaves the dock without a stain on his character; but at other times, and perhaps more frequently, tells him he has had a narrow escape, and that he had better be more cautious in future.

"But even when a prisoner is innocent it is difficult to see the great harm that can result from such a publication as Mr. Crosland's. In the first place, those who read the trial, and formed an opinion for themselves, are not likely to be moved by anything he can say; and those who have taken the verdict of the jury on trust, as the sensible and major portion of the community generally does, will not prefer the opinion of an unknown man to that of the constituted authorities. The only people who are at all likely to buy or read the pamphlet are those who are already of Mr. Crosland's opinion, and who are naturally glad to see a public expression of their views. It may be very unreasonable and prejudiced, but it is a fact that a number of persons, especially inhabitants of Greenwich, were dissatisfied with the result of the trial, which was at variance with their local prepossessions. Some of them expressed their views in a highly objectionable and illegal manner; and it is certainly better that a vent should be found for the popular discontent in such a pamphlet as Mr. Crosland published. If Mr. Crosland had not been allowed to issue his pamphlet, the Pook case would have been bottled up, and lasted him for the rest of his life, as a topic of endless animadversion. Those who are excited in the same way read the pamphlet and are satisfied. They have given speech to their indignation, and are at rest. Such would have been the natural and sudden termination of the Pook case if the advisers of the young man had not been so foolish as to drag the pamphlet into notoriety, and almost compel people to read it in order to keep abreast of the news of the day."

On the 30th October, 1871, a great meeting, of which I was chairman, was held at the Lecture Hall, Greenwich, to consider some reforms in our criminal code, and to make subscriptions for the monument. The enthusiastic and kindly reception given to me on that occasion will never fade from my memory and imagination. The eager faces and uplifted hands were a spectacle which only interested and loving humanity can create. To see it was something worth living for. The Hall was crammed, and the people overflowed upon the platform and into the committee-room behind. Hundreds were turned away from the

doors. Of course we were assailed by some utilitarian members of the press for "the public indecency" of proposing a memorial to the poor girl who was trebly wronged. I was obliged to address to one of these critics the following communication, which, I need hardly say, was prudently treated by him with silence:—"Sir, my attention has been called to an article which appeared in your columns respecting a monument to the poor murdered girl, Jane Maria Clouson. The low and objectionable tone of your remarks might be safely left to produce its natural effect—that of increasing the amount of our subscriptions; but as you might fondly imagine that you have 'extinguished our light,' I may as well inform you that our object will be carried out with additional determination and on a more extended plan. You speak of the 'public indecency' of perpetuating in stone the record of such a crime. Considering that our Christian Church has for eighteen hundred years regularly devoted one day in every year to the celebration of the murder of the Founder of our religion, I cannot see any great impropriety in erecting a small and humble memorial to a good young girl, who was cruelly betrayed, murdered, and slandered. It is our mode of retaliation; no other is open to us. I can quite understand that you do not detect the kindly sympathy and affection which underlie the motives guiding the feeling of the people towards a poor victim in the lower rank of life. Such an exhibition of simple humanity and gentle reverence for the dead must be, I am sure, quite out of the sphere of your recognition and appreciation."

I may add that we wish this memorial to be a warning to young men and women to beware of the first step of departure from the path of honour and virtue, and in this sense it will be a public benefit. Some may think our proceedings wanting in "good taste;" but when taste comes in conflict with good feeling, so much the worse for taste. Under all this stir and convulsion of public interest the gentle philosopher may discover the deep sense of right and wrong ruling the popular mind, and here he may also watch the beatings of the great human heart. Rulers may be sure that if they are true to the people the people will always be true to them.

NOTE.—When the hammer-hatchet was thrown away in Morden College grounds, one of the most secluded spots of the shrubbery was chosen for the purpose, and if the weapon had fallen flat it might have remained undiscovered for months, but the blade stuck in the ground, leaving the white handle pointing upwards. When the gardener went his rounds it immediately attracted his attention.

At Bow Street and Greenwich Police Courts, E. W. Pook, on oath, gave the following extraordinary account of himself:—

"That he never had any intimacy with Jane Maria Clouson, that he never made an appointment to meet her, never walked out with her, or corresponded with her; that the police at his trial perjured themselves, because they wanted to hang somebody for the girl's murder, and they chose him; that the policeman who swore that he picked up the whistle committed perjury; that no less than half-a-dozen witnesses committed perjury for the bribe of 3s. 6d. per day; that the blood on both sides of his hat was 'spurted' from his tongue, which he bit in a fit; that the hat fell off his head when he tumbled on the floor of the sitting-room; that on the night of the murder he ran part of the way home from Lewisham, because he felt a fit coming on, and he went into Mrs. Plane's shop to brush his clothes, because, having fallen in South Street and soiled his trousers, he thought that if his mother saw him with a patch of mud on one knee she might be alarmed and apprehensive that he had had a fit."

Comment upon this painful exhibition is almost unnecessary; but for the edification of the uninitiated it may be as well to remark that blood cannot "spurt" from a bitten tongue. Arteries spurt blood—veins do not. When the tongue, which is full of veins, is bitten with sufficient severity, blood may ooze from the wound, mingle with the saliva, and slobber out of the mouth.

An epileptic patient, taking to running to keep off a fit which he feels approaching, is certainly an astounding physiological curiosity! In the first place an epileptic fit is too sudden and unexpected in its attack to allow its victim to take precautions to avert it; and, in the next place, if it gave any warning, such exertion as running would accelerate the seizure and intensify its violence, perhaps to a fatal termination.

The wholesale imputation of perjury against the witnesses on the trial may safely be left to the criticism of the common sense of the public.

As I have been asked why I wrote this pamphlet, I give the following statement as my answer:—

As the law has hitherto failed to bring to justice the perpetrator of one of the most atrocious crimes on record, and as we are about to start on a wild-goose chase after an unknown criminal, before commencing the hunt all the facts and circumstances surrounding the case ought to be thoroughly understood and properly interpreted. Whatever blame is due to the failure should be placed on the right shoulders, and that as the crime

was a secret one we must not expect an overwhelming amount of evidence.

Of course if this Eltham murder and the discovery of the perpetrator are matters of little consequence, and if courts of law are infallible tribunals, then my pamphlet is an intrusion, and it "ought never to have been written;" but until the public mind is quite satisfied on these points, I must continue in the belief that I have done some service to the cause of truth.

