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Mr. Edward Clarke.

Trial of
The Stauntons

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TO THE RIGHT HONOURABLE

SIR EDWARD CLARKE, K.C.,

FEARLESS ADVOCATE

AND

STATESMAN WITHOUT REPROACH,

THIS BOOK IS DEDICATED

BY THE EDITOR

AS A TOKEN OF ADMIRATION

AND RESPECT

PREFATORY NOTE.

THOUGH nearly thirty-four years have elapsed since the Trial recorded in these pages, several of the chief actors in the drama played out at the Old Bailey are still alive and active. I have only to mention Lord Halsbury, Sir Edward Clarke, Sir Harry Poland, Sir Douglas Straight, and Sir Charles Mathews. From several of these—I would particularly mention Sir Edward Clarke and Sir Harry Poland—I have received valuable assistance in the preparation of this book, and I gladly seize the opportunity of acknowledging my obligation. My thanks are also due to those who have helped me to procure the photographs which, in several instances, are of the same date as the Trial, and which will contribute, I think, in no small measure to the interest of the volume. Lady Holker has kindly given permission for the reproduction of the picture of her late husband. The photograph of the unhappy Harriet Staunton was lent to me by my friend Mr. Willoughby Maycock, C.M.G. As it is probable that some of the prisoners who so narrowly escaped the extreme penalty of the law may still be living, it has been thought better to refrain from giving any clue to their identity by the publication of their likenesses.

The difficulties of obtaining a literal and absolutely authentic report of an English Trial where no official shorthand writer is employed are almost insuperable, and for reasons explained in the book only faint justice has been done to the speeches of counsel. The evidence, however, which is, after all, the most important matter, is, I venture to hope, after a careful and somewhat painful collation, faithfully reproduced. Where possible and desirable, I have given the examination and cross-examination of witnesses in the form of question and answer. To have done so throughout, even if the material were in existence, would have swollen the report to intolerable proportions. Where condensed, the version here preserved is taken from the Sessions' Papers.

J. B. ATLAY.

ADELPHI TERRACE,
February, 1911.

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STAUNTON TRIAL.

INTRODUCTION.

On the evening of Friday, the 13th of April, 1877, a gentleman, bearing the historic but unusual name of Casabianca, was in a small shop in Forbes Road, Penge. Forbes Road happens to be on the boundary line between Kent and Surrey, and while Mr. Casabianca was despatching his business, a stranger came in and asked the shopkeeper, who was also the post-master, where he ought to register a death which had occurred that morning at No. 34. The deceased, he added, was a lady from Cudham, in Kent. The name of Cudham excited Mr. Casabianca's curiosity; his wife's sister, Mrs. Louis Staunton, had last been heard of in that vicinity, and her family had reasons for fearing that she was the victim of serious maltreatment. Following up the clue, he had an interview next morning with Mr. Longrigg, the medical man who had attended the deceased and had signed the certificate of death. He was shown the dead body, and identified it as that of his sister-in-law, and as a result of what he told the doctor, the certificate was withdrawn, the funeral postponed, and the coroner communicated with. On the following Wednesday an inquest was begun on the body of Mrs. Staunton, in the course of which one of the strangest stories in our criminal annals was disclosed.

Harriet Staunton was by birth Harriet Richardson. Her mother had married a second time, and was now the wife of a country clergyman, the Rev. John Butterfield, of Great Burstead, Essex. By her former marriage there were four children, a son and three daughters, of whom Harriet was the youngest. An elder sister, wife of the Mr. Casabianca already referred to, had been prominently before the public eye a few years earlier in connection with the Wicklow peerage case, when, as the widow of the Hon. William

George Howard, she had striven unsuccessfully to convince the House of Lords that she was the mother of the infant claimant to the earldom.[1] Harriet was born in the year 1841, and from childhood had shown traces of weak intellect. In many respects she comported herself like other girls of her age. She was fond of dress, neat and tidy in her person; but it was impossible to give her the ordinary education, she could only express herself with great difficulty in a letter, and she could not spell the simplest words. In 1874 she left her mother's house and took up her abode in Walworth with her cousins, the Hincksmans.[2] Mr. Hincksman was a nephew of Mrs. Butterfield, and he had two step-daughters, Elizabeth and Alice Rhodes. The elder of these, Elizabeth, was married to a very juvenile husband, Patrick Staunton, whose brother, Louis, a year or so older than himself, was a frequent visitor at the Hincksman's.

Harriet Richardson was entitled in possession and reversion to something under four thousand pounds; Louis Staunton was an impecunious youth of three-and-twenty, an auctioneer's clerk by calling, insignificant in stature, but of the type, as a critic remarked at a later stage of his career, which housemaids call handsome. After a brief courtship they became engaged to be married. Mrs. Butterfield felt strongly that her daughter, though robust in health and of normal physique, was not a fit person to enter into matrimony in any circumstances, and she was more than sceptical as to the disinterestedness of this particular suitor. Her opposition, however, was unavailing, and had the effect of making her daughter passionately angry and violent in her behaviour. She then attempted to place Harriet under the protection of the Court of Chancery as a lunatic, but the application was unsuccessful, and tended, not unnaturally, to increase the estrangement between parent and child.

The marriage took place at Clapham on the 16th of June, 1875, from the house of the bridegroom's sister, without any countenance from Mrs. Butterfield, who declined to be present. As there was no settlement, Louis Staunton

[1] See Annual Register, 1870.
p. 48, 50

became possessed, under the existing law, of all the property to which his wife was then or might at any future time become entitled. Three weeks later Mrs. Butterfield made a call on the married couple, who were occupying a small house in Loughborough Park Road. She was not altogether satisfied with what she saw, but the meeting passed off without any apparent friction. The next day she received two letters, from her daughter and son-in-law respectively, requesting her not to come to the house again. After that date she never saw her daughter alive. In the spring of the following year she heard that Harriet had given birth to a boy, but no announcement of the fact was made to her by the parents, who shortly afterwards quitted Loughborough Park Road, and left no address behind them. Rumours reached Mrs. Butterfield, however, with regard to the conduct of Louis Staunton towards the girl Alice Rhodes, and she began to make inquiries of the Hincksmans, which brought down upon her, in January, 1877, a furious letter from Louis, denouncing her, in his wife's name and his own, for unnatural conduct. A chance meeting with Alice Rhodes at a London railway station a week or two later only served to increase her anxiety. Alice refused at first to tell her what had become of the Louis Stauntons, but eventually declared that they were living at Brighton, which Mrs. Butterfield subsequently discovered to be untrue; she also added that Harriet had been very ill, and Mrs. Butterfield recognised a brooch she was wearing as being one of the latter's favourite trinkets.

Though still unable to obtain definite information of her daughter's whereabouts, Mrs. Butterfield ascertained that the Patrick Stauntons were living at Cudham, and thither she went on the 5th of March. As she was taking her ticket she came across Patrick Staunton. He denied all knowledge as to where her daughter was living, and was most abusive to her. On alighting at Halstead station, some 5 miles from Cudham, she learnt that Mr. Louis Staunton occupied a farm in the neighbouring village called Little Grays. She drove there at once in a cab, and found Louis and Mrs. Patrick Staunton in the parlour. They would give her no tidings of her daughter, and she was finally hustled

out of the house. On her return to London she communicated with the police, and a watch was set on the neighbourhood of Little Grays farm, but no one was seen who corresponded to the description of Harriet Staunton. Suddenly, on Sunday, the 15th of April, Mrs. Butterfield was summoned by telegram to 34 Forbes Road, Penge, where she found her daughter's corpse. Harriet had died on the preceding Friday.

The little that is known of her short and unhappy married life can be given very briefly. Her child, a boy christened Thomas Henry, was born on the 23rd of March, 1876. She got well over her confinement, and was described afterwards by the doctor who attended her as being in good general health and bodily condition. Besides the professional nurse, she was looked after by Alice Rhodes, whose cousin, an orphan girl of fifteen, named Clara Brown, acted as general servant. Alice Rhodes herself was only nineteen, and of attractive appearance; and a guilty intimacy between her and Louis seems to have begun at that period, perhaps even earlier. In June the Louis Stauntons went to live at Gipsy Hill, Norwood, but shortly before their removal the baby had been taken down by them to the Woodlands, near Cudham, which had recently been taken by Patrick Staunton, who made a precarious livelihood as an artist. The Woodlands, also known as Frith Cottage, was a tiny house in a desolate and unfrequented corner of Kent, standing away from the road, and hemmed in at the back by a plantation. Mrs. Patrick had two small children of her own, more or less under the care of Clara Brown, and it was agreed that Harriet should leave her baby with them while she and her husband continued at Norwood. In August an arrangement was made by which Harriet became a regular inmate of the Woodlands, her husband paying his sister-in-law £1 a week for her board. It is clear, from an ill-spelt, affectionate letter to her husband, written in the following month, that Harriet did not look upon the separation as a permanent one. What Louis intended is not so certain, but he had, as his letters to his brother showed, contracted a strong aversion to his wife. If Harriet entertained any suspicions, she had not the strength of character to give expression to them—she was mentally and physically in the



Harriet Staunton.

Introduction.

In October she was brought up to London by her husband to meet the Commissioners for taking the acknowledgments of married women. Louis had sold for £1100 the reversionary interest to which she was entitled under the will of her aunt, Lady Rivers,[3] and her formal consent was necessary. The deed of assignment was explained to her by her solicitor, Mr. Keene. He had seen her frequently on business both before and after her marriage, and he did not now notice any change in her condition or appearance.

From the 23rd of October, 1876, to the 12th of April, 1877, Harriet Staunton disappeared from the outer world. She was seen once or twice by chance visitors who came to the house, but the regular tradesmen who called for orders had no idea of her existence. Nor could it be suspected that Mrs. Louis Staunton was an inmate at the Woodlands, in view of the fact that a young woman was living with Mr. Louis Staunton, as his wife, at Little Grays farm, barely half a mile away. That young woman was Alice Rhodes. Louis Staunton had taken and stocked Little Grays in October with the last vestige of his wife's fortune.

The nature of the treatment to which Harriet was subjected during these sad months was strongly disputed at the trial; but it is certain that she was kept in duress, and forbidden to go outside the door of the house. Whether she was starved and actively ill-treated is more questionable; as to the theory of starvation, I say nothing for the present, but Patrick Staunton was a man of violent temper, and there seems no reason to doubt that more than once he struck both his sister-in-law and her little child. This unfortunate infant, confined like its mother to the house, was gradually pining away, and on Sunday, the 8th of April, it was taken, a little wizened being, to Guy's Hospital by Mr. and Mrs. Patrick Staunton. It died the same evening, and the following day Patrick told the hospital authorities that the child's name was Henry Stormton; it was the son of a carpenter, he said, and the mother was a

3 Horace Pitt, the sixth (and last) Baron Rivers of Sudley Castle, married, 10th April, 1845, Eleanor Suter, of Brighton, better known to her own generation as "Nellie Holmes"; they parted at the church door. She died 3rd September, 1872; Mrs. Butterfield was her reputed "niece," and Harriet Staunton her "great-niece."

worthy woman, but unable to look after it. On the Tuesday Louis Staunton, under the name of Harris, gave the undertaker an order for the funeral.

On Thursday, the 12th, Louis Staunton and Mrs. Patrick called on a Mrs. Chalklin, who kept lodgings at 34 Forbes Road, Penge. They wanted apartments for an invalid lady from Cudham. The local doctor did not understand her case, and they wanted better advice. The lady was "inclined to be paralysed," and her head had become affected. Her general health was good, and she could eat perfectly well, but it was difficult to get her to take food. A bedroom and sitting-room on the first floor were taken at 15s. a week, and Mrs. Chalklin being asked to recommend a doctor, gave the name of Mr. Dean Longrigg, upon whom her visitors immediately called. They explained that they wanted him to attend a Mrs. Staunton, a lady of weak intellect. In answer to his questions, they averred that she was paralysed on the left side, but cleanly in her habits, and though hearty, extremely thin. She had been ill for some time, and she had been attended by Dr. Creasey, of Brastead, but he lived too far away, and could not give the requisite attention. Mr. Longrigg promised to pay the invalid a visit between eleven and twelve the next morning.

Cudham is about 7 miles from Bromley, and, as the 8.26 up train was signalled at Bromley station that evening, a wagonette drove up containing the four Stauntons and Alice Rhodes. Harriet Staunton was with great difficulty got out of the vehicle, and half-dragged, half-carried to a first-class carriage, in which the whole party took their seats. They alighted at Penge, a quick ten minutes' run, and here again Harriet had to be lifted on to the platform. While a cab was being fetched she was placed in a chair, on the suggestion of the stationmaster; she was speechless and barely conscious, but she was seen to stretch out her arm and heard to groan. Next she was hoisted into the cab, and on arrival at the lodgings carried out again by the driver, and put to bed at once. The landlady saw her in bed moaning and making a gurgling noise. Mrs. Patrick informed her that the lady had been very ill on the journey, and they could not account for it. In the course of

the evening Louis Staunton went twice for the doctor, who, however, was not at home, and the two brothers went back by the last Bromley train, leaving the women behind them. It was explained to the landlady that Louis Staunton was the husband of the invalid, and that Alice Rhodes was a young married woman who had come to help nurse her.

About ten o'clock next morning (the 13th) Mr. Longrigg was fetched by Alice Rhodes. He found the patient perfectly insensible, the arms rigid, the pulse quick and weak, the breathing stertorous and laboured. The body was emaciated, and all of it that was visible disgustingly dirty. The doctor saw at a glance that she was in a dying condition, and told the women he did not think she could recover. He prescribed absolute quiet, and ordered them to try beef tea and milk, and on his departure promised Mrs. Patrick to send in a trained nurse. When the latter, Ellen Gooding, arrived in an hour's time the patient was unconscious and lying as if in a fit. At noon she was appreciably worse, and the doctor was fetched again. The patient was dying rapidly, and Mr. Longrigg only remained a few minutes. At half-past one she died; the only person with her when she passed away was the nurse, though Louis Staunton and Mrs. Patrick were in the adjoining room.

It devolved upon Gooding to lay the body out, but on tearing off the chemise and nightgown she found it in so filthy a condition that the ordinary procedure was impossible. The head was alive with vermin, and the dirt on the trunk "was something like the bark of a tree." The brothers made the necessary arrangements for the funeral, which was fixed to take place at Beckenham on Monday, and the whole party quitted Penge in the course of the afternoon, having entrusted to the nurse the key of the rooms in Forbes Road. The next morning (Saturday, the 14th) she registered the death at Bromley, at the request of Mr. Longrigg, whose certificate gave the cause of death as primarily cerebral disease, and, secondly, apoplexy. This was admittedly based on what Louis Staunton had told him rather than on his own observation. He had only seen the deceased for a few minutes, when she was beyond the possibility of examination, and what he saw showed nothing inconsistent with the information supplied to him.

We have heard how the certificate came to be withdrawn; the body was actually in the coffin, for the undertaker had been prompt, and his orders were imperative. On the following Wednesday, the 18th, the coroner empanelled a jury and immediately adjourned it, after evidence of identification, in order that a post-mortem might be held. The task of "getting up" the case was entrusted to Police-Sergeant Bateman, who had been down to Cudham on the Sunday, and had there received statements from the three Stauntons, from Alice Rhodes, and from Clara Brown.

The post-mortem was held at 34 Forbes Road on 19th April. The examination was conducted by Mr. Longrigg, assisted by his partner, Mr. Pigott, and his friend, Mr. Lister. There was also present the police surgeon, Dr. Wilkinson, while Dr. Bright watched the proceedings on behalf of the relatives of the deceased, and Mr. Harman on behalf of the Stauntons. The body was fearfully emaciated and filthily dirty, especially the feet, the skin of which was quite horny; there were lice all over the body; the hands and nails were very dirty; but there were no signs of violence. The corpse weighed barely half of what should have been the weight of a healthy body of the height of the deceased. There was very little food in the stomach, some small pieces of undigested bacon. The chief organs of the body—the heart, the liver, the kidneys—were healthy but small, much smaller than they should have been. There were old adhesions between the external and internal lining membranes of the brain, with a slight deposit of a tubercular substance; the internal and external blood-vessels were highly congested and in an apoplectic condition, but, in the opinion of Mr. Longrigg and his assistants, the substance of the brain was perfectly healthy and free from disease. On opening the chest a tubercular deposit was found at the apex of the left lung, which, however, the doctors were convinced had nothing to do with causing the death. The body was absolutely devoid of fat, not a particle of it being discernible. The lower outlets of the body were badly inflamed, as if by the administration of an irritant poison, and the condition of the eyes suggested that a narcotic might have been taken. The contents of the stomach and the intestines were accordingly sent the next day (20th

April) to Mr. Disbrowe Rodgers, professor of toxicology at the London Hospital. No traces of poison could be discovered, but the complete absence of fat and the extreme emaciation of the body drove Professor Rodgers to the conclusion that death was due to starvation and neglect. He found also that the condition of the liver precluded the idea that the deceased had been addicted to intemperance.

The inquest was resumed on the 10th of May, and continued over the 11th, 14th, 15th, 17th, and 19th. Mr. (now Sir Harry) Poland appeared for the Treasury, and Mr. Percy Gye, afterwards reinforced by Mr. (now Sir Douglas) Straight for the three Stauntons and Alice Rhodes, all of whom elected to be sworn and give evidence. Louis, who was called first, said he had separated from his wife by mutual consent in the previous November; they had remained, however, on excellent terms, and saw one another two or three times a week. The separation was due to her intemperate habits; she was a heavy drinker, and they had difficulty in preventing her from getting access to spirits. Up to Monday, the 9th of April, his wife was in perfect health, eating well and having a craving for food, but on the Tuesday and Wednesday in that week she became seriously unwell, with perpetual drowsiness, and her memory appeared to fail her. He had never regarded his wife as being of weak intellect. She refused to see her mother and relatives because they had tried to shut her up in a lunatic asylum. She was always well clothed, and never complained of being neglected. On being pressed he admitted that Alice Rhodes had passed as his wife at Little Grays.

Alice herself was the next witness. She swore that she did not know the deceased was ill until Wednesday, the 11th of April, and even then she did not consider her very ill. The illness had come on quite suddenly and unexpectedly. Though Harriet was carried into the house in Forbes Road she was perfectly capable of walking; she undressed herself and took out her own ear-rings. Alice admitted that she had deceived Mrs. Butterfield by telling her that the deceased was living at Brighton with her husband and child, but she did so at the request of Harriet herself. She had never noticed that the deceased was in a filthy condition, and she had intended to share her bed at the lodgings. She had seen deceased the worse for drink on several occasions.

Mrs. Patrick Staunton said that the deceased had come to them at Cudham of her own free will. She was always nicely dressed and had clean clothes. On their arrival at Forbes Road she appeared perfectly sensible. At the Woodlands she had her meals with the rest of the family, and was constantly out and about. She came down daily to breakfast, and washed and dressed herself regularly.

Patrick Staunton asserted that he had frequently seen the deceased the worse for liquor. She had shown no surprise on hearing of the death of her child; the child suffered from convulsions, and it was at the mother's request that it was taken to Guy's. He knew that Alice Rhodes was passing as his brother's wife, but he was not aware of any criminal intimacy between them. No restraint of any kind was put upon the deceased at the Woodlands; he had noticed no change in her health until Monday, the 9th of April, and he saw no symptoms which could render the drive to Bromley inadvisable or dangerous. It was put to him by the coroner whether the removal, first of the child and then of the mother, was not to evade inquiry,[4] and he answered indignantly in the negative.

Clara Brown was the only other adult—if a girl of sixteen may be so designated—who could throw light on the establishment at the Woodlands. She corroborated in fullest detail the evidence of the Stauntons. According to her, Harriet was out morning, noon, and night; she shared the family meals; she showed no signs of ill-health until the Monday before her departure for Penge, and during her last days at the Woodlands she ate heartily of cold roast beef, fowl, and steak. Witness declared that she had seen the deceased the worse for liquor, which she used to obtain from the village. At a later date, as will be seen, Clara Brown told a totally different story, and said that her original evidence was put in her mouth by the Stauntons.

Mrs. Butterfield was then called, and the other witnesses included—besides the flymen, the railway officials, the nurse, the undertaker, the lodging-house keeper, and the medical men—a couple of constables who had gone down to the Woodlands

[4] Had No. 34 Forbes Road been situated a few yards further westward, it would have been within the boundary line of the county of Surrey, and the death would have been registered at Croydon.

on the 10th of May, almost exactly a month after the removal of Harriet Staunton. There was no one at home, for the occupants were all at the inquest, and they made their entry through a back window. Going upstairs they found the front bedroom properly furnished, but the back bedroom, which had been Harriet's, was bare and dirty. There was no carpet; a piece of board was laid across three tressels, and this formed the bedstead. The mattress was very dirty, and the pillow was without a case; there was no washstand.

An important piece of evidence relating to the early stage of the story was given by Emma Denton, the nurse who had attended Harriet Staunton in her confinement. She said that Alice Rhodes acted as complete mistress of the house in Loughborough Park Road, and that Harriet frequently cried and was in deep distress over her husband's behaviour towards his sister-in-law. This witness was examined before the magistrate, but for some unexplained reason she was not called at the trial.[5]

On Saturday, the 19th of May, the jury returned a verdict of wilful murder against the three Stauntons and Alice Rhodes. The contradictions between their evidently concerted narrative and the cumulative testimony of a cloud of independent witnesses were overwhelming. None of the four were in Court when the finding of the jury was announced, and they surrendered by appointment to the police officers in the course of the afternoon. In staying away they had followed the advice of their counsel. Sir Douglas Straight can still recall the ferocity with which his clients were greeted as they emerged from the room in the Park Tavern where the inquiry was held. That was at a comparatively early stage in the proceedings, and the demeanour of the mob had become more threatening day by day. The sufferings of a helpless child and a half imbecile woman, the revolting revelations of the nurse, the conviction of the doctor that death was due to deliberate starvation, the adultery committed in circumstances which doubly aggravated the original guilt of both parties—all had combined to excite the crowd to frenzy.

The prisoners were taken to Maidstone Gaol, and on Monday,

[5] See Appendix v., p. 301.

the 21st of May, were brought before the bench at Bromley. Here the demonstrations were no less hostile than at Penge, and the progress from the station to the Court and the Court to the station was a terrible ordeal. The hearing of the case was continued on the 23rd and 30th of May, and on the 1st, 3rd, 10th, 11th, and 13th of June. On the latter day they were all four committed to the ensuing Kent assizes on the charge of murder. The evidence put forward by the prosecution was substantially the same as that which we shall find given at the trial, with the important exception, however, that Clara Brown was not called. The police were convinced that when she was sworn before the coroner she was completely under the control of the prisoners and their relations, with one of whom she had taken up her residence after the home at the Woodlands had been broken up. She was now removed from this "sphere of influence," and placed under supervision with a family at Penge.

The Kent assizes are held at Maidstone, but on the 24th of June, a fortnight before Commission Day, application was made in the Queen's Bench Division of the High Court before Justices Lush and Mellor that the case might be removed under Palmer's Act[6] to the Central Criminal Court. Affidavits were tendered to prove the impossibility of obtaining a fair trial from a Kentish jury in the existing state of public opinion. Neither of the judges gave a very encouraging reception to the argument of Mr. Straight; but on the ready acquiescence of the Attorney-General, Sir John Holker, the rule was granted, On the 28th of June Alice Rhodes was delivered in Maidstone Gaol of a child whose father was registered as Louis Staunton.[7]

The commitment having been to the Kent assizes, the indictment came before the Grand Jury of that county on the

6 When it became obvious that the poisoner Palmer could not get a fair trial in Staffordshire, the Attorney-General (Sir Alexander Cockburn) got a bill rapidly through Parliament so as to enable the trial to take place at the Central Criminal Court. The Act (19 Vict. c. 19) applies generally to all cases in which "it is expedient to the ends of justice" that the indictment should be tried there. If Palmer could know what is going on in this world, it must give him melancholy satisfaction to find that this most useful measure of law reform is, and will be, for all time known as "Palmer's Act."

7 A few weeks later Mrs. Patrick Staunton was brought to bed in what Mr. Edward Clarke styled "the same shameful birthplace."

10th of July; until a true bill was found the order of the Court of Queen's Bench was inoperative. Sir James Fitzjames Stephen, not yet a judge but sitting as Commissioner, was in the Crown Court at Maidstone, and his charge suggested that to the mind of one great criminal lawyer, at any rate, the case was by no means free from difficulty. Whilst leaving the matter in the hands of the jurors he indicated not obscurely that in his judgment the evidence would not support a heavier verdict than that of manslaughter, and that against Alice Rhodes there was no evidence of any offence of which the criminal law takes cognisance. The general feeling of horror and resentment, however, was too strong to be denied, and a bill for wilful murder was found against all the prisoners, together with a supplementary bill for manslaughter.

The next session of the Central Criminal Court was at the end of July, and on the 9th of August the Lord Chief-Justice of the Queen's Bench, Sir Alexander Cockburn, came down in full State to the Old Bailey to try what had become known as the Penge mystery. The Attorney-General, Sir John Holker, the Solicitor-General, Sir Hardinge Giffard (now Lord Halsbury), and Mr. (now Sir Harry) Poland conducted the prosecution.[8] For the defence Mr. (now Sir George) Lewis, then midway in his remarkable professional career, had retained a strong bar. The prisoners were separately represented, Louis Staunton by Mr. Montagu Williams and Mr. (now Sir Charles) Mathews; Patrick Staunton by Mr. (now Sir Edward) Clarke; Mrs. Patrick by Mr. (now Sir Douglas) Straight and Mr. Purcell; Alice Rhodes by Mr. Percy Gye. All was apparently in readiness, but a surprise was in store; Mr. Montagu Williams applied, on behalf of his client, for an adjournment to the next sessions on the ground that he had not had time to master the medical details of the case, on which fresh light had been thrown during the last few days. The Chief-Justice, who was extremely unwilling to be baulked of a sensational trial, gave him no encouragement. He had read the depositions, he said, and he could not imagine, considering the number of medical men who figured therein, that any additional evidence of that

8 Mr. Charles (afterwards Lord) Bowen, the Treasury "devil," was also briefed, but he did not appear in the trial itself.

description would elucidate the cause of death. It was not, in his opinion, a case of scientific hypothesis, but of what had been seen by the doctors who had attended the deceased, conducted the post-mortem, and made the analysis. The other counsel, however, supported the application, and the Attorney-General, with that tenderness for the interests of the prisoners which was characteristic of Sir John Holker, declared that the Crown raised no opposition. The Lord Chief-Justice yielded, though with evident reluctance, and the case was adjourned to the September sessions. It should be added that on the 9th of August the Grand Jury had found a true bill for the manslaughter of Harriet Staunton's child against Louis and Mr. and Mrs. Patrick.

On the 19th of September the long-deferred trial began. The interval had brought about no change in the counsel either for the prosecution or the defence, but the Chief-Justice's place on the Bench was now occupied by Sir Henry Hawkins, the junior judge, who had received his well-merited promotion in the November of the previous year, and who had not hitherto tried a murder case.[9]

The issue before the jury was explained to them by Sir John Holker in terms as simple as the facts permitted. They had got to try whether Harriet Staunton had met her death through the culpable misconduct of the prisoners or any of them, and, if so, whether that culpable misconduct amounted to murder or manslaughter. And it was open to them to find that, while some only of the prisoners were guilty of actual murder, the others were accessories after the fact. If the deceased was kept without food and otherwise neglected with the design of causing her death, or with the knowledge that the consequence would be her death, those who kept food from her or abetted the guilty design would be guilty of murder. But suppose it to have been merely a case of cruel negligence, then those whose duty it was to supply Harriet Staunton with the necessaries of life would be guilty of manslaughter only. It would be a question of some nicety as to which of the prisoners it was upon whom that duty rested, and the Attorney-

9 So Lord Brampton says (Reminiscences, p. 219, one volume edition); I have not verified the statement, and the dates render it improbable.

General made the significant observation that, though Alice Rhodes was living in adultery with Louis Staunton, he could not see that she was responsible for the maintenance of Louis Staunton's wife.

The examination and cross-examination of the witnesses occupied five days. Mrs. Butterfield was the first to enter the box; then came the porters and railway officials from Bromley and Penge, the flyman who had driven the deceased to Forbes Road; Emma Chalklin, the landlady, and Ellen Gooding, the nurse. Mrs. Chalklin swore positively that Louis Staunton told her that his wife had been under a doctor at Cudham, and she described her intense surprise at the condition in which Harriet Staunton reached her house. Lee, the undertaker, completed this part of the case, and the medical witnesses were now called.

First of all came Mr. Longrigg, who related his interview with Louis and Mrs. Patrick Staunton, his visits to the dying woman, and the reasons which influenced him in giving the death certificate. He described the post-mortem, the state of the internal organs, and the gorged condition of the vessels of the brain, which, he suggested, might have been produced by suddenly giving a meal to some one who had been for a long time without food. It was the failure to discover any traces of poison which convinced him that it was a case of starvation. The state of emaciation to which the body had been reduced might have been brought about in three months. For a considerable time before Harriet Staunton's death it must have been apparent to those about her that she was wasting away.

When Mr. Clarke got up to cross-examine Mr. Longrigg, the crux of the case had been reached. The publication of the evidence taken before the coroner and the magistrates had convinced Dr. Bristowe and other leading authorities on diseases of the brain that, entirely apart from the treatment Harriet Staunton had received from her husband and his relatives, the cause of her death was tubercular meningitis (inflammation of the membranes of the brain), as demonstrated by the presence therein of tuberculous matter. Meningitis is now a well-recognised disease, especially common in children, difficult to diagnose and impossible to cure. In

1877 it was unfamiliar to those outside the ring of brain specialists, and was the last thing which would occur to a general practitioner in a small London suburb as a rival hypothesis to what seemed a clear case of starvation.

By agreement with the counsel for the other prisoners, the entire conduct of the medical questions involved in the case was left to Mr. Clarke. His object was to show that the post-mortem had not been carried out with thoroughness; that the doctors had been predisposed from the outset to the theories, first of poison, then of starvation, and that they had entirely neglected the clue which was furnished them by the presence of tubercle both in the lung and the meshes of the brain. He sought to establish that the two most conspicuous features of death by starvation—thinness of the coats of the stomach and paleness of the brain—were absent, and that the emaciation of the body was directly caused by the brain trouble. In addition, he urged upon them whether the symptoms attending the dying hours of the deceased, as well as the appearance of the body, were not consistent with the existence of diabetes or of Addison's disease. To none of these suggestions could Mr. Clarke obtain any assent, but he pressed the doctors hard, and obtained a number of admissions which laid the foundations of his address to the jury a day or two later.

Among the medical men who were called by the prosecution was Mr. Creasey, the parish doctor from Brastead, who denied that there was any truth in the statement made to Mr. Longrigg by Louis Staunton that the deceased had been under his care. He had attended one of Mrs. Patrick's children for a trifling ailment, but, though his work took him past the Woodlands twice every week, he was unaware of the existence of Harriet Staunton or of her baby.

Next came Clara Brown. She was, as the Attorney-General had pointed out, the only available witness who could give the jury a perfect and correct account of the treatment of the deceased. But he had warned them not to accept her evidence any further than it was corroborated by other testimony; the story she had told before the coroner was in flat contradiction with the statements she had subsequently made to the police and to the Treasury authorities. She now declared that after returning from her visit to the London

solicitor's in October, Patrick Staunton had forbidden Harriet to leave the house, and that he had ordered witness to prevent her from doing so, and not to allow any one to see her. She (Clara Brown) had heard Louis request Mrs. Patrick to lock up his wife's hat and jacket, so that she should not come after him. Up to Christmas Harriet had taken her meals with the family, but about that date she was banished upstairs, and practically kept there as a prisoner. She used to complain bitterly to witness of not having enough to eat, and sometimes for a whole day nothing was sent up to her. On more than one occasion witness had seen Patrick Staunton strike her. During the whole time she was at the Woodlands Harriet possessed only one pair of boots. She had become ill gradually; there was no fit or sudden change for the worse. She was very weak, and quite impassive, both when her child was taken away to the hospital and when she was told of its death. On the days immediately preceding her own removal, she was unable to take any nourishment, though she was tried with boiled fowl and bread and milk. On the Thursday she had to be carried downstairs in Patrick Staunton's arms. She was very drowsy and her brother-in-law remarked that if she were to go to sleep she very likely would not wake again. Louis Staunton frequently came over from Little Grays to the Woodlands. Sometimes he saw his wife, but not always. Harriet had no idea that he was living in the vicinity, or that Alice Rhodes was passing as his wife. Shortly before Harriet came to reside at the Woodlands, witness had picked up a letter in one of the bedrooms. It was from Louis Staunton to Alice Rhodes. She had burnt it, but she could remember part of the contents. It began, "my own darling," and continued—"I was very sorry to see you crying so much when I left you. It seems as though it never would be, but there will be a time when Harriet will be out of the way, and we shall be happy together. Dear Alice, you must know how much I love you by this time. We have been together two years now."

Much of Clara Brown's cross-examination was naturally devoted to the contradictions and evolutions which her evidence had gone through in its various stages, and, under the handling of Mr. Clarke, she gave a much fuller and more vivid picture

of the ménage at the Woodlands than had yet been laid before the Court. Though Patrick Staunton was an artist, he had no studio; there were only two sitting rooms, and he used to work in the larger. On the same floor was the kitchen, with wash-house and pantry. Upstairs were two bedrooms, front and back, and that was all. Mr. and Mrs. Patrick Staunton, with one of their children, occupied the front bedroom; the other child slept in the back bedroom with witness, and the deceased and her own child shared it with them. There was no washing accommodation in the back bedroom; they used the wash-house and the kitchen.

In re-examination the Attorney-General elicited some fresh and rather important facts. When Harriet Staunton paid her week-end visits to the Woodlands, before taking up her abode there, she was nicely dressed and tidy, and seemed to be proud of her personal appearance. From Christmas onwards she used constantly to complain of suffering in her hands and feet, and elsewhere. When Patrick Staunton and his wife were both away at the same time witness had orders not to let any one see Harriet. Occasionally, when people came to the door, she would want to come down, and witness would threaten "to tell the master," at which she always retreated. When Patrick was annoyed by the crying of her child he would beat it cruelly.

Clara Brown was followed by a group of witnesses from the neighbourhood of Cudham. The tradesmen who used to call regularly for orders at the Woodlands had never seen Harriet Staunton or heard of her existence, but a gamekeeper named Marchant had frequently noticed her in the early autumn of the previous year wandering about the woods. The last time he saw her was in November; he was talking to Patrick Staunton in the stable when she appeared at the door without her bonnet. Patrick said to her, "I've a policeman here, and if you ain't away he'll run you in." The deceased seemed to be in good health, and was properly dressed. Lastly, two girls, friends of Clara Brown, related how they had gone to spend the evening of Christmas Day with her under the impression that she was alone at the Woodlands, as the Patrick Stauntons and their children were away. While they were sitting together in the parlour they suddenly heard footsteps

crossing the kitchen, whereupon Clara went to the door, and exclaiming, "Go back, ma'am," turned the key in the lock.

The flyman who had driven Mrs. Butterfield to Little Grays on the 5th of March confirmed her account of the interview which took place there, so far as he had been a witness of it. And Sergeant Bateman described the various conversations which he had held with the prisoners before their arrest. He was severely cross-examined as to his dealings with Clara Brown, but his declaration that he had never endeavoured to exercise any undue influence over her bore the stamp of truth. The depositions of the four prisoners taken before the coroner were then read and put in, and the case for the prosecution closed.

Mr. Straight submitted that there was no case against Mrs. Patrick Staunton on the ground that she must be presumed to have been acting under the coercion of her husband, and, further, that she was under no liability to supply the deceased with food. The judge decided against him without hesitation, and gave a similar ruling with regard to Alice Rhodes. Clara Brown was then recalled, at the request of Mr. Straight, and was asked whether she had ever seen Patrick Staunton strike his own wife. She replied, yes, she had. Before she was allowed finally to leave the box she was subjected to a searching re-examination by Mr. Justice Hawkins.

Counsel for the defence then entered upon their uphill task, the difficulties of which had increased as day by day the evidence accumulated. Their addresses are given in the body of this volume, but I ought to say that, with the exception of Sir Edward Clarke, who has included this in the published collection of his speeches, I have had to rely on the rather meagre reports contained in the newspapers of the day.

Mr. Montagu Williams, on behalf of Louis Staunton, made no endeavour to extenuate the sordid intrigue which his client had been carrying on with Alice Rhodes; he could only urge upon the jury that the offence they had to try was murder, not adultery. He trimmed down in the customary forensic manner the evidence of the hostile witnesses. Harriet Staunton, he contended, was completely estranged from her mother, and had no desire to see her. The removal to Penge was due to a genuine desire for good medical advice, and the

prisoners had no suspicion of the dangerous condition of the deceased on the 12th of April. The state of her body was due to her own neglect and the growing enfeeblement of a mind that was always weak. The whole story of her ill-treatment at the Woodlands rested on the more than equivocal evidence of Clara Brown, who, if she spoke the truth, had been herself an accomplice, and he urged that the damning sentences in the so-called "lost letter" were an effort of that girl's imagination.

Mr. Straight renewed his former plea that Mrs. Patrick Staunton had acted throughout under the coercion of her husband. She had a strong motive, indeed, for keeping the identity and even the existence of Harriet from the villagers at Cudham; she wished to screen the shame of her sister, who was passing as the wife of Louis within half a mile of the Woodlands, and she was equally desirous that the truth should be kept from Harriet. But what evidence was there of a conspiracy to effect the death of the latter? Could anything have been more clumsy than the behaviour of the prisoners if they were guilty? And for the life led by Harriet Staunton while under his client's roof, as well as for her condition when she was taken away to Penge, he asked the jury to rely upon the statement made by Clara Brown to the coroner rather than upon the "fostered and manured" version which she had given them in the witness-box.

Then came the turn of Mr. Clarke. Hitherto it had only been clever sparring, or, to vary the metaphor, a creditable attempt to make bricks with no straw and only a modicum of clay. If Harriet Staunton's end had been caused by starvation there was no possibility of acquittal for, at any rate, her husband, her brother-in-law, and his wife. But if it could be shown that death was attributable to organic disease, then the case for the prosecution collapsed, however callous and censurable the conduct of the prisoners might have been. Mr. Clarke had indicated his defence in cross-examination; he now called strong affirmative testimony.

Dr. Payne, an anatomist and pathologist of the highest reputation, expressed his positive conviction, based on the reports of the inquest and on the medical evidence which he had heard during the present trial, that Harriet Staunton died

from tubercular meningitis, and that the theory of starvation failed to explain sufficiently either the symptoms before death or the post-mortem appearances. Emaciation was a frequent and early concomitant of meningitis, part, in fact, of the disease, and often the only premonitory symptom. Meningitis in adults was rare, but absolutely fatal; the acute stage might last any period from a few days to months. Dr. Payne was entirely confirmed by Dr. Bristowe, one of the greatest authorities on all questions of morbid anatomy; and he added that vermin would spread rapidly after death from the head to other parts of the body, and that their presence did not necessarily indicate any great amount of filth before death. Dr. Bristowe, it should be said, had not heard the evidence for the prosecution as given in Court, and his knowledge of the case was entirely derived from the newspapers. It was a letter from him to Mr. Clarke, with whom he was personally acquainted, which had brought about his presence in the witness-box. Both witnesses were agreed that the congestion of the stomach and the inflammation of the peritoneum were inconsistent with starvation. They were closely cross-examined by the Attorney-General with the object, *inter alia*, of showing that tuberculosis might be produced by starvation. To this they would not assent, and no admissions important enough to qualify their evidence were extracted from them.

Mr. Clarke's speech was one of the most forcible and persuasive which have been delivered in a Court of justice within living memory, and it had, so he tells us, a very marked effect upon his progress in the profession.[10] Patrick Staunton, for whom he appeared, was, in the view of the prosecution and of the public, an even more abandoned criminal than Louis. He was the gaoler of the unhappy woman and the executioner, and the blows he had inflicted on her and her equally wretched child were as dark a feature of the case as the aggravated adultery of his brother. But they rested, urged Mr. Clarke, on the testimony of Clara Brown, damaged already beyond recall by

[10] "The result of this case and the detective case, which was tried in the following month, was that my income, which had steadily increased to £3000 a year, suddenly rose to £5000."—*Clarke's* p. 311.

the speeches of his learned brethren. He dealt effectively with her contradictions, with her utter untrustworthiness, and with the influences to which she had been exposed; and he drove home the point that, up to the very day of Harriet Staunton's departure from the Woodlands, her bedroom in the tiny cottage was shared by Clara Brown and by one of Patrick Staunton's own children. He pieced together the various statements which his client had made both to witnesses in the case and before the coroner, and he contended that they were entitled to at least as much credit as those of Clara Brown. In Patrick's case, unlike that of his brother, there was no motive of money, or of guilty love, which could have induced him to become the daily witness of the slow agonies of starvation, or to have run the appalling risk which had eventually involved him and his family in utter ruin. Mr. Clarke contended that on more than one important point Mr. Longrigg's memory had failed him, and he urged that the doctors who conducted the post-mortem had been thrown off the real scent by the suspicion that death was due to poisoning; hence its perfunctory character, and the very grave omission to use the microscope either on the lungs or the brain. The jury had heard the evidence of two eminent specialists for the defence; their description of the development of tubercular meningitis from a slow wasting complaint to sudden collapse was in exact conformity with the account which the prisoners had given of Harriet Staunton's condition during the latter part of her stay at the Woodlands, and on her removal to Penge. But if Harriet Staunton had died from tubercular disease no crime had been committed, at least no crime of which that Court could take cognisance, and his client was no more guilty of manslaughter than of murder. In a very moving peroration Mr. Clarke asked for an acquittal.

On behalf of Alice Rhodes, Mr. Gye pointed out that she had no control over the Stauntons; she could not have prevented them from moving Harriet to Penge; there was no liability imposed upon her to provide the deceased with food or necessaries. If there was any felonious design on the part of the other prisoners she, at any rate, had no participation in it, and her conduct at Penge towards the dying woman was consistent, to put it no higher, with the greatest care

and solicitude. At the time of her seduction his client was a girl of nineteen, carried away by affection, and her whole subsequent conduct was dictated by the wish to hide her weakness and its consequence.

The Attorney-General, in reply, reminded the jury that they had heard the condition of the deceased at the time of her death. Did she come into this state through disease alone, or through ill-treatment and disease combined? If from the former no one could be held culpable, if from the latter some one was clearly responsible. Even if tubercular meningitis was the actual cause of the wasting away, which he did not admit, yet the ill-treatment and neglect to which she had been subjected at the Woodlands must have expedited the operation of any fatal disease that was upon her. While Clara Brown was technically an accomplice, there was sufficient corroboration on the most material points of her evidence to justify the jury in accepting her evidence. The defence asked them to believe that Harriet Staunton was merely secluded in order that the adultery of her husband might be hidden, but such seclusion could not last for ever. Louis had got all her money, and was resolved upon making Alice Rhodes his wife. Surely the facts of the case pointed to a design to reduce Harriet to such a state that she would not be likely to live, and then to let her die in some place where the history of her life would not be investigated. Patrick Staunton had not the same overwhelming motive as his brother, but he was devotedly attached to him, and his wife had every reason, on the admission of her own counsel, for concealing her sister's disgrace. The nature of Louis had been shown sufficiently by the way in which he had allowed his own infant child to die of neglect; and on him rested the primary duty for the proper maintenance of his wife. It was Patrick who, by contract, was bound to provide the necessaries of life, and it was he who gave the order for confining Harriet Staunton to the house. Mrs. Patrick, if they believed Clara Brown, had carried out his instruction, and she had constant opportunities of aiding the dead woman had she so desired, and of seeing she was properly fed. Alice Rhodes could not have been ignorant of the design against Harriet's life, if design there existed. She had taken part, admittedly, in concealing

her whereabouts from Mrs. Butterfield, and she had assisted in the journey to Penge. The jury would have to consider whether the removal of the deceased in the circumstances detailed to them was not likely, to the knowledge of the prisoners, to accelerate death. On this point it was immaterial by what means she had been reduced to the lamentable plight of which they had heard. Was the deceased in a fit state for such a journey? From their own language the prisoners must have known the terrible responsibility they were incurring,[11] and they must be held answerable to the law for the consequences.