As a monument is about to be erected in Brockley Cemetery to the memory of the murdered girl, I here venture to offer an inscription, which I hope will be considered suitable.

Sacred to the Memory of

JANE MARIA CLOUSON,

A Motherless Servant Girl, who was murdered, under circumstances of peculiar atrocity, in Kidbrooke Lane, Eltham, on the night of Tuesday, the 25th of April, 1871.

She was taken, with her skull battered in, to Guy's Hospital, where she died on Sunday, April 30th, 1871, at 9·15 p.m., two days after her 18th birthday.

THOSE WHO KNEW HER BEST,

Testify

That she was comely in person, agreeable in manner, amiable and affectionate in disposition.

HER LAST WORDS WERE: "OH! LET ME DIE!"

May God's Great Pity touch his heart and lead
My Murderer to confess his dreadful deed;
So that when secrets of all hearts are known,
Guilt and Repentance may alike be shown.

This Monument was erected by Public Subscription.

THE

ELTHAM TRAGEDY

REVIEWED.

"Thou shalt do no murder."—*Sixth Commandment.*

I.

In the dull hazy light of a chilly spring morning, about four o'clock, on Wednesday, the 26th of April, 1871, a policeman, in going his rounds, discovered a ghastly object in Kidbrooke Lane. He was startled at seeing a young woman huddled together on her hands and knees; the ground near her was saturated with blood for the space of a foot square, in the centre of which there was a clot of blood. Her face and head were dreadfully lacerated, and the brain was protruding from the skull. He took her by the hand to lift her up; she said faintly, "Oh, let me die!" and then fell back. These were the only intelligible words that could be extracted from her. The policeman was obliged to leave her to seek assistance. A stretcher was brought, and about seven o'clock a.m. the silent and dying girl was received into Guy's Hospital. There she lingered till the following Sunday night, when she died about a quarter past nine. During all this period nothing she uttered was distinctly audible. It was thought that she said now and then, "Don't, Emily" or some similar name, but the nurses could not understand what she meant. It was afterwards ascertained that "Emily" was the Christian name of the girl with whom she slept in Greenwich. A detective was constantly on the watch at the hospital to observe and trace anyone who came to identify her, but without leading to any satisfactory result. At the hour of her death she was unknown; but about eleven o'clock the same night a man and his wife called at the police station, Greenwich, and said they were in search of their niece, who had been missing several days. An appointment was made to go to the hospital the next morning (Monday), and then the body of the girl was identified as that of Jane Maria Clouson, 17 years of age, whose mother was dead. She had lived as a servant in the family of Mr. Pook, a stationer and printer, of London Street, Greenwich, but whose service she had left

about two weeks before. A *post-mortem* examination revealed the fact that she was two months in the family way, but the *fœtus* had been dead at least a fortnight. It is said that she had some personal attractions.

The only conclusion the police could draw from the circumstances surrounding the case was, that a most brutal murder had been committed by some one who stood in the relation of lover to the girl, and that he had committed the deed to get rid of her as an encumbrance.

Those friends who knew her well spoke of her as a nice, sloan, well-conducted girl, but she had evidently loved some one "not wisely, but too well."

The next inquiry the police instituted was to ascertain with whom the deceased had been "keeping company." Two females gave information that immediately drew the attention of the detectives to E. W. Pook, a young man 20 years of age, who was employed in his father's business. He appears to have been mixed up with musical entertainments, and to have had a lively taste for female beauty. He had several favorites among the fair sex on his hands at about the same time. One witness informed the police that the murdered girl had confided to her that she had had improper intimacy with young Pook, and the other witness testified that Jane Maria Clouson had told her she was going to meet Pook on Blackheath, near Prince Arthur's, on the very night she was murdered, to arrange preliminaries of marriage. Guided by this information, which was afterwards made public at the inquest, the police paid Pook a domiciliary visit on the 1st of May, told him what they had heard, and asked for any explanation he chose to give. He denied all the imputations that were made against him, but the officers took him into custody, and after an elaborate examination before the coroner and the magistrate, he was duly committed for trial. In the gardens of Morden College, a place about midway between Eltham and Greenwich, a plasterer's hammer was found, which had clearly been used in the perpetration of the murder; there was blood on it, and in a notch there were particles of the girl's hair adhering to some mud. The next thing was to ascertain where this hammer was sold. This discovery was made by what is called "a special inquiry." Instructions are sent from the police head quarters to all the metropolitan district police offices to have every tool-shop visited and inquiries made within a circle of 44 miles. Accordingly a report was sent in that such a hammer as the one described had been sold by Thomas, of Deptford, on the night of the 22nd of April. The information, however, turned out to be incomplete, and for a time it led the police on a wrong scent. The real hammer had been sold at the same shop on the evening of the 24th of April, but no one in the shop could identify the purchaser. A neighbouring ironmonger, named Sparshott, however, identified young Pook as coming to his shop on the 24th of April to purchase such an article, and as he had it not in stock he directed the customer to Thomas's shop, and saw him go in that direction. The young man represented to be Pook

described to Mr. Sparshott what he wanted, and said it was to be used in some theatrical performance.

If the purchaser of the hammer could be identified, it is acknowledged, on all sides, he would turn out to be the murderer—the very man we want; but there is now not the slightest possibility of discovering him, because Mrs. Thomas declares her entire inability to identify anyone as the purchaser. To offer a reward for the discovery of the murderer is, therefore, simply a solemn mockery; it is holding out an inducement to Mrs. Thomas to do what she has sworn she cannot do, and it is a mere waste of time to search for the murderer through any other channel.

The plasterer's hammer is a very useful tool, and a formidable weapon. It has a handle of a very convenient length—say 15 inches or so,—at one end is a hammer combined with a hatchet, and in the side of the hatchet-part is a notch for extracting nails, so that the plasterer can cut his lath and nail it down with great celerity.

The place where the murder was perpetrated is exactly two miles and three-quarters from Mr. Pook's shop. An active man can easily walk the distance in three-quarters of an hour, and he could as easily run back in 21 minutes. Allowing 15 seconds for the perpetration of the crime, the whole matter could have been done in 66 minutes and 15 seconds—or to allow sufficient margin say 67 minutes—no great expenditure of time!

Kidbrooke Lane is a pleasant haunt in summer time when the weather is fine, and then it is somewhat frequented; but in winter or in dull gloomy weather it is quite deserted, and then it looks like a cut-throat sort of place. On one side nearest to Kidbrooke is a bank with a low hedge and ditch, and on the other or Eltham side, where the girl was found, is a bank with a tall hedge, altogether about ten feet high. In the field running along inside by this hedge is a foot-path open to the public, and where they generally prefer to walk, as it is smooth and more comfortable than the rough, rutty, grassy lane. Just at the spot where the murder was done, the lane contracts to its narrowest part, about 13 feet measured from the tall hedge to the opposite ditch, and forms a sort of curve or elbow, where the range of view is very limited. A shallow rivulet runs across one part of the lane. In damp weather the lane is apt to be muddy, as being so shut in with hedges the wind cannot dry it readily, and the tall hedge on the south side shades it from the sun.

On the night of the murder, in consequence of a temporary scarcity of men, there was no policeman on duty in this locality from six till ten o'clock, and no policeman went along the lane till two o'clock in the morning, when there was only just sufficient light in the sky to enable him to see his way.

Pook was tried for the murder of the girl Jane Maria Clouson at the Central Criminal Court in the July session, and after four days' trial he was acquitted.

With these preliminary particulars the reader will be able to follow the comments which I have felt it my duty to make on a subject

which is not only of local but national interest. My object is not to re-try the case, or to fix the guilt upon anyone, but to show how imperfectly the evidence has been collected, and how still more imperfectly this evidence has been interpreted.

II

As there is a general opinion abroad that there has been some miscarriage of justice in reference to this dreadful crime, I have decided to analyse some of the evidence which was produced and the general conduct of the trial. I was in court part of the time as an impartial spectator of the proceedings. Judge, jury, witnesses, policemen, and prisoner were alike strangers to me personally. The first thing that struck me after the trial commenced was the apparent unfitness of the judge for the task before him; he seemed out of condition, irritable, nervous, and disposed to quarrel with anyone who gave him a chance. He was not long without this opportunity when the first policeman entered the witness-box. This man gave his evidence with great clearness; his description of the place where the body was found was minutely accurate; his account of the discovery of the murdered woman was painfully graphic; and the mode in which he went on his beat—first up the path on the inside of the hedge and then back through the lane—was very clear to anyone whose attention was fixed on the narrative. The judge, however, got a little bewildered with the details, and angrily accused the witness of misleading him, when the confusion was really in himself. At last however the preliminary facts were jolted into the judge's mind. By-and-bye one of the principal witnesses—Mr. Mulvany—presented himself. Like a fair and straightforward witness, he did not pretend to recollect every minute circumstance, ten weeks after it occurred, as accurately as when it first happened, and his memory had occasionally to be refreshed by reference to his original statements before the magistrate. We may remember that young Pook, in his first conversation with Mr. Mulvany, told him that on the night of the murder he went to Lewisham, and came back by Royal Hill to Greenwich. When this statement was made in court, there occurred the following dialogue between the judge and Mr. Mulvany:—

The Judge: "Was not this the prisoner's proper road?"

Mr. Mulvany: "It might have been so, my lord?"

The Judge (angrily): "Might have been! What do you mean by might have been? Was it not, Sir, his most direct road?"

Mr. Mulvany: "It is one of the roads. I am not minutely acquainted with the locality."

The Judge (with solemn irritability): "You are giving your evidence very badly, Mr. Mulvany!"

Now, I thought that the witness was giving his evidence very well,

and this attack upon him seemed to me to be unfair and uncalled for. Everyone who knows the neighbourhood is aware that there are between Lewisham and Greenwich four roads equally eligible, and if Pook wished to choose the most direct, I should have fancied he would select that one by Crooms Hill. This unjust aspersion upon Mr. Mulvany soon became epidemic. "Abusing the Police" was at once "the mode." The game was started from the Bench, and the "tantivy" and "tally-ho" soon became fast and furious.

Great complaint was made that the policeman who discovered the murdered girl did not see her, if she was there when he went along the lane at two o'clock; but it must be remembered that the girl was dressed in sombre clothes, that the night was very gloomy, without moon or stars, and that, under the dark shadow of the tall hedge it would be impossible for him to notice anything unless he stumbled over it. The appearance of the wounds, however, denoted that the girl must have been there some hours. The judge, in sympathy with the defence, argued in his charge to the jury that the real murderer must have been covered with the blood of his victim, and that dreadful screams must have been heard. I should argue exactly the reverse—that the first blow would stun the girl, and that, if the arteries were thoroughly divided, they would contract, and the blood would not spurt; in fact, "I should be surprised" to find much blood on the clothes of the real murderer. If the victim wore a veil that would still further prevent the splashing of her blood. The blood did not splash materially over her dress. Why, then, should it splash more over his? Again, if the first blow felled her to the ground, the murderer would be out of the limit of the blood-splashing. This question of blood-splashing requires a great deal of investigation, and I was astonished that no eminent surgeon was called to give his opinion of the phenomena exhibited in this case. The minute spots of blood on clothes are sometimes more suggestive than a casual observer would be apt to imagine; their smallness and position may give them additional importance. They may appear not like those drops which fall from a wound caused by an accident to oneself, but rather like particles darted or propelled from a neighbouring object—blood-sparks struck and scattered from a bloody anvil!

A friend of mine, who was a very considerable hunter and sheep farmer in New Zealand, and who has killed numerous animals with his own hand in various modes, assures me that he never experienced any perceptible blood-splashing on his clothes. In fact, a murderer is rather a bungler who allows his victim's blood to betray him so conspicuously. One blessing will probably result from this discussion, and that is that we shall never again hear such nonsense uttered from the bench by a Chief Justice or any other judge.

In any future trial I would suggest that an expert ought to be called to give evidence on a point of this kind. The public mind would be better satisfied if this case had been more thoroughly studied and dissected. I must confess I was surprised that when Pook stated

that the blood on his clothes came from his tongue, bitten in a fit, that some examination of that member was not immediately made, to ascertain what it said for itself. Blood "spurting" from a bitten tongue over two opposite sides of a hat, under such circumstances presents a peculiar experience, which I am sure many surgeons would have gladly studied without charging anything for their attendance. Blood also appeared on the *right* wristband of one of his shirts; and Pook accounted for its presence by pointing to a scratch on his *left* wrist, and it was stated that by folding one hand over the other the blood was transferred. But if the blood was flowing thus readily that it could be so easily distributed; how was it that not a speck of blood appeared on the wristband which was in immediate contact or contiguity with the wound? In short, Pook's own evidence bristles with so many mysterious surgical problems that they deserve the most diligent examination.