Sir Henry Hawkins began his summing up at half-past ten o'clock on the morning of Wednesday, the 26th of September, and he did not conclude till twenty minutes to ten that evening, when the jury were sent out to consider their verdict. It was one of those *tours de force* too familiar in English Courts of justice, which place an impossible strain on the faculties and endurance of the twelve men cooped together in a comfortless box, and sodden with the foul, overheated atmosphere. Baron Brampton, in those unfortunate "Reminiscences" which have done so little to enhance their author's reputation either on the Bench or off it, has declared of his charge on this occasion that no duty more arduous was ever subsequently imposed upon him: "I performed it in my honest conscience without swerving from what I believed, and believe still, to be my strict line of duty." As to the extraordinary forensic ability displayed in it there can be no possible dispute, or as to the dramatic skill with which the facts were marshalled so that every point was made to tell and every fact to fall into its proper place. But it was the speech of an advocate and not of a judge; of a man who had convinced himself that a peculiarly cold-blooded and cruel murder had been committed, and that it would be a crime against Heaven and against Justice if a single one of the prisoners escaped. Certainly he left the jury no loophole. And in a charge by Sir Henry Hawkins the beautifully phrased, clean-cut English was reinforced by the emphasis and gestures which a consummate elocutionist and advocate alone can impart, and which render the most faithful report a pale and ineffectual reproduction.

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11 See p. 95.

Out of doors the summing up created a sensation second to the case itself, and procured for its author the title of "Hanging Hawkins," which, in his lordship's later years at any rate, grew to be a mere memory of the past. By the legal profession generally it was viewed with stern disapproval, and Sir Edward Clarke tells a story with reference to it which certainly does not increase our respect for the judge.

"When the summing up was interrupted by the luncheon adjournment Montagu Williams came to me and said, 'Hawkins wants to know if you wish him to deal with the medical evidence, and says, if he does, he will have to make some serious observations which will not help you.' I said, 'That is not a question for me to answer; I have done my duty, the responsibility for the summing up is with the judge, not with me.' Mr. Justice Hawkins scarcely dealt with that evidence at all, and in his direction practically ignored it."[12]

The report contained in a later page will show that Sir Henry brushed away the testimony of Dr. Payne and Dr. Bristowe as being of no account against the witnesses who had actually seen the body. Expert evidence in a Court of law, when it clashes with a "common sense" explanation, does not usually meet with a very cordial reception. I do not propose to say more with regard to the summing up than to indicate the ruling as to the law which was laid down by the judge for the guidance of the jury. Every person, he told them, who was under a legal duty, whether by law or contract, to take charge of another person, was bound to provide that person with the necessaries of life. Every person who has that duty imposed upon him or her, and neglects it so that death ensues, is guilty of murder if the neglect has been intentional, of manslaughter if the neglect has merely been due to carelessness without such intention. In applying this doctrine to the female prisoners he indicated that the guilt of Mrs. Patrick Staunton would depend upon whether she had been supplied by her husband with the means of providing necessaries for the deceased. To Alice Rhodes he did the doubtful service of pointing out that in her case the verdict of manslaughter was inapplicable, as she was under no obligation to provide

12 *Clarke's Speeches*, p. 311.

necessaries. Her fate must rest upon the view taken by the jury of her complicity in a design to murder Harriet Staunton.

As the jury withdrew they asked for a copy of the indictment; this request the judge refused on the ground that, being in legal phraseology, it could be of no assistance to them. After an absence of nearly an hour and a half they returned at five minutes past eleven with a verdict of guilty of murder against all four persons; they recommended both the female prisoners to mercy, Alice Rhodes strongly. The judge passed sentence of death in words which must have fallen like whip-cord upon the miserable creatures in the dock. Such fortitude as they possessed had been exhausted by the seven days' ordeal. Louis Staunton and his paramour were stupefied and livid with terror; Patrick's voice was heard for a moment imploring his wife to be firm, but before the words of doom were finished he, too, was in a state of abject collapse. Yet, as they left the dock for the cells Patrick, whose affection for his brother had been the one gleam of light in the wretched story, was seen to exchange with Louis a passionate clasp of the hand.

The scene while a man, and, worse still, a woman, receives sentence of death is solemn and "eerie" enough in any circumstances. But when morning has slowly worn away to evening to the accompaniment of a single steady, unfaltering voice, until flickering candle or flaming gaslight add their quota to the tainted air, the strain on the least responsive spectator becomes almost unendurable.[13] Yet the benches of the Old Bailey were filled even at this dread hour with the bevy of smartly dressed, overjewelled women who had drunk champagne in the luncheon interval and skimmed the pages of *Punch* when the interest flagged. Without the walls, and blocking up the neighbouring thoroughfares, a dense crowd was awaiting the verdict. It was drawn from the same elements which ten years earlier had made an execution outside Newgate the most degrading sight in Christendom. While the judge was delivering sentence the yells of execration and shouts of triumph were heard distinctly by all in Court.

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13 I can never forget the occasion at Worcester Assizes, shortly after my call to the Bar, when at one o'clock in the morning three Evesham poachers, who had brutally kicked to death one of the Duc d'Aumale's gamekeepers, received their death sentence from Sir Henry Hawkins.

The prisoners were conveyed to Maidstone Gaol the next morning, and Tuesday, the 16th of October, was the day appointed by the High Sheriff of Kent for the execution. But long before that date a great revulsion of feeling had taken place. On the morrow of the trial the London papers expressed strong approval of the verdict, and congratulated the jury upon their courage in the discharge of a painful duty, and upon "following the advice of Mr. Justice Hawkins to be guided by the facts of the case alone." The most influential organ of the middle classes even found a difficulty in divining the reasons for which the two women had been recommended to mercy. A calmer frame of mind, however, succeeded to the white heat of indignation, and in many quarters certainty and satisfaction yielded to doubt and dismay. The medical profession was up in arms against the cavalier treatment which the judge had awarded to men so eminent as Dr. Payne and Dr. Bristowe. An unprejudiced perusal of the evidence made it clear that Alice Rhodes, however frail and heartless, could not be held responsible for the treatment of Harriet Staunton. A conviction for manslaughter, followed by a swinging sentence of penal servitude, would have left the public unmoved; the thought of the death penalty exalted the prisoners to the rank of martyrs.

A strong agitation, of the type which Wilkie Collins has immortalised in "Armadale," was set on foot, and much violent language was indulged in. Mr. Clement Scott, one of the most vivid writers on the staff of the *Daily Telegraph*, gave a practical turn to what might otherwise have spent itself in empty declamation; and the versatile pen and strenuous personality of Mr. Charles Reade were given full play in the columns of the same newspaper.[14] His letters are a masterpiece of incisive writing, and he is said, with picturesque exaggeration, to have spent a night on the steps of the Home Office in his endeavours to obtain an interview with Mr. Secretary Cross.

More efficacious, however, in the eyes of the official world was a memorial signed by seven hundred physicians and surgeons, with Sir William Jenner at their head.

[14] See Appendix viii., p. 310.

The memorialists stated that from their hospital experience they had enjoyed special opportunities of observing the changes which are induced in the human body by disease and inanition respectively. They were convinced that the morbid appearances observed in the post-mortem examination of Harriet Staunton's body were such as to indicate death from cerebral disease. And they were equally confident that the symptoms recorded during life, and especially those immediately preceding death, were not symptoms of starvation, but were the usual and characteristic symptoms of certain forms of disease of the brain. It became known, moreover, that Dr. Harman, who had been present on behalf of the Staunton at the post-mortem, and whose non-production at the trial had been commented on by the judge, was strongly opposed to the starvation hypothesis.[15]

The Home Secretary, better known to this generation as Lord Cross, resolved to re-open the case. The hour of the Court of Criminal Appeal was distant by thirty years, but he summoned to his assistance Lord Justice Bramwell, Lord Justice Brett, and Mr. Justice Lush. Dr. Harman and the medical witnesses were in attendance, and also Clara Brown. Since the verdict the latter had made a statement to a representative of the *Daily Telegraph* in which she "piled up the agony" of poor Harriet Staunton beyond all bounds of belief.[16] On the 14th of October the death penalty was remitted, and a fortnight later the sentence on the three Stauntons was commuted to penal servitude for life. Alice Rhodes received a free pardon, and was immediately released. The *Times* threw over Mr. Justice Hawkins and his summing up,[17] lamented that the medical evidence produced by the prosecution should have been proved to be worthless, and declared

15 See Appendix vii., p. 308.

16 See Appendix vi., p. 304.

17 In the *Reminiscences of Baron Brampton* (p. 231), his lordship states that, on the inquiry before the Home Secretary, the opinion of the judge who tried the case is almost all-powerful. But he adds that, "after the fullest consideration," he has never changed or varied his view of the case. It is difficult, then, to believe that he was in favour of mitigation of punishment. He says, indeed, that he "joined" in the recommendation to mercy which the jury made on behalf of Alice Rhodes, but of this there is no trace in the words used by him in pronouncing sentence of death (*infra*, p. 281).

that "we have had a very narrow escape from a miscarriage of justice."

Patrick Staunton died in prison, his wife was released after a few years, and Louis Staunton after serving a considerably longer term.

Mystery will always brood over the Penge case. That Harriet Staunton died of tubercular meningitis may be accepted as certain. It is equally certain that she was treated with gross and heartless neglect during the long months at Cudham, when her growing weakness and emaciation must have become daily more apparent. It is impossible to disentangle the maze of contradiction into which the evidence of Clara Brown resolved itself; but, making full allowance for the imagination of a sixteen-year-old girl, tossed from one influence to another, there must, I think, be a solid foundation in fact for the version which she gave at the Old Bailey, and the question remains—what did the Stauntons intend to do with Harriet if she had not succumbed suddenly to an illness the existence of which they did not suspect? Were they merely waiting on the chapter of accidents, or were they prepared, in the language of Count Fosco, "to have assisted nature in obtaining permanent repose"? I am bound to say that probabilities point to the latter hypothesis.

Leading Dates in the Staunton Case.

1874.	Engagement between Louis Staunton and Harriet Richardson.
December.	Mrs. Butterfield takes unsuccessful proceedings in Chancery to have Harriet declared a lunatic.
1875.	
June 16.	Harriet marries Louis Staunton.
July 7.	Mrs. Butterfield visits her daughter at Loughborough Park Road; they never meet again.
November.	The Patrick Stauntons take "The Woodlands," Cudham.
1876.	
March 23.	Harriet Staunton gives birth to a boy. Alice Rhodes stays in the house during her confinement.
May.	The Louis Stauntons remove to Gipsy Hill, Norwood; their child is sent to "The Woodlands."
*August.	Harriet Staunton goes to reside at "The Woodlands."
†August 16.	Date of "the lost letter" from Louis Staunton to Alice Rhodes.
October.	Louis Staunton and Alice Rhodes passing as man and wife come to live at Little Grays farm, near "The Woodlands."
October 23.	Harriet Staunton signs the deed disposing of her reversionary interests at Mr. Keene's office in London.
1877.	
February.	Mrs. Butterfield meets Alice Rhodes at London Bridge Station.
March 5.	Mrs. Butterfield goes down to Cudham, but is denied access to her daughter. She communicates with the police.
April 8.	Harriet Staunton's child is taken to Guy's Hospital and dies the same evening.

* The precise date is uncertain, but it was early in the month. See p. 152.

† Approximately; see pp. 96, 253.

The Indictment.

The four prisoners were charged with having on the 13th day of April, 1877, wilfully murdered Harriet Staunton at Penge, in the county of Kent, to which charge they severally pleaded not guilty,[1] certain of the prisoners were also charged as principals and others as accessories after the fact.[2]

[1] The pleas had been taken at the August Sessions.

[2] KENT } The Jurors for our Lady the Queen, upon their oaths, present
to wit } that LOUIS ADOLPHUS EDMUND STAUNTON, PATRICK LLEWELLYN STAUNTON, ELIZABETH ANN STAUNTON, and ALICE RHODES, on the 13th day of April, A.D. 1877, at the parish of Beckenham, in the said county of Kent, feloniously, wilfully, and of their malice aforethought, did kill and murder one Harriet Staunton, against the peace of our Lady the Queen, her crown, and dignity.

2. That the said Patrick Llewellyn Staunton, Elizabeth Ann Staunton, and Alice Rhodes, well knowing the said Louis Adolphus Edmund Staunton to have feloniously, wilfully, and of his malice aforethought, killed and murdered one Harriet Staunton on the day and year in the first count mentioned, against the peace of our Lady the Queen, afterwards, to wit, on the day and year aforesaid, and at the parish aforesaid, and in the county aforesaid, him, the said Louis Adolphus Edmund Staunton did feloniously receive, harbour, maintain, comfort, and assist against the peace of our Lady the Queen, her crown, and dignity.

3. That the said Louis Adolphus Edmund Staunton, Elizabeth Ann Staunton, and Alice Rhodes, well knowing the said Patrick Llewellyn Staunton feloniously, wilfully, and of his malice aforethought to have killed and murdered the said Harriet Staunton, on the day and year in the first count mentioned, against the peace of our Lady the Queen, afterwards, to wit, on the day and year aforesaid, and at the parish aforesaid, and in the county aforesaid, him, the said Patrick Llewellyn Staunton, did feloniously receive, harbour, maintain, comfort and assist against the peace of our Lady the Queen, her crown, and dignity.

4. That the said Louis Adolphus Edmund Staunton, Patrick Llewellyn Staunton, and Alice Rhodes, well knowing the said Elizabeth Ann Staunton feloniously, wilfully, and of her malice aforethought to have killed and murdered the said Harriet Staunton on the day and year in the first count mentioned, against the peace of our Lady the Queen, afterwards, to wit, on the day and year aforesaid, and at the parish aforesaid, in the county aforesaid, her, the said Elizabeth Ann Staunton, did feloniously receive, harbour, maintain, comfort, and assist, against the peace of our Lady the Queen, her crown, and dignity.

The indictment for manslaughter, to which the prisoners were not called upon to plead, ran as follows:—

KENT } The Jurors for our Lady the Queen, upon their oath, present
to wit } that LOUIS ADOLPHUS EDMUND STAUNTON, PATRICK LLEWELLYN STAUNTON, ELIZABETH ANN STAUNTON, and ALICE RHODES, on the 13th day of April, A.D. 1877, at the parish of Beckenham, in the county of Kent, feloniously did kill and slay one Harriet Staunton, against the peace of our Lady the Queen, her crown, and dignity.

2. That the said Patrick Llewellyn Staunton, Elizabeth Ann Staunton, and Alice Rhodes, well knowing the said Louis Adolphus Edmund Staunton to have feloniously killed and slain one Harriet Staunton on the day and year in the first count mentioned, and

Staunton Trial.

The jury having been duly empanelled and sworn, the Attorney-General proceeded to open the case for the Crown.

Attorney-General My lord and gentlemen of the jury—The male prisoners, Louis Staunton and Patrick Staunton, are brothers; Elizabeth Ann Staunton is the wife of Patrick, and Alice Rhodes is her sister. Although there are several counts in this indictment, practically the charge against the prisoners is that they did wilfully murder Harriet Staunton, who was in her lifetime the wife of Louis Staunton, and who died on 13th April in this year. That charge of murder involves the minor charge of manslaughter, and you will have to consider, in the first place, whether Harriet Staunton met her death through the culpable misconduct of the prisoners, or any of them, and, if you come to that conclusion, whether that culpable misconduct amounted to the crime of murder or manslaughter. Of course, it may be necessary for you also to direct your attention to the question whether, if some of the prisoners are guilty of murder, others of the prisoners are guilty as being accessories after the fact. Your main duty will be to consider whether the death was caused by the culpable misconduct of the prisoners, and, if so, whether that misconduct amounted to murder or manslaughter. But before I trouble you with any explanation of the law with reference to this case, and before I make any comments upon the bearing of the evidence, I will give you a succinct, a brief, and, I hope, clear statement of the history of this very sad case. The deceased Mrs. Harriet Staunton was the daughter of Mrs. Richardson, who married for her second husband a clergyman named Mr. Butterfield.

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against the peace of our Lady the Queen, afterwards, to wit, on the day and year aforesaid, and at the parish aforesaid, and in the county aforesaid, him, the said Louis Adolphus Edmund Staunton, did feloniously receive, harbour, maintain, comfort, and assist, against the peace of our Lady the Queen, her crown, and dignity.

3. That the said Louis Adolphus Edmund Staunton, Elizabeth Ann Staunton, and Alice Rhodes, well knowing the said Patrick Llewellyn Staunton to have feloniously killed and slain one Harriet Staunton on the day and year in the first count mentioned, and against the peace of our Lady the Queen, afterwards, to wit, on the day and year aforesaid, and in the parish aforesaid, and at the county aforesaid, him, the said Patrick Llewellyn Staunton did feloniously receive, harbour, maintain, comfort, and assist, against the peace of our Lady the Queen, her crown, and dignity.

4. That the said Louis Adolphus Edmund Staunton, Patrick Llewellyn Staunton, and Alice Rhodes, well knowing the said Elizabeth Ann Staunton to have feloniously killed and slain the said Harriet Staunton on the day and year in the first count mentioned, and against the peace of our Lady the Queen, afterwards, to wit, on the day and year aforesaid, and at the parish aforesaid, and in the county aforesaid, her, the said Elizabeth Ann Staunton, did feloniously receive, harbour, maintain, comfort, and assist against the peace of our Lady the Queen, her crown, and dignity.



Sir John Holker.

The Attorney-General's Opening.

She will be called before you, and a good deal of this case will depend upon her testimony. In 1874 Harriet Richardson left her mother's house and went to live with her aunt, Mrs. Ellis, at 53 Heygate Street, Walworth. There she became acquainted with Mr. and Mrs. Hincksman, and Mrs. Hincksman had been a Mrs. Rhodes, and is the mother of Mrs. Patrick Staunton and Alice Rhodes. Now, Louis Staunton visited the Ellises' house, and there became acquainted with Harriet Richardson, and paid his addresses to her, and he ultimately married her. In Mrs. Butterfield's opinion, Harriet Richardson, her daughter, was a woman of weak intellect. She had the same educational advantages as the other children of Mrs. Butterfield, who has several, but she never progressed. She could not spell the simplest words, or express herself in a letter like ordinary people. The mother did not approve of the marriage, and she made some application to the Court of Chancery to have her daughter declared a lunatic. Evidence was offered to sustain it, and evidence offered on the other side, but the Court of Chancery did not entertain the application. Although that was so, I think you will come to the conclusion that, without being absolutely an imbecile, still she was a person whom you would regard as of weak intellect. Indeed, I think there is no doubt of that, because Louis Staunton and Patrick Staunton, in a conversation with a medical man just before Harriet Staunton's death, described her as a woman of weak intellect. Her daughter was possessed prior to her marriage of some fortune—£1500 or £2000 or thereabouts—and she would have had, on the death of relatives, some additional sums of money. Louis Staunton was the clerk of an auctioneer. I believe he had not himself a fortune. Whether that was the ground of Mrs. Butterfield's objection or not I cannot tell, or whether the reason was that she thought her daughter was not in a fit condition to contract marriage. However, she did object, but her objections were of no avail, and on 16th June, 1875, the marriage took place. At the time Louis Staunton was twenty-four or thereabouts, and his wife was considerably older—about ten years older; that is, she was thirty-four. Attorney General

They were married, but there was no settlement made at the marriage, and the consequence was that Louis Staunton came into possession of such money as his wife was entitled to, and subsequently came into possession of further sums from relatives of his wife on their deaths. I think, altogether, he came into possession of about £3000. After the marriage, which took place at Clapham, Mr. and Mrs. Louis Staunton went to live at 8 Loughborough Park, Brixton. I believe Mr. and Mrs. Patrick Staunton lived in the same street, on the other side of the road. After a little time, in July, 1875, Mrs. Butterfield went to see her daughter. The deceased was physically a strong

Attorney-General

and robust woman. A day or two after Mrs. Butterfield received a letter of an offensive character from Mr. Louis Staunton, forbidding her to enter the house again, in consequence of her conduct towards her daughter—that was the effect of the letter, which is lost. In the letter was enclosed one from her daughter, asking her not to come to the house again, and I believe she never again saw her daughter alive.

It appears that Louis Staunton and his wife lived there till May, 1876, and then they removed to Gipsy Hill, Norwood. On 23rd March, 1876, Mrs. Harriet Staunton was delivered of a son, Thomas Henry Staunton. Prior to the birth of the child Alice Rhodes, a sister of Mrs. Patrick Staunton, came to live in the house with Mr. and Mrs. Louis Staunton. It seems that about the time the child was born Mrs. Harriet Staunton became aware that undue familiarities were going on between her husband and Alice Rhodes. This seems to have caused her great distress. She was frequently seen in tears, and she complained of the conduct of her husband as to Alice Rhodes. It would seem that her suspicions were well founded, for soon afterwards Louis Staunton and Alice Rhodes were living together as man and wife. Indeed, Alice Rhodes has been delivered of a child, which there can be no question is the child of Louis Staunton. At Gipsy Hill they lived until the latter part of 1876. In November, 1875, Mr. and Mrs. Patrick Staunton went to live at Frith Cottage, Cudham, in Kent. It is sometimes called the Woodlands, and is in a lone part of the country, and they lived there until the death of Harriet Staunton. I suppose they are in occupation of that place still. Some time about August, 1876, Mrs. Harriet Staunton appears to have gone to Frith Cottage to see Mr. and Mrs. Patrick, and she had her child with her. An arrangement was made between Louis and his brother Patrick and his wife that they should have charge of Mrs. Harriet Staunton, and they were to be paid £1 a week by Louis for taking care of her. This must have been about November, 1876, because about that time Louis Staunton took a place called Little Grays farm, at Cudham, about twenty minutes' walk from the Woodlands, and he lived there. Alice Rhodes also came to live there, and she did live there with Louis Staunton as his wife, and she passed as Mrs. Louis Staunton. Before this some letters passed between the two male prisoners, which I may as well read at this part of the case, not because there is anything very particular about them, but because they show there complaints made by Louis against his wife of intemperate habits, which was the excuse he afterwards alleged for separating from her. The first letter was one from Louis Staunton to Patrick, dated 28th June, 1876, from Gipsy Hill. It began—"My dear Bay"—the name

The Attorney-General's Opening.

Patrick was known by was at first "Baby," then it became "Bab," and, finally, "Bay"—"Many thanks for your kind letter." He goes on to describe his wife's temper as "something frightful." "From the time she gets up and goes to bed she does nothing but try to aggravate and make me miserable. I am truly unhappy; but, oh, dear Bay, I cannot enough thank you and dear Lizzie for all your kindness; but, rest assured, I shall not forget it." Although there are complaints in this letter about his wife, there is no complaint that she indulged in excessive drink or in drinking at all. On 28th August, 1876, there is a further letter. It begins—"Dear Bay," and he "grieves that the two children are still so ill, but trusts they may soon get better. It makes me quite miserable to think that you and dear Lizzie are in such trouble and I cannot help you. I want you to send Harriet up to-morrow, because I am sure you cannot be bothered with her." On 31st August, 1876, there is another letter, in which he says—"I am very sorry Harriet should have give you so much trouble.[3] What to do with her I do not know." On 1st September, 1876, there is one more letter—"My dear Bay,—I have received your letter, and I am sorry I have said anything, but the fact is, I was very annoyed at the time to think Harriet had been giving you any trouble, for I know you have enough already with the two children ill, but I trust you will not say or think anything more about it." Attorney General

In all these letters Louis seems to have expressed his annoyance and sorrow that his wife should have given his brother and sister-in-law so much trouble; but, nevertheless, shortly after an arrangement was entered into by which Louis Staunton's wife was to stay at Woodlands under the charge and care of Mr. and Mrs. Patrick Staunton, who were to receive as remuneration £1 a week. Louis Staunton and Alice Rhodes lived at Little Grays farm as man and wife. All the neighbours thought that Alice Rhodes was his wife, while his real wife, Harriet, was living at the Woodlands, and living there, I think I shall show you, practically in confinement. The prisoners say that after Harriet Staunton came to the Woodlands she was treated as part of the family, and was perfectly well up to 9th or 10th April, 1877. That is their account, but I think I shall show you that that cannot have been the truth. There were living at the Woodlands Mr. and Mrs. Patrick Staunton, Harriet Staunton, and a girl named Clara Brown. After the close of 1876 we know very little of what went on there except from Clara Brown, about whose evidence I will make some remarks presently. Although

3 This is apparently the allusion to intemperate habits on the part of Harriet Staunton to which the Attorney-General referred. I may say here that his speech is very imperfectly reported.

Attorney-General

people passed by the house frequently, yet from December, 1876, to the middle of April only on two occasions is Mrs. Harriet Staunton seen or heard of. On one occasion Harriet was in the yard, and Patrick Staunton was heard to drive her back into the house in a harsh tone; and on the other occasion Clara Brown was heard to slam the door and drive her back with the expression, "Go back, ma'am." We have some idea of what was going on from a letter written by Harriet Staunton to her husband about a month after her going to the Woodlands—"Friday—My own darling, I write these few lines hoping this will find you well. Will you be down on Sunday? If not, I shall be disappointed. Hope to see you on Monday. If not, will let me know which day will be down. It has been raining all day. Will you bring me down peace ribon and frilling for my colour and slelves"—that is, collar and sleeves—"I hope to return with you soon. Percy[4] is coming back to-morrow night, so I believe. Tom"—that is her child—"is quite well, so good-night. God bless you. Will you let me know? I have not had clean flanal for a month. I have been here for a month on Saturday." Then she says—"My boots is worn out. From your affectionate wife, Harriet." Almost every word in this letter is misspelt. She spells "collar" "colour," and "sleeves" "slelves." But the important part of the letter is that it shows that she had been there a month and had had no clean flannel all that time. It is quite clear, from his statement made before the coroner, that Louis Staunton was in the habit of going to his brother's house repeatedly, several times a week. He went there with Alice Rhodes. I do not know whether Harriet Staunton knew that Alice Rhodes was living as the wife of Louis Staunton, but both Louis Staunton and Alice Rhodes must have known the condition in which this woman was. After Louis Staunton's child was born in March, 1876, there were some rumours afloat that familiarities were going on between Louis Staunton and Alice Rhodes, and no doubt when they went to Little Grays farm they were regarded as man and wife.

Rumours of this kind came to the ears of Mrs. Butterfield, who made inquiries. It seems that she made inquiries from relatives of the Stauntons at Brixton. She received a letter from Louis Staunton on 20th January, 1877, from which it appears that Louis Staunton heard that Mrs. Butterfield was making inquiries about her daughter, and that he was particularly anxious that she should not see her. The letter was dated from Brighton. Louis Staunton

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[4] Percy appears to have been the family name for Patrick. See Appendix vi., p. 304, and for the full text of the letter see p. 50.

was not there, but at the Woodlands. The letter to Mrs. Butterfield was dated 20th January, and informed her that after her "unnatural and brutal conduct" her daughter "never wishes to see you again," and that it was his intention "to visit Brentwood, when he would let every one know your true character." Mrs. Butterfield, however, met Alice Rhodes at London Bridge station, and the latter told her that she did not know where her daughter was. At that time Alice Rhodes was wearing the favourite brooch of Mrs. Butterfield's daughter. The importance of this conversation was that Alice Rhodes assured Mrs. Butterfield that she did not know where her daughter was, while afterwards she said she had been ill, but was better. Mrs. Butterfield subsequently met Patrick Staunton at London Bridge station, and asked where her daughter was. He got very angry, and ultimately said, "Damn your daughter." She told him that she was going to Cudham, and to his house. He said, "There is no use you going to my house, and I warn you not. I have a gun there." On 5th March Mrs. Butterfield does go to Cudham. At Little Grays farm she saw Mrs. Patrick Staunton and Louis Staunton. She asked to see her daughter, but was told that she should not be allowed to see her, and a number of foul names were applied to her. She asked at least to have some assurance that her daughter was alive, and then she would go away. The answer she received was that her daughter was alive and well, but that she should not see her. Louis Staunton took up a knife and threatened to strike her, but the woman interfered, and Mrs. Butterfield was pushed out of the house. This was 5th March in the present year, and Mrs. Butterfield, prosecuting her inquiries, went to the Marlborough Street police magistrate, who communicated for her with the police at Sevenoaks, who gave her some assistance. On 4th April there is a letter written by Louis Staunton to Mr. Butterfield, the husband of Mrs. Butterfield—"I have received a communication from Mr. Hincksman to the effect that you have written to him as to the whereabouts of my wife, which is no business of his." The letter goes on to say that Mr. Butterfield had shown "an amount of impudence in an allusion to Mr. Hincksman's step-daughter. I am surprised that you, a clergyman of the Church of England, should assert any such thing without foundation, and you must remember that an assertion of that sort is actionable." He then spoke of the "disgraceful manner" in which Mrs. Butterfield had acted, "particularly the last time she came to my house," and remarked that he would "spare no expense to stop her, as, this continued, I am quite prepared to tolerate no longer." It is perfectly obvious that the object of the letter was to prevent Mr. Butterfield and his wife from prosecuting inquiries.

Attorney-General

Attorney-General On 8th April "Tommy," the child, was taken to Guy's Hospital by Mr. and Mrs. Patrick Staunton, Louis Staunton waiting outside. You will hear how the child was clothed.

Mr. STRAIGHT—I ask your lordship whether this matter should be opened to the jury?

Mr. JUSTICE HAWKINS—I must leave it to the discretion of the Attorney-General. I am quite satisfied he would not open anything which he did not think was evidence.

The ATTORNEY-GENERAL—Perhaps it was an indiscretion on my part to say anything about the condition of the child beyond this—that it was ill. On the following day Patrick came to inquire about the child, and he was informed that it had died. Louis Staunton came himself on 10th April and made arrangements for the burial. The child had been entered in the books as Henry *Stormton*, and Louis Staunton described himself as Mr. Harris, saying the child belonged to a workman who was in the employ of a firm with whom he was connected. He paid the undertaker 25s., and took a receipt for that sum in the name of Harris. This showed, of course, that Louis Staunton was anxious at that time that no one should know it was his child. On the 10th there is a letter from Louis Staunton to Mr. Butterfield, saying that unless the latter apologised for the "base accusations," he (Louis Staunton) would complain to the bishop and take legal proceedings against Mr. Butterfield. That was written on 10th April, and on the same day Mrs. Harriet Staunton's feet began to swell; but according to their story up to that time Harriet Staunton was perfectly well.

On 12th April Louis Staunton, Patrick and Mrs. Patrick Staunton went to Penge to look for lodgings, and engaged rooms at Mrs. Chalklin's house, Forbes Road, Penge. They said the lodging was for a lady who could eat, but who would not, and they wished to get medical advice for her. They conveyed to Mrs. Chalklin's mind that the lady was the mother, and not the wife, of Louis Staunton. She recommended them to Dr. Longrigg, and they saw him. They told the doctor that the lady had lost the use of one side, that she was very thin, but hearty, and that she had been ailing for some considerable time. Dr. Longrigg asked whether they had medical attendance for the lady at Cudham, and they told him that the lady had been attended by Dr. Creasey. After seeing Dr. Longrigg, the Stauntons seem to have gone back to Little Grays, and about six o'clock that same evening Louis Staunton brought his wagonette to take Harriet Staunton to Penge. It is clear that Mrs. Harriet could not walk without assistance. On the journey she sat between her husband and Alice Rhodes. They drove to Bromley, and took train to Penge, where she had to

be carried from the train to the cab and from the cab into the house. Louis and Patrick Staunton left, but Mrs. Patrick and Alice Rhodes remained at Penge to take care of Mrs. Harriet Staunton. There was some conversation with Mrs. Chalklin about Mrs. Harriet Staunton. In the morning the doctor found her in a dying state, and of this the relations were informed, and that there was no hope whatever of her recovery. About one o'clock on Friday, the 13th, Harriet Staunton died. The nurse was sent for to lay her out, and you will hear from her what the condition of the body was. The husband made arrangements about the funeral, and he saw the undertaker, to whom he gave money for the funeral. Dr. Longrigg, from the account given by the relatives, gave a certificate that she died from cerebral disease and apoplexy. Of course, having seen her only for a short time, he had to form an opinion from the history of the case; but, before the certificate was finally lodged, Dr. Longrigg, having obtained some further information, withdrew it. It seems information of the death of her daughter was communicated to Mrs. Butterfield, and a relative went down to Penge[5] and gave such information that a post-mortem was ordered. The examination of the body was made by Dr. Longrigg, Dr. Bright, Dr. Wilkinson, and another medical man. You will find that the body was in the filthiest state possible. Only the arms, face, and neck had been washed. The feet and legs were especially filthy, and the soles of the former were horny, as if the poor woman had gone without any shoes. Some of the witnesses have described the body as coated with dirt, like the bark on the trunk of a tree, but that may be an exaggeration. She was, however, covered with vermin—on the head, under the armpits, and other places. The vermin had been feeding upon her for a very considerable time. She had apparently been unable to perform the commonest functions. Her hair was matted, the false with the real hair, so that it was with difficulty it could be separated. There were no signs that the woman was addicted to habits of intemperance. Everything about the organs led to an opposite conclusion. There was one very marked circumstance. Mrs. Harriet Staunton was about 5 feet 4 inches in height. The ordinary weight of a well-fed woman of that size would be from 9 stones to 10 stones, but the weight of the body of deceased was only 5 stones. The body was thoroughly emaciated. There was not a particle of fat. With the exception of one of the lungs, all the organs were perfectly healthy. The medical men will tell you that the state of the lungs had nothing to do with death. The medical men thought

Attorney-General

5 This was not strictly accurate; see Introduction, *supra*, p. 1.

Attorney-General

that the deceased might have taken some irritant poison or a narcotic, but on a careful examination no trace of poison could be discovered, and the conclusion the medical men arrived at was that Mrs. Harriet Staunton died of starvation—that starvation was the cause of her death.

After the inquest the police went down to Cudham and examined the house. It was tolerably well furnished, but the room in which Mrs. Harriet Staunton had been confined was full of filth, and not in a state for a human being to exist. I mentioned before that there was a girl living in the house named Clara Brown, the servant of Mr. and Mrs. Patrick Staunton. She was cousin to the latter. She had lived with them some time—both at Loughborough Park and when they went to the Woodlands. She was therefore there the whole time, and she is the only person that can give you a perfect and correct history of the treatment of this unhappy lady, except the prisoners, whose mouths are sealed by their position. I shall call Clara Brown before you. I think it my duty to call her, but I warn you not to place too implicit a reliance on her testimony. And for this reason. She made a statement before the coroner. She has since made other statements to the authorities of the Treasury; but the latter do not agree with the statement made to the coroner, and in many respects they flatly contradict it. Indeed, her latter statements do not in all things agree with each other. It may be that when she made her first statement she was under some influence which did not exist afterwards. I have thought it right to have all the statements she has made submitted to my learned friends who, on the part of the accused, will be able to cross-examine her upon them. It will, however, be for you to judge which of her statements you can believe. The testimony she will give you now is this—that for a short time Mrs. Harriet Staunton was treated with reasonable consideration and kindness, but from the beginning of the year she was treated with gross harshness and cruelty. She was practically confined to the back bedroom where she and also Clara Brown slept. She was sent there by threats whenever her presence was disagreeable, and she was practically confined in duress. During this time she was supplied with food very scantily. Some days she had none at all, and sometimes some tea and a slice of bread for her breakfast, and nothing for the rest of the day. She was, in fact, deprived of the necessaries of life. You will not rely on these statements without serious consideration, and on the part of the prosecution I beseech you not to believe the statements of Clara Brown unless corroborated and confirmed by other evidence and the probabilities of the case. If you find that Clara Brown gives a reasonable account, and that her

account is confirmed, you will know what weight to attach to it. Attorney-General

If you come to the conclusion that Mrs. Harriet Staunton was sent to Mr. Patrick Staunton's house by arrangement between Patrick Staunton and his wife and Louis Staunton, with the intention that she should be so neglected and so stinted in the necessaries of life that her death should be caused, that would amount to murder, and if any of the prisoners intended that by such means the death should be caused, and other of the prisoners, knowing of that intention, aided and abetted in the plan, they also are guilty of murder. There can be no doubt that there were very strong motives actuating the mind of Louis Staunton. It is evident that Louis Staunton had no affection for his wife, but he evidently had a strong affection for Alice Rhodes, and they all did their utmost to prevent the whereabouts of Mrs. Harriet Staunton being discovered. As to the removal to Penge, that may have been to avoid any exposure at an inquest. Of course, it may be said that there was no desire on the part of the prisoners to cause the death of Mrs. Harriet Staunton, and her whereabouts may have been concealed to protect the reputation of Louis Staunton and Alice Rhodes, who were living together. But that which is most important is the description of this woman's body. Now, how did she come into that state unless by starvation? You will have medical men to tell you what they know of the matter, and there may be medical men called for the defence. I do not know whether they will tell you of a disease which produces such great emaciation; but if there was a disease, it would have been observed by Louis Staunton, the husband, who constantly saw her, and Mrs. Patrick Staunton, under whose care she was; and if so, why was not medical advice secured? Why was Harriet Staunton not removed at an earlier period? If Mrs. Harriet Staunton was kept without food with the design of causing her death, or with the knowledge that the consequence would be her death, those who kept food from her or abetted the guilty design would be guilty of murder. But suppose this was a case simply of negligence, and that it was a case of cruel negligence, then those whose duty it was to supply Harriet Staunton with the necessaries of life would be guilty of the crime of manslaughter. There would arise a question of some nicety as to whose duty it was to supply her with food. According to Sir James Stephen, as laid down in his "Digest of Criminal Law,"[6] those who neglected the duty of imparting the necessaries of life to a person under their charge would be criminally responsible. That applies, therefore, to the case

[6] Vide *infra*, p. 149.

Attorney-General

before you. Louis Staunton was under a legal obligation t supply his wife with the necessaries of life, and, further, wit medical attendance if she required it. If I am correct tha an arrangement was made, it was his duty to see that th contract was carried out. With respect to Mrs. Patric Staunton, she would be naturally the person who would tak charge of her female relative, and I submit it would be a dut on her part to supply what was necessary. She neglected t do so, and the consequence is that Mrs. Harriet Staunton cam to her death. With respect to Alice Rhodes, though she wa living in immorality, I do not see that it was imposed o her as a duty to provide for the maintenance of Harrie Staunton. It is quite clear that, on 12th April, Harrie Staunton was not in a fit state to be removed; and if th prisoners who removed her were aware of that, and the removal accelerated death, the removal itself would constitute man slaughter. Whether the removal accelerated death it will b for you to consider, and you will have the medical testimony If there was an intention to kill, then there would be murde by some one. If there was an intention to kill on the par of some one, and others aided in the execution, it would b murder in all. If the death was occasioned in consequence o this lady not having had a proper supply of the necessaries o life, and if this happened through gross negligence, those whos duty it was to supply them would be guilty of manslaughter. If the death was accelerated by her removal, those who caused the removal would be guilty of manslaughter. There ar many circumstances in this case calculated to excite you deep sympathy for the unhappy lady who has died, and there are also many circumstances to excite your indignation against the prisoners, one of whom, Louis Staunton, certainly ought to have protected his wife from all harm; but I am sure that you will not allow your feelings of commiseration or indignation unduly to sway your minds. You will come to the investigation with minds perfectly calm; you will deliberate upon this matter carefully and without the slightest passion, and you will come to your conclusion uninfluenced by sentiment and undeterred by the consideration of the consequences which may result from the verdict which it may be your duty to pronounce.

Evidence for the Prosecution.

H. Butterfield

HARRIET BUTTERFIELD, examined by the SOLICITOR-GENERAL—I am the wife of the Rev. John Butterfield, of Great Burstead, Essex, and had previously been married to a Mr. Richardson. By my first marriage I had a daughter Harriet. If she were now alive she would be thirty-six. On 15th April last I saw her lying dead in Forbes Road, Penge. In 1875 she was



The Solicitor-General (Sir Hardinge Giffard).

staying at 53 Heygate Street, Walworth Road, with Mr. and Mrs. Thomas Hincksman, a nephew of mine, the son of my sister, Mrs. Ellis. Mrs. Thomas Hincksman had been married before to a Mr. Rhodes, and by her first marriage was the mother of the two female prisoners. The two male prisoners are brothers. Some time in 1875 I learnt that Louis Staunton was paying his addresses to my daughter.

Was your daughter entitled to any money?—Yes.

How much?—About £3000 or £4000; it might be a little over.

At the time of her marriage?—Then about £1600.

You were under the impression that your daughter was not in a fit state to be married?—Yes; and I made an effort to get her declared a ward in Chancery. Those proceedings were unsuccessful. My daughter was married to Louis Staunton, at Clapham, on 16th June, 1875. I was not present at the marriage. About three weeks after the marriage I paid her a visit at 8 Loughborough Park. I went to the door, and my daughter opened it.

What happened?—My daughter asked me in, and I asked if her husband was at home, and she said "Yes," and she called, "Louis, mamma is here."

Did he come?—Yes. I went into the dining-room. He was present. I asked my daughter if she was happy, and she answered, "Pretty well, mamma—middling." He said he was sorry he could not drink my health, as he had only spirits in the house. I asked him why he did not keep a servant, and he said he had advertised for one. He said to Harriet, "Go upstairs, my dear, and show mamma the house."

Well?—I made some remarks about the place not being all furnished. I then said I must be going, and he told his wife to see me to the station.

Did he go with you?—Yes. I was only a few minutes in the house—about ten minutes. At the station I shook hands with both of them and said "Good-bye." During that interval there was no quarrel from first to last or words between us.

Did you ever see her alone again?—No. The next day or the day after I received a letter from Louis Staunton enclosing a letter from my daughter.

Have you looked for those letters?—Yes, and I have not been able to find them.

What was in your letter?——

Mr. M. Williams—When did you see these letters last?—Before I left New Kent Road.

When was that?—I have lived in the country about two years.

Have you looked for the letters?—Yes, everywhere.

Solicitor-General, continuing examination—What was in the

H. Butterfield letters?—In her letter she told me her husband objected to my calling upon her, and she thought I had better not come, to prevent any disturbance between them. The letter from him was very rude and insulting, and in it he said he would not have me in the house again.

You did not visit again?—I did not; but in the following year I heard that my daughter had had a boy. Some time in the following year I heard a statement about Alice Rhodes, and began to make inquiries about my daughter. In February this year I met Alice Rhodes myself.

Where?—At the London Bridge railway station. I asked her where Harriet was, and at first she said she did not know. I said, "You must know where she is; you do know." She then said, "Upon my word, I don't know." Afterwards she said, "She is at Brighton with her husband and child." I asked her to give me her address. I noticed she was wearing a brooch given to my daughter twenty years ago, and she was very fond of it. I said, "You have got my daughter's brooch, Alice." She replied that I might have it if I liked, and she gave it me; but I said, "Oh, no, if my daughter has given it to you; but I cannot understand her giving it to you, as it was her favourite brooch." I asked her if my daughter was well, and she said, "No; she has been very ill, but she is better." I asked for the address of her medical man, but she said she did not remember it, but that she would send it to me. I gave her my address.

Did you ever hear from her?—No.