When Superintendent Griffin gave his evidence he made one mistake. He forgot that Pook, when first catechised about his movements on the night of the murder, denied meeting the young woman near Prince Arthur's house; but his forgetfulness was very excusable, considering that ten weeks had elapsed since the conversation occurred, and if there is one thing more than another that a policeman is accustomed to, it is the criminal repudiating the crime of which he is accused. Pook's denial must therefore have gone into the superintendent's ear and out again, without leaving a strong impression. But, after all, no harm was done, or even likely to be done, because Griffin's deposition before the magistrate—made when his memory was fresh—was in court; and, when referred to, it appeared that Pook did deny meeting Jane Maria Clouson on the night of the murder. This mistake, which was very easily corrected, gave the judge an opportunity of making a sensational address to the jury. He told them that if this testimony had not been corrected, he might at that moment have been condemning an innocent man to death. I hope the judge was here misreported. He could scarcely have called the man "innocent" before the verdict was given. But what did his lordship mean by these observations addressed to the jury? Did he wish to impress us with the belief that silence under an accusation is admission of guilt, and that a denial is some proof of innocence? If so, and justice is to be administered on this principle in future, all I can say, is, "may the Lord have mercy on all our souls!" Or did he mean to say that the case was otherwise so complete against the prisoner at the bar, that if he had really not made any reply to Griffin's question, he would then and there have summarily abandoned him to a verdict of guilty? This supposition is equally shocking. I thought that an innocent man might observe silence under a false accusation for various reasons; because he thought a denial would go for nothing, or because his mind was so distracted that he did not hear or understand clearly the full import of the charge. If it is to go forth to the world that silence under these circumstances is always to be interpreted against a prisoner, I tremble for the con-

sequences. Again I ask what did the judge mean by his remarks? Perhaps, after all, "it was only his way" of lecturing the police.

The most delicious chapter in this burlesque of justice was the first interview between the detectives and the suspected man. The officers introduced themselves with the utmost politeness; they were received with equal courtesy—"every facility" was given to them. The young man condescended to narrate his own account of his movements; the father, in the most praiseworthy manner, testified to the character of his son and the purity of his life. The officers accepted, with becoming meekness and deference, all the articles and information which the family kindly felt disposed to offer in explanation of any suspicious circumstances. The officers, generously, did not arm themselves with a search warrant—if any such authority be required—to discover whether there were any more whistles in the drawers; they were, for the occasion, inspectors *lucus a non lucendo*. The prisoner graciously and readily consented to pass a portion of his time under the care of his new friends, and the high contracting parties terminated their interview with the most "distinguished consideration." This is a very wicked world, and therefore it is quite refreshing to find so much Arcadian simplicity displayed in quarters where it would be least suspected to exist. In future, let us look for native innocence not in the pastoral resorts of shepherds and their flocks, but in a metropolitan police station. Happy locality!

But the whole scene ought to be handed over to the pen of the author of "That Heathen Chinee." He is the historian capable of doing justice to the piquant features of the story. Pray, Mr. Pook, do not spoil the picture by an accusation of perjury against such amiable visitors! Let us for once quietly enjoy a play of such touching humour!

The reader will recollect that one important circumstance was not allowed to be submitted to the jury, because the judge ruled that it was not legal evidence against the accused. It was the statement made by the murdered girl to one of the witnesses on the 25th of April that "she must now leave the company of her friend, because she had to keep an appointment to meet young Pook on Blackheath, near Prince Arthur's house"—a spot where the prisoner admitted he had passed near on the night of the murder. Of course, with this ruling staring them in the face, the prosecutors were obliged to cut away a strong portion of their case; they had to fight with one hand bound. They were compelled to depend upon that most dangerous of all positions in legal strategy—a question of time—the time on a dark April night, when the prisoner and the girl went on their respective errands. A prosecution which trusts for its strength to a given hour which cannot be sworn to, except as a matter of casual observation, invites an easy and overwhelming defeat. The case, as presented to the jury, therefore ended in a verdict of acquittal.

It is a rule of law that a declaration made behind a prisoner's back respecting the act of which the prisoner stands accused, cannot be brought in evidence against him, unless such declaration qualifies the said act, or is part of it. The question raised at the trial, was this,

did the girl's declaration on the evening of the murder "that she was then going to meet Pook on Blackheath, near Prince Arthur's house" form such a portion of the act of murder as to make it acceptable evidence? The question was not very ably argued, and the judge at once decided that the declaration could not be admitted. But might it not have been shown that the act of which the prisoner was accused was decoying away the girl from her home to murder her, and therefore that, as part of the act of being decoyed, the declaration she made ought to have been admitted in evidence?

The point is a knotty one, and open to discussion. I certainly am not qualified to settle it. Hearsay evidence is, of course, a dangerous element in a criminal procedure, but it is sometimes very true, and then its rejection may work serious injustice. Nevertheless, the law has decided on its exclusion, so that we must grope our way to a legal result without its aid. Great gaps in a train of facts may thus be left, which cannot otherwise be filled up, and criminals sometimes escape, respecting whose guilt there is not the slightest doubt. Why should not hearsay evidence be sometimes admitted, under great precautions, for as much as it is worth?