Or of the name of the medical man?—No. I continued to make inquiries about my daughter, and went down to Cudham, near Knockholt, in consequence of some information given to me by a charwoman in the Walworth Road. On my way to Cudham I happened to meet Mr. Patrick Staunton at London Bridge station, near the South-Eastern booking-office. He appeared to be coming from the train. I told him I was going down to Cudham, and I asked where my daughter was. He said, "I know nothing about your daughter," and he then asked me what I was going to Cudham for. I said, "I shall go and see the clergyman." He said, "If you come to my house I'll blow your brains out." He also said, "Damn your daughter; I know nothing about her." He then went away. I proceeded to Halstead station. When I got there I made inquiries, and found Louis Staunton was living in the neighbourhood. I had not known this previously, though I had known Patrick Staunton did so.

What did you do then?—I took a cab and drove to his house, which was called Little Grays farm. This was about four o'clock in the afternoon, the date being 5th March this year.

What next happened?—When I got to the house I knocked at the door, and Mrs. Patrick Staunton answered it.

Evidence for Prosecution.

Mr. Justice Hawkins—What was the distance of the farm from the railway station? H. Butterfield

Witness—About 5 miles. I asked Mrs. Patrick Staunton to see my daughter. Then Mr. Louis Staunton came forward in a great passion and swore at me and said, "You shall not see her." I said, "If you will only let me hear her voice or see her hand on the bannister I shall then go away content, knowing that she is in her proper place with her husband." He was then going to strike me with a knife, when Mrs. Patrick Staunton said, "Don't hit her—don't hit her." This took place in a little room where they appeared to have been dining.

Did he say anything further?—He called me a dirty old bitch and other names, and said I did not live with my husband. I appealed to Mrs. Patrick Staunton to let me see my daughter, and I said to her, "You may have children of your own whom you may want to see some day." She replied, "Your daughter is well cared for, and that's enough for you to know." They then bustled me out.

Explain what you mean by that?—I mean that one or other, or both, I cannot exactly say which, pushed me out of the door. The cabman was standing outside when the door was closed. When I got into the cab the driver pointed out a Dr. Creasey to me who happened to be coming by, and I made some inquiry of him. I then returned home, and shortly afterwards made an application to the magistrate at the Marlborough Street Police Court. I also went down to Sevenoaks on 9th April. I went to the magistrates at Bromley, but I was unable to get any information respecting my daughter. On Sunday, the 15th, I received a telegram from a Mrs. Urridge.[7] Mrs. Urridge was the landlady of Little Grays farm. I had been several times to see her. I then went to 34 Forbes Road, Penge. I there saw my daughter lying dead. When I had last seen her, at the end of June, 1875, she was in very good health. She enjoyed very good general health.

What had been her habits in respect to dress?—She was fond of dress, and knew how to dress, and she was a very clean girl indeed, very particular about her person. She was always very temperate; I won't say she did not take a glass of ale with her dinner.

Was she in the habit of drinking to excess?—Oh, dear, no.

This photograph, which was taken about nine months before her death, fairly represents her at that time?—We always treated her more like a child, because she was so simple.

When you saw her on this Sunday, was she in her coffin?—Yes; and I noticed how greatly she was changed—apart from the difference caused between life and death.

[7] See Appendix i., p. 291.

H. Butterfield

The witness here became much affected.

Will you tell us in what the change consisted?—She was looking very old, very much older than she really was. She looked very dirty and miserable, and I scarcely knew her.

The SOLICITOR-GENERAL then put in evidence the following letter, which the witness identified as being in the handwriting of her daughter:—

Friday.

My own darling,—I write these few lines hoping this will find you well. Will you be down on Sunday? If not, I shall be disappointed. If not, will let me know which day you will be down by Percy?[8] It has been raining all day. Will you bring me down peace ribon and frilling for my colour and slelves. I hope to return to town with you soon. Percy is going back to-morrow night, so I believe. Tommy is quite well. So good-night, my dear, and God bless you. Will you let me know. I have not had clean flanal for a month. I have been here a month on Saturday. It is time I should be at home. My boots has wore out. From your ever affectionate wife. HARRIET.

The SOLICITOR-GENERAL—Was that her ordinary way of spelling and writing a letter?—It was. She had never been able to avail herself of much education.

Cross-examined by Mr. MONTAGU WILLIAMS—I was very much averse to the marriage from the first. The proceedings in lunacy with regard to my late daughter were taken, I believe, at the end of 1874. I thought it was my petition, but I understand that it was my son's; I was not aware of it at the time. I have since ascertained that it was my son's petition in his name for me; I remember that I made an abstract of the proceedings.

I did not know that my daughter Harriet had made a voluntary settlement on my son of her money till Mr. Straight read it in Court.[9] I knew nothing of it before, and I have not heard of it since. Mr. Straight read it and spoke to me about it. [*Mr. Straight here stated that he did not read it.*] I never heard from my daughter before her marriage that she wished to register that settlement; she never spoke to me on the subject of any settlement at all.

She had been living with me prior to her marriage, but the last six months prior to her marriage she was living first in Heygate Street with her aunt Ellis, with whom she stayed till her aunt Ellis died, and then she went to live with Mrs. Hinoksman. The house belonged to my sister, Mrs. Ellis. Mrs. Hinoksman is not my sister; she stayed with Mrs. Ellis

8 The version of the letter given in the judge's summing up is much more illiterate than the one in the text, which I have taken from the Sessions Papers, and should think is the more accurate transcript; see *infra*, p. 258.

9 *I.e.* before the magistrates.

four or five months; she ceased to live with me seven or eight months before her marriage. I am speaking to the best of my recollection; I do not think it could have been more. H. Butterfield

I remember that I made an affidavit in the lunacy petition. I do not remember what it stated; I do not remember stating that my daughter had occasional fits of violence. I have never stated to my knowledge that my daughter Harriet had always been of weak intellect and had a running of saliva from her mouth. I objected to that when the lawyer put it to me when the affidavit was read. I never remember her having saliva running from her mouth. I was not aware until you told me that I had sworn it, or I would not have done so if I had known it. She was quick-tempered, but quiet and harmless. I said in the affidavit, "Believing her to be of unsound mind and unable to enter into any contract, I advised her not to marry; but when I endeavoured to reason with her on the subject she became very violent, and has always been excited when I have spoken to her on the subject, and has even threatened to kill me." That is true; she did once threaten me. I verily believe she was of unsound mind and incapable of managing her property.

I know that my son Archibald has also made an affidavit, but I have never seen it. He is in Australia, at least he was some months ago. I don't know where he is at the present moment. She showed signs of violent temper to me when I spoke to her of marriage; I persuaded her not to marry. Drs. Tuke and Williams saw her; they reported her to be of sound mind. I say that she was hysterical. I did not say that on one occasion of an altercation I had with her she took out a knife to me, I said a chair—that was a mistake of somebody's. If I said a knife before the magistrate I must have confused it; I meant a chair. She took it up in a threatening way.

The last communication I had with her after her marriage, after I last saw her, was the letter that has been produced.[9] I only saw her on that one occasion after her marriage; the interview lasted about ten minutes. I had come from Essex. The meeting was quite a pleasant and harmonious one. When I saw her previously was before her marriage. I saw her once afterwards, about three weeks. It must have been twelve months since I saw her previously.

Mr. Staunton was present all the time of my last visit; my daughter answered the door. It was Mr. Staunton who spoke to me about a servant; we went into the dining-room, but Mr. Staunton was in a little conservatory close by. I considered it was not right to have no servant. I did not speak angrily. I was only doing my duty as a mother; she had

[9] This is a mistake; the letter could not be found. See p. 47, *supra*.

H. Butterfield scalded her hand. When he told me he had advertised for a servant I said no more. I then went upstairs. I said the bedroom wanted a bedstead, as there did not appear to be a room for the servant to sleep in. I said so to both; my daughter accompanied me over the house. It is a small house.

I do not know that Alice Rhodes was with my daughter at her confinement. The brooch referred to is of very little value, but my daughter prized it.

Cross-examined by Mr. STRAIGHT—I made Mrs. Patrick Staunton's acquaintance before she was married, some years ago, before I knew of the attachment of Louis Staunton to my daughter. I do not know how many children Mrs. Patrick had. I knew at the time she had been lodging at Loughborough Road she had children; I do not know how many.

I do not say I had not seen my daughter for nearly twelve months prior to her marriage. I saw her in Chancery Lane in 1874. The marriage was on 16th June, 1875; before that she went to Mrs. Ellis and remained till her death, and then she went to Mrs. Hincksman; the period of those visits extended over six months, perhaps more. She never wrote to me while staying with her aunt Ellis and Mrs. Hincksman; she could not write. She seldom or never wrote. She was not a good hand at letter-writing; she was a bad speller.

She was always violent to me if I spoke of marriage. I did not want her to be married; she was not fit. I know nothing of her threatening my son Archibald or of the pecuniary relationship between him and her at the time I took the proceedings in lunacy. She had not communicated with me about his being possessed of her money. I do not believe he knew anything about it; he was not trustee. I do not know that he had the administration of her £1500 or £1600 at the time of her marriage. I have never heard about it till I was cross-examined before. I never wrote a letter to my daughter after I paid the visit to her in the Loughborough Road. I received a letter from her requesting me not to call, also one from Louis Staunton complaining of my conduct.

I took active steps to discover her whereabouts after I heard of her confinement; that would be in March, 1876.

Little Grays farm lies back from the road. There is only a small lawn in front, and then the roadway. I noticed part of a shoulder of mutton on the table. It appeared as if some persons had partaken of a meal. It was a small house. I do not remember saying when in the house that I believed my daughter was in a lunatic asylum. I do not remember Mrs. Patrick Staunton saying that that was a wicked thing of me to say, and that she had had dinner with my daughter that day (5th March), and that she was quite well. I will swear that I did not say to Mrs. Patrick Staunton "That is a lie" or "You

are a liar." I was in considerable anxiety and distress about my daughter. I cannot remember saying before the magistrate at Bromley that I begged Mrs. Patrick Staunton to let me see my daughter, or that I said anything about "One day you may want to see one of your children." I recollect it was said, but not before the magistrate. When Patrick Staunton exhibited some anger towards me Mrs. Patrick said, "Don't strike her." H. Butterfield

Cross-examined by Mr. GYE—At the meeting at London Bridge with Alice Rhodes I asked about my daughter, where she was. I never mentioned about her confinement. She said, "You should see Harriet with little Tommy; it is great fun." I understood that to be Mrs. Harriet Staunton's child. I did not make any reply to the observation, because I knew what she meant. I knew my girl was a very simple-minded girl, and I knew it would be fun to see her with a baby. I said nothing about little Tommy not being my daughter's child. I asked his name, and she told me it was Thomas Henry. Nothing was said about my daughter's health subsequent to her confinement. I simply asked how my daughter's health was. She said she had been very ill and had got better. That did not refer to the state of her health consequent upon her confinement. I wanted to know how she was at the present moment. She said she would write to me as to whether she had medical attention, and who the medical attendant was. She did not say that that illness was consequent upon her confinement. I cannot swear that when I told Alice Rhodes I wanted to see my daughter very much she said, "It is time you did see her"; if I said so before the magistrate it is correct.

Re-examined by the SOLICITOR-GENERAL—My son Archibald is twenty-five; he has been in Australia a year last January. I did not stay longer than ten minutes on my visit because I thought there might be words. They were kind and civil, and I thought I had better get away while they were civil. I was quite pleased to make friends because I knew Mr. Staunton was very much against me. Mr. Staunton did not in the least resent my remark about the room or the servant.

GEORGE CAKEBREAD, examined by the ATTORNEY-GENERAL—I am a porter at the Bromley railway station. I was there on the night of Thursday, 12th April. I remember seeing all the prisoners there that night. It was just as the train from Bickley was coming in, due at 8.26. It might have been two minutes late, but I cannot say. G. Cakebread

One of the male prisoners spoke to me, I cannot say which. He asked me to ask the guard to keep the train, as he had got an invalid lady to go by the train. I was in the booking-office. I told him I could not do that. I then went outside the station.

G. Cakebread I saw the two male prisoners lifting a female out of a wagonette. I saw the female prisoners come through the booking-office. The lady was got into the booking-office by one man getting hold of each side of her, and they lifted her down, when one of her slippers came off, and I picked it up and gave it to one of the male prisoners. I do not know what he did with it.

The lady was carried on to the platform. I took hold of one side of the lady, while one man got into the carriage, a first-class one; when in the carriage he took her arm from me; the other male prisoner had hold of the other arm in lifting her into the carriage. During that time I believe the slipper was dropped again. I did not see it.

All the prisoners got into the same carriage. I heard one of the female prisoners ask for five first-class tickets to Penge. I saw the lady; she looked very bad, and seemed to roll her eyes about very much. I never heard her speak. She did not seem as if she was able to stand on her legs.

Before the train started one of the prisoners asked me to put the trap up for him. I asked him where, and he said, "Over at Beaumont's"; that is a livery stable by the Two Brewers, opposite the station. I said yes, and they said they would see me when they came back. The train started towards Penge and London. No one else was in the carriage except the four prisoners and the lady.

I believe Cudham is about 7 or 8 miles from Bromley. The journey by train from Bromley to Penge would be about a quarter of an hour. I saw the two male prisoners again the same night at Bromley station. They arrived either by the 10.56 or 11.56 train, I cannot say which. One of them spoke to me about the trap before leaving the station. I did not see them in the carriage; I saw them leave the carriage.

I did not see a slipper at the station next morning. It was picked up by a porter named Watson. I saw it in the afternoon. It was a list slipper, similar to this one (*produced*) I picked up when the lady was getting out of the carriage.

H. Watson HENRY WATSON—I am a porter at Bromley station. I remember seeing a lady helped into a first-class carriage at 8.26 on 12th April; she was not able to walk; her feet dragged. I picked up a list slipper lying between the rail and platform the next morning.

R. Marsh ROBERT MARSH, examined by the SOLICITOR-GENERAL—I am a ticket collector at the Penge railway station. I remember the 8.36 p.m. train coming in on 12th April. The prisoners were in the train, and they had an invalid lady with them. Mr. Patrick Staunton lifted her out of the carriage. I noticed her condition and fetched a chair, and they put her on to it. She was unable to stand by herself. I cannot say whether she



Mr. H. B. Poland.

was conscious. She was carried to a cab by the two male prisoners, and the driver was ordered to go to 34 Forbes Road. When Louis Staunton went to give up the tickets the female put out her arm; Mrs. Patrick Staunton put the shawl over her arm and said, "All right, you shall have your supper directly." The cab then drove away. R. March

Cross-examined by Mr. EDWARD CLARKE—The prisoners were at the station about ten minutes altogether, and they stood round the chair while the lady was sitting in it. I did not hear the lady speak; she merely groaned. I heard her groan when she put her arm out. Louis Staunton was supporting her in the chair. The two female prisoners went away before the cab arrived; they went two or three minutes before the men did.

JAMES THOMAS HILDER, examined by the ATTORNEY-GENERAL— I was stationmaster at Penge in April last. I remember the 8.36 p.m. train coming in on the 12th. I saw the prisoners supporting a female on the platform, and I ordered the last witness to get a chair, which he did. The female was shaking very violently. I did not hear her speak. A cab was sent for. We had to send up into the village for one, and I advised the prisoners to carry her to it in the chair. This they did. The chair was put as close to the opening of the door as it was possible to get it, and in this way she was got into the cab. J. T. Hilder

CHARLES HEPPLETHWAITE, examined by Mr. POLAND—I am a cab driver. On the night of Thursday, 12th April, I was sent for to the Penge railway station. I got there about nine o'clock or a little after. I saw a lady brought out of the station in a chair, and she was put into the cab by the ticket collector and stationmaster. I think one of the gentlemen got inside the cab first. I saw nothing of any women there, only the two gentlemen. Charles Hepplethwaite

I did not take any notice of the state of the lady. She did not speak; I did not notice her move. I was told to drive to 34 Forbes Road. The two gentlemen got into the cab with the lady. I could not get to 34 Forbes Road because the road was bad. I drove in at the other end of the road, to No. 26 or 27, as near as I could to No. 34. The lady was taken out by the two gentlemen, who carried her as far as the gate of No. 34, and I assisted one of the gentlemen with her up the steps and through the passage to the back room, which was level with the street door.

When we got to the house the street door was already open. I suppose the back room was a bedroom. We sat her down in a chair just inside the door. We got her up the steps by taking hold of her arms. She was not able to stand at all.

Charles Hepplethwaite

She did not speak at that time. I did not take particular notice of her, only I thought she was rather light.

When we got into the back room I saw all four prisoners there. It took about five minutes to get from Penge railway station to the house. There was no luggage, only some parcels which they had inside with them.

Cross-examined by Mr. M. WILLIAMS—One of the men paid me my fare, and I went about my business in the ordinary way. It was about 20 yards from where the road was up to No. 34 Forbes Road, where we carried the lady. I helped to put her into the chair inside the room, but not when they brought her out of the station. I heard nothing more of it till Sergeant Bateman called me as a witness. I took no further notice about it.

E. Chalklin

EMMA CHALKLIN, examined by the SOLICITOR-GENERAL—I am the wife of David Chalklin. In April last I let apartments at 34 Forbes Road, Penge. On Thursday, the 12th of that month, about one o'clock, Louis Staunton and Mrs. Patrick Staunton came to inquire about the lodgings. They said they wanted them for an invalid lady for three weeks or a month. I let them the apartments—a sitting room and bedroom on the first floor—at 15s. per week. Louis Staunton gave me a card, on which was written, "Mrs. Staunton, Frith Cottage, Cudham." He said the invalid lady had had a doctor at Cudham, but he did not understand her case. Mrs. Patrick Staunton said their object in bringing her to Penge was to be nearer London for advice. Louis Staunton said he understood there were very good doctors in Penge, and asked if I could recommend one; I recommended him to go to Dr. Longrigg, who had attended my little girl.

Was anything said as to what the lady was suffering from? —Louis Staunton said she was inclined to be paralysed; her feet had begun to swell, and I think they considered that her head would become affected. They said that it would be better to bring her that night, and the doctor could see her in the morning. They said she was in good bodily health, and could eat, but she would not. Mrs. Staunton said it was only after a deal of persuasion they had that morning got her to take a little tea and some bread and butter and an egg. I was told to light a fire in the bedroom, and that the female would arrive about half-past nine o'clock that night. Louis Staunton said when they left my house they would go to Dr. Longrigg. In the evening the two female prisoners came to my house. One of them said the invalid lady had been very ill on the journey, and they could not account at all for her being taken so ill. I subsequently saw the invalid lady in bed. She had been brought in without my seeing her. She did not speak, but

made a kind of gurgling noise. She also moaned a great deal. E. Chalklin
I told the prisoners I was surprised to find the lady was so ill that she had had to be put to bed. I said I expected to have seen an elderly lady. Mrs. Patrick Staunton said the invalid was thirty-six years of age, and was the wife of the gentleman who had been there in the morning. She also said that Miss Rhodes was married, but her husband was away, and she had come to nurse the invalid lady. Miss Rhodes had a wedding ring and keeper.

Was anything said of what had become of the two male prisoners during this time?—Mrs. Patrick Staunton said they had gone to the doctor. I asked if anything was wanted, when Mrs. Staunton said they had brought all their provisions with them except bread. Some time afterwards I was called into the room, when I saw Louis Staunton. I do not know how he had got into the house. I had not opened the door to him. He said he had been to Dr. Longrigg's, but he was out, and would not be home till one in the morning. He said there was no one to take a message. I recommended another medical gentleman, Dr. Turner, but Louis Staunton said he did not think the case was so pressing—that they could wait until the morning; he did not like to behave like that to Mr. Longrigg without speaking to him. Shortly after that Alice Rhodes came to the top of the stairs and asked me to boil some eggs. She said the lady had woke up, and fancied she would eat some supper, and she said, "I am sure she must require some supper after her long journey." I boiled the eggs and brought them to Alice Rhodes in the sitting room. Mrs. Patrick Staunton then gave me another egg to boil, which I did. Alice Rhodes was alone in the sitting room putting on the cloth for supper.

Had the prisoners any luggage when they arrived at your house?—Nothing but a large basket. They brought their own table and bed linen. The next morning, about a quarter-past eight o'clock, the bell was rung, and I went into the sitting room. I there saw the two female prisoners sitting near the window. They said they had been sitting up all night waiting for the doctor. Then they gave me another egg to boil. Mrs. Patrick Staunton asked me to light the fire, as the doctor would soon be there. I lit the fire; they had the folding doors open, and were watching me all the time. The invalid lady was in the next room, lying perfectly still in the bed. I thought she was asleep. On the dressing table I noticed an egg spread on some bread and butter. Subsequently Mrs. Patrick Staunton asked me to send for the doctor. I said, "When?" and she replied, "Presently will do." Shortly after this Alice Rhodes called out from the sitting room, "Can't you let the little girl go and fetch the doctor at once?" I said, "Yes; the little girl shall go." Alice Rhodes said the lady

E. Chalklin

was very ill indeed, and I said, "Had not one of you better go and fetch the doctor?" Alice Rhodes then got her jacket. She seemed to be very anxious, and I showed her the way to get to Dr. Longrigg's house. While Alice Rhodes was away Mrs. Patrick Staunton said the invalid lady came to her house on Saturday to see her, and they dined together. She said she was then apparently in good health; they had steak, potatoes, and turnip tops for dinner, and she said what a nice steak it was. She stayed during the remainder of the afternoon, and in the evening Mrs. Patrick Staunton said she went home with her. They had supper at the invalid lady's house, and it was after that she was taken poorly. Mrs. Patrick Staunton said she called upon the lady on Monday morning to see how she was, and she found her very ill. She said to her, "How ill you look, dear," to which the lady replied, "I am very ill." On Tuesday she seemed better, but on Wednesday and Thursday she was very poorly again. Mrs. Patrick Staunton said the invalid lady lived close to her.

About half-past ten o'clock the doctor arrived. He remained about ten minutes. After he had left I asked Mrs. Staunton what the doctor had said. She replied that the doctor said the lady had had an epileptic fit, and she must be kept very quiet, and have plenty of nourishment. It was likely her illness might last three weeks. She said the doctor was coming back in half an hour. I asked her when she thought the lady had had the fit, to which she replied, "Goodness gracious, I don't know." The doctor came a second time, between twelve and one o'clock. After he had gone, Mrs. Patrick Staunton rang the bell and called for a jug of hot water in a great hurry. About half-past two the baker came, and I was talking to him at the door when Mr. Lee, an undertaker, arrived. At that time I was not aware the lady was dead, and I sent the undertaker away, thinking he had made a mistake. About ten minutes afterwards I saw Mrs. Patrick Staunton standing at the sitting room door, and I asked how the lady was. She said, "She's gone." Later in the day there was a rap at the front door, and when I opened it I was surprised to see Mrs. Patrick Staunton, for I did not know she had gone out. She said, "Will you be kind enough to send my husband on to Bromley after me. He will understand what I mean." I asked whether Louis Staunton was in time to see his wife before she died. Mrs. Patrick Staunton said, "Yes, he was in the bedroom when she died." She added that herself and Alice Rhodes were away at the station at the time the death occurred. I had not seen Alice Rhodes since she went to fetch the doctor in the morning. I asked Mrs. Patrick Staunton whether I was to tell her husband about the death, and she said I was to please myself about that. I asked if there was anybody else in the house. She said, "No." I

said, "What! am I alone in the house, then?" She replied, E. Chalkley.
"Yes, my sister has been gone some time, and the nurse will come during the evening, and I will see you again." She then went away. About a quarter to six Mr. Patrick Staunton came, and I told him of the death. He said, "I knew she was very ill when I was here this morning." He went away, and after he had gone I found the door in which the deceased lady was lying was locked, as well as the sitting room door. On Saturday night the undertaker came, accompanied by the nurse, who had got the keys of the doors. On Sunday Mrs. Butterfield came, and she was allowed to see her dead daughter. On the Sunday night the police came to the house with the doctor.

Cross-examined by Mr. M. WILLIAMS—On Thursday morning when Louis Staunton came to my place he wrote down on an envelope, "Mrs. Staunton, Frith Cottage, Cudham, Kent," as being the address of the invalid lady. I have not got the envelope. That was her proper address.

Before the magistrates I said that Louis Staunton said he had had a doctor, but he did not understand the work. I said to the Solicitor-General that he said he had had a doctor at Cudham, but he did not understand the case. I was asked the question where she had a doctor; I said so before the magistrates at Bromley. I did not say that he said a doctor had not seen her at Cudham because he thought he would not understand the case. I had been downstairs to get the envelope, and when I came back he made that remark. He said he thought of taking her to London at first, but that it would not suit her head; it would be too noisy, and that he understood there were very good doctors at Penge.

It was arranged they should bring their own linen. They seemed surprised at her being taken so ill. When Mrs. Patrick Staunton told me that the invalid lady was the wife of Louis Staunton she volunteered that information to me, as also that Alice Rhodes was Mrs. Patrick Staunton's sister. She brought a high basket with her, somewhat higher than a hamper. I think I said before the magistrates, "I got the breakfast, and they wanted me to send for bacon, but Miss Rhodes went because I could not send. I boiled an egg for the deceased lady; I understood it was for the invalid lady." The egg was lying on the plate, and I asked whether I should boil it, and Mrs. Staunton said, "Yes, you may as well."

Cross-examined by Mr. STRAIGHT—The expression that Mrs. Patrick made use of to me was that the doctors said Mrs. Harriet had had an epileptic fit, not an apoplectic fit. Before the magistrate I said that he said she must be under the

E. Chalklin

doctor's care three weeks. At the inquest I said, "She did not say whether the doctor said she would recover, but that he thought he could bring her round in three weeks." I noticed on the Friday morning when I saw Mrs. Patrick Staunton that she seemed tired and worn out. I think I used the expression that she seemed as if she had been sitting up all night. During the time she was at my house she seemed to be making every effort she could to assist the unfortunate lady. They both did.

Cross-examined by Mr. GYE—When Alice Rhodes said that the invalid had woke up and wanted some supper, she seemed anxious for her to have it.

By the ATTORNEY-GENERAL—Several times Alice Rhodes made the remark that she could not understand her being taken so ill.

By Mr. GYE—In the morning, about nine o'clock, when Mrs. Staunton asked me to send for the doctor, Alice Rhodes was present. Afterwards Alice Rhodes asked me the same question; they were in the sitting room the first time they asked. I went downstairs, and when I came up again they were in the bedroom, and then Alice Rhodes asked me if I could send for the doctor directly. It was a few minutes before Mrs. Staunton asked me that Alice asked me. They had just had time to go into the bedroom. When Alice Rhodes asked me she said, "Can she go at once?" She came into the sitting room with her jacket in her hand, put it on, and Mrs. Patrick Staunton said, "You go, my dear; you can go quickest," and Alice Rhodes went immediately. I went down to the gate with her, and I made the remark to her, "I would not return without the doctor," and she said, "No, that I won't." I showed her the quickest, the straightest way. She appeared to go off in a great hurry for him.

I assumed that Louis Staunton and Mrs. Patrick Staunton had engaged the rooms of me, and I thought the patient was living with them. Mrs. Patrick Staunton, I thought, had charge of the woman Harriet Staunton. She did not say so, but I thought so. I was not asked the question before the magistrate whether Mrs. Patrick Staunton had the charge of her that I can remember. I thought Mr. Louis Staunton and Mrs. Patrick Staunton were man and wife. I considered Mrs. Patrick Staunton had charge of the woman who was ill when they were in the house on the Thursday morning. I did not see anything in the conduct of Alice Rhodes inconsistent with anxiety for the invalid. She seemed very anxious.

Re-examined by the SOLICITOR-GENERAL—I have told you all I saw with regard to the treatment of the invalid lady.

It now being twenty minutes past five o'clock, the further hearing of the case was adjourned.

Second Day—Thursday, 20th September, 1877.

ELLEN GOODINGE, examined by the SOLICITOR-GENERAL—I was E. Goodinge. engaged by Dr. Longrigg as nurse to Harriet Staunton. That was about eleven on the morning of Friday, 13th April, this year. I went at once. Alice Rhodes showed me into the room where the patient was. Alice Rhodes gave me a blister. I went downstairs to make beef tea, and then went direct into the room. The patient was lying as if in a fit. She never moved at all until she died.

Did you try to ascertain if she was conscious?—Yes, I spoke to her. Then I went for Mr. Louis Staunton to see if she would speak to him. He came into the room with his brother. They both stood some minutes in the room. I pointed them out to her, but she took no notice of them. They did not speak to her. About twelve o'clock I told them to send for the doctor, as the lady was much worse. That was in the front room. Louis at once went. I tried to give her food and some medicine, but she could not swallow anything. I noticed, about half-past one, that she was dying, and I asked Louis Staunton, who was in the sitting room, if he would like to see the last of his lady, as I did not think she would be here very long. Mrs. Patrick Staunton, who was also in the sitting room, said, "Don't ask him, nurse; you worry him so."

What happened next?—She died.

How soon after?—Not many minutes.

The JUDGE—Did either of them go into the room before she died?—No, my lord.

By the SOLICITOR-GENERAL—The rooms were on the same floor, communicating by folding doors. From the time I saw her until she died, she had neither moved nor spoken. I told them the lady was dead. I wanted sheets to lay her out, and asked if I should ask the landlady. Mrs. Patrick Staunton said that I had better not ask the landlady, as she might not have any, for the room was poorly furnished and there was no blind to the window. I asked if I should borrow sheets, and she said she would be very much obliged if I would.

Yes?—I went to where I had been nursing before and borrowed a pair. I got a little water to wash her.

What was the condition of the body?—I went to wash her, but the body was in so filthy a state I could not. The head was alive with lice, but the body was not—at least, I did not

E. Goodinge

see any on it. The dirt on the body was of such a kind that I could not wash it off with a flannel. I never saw anything like it before. I did not examine the legs or feet.

What kind of dirt was it?—Something like the bark of a tree, as if it had been on the body for a long time and not washed at all.

What had she on?—A nightgown and chemise.

Did you take them off?—Yes.

How?—I tore them off.

Did you put a clean nightdress on?—Yes. Before her death Dr. Longrigg came in and said to me she was dying. He then went into the front room to the Stauntons. I did not hear what passed.

Did you hear anything about the undertaker?—I mentioned to Mr. Louis Staunton about Mr. Lee, an undertaker, and he told me to give him an order for a black coffin, a hearse and coach, and to say that the funeral was to take place on Monday. When I went for the sheets I left word at the Park Tavern for the undertaker to come. When I had laid out the body Louis Staunton and Mrs. Patrick Staunton spoke to me about going home, as they lived so far away. The two rooms were locked up, and I had the key of the front room, Mrs. Staunton saying I should keep it; they expected friends to see her, and it would be handier for me to keep the key.

Did you register the death?—Yes; in consequence of a conversation with Dr. Longrigg. That was on the Saturday morning.

On the Saturday night the police came to you for the key?—Yes. The police and Dr. Longrigg came up with another gentleman and called for the body. From the Friday till the Saturday night the body was left alone.

Mr. Justice Hawkins—Quite alone?—Yes; the door was locked, and I had a key at the Park Tavern.

Cross-examined by Mr. Williams—Louis Staunton told me when I took the key that I was to show the body to anybody that came. I do not remember that on the Friday morning I had a conversation with Mr. Patrick Staunton about a patient that died in a fit, and lay for some time without taking any notice; but I told him that Harriet Staunton lay as I had seen other people lie in fits before. I do not think she could understand what was going on, but I tried to make her understand. I do not think she was conscious any time after I first saw her.

Did you at any time on the Friday morning say to Louis Staunton, "If you come into the room, sir, I think she will know you"?—Yes.

Did you say you had seen a great many people suffering from the same kind of fits?—Yes.

Evidence for Prosecution.

Did he say, "How she has changed"?—I don't remember; but I cannot say that he did not. It was about eleven o'clock when I asked him to go for the doctor, and he at once did so. E. Goodings

After the death did you ask Mr. Staunton to "leave everything to me"?—I did not. I did not say, "Don't bother yourself, it will do no good; leave everything to me, I will see to everything." He told me to look after everything, and show the body to anybody who came. The key was to be left at the Park Tavern, but the barman was not to show the body to strangers. If strangers came I was to go over and show the body to them. The conversation took place after I had laid the body out.

Did you say anything to him about the dirty state of the body?—No.

Or about the state you say her head was in?—No.

Had you discovered that before the women left?—I had not seen the dirt on the body or the state of the hair before Mrs. Patrick Staunton left. I did not mention it to any of the prisoners.

Cross-examined by Mr. STRAIGHT—I did not notice whether the deceased's arm was rigid for the last half-hour of her life. She never moved her eyes; they were fixed.

Did Mrs. Patrick Staunton appear to be exhausted and distressed?—She appeared very nervous when I spoke to her.

She did not look to you as if she had been sitting up all night?—No; neither of them did.

When did the police come?—Between nine and ten on the Saturday night.

Cross-examined by Mr. GYE—Alice Rhodes gave me the blister and the beef tea; it was by the doctor's orders. I endeavoured to get the patient to swallow the beef tea.

And Alice Rhodes assisted you?—She held the cup. The hands and face of the patient were cleaner than the other parts of the body. There was dirt from illness on the nightdress, and it looked as if it had been worn for a week or rather more. Before the magistrate I said there was no particular dirt on the nightdress. I do not remember using the words, "I did not observe any dirt on the nightdress or on the face neither during life or when I laid her out."

There was a great deal of hair?—Yes.

Mr. JUSTICE HAWKINS—Do you mean real or false hair?—False, I believe it was, but I did not remove it.

The SOLICITOR-GENERAL—Had the hair been attended to?—I did not examine it when I saw the state in which the head was; her hair was alive with lice.

By Mr. JUSTICE HAWKINS—During the night she had suffered much from diarrhœa. In the morning, when I first went, I saw Alice Rhodes. I don't remember that she told me any-

E. Goodinge

thing about the diarrhœa. No one said a word about it until I discovered it myself.

Did you mention it?—No.

Do you think the hair had been combed or brushed for any time?—It had not been combed or brushed for a very long time.

Joseph Lee

JOSEPH LEE, examined by Mr. POLAND—I am an undertaker at Penge. On Friday, 13th April, Dr. Longrigg's assistant came to me about two o'clock. I went to 34 Forbes Road at Mrs. Chalklin's. In the front parlour I saw two of the prisoners, Louis Staunton and Mr. Patrick Staunton. I got instructions to bury the body at Beckenham on the Monday. I said forty-eight hours' notice would have to be given to open the ground. It was arranged that the funeral should take place on the Monday at two o'clock. Louis Staunton gave me the name, Harriet Staunton, aged thirty-four, to put on the coffin.

Did he give you his address?—Yes.

What address?—Mr. L. Staunton, Little Grays farm, Cudham.

What for?—In case I should want to write to him in order to let him know what time the funeral would take place.

Was anything said about the cost of the funeral?—He said he would want it respectable, but not too expensive. I was not told what relation the lady was.

Was anything said about the number of followers?—I understood they were to be him and a lady—the mother, I thought, of the deceased. On the Saturday I took the coffin, and put the body in it, but the coffin was not screwed down. The nurse opened the room for me.

Is Penge in two counties?—Yes; Kent and Surrey. Part of Forbes Road is in one county and part in the other; No. 34 is in the county of Kent and the parish of Beckenham. The place of registration would be Bromley; but for the Surrey part of Forbes Road the registration would have to take place at Croydon. The funeral did not take place on the Monday. There was an inquiry, and it was postponed for some time. Mr. Staunton paid me £9 6s.

Cross-examined by Mr. M. WILLIAMS—When there was any suggestion of an inquest did Louis Staunton stop the funeral?—He said he would rather wait than that there should be anything wrong. He said that to me at Cudham when I had gone down on the Sunday when everything was ready.

Re-examined by the ATTORNEY-GENERAL—On the Saturday night Sergeant Bateman told me not to carry out the funeral. On Sunday I went to Cudham to know what I was to do. I knew then that inquiries had been made.

Evidence for Prosecution.

Mr. Dran Longrigg, examined by the Attorney-General— I am a member of the Royal College of Surgeons, and practise at Penge. I am not a physician. On Thursday, 12th April, I saw Mr. Louis Staunton and Mrs. Patrick Staunton. They called at my house about eleven o'clock in the morning. They said they had got an invalid lady living down in the country, and they wished to bring her up and place her under my charge. D. Longrigg

Did you ask what was the matter with her?—Yes; and they said she was a lady with a weak intellect. The statements generally were made by Mrs. Patrick Staunton, but Louis Staunton was present, and assented, and sometimes made statements of his own. I asked if the invalid was paralysed, and they said, "Yes; she has lost the use of the left side." I asked if she was cleanly in her habits, and they said "Yes."

Why did you ask?—Because in cases of paralysis patients are often very dirty. They said she was extremely thin, but hearty. I asked if she had had a fit, and they said not to their knowledge.

Did you ask if any medical man had attended her?—Yes. Louis Staunton said a medical man had been in attendance. The medical man lived some 7 or 8 miles from the place, and could not give her proper attention, which he would like her to have.

Did you ask anything further?—I asked the medical man's name. They were very reluctant to answer me, but at last they said, "Dr. Creasey, of Brastead." I asked if it was Dr. Creasey, of Gravesend, as I knew him. They said no, it was Dr. Creasey, of Brastead. They said she had been ill for some time.

Did they say how long?—No; and I did not ask them. I took down the name given to me—"Staunton, 34 Forbes Road"—and I arranged to pay the invalid a visit between eleven and twelve the next morning.

On the Thursday evening you went out, and only returned at three o'clock on Friday morning?—Yes. I found a note from my assistant, saying that I had been desired at 10.30 to go to 34 Forbes Road to see the lady who had been brought up from Cudham, and who was much worse. I did not go then, for I thought, as they had been twice, she must be very bad, and that they would have sent for another medical man by that time. Alice Rhodes called on me the next morning. She said the lady was worse, and that she and Mrs. Patrick had been expecting me all night. I went into the room where the invalid was. It was a little before ten when I was at the bedside.

Describe the condition in which you found the invalid?—Mrs. Patrick and Alice Rhodes were in the bedroom. I

D. Longrigg examined the patient. I found the pulse quick and weak, beating at 110. Her arms were rigid.

Was she sensible?—Perfectly insensible. The pupil of the right eye was slightly dilated, and that of the left eye was finely contracted.

Very much contracted?—Yes, to a pin's point. Her breathing was stertorous and laboured. The features indicated distress. The balls of the eye were shrunken, and their colour was bronze. The lady was very much emaciated and in a dirty condition. I noticed particularly pediculi or lice in her hair, and that her finger nails were dirty. I spoke to her to rouse her, but she paid not the slightest attention. She did not move. I told the friends that she was extremely ill, and would not get over it. I knew in my own mind that she would die.

What did you say?—"She is extremely ill, and I don't think she will recover."

Did they say anything?—No. They said she had been like that all night with the stertorous breathing, and they asked me to recommend a nurse. I sent one in. I wrote out a prescription to be made up at my own surgery.

Did you say that it was an epileptic fit?—No. I might have said apoplectic—I believe I did.

Did you say there was no accounting for how such fits happened?—Yes, I may have said so.

Did you say, "She might be better in three weeks"?—Certainly not. I never thought of such a thing. I knew the woman was dying, and told them so the second visit.

Did you say she must be kept quiet?—Yes; and that she was to have some beef tea and milk.

You knew that Mrs. Patrick was the sister-in-law of Louis Staunton?—Yes.

Later on in the day did Louis Staunton come for you?—Yes, about twelve o'clock. He said his wife was much worse. I said I would follow him shortly. I went to the house about half-past twelve. I saw the patient. The nurse was there. I found the patient was dying rapidly. I told Louis and Mrs. Patrick, who were in the sitting room, that she was dying.

Did they make any remark?—No. I said I would call again. I did so, and found her dead. On the third occasion I saw Louis Staunton and Mrs. Patrick, and sympathised with them. Subsequently I gave a certificate—that was on the following day. I certified, from what I had heard, "cerebral disease and apoplexy"—primary cerebral disease and secondary apoplexy. I had been told that she was of weak intellect and had had a fit. I concluded if she had had another fit it would be an apoplectic seizure.

Did you ascertain whether she had been paralysed?—No;

because the patient was so near death; I did not go into it at all. D. Longridge

You gave the certificate to the nurse?—Yes, I heard nothing more about the matter till the next day, when Mr. Casabianca, a relative of the deceased, called upon me.

On the Saturday you withdrew the certificate?—I did.

You communicated with the coroner?—I did so, and he sent me a warrant for a post-mortem examination, which was made on 19th April, at Forbes Road. There were present myself; my partner, Mr. Pigott; Dr. Bright, who came on behalf of the relations of the deceased lady; Dr. Wilkinson, who was a surgeon to the police; Mr. Lister, a friend of mine; and, during the progress of the post-mortem, Mr. Harman, a medical man at Brixton, came on behalf of the prisoners. I made a minute examination of all the organs of the body. The woman appeared to be between forty and fifty, nearer fifty. I made some notes of my examination. The body was fearfully emaciated and filthily dirty all over, particularly the feet. The skin of the feet was quite horny, and the feet were caked with dirt. The horny condition would be produced by walking without shoes for some time. There were lice all over the body wherever there was hair.

Are they frequently found in bodies of an enfeebled condition?—Yes. They are called "poverty lice."

They feed and breed more on an emaciated body?—Yes. They feed faster where there is filth and where the body is in a weak, low condition than upon a healthy subject.

Were there many?—Yes; particularly on the abdomen. I noticed the bites. The hands and nails were very dirty.

There were no signs or marks of violence?—No.

You weighed the body?—Yes. It was about 5 stones 4 lbs., and the height was 5 feet 5¼ inches. The ordinary weight of such a person would be between 9 stones and 10 stones. The tongue was furred, and contained a portion of egg which had not been swallowed.

Did you find any food in the stomach?—Yes; four or five ounces—a mixture of milk and tea, and some small pieces of meat.

Very little solid food?—Yes, very little. It was undigested. I found out afterwards that it was bacon.

Were the eyes shrunken?—Yes. The white of the eye was perfectly normal and quite clear. On the head I found real hair and false hair very much matted. We pulled the false hair off with the forceps in order to get to the scalp. There was very little real hair, and it had not been attended to for some considerable time.

Were the breasts small?—Comparatively speaking there were no breasts at all—only just the nipple. She did not appear to have suckled her child.

D. Longrigg What about the brain?—There were old adhesions between the external and internal lining membranes, with a slight deposit of a tubercular substance upon the membranes; the brain itself was remarkably firm.

That is a sign of health?—It showed there was no disease of the brain.

Did you form any opinion as to the adhesion?—It might have been a blow in childhood, and the deposits might have been the result of want of nourishment.

Had any serous matter been poured out into the ventricle of the brain?—Neither serum nor blood. The substance of the brain itself was perfectly healthy, but the external and internal blood-vessels were gorged—in an apoplectic state, highly congested.

What had caused this gorging?—I can give you my theory.

Well, do?—Supposing the patient had been without food for some time, and a meal was suddenly given to her—that might produce it; it would produce apoplexy.

Anything like a meal?—Yes.

Did you observe anything else in the brain?—No.

You opened the stomach and the chest and found a tubercular deposit about 2 inches square on the apex of the left lung?—Yes. That indicated the first stage of consumption, but it had nothing to do with the death.

Was the heart very small, but healthy?—Very small, but healthy.

Was the sac adhering?—No.

Was the liver small, but healthy?—The liver was remarkably small, but very healthy indeed.

If this body had been without food, and become emaciated in consequence, would the heart and liver diminish in size?—Yes; all the internal organs of the body would.

What did the heart weigh?—7¾ ounces; the average weight of the heart in a healthy body of that size is about 9 ounces.

What did the liver weigh?—A little over 30 ounces, and the average weight of the liver of such a woman is 50 ounces or 60 ounces.

Was the gall bladder full and healthy?—Yes.

What was the weight of the spleen?—4¾ ounces, the average being about 7 ounces.

Was the spleen healthy?—Very healthy.

The kidneys were very healthy, but small?—Yes. The right kidney weighed 3¾ ounces, and the left 4 ounces; the average weight of the two would be 9 ounces.