A great deal was said against the police for their conduct in reference to (1) a locket, (2) a whistle, and (3) a dirty clout which was said to have been found by some one within a mile of the place of the murder. Let us look into these matters a little:—1. The locket. The police concealed nothing they knew respecting this article. It was disclosed in evidence at the inquest that Jane Maria Clouson had said that the locket was given to her by the prisoner. Humphreys (a man formerly in Pook's employment) stepped forward and declared that he gave the locket to the deceased. With this conflict of testimony before them the police could make nothing of the locket, and very properly abandoned it. But an impression got abroad that the girl had told a falsehood about the locket. Did she? She is not alive to explain. But can we be sure that her friend clearly understood her? Might she not have said that the locket was given to her while she was in Mr. Pook's service? This story of the locket, however, still remains a mystery. The article itself is a little plated cheap thing, worth about a shilling. When Humphreys bought it he said, "I hope I shall do as well with this locket as I did with the chain," referring to a chain of similar material which he had purchased a few days before. When Mr. Randall, the jeweller of whom the locket was purchased, asked him, some time afterwards, "what he meant by this curious speech," Humphreys replied, "Oh, it was only idle talk. I've got the chain still." No wonder, with such a witness as this, the locket was discarded altogether from the evidence. 2. The Whistle.—It was found the morning after the murder. The police kept it, and said nothing about it until they could in some way associate it with the case. At last they succeeded in finding a witness who could throw some light upon it, and then they produced it in evidence. I do not see much irregularity, if any, in this procedure. The history of this whistle is remarkably curious and significant. It was first produced in

evidence on the 19th May, when Miss Durnford swore that it was like the one with which Pook was in the habit of summoning her to their interviews: but on the 30th of May—11 days afterwards—the prisoner's solicitor, exhibited in Court a whistle which he said was the true one, and which had been found in one of Pook's drawers in consequence of his brother receiving a letter of instructions from the prisoner in Maidstone gaol. But why was this whistle allowed to remain so long unproduced? If it was in the drawer at the time Miss Durnford gave her testimony, surely nothing could have been more easy and natural than to address the magistrate, and ask permission for one of his officers to accompany one of Pook's relatives, or friends, to the prisoner's home—about 10 minutes walk from the Court—and without any delay, then and there bring the whistle into Court? Why should the blankest silence have been observed on this point, until after the prisoner had had a confidential interview with his solicitor?

The long delay and the trouble of sending a letter all the way from Maidstone, might then have been avoided. The promptitude would have caused a more satisfactory impression on the public mind, and silenced dissentients. But the obvious and simple course seems to have been either neglected, or impracticable, for some reason not known. 3. The Clout.—This article was treated like the whistle—kept till the chapter of accidents revealed something respecting it, and all that was known of it was published in *The Times* of the 8th May. What else could be done with it? Would the public have Mr. Mulvany go about with it in his hand, asking everyone he met to try to identify it? There are surely limits to burlesque even in the Central Criminal Court. Bear in mind, also, that there are a lot of low creatures in the world who are very glad to draw the police on a wrong scent, and therefore great care and judgment are required in deciding what information may be allowed to leak out. Enough has been said about this clout since the trial. Is any one now any the wiser? Has a single iota of information respecting it been obtained?

Several witnesses in this trial have been roundly and wantonly accused of perjury, but I am inclined to think that a much more charitable and sensible interpretation can be given to their various statements. The more ignorant and untrained men are, the more likely are they to consider themselves infallible. They are apt to be positive when people of culture and refined experience are diffident and hesitating.

When a person tells me that he can swear to the hour, because he heard the clock strike, I immediately infer that his certainty must be received with caution. A little discrepancy in evidence is a sign that ought to be received with favour rather than censure, as the testimony then appears less like a taught lesson that has been learnt by rote. Lazell, a respectable man, gave evidence that the jury could not reconcile with that given by other witnesses, but the question is, Which witness was most trustworthy? A man may, after consideration, remember to-day what he did not remember the day before; and sometimes, after a week or so, the incidents of two different days

may becmoe so entangled together in the mind as to appear as if they happened on one day; and thus a witness may unconsciously mislead people without having any real intention to deceive; the main fact of his testimony, stripped of its erroneous details, may, nevertheless, be perfectly unimpeachable.

After allowing ten weeks to elapse, a Mr. Crawford came forward to swear to a conversation he had with Mr. Sparshott, respecting the identity of Pook, when, as is alleged, the prisoner went to the shop to purchase a hammer-hatchet. Without attributing to either of these witnesses any intention to deceive, may we not reasonably infer that Crawford blended in his memory the statements of Sparshott with those of his wife or son, and thus formed a conviction that Sparshott was inconsistent? The latter may have said "That he did not know who called upon him," but this remark is very different from saying "That he could not identify the man when he saw him again," although one expression might have been easily confounded with the other by an inaccurate reporter.

A student of human nature can often easily see through the cause of conflicting testimony without rushing to a theory of wilful falsehood. The conduct of Crawford in holding his peace so long, was apparently allowed to pass unrebuked by the Bench.

Let us look with a little attention at the hair which was found on Pook's trousers, and which, in every respect, resembled in texture and colour the hair of Jane Clouson. This piece of evidence was laughed out of Court as ridiculous, because it was known that thousands of people have similar hair. Doubtless, but the same individual does not come in contact with them every week. The chances are prodigiously against one person finding among his acquaintance two other persons, not of the same family, with hair proved to be exactly alike, as tested by scientific examination; and the chances are still more wonderfully against his having such a specimen of hair on his clothes!

Let me illustrate and elucidate this point. A. knows B., who has hair of a certain colour and texture. A single hair of the same sort is on A's clothes, the chances are greatly in favour of the supposition that it is B.'s hair, and not that of some other unknown person.

Let us work out this problem from the unknown to the known. A. is seen in a certain place on a certain evening in company with someone unknown, but it is afterwards ascertained that B. was in the same locality because her body is found there, and that A. has on his clothes a hair resembling B's. The inference is irresistible that A. and B. were in company together.

E. W. Pook in his testimony before the magistrate at Bow street, on the 15th Sept., when the author of this pamphlet appeared to a summons for publishing it, swore that in his opinion this hair was worked into the cloth at the time the cloth was made, and he quoted the statement attributed to Dr. Letheby, that the hair was felted into the fabric. I immediately placed myself in communication with this distinguished professor, and the following is his reply, which of course is exactly

what every person with common sense would have anticipated :— "I certainly never intended to convey the impression that I was of opinion the hair had been woven into the cloth at the time it was made : what I intended to convey was that as hair has a felting property it would stick very tightly to woollen trousers."

So much for this wonderful hair !

The Judge complained, in his summing-up, that the police had neglected their duty in not bringing away from near the scene of the murder, two pebbles which were spotted with blood. What next I wonder ! If the police had burdened themselves with these articles I should have considered the men to be as hopelessly stupid as the stones.

What earthly purpose these pebbles could have served except to hand about as toys to amuse the jury, I am at a loss to imagine ! If the stones could have cried out for vengeance upon the murderer, they might have done some service.