The bladder was healthy?—Yes.

Did you find any fat about the body?—It was devoid of fat. There was not a particle of fat in the body.

Did you see anything that led you to believe poison might

have been administered or taken?—Yes, the congestion of the uterus and the rectum. D. Longridge

What kind of poison?—An irritant, and the condition of the eyes led to the belief that a narcotic had been taken or administered.

The contents of the stomach were analysed by Dr. Rodgers?—Yes, and he found no poison. Having learnt that fact, and before the analysis was completed, I gave it as my opinion before the coroner that the death was caused by starvation.

Has your opinion been altered?—No.

Mr. JUSTICE HAWKINS—Is that your opinion now?—Yes.

By the ATTORNEY-GENERAL—How long would it take to produce the state of emaciation in which you found the body?—Perhaps about three months.

Must it have been apparent for some considerable time that this lady was wasting away?—Certainly. There could be no doubt about it.

Did you find any signs that the woman had been of intemperate habits?—No, on the contrary.

All the appearances indicated that she was a woman of temperate habits?—Yes, most strictly so. There was such a want of muscular development that I should say she could not have walked about for some time before her death.

In the case of death from want do you get this congestion?—Yes; it is one of the symptoms, that is to say, a high state of inflammation at all the outlets of the body.

Was she in a fit condition to be removed on 12th April, as you have heard?—Certainly not.

Would such a removal be likely to accelerate her death?—It would.

Mr. JUSTICE HAWKINS—Would any removal?—Yes; she ought to have been kept quiet and not removed at all.

Cross-examined by Mr. CLARKE—In the condition in which the deceased was, death would certainly be accelerated by her removal, and the rough mode in which she was moved would hasten death.

In the condition in which she was when I first saw her she might have died if she had been left at Cudham and not removed. The removal of her from one room to another I do not think would materially have affected her, provided she was moved gently; it is a question of degree.

My dispenser, Mr. COX, was in charge when I went out in the evening of the 12th April. I had a conversation with Mrs. Patrick Staunton that day. I asked if the deceased was paralysed; she said she had lost the use of one side. I flexed the arm; it was rigid. You do not get rigidity in paralysis.

We were unable to decide by examination whether she had had a child or suckled one. Our inability to decide was not

D. Longridge attributable to the delay; the body was in a beautiful state of preservation at the post-mortem—the external appearances were not altered, nor was the internal appearance of the brain affected.

I asked if they had had a medical man, and they said "Yes." I asked if they had one living near them, and they said "No." I cannot give the exact words. I did not ask how long he had been attending her, nor as to the treatment; she might have had medical treatment. I did not ask, not at that time.

The distance from my house to where deceased was lodging is about 500 yards. I found a note when I reached home that night saying the lady was worse, and requesting me to go as soon as I came home. I did not believe her to be suffering from apoplexy. I looked upon the prisoners as respectable persons, and believed their statement. I believed her to be suffering from what I certified. I never gave it a thought as to what she was suffering from that night; I said in my own mind, "This woman is worse, and they have sent for another doctor."

Alice Rhodes came for me in the morning before I was dressed, and sent up two messages. I may have said to Mrs. Patrick Staunton at my first visit that the lady was in an apoplectic condition. I prescribed beef tea; I don't think I said that the only chance was to give her nourishing things; she had not a chance, so I could not have said so. I don't think I mentioned nourishing things—I prescribed beef tea, and very likely I might have said she must be kept quiet; it is so long ago I cannot swear to it.

I saw her twice, but I made no communication to the ladies there with regard to the state of her hair, her face, or her hands—I had no reason to believe that there were any lice except in her hair during life. I saw them on the head; they breed and spread over the body very rapidly. I do not think they spread over the body after death.

I have been in practice ten years—five in my own name and five as a qualified assistant. I have seen and made many post-mortem examinations, and have taken the ordinary hospital notes. I have not my notes here.

I took the headings of the different viscera, and when I got home made out my notes in a small pocket-book, which contains private matters besides. I have searched for that book, but cannot find it; the last time I saw it was in my consulting room; it is a small book. I put down the weights and measurements of the different organs.

The notes of the post-mortem examination did not occupy very much of the book—perhaps two pages and a half. I do not think I have said before that they occupied much more than that. When I say, "I cannot tell how many pages of notes there were—perhaps twelve pages," I understood that

to refer to the whole of the book, and two and a half pages of them were my notes made at the post-mortem examination; they were the only notes I made. The book is lost and cannot be found. D. Longrigg

I have some notes with me. I made the first set of notes, which I have still in my possession, half an hour or an hour after the post-mortem examination. I had not seen Dr. Bright's notes; I have my notes here; my dispenser has them in the bag. They are not an exact copy of the notes in the book that I lost; there is a great addition to them. The set of notes I made half an hour after the examination are on the blue paper. They were made before I had seen Dr. Bright at all; the other set of notes, Dr. Bright's, were made on the Sunday. The post-mortem examination was on the Thursday, I think.

I read Dr. Bright's notes all over; he gave them to me. The notes endorsed "Dr. Longrigg's notes of the post-mortem examination," were sent to Professor Rodgers. The second set of notes I made contain a narrative of the conversation that took place; I put it down, and then an account of the post-mortem appearances in cases of death from starvation; they are for my own observation; it was not written when the notes were written; it was a day afterwards. The two sets of notes are the only papers or notes I have of the post-mortem examination.

The chief part of the post-mortem examination—the dirty part of it—was done by my partner, Mr. Piggott. I dissected all the viscera and the brain. I think the height of the woman was 5 feet 5 inches; you will see it in the notes. When I speak of the average weight as between 9 and 10 stones I compare it to a woman of that height; the lightest weight I have known for a woman of that height in average health is about 9 stones or 9 stones 4 lbs.; it depends upon the build.

I was not informed by Harriet Staunton's mother that her daughter's weight at her healthiest did not exceed 8 stones; Dr. Bright told me that. The weight depends upon the build; it depends upon the framework; if the framework is slight it might not be 9 stones It is within my experience that a person of the height of 5 feet 4½ inches might be considerably less than 9 stones in weight, and yet a healthy person.

The weights of the particular organs were calculated in reference to the weight of the whole body. The heart would be one two hundred and fortieth part of the weight of the whole body calculated in that way. Taking the actual weight of the body, the weight of the different organs of the body corresponded with the natural proportions. Whatever the weight of the body might be, the heart would be one two hundred and fortieth of it.

By the COURT—In this case the heart, for instance, corresponded with the actual weight of the body as I found it; if the

D. Longrigg body had been 9 stones the heart would have been so much larger. Taking the weight of the body, the organs were considerably under the size I expected to find them. Nine or 10 stones should be the average weight of a woman 5 feet 5½ inches; if the weight had been from 9 to 10 stones then the internal organs, the liver and so on, would have been much larger than the organs as I found them in the body that was before me; the organs of the body as I found them were of the same size as I should expect to find them in a body that was only 5 feet 5 inches; the internal organs were proportionate to the weight.

By Mr. CLARKE—The spleen weighed 4½ ounces, and should have weighed 7 ounces. I gave a lower weight than 7 ounces before the magistrate as a natural weight; I said 5½ ounces to 7 ounces; 5½ ounces would represent a healthy state, but it is a mistake that it averages 5½ to 7 ounces. What I said before the magistrate was, "Weighing 4½ ounces against 5½ ounces to 7"; 5½ ounces is correct. The proportionate weight of the liver to the whole body in ordinary cases would be about one thirty-fifth. I did not weigh the brain.

My observations during life showed me nothing inconsistent with the account given by the prisoners. I believed what was told me. When I gave my certificate I had no reason to suspect anything; I gave it in good faith, and, so far as I was able, the cause of death stated in my certificate was the cause. I had no idea at the time that there was any starvation. Her symptoms did not indicate either poison or starvation.

The chief of the head symptoms before death was the dilatation of the pupils and stertorous breathing; the pupils were unequally dilated, and that is evidence of brain mischief, an unmistakable sign. If I had felt any doubt on the matter as to the cause of death I should have asked who the doctor was that had been attending her, and probably have put myself in communication with him before I gave my certificate; there was a special hurry about the certificate; there is not in an ordinary case, but there was in this.

I saw Mr. Casabianca the following day; he called on me; he was a perfect stranger to me. Mrs. Casabianca did not come with him. It was the day after the death that Mr. Casabianca came, the same day that the certificate was given.

I did not know anything about the Stauntons having gone back to Cudham when I gave my certificate. I had not heard that either of them was going back. I had seen the nurse I recommended in attendance myself. I wrote this letter to the coroner, after seeing Mr. Casabianca, on the strength of what he said.

16th April, 1877,
Penge, S.E.

My dear Sir,—On Friday last I was called to a case of a some-

what peculiar character, and, from information afforded me, considered the symptoms sufficient to justify my giving a certificate of death; but from what I have since been told me I am of opinion that the circumstances necessitate an inquisition into the cause. The sergeant who delivers this to you will be able to give you all needful information. With kind regards, your faithfully, D. Longrigg

DEAN LONGRIGG.

P.S.—The name of the deceased is Mrs. Staunton, a niece of Lord Rivers.

Mr. Casabianca gave me the information contained in the postscript. He gave me a history of the lady and the family. He said there had been foul play. In consequence of that I put myself in communication with the police and the coroner. Then the post-mortem examination took place.

I was suspicious of poisoning at one time of the post-mortem examination; I did not come to that conclusion; there were symptoms resembling poison; the idea was not suggested to me, it was my own observation. We had a conversation about it. We came to the conclusion that death was from starvation. It was after we had finished the examination that I and the other medical gentlemen came to the opinion there had been poisoning, and determined to send the intestines to Dr. Rodgers. We could not find enough disease to account for death.

The congested state of the upper part of the stomach was the first symptom that gave me the idea of poisoning; that was discovered in the early part of the post-mortem examination. The brain was opened first and the chest afterwards. I will undertake to say the word starvation was mentioned during the examination; I dare say I mentioned it; I mentioned it as one of the causes of death; we all mentioned starvation.

I have seen several cases of persons who died in a state of great emaciation. I have seen post-mortem examinations of cases called starvation, and have seen similar appearances; cases not exactly from disease, but from want of food, exposure to the cold, and want of proper nourishment. I have attended such persons before their death; there is no difficulty in inducing them to take food; it depends upon the state of their sensibility. I did not find anything in this case that looked like a refusal to take food. The egg remained on the tongue from insensibility and from inability to swallow it.

Indications of intemperate habits would easily be discovered: there would always be a trace of those habits if they had ceased some months before death, though not of a very serious kind—I am of that opinion. I do not think there would be any difficulty in discovering it. In the case of a woman who had contracted a habit of intemperance which had been indulged in for, say, twelve months, and who was deprived of the opportunity, and who died six months afterwards, traces of that

D. Longrigg would be discovered; you would find an enlargement of the liver and of the heart and a dilated condition of the blood-vessels of the brain—that would always be present if the person had been a drunkard or a person of strong intemperate habits. In the case of a woman who, living at her own house, takes too much wine or too much spirit, you would have symptoms of it then, but not so well marked as in a strictly intemperate person. I think that would necessarily be visible if a person is given to indulging, although it had been abandoned six or seven months.

The heart and the liver were not enlarged, but the blood-vessels of the brain were distended. I attribute that to other causes. Congestion of the coats of the stomach led me early in the post-mortem examination to a suspicion of poison. The principal matters discovered in the post-mortem examination which led me to the conclusion of poison were the congestion of the stomach, congestion about the rectum, the congestion of the vagina and uterus, and the congested condition of the brain externally and internally. I did not form so strong an opinion that poison had been administered as I did of starvation.

I do not recollect whether I said before the magistrate that the symptoms conveyed to my mind that it was a suspicious case of poisoning, or that I agreed that there were strong signs of poisoning. We thought that it was poison or starvation, and I thought that Professor Rodgers' analysis would find it out. My memory will not carry me so far back as to recollect positively what I said—it is three or four months since I was examined, and you cannot expect me to recollect. If I said I thought Professor Rodgers' analysis would find that there had been sufficient poison to cause death it is true, of course. What I said before the magistrate was taken down, but I do not recollect using the expression. The symptoms I have mentioned to you as indicating the presence of poison would also be referable to starvation. All the symptoms I did observe were fairly traceable to starvation. I do not think I said the inflammation of the peritoneum was, for instance; but the peritoneum was slightly inflamed.

I have never heard of a case where the simple absence of nourishment has produced inflammation of the peritoneum, not what I call peritonitis. That is a symptom of starvation. I know it from what I have heard other medical men say and from what I have read. I cannot say that I have ever seen it.

I cut the stomach open and examined it carefully. I have given you all that I observed as far as I am aware. The stomach was not of its ordinary size, substance, and thickness. It was rather thinner than in nature; the mucous membrane

of the stomach was thin. I had my notes with me before the magistrate, but they were taken from me. I have had them back since from the Treasury. I have been examined two or three times. I have never mentioned the thinning of the coats of the stomach until you put the question.[1] D. Leagrigg

Before the magistrates, did you say that all the organs of the deceased were healthy except the left lung?—I said the left lung was diseased.

Did you say all the organs were healthy except the left lung?—I might have done so.

Did you say so?—If I said so, it was an answer given in confusion.

But you are not confused now?—No; but you are trying to make me so.

Do you remember what you said before the magistrates?—I do not remember all I said.

Mr. JUSTICE HAWKINS—The evidence of the witness before the magistrates extends over thirty pages, and you cannot expect a man to remember every word he said in such an examination.

Mr. CLARKE—I do not ask him to remember every word he said before the magistrates, but to remember a matter of the utmost importance.

Mr. JUSTICE HAWKINS—Well, he says he does not recollect that he said so.

Mr. CLARKE—Did you say anything in the notes you made of

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1 At this point the Court adjourned for luncheon, and on his return Mr. Justice Hawkins said that he proposed to sit until six o'clock to-day; but he understood the jury would like to have a little fresh air if the Court could rise earlier.

The FOREMAN OF THE JURY—I did not know at the time I asked that we might adjourn earlier that it was such a wet day, and that there was, therefore, little chance of our going out.

Mr. JUSTICE HAWKINS—There appears to be little chance of the weather clearing up to-day, so I think it may be settled that we sit till six o'clock, as I am anxious we should make the best of our time in order that the case may finish on Saturday night.

Mr. M. WILLIAMS—I may say that I do not think there is any chance of the case finishing on Saturday night.

Mr. JUSTICE HAWKINS—If I had known that yesterday I certainly should not have taken this case until Friday morning. We commenced this case on the understanding that it was to finish on Saturday night, and if it does not, it has misled everybody.

Mr. M. WILLIAMS—I have not misled anybody. I could only express a hope that it might be finished on Saturday; but I could not possibly tell how long the examination of some witnesses might last.

Mr. JUSTICE HAWKINS—Well, we will see what can be done by sitting late to-morrow and on Saturday.

The FOREMAN OF THE JURY—If the case is not to finish on Saturday, I hope it may not be necessary to keep us sitting in the box so many hours each day.

Mr. JUSTICE HAWKINS—I am not at all certain that we may not finish the case by Saturday.

The FOREMAN OF THE JURY—Thank you, my lord.

D. Longrigg microscope is a great advantage to diagnosis, but it would not have told me more than I knew, namely, that there was tubercle. You could see with the naked eye the amount of tubercle that was there. I cannot speak so positively as if I had resorted to the use of the microscope. I speak positively that what I saw was tubercle. I did not see what the microscope would show me. I have no hesitation in my mind; I still adhere to the opinion which I have expressed all through. We all found the appearance of cerebral disease in the shape of these tubercles which have been spoken of.

My original certificate does not fairly represent my views. I consider it correct to a certain extent, with modifications. I arrived at the conclusion that there was poison, and was surprised to find Professor Rodgers did not discover any. I thought he might have done so. I formed my opinion before the analyst's report. I said I believed Professor Rodgers might find poison.

Re-examined by the ATTORNEY-GENERAL—They came to my house for the certificate several times when I was away on a visit. It was filled in, but there was no signature. Louis Staunton came himself and saw my wife. He pressed for the certificate. He saw it in the surgery. I did not have any conversation personally with Louis Staunton about the certificate, nor with any of the prisoners. There had been more than one application for the certificate, but not to me personally. When I said there was hurry for the certificate, I alluded to these applications. I signed it when I was at dinner on the day following the death, about four o'clock.

Stiffness of limbs is not produced by paralysis. When paralysed they are useless. Paralysis deprives the limb of all muscular power. When a limb is paralysed it becomes atrophied.

The bites were produced during life; I have no doubt of that. The bite of a louse is like being pricked suddenly with a pin. Bites after death would not produce those appearances.

I thought poison might have been administered because of the congested state of the organs I have described. Congestion is an effect of an irritant poison, but might be produced by starvation or by eating after going without food for a long period. The appearances I saw in the eyes might be symptoms of narcotics, as well as the congestion. There was a general thinning, not only of the stomach, but of all sorts, which might be produced by emaciation. Any exhaustive disease that causes emaciation might cause a thinning of the stomach, but it is invariable in cases of starvation.

A patient suffering from diabetes would complain of all food, whether liquid or solid, turning to urine, and of the immense quantity of urine that would pass. This causes a gradual

wasting of the body, but it is a long time before it terminates fatally, and that time varies very much. I have seen several cases of diabetes. The patient would also complain of great thirst. Extraordinary thirst is a frequent accompaniment of diabetes, but not an invariable one. If Mrs. Harriet Staunton had been suffering from diabetes for a considerable time I am sure those about her would have known it. The passing of an extreme quantity of urine is an invariable symptom of diabetes. The kidneys are also enlarged and spongy. On the post-mortem examination in this case we found that the kidneys were not enlarged. On the contrary, they were smaller than usual. D. Longrigg

I have had no experience in Addison's disease. I believe it is a very rare disease. In ordinary language tubercular meningitis is an inflammation of the brain. There is a tubercular deposit. Tubercular meningitis will produce emaciation, but must exist some time to do that. If Mrs. Harriet Staunton had been suffering from that disease it must have existed for a considerable time, and she would have been in an enfeebled state for some time before her death, and the disease would have been more developed than it was. If she had suffered from acute tuberculosis the brain would be soft. My opinion is that her death was not caused by diabetes or tubercular meningitis, but by starvation. The doctors present at the post-mortem examination discussed the matter amongst ourselves, and we all agreed. Dr. Harman was there on behalf of the prisoners. If the patient suffered from starvation it might bring on a fit.

Dr. JOHN MEABURN BRIGHT, examined by Mr. POLAND—I am a Doctor of Medicine of St. Andrews, M.B., C.S., and Licentiate of the Apothecaries Company. I live at Forest Hill, and have been in general practice for a period of fourteen years. I was present at the post-mortem examination of the deceased on the 19th of April. I was requested to attend on behalf of the relatives. I have heard Mr. Longrigg's account of the appearances presented by the deceased. J. M. Bright

Has he accurately described them?—On the whole I believe he has done so.

Were there appearances which pointed to poison?—There were, and all the medical men agreed that there ought to be an analysis.

No poison was found?—None.

In your judgment what was the cause of death?—I have no doubt whatever that the cause of death, on the whole, was starvation and exhaustion. There was no fat whatever which we could detect.

Can you form an opinion as to the time this emaciation had been coming on?—It is difficult to say definitely.

J. M. Bright considered the test symptom. The examination of the super-renal capsules can only take place after death. With regard to Addison's disease there are certain symptoms during life which are unmistakable. In examining for that disease after death I should feel it necessary to examine the super-renal capsules. I think in this case such an examination was overlooked.

I noticed tubercles in the brain myself. I made no microscopic examination. I remember they were put aside for examination with some of the matter of the tubercular deposit. I have no knowledge if they were ever examined. The presence of tubercles in the meshes of the brain and the existence of tubercular matter in the lungs was a very important coincidence taken together.

I have had the treatment of tubercular meningitis; it is a local disease to the brain, and very speedy in its effect. It is most frequent in children. As far as I can remember, all the cases I have seen have run too rapid a course for emaciation; the usual course has been from two to three weeks; that is almost the limit. It is not long since I had a case under my control. I have not been struck with great emaciation, though it may come on as the result of other conditions. Another disease may have produced emaciation, and then tubercular meningitis follow, which is very rapid in its effects. I can point out three things here which were inconsistent with death from tubercular meningitis; the very fact of there being some small tubercular deposit in the membranes of the brain led us to examine the brain very carefully, and there was a complete absence of three marked symptoms—first, the flattening and the bulging of the sides of the brain; secondly, the much more important, a complete absence of any effusion in the ventricles, in the chambers of the brain; and thirdly, the absence of any tubercles whatever at the base of the brain.

The characteristic post-mortem appearances of tubercular meningitis is the presence of tubercular deposit in the meshes of the brain, at the base of the brain. We examined the brain more carefully, because we thought we found some small deposit of tubercles on the convex surface that led us to examine more carefully. I made no examination with the microscope. I made a special note of there being a total absence of lymph, but I do not think I did so of the flattening and bulging of the brain. The presence of lymph is one of the most marked symptoms of inflammation; it becomes very serious indeed when there is lymph or pus.

The first stage of inflammation is a congested condition; we found that present. I must distinguish between the word congestion and inflammation, because the appearances of the brain were characteristic of intense congestion, and I could not use the word inflammation. The presence of lymph is the third stage in inflammation and congestion is the first. Con-

gestion was present in the brain. All the blood-vessels in the brain itself were remarkably congested. A very small quantity of fluid was found in the skull; I doubt if there was more than a drachm. I don't think it was actually measured. It will be found mentioned specially in my notes that there was an absence of effusion, but not, I believe, as to the quantity. I think that was remarkable from the absence of it. I do not remember making a written note, but I remember it perfectly. I recollect the appearance of the brain perfectly; we expected to find evidence of tubercular disease more marked, and we did not find it. I won't say that miliary tubercles never occur without lymph or effusion. J. M. Bright

By the COURT—I said that I could not come to any decided opinion with regard to the immediate cause of death; I think there was enough upon the post-mortem examination to enable me to come to a conclusion, and I think the right answer would be that the post-mortem appearances of the body were not inconsistent with starvation. There were reasons why I thought there might be in the first instance a narcotic, and afterwards an irritant poison. The difficulty we had was to account for the immediate cause of death. I ought to say the special appearances are not limited either to poison or to starvation; there are certain appearances common to many diseases, in the stomach and so on.

FREDERICK WILKINSON, examined by the SOLICITOR-GENERAL—I am an M.D., and a member of the Royal College of Surgeons of England. I attended at the post-mortem examination at 34 Forbes Road on the 19th April. I have been present in Court while the post-mortem has been described. In my judgment the appearances were correctly described by the witnesses who have been examined. F. Wilkinson

The cause of death, in my opinion, was starvation. I have considered the various suggestions that have been made as to meningitis and so forth. I think there is no foundation for those suggestions.

I have heard both Mr. Longrigg and Dr. Bright express their opinion as to what would be the effect of moving the lady in the condition in which she must have been, and the way in which she was removed. I concur in their opinion that that arrangement must have conduced to her death. It was most dangerous in her condition, and must have accelerated her death.

Cross-examined by Mr. CLARKE—I agree with the doctors who have already spoken with regard to meningitis. I agree with their opinion with regard to the diseases, but not quite so as to their statements. I did not hear them all, but I agree with their opinions. I heard Mr. Longrigg give a description of the symptoms before death some time after the post-mortem.

F. Wilkinson At the time I made the post-mortem I came with a perfectly clear mind, and without any knowledge at all of what had taken place. I refused to hear from Mr. Casabianca what he had to say about the matter. He came with a policeman, and asked me to attend the post-mortem, but I refused to hear him say anything about it; I told him I would rather go unbiassed.

At the examination the symptoms were put down to poison, but we thought we would have an exhaustive analysis, and sent the stomach to Mr. Rodgers. I was very dubious as to the symptoms; there was an inflamed stomach, and that was one symptom of poisoning. I concurred in the view of the other medical men in their wish to send them, and in the reasons for which they sent those things to Dr. Rodgers for examination.

I have had about thirty years' experience in the treatment of brain diseases. I have not practically had special cases with regard to brain diseases. I have had general scrofula, as you may call it, which is another name for general tuberculosis. I have also had cases of meningitis. Those diseases generally do not last sufficiently long to produce emaciation. Tuberculosis in the form of phthisis does so; tuberculosis has various forms; some lead to greater emaciation than others. The presence of tubercles in the brain, and tubercles in the lungs in that congested state of the vessels of the brain, was too small in quantity to produce any bad result of tuberculosis, I think.

There are three membranes of the brain—the dura mater, the pia mater, and the arachnoid. This deposit was on the arachnoid membrane, the size of about a fourpenny or a sixpenny piece. It was very recent, quite transparent, and had not produced any inflammation. There was no inflammation present: I did not even see any congestion. It was a perfectly recent deposit; there was no congestion in the organs of the brain; I mean, not connected with this tubercular deposit. There was some general congestion of the brain not dependent upon this tubercular deposit.

I have had persons under my care who were suffering from brain disease. They differed in temperament and manner and in behaviour. Persons who are afflicted with disease of the brain are very often affected in their temper, which makes them sulky. I have not had experience of persons who are under the control of warders in asylums, nor have I visited persons who have been confined in asylums, neither my friends nor patients. Vomiting is one of the things that may cause starvation.

By the Court—Starvation might occur from three causes—from wilful refusal of food, from having food withheld, and from vomiting.

Evidence for Prosecution.

F. Wilkinson

By Mr. CLARKE—I mentioned before the magistrate that vomiting might produce starvation. I never had a case of starvation under my care. I have had a case of starvation where a patient refused to take food. It was a grown-up person of weak intellect. It was a case of imbecility. The patient refused for some time to take food; it had to be forced down by the stomach pump. I saved the patients in that way, for I had two or three. A medical man is necessarily required to deal with a case of that kind.

In this case I saw some food on the back of the tongue of the deceased woman; she had already some in the stomach; some that had been recently given her seemed of the same kind. It might have remained there from her inability to swallow, in the state in which she was.

There are several writers on the subject of death from starvation. There is Kirk's "Handbook," Taylor's "Medical Jurisprudence," and Kasper's work, and one or two more, I think; and there is a long account published of the Welsh fasting girl's case.[3] Kirk does not treat it very lightly; he gives the weight of the organs and the way in which they lose weight.

I did not notice anything about the brain that might have been caused in early life. I noticed no old injury to the brain, but there was slight adhesion between the dura mater and the skull-cap. I did not think much of that.

Re-examined by the SOLICITOR-GENERAL—Kirk's "Handbook" gives inflammation in the stomach as one of the symptoms of poisoning. Inflammation of the stomach sometimes produced by starvation is given in Taylor's "Medical Jurisprudence" and Kirk's "Handbook" as one of the symptoms of starvation. I desired the contents of the stomach to be analysed in order to ascertain by exhaustive examination what was the cause in this particular case.

When poison is excluded as the cause of the inflammation, we have advanced one step towards ascertaining what it is not. Starvation is one of the things that produce it. The several diseases that have been mentioned are characteristic of those diseases. In Addison's disease you get the bronze skin, but I do not think the skin of this poor woman was anything at all of that colour; it was a more parchmenty state of skin, and with regard to diabetes, there is an enormous flow of urine which cannot be concealed, and an intense thirst. Life may be prolonged by medical treatment, proper diet, and so forth. There is an effect produced upon the kidneys themselves by diabetes. There was no symptom of that in this lady at all. The kidneys were healthy.

[3] *Reg. v. Jacobs and Wife*, Carmarthen Summer Assizes, 1870; and see *Taylor's Medical Jurisprudence*, i. 645.

F. Wilkinson

The tubercles were not in the substances of the brain but on the middle membrane, the arachnoid membrane, one of the envelopes of the brain. They did not fulfil the description of the symptoms which indicate cerebral meningitis. Those appear in the substance of the brain; they go through the membranes; they do not assume the form of tubercles; here was an isolated spot of tubercles on the surface of the arachnoid membrane, on the middle membrane, outside the brain.

By the COURT—There was one case which I had particularly under my notice, where a person had refused to take food, and where it had to be administered by the stomach pump. I have had three such cases. I did not find in either of those three cases that the patient had on any occasion taken some quantity of nourishment, but refused to take more; it was a general refusal to take any. If I found certain particles of food in the stomach, and other portions unswallowed resting on the tongue, I should infer that the patient must have taken it voluntarily. In the cases I have had under my notice there was no partial refusal; it was an entire refusal.

Alan Pigott

Mr. ALAN PIGOTT, examined by Mr. POLAND—I am a surgeon, and am in partnership with Mr. Longrigg. I was present at the post-mortem examination of this lady.

Have you formed any opinion as to the cause of her death?—Yes; starvation, accelerated by her removal from Cudham.

J. Bateman

JOSEPH BATEMAN, police sergeant, proved that he handed certain jars given to him by Mr. Longrigg to Dr. Podgers.

J. E. D. Rodgers

Dr. JULIEN EDWARD DISBROWE RODGERS, examined by the ATTORNEY-GENERAL—I live at 38 Sussex Street, Warwick Square. I am Professor of Toxicology at the London Hospital. I received from Sergeant Bateman three jars. I made an analysis, but I did not find a trace of any poison of any kind.

Did you find any trace of fat in the internal organs?—There was an entire absence of it.

What, in your opinion, was the cause of death?—Starvation and neglect. Prolonged starvation, because there was an entire absence of fat. It would take several months to produce such a condition.

Does it take a long time to produce extreme emaciation?—Yes; I know of a case in which it was three months.

Should you say that the condition of the deceased in this case must have been known to those about her for some time before her death?—I should say for some considerable time. Undoubtedly they must have seen the condition in which she was. The patient some time before her death would be able to walk very feebly, and latterly unable to walk. In all cases I have known where starvation has been caused by disease

the shortest time to produce emaciation was three months; it must have been most certainly obvious to everybody that for some time before the death of this lady she required medical attendance. The appearance of the stomach and other organs, no matter from what cause, must have created suffering which required medical assistance and great care. After a person has abstained from taking food for a considerable time the effect of taking food in any quantity would be congestion of the brain. It is a very dangerous thing to do. J. R. D. Rodgers

Did you see any evidence of excessive drinking?—None whatever. The liver had not the slightest appearance or indication of habits of intoxication.

Do you think the condition of this lady could have been produced by diabetes?—I do not think so. In diabetes there is so much suffering that medical aid would have been required, and, therefore, as no medical aid was ever sought, I believe starvation was the cause, and not diabetes.

Is there excessive thirst in diabetes?—Invariably so. In an experience of many cases of diabetes during forty years I have never known excessive thirst to be absent.

Do you think death was due to tubercular meningitis?—No; the symptoms in meningitis would have been far more urgent in requiring medical attendance, and, therefore, as I have not heard of any medical attendance, I keep to starvation.

Cross-examined by Mr. CLARKE—I was not present at the post-mortem examination, but I had the notes of it sent to me by Mr. Longrigg. Here to-day I am not acting upon those notes, but only upon the evidence I have heard in Court. If there had been any evidence to warrant an opinion of intemperance, even for a limited time, it must have shown itself in the internal organs.

Did the analysis in this case give you a great deal of trouble?—Yes; because the appearances warranted the suspicion of poison, and I had never seen those appearances before without poison. Therefore, I took a great deal of trouble, not only in analysing by the processes, but in verifying those results. I proved the absence of any metallic or alkaloid poison, and I then came to the conclusion that the cause of death was starvation.

The case puzzled you up to the day before the inquest?—Yes; because there were certain symptoms—the redness of the stomach, duodenum, &c.—which I at first thought attributable to poison, but which I ultimately ascertained were not, and I then came to the conclusion that the appearances were due to starvation.

Mr. THOMAS BOND, examined by the ATTORNEY-GENERAL—I am a practising surgeon and Lecturer in Medical Jurisprudence at Westminster Hospital. I have heard the medical evidence Thomas Bond

Thomas Bond in this case, and my opinion is that the cause of death was starvation.

Have you ever had an absolute case of starvation under your care?—Yes; it was that of a woman who swallowed some vitriol and got stricture of the gullet, and she was afterwards unable to take food except by injection. The patient ultimately died of starvation, after living three or four months.

Did you have a post-mortem examination in that case?—Yes; I made it myself, and the appearances were very similar to those deposed to in this case. There was congestion of the brain.

Do you think the deceased in this case died of diabetes, Addison's disease, or tubercular meningitis?—I do not think there are any symptoms spoken to which would warrant any such conclusion. If there had been diabetes I should have expected the kidneys to be enlarged and probably degenerated. In Addison's disease there is emaciation and very great lassitude, and it is a very long, slow disease. Nobody about her could have doubted that she was extremely ill if she had suffered from Addison's disease. In death from tubercular meningitis there is usually a good deal of fluid effused into the ventricles of the brain. There is also usually lymph effused at the base of the brain, and there is usually more evidence of tubercles than that described in the present case.

Would you say that long before her death the deceased would be able to walk about much?—I should say she would not.

Do you think the removal of the deceased on the night before her death accelerated that death?—It was a most injudicious thing to do, and, in my opinion, it would accelerate death.

Mr. Clarke—Is it not the case, where a patient is suffering from a wasting disease, another disease may intervene and cause death?—Yes, I cannot undertake to say that Addison's disease was not present.

Do you find the record of the post-mortem examinations in this case complete?—It is not so complete and satisfactory as I should have made it. I should have recorded the weight of the brain and the quantity of fluid in the skull if I had found a large quantity; but, as there was very little of it, I should merely have recorded the fact. I should also have recorded the thinning of the coat of the stomach. The latter fact is an important one in a case of starvation. I apply the word starvation to mean a process caused by any disease which would prevent the nutrition of the body. I may say I have only seen the depositions and not the notes of the medical men.

Mr. Justice Hawkins—The depositions are taken by the magistrate's clerk, and he may not have recorded all that the medical men said. (*To Witness*)—If starvation had been going

on for some time would that lead to the deposit of tubercles?— I am not prepared to say it would have led to sufficient tubercles to lead to tubercular meningitis, but it might lead to a deposit of tubercles either on the brain, lungs, or other tissues—if deposited in sufficient quantities they might produce the disease of tubercular meningitis. In a case of death by starvation I should expect a darkening of the skin caused by the loss of vitality and the dryness of the skin. Thomas Bond

Mr. James Gideon Creasey, examined by Mr. Poland—I am a surgeon at Brastead, Kent. I know the Woodlands at Cudham. The Patrick Stauntons lived there. I knew Mrs. Patrick Staunton very well, Mr. Patrick Staunton very little. I attended there on 29th July in last year. It was for a very trifling ailment, I think, of Mrs. Patrick Staunton. Afterwards I attended from 23rd August to the 28th. The patient that time was a child. J. G. Creasey

Whose child was it?—I cannot say. I supposed it to be Mrs. Patrick Staunton's.

Did you ever attend any other person in that house after that time?—No. I knew the house as Woodlands. I did not know that it was formerly called Frith Cottage.

Have you seen Mrs. Butterfield this year?—Yes; I think it was in March. I saw her in a cab. She made some inquiry of me, and I afterwards received from her the photograph of a lady.

Were you in the habit of passing the Woodlands?—Often; sometimes daily, sometimes twice a week, and sometimes once a week.

Did you ever see in that house the lady whose photograph was sent you by Mrs. Butterfield?—No.

Did you ever attend her?—No; previously to 12th April I did not know any such person was living there. I did not know her child.

Did you know Mr. Louis Staunton?—Yes; he was living at Little Grays farm, or Woodside, as it was also called.

Did you know any lady living with him?—Yes; the prisoner, Alice Rhodes, though I did not then know her name.

What is the distance between Little Grays farm and the Woodlands?—Not very far—about a mile. Brastead, where I live, is about 2¼ miles from the Woodlands.

Is there any other medical man at Brastead?—No.

How far is Westerham from the Woodlands?—About 3 miles; there are two medical men there. There is a medical man at Riverhead within about 5 miles.

Mr. Justice Hawkins—Did you ever attend Harriet Staunton or anybody as the wife of Mr. Louis Staunton?—Never; I never went to his house; I was never asked to.

J. G. Creasey — Is your practice generally about the neighbourhood?—Yes; I am parish medical officer at Cudham, and I have a surgery a quarter of a mile from Little Grays farm, where I regularly attend once a week at a fixed hour.

C. E. Hoar — Mr. Charles Edward Hoar, examined by the Solicitor-General—I am surgeon to the Kent County Prison at Maidstone. Alice Rhodes was in custody there during the month of June last. She was delivered of a child on 28th June. It was a healthy child, and apparently at the full time.

T. Keene — Mr. Thomas Keene, examined by the Attorney-General—I am a solicitor, of 32 Mark Lane. I acted as solicitor for Mrs. Harriet Staunton before her marriage, and afterwards for her husband.

Just tell me what her property was at the time she was married to Mr. Louis Staunton?—On 15th March, 1875, I received from the solicitors of her trustee £1177 15s. 2d. under a voluntary settlement she had made; on 22nd April, 1875, I received £639 4s. 1d.; and subsequently there was a further sum of £310 4s. 6d. received from the Court of Chancery on an order in the suit of Richardson and Beauclerk. This was in July—she was then married. She had reversionary interests in several other sums under the will of Lady Rivers, and on a sale these realised £1100, paid over to me on 23rd October, 1876, making altogether a sum of £3227.

When did you last see Mrs. Harriet Staunton?—On 23rd October, 1876, when she came to sign the deeds of assignment of these interests. She came to my office by appointment to meet the Commissioners for taking the acknowledgments of married women. Her husband came with her, but, of course, was not allowed to be with the Commissioners. He was in another room. I had no reason to doubt her being in good health. She was certainly not emaciated. I explained the deed to her, and asked her whether she really meant to give up the money.

Cross-examined by Mr. M. Williams—She came up twice to go before the Commissioners. On the first occasion she was taken unexpectedly before them, and she suffered from nervous hesitation of speech. The Commissioners thought it better that she should go away for a few day, and come again at another time. She had been examined on many occasions by doctors.

Third Day—Friday, 21st September, 1877.

The Court sat at 9.30.

CLARA BROWN, examined by the SOLICITOR-GENERAL—I was sixteen last month. I am first cousin to Mrs. Patrick Staunton and Alice Rhodes. I went into the service of the former in 1872 or 1873. My mother died in September, 1872. About twelve months after that I went into Mrs. Patrick's service. Clara Brown

Is your father alive?—No; he died in 1874.

Mrs. Patrick was living, when I went into her service, at 9 Loughborough Park, Brixton. The house, No. 8, nearly opposite, was occupied afterwards by Mr. and Mrs. Louis Staunton.

Do you remember Mr. Louis Staunton being married?—Yes; the house No. 8 was taken and furnished before he was married. I lived at No. 9 with Mrs. Patrick till she went to Cudham in November, 1875. There were no other servants in the house at Loughborough Park or at Cudham besides me. The family consisted of Mr. and Mrs. Patrick Staunton and their two children. One was about a month old when they went to Cudham, the other a year and a half. Dr. Russell attended the deceased in her confinement in 1876. Two or three days before that I came up from Cudham to No. 8, where I remained about a month. In the house at the time were Louis Staunton, Alice Rhodes, a nurse,[1] Mrs. Patrick eldest child, and myself.

Did you notice anything during the month in the conduct of Louis Staunton and Alice Rhodes?—I thought they were too affectionate to one another.

Did Alice Rhodes always sleep in her own bed?—I am not quite sure that she did.

Did you notice the bed of Mr. Louis Staunton, whether more than one person had slept in it?—Only by finding her night-dress in the chest of drawers in the room.

Did you hear Mrs. Harriet make any complaint about Alice Rhodes and her husband?—Yes; I have seen notes sent down by Mrs. Harriet to her husband. I saw Louis Staunton open one and read it. That was very soon after she was upstairs. After the month was over I went back to Cudham, where were Mr. and Mrs. Patrick and the children.

Mr. JUSTICE HAWKINS—When you went back did you leave Alice Rhodes at No. 8?—Yes.

Examination continued—Did Alice Rhodes, the baby, Harriet Staunton, and Louis all come down once to Cudham on a visit at the same time?—Yes; they came on the Saturday and left on the Monday.

[1] See p. 11, *supra*, and Appendix v., p. 301.

Clara Brown When was that?—About a fortnight after I had left Brixton.

When they left on the Monday did they take the baby back with them?—No; they left it with Mrs. Patrick. The baby was fed with the bottle. Mrs. Harriet came twice afterwards to see it, I think with Mr. Louis. I recollect Alice Rhodes staying at the Woodlands, but cannot remember the time; she stayed about a week, I think.

Did you hear anything pass between Alice Rhodes and her sister about Mrs. Harriet Staunton?—Yes.

What was it?—I think it was to ask if Mrs. Patrick Staunton would let Mrs. Harriet Staunton come down to the Woodlands for a week.

Did Mrs. Harriet come down?—Yes.

How long after?—About a month. Louis Staunton was also present, and I heard him speak to Mr. Patrick about his wife's hat and jacket.

What did he say?—"You had better put Harriet's hat and jacket away, or else perhaps she will come after me."

Did you see what was done with them?—I saw them put in a box and locked by Mrs. Patrick.

Did you hear Mrs. Harriet ask after them?—Yes.

When?—I don't know.

What answer was given?—That Mr. Staunton had taken them away with him.

Who gave that answer?—Mrs. Patrick. I have given her a similar answer to that myself.

Did Harriet Staunton ever leave the Woodlands, except on two occasions, until she was removed to Penge?—I don't recollect. On these two occasions she came back the same night.

Where did she go?—Once to London, she told me.

Did she tell you what about?—She said she had to go to Mr. Keene's office.

How long after was the second time?—About a week.

Where did she go then?—The same place—so I was told.

Who told you?—Herself.

Did you ever hear Patrick Staunton speak to Harriet Staunton about her going out of the house?—Yes, sir; I have heard him speak to her more than once. That would be after these visits to London.

What did he say?—I have heard him ask her where she had been to when she had been out.

I mean about her going out; not about having been out.

Mr. M. Williams—I must object to the Solicitor-General leading the witness.

Mr. Justice Hawkins—I see nothing improper in the question.

Examination continued—What did he say?—I have heard him say, "You will have to go to London to see Mr. Keene."

Evidence for Prosecution.

Clara Brown

Have you heard Patrick Staunton speak to Harriet, and say she was not to go out of the house?—He did not say anything about leaving entirely.

I did not ask that, and I think you heard me. You must answer the question?—I never heard him say she was to leave.

I did not ask you that. Have you heard Mr. Patrick speak to Harriet as to whether she was to go out of the house or not?—I have heard him say, when she came back from London, she was not to go outside the house.

What did he say?—"You must not go outside for any one to see you."

Had he spoken to you on the same subject?—Yes, sir.

What?—"Don't let Mrs. Staunton go out so as to let any one see her." That has been more than once. At first Mrs. Harriet took her meals with the rest of the family.

Did that always continue to be so?—No.

When was there any alteration?—Just before Christmas.

What then?—She was sent upstairs more, and kept upstairs.

How was she provided with food?—It was sent up to prevent her coming down.

What food was she provided with? Was it the same always as the rest had downstairs?—Not always.

What then?—Sometimes pudding instead of meat, like what the rest had.

Has she complained to you at all?—Yes.

Of what?—Of not having enough to eat, and on several occasions complained of not having anything sent up to her.

Do you remember anything happening on one occasion when she made that complaint?—I have seen Mr. Patrick Staunton very angry.

Did you ever see him do anything to her?—Yes.

What?—I have seen him strike her.

Did the blow leave any mark?—Yes.

What?—A bruise.

Where?—On her arm.

Did you ever see her with another mark on another occasion?—Yes.

What?—A black eye.

How came that to pass?—He struck her.

Mr. M. WILLIAMS—Did you see him?—Yes.

By the SOLICITOR-GENERAL—Just describe what you saw?—I was upstairs. Mrs. Harriet shut the door in Mrs. Patrick's face, and Mr. Patrick struck her.

What did he do?—He struck her and pushed her down.

Where did it happen?—In the back room.

How was it furnished?—A chair bedstead, a bedstead, and two boxes.

Was there any basin or jug, or any other mode for cleaning herself?—No.

Clara Brown Were you there when the policeman afterwards examined the room?—Yes, sir.

Was it in the same condition as it used to be?—No; other things were put in it.

When had that been done?—After she had been taken away.

Where used the child to sleep?—Beside her in a bassinet.

What were the clothes to cover it?—A shawl, I believe.

You know?—Yes; only a shawl.

Where used the child to be kept?—Upstairs, in the back room.

About Christmas time did you see Patrick Staunton do anything to Harriet?—I saw him strike her just about Christmas. Mrs. Patrick was present. I heard her ask Mr. Staunton to leave her alone.

About this time what boots had Mrs. Staunton to wear?—She only had one pair of boots all the time she was there. When she was removed she had no boots on, but a pair of Mrs. Staunton's slippers.

What was the room like?—Rather dirty. I cleaned it about a month before she was taken away. I have heard Mr. and Mrs. Staunton tell Harriet Staunton not to come out of the room.

What was said?—I can't tell you; it was such foul language.

Mr. Justice Hawkins—But you must tell us what it was.

By the Solicitor-General—Tell us?—"You must not come downstairs, you damned cat, or else I'll break your back."

Have you heard that once, or more than once?—More than once.

What have you heard Mrs. Patrick say?—"Don't come downstairs, Harriet; we don't want you down."

Did she come down?—After that I don't recollect her coming down.

When she complained of being without food, do you know if she has been without it?—Yes.

For how long have you known her to be without food?—For a day.

How has that happened?—I have asked Mrs. Patrick to let me take it up to her, and she has said, "No; let her wait."

Was she ill?—She appeared to be getting very weak.

Suddenly or gradually?—Gradually; she had no fit or sudden illness.

Do you remember the child being taken to the hospital?—Yes.

What was Harriet's state then?—Very weak.

Did you hear if she was asked if the child was to go?—No. On the Sunday before Harriet herself was taken away she was very weak and bad.

Evidence for Prosecution.

Clara Brown

Do you remember the Monday before she was removed?— Yes.

Had she any food on that day?—Yes; a fowl was boiled for her.

Do you remember the news being brought that the child was dead?—Yes.

Did she take any notice of that?—No. She ate very little of the fowl. She did not appear to understand anybody at that time—that is, anything that was said to her.

Was she able to help herself?—No.

Do you remember Patrick Staunton getting some steak for her, and cutting it up very small for her?—Yes. She tried to eat it but could not swallow it.

When was that?—On the Tuesday.

Did they try to feed her with some bread and milk?—Yes, the night she came away. She could not eat it.

When was she put in the trap to drive her away?—About six in the evening.

Before that was anything said about keeping her later?—Louis and Patrick said, "We should like to keep her later for fear of the people at Portlands"—the name of the house nearly opposite—"seeing her." Mrs. Patrick said, "You had better take her at once, or she won't last the journey."

Where was Mrs. Harriet all this time?—In the kitchen, sitting in a chair.

How did she get there?—Mr. Patrick carried her down in his arms.

Was she propped up with pillows?—Yes; she seemed drowsy. Patrick Staunton tried to rouse her several times.

Did Mrs. Patrick say anything?—She said, "You had better let her sleep," and Patrick said, "If she goes to sleep she won't wake up again, in my opinion."

Where was Louis Staunton living at the latter part of 1876 and up to the removal?—At the Little Grays, about twenty minutes' walk off.

From time to time he came to the Woodlands. Did he see his wife?—Not always.

Sometimes?—Yes.

Did you hear him speak of her, or say that he wished to see her?—I don't remember.

Have you heard him speak to her?—Yes.

Who was living at Little Grays farm?—Louis Staunton and Alice Rhodes.

Do you know if Harriet Staunton knew where her husband was living?—No, sir; she did not know.

Or that Alice Rhodes was living with him?—She did not know.

Do you remember picking up a letter and reading it?—Yes.

Clara Brown

What became of it?—I burnt it.

Whose handwriting was it in?—Louis Staunton's. It was addressed to Alice Rhodes. I found it in Mr. Patrick's bedroom.

At Cudham?—Yes. Alice had been in the house, but had gone.

What was in the letter?—It began, "My own darling."

Well?—I think it was, "I was very sorry to see you crying so much when I left you. It seems as though it never would be, but there will be a time when Harriet will be out of the way, and we shall be happy together." [2]

Anything else?—"Dear Alice, you must know how much I love you by this time. We have been together two years now."

Did Alice Rhodes ever make an inquiry after the letter?—Yes, a week after, when she came to Cudham again. She asked if I had seen a letter addressed to her. I said, "No."

Where was the letter?—I had burnt it. I found the letter at the first time that Alice came to stay for some days. I cannot tell the date or the month when I found the letter. I think it was after I had come back to Cudham from Mrs. Harriet's confinement.

Do you know Alice's handwriting?—Yes, I think so.

Look if this is her handwriting?—(*Letter produced.*)—I think so, but I won't be sure.

To the best of your belief?—Yes.

By Mr. GYE—Have you ever seen her handwriting?—Yes.

Where?—At Cudham.

What sort of writing did you see?—A list of something, I think.

The SOLICITOR-GENERAL—We'll have the letter read.

Mr. AVORY[3]—It is dated, "Aug. 19, 1876," and is signed "Alice."

Woodlands, Saturday morning.

My dearest Louis,—I was extremely thankful to have a letter from you yesterday, as you must know it is extremely dull for me here, and baby is so fretful. I have searched high and low for the lost letter and cannot find it, and I am sure Harriet has not got it. So where it can be I cannot tell. Come down to me as soon as you can if only for a few hours, for you cannot think how happy it will make me to see your dear old face again. With affectionate love, and trusting to see you soon. I remain, Yours affectionately,

ALICE.

Though absence parts us for a while,
And distance rolls between;
Believe whoever may revile,
I am still what I have been.

[2] For the explanation of this letter subsequently given by Louis Staunton, see Appendix viii., p. 317.

[3] Clerk of the Arraigns.

Evidence for Prosecution.

Examination continued by the SOLICITOR-GENERAL—I was examined before the coroner, and made certain statements there. Clara Brown

Had any of the prisoners spoken to you about being examined as a witness before you were examined?—Yes.

Which of them?—All of them.

What did they say?—They told me to say everything that I did say. Between the death of Mrs. Harriet and the inquest I had been at Mrs. Bradford's.

Was what you said before the coroner true?—No, it was what I had been told to say by the prisoners.

Whilst you were at the Woodlands, did Alice Rhodes come over?—Yes; once or twice a week. She saw Harriet Staunton generally.

THOMAS KEENE, re-examined—The first occasion on which Mrs. Harriet Staunton came up before the Commissioner was the 17th of October, 1876. The second was the 23rd of October. T. Keene

CLARA BROWN, continued—I remember the day when Mrs. Harriet Staunton was removed. Alice Rhodes and Mrs. Patrick Staunton were present. Alice Rhodes came about 4.30, and Mr. Louis Staunton came afterwards with the trap. Alice Rhodes was not in the kitchen when the talk took place about Mrs. Harriet Staunton being sleepy; no one was present but Mrs. Patrick Staunton and myself. I think Mrs. Patrick remarked to Alice Rhodes about how bad Mrs. Harriet Staunton had been since she was there in the morning; how much she had changed. Clara Brown

Is this Mrs. Patrick Staunton's writing (letter produced)?—Yes.

March 5, 1877.

Mrs. Butterfield,—I hear from Alice who has been on a visit to me, that she met you the other day when in London, and you informed her that you thought of coming down here. I wish you thoroughly to understand that neither my husband nor myself will on any account see you. How can you think of calling on me after your disgraceful conduct towards my mother, Mrs. Hincksman, and my husband some months since? You also told Alice that you were coming down here to be faced with a revolver, my husband having said something about firearms. I have to deny that he ever said anything of the sort, and, another thing, I am sure he would not waste powder and shot on such a vile woman as you have proved yourself to be.

ELIZABETH A. STAUNTON.

Cross-examined by Mr. WILLIAMS—I think Mrs. Harriet came to Mrs. Patrick's in August, 1876. I was the only servant in Patrick Staunton's house. I was in the habit of going out frequently, going errands, and seeing various people.

Since your statement before the coroner, did you make another on 29th May?—Yes, I believe I did.

Clara Brown

And another one to Sergeant Bateman on 8th June?—Yes.
Another one on 20th June—a written one?—Yes.
Another one on 23rd June?—I don't recollect that one.
Can you say whether you made one on the 27th?—I don't know the dates at all.

The Attorney-General—You may take it that there was one on the 27th.

Cross-examination continued—I was not called as a witness before the magistrates at Bromley. Before the coroner did you say anything about the hat and jacket?—I think I did, but I am not sure.

Did you say anything about them before 23rd June?—I don't recollect. I cannot say whether before the coroner I said anything about Patrick telling Mrs. Staunton not to go out. I did not say before the coroner that she had not had meat for a whole day sometimes, and I do not recollect saying that Harriet was in very good health.

Do you remember being asked if she always ate and drank, and answering, "She always ate heartily"?—Yes. I also said that my master and mistress and Mrs. Harriet always had meals together.

Was that true?—No, sir.

Mr. Justice Hawkins—I don't want to check you, Mr. Williams, but do you think it necessary to put these questions after the answer to the Solicitor-General that what she had said before the coroner was untrue?

Mr. Williams—I cannot take it in that way, my lord.

Mr. Justice Hawkins—I don't want to check you in the least degree.

Cross-examination continued—Did you say that Mrs. Harriet Staunton was always out, morning, noon, and night?—Yes. I don't remember saying anything before the coroner about Patrick striking her.

Were you asked what was the state of her flesh, and did you answer, "Very clean, from what I saw"?—Yes, I believe I did.

Did you make her bed?—Yes.

Were you asked what was the state of her bed, and did you answer, "Clean"?—I don't remember.

I said that the night when she left the Woodlands she had on a cloth jacket, an ulster, a blue shawl, and a rug. Before she started I heard her husband say to her, "Will you go?" I cannot answer whether I said that she appeared all right, but she put her foot on the step, got hold of the brass railing, and got into the wagonette; she sat in between Mr. Staunton and Miss Rhodes.

I do not think I said one word before the coroner about Patrick Staunton saying to her, "You must not come down-

stairs, you damned cat, or I will break your back." I might have made the statement before 23rd June. Clara Brown

I remember being asked if I considered that she was ill before she went away in the wagonette, and replying, "No, not very ill until the Thursday afternoon." I think I said it was between three and four o'clock, and that she had sat drowsy over the fire. I should not like to say that I heard my master ask her how she was on the day that she went away, and that she replied, "Pretty well." I cannot tell whether she answered or not; I might have said that she did. Mr. Patrick asked her in the morning, but I forget whether she answered him.

I heard my mistress say that the child was going up to the hospital. I believe I said that "Mrs. Harriet Staunton hoped Mrs. Patrick would be fortunate enough to get it in, as she hoped it would do it good." That was not true. Mrs. Harriet had not said so. It was not true when I said that I heard its mother ask that it should be taken to the hospital. Mrs. Patrick Staunton did not tell Mrs. Harriet that she would take the child to the hospital.

Mrs. Harriet Staunton did not know with whom her husband was living. I think I have said that Mrs. Louis Staunton knew that her husband was living with Alice Rhodes a little way off, and that she was passing as Mrs. Staunton. That was false; she was not aware of it. The prisoners told me to say so before the coroner. I swear that.

I do not believe I said one word about finding the letter beginning "My own darling, I was sorry to see you cry so," until the last time I gave a statement to the Treasury. I do not remember what the latter part of the letter was, but it was something about the death of his father. It was six or eight months before the death of Harriet Staunton that I saw the letter. I knew what it meant, and I understood what was meant by the sentence, "There will be a time, when Harriet is out of the way, that we shall be happy together." It referred to the death of Mrs. Harriet Staunton. I destroyed the letter; I do not think I ever said one word about it until I came to give my evidence to the Treasury.

Mrs. Harriet Staunton used to go out when she first came to Cudham. I have not said that she came home the worse for liquor. I might have said, "I have seen her the worse for liquor." I will not swear that I have not. I believe I saw her the worse for liquor at Brixton once; I am not sure. I went more by what I heard than what I saw; she seemed intoxicated to me. I have said that while at Cudham she went out on one occasion to a public-house in the village and told me that she had been there. I believe that was before she went down to stay at Cudham, on the first or second visit.

Clara Brown Mr. Patrick Staunton was frequently out from Christmas up to April for hours together. Mrs. Patrick Staunton used to get out sometimes, not very often; she seldom or never went out shopping; she went out and about the Woodlands, the house and grounds, and she used to go to Little Grays. At that time Patrick Staunton was out too, and I and Mrs. Harriet Staunton would be left at home. I was attending to my work at home.

I have had some conversations with Sergeant Bateman since the inquest; I don't know how many conversations—a few, I should say. I cannot give you an idea how many; a good deal more than three or four; it may have been half a dozen. It was not much more than conversation; it was about this matter.

I don't remember making a statement to him on 8th June. I remember the end of the coroner's inquest. I don't recollect making a statement to him about a fortnight after the inquest terminated. I think I did make a statement about six or eight weeks afterwards. He asked me questions and I answered them. I remember his saying to me that I might get myself into trouble. I don't remember his doing so more than once. I think it was only on one occasion; that was some time before I made the statement to him.

I don't remember when it was that he said that to me. I don't think he said anything to me about penal servitude; I won't swear he did not. He did not say, "You had better take care or you may get penal servitude yourself." I will swear he did not say that. I don't recollect that he said anything about penal servitude. He said that if I went on in the state as I was then I might get into trouble, because he said he knew it was not the truth. I think he used the words "go to prison." I think that was some time before I made the statement to him.

Cross-examined by Mr. CLARKE—I remember being examined before the coroner. I was examined on more than one day. On the first day I was only asked a few questions, and the substantial examination was the second time. I think Mr. Patrick was in the room when I was examined on the second occasion. There were some witnesses downstairs, but I believe Mr. Patrick was upstairs. I believe but am not certain of that. I believe the others were downstairs. The witnesses remained out of the room, and were called in as they were wanted for examination.

I think Mr. Patrick Staunton had been examined the same day, before me. I was called up to the room when I was wanted for examination. I think the coroner, before my examination, cautioned me very strongly.

Do you remember on the second day the coroner saying,

"Let me ask you to be very particular in the answers you give me, and give me the whole truth, not merely give part, but all that you know, when you are asked the questions; and you must bear this in mind, I have heard your master and mistress; I have heard Mr. Louis Staunton, and I have heard Miss Alice Rhodes, and they have between them given me certain information which very likely may enable me to ask you questions also, and it is with that view I caution you that you may speak all you know, and unreservedly speak all that you know without any fear?" I remember the coroner saying that, and the foreman of the jury saying, "Speak all you know without any fear"? I remember the coroner saying that, Mr. Gye, I believe, examined me, and then I made the statement that I have been examined about. I do not remember how long I was in the witness-box that day.

Mr. Patrick Staunton is an artist, painting down at Cudham. He used to paint in the large parlour. There was no special room built out from the house for the purpose. There were two parlours. There was a kitchen on the same floor as the parlours, and two bedrooms upstairs. There were only two bedrooms in the house, front and back. Mrs. Patrick Staunton occupied the front bedroom. One of the children slept with me, and one with Mrs. Staunton. I slept in the same room as Mrs. Harriet Staunton. Mrs. Harriet Staunton slept in the chair bedstead. The wooden bedstead, in which I slept, was the bigger one. The chair bedstead was an iron bedstead, a thing that draws out, with cushions. The bed I slept on was a four-post wooden bedstead.

By the COURT—Mrs. Harriet Staunton used to sleep on the wooden bedstead when she first came there, but from Christmas up to the time she finally left she slept in the chair bedstead.

By Mr. CLARKE—When she first came and slept in the wooden bedstead I used to sleep with her. When I and Mrs. Harriet Staunton occupied the large bed the child (Mrs. Patrick's child) then slept on the chair bedstead. Afterwards there was a change made. I continued to sleep in the wooden bedstead up to the time when Mrs. Harriet Staunton was taken away.

Before Mrs. Harriet Staunton came over to stay Alice Rhodes had been to stay for some time. Alice Rhodes slept with her sister. Mr. Patrick Staunton was not always away; he slept on the chair bedstead; I slept on the wooden bedstead. We did not sleep in the same room; he moved his bedstead either downstairs or on the landing.

In the daytime, when Mr. Patrick Staunton was at home, he used to work downstairs in one of the parlours; he had his easel there. The meals were sometimes taken in the other parlour and sometimes in the kitchen. I never heard Mr. Patrick Staunton say when he was painting he desired to be

Clara Brown left alone. The children and Mrs. Patrick Staunton went in and out just as they liked.

I cannot give you the date of the first occasion I saw Patrick strike Mrs. Harriet Staunton, but I think I can the second; the second was just before she went to Mr. Keene's, because her eye was black when she started. I believe the first occasion was several weeks before that.

I believe it was the second occasion on which there was some difficulty about the door not being opened. I have no accurate recollection. I am unable to tell whether it was the first or second occasion, but I believe it was the second. Mrs. Harriet did not refuse to open the door; she shut it in Mrs. Patrick's face; there was a quarrel between them. Mr. Patrick pushed the door open with his hand; she was holding it. It was in his doing that that she was struck.

I used to wash myself in the wash-house downstairs, where there were basins, towel, soap, and so on; she used to wash in the kitchen.

By the COURT—There were no drawers in the room occupied by Alice Rhodes at the time I found the nightdress. I found the nightdress in the room in which Louis Staunton slept. I don't know where the rest of her clothes were kept. There was no other article of hers in the drawers except the night chemise. In addition to the two parlours and two bedrooms and kitchen at the Woodlands, there was a cellar, wash-house, and pantry; the wash-house and pantry led into the kitchen. There was a lawn in front of the house, but no garden.

Cross-examined by Mr. STRAIGHT—I lived with my aunt, Mrs. Hincksman, for some time after the defendants were given into custody. I went to her after the inquest, after the 19th May.

I knew that Patrick Staunton, Louis Staunton, and Mrs. Patrick had been examined on the same day as myself. I remember going to the Treasury. I do not know whether it was at the end of the month of May; it was after the inquest. I believe it was within a week or ten days that I saw Sergeant Bateman at the Penge police station, I think. I had gone to stay with my aunt at that time. Sergeant Bateman came to my aunt's house and fetched me to the police station.

I do not know that he had been to the Treasury with me at the end of May; I cannot recollect it. I have not remained at my aunt's until to-day. I was with her a fortnight or three weeks. I have been staying with Mrs. Judd, at 16 Wakeling Road, Penge. Sergeant Bateman took me there. I do not know exactly how long I have been there—more than five weeks, more than two months, perhaps a little more. I had not known that lady before. I have been lodging with her. The

Treasury, I believe, have been paying my lodgings. I was not examined before the magistrate, though I was before the coroner. At the time of the first hearing before the magistrate I had made a long statement to the Treasury. I attended at Bromley, but was not called as a witness. I attended on all the occasions and hearings before the magistrate. It was after I went to Bromley to the examination before the magistrate that I went to Mrs. Hincksman's. I went to Bromley first when the hearing was going on before the magistrate. It was before the hearing before the magistrate closed that I was taken away from my aunt's and taken to Penge, I think.

I do not think, on reflection, that on the day when I first went to the Treasury Sergeant Bateman went with me. I think one of Mr. Lewis's clerks did. At the time of the interview with Bateman, on the 8th June, I was at my aunt's. I went down to Penge station to see some of the things that came from Forbes Road; Sergeant Bateman fetched me. I went back by myself in the evening. I do not think Bateman asked me any questions that night. I next saw him very soon after that date. It was after the 8th June I made my statement. I wrote it myself; I believe it was about a month back that I wrote it. It was more than a month, not so much as three months. I do not think it was so long back as 20th June. It was written at Wakeling Road, Penge. Sergeant Bateman was not present at the time it was written; he asked me if I would like to write it, and I did.

I think this photograph produced is a fair representation of the Woodlands. The windows in the upper part of the house relate to the bedrooms—Mrs. Staunton's and Mrs. Patrick's. There are two doors, one at the front and one at the side. It is not many minutes' walk, hardly a minute's walk, from the front door down to the road. There is a house called the Portlands there. Mr. and Mrs. Stewart lived there. They have been living there ever since we lived there.

The butcher that Mr. Patrick dealt with came from Brastead. I do not know his name. The baker came from Westerham; we had another one afterwards from Down. The grocer never called; we used to go to the shop. The brewer used to call. The butcher called, I think, about every other day, in the morning; sometimes he came to the side door and sometimes to the front door.

I went to the village to the grocer's very often—perhaps more than three times a weak. The milkman did not call; we used condensed milk, which we got from the grocer's. I used to get a good deal of golden syrup; Mrs. Harriet Staunton was very fond of that, I think. We had a difficulty in getting vegetables, and did not have much in the way of vegetables. There was not meat every day for dinner, and

Clara Brown very seldom fish. Sometimes we bought a little at the door; that ceased at Christmas, when there was some disturbance with the fishmonger. I have said that the deceased lady, Mrs. Harriet Staunton, always ate her food day by day and week by week up to the last.

It is a fact that I have heard quarrels between Mrs. Patrick and Mrs. Harriet Staunton in reference to her not doing her hair. It is true that Mrs. Harriet would not do it for two or three days at a time. Mrs. Patrick remonstrated with her on her being so untidy.

Mrs. Patrick Staunton had two children of her own; one was about two years old.

By the COURT—One was a year and a half and the other was three months when they went to Cudham.

Cross-examined by Mr. STRAIGHT—The younger one required a good deal of attention. The washing was done at home. Mrs. Patrick would assist in the washing. I have washed Mrs. Harriet Staunton's things from time to time, but not every week.

The little child of Harriet Staunton cried a great deal. Mr. Staunton objected to the noise it made. I have known the child sitting on the mother's knee making a great disturbance at meal times, and I have known him get angry with her because she could not keep the child quiet, and tell her to go upstairs with it.

We were not particular as to the time we got up in the morning. I used to go down first. Mr. Patrick Staunton used to come down about eight o'clock, sometimes before. The breakfast hour was all times, but about nine o'clock, and it would be generally over by ten o'clock. There were no regular hours. Breakfast used to consist of bread and butter, and sometimes eggs, but not always. Fowls were kept at the Woodlands. Mr. Patrick Staunton used to complain that Mrs. Harriet did not come down to breakfast in time. I have heard him call out for her. There was a picture on the landing which he rather valued, with a big frame. Mrs. Harriet Staunton used to carry the child down in the bassinette sometimes, but not very often, and then it used to be brought into the breakfast room. I have seen her in Mr. Patrick Staunton's room where he painted. The meals were taken sometimes in the kitchen, sometimes in the sitting room, the smaller parlour. I have not sat and played at cards with Mrs. Harriet.

After Mrs. Patrick went away on Thursday, the 12th, I did not see her again till the Saturday. I slept alone in the house on the Thursday night with the two children. The first person I saw after she was taken away was the butcher. I saw Mr. Patrick on Friday; I think it was about eight o'clock in the morning.

Evidence for Prosecution.

Mrs. Harriet Staunton had her feet in hot water on two occasions. I think that was in the week preceding the week when she went away. I remember taking her up a tin bath for her feet. That was not the week before; it was the same week that she went away. Clara Brown

Cross-examined by Mr. GYE—The notes that were sent to Alice Rhodes during the confinement were put in the back place; she put them there. I don't know exactly when Alice Rhodes went to Cudham and asked if Mrs. Patrick would allow Harriet to come for a week. I cannot fix the date, nor do I remember accurately what took place at that time.

I picked up the letter beginning, "My own darling," in Mrs. Patrick Staunton's bedroom. It was in an envelope; the envelope had been opened. I think I read it over twice, not the whole of it. There was a whole sheet full, four pages. I believe it was all filled with writing. I only read the whole of it once. I did not read it twice. I might have read the portion I have given twice or three times. I do not recollect any more of it, with the exception of the part about his father's death. I do not remember anything else, or what the words used were.

I think I was good friends with Alice Rhodes at the time, but she seldom spoke to me. I had no cause to quarrel with together. When she asked for the letter I told her I had not found it. She asked me if I had found it to give it her. I had burnt it then. The reason I did not tell her was because I was afraid she would be angry with me for burning it. I have never said that when she asked me for it I had it in my pocket. I have said that when she asked me for it I said, "No, I have not seen it," while I had it in my pocket all the time. That was when I was first asked about it. I burnt it directly I heard them talking about it. I had it in my pocket when I heard Alice Rhodes ask somebody outside for it.

Re-examined by the ATTORNEY-GENERAL—I read the letter at once, and a day or two after I found it I heard Alice Rhodes inquiring about it. I did not read it after I heard her inquiring for it. I burnt it. The reason I did not give it up was because I was afraid she would be angry at my finding it. After I had burnt it she asked for it. That is a correct account.

I have seen Louis Staunton's father several times; he died at Guy's Hospital. I heard of it. I cannot tell when he died, but I remember a conversation about old Mr. Staunton having died in the hospital. That was before I found the letter; I think about a month before. I don't know who spoke about

Clara Brown it; I rather think it was Mr. Patrick and his wife. I am sure there was something in the letter about old Mr. Staunton's death.

Mrs. Hincksman lives at 53 Heygate Street, Walworth. When I wrote that statement I was living at Mr. Judd's, at Penge. I had been there only a day before I wrote it. I was living at Mrs. Bradford's when I gave my evidence before the coroner. She was a friend of Mr. Louis Staunton's. When I made that statement on the 8th of June to Sergeant Bateman I was not living with my aunt; it was after that that I went to live with her. On the 20th of June, three days after I wrote that statement, I made a statement to the Treasury. I was living with my aunt then.

The coroner cautioned me to tell all I knew about the matter, and I signed my statement. I told the coroner my statement was not true; that was before I signed it, but I told the coroner at that time that it was not true. I gave my evidence before the coroner early in May, and on the 29th I went to the Treasury with Mr. Lewis's clerk. I think I said to Sergeant Bateman that my statement was not all correct, and I afterwards wrote out a paper myself.

I said I thought I had seen Mrs. Harriet Staunton intoxicated at Brixton; it was at Mr. Patrick's house, and there was him, and her, and Mrs. Patrick Staunton, and Alice Rhodes. I don't think Mrs. Hincksman was there. We had some spirits to drink. I rather think Mrs. Staunton sent for them herself; Mrs. Harriet, I mean. I do not know whether everybody had been drinking. The spirit was gin.

When Mrs. Harriet Staunton first came to the Woodlands on a visit, before she came for good, she was nicely dressed, tidy about her hair, and seemed to be fond of her personal appearance; fond of dress. Mrs. Patrick first began to complain of Mrs. Harriet neglecting her hair just after Christmas.

I am not quite sure whether it was before or after Christmas, or before or after Patrick gave her the blow on the arm. When he struck her I believe she was in good health.

When Mrs. Patrick complained about her neglecting her hair she was not in good health. She complained of a great deal of pain; of her feet being swollen, and of her hands; and from that time to the time she was removed she continued ill, getting worse and worse. At the time the complaints were made about her hair she was generally upstairs in the back bedroom.

Mr. Patrick Staunton was frequently away from the house, and sometimes Mrs. Patrick was out of the house at the same time; when they were both out she was generally upstairs, and when they were going out they often used to tell me to keep her away if anybody came to the door, and let no one see her.

Sometimes while they were out people came to the door. I

used to tell her to stop upstairs, and she generally obeyed me; but sometimes she would attempt to come down, and when she did I used to tell her I would tell the master if she did not go back, and then she would go back at once. Clara Brown

At Christmas I was left alone with her for two or three days; myself, Mrs. Harriet, and Mrs. Harriet's baby, and one of Mrs. Staunton's babies. During the time I was alone with her she did not attempt to get out of the house; she stayed in.

There was a four-post bedstead in the room where I, Mrs. Harriet, Mrs. Harriet's baby, and one of Mrs. Patrick's children slept; it was the same bedstead that was there when the police came, but I believe the posts had been taken off. They projected up above the level of where the bed was placed, but before Mrs. Harriet Staunton was removed they were there. There had been curtains, but they had been taken off.

Mrs. Harriet and myself slept in the bed, but afterwards she slept on a chair bedstead; but when that alteration was made I do not know, nor do I remember how long it was before she left. I don't recollect whether anybody directed that it should be done, or whether Mrs. Harriet and I arranged about it. The bedstead that was there before her removal to Penge was there when the police came; the bedstead on which we slept.

I did not see her slam the door in Mrs. Patrick's face, but I heard say she had done so. We were not all downstairs; I was in the room with Mrs. Staunton, but in bed. Mr. Patrick was in his bedroom. It was night. Mr. Patrick came up and asked Mrs. Harriet why she slammed the door in Mrs. Patrick's face. Mrs. Harriet laughed, and he got out of temper, and struck her with his hand on her shoulder on the back part of her arm. That was at the time she had got a black eye, which Mr. Patrick said she got by striking the bedstead.

I am sure when Patrick Staunton came into the room he struck Mrs. Harriet. I believe he asked her why she shut the door in Lizzie's face, and she laughed, and after that she had a black eye. She got the lamp when Patrick had gone, and showed me her eye; it was very much swollen and black. After she had the black eye she went to Mr. Keene's; when she went it was rather black, but not so black as it had been. When she went to see Mr. Keene she wore a bonnet with a dark fall; a rather thick one.

Mrs. Harriet's child used to cry a great deal and annoy Patrick, and he used to send her upstairs; this was before Christmas. I have seen him flog the child more than once in the back bedroom on its face and arms and hands. He gave it a very severe blow once which left a bruise on its cheek,

Clara Brown when it was taken to the hospital; that was for crying when it was laid down. The bruise was there before it was taken to the hospital; I think the blow which caused the bruise was inflicted about a week before the child was taken to the hospital.

The photograph produced is of the Woodlands. It is correctly represented. There is a front and a side door. The side door opens into the kitchen. The residents of the house go in and out by the front door. There is a little lobby as you enter by the front door. There is a kind of passage before you get into the living part of the house, beyond the lobby. There are two sitting rooms, one on either side. On the right hand side is the place where Patrick Staunton used to paint, as you go in at the front door and get into a sort of lobby. There had been another little door before you get into the regular passage, but that was taken down. Directly you get through the doorway there is a door leading into the studio on the right hand side, and on the left hand side of the passage is a small parlour. The passage leads into the kitchen. On the right hand side of the kitchen there is the pantry and scullery leading out of it, so that if you went in at the side door (the kitchen door) you would walk through the kitchen and face the pantry and scullery doors. That is the whole of the ground floor of the house. I cannot tell the length of the biggest room of the two; I should think it might be about as long, perhaps, as the box where the jury are, or a little longer. The steps lead from the left hand of the passage into the cellar. There is a flight of stairs before you get into the passage leading from the lobby to the upper rooms.

There are only two upper rooms. I slept in the one which faced the staircase. I generally dined in the kitchen with the rest of the family. I generally breakfasted with them. We had all our meals together. Mrs. Harriet Staunton and the baby were the only ones who were upstairs, the rest of us dined together. We lived pretty well. I think Mr. Patrick Staunton gave directions as to what was to be had in the house.

Louis Staunton and Alice Rhodes used to come over on the Sunday and dine with us. Latterly on those occasions when they were dining there Mrs. Harriet Staunton was generally upstairs, and had her dinner sent up to her. We dined in the sitting room or in the little parlour. When they came to visit they did not always go up to see Mrs. Harriet Staunton. Alice Rhodes used to see her sometimes.

I don't think Louis Staunton ever went up to see her, unless it has been upstairs in his brother's bedroom. He has seen her downstairs. He saw her between Christmas and April

when she was removed. It was during the early part of the year. I cannot tell when it was. I cannot recollect the last time he saw her before she was removed. It was about three weeks or a month, I think, because I remember her saying something to me about her not seeing him for a long time. Clara Brown

I first noticed she was getting weaker and failing about six weeks or a month before she was taken away. I believe it was after that that Louis Staunton saw her.

Alice Rhodes saw her on the Wednesday before she was taken away. She saw her in the kitchen.

When Mrs. Harriet first of all came she was in the habit of going up to the meadow or round it, up to the meadow gate. She did not seem very fond of going out. I think she went out nearly every day.

I recognise the photograph (*produced*); it is that of Mrs. Harriet Staunton. I think it is like her as she was when she first came. I have not seen her dressed like that. I have seen her in a black dress, but that had a body to it. I recognise that as being like what I recollect of her.

Mr. KEENE, re-examined—I saw Mrs. Harriet Staunton the last time on the 23rd October, 1876, when she came to my office. She was then wearing a black bonnet and a black veil. I believe she was in mourning for Mr. Staunton, sen., her husband's father. I did not notice anything peculiar about her face that day. On the previous occasion (the 17th) I did. She was then wearing the same sort of dress. I noticed a discoloration under one of the eyes; it was just underneath the eye. I won't venture to say what it came from. I saw it. Mr. Keene

By the COURT—There was discoloration under the eye.

By Mr. WILLIAMS—I am bound to say it might have been an ordinary discoloration such as you sometimes see in women. It might have arisen from that.

By the COURT—I would not venture to give an opinion as to the cause. I simply saw a discoloration. I recognise this photograph (*produced*); it is very like her. The face looks plumper to my mind than I ever saw her. I became first acquainted with the lady, I think, in October, 1875—about October. It was in consequence of the lunacy proceedings.

FREDERICK HENRY CAIGER, surveyor, examined by Mr. POLAND—I made the plan of the Woodlands produced. It shows the ground floor and the bedroom floor. It also shows the block plan and where the stable is. It is an accurate plan to a quarter scale. I should think the house stands back from the road from about 80 to 100 yards, but I did not measure F. H. Caiger

F. H. Caiger

it. There is no carriage drive up to the door; you have to cross a pasture to it. I have the Ordnance map here; that is the plan of the Ordnance sheet showing the Woodlands. It is a correct plan. I find the Woodlands marked there. At the back of the house the wood almost touches it at one corner. It is a large wood at the back and at each side. That also shows Little Grays farm. The distance by the way across the fields from the Woodlands to Little Grays farm is 1500 yards; that way is through the fields. By the ordinary road it is 2000 yards; 1760 being a mile. The rooms are small; the big sitting room is only 13 feet 2 inches by 12 feet 10 inches, and the smallest 13 feet 2 inches by 8 feet 2 inches, an irregular shaped room. The passage has been taken off since it was first built. The kitchen is 16 feet 10 inches by 14 feet 6 inches. The side entrance does not open into the kitchen, as stated by the last witness. (*The witness pointed out where the entrance was on the plan.*) There has been a temporary partition, very rough indeed, to screen it off. The road up to the Woodlands is not shown here, as it is in another parish. It is close to it.

F. Quested

Frank Quested, examined by the Solicitor-General—I am a police constable stationed at Cudham. On 10th May last I went with Alfred Hollands, another constable, to the Woodlands. I went upstairs.

How did you get in?—By the back window. There was no one in the house.[4]

How many bedrooms did you find there?—Two. The front bedroom was properly furnished, but the back bedroom was very dirty and without carpet. A piece of board was laid across three tressels, and this formed a bedstead. The mattress was very dirty, and the pillow was without a case. There was no washstand, or any bedclothes. There was one chair and a box, and a silk skirt or jacket hung up behind the partition.

What was the condition of the floor?—It was very dirty indeed, as if it had not been cleaned for a month. In the front room four letters were found in a drawer.

How long have you been stationed at Cudham?—Seven years. I knew Mr. Patrick Staunton had lived in this house. On the following Monday, 14th May, I saw Mrs. Patrick Staunton. She was then cleaning the house.

How do you know that she was cleaning the house?—She told me so. She said, "You must excuse me. I am busy cleaning out the bedroom."

Was she dirty?—She was.

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[4] It was the first day of the resumed inquest.

Evidence for Prosecution.

F. Quested

Did you know Mrs. Harriet Staunton was living at the Woodlands?—No.

By Mr. STRAIGHT—Did you not say before the magistrate that Mrs. Patrick Staunton said she had been cleaning out "the bedrooms"?—I said "bedroom" then, as I have said now.

By the SOLICITOR-GENERAL—I knew Louis Staunton. On one occasion I took some letters to Little Grays farm. I saw Alice Rhodes, and I said, "Here are letters for your husband," and she said, "Thank you."

A. Hollands

ALFRED HOLLANDS, examined by Mr. POLAND—I am one of the inspecting constables in the Kent County Constabulary. I have known the Woodlands for four years. I knew only of Mr. and Mrs. Patrick Staunton, two children, and Clara Brown living there. I remember in the spring of the year some inquiry being made by Mrs. Butterfield. I heard say she was searching for her daughter. I received directions in March to watch the house. I watched about twenty times from the road, and from the wood at the side, at different times of the day. I never saw either Mrs. Harriet Staunton or her child at any time, and I had no idea they were living there. When I was not watching I have frequently passed the house. I was with the last witness when the Woodlands was examined, and we found it very dirty. I confirm his evidence. Afterwards I went again with Sergeant Bateman. That was on 20th May. I went into the back bedroom, and it was then properly furnished. The floor had been scrubbed clean, and carpeted, and there were the ordinary appliances of a bedroom. There was a flock bed, two blankets, two sheets, and a white counterpane. There was also some chintz hanging round the bed. The front bedroom was as before.

By Mr. WILLIAMS—Did you say, when before the magistrates, that on the second occasion there was no bed in the front room?—There was no bed. It was a spring mattress.

G. Tucker

GEORGE TUCKER, examined by the SOLICITOR-GENERAL—I am a police sergeant. In March of this year my attention was called to the Woodlands in consequence of some complaints by Mrs. Butterfield. I watched the house, but at different times.

Did you ever see Mrs. Harriet Staunton?—Never. I have watched for two hours at a time.

Mr. STRAIGHT—How many times did you watch altogether?—Four times.

W. Marchant

W. MARCHANT, examined by Mr. POLAND—I live at Bompas farm, about three-quarters of a mile from the Woodlands. I

W. Marchant am a gamekeeper, and work in the woods near there. I have seen the lady whose portrait is now shown me. (*Shown Mrs. Harriet Staunton's photograph.*) I saw her in August of last year, and pretty nearly every week afterwards till the end of October or beginning of November. She was round about the house. I remember her going away in a wagonette one day. I tucked her dress in. I afterwards saw her at the stables. I was looking at Mr. Patrick's Staunton's pony; he was there. I saw the lady come to the stable door without her bonnet. He said to her, "I have a policeman here, and if you ain't away he'll run you in." She then went to the house. That was the last time I saw her. I continued to work about the neighbourhood as usual, but I never saw her again. I heard of some inquiries by Mrs. Butterfield, and I then watched the Woodlands two or three times a day. That was to ascertain if I could again see the lady, but I never could. I did not then know what the lady's name was.

Was the lady in good health and properly dressed when you saw her?—Yes.

By Mr. WILLIAMS—Did you say before the magistrates that when you heard Mr. Patrick Staunton say that he had a policeman, and would run the lady in if she did not go away, you put it down as a joke?—I did put it down, in my own mind, as a joke at the time.

Have not you and Mr. Patrick Staunton had a tiff?—No.

Something about putting up a fence round the pond?—There was a little coolness about that affair, but there were no words.

G. Dewsbury GEORGE DEWSBURY, examined by the SOLICITOR-GENERAL—I live at Parsonage farm, Cudham. It is 300 yards from the Woodlands. Some time last year I commenced to serve the people at the Woodlands with corn and straw. I went to the house about once a week. I knew Mr. and Mrs. Patrick Staunton.

Were you aware Mrs. Harriet Staunton was living there?—No, I never saw her.

On one occasion did you hear something from the direction of the Woodlands?—Yes, on the afternoon of Sunday, 22nd October, about half-past three, I heard a scream.

What sort of a scream was it?—It was like the scream of a woman being roughly used—knocked about, or something of that sort.

What did you do?—I left my own house, walked within 50 yards of the Woodlands, and stood and watched for ten minutes or a quarter of an hour, but I heard nothing more.

John Staples JOHN STAPLES, examined by Mr. POLAND—I am a labourer, but was formerly a fishmonger. I was in the habit of going

to the Woodlands with fish and nuts and oranges. I went about half-past ten in the morning twice a week. I continued to go until after Christmas. On one occasion I saw Mrs. Harriet Staunton. I saw her on the Wednesday before Christmas. She was sitting in the kitchen. She had a child in her lap. She looked as if she had been very ill, or else half-starved. Clara Brown was with her. That was the only occasion I saw her. John Staples

Alfred Nicholls, examined by the Solicitor-General—I am fifteen years of age, and work with my father, a baker, at Cudham, in Kent. My father served the Woodlands with bread. He commenced to do so about 21st March this year, and continued until 23rd April. He called three times a week. I knew Clara Brown, Mrs. Patrick Staunton, and two children. I never saw another lady there, or knew that there was one living in the house. A. Nicholls

Owen Davey, examined by Mr. Poland—I was assistant to Mr. Dalton, butcher, at Brastead. I know the Woodlands, and served Mr. and Mrs. Patrick Staunton with meat. I used to call for orders about four times a week. On the occasions of my going there I never saw Mrs. Harriet Staunton or her child. I never heard of such a person living in the house, or that there was a third child. Owen Davey

Henry West, examined by Mr. Poland—I am a baker at Brastead, and served the people at the Woodlands with bread up to March in this year. I knew Mrs. Patrick Staunton and Clara Brown. I never saw Mrs. Harriet or heard of her. Henry West

Fourth Day—Saturday, 22nd September, 1877.

The Court sat at half-past nine.

Clara Brown

CLARA BROWN was recalled at the request of the Attorney-General.

The ATTORNEY-GENERAL—There was in the back room where Mrs. Harriet Staunton used to sleep a fireplace, was there not?—Yes.

From Christmas to April were there any fires lighted in it?—I recollect only one.

When was that?—I cannot remember whether it was before or after Christmas.

Mr. STRAIGHT—With regard to the bed, does this drawing at all represent it when the curtains were up?—Yes.

Mr. JUSTICE HAWKINS—Was the curtain over the bed where you slept with the child?—Yes.

Mr. STRAIGHT—Your lordship will recollect that there was something said about a framework with curtains.

Mr. JUSTICE HAWKINS—Do you mean at the time Harriet Staunton slept there whether it was like this drawing?—Yes; when the curtain was hung over the framework, that is how it was.

You said Louis and Alice Rhodes used to come and dine on Sundays?—Yes; but I do not know how many times. Sometimes I and sometimes Mrs. Patrick used to give the orders to the tradesmen.

Mary Ann Weatherley

MARY ANN WEATHERLEY, examined by the ATTORNEY-GENERAL—Where do you live?—At Knockholt, and my father is a coal dealer.

Do you know the Woodlands?—Yes.

You used to go there?—Yes, with new butter.

Do you remember on one occasion being near the house?—Yes.

When?—I remember being near the house on Christmas Day last.

Was any one with you?—Yes; I was with a girl named Longridge.

What did you go for?—We were going to remain all the evening with Clara Brown.

Mr. and Mrs. Patrick being away at that time?—Yes.

Did Clara Brown open the door?—Yes.

And you went into the parlour?—Yes.

Did you hear anything?—Yes.

Evidence for Prosecution.

What?—We heard footsteps crossing the kitchen. Mary Ann Weatherley

What was done?—Clara Brown went to the kitchen door.

Well?—She said, "Go back, ma'am," and turned the key in the door.

Did any one come into the parlour?—No one came into the parlour.

You did not stay?—No.

Why?—I said that we would not stay if Clara had some one with her.