Again, the Judge complained that models of the footsteps were not taken, but it appeared in evidence that the footsteps were not defined enough to be of much use, some of them being long and sliding, and this source of evidence was therefore worthless.

It will be remembered that Pook brushed himself in Mrs. Plane's shop. The brush that he used was examined a long time afterwards, and no blood was found on it—a fact which the Judge thought was greatly in Pook's favor. Even if the brush did happen to touch the small quantity of dry blood on Pook's trousers—sprinkled blood soon dries—no one with an average supply of common sense would expect to find any blood on the brush which was actively in daily use. Every time a brush is used the points of the bristles are worn, until in time the whole brush is worn out ; if any blood had clung to the bristles it would have been soon rubbed off by the friction of use ; but my readers, I am sure, do not require such elementary information. Besides Pook stated that he brushed the dirt off one knee, whereas the blood on his trousers was near the foot, with which the brush did not come in contact.

His lordship, with his usual acumen, thought that the murdered girl must have screamed, because there were some cuts on her arm inflicted apparently when the limb was raised in a defensive attitude ; but these cuts might have been given when she was senseless on the ground, and the peculiar screams which were heard, like those of some lovers romping, might have proceeded from the girl when her lover-murderer first pulled out his weapon and began to flourish it. For a moment, perhaps, the poor victim thought that her companion was in fun, and rehearsing a part in a play. Before she could be undeceived she would be senseless. It is well known that there are some women who cannot scream when they are frightened. They become paralyzed. Surely his Lordship has heard of such cases ! It is a curious fact that these cuts on the girl's arm had no corresponding cuts in the sleeve of the dress she wore, although the sleeve was not a loose one ; singular to say on examination it proved to be intact.

The Judge accused the police of starting with the theory of the

prisoner's guilt, and bending every circumstance to harmonise with this theory. But suppose I were to retort that the Judge started with the theory of the prisoner's innocence and bent every circumstance to harmonise with this theory, what would he say to me? A more flippant accusation was never uttered from the Bench, and in the name of a brave and useful set of men I hurl back the imputation in the teeth of his Lordship! Who is he who dares to scatter his insinuations broad-cast from the judgment-seat? I tell his Lordship he misuses the power of his high office when he thus stigmatises men who perform very delicate and difficult duties with considerable success. This want of encouragement and sympathy in high quarters must tend to lower the police in the estimation of the public, and consequently embarrass them in the exercise of their functions as guardians of our homes and property.

I am not happy in being compelled to speak in these terms of an eminent man like Chief Justice Bovill. I would rather do homage to him; but a man may be learned and honest, and eloquent and distinguished as an advocate, and yet be wanting in the judicial faculty.

To be a great judge, a man must be wise, cautious, and calm—a profound student of books and human nature—dignified and courteous in manner, and his temper must not be easily ruffled. His experience must be extensive and varied, and his sense of justice innate and cultivated to the highest standard. Such a man would not have delivered the ill-digested and boisterous summing up which terminated the trial I have been compelled, for the sake of truth and justice, to criticise.

Finally, let me condense the evidence as it appeared to the prosecution at the trial:

I. That the young man, identified as Pook, was searching for a hammer-hatchet the night before the murder, and he was directed to the shop were such an article was purchased. 2. This weapon was afterwards found in Morden College grounds, having been used in the murder of Jane Maria Clouson. 3. That Pook admitted he had on the evening of the murder passed by the spot where the girl told her friend she had appointed to meet him (this declaration of the girl was tendered but not allowed by the judge to be given in evidence.) 4. That he was seen coming down Royal Hill in hot haste about nine o'clock on the night of the murder, and that he entered a shop to brush the mud off his clothes. 5. There was no mud in the locality where he professed to come from; but the place where the murder was committed was muddy. 6 A whistle, exactly like what the prisoner had been in the habit of using, was found near the spot where the murder was perpetrated. 7. There was blood on his clothes and hat. 8. There was a human hair on his trousers exactly like the hair of the murdered girl. 9. A witness swore to seeing him with a girl near the place where Jane Clouson was murdered.

Now, with these nine circumstances staring them in the face, I simply ask, what where the police to do? The straws of evidence all blew in one direction—each thread of the story when handled seemed to pull from one reel. The police could not make bad witnesses good

ones,—they could not procure more evidence,—they could not for ever get the prisoner remanded. Were they to go to trial or abandon the case?

If the police had exercised any improper influence in getting up testimony, they would have taken care to make the times sworn to by the various witnesses harmonise with other circumstances of the case, and with the theory of guilt to which they are supposed to have bent the evidence; but the police do not suggest, to the witnesses who come to them, any modification whatever of their testimony, although sometimes a slight alteration would clear up a great difficulty. They never say to a witness, "Can't you make the time a little later or a little earlier?" or "Can't you modify this incident so as to agree with so-and-so's evidence?" The police do their duty a great deal more delicately and conscientiously than some great sensational people imagine.

An accusation was brought against Mr. Mulvany that he tried "to entrap" young Pook, by stating in his first interview, that "People said that he had been intimate with the murdered girl, and had written a letter to her." I am utterly at a loss to understand what just ground there is for complaining of Mulvany in this instance. "From information he had received," he was perfectly justified in making the statement, and if it was untrue, Pook was at liberty to deny it, and we should expect his denial to be very indignant. But mark his answer—it was worthy of an Old Bailey practitioner, and the cleverest counsel at the Bar could not have helped him to a more subtle mode of repudiating the imputation without committing himself either way. He said, "If such a letter can be produced, and it is in my handwriting, it will be proof." Truly a most obvious platitude, but the reply does not convey to my mind that he had not written to Jane Maria Clouson. We must here observe that the police were acting entirely from hearsay evidence, and at the inquest it was distinctly stated that the girl had burnt such a letter.

The Judge tells us that there was no evidence of the existence of this letter. Of course not in his Court, because he himself excluded all hearsay evidence from the consideration of the jury. At the same time he blamed the police for witholding the hearsay evidence about the locket, which evidence laboured under the additional worthlessness of being contradicted. To admit Humphreys' statement that he gave the locket to the murdered girl would involve the previous reception of the hearsay evidence that E. W. Pook was declared to be the donor. Thus uncontradicted hearsay evidence against the prisoner was not allowed by the judge to be given, but contradicted hearsay evidence in the prisoner's favour was peremptorily demanded by the same high authority. Curiously enough, this dilemma seems never to have been noticed by either the judge or the counsel.

We must deal tenderly with the evidence for the defence. Its principal fault was its completeness. We may, however, charitably pardon this defect; but we know that part of it was inconsistent. For instance, we were told that owing to his liability to fits (which

no medical man was called to explain), young Pook was pretty closely watched, and not allowed to be away from the observation of his family. Yet we were informed, almost in the same breath, that he was in the habit of going to Lewisham with his whistle to summon Miss Durnford, and that on the night of the murder he was absent from home for two hours without his friends knowing anything of his movements! Again, no one seems to have called attention to the difficulty or absurdity of attempting to identify a very common-place, conventional-looking young man, said to have been seen lounging on Lewisham bridge—a very frequented spot—on a gloomy April night, at eight o'clock, after eight days had elapsed before there was any special occasion for noticing the incident!

I hope never again to be a spectator of a trial in which the judge was so unjudicial and sensational, the witnesses were so random, the counsel so insulting, and the police so simple. A few more such exhibitions are calculated to lower the estimate of the administration of justice in this country. I must, however, make one striking exception. The Solicitor-General was equal to the occasion, and worthy of his high vocation. He was dignified, fair, and able.

The public has, luckily, a very imperfect knowledge of murderers, and is apt to draw very erroneous conclusions from their demeanour. We are inclined to fancy that murderers must resemble the remorse-stricken villains we see represented on the stage; that they are always dropping in a panic their goblets of wine, and seeing the ghosts of their victims seated at their banquets; that they are always walking in their sleep, and muttering to themselves strange revelations of the daggers they see before them. Gentle reader, if you have any such impressions dismiss them at once as fabulous and unreal! I will tell you how Dr. Webster, who murdered his friend, Dr. Parkman, twenty years ago, at Harvard College, Boston, U. S., conducted himself. He cut up the body, and partially destroyed it with sulphuric acid. He lowered the half-consumed limbs, with the aid of some string and fish-hooks, down a sink-hole. He went calmly home, and in the evening played at whist with his wife as a partner, and, I believe, he did not revoke! After a few days, when Dr. Parkman was "conspicuous by his absence," and people wondered what had become of him, his friends began to "chaff" Dr. Webster about the missing man. They tickled him in the ribs, and said, "Old fellow, you must account for him; he was last seen in your company." And then Dr. Webster "chaffed" in return, and seemed to enjoy the joke. Nevertheless, he was suspected, arrested, tried, and, though the evidence was circumstantial, he was convicted. He confessed his crime, and was executed. In this case five respectable persons swore to an *alibi;* that is to say, they took their oaths that they saw Dr. Parkman some hours after the time when the murder was perpetrated, and if this evidence had been successful the prosecution would have broken down. We ought to be very cautious in listening to evidence of *alibis.* The question raised at this trial was the identity of Dr. Parkman's

body. Fortunately for justice, the sulphuric acid used to decompose the flesh and bones spared the jaw, which was rather remarkable in its shape. A set of false teeth were in the mouth, and when they were produced, the dentist who supplied them, said, "those are the teeth I made for Dr. Parkman: there is my private mark on them." Dr. Parkman had retired from practice and occupied himself in money-lending and other speculative investments. Dr. Webster owed him some money which he could not repay. The debtor and creditor met in Dr. Webster's laboratory and there Dr. Parkman was murdered. If Dr. Webster after perpetrating the crime had rushed out and called in assistance, and exclaimed that he had done it suddenly in a fit of passion, people would have believed him: he would have been accused of manslaughter and suffered probably two years' imprisonment. But he was over-calm and over-cunning, and his destiny led him to the gallows.

Among those murderers who have exhibited the most consummate coolness and indifference after the committal of their crimes, Mrs. Manning stands forth conspicuously. She and her husband murdered their friend Conner, and buried him under the hearthstone. The next day, being sunday, she cooked a goose for dinner: a most symbolic and appropriate occupation! In the evening she went out tea-drinking with some old friends at the West-end; if she and her husband had remained quietly at home they would probably have never been suspected, but they injudiciously fled. Their absence led to investigation, discovery, trial and the gallows! Those who would graduate in the higher school of murder must cultivate coolness, secretiveness, and promptitude, but the most useful of these faculties is coolness.

There are two kinds of murder—the sudden and the premeditated, and there are two classes of murderers—the impulsive and the deliberative. Those who take time to cogitate over their plans of murder are generally remarkable for their impudence, easy complacency, cleverness, and self-possession; and though they are far more malicious and satanic than their less plotting brethren, they are frequently endowed with insinuating manners and attractive but deceptive characteristics. Among this order of artists we must particularly mention John Thurtell, who was hanged at Hertford for the murder of William Weare. The crime, one of the most atrocious on record, was committed on the 24th October, 1823, in Gill's Lane, two or three miles from Elstree. While the two "friends" were driving in a gig together, Thurtell shot his companion in the head. Weare leaped out of the vehicle; Thurtell followed him, and, in spite of his cries for mercy, despatched the unfortunate man by thrusting the barrel of the pistol through a fracture in his skull, twisting the weapon round and round in his brain. Thurtell, Hunt, and Probert, who had jointly planned the murder, afterwards met at Probert's cottage, where they divided the plunder, and enjoyed the evening over a nice supper of pork chops. On the festive occasion Mrs. Probert was presented with the gold chain of the murdered man.

Another instance of perfidious calmness was shown in the case of William Corder, who murdered Maria Martin, on the 18th May, 1827, at the "red barn" near Polstead. In the interval, between the perpetration and the discovery of the crime, Corder advertised for a wife. A respectable woman, who kept a school at Ealing, answered the advertisement, and they were actually married.

But of all the deeds of wicked, cunning atrocity, an event which happened in Holborn some years ago is amongst the most horrible. A man drove up to a public-house in a cab, in which there were himself, his wife, and two children. He ordered some beer, which he poisoned on its passage to the lips of his victims; and after he had satisfied himself that they were dead, he got out of the cab, shut the door again, told the unconscious driver to go on to Paddington, where, at last, the discovery was made that his passengers were huddled lifeless together. Fancy the cab jolting along the streets with its ghastly cargo! When the murderer was arrested he was found in bed, coolly enjoying the perusal of a novel!