Did you leave?—Yes; the other girl and myself left.

Did you know Mrs. Harriet Staunton?—No.

Did you know there was a lady living there with her child?—No.

Mrs. Patrick Staunton here rose from her seat and said—"She saw the child constantly."

By Mr. STRAIGHT—How many times were you at the Woodlands?—I don't know how many occasions.

Have you seen a child there?—Yes.

Were you told whose child it was?—Yes, Harriet Staunton's.

Who told you?—Clara Brown.

Has the child ever been brought to your house?—Yes; Mrs. Patrick has brought the child to our house for an hour or two occasionally.

Have you seen Clara Brown nursing it?—Yes.

Re-examined by Mr. POLAND—Did you ever see this child after Christmas?—No.

When did you last see it?—It was last brought about a month before Christmas, and stayed with us for the evening.

Mr. and Mrs. Patrick had some visitors?—Yes.

MARY ANN LONGRIDGE, examined by Mr. POLAND—I live at Knockholt, and am sixteen years of age. I remember on Christmas Day last going to the Woodlands with the last witness. I also heard some one cross the kitchen floor, and heard Clara Brown say, "Go back, ma'am." I did not see who it was. We stayed about half an hour chatting. That was the only time I was at the house. Mary Ann Longridge

Did you see a baby?—Yes, a little girl.

Who had it?—Clara Brown had it in the parlour. Our house is about a quarter of a mile off.

Witness was not cross-examined.

Mr. JUSTICE HAWKINS—I wish to point out that we have no evidence that the baby is dead or alive.

The ATTORNEY-GENERAL—We are going to prove that now.

FREDERICK C. COLEY, examined by the ATTORNEY-GENERAL—What are you?—I was formerly house physician at Guy's Hospital. F. C. Coley

Fourth Day—Saturday, 22nd September, 1877.

The Court sat at half-past nine.

Clara Brown CLARA BROWN was recalled at the request of the Attorney-General.

The ATTORNEY-GENERAL—There was in the back room where Mrs. Harriet Staunton used to sleep a fireplace, was there not?—Yes.

From Christmas to April were there any fires lighted in it?—I recollect only one.

When was that?—I cannot remember whether it was before or after Christmas.

Mr. STRAIGHT—With regard to the bed, does this drawing at all represent it when the curtains were up?—Yes.

Mr. JUSTICE HAWKINS—Was the curtain over the bed where you slept with the child?—Yes.

Mr. STRAIGHT—Your lordship will recollect that there was something said about a framework with curtains.

Mr. JUSTICE HAWKINS—Do you mean at the time Harriet Staunton slept there whether it was like this drawing?—Yes; when the curtain was hung over the framework, that is how it was.

You said Louis and Alice Rhodes used to come and dine on Sundays?—Yes; but I do not know how many times. Sometimes I and sometimes Mrs. Patrick used to give the orders to the tradesmen.

Mary Ann Weatherley MARY ANN WEATHERLEY, examined by the ATTORNEY-GENERAL—Where do you live?—At Knockholt, and my father is a coal dealer.

Do you know the Woodlands?—Yes.

You used to go there?—Yes, with new butter.

Do you remember on one occasion being near the house?—Yes.

When?—I remember being near the house on Christmas Day last.

Was any one with you?—Yes; I was with a girl named Longridge.

What did you go for?—We were going to remain all the evening with Clara Brown.

Mr. and Mrs. Patrick being away at that time?—Yes.

Did Clara Brown open the door?—Yes.

And you went into the parlour?—Yes.

Did you hear anything?—Yes.

F. C. Coley

Where do you live?—I live at Mordan Road, Blackheath.

Do you remember Sunday, 8th April?—Yes; I was at the hospital. I remember a child being brought there that day.

What time?—In the afternoon.

Who brought it?—A man and a woman. I could not recognise them again. They made a statement to me about it, and I ordered its admission into a ward in charge of "Sister Mary."

Did you examine the child?—I did.

Don't answer the question for a moment, but in what condition did you find the child?——

Mr. STRAIGHT—I object to the reception of this evidence on the ground that, while it prejudices the prisoners, it is not relevant to the subject-matter under trial. Besides, it might form the ground for a separate indictment.

Mr. CLARKE also objected to it.

Mr. JUSTICE HAWKINS—Take the case of four or five children under the charge of a particular person who is accused of causing the death of any one of them. Supposing evidence were offered to show that all the children had died from the same cause, would not that be evidence to show that the death of the child in question was not merely accidental? Would it not be just as good, as cogent, evidence to prove non-accidental starvation as to admit the evidence to which I have referred in a case of poisoning? As far as I can form an opinion, the evidence, if pressed, can be properly received.

The ATTORNEY-GENERAL—My object was not to show the cause of death.

Mr. JUSTICE HAWKINS—I can quite understand that.

The ATTORNEY-GENERAL—However, I will not press the question. (*To Witness*)—Do you know what became of the child?—It died.

When?—I was told——

Never mind?—I saw the body afterwards, and made the post-mortem examination.

Do you know whether a Mr. Staunton was in the hospital for some complaint in 1876?—I don't know.

S. Crockett

SUSANNAH CROCKETT ("Sister Mary") was called, but it was stated that she had not come down to the Court.

The ATTORNEY-GENERAL—I am very sorry, my lord, the witness is not here.

Mr. JUSTICE HAWKINS—How long had the child been ill before its removal?

The ATTORNEY-GENERAL—I think Susannah Crockett will be able to answer that from statements made to her.

F. S. Russell

WILLIAM SMYTHE RUSSELL, examined by Mr. POLAND—I am a member of the Royal College of Surgeons, and live at Cold-

harbour Lane, Brixton. On 23rd March, last year, I was fetched by the two male prisoners to Loughborough Park, where a lady was near her confinement. W. S. Russell

Is this photograph like her (*photograph produced*)?—Yes.

Was she confined that day?—She was confined that night of a boy.

How long did you attend her?—I attended her for three weeks.

Was she healthy and strong?—She seemed to be pretty well, fairly nourished, and in good condition.

Did she get over her confinement all right?—She was weak.

Mr. JUSTICE HAWKINS—But in health?—Yes. I left off attending her in about three weeks.

Mr. POLAND—What was her weight?—From 9 to 10 stones.

Cross-examined by Mr. M. WILLIAMS—Was she up when you first saw her?—Yes.

SUSANNAH CROCKETT, who had now arrived, was then sworn, and examined by Mr. POLAND. S. Crockett

You are known at Guy's Hospital as Sister Mary?—Yes.

Do you remember a child being brought there on Sunday afternoon, 8th April?—Yes.

By whom?—Mr. and Mrs. Patrick Staunton.

Were they strangers to you?—They were.

What did you say to them?—I asked Mrs. Staunton if she was the mother of the child.

What did she say?—She said, "No. The mother has given it me to take care of, and I have brought it from kindness."

Did you say anything about the child's clothes?—I told her the child would require certain articles of clothing.

What did they say?—They said they would bring it some the next day.

Did you ask anything about the father of the child?—Yes.

What?—I asked what the child's father was.

What was the reply?—They said a carpenter. She gave the name of Henry Stormton.

Who did?—Mrs. Patrick.

Mr. JUSTICE HAWKINS—Was that the name of the father or the child?

WITNESS—The child.

Mr. POLAND—What address was given?—Frith Cottage, Cudham, Kent.

Are you sure the name given was Henry Stormton?—Yes.

Why?—I spelt it over.

Mr. JUSTICE HAWKINS—To the persons?—Yes. I wrote it down at the time. The name has to be entered in the books of the hospital. The books are here, and it is entered as Henry Stormton.

S. Crockett

By Mr. POLAND—Do you say the child was ill?—I told them that the child was rapidly sinking, and I asked Mrs. Patrick if she would stay.

What reply was made?—I don't remember.

Did she stay?—Oh no.

Did you ask the age of the child?—Yes.

Well?—Mrs. Patrick told me it was about twelve months.

How was the child dressed?—Not as a child should be at that age.

How was it dressed?—It was dressed like a child a month old. I took charge of the child. It was very ill.

How long did it live?—It died at nine the same night.

Suddenly?—It gradually sank.

Did it take any food?—It was not able to take food, and it did not make any noise. It was a male child.

Was anything said as to how long the child had been ill?—I don't remember. Mrs. Patrick said its mother was unable to look after it.

Did you notice the face of the child?—Yes, it had a bruise on the left side.

Whereabout?—On the cheek. The next day—on the Monday—I had a conversation with Patrick Staunton.

Did he and his wife give any names?—No. He came about five o'clock on the Monday. He had a parcel which, I supposed, contained clothes for a child. I told him the child died the night before, and I recommended him to go to the superintendent's office to arrange about the removal of the body.

What did he say?—He said that he had done it from kindness; the mother was a worthy woman.

Did he say who it was?—No; he said the child had nothing to do with him.

Did you see the child naked?—Yes.

Was it clean or——

Mr. CLARKE—I object, my lord.

Mr. JUSTICE HAWKINS—If pressed, the question is admissible.

The ATTORNEY-GENERAL—I will not press it, my lord.

Mr. JUSTICE HAWKINS—Very well. (*To Witness*)—Under such circumstances, is it not usual to ask the persons who they are?—No.

Mr. JUSTICE HAWKINS—Do you understand me? Supposing a perfect stranger brought an infant, would not some inquiry be made of the persons who brought it as to who they were?—We always get the name and address of the patient, but it is not usual to ask for the names and addresses of those bringing the patient.

Mr. JUSTICE HAWKINS—It seems strange that a child should be brought without any one asking who the persons were.

The ATTORNEY-GENERAL—The advantage of this hospital is very great. S. Crockett

Mr. JUSTICE HAWKINS—Unquestionably. This matter shows how ready they are to open their doors.

The ATTORNEY-GENERAL—I will recall Dr. Coley.

Dr. COLEY, recalled and examined by the ATTORNEY-GENERAL—I had a conversation with the man and the woman when they first brought the child. They told me it was not their child, that the mother of it was ill, had been ill for some considerable time, and was therefore unable to attend to it. With regard to the child they told me that it had only recently seemed ill. Dr. Coley

Did the child seem ill?—Very ill. I omitted to state that they told me they lived at some considerable distance, the impression on my mind being that they said Penge, but I will not be sure. I should not have admitted the child, only that it seemed so ill, it not being usual to admit a child so young, but I feared it might die before they got home.

ROBERT HOGG, examined by the ATTORNEY-GENERAL—I live at 30 St. George's Road, Southwark, and am an undertaker. On 10th April last Louis Staunton came to make arrangements about a child lying dead at Guy's Hospital. Robert Hogg

What name did he give?—He gave me the name of John Harris, and said that of the child was Henry Staunton.

Well?—He said the child must be buried inexpensively, as the father of the child was away in the country.

Did he say anything about followers?—There would be no one to follow the child. He said that at the hospital they wanted it removed as soon as possible.

Did he say anything about the father of the child?—He said the father of the child was employed at a firm whom he represented. He did not give me the name of the firm.

Was anything said about the cost?—I told him the cost would be 30s.

When did he pay you?—He paid me then.

Is this the receipt?—Yes; it is in my handwriting.

Was the child buried?—Yes; it was buried at the East London Cemetery, Plaistow. I told him if he called in a few days he could have a memorial card showing the cemetery and the date at which it was interred. Some one called a few days afterwards and received the card.

What name was given to you?—The name of the child given to me was "Staunton," and it is so written in the receipt.

FRANK CHARLES JOSEPH, examined by the ATTORNEY-GENERAL—I am a clerk in the superintendent's office at Guy's Hospital. I enter the names of patients in the books. The name of this F. C. Joseph

P. C. Joseph

child was entered by me as Henry Stornton. I made the entry from a slip given to me by Sister Mary.

In August, 1876, have you the entry of a patient Thomas Henry Staunton?—Yes.

Read the whole of the entry?—"Thomas Henry Staunton, aged seventy-six, admitted to Guy's Hospital on the 26th June, 1876, under the care of Mr. Bryan, surgeon, in Job Ward; a married man; an Irishman; died on the 15th August in the same year; fifty days resident in the house; cause of death calculus cystitis. Address, 287 Coldharbour Lane."

The ATTORNEY-GENERAL—I put in the certificate of his death—the 15th August. I attach importance to this date.

Mr. JUSTICE HAWKINS—Very well.

The ATTORNEY-GENERAL—I also put in the certificate of the birth of the child, "Thomas Henry, son of Louis Adolphus Edmund Staunton and Harriet Staunton, formerly Richardson, born on the 23rd March, 1876."

George Wells

GEORGE WELLS, examined by the ATTORNEY-GENERAL—I live near Knockholt, and am a flyman. On the 5th March last I took Mrs. Butterfield from Halstead to Little Grays farm. That is the nearest station; the drive is about 5 miles. I arrived there about four o'clock. Mrs. Butterfield got out and went to the door. She got out about 50 yards beyond the house.

Did you see any one in the house?—I saw through the window as I drove past the house Louis Staunton, Mrs. Patrick, Alice Rhodes, and two children. I turned my horse round and followed her up the road as far as the gate. She knocked at the door.

Who opened the door?—Mrs. Patrick let Mrs. Butterfield into the house. The door was closed after her. I went and stood near the window.

Did you see anything?—I saw Louis Staunton take up a knife from the table.

What did he do with it?—He flourished it about in the air.

What did you do then?—I went nearer the window.

What else did you see?—I saw that Mrs. Butterfield was pulled away from the door, when she made an attempt to go and seek for her daughter. I heard her ask to see her daughter.

Mr. JUSTICE HAWKINS—Did you hear her say she wanted to see her daughter?—Yes.

Mr. JUSTICE HAWKINS—Whom did she ask?—I don't know. It was either Mrs. Patrick or Louis Staunton.

The ATTORNEY-GENERAL—What next did you hear?—When she was pulled back from the door she said, "If you won't let me see her, let me hear her voice."

What did they say?—They said, "You shall not." Then she said, "Let me see her hand on the bannister." George Wells

Mr. Justice Hawkins—Who said "You shall not"?—Louis Staunton.

Mr. Justice Hawkins—Did Mrs. Patrick hear that?—Yes, my lord. Mrs. Butterfield said, "Let me see her hand on the bannister; I shall be satisfied with that." Louis Staunton said, "You shall not. You never shall see her—not if you live for a thousand years."

Mrs. Patrick Staunton again rose from her seat in the dock, and, crying, said, "He was never in the house with the door open. She said she was sure her daughter was in a lunatic asylum. She never asked to see her hand on the bannister. It is cruel!"

The Attorney-General—Did Louis call her any names?—Yes.

What?—"You damned old bitch!" She was then elbowed out of the room by Louis Staunton into the passage, and Mrs. Patrick pushed her out of doors.

Did Mrs. Butterfield then do anything?—She went to the window and made some remark.

What did Mrs. Patrick say?—I don't remember all she said, but I heard her say, "You drunken old faggot!"

One of the prisoners, understood to be Louis Staunton, here exclaimed, "You villain!"

The Attorney-General—What next did you do?—I drove Mrs. Butterfield back to the station. On the way we met Dr. Creasey. I told Mrs. Butterfield who he was, and she spoke to him. I did not see anything of Alice Rhodes while Mrs. Butterfield was in the house.

Cross-examined by Mr. Straight—I was not examined before the magistrates, but I was before the coroner.

Who fetched you?—Sergeant Bateman.

That was on 19th May?—Yes.

Did you say, "I do not remember distinctly what was said"?—Yes; I did say that. I meant what was said inside the house.

Mrs. Butterfield appeared very excited?—She was very nervous. She was crying and spoke rather loudly. They all spoke loudly.

Did you hear Mrs. Butterfield say she was sure her daughter was in a lunatic asylum?—No.

Re-examined by the Attorney-General—You saw what passed, and have you told us what you have heard?—Yes.

Mr. Justice Hawkins—I think it is only right that the witness should be asked if he has said before what he has said to-day.

The Attorney-General—Did you give the same account

George Wells

before the coroner that you have given to-day?—Yes, to the best of my belief.

Mr. Justice Hawkins—That was only right. I have the deposition here.

Witness—Would you allow me to say that I did not hear the whole of the conversation? When I saw Louis Staunton with the knife I was in the main road, and when I saw the knife I went nearer to the house, as I thought I might be wanted.

The Attorney-General—You thought you might be required?—Yes.

The Foreman of the Jury—Were the door and the window closed when the conversation was going on?—Yes.

The Foreman—And you heard all that was said?—Yes.

The Foreman—Were they talking angrily?—Yes, the voices were raised.

A Juror—How far were you from Mrs. Butterfield?—The same distance as I was from the prisoners.

The Juror—Were they inside?—They were inside, and I was outside.

Another Juror—Were there any blinds?—There were not sufficient blinds to prevent me seeing them. I am not certain whether there were blinds at the bottom of the window or not.

Mr. Justice Hawkins—Did you hear anything said about where her daughter was?—No, I did not. If I did hear anything, I have forgotten it.

Sergeant Bateman

Sergeant Bateman, examined by Mr. Poland—I am a police sergeant in the Metropolitan Police force, stationed at Penge. On 14th April Mr. Casabianca, the brother-in-law of the deceased, saw me, and I went to Mrs. Chalklin, at 34 Forbes Road, Penge. The same day I saw Mr. Longrigg.

The next day I went to Cudham after having previously made inquiries at Bromley. I went to Little Grays farm. I went to the Woodlands first, but there was nobody at home there. I saw Mr. Louis Staunton at Little Grays. The servant opened the door to me. I was in plain clothes, and went in. I told him I was a police sergeant; no one else was then present.

I told him I had come to speak to him with reference to his wife's death, which had caused a little excitement in the neighbourhood. I said, "I shall want you to tell me something about the lady," and he said, "Yes." I asked him several questions, which he answered very readily. I said, "I will go back to the time you were married, and will trace the lady down to the present time," and I took the answers from him as I went on.

I cannot recollect the question I first put to him. I told him from what I heard I thought it ought to be brought under the notice of the coroner. I asked him when he got married,

and where he went to reside after he got married. He said, "I got married in June, 1875, and afterwards went to reside at No. 8 Loughborough Park." I asked him when he left there. He said, "I left about the end of May last and went to Gipsy Hill, Norwood." I asked him if his wife resided with him there. He said, "Yes, she did." Sergeant Bateman

I asked him when he left there and came to Cudham, and he said, "I think I left about Michaelmas last." I asked him if his wife came with him, and he said, "Yes, she came and stayed a few days" or "a few weeks," I am not certain which he said, "but finding she was not able to manage my business I sent her to my brother's, and allowed him something for her maintenance."

I asked him if he had seen her since she went to his brother's. He said, "Yes, he had seen her several times." I asked if she visited at his house, and he said, "Yes, she visited me here, and I visited her at my brother's." I asked him if he had any family. He said, "One child, a boy." I asked if it was alive. He said, "No, dead." I asked him when the child died, and he said, "Oh, it only lived a few days. It was very delicate when it was born, and the doctor said it could not live."

I asked if a doctor attended her in her confinement, and he said, "Yes, a doctor in Coldharbour Lane." I asked him if the birth or the death of the child affected her mind or her health at all, and he said, "No, not at all; she always had an affection of the brain." I asked him how she was removed, and he said, "I removed her in my own trap." I asked if any one accompanied him, and he said, "Yes, my brother, his wife, and his sister-in-law, in the trap to the station."

I asked him how she had been, and he said there was nothing the matter with her until shortly before her removal. He said she had been rather poorly for a day or two. I asked him what she had to eat a day or two before her removal, and he said, "She had steak on Monday, fowl on Thursday, and she also had two slices of bread and butter, an egg, and a cup of milk on Thursday before her removal." He said no medical man had attended her down there. I asked him who attended on her at his brother's place, and he said his sister-in-law, Mrs. Staunton, and sometimes the servant.

I asked him if she was a person likely to destroy her own life, and he said, "No, she was not." I asked him if there was any means of getting at a chemist's shop and getting anything likely to destroy her life, and he said there was not.

I asked him if Miss Rhodes had lived with him, and he said, "Yes, she lived with me at Brixton and Norwood. She remained at Norwood for three weeks after I left, and then she came here and managed my business for me." I asked him if his wife knew she was there, and he said, "She was per-

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fectly agreeable to that, as she was not able to manage my business." I told him that the information I had received I should have to lay before the coroner, and he would have to decide whether it was a case in which an inquest should be held. He answered my questions very readily; he hesitated at one or two, but very little.

I asked him if any of the others could tell me anything about her, and he referred me to the servant, Clara Brown, whom he called into the room, and I put questions to her in his presence. I asked her how long Mrs. Staunton had been at her master's place—I knew she was the servant of Patrick. She said she thought about four months. I asked her if she had got any friends in the neighbourhood, and she said, "No," she had not. I asked her if she had been in the service of Mr. Staunton before he came to Cudham and she said she had not, nor had she known the deceased before then. She said, "Mrs. Staunton generally attended to her, sometimes I did." She said the deceased's state of health was generally very good. I may have asked her about what she ate; I almost forget. I asked her if she saw her removed and she said she did, and that she got into the trap with assistance. I asked her if she had heard anything further of her, and she said she had not. I believe that is all I asked her.

I said I should like to see Mr. Patrick Staunton, and Louis called him into the room. Louis remained. I asked Patrick how long he had known the deceased, and he said for a long time, several months, and she had been at his place about four months. I asked him if there had been anything the matter with her during the time she was there, and he said, "No, except that she had an affection of the brain, or something of that sort." He said, "She ate very heartily." I asked if she had anything else the matter with her, and he said, "No, there was nothing the matter with her." I asked him how she was removed, and he said, "I removed her in my own trap." He said she had been poorly a few days, and he had advised her removal. I asked him again how she ate generally, and he said, "Well, I was not always there." He gave me some very evasive answers. I could not get answers. When I asked him what she had to eat he said, "I was not there, my wife would know better." I asked him if he was generally in the house. He said, "Yes," his business, of course, made him be indoors.

I saw Mrs. Patrick afterwards. I asked him if she could tell me anything more about the deceased than he could, and he referred to her, and called her in; that was at my request. Just before she came in he said he did not see the necessity for all this bother, as the doctor had given his certificate.

When she came in I asked her how long she had known the

deceased. She said she had known her for a very long time. I asked how long she had been at her place. She said she could not tell. I repeated the question, and she said she really could not tell how long she had been there. I asked her how her health was during the time she had been there. She said, "Very good." I asked her if she ate well. She said, "Yes, she ate, drank, and slept very well." I asked her if there had been anything at all the matter with her during the time she was there. She said, "No." I asked her who attended upon her. She said, "I did generally." She said she had been poorly for a day or two before the removal, that her feet had swollen. I asked her if anything was done for her in consequence of her feet swelling. She said, "Yes, they were frequently bathed." She said her feet had swollen for the last week or fortnight; that was in answer to my question how long they had been so. Sergeant Bateman

I asked her if she saw her removed. She said, "Yes, I accompanied her to Penge." I asked her her state at the time she was removed. She said she walked very well, and got in herself. I asked her if the journey to Penge affected her in any way. She said, "No." I asked her if the deceased ever inquired for any of her friends. She said she did not. I asked her if any of the deceased's friends ever inquired for her down there. She said, "No, never." I asked her again if the journey to Penge affected her at all. She said, "No, it did not seem to affect her at all in any way; we took her to the bedroom in Penge, sat her on a chair, and she helped to undress herself; we put her into bed. She seemed very pleased, and thanked me for my kindness."

I asked her if she had anything to eat when she went to Penge. She said yes, she had some bread and butter and an egg. I asked her if there was any change at all. She said there was not until about midnight; that about midnight she seemed to get worse, and continued getting worse until the morning. She said the doctor was sent for, but he did not attend that night. He attended in the morning. I asked if she had anything to eat in the morning; she said she had some tea, but would eat nothing. I think that was all that passed.

She said the deceased had a great dread of her mother coming after her to put her into a lunatic asylum; that was said when I asked whether any of her friends inquired for her. I asked her the same question I had asked the others, about her going to a chemist's shop, and she said no, there was no means whatever of her getting to a chemist's shop. I asked whether she was likely to take her own life. She said, "No."

After asking these questions of the three, I asked Louis Staunton if Miss Rhodes could give me any more information than the others had given. He said, no, he did not

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think she could. I said, in consequence of the condition she was in at that time, I would not ask to see her. I did not see her. From inquiries I had made in the neighbourhood, I was told that she was very near her confinement, and that it was expected daily. That was all that passed, as far as I can recollect. This interview took place very near two o'clock on the Sunday. I reported to the coroner the following morning the result of my inquiries. There was then an inquest held at Penge.

The verdict was returned on 19th May, and on that day I went with Mr. Keene's clerk to the Ludgate Hill station. Mr. Keene had been the solicitor representing some of the prisoners, and had instructed counsel to attend the inquest on their behalf. I saw the two male prisoners near the station; that was by appointment. Mr. Keene's clerk took me there on purpose to see them. I said to them, "The coroner's jury have returned a verdict of wilful murder against you, and on that charge I shall take you into custody." They made no reply whatever to the charge. I then, in pursuance of an arrangement, went to London Bridge railway station and there saw the two female prisoners. Mrs. Patrick Staunton came on foot to the station from Walworth, I believe, about 6.30, and soon after that Miss Rhodes came up by rail from Norwood, I believe. I told Mrs. Staunton I should take her in custody on the charge. She said, "I am quite innocent of the charge." I told Alice Rhodes the same. She made no reply whatever. That was on Saturday, the 19th. On the next day, Sunday, the 20th, I went to Cudham. Before I went I spoke to all the prisoners together.

By the Court—That was at the police station. They were all in the reserve room together. The two brothers had been put in one cell, and the two females were put in another cell during the night, and next morning they were brought out to have breakfast and a wash. If they are males we frequently put them together in one cell; it depends upon the number of persons we have, and the convenience. There is no rule about keeping prisoners, arrested on a serious charge like this, separate.

By Mr. Poland—I told the prisoners that I was going down to Cudham to search their houses. Patrick Staunton said, "There is a key behind the clock at Little Grays, which belongs to a box at Mr. Bradford's; it was removed there for convenience, and was intended to be produced in Court, containing the clothes of the deceased person, but when we found how the case was going we did not think it necessary." That was all that was said. He did not say where it was removed from. I then went down to Cudham with Sergeant Philpot. Mr. Bradford met me at Little Grays farm.

I searched the house and found this draft letter (*produced*)

in a little drawer of a chest of drawers on the landing. I found other letters there, the certificate of the birth of the child Thomas Henry Staunton, and a photograph of Louis Staunton and Alice Rhodes, in a group. I found the key referred to behind the clock where I was directed. These two papers containing the address of Mrs. Butterfield were found at Patrick Staunton's place. Sergeant Bateman

The letter of Alice Rhodes of 19th August I found in the same drawer. I found it on that occasion. This is it; it is the one that was produced yesterday (*the envelope bore the postmark of 1st August*). I beg pardon, that is the wrong envelope. I don't think I found the letter in any envelope; it was the pencil letter that was found in the envelope, this was not. I afterwards went to the Woodlands that same day. I there found these two scraps of paper containing the addresses of Mrs. Butterfield and Mr. Hincksman. I found them in a drawer in Patrick's place. This pencil letter is what I found in this envelope in the same drawer as the letter of 19th August.

Letter read—

The Woodlands, Cudham, Tuesday.

My dear Louis,—I was very sorry to see it rain so soon after you left here yesterday morning. I am afraid you got very wet. It rained here incessantly until about 5 o'clock, and then I went as far as Roberts' to try and get some jam pots, but I could not get them anywhere. I had a good walk with Florie this morning to get Tommy's milk. You cannot tell how I missed my dear old sweety, and I hope he was not in mischief last night. Not that I think you would do it intentionally, but feeling dull might call on ——, and take strawberries and cream. I think myself it might be tempting. Come down as soon as you can, and then I shall have a great deal to tell you. Come down without Harriet if you can, when you take me home. The men have just come to make the hay here. Hoping I shall see my own darling soon, I remain his truly affectionate wife, Alice. I am not bad yet.

This is the draft letter found in the house at the Woodlands—

Mrs. Butterfield,—I really am astonished at your audacity and impertinence after your shameful and unnatural behaviour such as no mother in the whole world would have acted towards her own child. Rest assured I would cast myself into a lion's den to be devoured at once rather than come within arm's length of you, having come to the fullest determination to have nothing to do with you or your family. I have been again to my solicitor to-day, and we have given instructions for you to be taken into custody at once should you continue to molest me. With regard to the ill-treatment you allude to it is quite the reverse, having received the greatest kindness from Tom and Nancy since I have been in their house, and I must protest against such assertions.[1]

[1] This seems to have been a letter which Mr. Patrick Staunton intended to be copied by his sister-in-law; it was never sent. "Nancy" is Mrs. Patrick, whose second Christian name was Ann. I find no other allusion to Patrick being known as "Tom," but the reference can be to no one else; possibly it is a mistake of the reporter.

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On Thursday, 24th May, I went to the Woodlands again, and found a letter signed "Harriet."[2] It was in the large bedroom. It dropped from behind the washstand or dressing table with some other papers when I moved it. I found some castor oil and other drugs. I afterwards went to Mr. Bradford's and got the box that has been referred to; the key referred to fitted the box. I made a list of the contents. I also made a list of the clothing that I found at the Woodlands.

Cross-examined by Mr. M. Williams—The prisoners were surrendered by arrangement. I made notes of the statements which the different prisoners made the same night when I returned; I have not got them here. I made a copy about two days afterwards. I destroyed the original note. Louis Staunton said that the child only lived a few days; he certainly did not say that it had only died a few days.

I was present before the coroner when Clara Brown gave her evidence; I heard her give it. I believe the coroner cautioned her two or three times.

I have had several conversations with her since the inquest. I put questions to her, I think, on two occasions. I did not threaten her at any time, in any way whatever. I did not say that she would be imprisoned.

I told her that I knew that the evidence she had given before the coroner was wrong, and I told her that I had evidence to prove that what she had said was wrong, and she had better be careful; if she liked to persist in saying what she had said, she could do as she pleased. I told her that for what she had already said she would be liable to imprisonment. I said if she went on in the way she was going on she would be likely to get herself into trouble. I did not say she would, only that she would be likely to.

She did not make any statement to me on 8th June; on 8th June we were at the Bromley bench. To the best of my recollection, I got no statement from her on 8th June. I think she made a statement there to Mr. Pollard.

I remember Clara Brown saying, "I made an untrue statement with reference to the bedroom of the deceased and about the food she ate. I now say that the food was put before her, but whether she ate it or not I cannot say. What I have said, both to the Treasury and before the coroner, I was told to say by the prisoners themselves."

I do not remember when that statement was made. I cannot tell you whether I told her of her liability to imprisonment before or after she made that statement to me. I have no recollection of the date. I told her on two occasions of her liability to imprisonment if she kept on in the way she

[2] See p. 50.

was going and stated what was untrue. The last occasion I told her so was 24th May. No, I cannot say whether that was the first or the last, but one occasion was on the 24th May, when she went to Cudham with me. Sergeant Bateman

I do not know the date when I took her to live at Penge; it was fourteen or fifteen weeks ago. I did not then have a conversation with her on the subject, but I expect I had a conversation with her in respect to this charge. I did not tell her on that occasion that she might get herself into trouble. I took her to Penge because it was arranged that she should go there to live. She came from her aunt's at Heygate Street. She had no relations at Penge. A number of witnesses come from Penge. The Treasury paid her expenses, and I took her where I pleased. I live at Penge, and I took her there to be under my eye. She has been there ever since, and she came from there to-day.

Cross-examined by Mr. STRAIGHT—It was after she was examined before the magistrates that I took her to Penge. She came to Bromley by my instructions, and was there in attendance to be called as a witness; that was on 13th June. She had then made the statement which Mr. Williams has called my attention to. I did not write a statement out and forward it to the Treasury, headed "Bromley Police Station, 8th June." This is my signature to this document (*produced*), but none of the document is in my writing. It was written by Mr. Pollard, senior, but it is signed by me. Clara Brown was, I believe, in attendance at all the examinations before the magistrate.

I said before the magistrates, "I asked Mrs. Patrick Staunton how long she had known Mrs. Staunton; she said, 'For a long time.' I asked her how long she had been at her place, and she said, 'Some months.'" I asked Mrs. Patrick Staunton whether Mrs. Harriet had ever slept away from the house, and she replied, "No, not once"—that was referring to Mrs. Patrick's house.

Did you tell the magistrates that Mrs. Patrick Staunton told you Mrs. Harriet Staunton was very fond of a drop of spirits if she could get them?—I did.

Mr. JUSTICE HAWKINS—Then why did you not say that before? Was that fact in your original note?—It was.

Then let me tell you and others, once for all, that original notes ought not to be destroyed, but ought to be kept. The notes taken at the time the prisoners make statements ought to be kept, and not destroyed and merely copies retained. I hope I shall not hear any more of originals being destroyed and merely copies kept.

Mr. STRAIGHT—Did you not say before the magistrates that Mrs. Patrick Staunton said the deceased was generally in good

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health—that one day she was poorly and she gave her some castor oil, which was the only medicine the deceased ever had? Yes, that is so.

Did you not say before the magistrates that Mrs. Patrick Staunton said the deceased, the last day or two before her removal, did not care to eat without being forced to do so?—I did.

I asked Mrs. Patrick whether it was possible for her to get to a chemist's shop, and she said that it was not.

When I asked her about the state of health of the deceased lady the reply she made was, "She has not been ill, but rather poorly for a few days; the last day or two before her removal she did not care to eat without being forced to do so." I did not tell that in my examination-in-chief, because I did not think of it. I also said Mrs. Patrick said, "She was generally in good health; on Tuesday she was poorly, and I gave her some castor oil, which was the only medicine she had."

Mr. STRAIGHT—Then, really, why did you not say that here to-day in your examination-in-chief?—I had forgotten it.

Mr. JUSTICE HAWKINS—Of course, a witness, in giving evidence about a long conversation, may forget some things; but these are important omissions, and show the inconveniences of destroying original notes.

By Mr. STRAIGHT—Mrs. Judd, with whom I got lodgings for the girl, is not the wife of a policeman. I did not fetch her from there. She did not come up with me this morning. I saw her last night and saw her again this morning. I have read a very small portion of her evidence in this morning's paper, not a quarter of it. I read, or heard spoken of, the portion of it where it is said that I spoke about prison; I do not know which.

Re-examined by the ATTORNEY-GENERAL—It was a few days before 13th June that I was examined before the magistrate at Bromley; that was when we signed the depositions. I stated all I knew, and I was examined for a long time. After the coroner's inquest Clara Brown was taken to the Treasury. She went with Mr. Lewis's clerk on the first occasion, and I happened to be there at the same time. More than a day or two after she had been to the Treasury she made a statement to me, and I gave information that she had made such a statement. The statement was that she had not told the truth. She said, "I made an untrue statement with reference to the bedroom of the deceased and about the food she ate; I now say that food was put before her, but whether she ate it or not I cannot say; what I have said both to the Treasury and before the coroner I was told to say by the prisoners themselves." After she told me that, when Mr. Pollard, the elder, was at Bromley, he asked me if she wished to make a statement, and he called her in to make a statement. I told

him what she had said, but I cannot say when it was. I told him she had said, "What I have said to the Treasury and before the coroner I was told to say by the prisoners themselves." Sergeant Bateman

After that I was instructed to get her away from where she was living, and I got her lodgings at Penge, because I was stationed at Penge. Since that time I have taken her two or three times to the solicitor to the Treasury at the Treasury. I knew from inquiries after she gave evidence before the coroner that she had not been stating what was true. When she was called upon to sign her depositions she said that what she had said was not true, and that when she came to give her evidence she would have to correct it all. It was in consequence of what she said before the coroner that I made the remark to her about getting into trouble.

Mr. E. CLARKE—I object to this style of re-examination. The matter referred to was not mentioned in the cross-examination, and it refers to what took place when the prisoners were not present.

Mr. JUSTICE HAWKINS—Beyond all question, what was said in the absence of the prisoners by anybody, at the inquest or elsewhere, is not evidence against them; but the witness has been cross-examined as to whether he told Clara Brown she might not get into trouble. That question could only have been put with one object, namely, to show that the witness was influenced by it, and surely, therefore, it is right for the Attorney-General to ask in re-examination, "Why did you tell her that?" and it is admissible for him to explain why he did, which, he says, was because he heard her before the coroner say her story was not true, and then he told her she would get into trouble if she went on in that way.

The ATTORNEY-GENERAL (*To Witness*)—Have you in any shape or way endeavoured to induce Clara Brown to give any statement which was not true?—No, sir, never.

ELIZABETH URIDGE, examined by Mr. POLAND—I am a widow, and live at Bromley. I am the owner of Grays farm, which consists of 22 acres. There are a farmhouse and buildings on the farm. The rent is £70. Some time last year that farm was advertised to let, and Louis Staunton took it and entered on it some time in October. He was to be my tenant from Michaelmas, 1876. He was my tenant till midsummer. He had a lease for three or seven years, at his option. I never went over the farm when he was there. E. Uridge

I saw Mrs. Butterfield in March, and found she was making some inquiries. In consequence of something I heard I telegraphed to her on Saturday, 15th April.[3] On the day

[3] See Appendix ii. p. 292.

E. Uridge

before that I was in a shop in Bromley, and Mr. Rose, the registrar of births and deaths for the district, came in and made a statement, in consequence of which I sent the telegram. Mrs. Butterfield had left her address with me.

By the COURT—When Louis Staunton took the farm of me he said that he was an auctioneer carrying on business at Gipsy Hill, Norwood.

Harriet Day

HARRIET DAY, examined by Mr. POLAND—I live at Wrotham, in Kent. My husband is a gardener. We used to work on the farm at Little Grays. After Mr. and Mrs. Staunton came there I stayed there for some little time. I do not know Alice Rhodes by that name; she lived with Louis Staunton as his wife. They had no servant. I worked for them occasionally. There were four bedrooms in the house at Little Grays; only two were furnished, and only one occupied.

C. J. Carttar

CHARLES JOSEPH CARTTAR, examined by the SOLICITOR-GENERAL—I am coroner for the county of Kent. In consequence of information given to me I held an inquest on the death of Harriet Staunton. On Wednesday, 18th April last, the inquest commenced. Harriet Butterfield identified the body of the deceased. Clara Brown was asked two or three questions, then an adjournment took place to 25th April. On that day Mr. Gye appeared on behalf of Louis Staunton, and then the inquest was further adjourned to 10th May to allow of the analysis. On the 10th May Mr. Gye again appeared and continued until the end of the inquest. Counsel was also there representing the Crown.

On 10th May Louis Adolphus Edmund Staunton was sworn and examined. I took down his evidence in writing; I have it before me now. Alice Rhodes was examined on the same day after he had been examined; she was the next witness. I have before me the evidence which she gave. On the same day Elizabeth Ann Staunton, the wife of Patrick Staunton, was examined. I took down the evidence she so gave. Then the inquest was adjourned to 11th May. On that day Patrick Llewellyn Staunton was called and examined. I have before me his evidence, which I took down in writing at the time. On the same day, after Mr. Patrick Staunton had been examined, Clara Brown was recalled. When all the evidence had been given the inquest was adjourned to the 14th. There were several adjournments, ten days, I think.

After the adjournment I appointed a day for the completion of the depositions. On that day neither of the four prisoners attended to sign their depositions. They did not answer to their names. On inquiry I was informed they did not intend to be present. In the interval prior to that Mr. Douglas

Straight appeared, representing one of the parties, Mr. Patrick Staunton, I think. Clara Brown attended to sign her depositions. C. J. Carttar

Cross-examined by Mr. STRAIGHT—These documents are not in my own handwriting, they are copied from my own notes at my dictation and my examination. I have the original notes at home, but these depositions are got up for all and each of the witnesses to sign. They were not read over because the prisoners did not attend, but the depositions on the various days on which Clara Brown attended were read over to her. The prisoners were not present. I asked the reason why. The learned counsel said they were not present in consequence of the alarm existing in their minds as to whether the multitude would not attack them, and further, that if they were present they would refuse to sign, under the advice of counsel.

[The evidence taken by the coroner was then about to be read by Mr. Avory, the clerk of arraigns, when Mr. Straight objected, on the ground that the depositions were not in the handwriting of the coroner himself and taken at the time. Those produced were only copies of the notes of the coroner.]

Mr. CARTTAR—I have not my original notes with me. They are at home; but I can verify every word in the depositions.

Mr. JUSTICE HAWKINS—If the objection be persisted in I will not raise a doubtful question, but will have the original notes here. They are not depositions until they are signed, only minutes.

Mr. STRAIGHT said he would not press the objection.

The depositions of the prisoners were then put in and read as follows—

"LOUIS ADOLPHUS EDMUND STAUNTON, of Little Grays farm, Cudham, Kent, farmer, sworn, says—'I have resided there since last November. From May to November, last year, I lived at No. 6 Corby Terrace, Upper Norwood. I was there an auctioneer. I married the deceased, Harriet Richardson, in June, 1875, at Clapham Church. There was no marriage settlement. One boy was born on the 23rd March, 1876. He died on 8th April, 1877, from convulsions. He died in Guy's Hospital. My wife was quite well up to Monday, 10th April last. She then complained of her feet swelling. I reside at the farm alone with Alice Rhodes. I have no servant. I have been separated from my wife since November last, by private arrangement. She lived at my brother Patrick's, at Frith Cottage, Cudham, about a mile and a half from my farm. I supported her, and allowed my brother one pound a week. I saw my wife two or three times a week there. I was on very good terms with her. She was Deposition of Louis Staunton

Deposition of Louis Staunton

addicted to excessive drinking almost daily; she drank spirits. I saw her on Saturday, 8th April; I had tea there. She was quite well. On Tuesday, 10th April, she was not so well, but she ate well; in fact, she was always craving for food. She was not allowed any spirits. Her face was swollen with a cold. I stopped there to tea and supper. On Wednesday I sent round some new laid eggs by Alice Rhodes, who brought word she was not so well. I immediately went there. She was sitting over the fire, and appeared very drowsy. I asked her how she was. The only remark she made was, 'Pretty well.' I asked her what she was going to have for dinner, if she could not eat a steak. She said, 'No, your brother has killed a fowl for me.' I then left. I went again in the evening and consulted as to what had better be done, as she did not appear to be getting any better. I suggested I should go up on Thursday morning and look for a place nearer London, where we might get advice for her. On Thursday morning Mr. Patrick Staunton came with me to Penge. We drove to Bromley, and came on by train. I knew Penge very well to be a place where they let a good many apartments, and also where there are a great many medical men. I saw apartments to let in the window of a house in Forbes Road from the train. I went there and took the apartments at 15s. a week and extras. I told the landlady it was for an invalid lady, and I thought it was a sort of paralysis. I said I would bring her about half-past nine that night. I paid a deposit of 5s. I did not say who she was. On Wednesday her memory appeared to fail her. My brother's household consists of himself and wife, two children (girls), three years and fifteen months old, and the servant Clara Brown, and my wife, and nobody else. I am told by my brother that Clara Brown is related to his wife. Up to Monday, 9th April, my wife was in a perfect state of good health. Mr. Richard James Bradford visited at my brother's. The mother and sister of deceased did not visit her. My wife declined to see her relations, because, before the marriage, they tried to make her out insane, and put her into a lunatic asylum, and it gave her such a hatred of them that she would never have anything to do with them since we were married. In fact, she had always quarrelled with her mother. I have seen Mrs. Butterfield at Brixton, when she saw her daughter. She has not seen her since. I saw Mrs. Butterfield myself about two months ago at Cudham. Mrs. Patrick Staunton was there. I did not tell her where my wife was. My wife was not at my farm. Mrs. Butterfield asked to see her. I told her on no consideration would her daughter see her, nor would I allow her to do so. I heard that inquiries were being made indirectly as to where she was. She wrote twice to her mother, once when living at Brixton,

requesting her never to call upon her again after her shameful conduct. My wife asked me to write a letter and date it from 'Brighton,' and to post it there to make her mother believe she was down there.[4] I wrote the letter, and I went to Brighton and posted it. In the same envelope there was a letter from my wife to her. It was about three o'clock on Thursday, 12th April, that we returned from Penge. My wife said she would get herself ready as soon as possible. I said I would be round about half-past six with my trap, a small wagonette with one horse. Alice Rhodes went to Frith Cottage in the afternoon. When I got there they were not quite ready. Deceased was in the parlour. They had dressed her once, but she had to be re-dressed again. She had the run of the house there. She had a private bedroom to herself. When ready I assisted her on one side, and my brother on the other, to the trap. She was able to walk with support. She assisted herself up into the trap, put up one of her legs and her hand out to catch hold of the rail. She sat on the front seat between me and Alice Rhodes. My brother and his wife went with us. It was dark. We drove to Bromley station. It was my intention to drive right up, but I thought it would save trouble taking the train from Bromley. We had a first-class compartment to ourselves. The train was just coming in. I asked them to stop the train as I had an invalid lady. The deceased was taken out of the trap and put into the train. We came to Penge. During the journey in the train she appeared very exhausted, was not able to speak. She got worse during the journey from Cudham to Bromley. At Penge a chair was got for her. Alice Rhodes and Mrs. Patrick Staunton went on to the lodgings to see that everything was ready. A cab was sent for and she was put into it by myself and brother. We could not get close to the house owing to the state of the road. The cabman assisted. She was not carried. The cabman did carry her from the gate up the steps into the house and into the bedroom. The front door was open. Mrs. Patrick Staunton and Alice Rhodes came up for the purpose of stopping with her while she was ill, at least Alice Rhodes was to have stopped. My wife was on friendly terms with Alice Rhodes—very friendly. She had been with us since six months after our marriage. Whilst they were undressing her I went to Mr. Longrigg's. He was not at home. I saw his assistant, and left word for Mr. Longrigg to come round at once, as my wife appeared so exhausted. I was told he would be in shortly. I then went back to the house. I did not seek any other medical man. I went again to Mr. Longrigg's, and his assistant said he would leave a note for him to come in immediately he

Deposition of Louis Staunton

[4] See p. 273.

Deposition of Louis Staunton

returned. I said, 'I will sit up for him all night.' About half-past eleven o'clock I went to the train and returned to Cudham. After she was in bed she appeared rather better, and said, 'I am tired.' That is all I heard her say. I took no advice as to removing her from Cudham, nor was she attended by any medical man there. Mr. Longrigg was a perfect stranger to me. I never said to Mrs. Chalklin or to any one that she had been attended by a medical man. I suggested on Wednesday to Mrs. Patrick Staunton that she should see Dr. Creasey. She said, 'He is no good; I have no faith in him. Far better take her to London.' I thought if any physician was wanted that I should sooner get him at Penge than I could at Cudham. Dr. Creasey lives at Brasted. I saw Mr. Longrigg the morning we took the apartments. I told him I wished him to attend her, and I did not exactly know what was the matter with her, her feet were swollen, and he seemed to understand the case. I did not tell him anything at all about the medical man having attended her, or that Dr. Creasey had seen her. I did not say that Dr. Creasey and other medical men had been attending her. I said the only doctor in the neighbourhood was Dr. Creasey, but he was so far off it would be better to bring her up. I told him I believed it was a sort of paralysis, that she had lost her memory, and shook a good deal. I returned on Friday at eleven o'clock. My wife was then insensible. My brother came with me. I found the nurse there. I remained until she died. I was not present in the room at her death. Alice Rhodes had left, Mrs. Patrick Staunton was with me. Her death was announced to me by the nurse. It was the drink that caused the separation between us. The marriage was not with the full sanction of her family. I had some property with her. I had derived benefit to the amount of between two and three thousand pounds. She was entitled to some reversion, which I have sold. The deceased herself wished to be brought up near to London.

"By Mr. POLAND—The child was brought up to Guy's Hospital, and died the same day. The child's name was Thomas Henry Staunton, aged one year. I paid the undertaker 35s. to bury it at Plaistow, in Essex. The child died on the 8th April last, and was buried on the 16th April. I did not attend the funeral. My wife was told of his death. I did not inform my wife's family. I never went to Guy's Hospital myself. I am twenty-six years of age. My wife was thirty-five years. Alice Rhodes is twenty years of age. My wife was not of weak intellect; I never noticed it. I did not hear the police were in search of her, or that her mother had been to the Bromley magistrates for their aid to find her. I know of no

one who ever saw her outside my brother's house. I cannot name any one who ever saw her the worse for liquor. I never noticed her emaciation until the Wednesday, 11th April. She was not neglected. She was always clean in her person and dress, but she has always since her marriage had lice in her hair, her false hair. There was nothing the matter with her but a cold. No box of clothes was brought with her; a hamper with some food. She dropped one of her slippers when carried from the trap to the railway carriage at Bromley station. She did not speak of supper. She was not conscious when I left Penge. Deposition of Louis Staunton

"By Mr. GYE—She would drink if she could get it. I have seen her outside my brother's house. She was a great eater. She was well clothed and had plenty of clothes. She never complained of not being comfortable. She wrote to her mother twice. Until the Monday she was not ill. In the trap a blanket was round her feet. She had her ulster on, and a shawl, and a rug. Alice Rhodes passed as Mrs. Staunton all the time we have lived at Cudham, and as my wife. I am not aware that my wife knew it. We left Norwood the last week in October. Deceased was at Cudham last summer for a short time. Alice Rhodes did not pass as Mrs. Staunton before we came to Cudham. I don't know whether Alice Rhodes is expecting to be confined. The deceased passed as 'a relative' at my brother's."

"ALICE RHODES, of Little Grays farm, Cudham, single woman, says—I left Little Grays farm about three weeks ago, and I went to No. 3 Park Villas, Lower Norwood, at Mr. Bradford's, an auctioneer, where I am now staying. I have known him two years. I knew the deceased six years. I went to reside at Loughborough Park with Mr. and Mrs. Louis Staunton about six months after they were married. Deceased said she wished me to remain with her until she went to Norwood. About November she went to Cudham to Mr. Patrick Staunton's, and I went to Little Grays farm to keep house for Mr. Louis Staunton. I passed as Mrs. Louis Staunton there, but never before. I often saw the deceased. I did not know she was ill until Wednesday, the 11th April, and she was not very ill then. Mr. Staunton sent me to see how she was. I accompanied her to Penge on Thursday. Mrs. Staunton asked me to go with her; she sat between us in an open conveyance. The cabman carried her into the house, but she was able to walk. She undressed herself, and took out her own ear-rings, and was put to bed immediately. She took a little egg that night. In the morning she was a great deal worse. I did not remain until she died; I left about one o'clock. I do not know whether she knew about the death of her child. At Cudham she was not attended by any medical man; there Deposition of Alice Rhodes

Deposition of Alice Rhodes

was no occasion for it. She was in good health; her illness came on suddenly; I cannot account for it. She was not of weak intellect; she was a little nervous. I never heard of her friends seeking to find her.

"By Mr. POLAND—I saw Mrs. Butterfield at London Bridge station. She asked me how her daughter was, and where. I told her she was at Brighton with her child and husband, but I did not know her address. I did not tell her what name had been given to the child. I did not tell her I had not seen Mr. Louis Staunton for months. I knew the deceased was not at Brighton, but at Cudham; I said it for a blind; deceased asked me to tell her mother so. She said she had written to her mother to say she was at Brighton, and advised me to say the same. I never saw the deceased at any shops at Cudham. She never cared to go out. Latterly she walked down to Cudham, once or twice, not very long ago. I do not know of any visitors coming to Mrs. Patrick Staunton's house. I have seen her outside the meadow several times, and generally alone. She did not want to see the tradespeople. I should not say she was of weak intellect, but she was particularly nervous. She disliked being alone. I went to her house, not to manage it for her, but to help her to manage it, to assist her. She was not under the influence of other persons, nor was she easily frightened when harshly spoken to. She appeared to be very fond of her child, and nursed it herself. I do not know whether she grieved at its death. She was very weak the evening she left Cudham, but I daresay she could have walked alone had she tried. She was too ill to tell me why she was coming to Penge. She got worse on the journey. She was not able to converse with me freely; she was too ill. She helped herself to bed, and unfastened her things as quickly as she was able. I did not see that she was in a filthy state; I did not know that she was covered with lice; I did not notice the dirty state she was in. I have seen her the worse for drink, both at Loughborough Park and at Norwood, and I think once at Cudham. I never spoke to her of the death of her child, nor did she ever allude to it; I thought that strange. Mr. Louis Staunton took the child to the hospital. Mr. and Mrs. Patrick Staunton were in the trap also. They came back to the farm, and said they had left the child at the hospital. They stopped all night, and went home on the Monday morning. I heard on the Monday night it was dead. The deceased was quite able to take the journey when we started from Cudham. We sat up all night, expecting the doctor. I intended while we stayed at that house to sleep with the invalid in the same bed."

Deposition of Mrs. Patrick Staunton

"ELIZABETH ANN STAUNTON, wife of Patrick Llewellyn Staunton, an artist, of Woodlands, Cudham, sworn, says—

Evidence for Prosecution.

Deposition of Mrs. Patrick Staunton

The deceased came to us in November last in a perfect state of health. She had a wish to stay with me. She has been in good health ever since until Monday, 9th April last. On Sunday, 8th April, I took the child to Guy's Hospital. I gave there the name of Henry Staunton. I believe the child had another name, but I do not know it. The child was ill. My husband went with me. Louis Staunton waited at the hospital gate for us. We left the child about 4.30. On Monday night, 9th April, I heard of its death; my husband told me. He had been to take it some clothes, and found it was dead. It died on the Sunday night soon after we left it in the hospital. I went with the deceased to Penge. She was sitting by the kitchen fire before we started. I helped her to dress. She put her own ear-rings in. Her hair was always done every morning before breakfast. She always appeared very nice, and always had clean clothes. The cab-man helped to carry her in. She sat up and began to undo her dress. She thanked me, and appeared sensible then. I laid on the bed by the side of her after 3 o'clock a.m. We were expecting the doctor. I left the house about 5 o'clock p.m. I had previously told the landlady she was dead. The deceased requested me to come with her to Penge. Mr. Louis Staunton told the landlady and also the medical man that he was her husband.

"By Mr. POLAND—It was first arranged that the deceased should go to Penge on the Thursday. She had never complained. She was always a thin person. She always had her meals at the same table with ourselves. She was constantly out. The doors were always open. I have seen her out six times at least. I saw her write one letter to her mother. Dr. Creasey once attended my little girl about September last. We took a wicker basket to Penge with us containing clothes for the deceased, and a small parcel containing eggs and butter. I saw Mrs. Butterfield at Little Grays farm making inquiries about her daughter. I did not hear her say, 'If I could only hear my daughter's voice I would be satisfied.' I do not know whether the child was ever christened. The deceased was not at all a woman of weak intellect.

"By Mr. GYE—She always had meals at our table; plenty of food. She came down to breakfast daily and washed and dressed herself regularly. She did as she liked, and wore what she pleased. She had plenty of clothes, was always well dressed, and clean and fit to be seen. She had several dresses and jewellery. She could go in and out as she liked. My husband was not satisfied with Dr. Creasey when he attended our little girl. We had to hurry away on Thursday. We had no visitors at Cudham. I told Mrs. Butterfield I had

Deposition of Mrs. Patrick Staunton

dined with the deceased not twenty minutes ago. She said it was a lie. I had directions from Mr. Louis Staunton not to give deceased any spirits. I have not paid Dr. Creasey's bill; I suppose my husband has. Mr. Louis Staunton did not mention Dr. Creasey's name to Mr. Longrigg when he called on him."

Deposition of Patrick Staunton

"PATRICK LLEWELLYN STAUNTON, of Woodlands, Cudham, artist, sworn, says—I am brother to Mr. Louis Staunton. In November last I agreed to board and lodge the deceased and her child at £1 a week. She came in perfect health. She partook of our meals at our table as a relation. My brother desired me to prohibit the deceased the use of spirits, as she had taken them too freely. I had twice seen her the worse for liquor at Brixton, soon after she was married, and many times since, indeed, constantly. I did not see any change in her health until Monday, the 9th April, and then only knew it from what she told me of her feet being swollen; her feet were put in hot water, and she was then put to bed by my wife and my servant. My servant waited upon her constantly and regularly. I saw her as she was going up to bed, and afterwards when she was in bed; the servant told me she was awake, and I went in to ask her how she was. She answered that she felt all right, and the next morning she got up in the usual way. I went the next day to see my mother, at Brixton, and I told her the deceased was not well. I went to Guy's Hospital on Monday, the 9th April. I started at ten o'clock; got back about four. I drove to Bromley, then took the train. At Guy's I went into the office and saw the clerk. I was told the child was dead. I called at my brother's and told him of the death. I stayed there about half an hour. I then went home. I told the deceased, and she said, 'I thought as much,' and she walked out of the room. I swear this positively. She asked no questions, but walked out of the room. Her husband came to see her in the afternoon. I was not present. On Wednesday morning her husband advised and I recommended her removal. She was consulted, and consented to go to Penge. He and my wife went to take apartments, and on their return I assisted her in and out of the trap. She did not speak. I don't know that she was insensible. I don't know that she was carried into the train, as my brother was on one side of her and I on the other side, and she put her foot on the ground. She was carried on a chair from the train and put into a cab, and the cabman assisted me to carry her into the house and into the room. She seemed to be then more sensible. She did not speak. I remained until half-past ten, when I accompanied my brother to the doctor's. I left at about eleven, and returned to Cudham. The next day I came up with my brother about

eleven, and was told she had had an epileptic seizure, but no information was given me that she was dying. I left about two o'clock, and went to my mother's to tell her she was very ill. On my return I found every one had left, and a message for me, and I went to Bromley. There I met my brother at the station. He had been to tell my mother. The child was born at Brixton—8 Loughborough Park. I believe it was registered. Dr. Russell, of Coldharbour Lane, attended at the confinement, and recommended a nurse, who remained the usual time—the month. The child was named Thomas Henry. The child was brought to my house at Cudham some months before the deceased came in November. It slept in a cot in our room, and my wife attended to it, assisted by the servant, Clara Brown. On Saturday, the 7th April, it had convulsions; it was always a thin child, almost all skin and bone. The deceased suggested that it should be carried to Guy's Hospital. No medical advice was had. On Sunday it was worse, and I and my wife and my brother went up with it to Guy's. My brother waited outside the hospital, and I and my wife went in and left the child with the doctor. I did not attend the funeral. I knew that Alice Rhodes was passing as my brother's wife, as Mrs. Staunton, but I did not know there was any criminal connection whatever. I cannot say whether she so passed for a deception or not. I took the Woodlands two years ago, leaving Brixton to go there on account of my profession. I was not assisted in taking the house in any way with money got from the marriage of my brother with the deceased. The child who died was the child of the deceased.

Deposition of Patrick Staunton

"Cross-examined by Mr. POLAND—Clara Brown was at Brixton in March, 1876, at the time of the confinement. In August, 1876, the deceased visited us at Cudham, and stayed a week with the child. She visited us four or five times; she was then living at Norwood. When with us she had perfect health; she was not a person of weak intellect, and was perfectly capable of managing her household and her own affairs. We had no visitors but Mr. Bradford. The deceased used to go out for walks. We have 7 acres of ground; she used to go in the wood and on the public road. I have seen my brother drive her out in a wagonette. I knew that Alice Rhodes passed as his wife; the deceased passed as a relation. My brother and Alice Rhodes came constantly to our house, three or four times a week, and deceased sat down at the same table with them and us, and partook of our meals, and made no objection and showed no jealousy. Deceased was in perfect health till the Monday, 9th April, washed and dressed her child herself. Deceased new Dr. Creasey had attended my child when it had been ill, knew that he had called five or six

Deposition of Patrick Staunton

times, but she did not suggest he should be sent for to attend on her own child. She suggested it should be sent to Guy's. She said, when told of its death, 'I thought as much.' She never asked where it was buried, nor the name of the doctor, nor what ward it was in, nor expressed any wish to see the body of the child, nor as to what members of her family should attend the funeral. Deceased was in perfect health. I saw no change in her till the Monday. I did not send for Dr. Creasey, as I have no faith in him. It would take twenty minutes to go to my brother's. He had a wagonette which could have fetched a medical man in half an hour, but no medical advice was sought. Deceased had a slight impediment in her speech on the Tuesday, a slight stutter. Although I knew that the child died immediately subsequent to removal it did not occur to me to take medical advice previous to removing the mother. I suggested taking her to Penge, so that a physician might be obtained, should the doctor there think it necessary, but I did not consider her so seriously ill as to require a physician. I did not call on Mrs. Hincksman on the Wednesday. The distance from my house to the station is about 8 miles, then there was the railway journey, making it about 10 miles altogether. I do not know how long it took us to drive. It takes me about an hour to drive it. I met Mrs. Butterfield at London Bridge one day, and she inquired about the deceased. She abused me, and got a great crowd round us. I had arrived from Cudham by the train. I told her that her daughter was quite well. She said, 'No, she was not; she was confined in an asylum.' I told her she was not in an asylum, and she swore at me, and I walked away then. I did not say, 'Damn your daughter.' I never used such a word. She said, 'I am going to Cudham.' I never said, 'If you do I'll blow your brains out, as I keep a loaded gun.' I did not use that expression, nor any similar expression. I said I did not see what she could gain by going to Cudham. I said she would not see her daughter, because I knew she would not be allowed to see her. I was at London Bridge station; the railway porters were there, and a crowd she collected round us. I did not know that she had applied on the 9th April last to the magistrates at Bromley. I never heard of it. The removals of the deceased and the child were not in order to evade registering the deaths in the district or to avoid inquiries. I made no inquiry as to what district Penge was in, nor did I know in what district it was. While in the trap the deceased made some remark about a dog, and she also spoke to her husband. She said nothing about the slipper that was dropped. I was not aware that she had lice upon her, and I was much surprised to hear it. When I first knew her she was a very cleanly person, and she dressed as a lady should. I was at Penge on Sunday, 15th April. I then

saw Mr. Longrigg. I went to see him to ask why the funeral did not take place after his giving his certificate; we thought there must be some mistake. I did not go to the undertaker's. The undertaker and Sergeant Bateman came to Cudham to my brother's, and by chance I was there. I undertake to say that I saw the deceased the worse for drink at least three times while she was in my house; I do not know how she got the drink. Deposition of Patrick Staunton

"By Mr. Gye—The deceased looked after her child herself, washed and dressed it, looked after it in every way until its illness and removal. The child had plenty of clothes; clothes were brought to my house for the child several times by my brother. The deceased had plenty of clothes of very good description. She looked after her own clothes and the child's. My wife did not interfere. She was allowed to do just as she liked; she went out and about of her own free will; there was no sort of restraint put upon her, none whatever. The child had pretty good health, but was always thin; it had never had a like attack before. I was much dissatisfied with Dr. Creasey, and did not therefore call him in. Deceased understood the child was ill, and understood the purpose of its going to London. She was quite well up to the Monday. It was on the Wednesday she stammered, not on the Tuesday. She appreciated the suggestion that she should go to Penge, and was willing to go. I noticed nothing wrong with her, except the swelling of the feet, and she said her throat seemed a little sore; she said she thought she had a cold. She put one hand on my shoulder and the other on the rail of the trap, and put her foot on the step to get into the vehicle. She had list slippers, because her feet were swollen, and she had a blanket to keep them warm. Clothes were taken with her in a lady's travelling basket—a wicker basket lined inside. I did not pack it, but, as far as I know, that basket was full of clothes. There were no appearances in the deceased which, in my judgment, rendered it unwise to take the journey; none whatever. It took us about an hour and a quarter to drive. I had not the slightest idea that her death was so near, or that her state was in any way dangerous. She had no influence exercised over her to induce her to go. During the time she was in my house she was, in my opinion, capable of taking care of herself. I said Mrs. Butterfield would not be allowed to see her, not that she could not see her.

"Re-examined—Alice Rhodes saw Mrs. Butterfield on a different occasion. There was no particular reason for having the door of the lodgings at Penge ready opened; the landlady could have opened it if we had rung the bell. I contradict the statement of the landlady that she did not know until an hour and a half after we arrived that we were in the house; she knew it under the hour. I do not know whether the child

Deposition of Patrick Staunton

had any godfather or godmother. It is about a mile to my brother's farm from my house; in twenty minutes I can walk it at an ordinary pace. The deceased was not kept secreted. I did not telegraph to my brother to warn him that Mrs. Butterfield was coming down. There were no precautions and no pains taken to keep the deceased private. I never knew the inspector and sergeant on duty at Sevenoaks were about my place. I swear positively that I neither directly nor indirectly had information of any application to the Bromley bench of magistrates. I presume Penge is in the county of Surrey; I did not think about what district it was in. We talked of driving all the way, but we did not know the road, and I think that was the reason we took the train. When I took the deceased there I did not think anything at all about what county it was in. I did not tell the deceased on the Sunday night about the child. I stayed at my brother's, as it was a pouring wet night. I told her nothing about it until I told her on the Monday night that it was dead. She was not restrained in any way, only with regard to the drink. I have not paid Dr. Creasey's account, unless my wife has."

C. J. Carttar

Mr. CARTTAR re-examined—Those statements were made by the prisoners as they are read—the statements contained in the depositions of Clara Brown are statements which she made, and they were read over to her and signed by her; there are three of them—she made an observation upon the signing which appears on the depositions.

Mr. WILLIAMS—The statements of Clara Brown are in with the rest of the depositions, but I do not propose to ask them to be read just now.

Mr. JUSTICE HAWKINS—The depositions are not in.

The ATTORNEY-GENERAL—I have no objection to put in the statements of Clara Brown.

Mr. WILLIAMS—I shall feel it my duty to call the attention of the jury to the discrepancies in those statements and her evidence during this trial.

Mr. JUSTICE HAWKINS (to the coroner)—Are these the statements of Clara Brown taken by you at the inquisition?—Yes; they were read over to her and signed by her.

Mr. JUSTICE HAWKINS—Very well. Then the statements of Clara Brown are now in evidence, and you may comment on them in your speech, Mr. Williams.

Depositions of Clara Brown[a]

"18th April, 1877—I have never been in the service of the deceased lady. I have been two and a half years in the service of Mr. Patrick Llewellyn Staunton, of Cudham, an

[a] These depositions do not appear to have been read to the jury, but they are printed here as being part of the case for the Prosecution.

artist, who is the brother of deceased's husband. I first saw the deceased some time in last summer. She was then on a visit at my master's. She then remained two or three days only. She came again to stay a little before Christmas last, and remained until Thursday last, the 12th inst. She left about six o'clock p.m., in an open wagonette, with her husband, accompanied by my master and mistress and Miss Alice Rhodes, my mistress's sister.

"11th May (recalled)—I am first cousin to Mrs. Patrick Staunton and to Alice Rhodes. I have lived in the service of Mrs. Staunton, first at No. 9 Loughborough Park, Brixton, then at Cudham. Mr. Louis Staunton lived at No. 8 Loughborough Park. His household consisted of himself, his wife, and Alice Rhodes. The first time I saw deceased was at Brixton, soon after her marriage, in June, 1875, soon after I entered their service. In March, 1876, I went by chance to No. 8, and Mrs. Harriet Staunton was taken in her confinement, and then I stopped to do the downstairs work. The child was a thin little child. She did not suckle it. The nurse remained a month and I remained a month. Alice Rhodes was there the whole time. My mistress took charge of the child, and took it to Cudham about a month or six weeks before the deceased came to Cudham. The child was taken unwell on the Wednesday, 4th of April last, and the deceased said she would wish it to go to London to the hospital. The first attack of illness of the deceased was on Monday, the 9th of April last, when her feet were put in hot water. I carried up the water. The next day she had some castor oil. I heard her say she was going to the doctor's, and that she would rather go to London. She was not very ill till the Thursday afternoon, when she was drowsy, and sat with her head on a pillow, which was on a table, but she had her eyes open all the time, and said she was pretty well. She was about the same when she left in the evening, was able to walk, and got up into the trap. Her clothes were always very nice, such as a lady would wear. Her head and hair were very clean, and I never observed anything in it that was at all objectionable.

"By Mr. POLAND—The deceased was very fond of her child, washed it and dressed it herself. I knew that Alice Rhodes passed as Mrs. Staunton at Little Grays farm, Cudham. I never heard she so passed at Loughborough Park. I knew they were living together as man and wife at Cudham. So did the deceased. I have heard her speak of it. She showed no jealousy about it, and expressed no indignation, and showed no signs of hostility. The deceased was not a woman of weak intellect. She was frequently and constantly out of doors. Out every day. I had no orders to deny

Depositions of Clara Brown

her to any one, and if her mother had called when my mistress was out I should have allowed her to see her. I cannot tell of any shop she ever went to at Cudham, or of any article of dress ordered by her. She used to ask me to bring her oranges and spirits. I got the oranges, but not the spirits, as I had strict orders not to do so. The tradesmen called at the house—the butcher, brewer, and baker. She used to amuse herself with her child, and with needlework; she did not write any letters. On Christmas Day Mr. and Mrs. Patrick Staunton went to London. The deceased was not locked up then. I know Miss Mary Ann Weatherley. She did not call on Christmas Day. I am quite sure I never turned a key on the deceased. She was not locked up. Miss Weatherley has called at the house. I noticed a change in the deceased on Wednesday. On Wednesday she ate some cold roast beef for dinner, and also at tea time, about a quarter past four o'clock. On Wednesday she had hot fowl for dinner at one o'clock (*sic*), and her appetite was pretty good. On Thursday she had a good meal of beef steak for dinner. Ate heartily.

"By Mr. Gyn—She did not dress herself that Thursday morning; but she always dressed herself and the child during the time she was at Cudham, and did her own hair. Miss Weatherley lives at Knockholt. I washed the clothing. There was nothing different in the clothes of the deceased to the rest of the household. She had a good supply, in good condition, and they did not appear different to any one else's in the house. The tradespeople called, as is usual with tradespeople, and deceased might have seen them. She was not kept indoors, nor out of sight.

(Recalled)—On Thursday evening, 12th April, the wagonette was brought to the side door of the house leading into the little parlour, close to the door. The deceased was able to walk by herself. She was not assisted. She had no distance to walk, not across the meadow, only to the door. She got in herself. I state positively that she was not carried. She had been all day in the sitting room. She dressed in her bedroom. My mistress assisted her in putting on her bonnet. The ulster which she wore was her own, and she had two other dresses and a black silk skirt. I swear I never turned a key on her in my life. I always spoke to her the same as to my mistress. I deny using the expression, 'Go back, ma'am.' I did hear footsteps in the kitchen; the deceased was there. I did not go to the kitchen door. I swear I never said, 'She is no lady,' never said, 'Go back'; never said, 'She was deranged.' I swear I never said, 'She is no lady, she is only my master's sister.' When I heard the footsteps I did not do anything. There was a fire in the kitchen and one in the parlour, and a light in both. We were in the

habit of having a lamp in each of these rooms every night. Weatherley and Longridge are both swearing falsely. The deceased was never restrained, and was not at all of weak intellect. I am a Protestant,[6] and the oath I have taken is binding on me." Depositions of Clara Brown

Certain letters having been put in formally,

Mr. CARTTAR was briefly cross-examined by Mr. CLARKE—He said—The questions were put by myself. I always examine witnesses myself. Then they were cross-examined by Mr. Poland. I have had forty-six years' experience as a coroner. Mr. Gye was not at the inquest the first day. He afterwards appeared, as also did Mr. Straight. I invariably take care when witnesses are under examination that there is no interference with a witness and no prompting. Counsel or persons called for the witnesses are not actually entitled to take part in the proceedings. I have always said I considered they were there by courtesy. C. J. Carttar

The ATTORNEY-GENERAL—That, my lord, is the case for the prosecution.

Mr. STRAIGHT—My lord, I have now to submit, in reference to Elizabeth Ann Staunton, that she is not to be held responsible upon any of three matters which have been stated against her by the Attorney-General, having regard to the position she occupies in reference to the prisoner Patrick Staunton; that is to say, in the first place, being the wife of Patrick Staunton, it ought to be assumed she acted under his coercion, and therefore she cannot be held separately liable. Before I proceed to state in the words of the text-book what the principle is which regulates these matters, I desire to call attention to the way in which the case was opened by the Attorney-General, and the propositions he has put forward. The case is presented in three aspects. First, an agreement between these four persons by wilful neglect to prevent the deceased lady from having food, and so causing her death—an agreement in which all the prisoners participated and took part. As regards that proposition, as far as the evidence has gone I submit that it does not show that her death was the result of starvation. Then, as I understand, the second proposition of the Attorney-General is that those at Cudham and Little Grays farm are guilty of manslaughter, because, having the duty cast upon them of providing for a helpless person, they, by neglect and carelessness in the discharge of that duty, by not giving her food and providing her with medical advice, have led to her death. Then the third proposition is that the deceased, being in an enfeebled and dying condition, was removed by all the Mr. Straight

[6] The Staunton brothers were Roman Catholics.

Mr. Straight prisoners on the night of 11th April in such a way as to render them liable for an indictment for manslaughter. In one count the indictment charges Elizabeth Ann Staunton with being the person who actually caused the death of the deceased.

Mr. JUSTICE HAWKINS—The first count of the indictment charges them all jointly with the murder.

Mr. STRAIGHT—Yes; and there is an accessory after the fact count, and then there is a count charging them individually, and there is a ringing of changes throughout each count. I now wish to ask Mr. Avory, the clerk of arraigns, whether there is a count charging Elizabeth Ann Staunton with being accessory after the fact.

The ATTORNEY-GENERAL—There is such a count.

Mr. STRAIGHT—Then, as a point of law, I at once submit that it is a bad count, and cannot be sustained. I submit a wife cannot be accessory after the fact to a crime committed by her husband.

Mr. JUSTICE HAWKINS—That affects only one count. Let me understand you, Mr. Straight. Your first proposition is that Elizabeth Ann Staunton, being the wife of Patrick Staunton, acted under his coercion, and therefore cannot be held liable.

Mr. STRAIGHT—Yes; and then as regards the supply of food to the deceased, I say that Elizabeth Ann Staunton cannot be held guilty of contributing to the starvation, because it has not been proved that her husband, Patrick Staunton, provided her with the food to give to the deceased. The proposition of the Attorney-General, and the way in which the case has shaped itself, is that this unfortunate lady came to her death by starvation. That, I take it, means by being wilfully prevented and withheld from her food and the necessaries of life. I submit that unless it is shown that the husband supplied the wife with the food to give to the deceased, the wife cannot be held responsible for food not having been supplied.

Mr. JUSTICE HAWKINS—Your first proposition is that Elizabeth Ann Staunton was acting under the coercion of her husband, and therefore cannot be held liable, and your second proposition is that, even if she can be held liable, it has not been proved that her husband supplied her with the food to give to the deceased, and therefore the charge will not stand.

Mr. STRAIGHT then proceeded to refer to the cases of *Somervill and Reg.* v. *Cruse*[7] and *Rex* v. *Squire*,[8] and said, with regard to robbery, it had been held in this Court by the Recorder that the wife was freed by the circumstance of the presence of her husband.

Mr. JUSTICE HAWKINS—That was under peculiar circumstances. It will also doubtless be remembered by many that there was

7 8 Carrington and Payne, 541.

8 1 Russell, 16.



Mr. Douglas Straight.

a very remarkable case of murder tried in this Court, where the murder was committed by the woman in presence of her husband and both were convicted. Mr. Straight

Mr. STRAIGHT—Your lordship is referring to the case of the Mannings.[9]

Mr. JUSTICE HAWKINS—Yes; you cannot go the length of contending that because a woman commits a crime, and her husband is present, therefore the wife is not liable.

Mr. STRAIGHT—I am not going that length. What I say is that where it is not proved that a husband has given his wife the necessaries to give to another person the wife cannot be held responsible for the consequence of that person not having received those necessaries. And, as regards medical assistance, I say the wife could not be called upon to provide that.

The ATTORNEY-GENERAL—In reference to the law relating to a woman acting under the coercion of her husband, I admit that it is in a very unsatisfactory state. In Sir James Stephen's book[10] it is stated that if a married woman commits a theft or receives stolen goods she is presumed to have acted under the coercion of her husband, but this rule does not hold good if it can be shown that she has not been coerced. This rule of law or presumption of law, which no doubt excuses the wife in certain cases, does not, however, do so in the case of murder, as the case of the Mannings, to which reference has just been made, proves. Let me put an illustration. Supposing a husband said to his wife, "I am determined to poison A B, and I will provide you with some strychnine to mix in A B's tea." If the wife does it, it is clear beyond all question that she would be guilty equally with her husband. Therefore, the first proposition put forward by my learned friend, I submit, is untenable. His second proposition is a different one. He says Mrs. Patrick Staunton cannot be convicted of murder or made responsible for the death of Mrs. Harriet Staunton because there is no evidence to show that she had the ability to supply the deceased with food. Now, that is a question for the jury, and it seems to me there is a very great deal of evidence as to this question of the supply of food. We hear from the witnesses that Patrick Staunton was at times away from the house, and we hear that there was an arrangement by which Patrick Staunton was to receive £1 per week to supply deceased with food. It is proved that he had plenty of food, and had a well-kept table for his own family. We hear that at the beginning Mrs. Harriet Staunton was in the habit of taking her meals at the same table with them, and that even when she was

[9] 2 Carrington and Keen, 903. The Mannings were executed for the murder of Patrick O'Connor on 13th November, 1849. See "Dictionary of National Biography," xxxvi. 69.

[10] Digest of the Criminal Law, Article 30.

Mr. Straight practically in confinement in the back room her meals were taken up to her by Mrs. Patrick Staunton. But though the deceased got some food it was not sufficient. There is not the slightest evidence to show that there was any refusal on the part of Patrick Staunton to allow his wife to supply the food if she thought proper to do so. The evidence is, in fact, all the other way. Therefore, if the deceased did not get sufficient food, it was the fault of Mrs. Patrick Staunton, and, it may be, of Mr. Patrick Staunton too. As regards the third proposition, that the count cannot stand which charges Mrs. Patrick Staunton with being accessory after the fact to the murder by her husband, I will not contend that there is any evidence against Mrs. Patrick Staunton on that count; but there is another count which charges Louis Staunton with having committed the murder, and Mrs. Patrick Staunton and the others with being accessory after the fact. On that count I contend Mrs. Patrick Staunton might be found guilty.

Mr. Justice Hawkins—I am clearly of opinion that there is evidence against Mrs. Patrick Staunton to go to the jury. Perhaps it is better I should say no more.

Mr. Gye—I have to ask your lordship whether you think there is any evidence to go to the jury on the charge of murder against Alice Rhodes?

Mr. Justice Hawkins—I will look through the evidence. I cannot at present say that I think there is nothing to go to the jury, but it will be better that I should not discuss the matter now.

Mr. Gye—Does your lordship say the same with regard to the charge of manslaughter?

Mr. Justice Hawkins—The best thing, Mr. Gye, will be for you to address the jury on behalf of your client, and when I sum up I will direct the jury in the way in which I think right.

It being now nearly five o'clock, the Court adjourned.

Fifth Day—Monday, 24th September, 1877.

The proceedings commenced at ten o'clock.

Mr. Straight

Mr. STRAIGHT—Before my learned friend begins his defence for Louis Staunton, I should like to put one or two questions to Clara Brown, my lord.

Mr. JUSTICE HAWKINS—Certainly.

Mr. WILLIAMS—Will your lordship please hand me down the letters?

Mr. JUSTICE HAWKINS—Yes. I may as well tell Mr. Gye now that I have gone through the notes—not that I had any doubt on the point—and my intention is to leave the case as against all the prisoners on the first count (that of wilful murder). I say nothing about the second count, as it is not necessary.

Mr. GYE—If your lordship pleases.

Mr. JUSTICE HAWKINS—I do not say I shall not leave it on the second, third, or fourth counts, but it is sufficient for your purpose that I shall leave the case to the jury on the larger count.

Clara Brown

At the request of Mr. Straight CLARA BROWN was recalled.

Mr. STRAIGHT—During the time you were at the Woodlands, did you know Patrick to strike his wife in rage?

WITNESS—Yes.

Mr. JUSTICE HAWKINS—Any other questions?

Mr. STRAIGHT—No, my lord.

Mr. JUSTICE HAWKINS—There is a point I want cleared up. It does not appear, Mr. Attorney, at present what the size of this village of Cudham is, or how far Patrick's house was from the village itself.

The ATTORNEY-GENERAL—I don't think it is in evidence that there is any village at Cudham.

Mr. JUSTICE HAWKINS (*To Witness*)—Is there any village?

WITNESS—There are two shops in the village.

How far are they from this place?—About a mile.

Is there any other house except Portlands within a mile—and, of course, Little Grays?—There is one house between Patrick's and Portlands.

Who occupies that?—I don't know.

But Cudham itself is a mile off?—Yes.

It is a small village?—Yes.

Can you give me any evidence which will enable me to say when it was that the deceased lady finally went to stay at Cudham?—At the beginning of August.

Clara Brown Did she ever, to your knowledge, go to the Little Grays farm?—No, sir.

I don't mean to live, but did she ever go there?—No.

The Attorney-General—The witness says Mrs. Harriet went to live at Cudham about the beginning of August. There is a letter in which it is said, "She will come down——"

Mr. Justice Hawkins—There is a postmark on one letter of "Aug. 1," and there are two[1] letters of the deceased which are written in August.

The Attorney-General—The letter dated "2nd Aug." says, "When you come down, come without Harriet."

Mr. Justice Hawkins—I don't think that I have any distinct evidence when she came down. I should like to have it if it can be proved.

The Attorney-General—I should like to get it. We have done our best, but we cannot fix it.

Mr. Straight—That is the date, my lord, which I have been trying to get from the witnesses.

Mr. Williams—We'll take it that it was in the month of August.

Mr. Justice Hawkins—Then, by general consent, no one is going to contradict in saying that it was in August.

Mr. Williams—No, my lord.

Mr. Justice Hawkins—The witness may be mistaken in saying that it was at the beginning of August. I also want to know—exactly if I can—when Patrick and his wife went to Cudham.

Witness—In 1875, I think.

You gave us about November?—Yes.

Mr. Justice Hawkins—It must be in 1875, because the marriage was in 1875, and when Louis Staunton took his wife to Loughborough Park Patrick was living there.

Mr. Williams—It was in 1875, my lord.

Mr. Justice Hawkins—Before Harriet Staunton came eventually to stay at the Woodlands, how often had she been down there, whether for one or two days or for longer periods? You say she came there sometimes from the Saturday to the Monday.

Witness—Yes.

How often do you say she came there altogether?—About four times.

What was the greatest length of time she stayed?—From Saturday to Monday.

I thought you said a longer time once?—Yes, once she stayed a week.

[1] This is a mistake; there was only one letter of Harriet Staunton's, that given on p. 50.

How often during that time did Alice Rhodes come down?— Clara Brown
She came down with them.

With them?—Yes.

Was she there when the hat and cloak were locked up?—I believe she was; but I am not quite sure.

The baby never left the Woodlands from the time it was brought down first of all until it was taken to the hospital?—No.

It never went back home?—No.

Did you see it every day?—Yes.

How long before it was taken to the hospital had it been ill?—The Thursday before, I think.

Do you know, from anything you heard from Louis Staunton or Mr. and Mrs. Patrick Staunton, when it was that Louis first went to Gipsy Hill?—No, sir.

Mr. JUSTICE HAWKINS—I suppose nobody can tell me that?

The ATTORNEY-GENERAL—Somebody gave it about May, my lord. I may mention that there is a letter dated 31st August which shows that the deceased was then at the Woodlands. It was from Louis to his brother. He says, "I feel very sorry Harriet should have given you so much trouble. What to do with her I don't know. I told them down home that she came back last Saturday; so if you go you will know what to say."

Mr. JUSTICE HAWKINS—A previous letter of 28th August says she was there. After the 31st she was never resident in any other place—that is agreed.

The ATTORNEY-GENERAL—I don't know that she was.

CLARA BROWN then left the box, and counsel proceeded to address the Court in defence.

Mr. WILLIAMS—May it please you, my lord, gentlemen of the jury, the case, so far as the prosecution is concerned, is closed. It is my duty to address you on behalf of Louis Staunton, who is charged with the wilful murder of his own wife. If the theory of murder can be substantiated, a crime as terrible in conception, as repulsive in detail, as slowly consummated as any that has ever been heard of in this country or any other civilised community has been committed. The learned Attorney-General, in opening the case, placed three propositions before you, and I don't think I can do better than follow him if his view of the law will be left to you by my lord. The learned Attorney-General says, "If you believe that Mrs. Harriet Staunton was sent to Patrick Staunton's house with the intention that she should be so neglected and stinted of the necessaries of life that her death should be caused, that is murder, and the aiders and abettors are equally guilty." Mr. Williams

Mr. JUSTICE HAWKINS—If she were sent there with the intent, or if whilst there the intention arose, it would be murder.

Mr. WILLIAMS—Yes, if, while there, there was a criminal combination between the prisoners.

Mr. Williams

Mr. JUSTICE HAWKINS—Or without a combination, if with the knowledge of what was going on, the other prisoners—any of them—aided and assisted in bringing about that end.

Mr. WILLIAMS—Yes, the aiders and abettors would be equally culpable with the principals. But my learned friend the Attorney-General said also that, supposing this was a case of negligence on the part of those whose duty it was to supply Harriet Staunton with the necessaries of life, they would be guilty of manslaughter. In addition, he said, if you think that the removal from Cudham to Penge upon the Thursday accelerated her death that also would be manslaughter.

The ATTORNEY-GENERAL—It might be murder.

Mr. JUSTICE HAWKINS—Yes; it might be murder if, when she was removed to Penge, she was in such a state that those about her must have been aware what the danger to her life, having regard to her then condition, was. Notwithstanding that danger, if they removed her, and death was caused or accelerated, that also would be murder. I would not have interrupted you, but you were stating what you suppose I shall put to the jury.

The ATTORNEY-GENERAL—I am bound to say that in opening the case I attached too little importance to the removal. I want to say that if the persons who removed Mrs. Harriet Staunton knew that the removal would probably cause her death they would be guilty of murder; if it was mere negligence, and they did not know, they would be guilty of manslaughter.

Mr. WILLIAMS—I think we understand each other, as far as the Attorney-General and myself are concerned, and I think now, gentlemen, you understand the propositions. Having reviewed them, I must beg and entreat of you to obliterate from your minds, and entirely efface from them as far as you possibly can, what I will term the adulterous episode in this case. I think I am justified upon the highest possible ground in asking you to do so. I shall ask you to compare the law, which you are called upon to aid in administering, with that law upon which every statute has been based in every country where the light of Christianity has spread. It has been written, "Thou shalt not commit adultery." It has also been written, "Thou shalt do no murder." You, as a mortal tribunal, are permitted to deal with the one, but you are not permitted to deal with the other. You are to-day sitting in judgment as to facts upon the one. My lord would be called upon to administer punishment with regard to one, but with regard to the other you have no right to deal with it, and my lord, although he is clothed with the majesty of the law, has no power to punish it. I have the highest authority in asking you, in this terrible hour, to efface from your minds the horror and disgust you must feel at the con-



Mr. Montagu Williams.