Now I will tell you how I shall conduct myself when I commit a murder, and I wish to let the judge, jury, police, counsel, and the public know beforehand how I intend to behave, and how I should like them to act under the circumstances.

I shall prepare myself for my diabolical task and cultivate my natural callousness and villainy by a devoted study of the popular sensation novels of the day. Some one who is desperately in my way, shall be my victim. I shall have studied my sensational novel to very little profit if I cannot contrive a simple plot—the simpler the better—for perpetrating my fell purpose. When the deed is done I shall not be miserable. I shall feel the same relief that a surgeon would feel after lopping off a mortified limb. But if my nerves should be a little agitated, a quick run home through the fresh evening air will restore my equanimity, and after supper I shall be quite ready for a good night's rest. None of my friends shall notice any unusually ruffled state of mind in my manner. If sometime afterwards, when I have removed any little matters of difficulty, suspicion should point to me and I should receive a visit from the police, I shall be quite prepared for their reception. Knowing that they can discover nothing special against me, I shall treat them with the greatest apparent frankness. If they ask for any explanations of why spots of blood are on my clothes, I shall promptly reply that my nose bled, and this answer shall be considered conclusive and satisfactory for ever after. I shall be very unlucky if the witnesses against me are not stupid and positive. All hearsay evidence against me will of course be illegal, and as for any other dangerous circumstances, some would be pooh-pooh'd, some flatly contradicted, and some explained away or shown to be improbable.

I shall be acquitted, and I shall think myself very illused if my judge does not assure me from the Bench that I leave the court "without a stain upon my character."

No doubt a dinner will be given in my honor, and on the occasion I

shall make a speech, which will conclude with this peroration, "Yes, gentlemen and friends, I succeeded in baffling the machinations of the police (*tremendous cheering*), and I am once more restored to the society of the honourable men I see around me. It is true that my feelings were outraged, and my liberty trampled upon, but thanks to a great judge, an enlightened jury, stupid witnesses, and a plotting police, I have shaken off my fetters (*loud and prolonged cheering*). Gentlemen, in the solitude of my dreadful prison where did I look for comfort? Above? Below? Around? No! I sought consolation in perusing my favorite and most fascinating author—Joe Miller!"

Here, with my tongue in my cheek and my sleeve full of metaphorical laughs, I shall resume my seat amidst a storm of congratulations.

Some wise people may shake their heads and say I am over-acting my part, that I "protest too much," but what care I for the opinion of the wise as long as I have the fools on my side?

My future career shall be very briefly foretold. I shall use my money profitably, and, having few scruples to contend with, I shall be successful in life. Perhaps I shall be mayor of my city, and, if I do rise to this honourable position, one of my first guests shall be the distinguished judge who assisted at my acquittal. Finally, I shall die—not on the gallows—and leave behind me a reputation for respectability, which I shall know to be undeserved.

Poor human nature! how funny and yet how dunderheaded thou art!

This trial is a matter of national importance, and I claim the right, as an Englishman, of criticising a great public event fairly, openly, and trenchantly. This trial appeared to me to be ill-conducted from beginning to end—a gigantic blunder—and the purpose I have in view in publishing my animadversions on it is three-fold:—(1) To vindicate the police from the more violent attacks made upon them; (2) to defend the witnesses; and (3) by a fancy sketch of a sensation novel hero, to caution the public against drawing decided conclusions for or against the innocence of a prisoner from his demeanour. A guilty man may succeed in appearing like an innocent one; while an innocent man may, unfortunately, so conduct himself as to appear guilty. If the police, being fallible men, make mistakes and are therefore unjustly accused of distorting evidence to obtain the conviction of a prisoner, the natural consequence will be that they will become apathetic in the performance of their duty. Like other men they will shrink from facing those occasions when they are liable to be treated unfairly and insultingly. When witnesses voluntarily come forward—having no personal object to serve—to tell us what they know about any great crime, they should be treated with respect even when they blunder. If ignorance and confusion of mind are to be classed with perjury, we may be quite sure that we shall get few witnesses to face this ordeal of a law court. The consequence will be that criminality will flourish and the administration of justice will become more and more difficult—more and more a snare and a delusion. When I was in Court, the manner in which some of the witnesses were treated, almost inclined me to think that

the police were the real murderers of the girl, and that for some inscrutable purpose of their own they had determined to palm off their guilty deed on the prisoner. My humble efforts have, in this instance, been simply devoted to try to avert the injury likely to arise from a want of balance in holding the scales of justice.

I, personally, have nothing to gain but everything to lose by thus thrusting myself before the public as a censor and a combatant. It is no pleasure to me to tilt Quixotically against the windmills of the law; but I should consider myself unworthy of the name of an Englishman, if when I saw wrong being done, I did not raise my puny hand to defend the right.

My task is ended. I do not fear the anger of the eminent judge whose management of this trial I have thus ventured to call in question. I believe him to be too exalted to feel animosity towards one who, without any personal motive, has thus presumed to fight him in his own arena; and I should not be surprised if, when in his calmer hours he reviewed the incidents of this contest, he would be proud to show his pre-eminence by acknowledging his fallibility.

A murder of unusual atrocity has been committed at our doors, and the perpetrator has escaped. I am therefore afraid that this Eltham style of murder will spread—that the example may be infectious. It must be paramountly advantageous for the public interest and very instructive for our subsequent guidance, that every circumstance connected with this crime should be thoroughly sifted and examined. Discussion should not be severely rebuked. It may help us to elucidate future mysteries of a similar character; and though in the battle of debate we may use far-reaching expressions and winged words, we should remember that the arrow of truth, to hit and penetrate its mark, must be barbed and feathered.

Blackheath, July, 1871.

P.S.—As the occasion still exists, I here reproduce an advertisement which I was obliged to insert in *The Times* of the 19th September:—

"The Eltham Tragedy Reviewed.—Mr. Newton Crosland, finding it impossible to acknowledge individually all the marks of sympathy he has received, is compelled to adopt this mode of expressing his gratitude to his numerous correspondents. To those who have suggested the formation of a Defence-fund, he wishes to say that such a step on his behalf is quite unnecessary, and could not receive his sanction. He undertook the task in which he is engaged from a deep sense of public duty, and he cannot now allow any meaner feeling to influence his conduct."