Mr. Williams or not. She has lost that child, and it very often happens where there has not been that affection in life between those who are bound to one another, that the loss, when it comes upon them, is more heavily felt. But I think I may say that we have it proved to demonstration that Mrs. Butterfield was very adverse to the marriage from the first, and in order to stop that marriage she endeavoured to do that which would be the last thing a mother would do to her child—she endeavoured to make her out a lunatic. She says the lunacy proceedings were not taken in her name, but in that of her son, who, however, represented her. She makes affidavit that the deceased was her child by her first husband, that the deceased had a brother Archibald, and two sisters, Mrs. Casabianca and Miss Jane Cecilia Richardson, and that the deceased was entitled to one-fifth of the residuary estate of Eleanor Lady Rivers. Mrs. Butterfield adds that her daughter was of weak intellect, that she had a running of saliva from the mouth until recently, that before she was engaged to be married she was quiet and harmless, but that when she endeavoured to reason with her on the subject of her marriage she became very violent, and had even threatened to kill her. We have the proof that she was a woman of violent temper, which may to some extent explain the letters written by Louis Staunton to his brother Patrick. The first begins "My dear Bay," and refers to the temper of his wife, and that they were not living happily together. Before the marriage it is clear she had not seen her daughter for something like twelve months. On 16th June the marriage took place, and on 7th July Mrs. Butterfield comes down to Loughborough Park. She had not seen her daughter for a considerable period; she had resisted the marriage; she stays, having come from a distance, for only ten minutes, and yet she would have you believe that they were perfectly friendly, and that the visit was such as a mother would pay to her lately married daughter. What reason can there be for thinking so? Gentlemen, I leave you to draw your own conclusions. There is a proverbial suspicion about mothers-in-law. Very wrongly, certainly, in many cases, but it exists. What is the conduct of Mrs. Butterfield? The first thing she says is, "You have got no servant." Paraphrase that, and what does it mean? "You have married my daughter against my consent, and the very first thing I see is that she has not a servant to wait upon her." The next observation is that the room is not furnished. The mother and daughter go upstairs before going to the railway station. "The room is not furnished," she says. Can you doubt that in the walk back from the railway station, to which the husband and wife had accompanied her, he would say that he would not have the mother come down there again. Is that

human nature, or is it not? You do not hear again of Mrs. Butterfield until September, 1876,[6] when she was making certain inquiries about her daughter. You have the letters of 4th and 10th April, written by Louis Staunton to Mr. Butterfield, daring him, which is the very last thing that a man would be likely to do under such circumstances— Mr. Williams

Little Grays Farm,
Cudham, Kent, April 4, 1877.

Mr. Butterfield—I have received a communication from Mr. Hincksman to the effect that you have written to him as to the whereabouts of my wife—a matter which is no business of his, and an amount of impudence on your part—and your further remarks about Mr. Hincksman's step-daughter. I am surprised that you, as a clergyman of the Church of England, should assert such a thing without a foundation, and you must remember at the same time an assertion of that sort is actionable; and, as regards you making a public investigation of the matter you speak of, you'r perfectly at liberty to do so, I being only too pleased to defend the matter, and have an opportunity of exposing the disgraceful way your wife has acted, particularly the last time she came to my house. I have further to state, if she still continues to annoy me or any one else on my business I will spare no expense in stopping her so doing, as this continued annoyance I am quite determined to tolerate no longer. After the way she has acted my wife will not, nor would I allow her to see her, under any circumstances. As regards your statement about calling on Mr. Hincksman's superior officer, I might remind you that you also have a superior officer and it would be equally as easy a matter to communicate with your Bishop. In conclusion I might add, had there been a policeman at hand the last time your wife came here I certainly would have given her in charge, which I assuredly will do should she again pay me another visit.—Yours, etc., LOUIS STAUNTON.

Then comes the one of 10th April, actually written within three days of his wife's death—

Little Grays Farm,
Cudham, Kent, April 10, 1877.

Mr. Butterfield. Sir—Unless I receive an apology from you by Monday next for the base accusations you have made against me, I will at once communicate with your Bishop, and lay the whole facts before him; and furthermore, will instruct my solicitor to commence an action against you to make you prove your diabolical statements, and you may rest assured I shall spare no time, trouble, or expense in the matter. Trusting, however, you will see the prudence of sending me a written apology.

I am, Sir, yours, etc., LOUIS STAUNTON.

The directions on the notepaper are printed, "Little Grays Farm, Cudham, Kent."

Mr. JUSTICE HAWKINS—In reading those two letters I thought the first refers to a different subject from the second—that the first refers to the inquiries being made about the whereabouts

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6 This must be a mistake for January, 1877.

Mr. Williams of Harriet Staunton, and the second has reference to Alice Rhodes.

Mr. WILLIAMS—There is no doubt of that. They were living in open adultery, but, as far as the family was concerned, he wished to conceal it.

Mr. JUSTICE HAWKINS—That is the letter wherein he refers to the intimacy.

Mr. WILLIAMS—I have no doubt that did refer to the intimacy; but, after all, it is only a matter of conjecture.

I have now finished with Mrs. Butterfield's evidence. The next step in the evidence presented by the prosecution was that given by the Penge witnesses—George Cakebread, Robert Marsh, James Hepplethwaite, the cab-driver, and the others—but all they speak to is the state of the unfortunate woman, and none of them said a word about it until after inquiries were made, so that until then they saw nothing remarkable or suspicious about it. I therefore pass on to the evidence of Mrs. Chalklin, the wife of a cab proprietor, who let lodgings at 34 Forbes Road, and she says that on 12th April Louis Staunton came to inquire for lodgings. Was there any concealment attempted? None whatever. He gave his correct name and address, a fact pregnant with meaning when taken in connection with other parts of the case. Afterwards, in like manner, a medical man is sought out by Louis and Mrs. Patrick. There was the same absence of concealment. The medical man, Dr. Longrigg, took charge of the patient, and then followed the conversation about Dr. Creasey. It is alleged, on the part of the prosecution, that there was an attempt made to impose upon him a deliberately false statement that the patient was attended by Dr. Creasey; but the account given of the matter by the prisoners was the most natural. Dr. Longrigg did not inquire who had been attending the woman, but "Who is your medical man?" and the answer was, "Dr. Creasey," the medical man who had attended Mrs. Patrick and her children; and they never alleged that he had been attending this particular patient. There was nothing to confirm Dr. Longrigg's memory on this point, as he never entered anything except once, and that was in a pocket-book, which he managed to lose. Then, again, in the conversation with Mrs. Chalklin, statements were made, and correctly made, as to the relationship of all the parties. Alice Rhodes was stated to be the sister of Mrs. Patrick Staunton, and Mrs. Patrick to be the sister-in-law of Louis Staunton. From the time when at first they gave a card with their correct address to Mrs. Chalklin everything as to the relationship and addresses of all the parties was given with perfect truthfulness. On the 12th they went for the doctor twice, and on those occasions the doctor was out. It was not to be suggested that doctors

were not to go out sometimes to amuse themselves. On this occasion the doctor had gone to a supper party, and he did not return till a late hour—too late, he thought, to see the patient, who, he imagined, would by that time have been seen by some other doctor. It would have been better if he had imagined nothing of the kind, but had gone to her at once. When he did see her the next morning she was *in extremis*. Then we have the certificate of death, and this, in spite of the alleged filthy state of the woman and the vermin in her hair, was death from natural causes. There was no word of starvation. It was, in the first instance, a cerebral disease, and, secondly, apoplexy. A medical certificate of the cause of death must in all cases be given before the ground can be opened to receive the body, and who can doubt but that the certificate of Dr. Longrigg was an honest certificate? When he gave it he knew the state of this woman's body, both with regard to dirt and vermin in her hair, and it was a certificate of death from natural causes. Another question is, when did the doctors first think of starvation? Dr. Longrigg, Dr. Bright, Mr. Wilkinson, and Mr. Pigott, every one of them treated this case as one of poison. I say they may have had a notion of starvation, but they had a strong opinion at that time that the deceased woman met her death from poison, and hence the contents of the stomach were sent to Dr. Rodgers for analysis. So much for the Penge part of the evidence of Dr. Longrigg. Next, there is the nurse, and, again, there is no concealment from her. Then comes the undertaker, who was openly asked for. There is, I say, an absence in any shape, form, or way, of all concealment whatever. When the difficulty arose as to the funeral, Louis Staunton was quite ready to put it off for a day or two. It may be suggested that he could not help himself. But when a man is being tried for his life do not take everything against him, and I am sure you will not. Now, why do I call your attention to the absence of anything like concealment at Penge? It is for this reason, if this lady was to die, and if they knew she would die, and if they had schemed and plotted and contrived to bring about her death, why bring her to Penge? I am reminded, with regard to the nurse and undertaker, that Louis Staunton left word that if any one wished to see the body they were to be allowed to do so. Indeed, there was the very reverse of any concealment at Penge. If these persons intended to kill this poor woman, the one object of coming to Penge must have been concealment; but they did not conceal anything. With the exception of that question about Dr. Creasey, they truthfully told the names of the parties. You know they were not bound to go to Dr. Creasey. There were other medical men in the neighbourhood.

Mr. Williams

Mr. Williams

Mr. JUSTICE HAWKINS—There were several medical men in the different villages within 5 miles off.

Mr. WILLIAMS—Under any circumstances a doctor must have been procured, for they could not have buried the body without a medical certificate. I ask, why did they move her unless their version of the transaction is a true one? I want to meet everything, and it may be said the intimacy with Alice Rhodes was the reason, but that is an untenable proposition. That cannot have been the reason, for Louis Staunton knew that Mrs. Butterfield was making inquiries, and only as late as 4th April he had written to her. He must have known that sooner or later his position with Alice Rhodes must have been discovered. Now, what do the prisoners say as to the reason for the removal? I will not give you what they said to the coroner or the magistrates, but what they said to Mr. Longrigg and the landlady at Penge. It was because Louis Staunton knew Penge, because he knew there were good medical men there, and he thought it better to bring her nearer to London. That is the statement they made at the time they go to Penge, and I ask you to reject the theory of the Crown that they went there for concealment—yet concealed nothing—but to believe that, getting frightened, Louis Staunton took his wife to Penge for the purpose of getting—unfortunately, too late, unhappily, too late—better medical advice. I say that from first to last there was absence of anything like concealment, and I say that the theory of the prosecution tumbles to pieces before the statement of the accused. But I take a higher ground, and say that in regard to the theory of the Crown and the statement of the prisoners, you are bound to adopt the statement of the prisoners. I have now dealt with the evidence at Penge, save as to the state of the body. There is no doubt this poor wretched creature was in a most dreadful state; no doubt, to a certain extent, she had been neglected. Who is responsible for that you will have to decide. Don't forget that Louis Staunton, although living away from his wife, and living disgracefully, I admit, was paying a sum of £1 a week for the proper maintenance of his wife. I know that, in a view my lord takes, it was not sufficient to pay £1 a week. He did not see his wife very often, but when he did see her in April, and saw the state she was in, he caused her removal, no doubt in a fright and hurry. This is important, because it then becomes an act of mere negligence, and reduces the crime to manslaughter. There is no doubt as to the state the body was in. How did she get into that state? She had been declared by her mother to have been of weak intellect, and there is no doubt that she was to a certain extent of weak intellect. What preys upon a weak intellect most? The knowledge that persons are trying to make the patients out

mad. That might have been the reason for keeping to her room. If this preyed on her mind, naturally the mind got weaker, and hence, as she was not properly looked after, the state of her hair. As to the vermin, where there is wasting, not only after death, but during life, vermin breed, and breed to a very alarming extent. She could not have been till very lately before her death in a state of vermin, because we have it that Clara Brown slept in the same room, if not in the same bed. Mr. Williams

Mr. Justice Hawkins—Not in the same bed.

Mr. Williams—The child slept in the same bed.

Mr. Justice Hawkins—Clara Brown said that Patrick's child slept with her, and Mrs. Harriet's child in a bassinette.

Mr. Williams—The vermin could not have been there to any great extent before the removal to Penge, because there is Clara Brown sleeping in the same room. There is not a suggestion that Mrs. Patrick Staunton, unless she had been a fiend, would allow her child to be in the same room with a woman swarming with vermin. With regard to the absolute ill-treatment, the violence of Patrick Staunton—and I think, on one occasion, of Louis Staunton—upon this unfortunate woman, you have no absolute evidence—there is but the evidence of one person. You have the state of the body; you have the fact that the woman originally, according to mere guesswork, weighed 8 or 9 stones in all, and that she decreased one-half in weight. We say that is consistent with disease. But, beyond that fact, what evidence have you in corroboration of Clara Brown, who I will show you, and prove to you, is utterly, upon her own statement, unworthy of belief? Yes, you have a particle of evidence as to a mark in the face; and I want to call your attention particularly to that evidence—the evidence of Mr. Keene—and I also want to call your attention particularly to the dates. We have it in corroboration—I presume it is placed before you as corroboration—that upon 23rd October there was a mark upon this lady's face at the time she went up to Mr. Keene's, the solicitor.

The Attorney-General—It was the 17th.

Mr. Williams—Either upon the 17th or 23rd. I am much obliged to the learned Attorney-General. This visit is made to Mr. Keene, and it is a most remarkable date. I think it was upon the second occasion, the 23rd. If it was upon the 17th it does away with the theoretical evidence—because it is only theoretical—of the man that was walking near the wood and heard the shriek of a woman on the 22nd. It would be utterly unsafe to rely upon that, because we do not know what persons were in the wood, or what they were doing in the wood; and it is only upon speculation you can connect the prisoners at the bar with any violence to the deceased on

Mr. Williams that day. On the 17th or 23rd we find Mrs. Staunton having an interview—with whom? Her own family solicitor. She came up to consult him—for what purpose? For the purpose of signing certain papers relating to the selling of her reversion.

Mr. Justice Hawkins—I think you are in error in saying it was her own family solicitor. I think it was Louis Staunton's.

Mr. Williams—I think that is not so.

The Attorney-General—He had been her solicitor when she was Miss Richardson.

Mr. Williams—I believe he had acted generally for both parties.

Mr. Justice Hawkins—Yes.

Mr. Williams—But on the 17th or the 23rd we have these visits, with this mark on her face; and yet, although she sees Mr. Keene, there is not one single word of complaint of any sort or description. That brings me to the evidence of Clara Brown. Now, what was Clara Brown's account of herself? I will take that first of all. Of course, it may be said she was very young. So is Louis Staunton; he is only twenty-four. Alice Rhodes is only twenty. But I think Clara Brown is as self-possessed a young person as you or I ever saw. She was not a person likely to be terrified, coerced, or frightened. And yet, what is the story she tells? Why, if her story be true, she is an accomplice. Putting the adultery on one side, she is far worse than any Alice Rhodes, because Alice Rhodes, save and except as a visitor, was not in the house. What is this girl's statement about herself? "I was a free agent. I was able to go out to the tradesmen. No control was ever put upon my movements. I went where I pleased, how I pleased, when I pleased, as far as consistent with my duties as a menial. I used to go out and see people, and yet I, knowing that these people were confining this poor semi-imbecile, for the purpose of compassing her death, never said anything about it." There is no doubt about that, and she must therefore have lent herself to it. I suppose she could write, but she never takes such trouble, and, even in a case like this, she never wrote a single line to protest against it. On the contrary, we find her on Christmas Day, when the two young women came to the door, saying, "Go back, ma'am," and shutting the door upon her. Then there is the lost letter. This, she says, is the effect of it—

> My own Darling—I was very sorry to see you cry so when I left you. It seems as though it never would be; but there will be a time when Harriet will be out of the way, and we shall be happy together. Dear Alice, you must know how much I love you by this time; we have been together two years now.

She says that the construction she put upon the words that

"Harriet will be out of the way" was that Harriet would be deprived of her life. Yet, with that knowledge, she never mentions the matter to a single soul. The first proposition is, whether her account of the letter is a true one. Were these words in the letter? She says that what she said before the coroner was false. She makes statements on 29th May and on 8th, 20th, 23rd, and 27th June, and it is not till 27th June that she makes mention of this letter. She has not the excuse that the prisoners urged her to conceal the letter. They had been taken into custody. Up to that time she had not said a word, so far as we know, as to the contents of that letter, and, with such a lying girl, are you of opinion that the words were in the letter at all? This man's life under this indictment is dependent to a great extent on the amount of credibility you give to the witness. Did the words exist? You have it that a letter had been lost, about the recovery of which Alice Rhodes was anxious. That might be, and yet such words might not be in the letter. If at that time Harriet Staunton was at Woodlands, if that letter referred to illicit intercourse between Alice Rhodes and Louis Staunton, they would be most anxious for its recovery. Supposing the words were correct, do they necessarily bear the interpretation that there was a suggestion and plot at that time to deprive Harriet Staunton of her life? Most certainly not. You must remember the dates again. At that time there was no Little Grays farm, because it was not till Michaelmas that it was taken. It is quite clear that Mrs. Harriet Staunton, to have found the letter, must have been present in the place where the letter might have been dropped. At that time Alice Rhodes was at Woodlands, because the letter alluding to the lost letter is dated Woodlands. Here is the letter which refers to the lost letter— Mr. Williams

Woodlands; Saturday morning.

My dearest Louis—I was extremely thankful to have a letter from you yesterday, as you must know it is extremely dull for me here, and baby is so very fretful. I have searched high and low for the lost letter and cannot find it, and I am sure Harriet has not got it. So where it can be I cannot tell. Come down to me as soon as you can, if only for a few hours, for you cannot think how happy it will make me to see your dear old face again. With fondest love, trusting to see you soon, I remain your affectionate ALICE.

Though absence parts us for a while,
And distance rolls between:
Believe, whoever may revile,
I'm still what I have been.

About the lost letter itself Clara Brown tells a parcel of lies. First of all, she says it was in her pocket when Alice Rhodes questioned her about it, and next she says that she told her

Mr. Williams she had burnt it. If the statements of Clara Brown are to be believed, this poor woman was kept without food for days at a time; she was struck by Patrick Staunton; she was kept prisoner in a very miserable state in the room she occupied; and, in point of fact, the deceased was systematically ill-treated and systematically starved to death. Let us see if she is to be believed. I will not take up your time by going over all her evidence.

Mr. Justice Hawkins—Pray do not curtail any observations you may consider necessary; do not consider time for a single moment. I shall be willing, and I am sure the jury will, to hear all you wish to say.

The jury expressed their assent.

Mr. Williams—Thank you, my lord. Now, this is what took place before the coroner (reading)—"Are you related to Mrs. P. Staunton?—Yes, I am her cousin."

Mr. Justice Hawkins—The depositions before me—those of the coroner—are not in the form of question and answer.

Mr. Williams—I have only the shorthand notes. Will your lordship lend me the coroner's depositions?

Mr. Justice Hawkins (handing them down)—Certainly. I only mentioned the matter because the shorthand notes are not in evidence, and they must be proved.

Mr. Williams then proceeded in detail to quote the evidence of Clara Brown from the coroner's depositions, pointing out various contradictions. The learned counsel continued—

Can you believe her evidence? The Attorney-General told you not to rely upon it unless it was corroborated orally or by some fact bearing upon it. In the statement before the coroner she said that Alice Rhodes passed as Mrs. Louis Staunton, and insinuated that even while at Loughborough Park there was an adulterous intercourse between them. And she actually now has said the same thing in the witness-box. But what is the evidence to support it? No more than that a nightdress was found in a drawer in the room in which Louis Staunton slept. My lord put the question whether any other articles of her dress were found there, and she did not remember. I do not complain of the matter being improperly brought into the case, but it is calculated to prejudice the jury in coming to a decision. I felt this, and therefore asked if there was a chest of drawers in the room in which Alice Rhodes slept, and it turned out that it was the only one in the house, and her clothes, if in a drawer at all, could be nowhere else. I thank my lord very much for giving me these depositions. She is asked all kinds of questions, and she answers. She says she was inspired in her statements by the prisoners. How could her replies have been suggested in anticipation? In a question affecting the life of a fellow-creature, can you for one moment



Mr. C. W. Mathews.

entertain as truthful the evidence which she has given in this Court? The prisoners must have had a wonderful intuition if they could have anticipated the questions which would be put by the coroner. I humbly and confidently submit that you cannot believe her, because, in addition to the two statements she has made, she has made other statements which she has kept until the last. I wonder whether she had seen the letter about the lost letter before she mentioned it? What do you think? She was having conversations with Sergeant Bateman, and, of course, he had the letter referring to the lost letter in his possession. I think we may speculate it was not until she had heard of that letter that she thought of making the statement she has done about it, especially when you take into consideration that she has made four or five different statements at various times. If she was unworthy of belief in the statements she made before the coroner, I say she is doubly unworthy of belief in the statements she has since made, and I hope I have successfully proved to you that she is a most unreliable witness, and a witness whom you would not be warranted in believing in such a serious matter as this. I do not care whether she told the coroner that her statement was untrue or not, but it is well you should remember she swore to it and signed the deposition. Mr. Williams

Now, the other evidence which has been adduced is that of a number of persons from the neighbourhood of Cudham, and I will call it the Cudham evidence. There is the evidence of Quested and Hollands, the policemen; of Tucker, who watched the Woodlands after Mrs. Butterfield first began to make inquiries; and all the evidence is this, that at that time they saw no Mrs. Harriet Staunton. Now, if my theory is correct, the reason why they saw no Mrs. Harriet Staunton was not because of her absolute confinement, but because of her disinclination and inability to go out. The belief that insanity was growing upon her, and the fear of being locked up, was sufficient to keep her within the house in seclusion, moping and brooding over her wretched state. As to the evidence of the gamekeeper, that he heard the cry of a female on one occasion, I do not think much importance is to be attached to that, because Mrs. Harriet Staunton saw her solicitor, Mr. Keene, next day, and she made no complaint to him of having been ill-used, or any violence having been used to her. The evidence of Longridge and Wetherley I do not think is important, and, after you have the butcher and baker, I think you have exhausted all the Cudham evidence, the purport of their evidence being that no such person as Mrs. Harriet Staunton was visible; but that, on the part of the prisoners, is not denied.

I have not attempted to deal with the medical evidence in

Mr. Williams this case. Mr. Clarke did so in cross-examination, but I may say that I believe certain medical testimony will be called before you to prove that deceased may have died from natural disease. The cross-examination of the medical evidence was put in two views. The first was that she died from natural causes, such as diabetes, Addison's disease, or tubercular meningitis, while the other view is that she was labouring from some natural complaint at the time her death is alleged to have been accelerated by her removal to Penge. Of course, if you are of opinion that there was no acceleration of death by any act of the prisoners, they are entitled to be acquitted. If, on the other hand, you are of opinion that death was accelerated by any act of the prisoners—wilfully accelerated—you have been told what your duty is as to the verdict you will have to pronounce. I am addressing you more as to the quality of the offence than anything else, and I hope I have made myself intelligible. You are asked on the first count to find the whole of the prisoners, or any one of them, guilty of murder, while you are also invited to find them guilty of manslaughter, and my observations are addressed to you in view of the latter, and I do not wish to be misunderstood in any way.

Now, there is another portion of the evidence, which, although it has no direct bearing upon this case, which is an inquiry into the death of Mrs. Harriet Staunton and nobody else, has been referred to—I allude to the death of the child. The evidence about the child has no bearing on this case, except so far as it affects the death of the mother. Now, the evidence respecting the child is by Dr. Coley, by the nurse, Sister Mary, and by the undertaker. With regard to Dr. Coley, he says he was the person who received the child, and that it was brought by Mrs. Patrick Staunton. A right name was given for the child, although it was spelled wrongly, being spelled "Stormton" instead of Staunton. Well, that fact ought not to weigh against the prisoners, and I will tell you why. Because they gave the right address of Little Grays farm, Cudham, and whether the name was spelled one way or the other, the fact of their giving the right address was sufficient, because they would be sure to be found there in case of inquiry. Therefore neither you nor anybody else, I am sure, will attach any importance to the fact that the name was spelled wrongly. Dr. Coley says the child was in a very bad state, and clothes were necessary. Well, next day Patrick Staunton arrives at the hospital with a parcel—which it is fair to assume contained clothes—when he learns that the child is dead. Therefore, we have a right name given to the child where there was no occasion to give a right name at all. Then there is a right address given where, if concealment was sought, a right address would not have been given. Louis Staunton's father had

been in Guy's Hospital, and therefore he would probably know what the rules were with regard to the admission of patients, and he would tell Mr. and Mrs. Patrick Staunton to do as they did, namely, give the right name and address. I am making these remarks in view of any suggestion that the child was improperly treated. As to the undertaker, there is no doubt lies were told to him, if his evidence be true. Mr. Williams

Mr. Justice Hawkins—With regard to the child, there is evidence that Louis Staunton went to the hospital, but did not go in.

Mr. Williams—Thank you, my lord. I did not omit that fact purposely, but I overlooked it.

Mr. Justice Hawkins—I am quite sure you did not omit it intentionally. That is why I reminded you of it.

Mr. Williams—Well, no doubt, as I have just said, lies were told to the undertaker, it being told him that the father of the child was called Thomas Harris, and that he was a carpenter. But you must remember that people, with a view to save money, will sometimes do extraordinary things, and probably this was done with a view to reduce the expenses of the funeral, or for some other reason at which I cannot arrive, but I do not think you will attach very much importance to it. Well, then, there is the evidence of Sergeant Bateman. He was asked whether he did not threaten the girl Clara Brown that she would be taken to prison if she did not make a different statement.

Mr. Justice Hawkins—The statement that the name of the father of the child was Thomas Harris, and that he was a carpenter, was not made by your client, Louis Staunton; it was made by Mrs. Patrick Staunton.

Mr. Williams—I am obliged to your lordship for reminding me of that fact. Well, I was referring to Bateman's evidence. He admits that he told Clara Brown she might get into trouble. We now find that the girl is living down at Penge, and that she was taken there by Sergeant Bateman. She must be somewhere, and I do not attach too much importance to the fact that she has been living at Penge. It seems most natural that the place where the policeman himself lives should be the place to take the girl, so as to have her under his eye.

Now, gentlemen, I have dealt with all the matters as far as in my power lies, in this, believe me, very onerous case. The duty I have had to discharge is one of the most onerous I have ever had during the fifteen or sixteen years I have been in this profession. I have endeavoured to call your attention to the principal parts of the evidence, and I have endeavoured to wrestle, and, I hope, sometimes successfully, with the theories which have been placed before you by the Attorney-General on the part of the prosecution; and when I have done addressing you I shall have this satisfaction—and it is the only one—that

Mr. Williams I have done so in discharge of my duty, and to the best of my very humble ability. My learned friends will have something to say for their respective clients, and the learned Attorney-General will then reply on the whole case. He is entitled to that reply, although we called no evidence whatever, by virtue of the high office he now fills, and I am quite sure that I speak with the concurrence of my learned friends when I say that he will discharge that duty conscientiously, and those who know, not only him professionally, but the goodness of his heart and the kindness of his disposition, will know full well that in the discharge of that duty he will say no word in exaggeration, and he will stretch no fact in aggravation. You will then hear the law as you are bound to take it from his lordship, and the summary of the evidence. Gentlemen, it seems almost unnecessary to remind you that the solemn, the most solemn responsibility of all will then devolve upon you, because if you are of opinion that one, or more than one, of these wretched prisoners is accountable for the death of that unhappy woman, it will be for you to say with regard to my client—and I will deal with him alone—with regard to the husband of the wretched woman who is no more; whether at the age of twenty-four—only a very small portion of the time, we are told, which is ordinarily allotted to men—he shall suffer a violent and ignominious death, shall be hurried into the presence of his Maker with that adulterous sin full heavy upon him; or whether, in years to come, when more matured by age and more wise in his generation, he shall have time to repent, and bitterly repent, the terrible offence that I, as his advocate, am bound to admit he has committed. Gentlemen, in choosing the alternative that you will have to take, if you think he is criminally responsible at all, I can only pray, in conclusion, that you may be assisted by a higher Power to whom this, which has been termed "the Penge mystery," has never been any mystery at all—that you may be assisted to come to a true and righteous conclusion.

Mr. Straight Mr. STRAIGHT then proceeded to address the jury on behalf of Mrs. Patrick Staunton.

My learned friend, Mr. Williams, at the close of his observations has referred to the anxiety and responsibility in regard to the duty which rests upon his shoulders in defending Louis Staunton. I may say, as far as I am concerned, and the other learned counsel associated with me in this defence, that we realise and recognise the importance and the difficulty of the task which is entrusted to us in this most momentous trial. Gentlemen, forgive me if I repeat what you have kindly said—that no time can be unreasonably occupied in the addressing of observations to you on behalf of the prisoners; and forgive me also if, in com-

mencing the remarks I have to make to you on behalf of Elizabeth Ann Staunton, I utter some words of warning to myself and yourselves in respect to the discharge of the duties which severally fall upon us. There can be no question that this case is one which has attracted much public attention in the public Press, has been the subject of conversation and comment, and has had drawn to it certain sensational aspects of which it ought to be stripped, now that we are in a Court of justice. Whether it is to the advantage or disadvantage of the public in these days of rapid and accurate reporting—in these days of a large newspaper Press, when every occurrence is transmitted to every centre where the journals circulate, and is made the subject of notoriety and comment among all classes—I will not say; but cases of this description provoke feeling, and sensational headings are put to them in the public Press, and people very often form hasty and inconsiderate conclusions, partly because they allow their sentiments to get the better of their judgment, and partly because they do not read all the evidence which is published. It would be idle to conceal from you the fact, because it is beyond controversy, that to you twelve gentlemen, ratepayers of the city of London, has been relegated the duty which otherwise would have been performed by a jury in the county of Kent, because it was thought that a more calm, dispassionate, and unimpassioned verdict would be given in the city of London than in Kent; and I may remind you that you have the eyes of your countrymen upon you, and your own consciences to consult. I am perfectly satisfied, and I pay the compliment to you in no false sense, and with no desire to ingratiate myself in your good opinion, when I say that I have never had the opportunity of seeing a jury which has paid deeper interest or attention to the evidence brought before them than you have done, and I know in the end, when you retire to consider your verdict, you will arrive at a decision based upon fact, upon evidence based upon reasoned-out conclusions, not animated by prejudice, not moved by emotion, and not brought about by sentiment, but according to law. As regards the manner in which this case has been presented, I hope you will imitate the fair and calm tone adopted by the Attorney-General. He has placed this case before you as the minister of justice which he is, and I am sure to the end he will discharge his duty in the same manner and with the same feelings. Mr. Straight

It may now be convenient that I should trace out to you the relationship of Elizabeth Ann Staunton to Patrick Staunton and the deceased lady. One of the facts we have to deal with is the residence of the deceased at Cudham, and that she was not allowed to go about as an ordinary person. Now, what is the story? You heard on Saturday, and you may have heard

Mr. Straight yesterday, because the spirit of the thing runs through that which you may have heard yesterday in your churches, about the duty of the wife to the husband. You heard, in respect of the relationship occupied by Elizabeth Ann Staunton to Patrick Staunton, the principle of law I endeavoured to urge in excusing her in this matter; and, notwithstanding the ruling of his lordship, I submit it is competent for me to argue that what Elizabeth Ann Staunton did may have been done under the coercion of her husband. By the law of God, and by their social relations, the position of the wife to the husband is recognised as a subordinate one; not that she is socially inferior, but from the time she enters into the contract with the man she promises to obey him; and when you are dealing with this case, always regulate your view by remembering that Elizabeth Ann Staunton was the wife of Patrick Staunton.

Prior to November, 1875, Patrick and his wife were living in the Loughborough Road, and I think they had one child born there. They lived opposite to the house in which Louis Staunton took a residence for himself and Mrs. Harriet Staunton. Now, with regard to the conduct of Mrs. Butterfield towards her daughter, is there one single thing in the history of humanity on which a woman entertains a stronger opinion than in reference to the interference of any person with her marriage to the man she wishes to marry? It is quite clear that Harriet Richardson was bitterly indignant against her mother for opposing her marriage to Louis Staunton. In the early or middle part of 1874 the deceased went to live with her aunt, Mrs. Ellis, who was the sister of Mrs. Butterfield, and she remained there some little time. Afterwards she went to Mr. and Mrs. Hincksman's, and there remained up to the time of her marriage. At the time she was there, you may take it, she was perfectly capable of controlling her own actions, and of judging whether she ought to get married or not, and she knew that no one but Mrs. Butterfield wished to prevent the marriage. Therefore, no doubt, at that time she had formed a strong opinion as to the course her mother was adopting, and this seems to me one of the most important parts of the case. A fortnight or three weeks after the marriage had taken place, Mrs. Butterfield comes down to the house. It is impossible that they could have been very good friends, considering how the latter had opposed the marriage. There was, of course, studied politeness, and it does not appear there was any disturbance on that day; but this is immediately afterwards followed by a letter from Louis Staunton, begging Mrs. Butterfield not to come to the house again, and it is hinted that there may be disturbance if she does come. Mrs. Butterfield appears to have been a kind of firebrand in the family. She had fallen foul of Mrs. Patrick Staunton, and of the

Hincksmans, and all this was calculated to cause a good deal of angry feeling. I mention this to explain one part of the case. Of course, we must all sympathise with Mrs. Butterfield in this case; but we must not allow our sympathies to get the better of our judgment and the facts. Now, the marriage took place in June, 1875, and, as far as I understand, there is no element introduced into this case insinuating any guilty conduct on the part of any of the prisoners between June, 1875, and March, 1876, when Tommy is born. There is no particular stress laid upon what happened at the confinement. My learned friend Mr. Williams has dealt very fully with the statements of Alice Rhodes and her familiarity with Louis Staunton; but whatever may have been the views of Mrs. Harriet Staunton in 1875, it is quite evident when she wrote the letter she did her suspicions were at rest with regard to the condition of things of which she had formerly complained. It is also quite clear she was on the most affectionate terms with her husband, because she wanted to come back to him at home. Mr. Straight

Leaving the confinement, we pass on to what seems to me the most material part of this case. In November, 1875, Patrick Staunton and his wife had gone down to Cudham to live. Occasional visits were made by Mrs. Harriet Staunton and by Alice Rhodes, sometimes together, sometimes separately; and about the beginning of August, 1876, Mrs. Harriet Staunton was down at the Woodlands paying a visit to Mr. and Mrs. Patrick Staunton, Mr. Louis Staunton being at Gipsy Hill. Whether Alice Rhodes was there does not appear material to inquire; but it is quite clear at that time there were means of access to Alice Rhodes by Louis Staunton. A letter was written to Louis Staunton telling him that the children of Patrick had been taken ill, and he at once writes back to say that Harriet had better come home, as she is not likely to be of much use as a nurse, and he will send Alice down. I confess there is no part of this case which has caused me greater anxiety, and there is no part towards which I have endeavoured to bring to bear such judgment as I possess more than that which arises now. Why was this lady confined and kept, so to speak, under control as she was at the Woodlands? Do you suppose Mrs. Patrick Staunton had any idea until August or September, 1876, that her sister, Alice Rhodes, was on the terms of familiarity with Louis Staunton which she was? It was brought to that woman's attention that Alice Rhodes, her sister, was in the family way, and they may have kept Mrs. Harriet Staunton out of the road in order that she might not know the fact—not with a view to starving her. In the letter of Alice Rhodes, with the postmark August 1, beginning, "My dear Louis, I was sorry to see it raining," you have, it

Mr. Straight seems to me, the key of the whole mystery of what then occurred. That Alice Rhodes and Louis Staunton had been on too intimate terms then nobody can doubt, and what is the meaning of the postscript, "I am not bad yet"? What does that mean? It is quite clear that at the time that letter was written Alice Rhodes was under the apprehension that she was in the family way. She must make a confidante of somebody sooner or later, and whom could she but her sister? Was she to go to Mr. and Mrs. Hincksman, and let her shame and sin find an outlet there? What was to be done? It is true, as the Attorney-General says, that Cudham was a lonely place, although not such a cut-throat district as he would have you suppose. At any rate it is a very beautiful country. Now, Little Grays farm was to let, and Louis Staunton, having seduced this young girl under the eyes of his own wife, had the strongest motives for concealing her shame. I hope, gentlemen, in all this you will see that it might have occurred without any intention of causing the death of Mrs. Harriet Staunton. It appears to me there was the strongest motive for concealing her identity down at Little Grays. There were plenty of people in London who knew of the existence of Mrs. Louis Staunton; and if she were kept out of sight at Cudham she might not then interfere with Alice Rhodes passing as Louis Staunton's wife, which she did. Louis Staunton was in business at Gipsy Hill as an auctioneer. This he sells.

Mr. Justice Hawkins—There is no evidence as to his having sold the business.

Mr. Straight—I think it has not yet been proved, but it shall.[7] On 7th October he takes up his residence at Cudham, and this morning his lordship put a not unimportant question to Clara Brown. His lordship asked, "Was Mrs. Harriet Staunton ever at Little Grays?" and the answer was "No." Was it likely she ever should, if my theory is correct? Does anybody believe the story Clara Brown told at Penge, that Harriet Staunton knew of the intimacy between her husband and Alice Rhodes? On the contrary, every effort would be made to keep that fact from her knowledge. Of course, it was wicked and wrong, but we are not here sitting in a High Court of morals. We are sitting here in a Court of justice, and you have to deal with the facts of the case, and you are not here to deal with the case upon sentiment. I hope I make myself intelligible as to the origin and real character of the partial confinement of Mrs. Harriet Staunton at the Woodlands. It appears that Mrs. Harriet Staunton remained in residence at the Woodlands from 28th August, and never after that went to her house at Gipsy Hill. And now let me ask the prosecu-

[7] It was not.

tion when this conspiracy to cause the death of Mrs. Harriet Staunton was commenced? Is the point at which it commenced Christmas, 1876, or was it after the visit or visits to Mr. Keene in October, 1876? Christmas is apparently fixed upon. Now, what is the position of Mrs. Patrick Staunton? She is in a position of very great difficulty. As the wife of Patrick Staunton, she is bound to obey him; and she is the sister of Alice Rhodes. Now, ask yourselves what you would have done if you had been Mrs. Patrick Staunton at the time she first knew her sister was in the family way by Louis Staunton, entertaining towards her those feelings of affection which usually exist between children born of the same mother? Would you have proclaimed your sister's shame? Would you have gone on the housetops and proclaimed that she had committed adultery with her brother-in-law, and brought discredit on your mother, the common parent of both? Would you have told Mr. and Mrs. Hincksman? Would you not have kept to yourself as far as possible the secret which had come to your knowledge, and have done your best to keep it from the unhappy lady, Mrs. Harriet Staunton? I ask you, as men of the world, not to place too stern or harsh a construction on the acts of weak human nature. There is such sympathy and feeling towards those who are by blood dear to us that we sometimes do things on their behalf which are not right and proper. Mr. Straight

Now, that is the state of things which existed about August or September, 1876. Of course, it was necessary that anything about this matter should be kept from Mrs. Harriet Staunton, and it was vitally important that Alice Rhodes should pass through her confinement under the sanction of the name of Louis Staunton; and I say all this may be perfectly consistent with the absence of any arrangement or agreement between these prisoners to bring about the death of the deceased lady. On 17th October, we have heard, Mrs. Harriet Staunton goes to the office of Mr. Keene, and, though abundant opportunity presented itself on that and another occasion, she makes no single complaint in reference to Patrick or Elizabeth Ann Staunton as to their treatment of her. From 23rd October to Christmas, which has been treated as the crucial point in this case, we know that no evidence was given as to what was taking place with regard to Mrs. Harriet Staunton. You have no doubt thought over and over again of this important point about the starvation. Now, it is a very extraordinary method to adopt for the purpose of causing death, unless you wish to attract suspicion. A day must come and an hour will arrive when investigation must take place. You can hardly suppose that these prisoners were so ignorant of the first elements of the law as not to know that before they could bury a person they must have a doctor's certificate. Would any but four

Mr. Straight lunatics have been guilty of what is attributed to the prisoners? These persons are accused of the deliberate starvation of a person, and on that person's body is to be found the evidence which is to convict them. We have the evidence of Clara Brown on that point, and I am going to ask you to test the process of fostering and manuring, so to speak, she has undergone before the coroner. My friend Mr. Williams had treated of many things she said, but there was one which has been omitted. She says—

> On Thursday evening, April 12, a wagonette was brought to the side of the house, and the deceased was able to walk by herself. She was not assisted. She got in herself, and I state positively she was not carried. She had no great distance to walk, not across the meadow, only to the door. She dressed in her bedroom. My mistress assisted her in putting on her bonnet. The ulster which she wore was her own, and the two other dresses, and a black silk skirt. I swear——

I ask you to bear this in mind when I am presently making observations to you upon it—

> I swear I never turned a key on her in my life. I always spoke the same to her as to my mistress. I deny using the expression, "Go back, ma'am." I did hear footsteps in the kitchen. The deceased was there. I did not go to the kitchen door. I swear I never said, "She is no lady." I never said, "Go back." I never said that she was deranged. I swear that two young women did not say to me, "Is that the way you speak to a lady?" I swear I never said, "She is no lady; she is only my master's sister." When I heard the footsteps I did not do anything. There was a fire in the kitchen and in the parlour, and a light in both. We were in the habit of having them every night. Weatherley and Longridge are both swearing falsely.

And yet this woman asks you to believe she is speaking the truth, and she comes subsequently into the witness-box and says the whole of her previous story is a fabrication from beginning to end. Now, why has she done this? God knows the motives which lead people to give false evidence in Courts of justice. I will explain why I think there is much which she says that you may rely upon, and much which she says which you must dismiss with contempt and contumely. Realise the position in which this girl found herself. No human being can doubt the excitement there was at Penge about this matter. To certain persons the affair was an extraordinary one, and after Clara Brown had given her evidence endeavours were made to get her to alter it, and while, on the other hand, she has the strongest sympathy and desire to help those who are related to her, yet there is a stronger element and feeling in her bosom arising from her having been threatened by the police officer that she may find herself in prison if she goes on making her statements. How have they dealt with her? After she was examined before the coroner, although she was continually in contact with the Treasury authorities, and under the eye

of Sergeant Bateman, she never said a word about the finding of that important letter until 27th June. When I used the word manuring I meant that she had been fostered in her evidence, and led to make a variety of statements which you must not allow your judgment to be influenced by at all. You know what the Weatherleys[8] say about the interview of Christmas, 1876. They give the lie to her. There is no other word for it. Again, I ask, when did this conspiracy commence? It is all very well to say these people may have originally conspired, and that after finding the lady was getting weaker and weaker, they may have relented. I have dealt as fully as I can with their conduct before Christmas, 1876, which seems to be the turning point on which the case for the prosecution rests. I am not conversant at all with medical science, and I know that Mr. Clarke is far more able to deal with that than I am. I say these four people must have been without brains or sense to have allowed the evidence to accumulate against them in the manner they are alleged to have done. It is an incomprehensible piece of idiotcy. With regard to the confinement to the house of the deceased, I would also remark that it is perfectly possible she may have been out of the house, and yet not have been seen by the butcher, the baker, or any of the other tradespeople. An answer which seems to be very material is one given by Mr. Wilkinson as to the condition in which persons who are suffering from any brain disease or trouble may find themselves. He says they may have a repugnance to take food. If this unhappy woman did find out the intimacy between Alice Rhodes and Louis Staunton, acting upon a weak intellect, it may have so affected her that she would not take her food. You have only Clara Brown's statement that she had not sufficient food. There is another matter which I think I may pray in aid of my client—who will say that poor woman was guilty of violence to the deceased? I say poor woman because she has stood over four long days in that dock going through as great a trial as any human being has had to endure. Well, I do not think you will say there is any evidence in this case of her having been guilty of violence. Mr. Williams has made some observations in reference to the death of the child. It is highly probable that a woman of weak intellect would not be the parent of a very healthy child, but I must ask you not to allow anything my foolish client said at the hospital about the child to weigh with you in this case. She no doubt made statements which are not strictly correct, but a correct address was given. And when the deceased was removed to Penge, can you have any doubt whatever that Elizabeth Ann Staunton was in a state of

Mr. Straight

8 Only one of the girls was Weatherley; the other was Mary Ann Longridge; p. 115, *supra*.

Mr. Straight very great alarm respecting the condition of Mrs. Harriet Staunton's health? As to the part she took in the removal itself, it will be for you to consider whether she did not do so under the orders and directions of her husband. I cannot shut out from myself, and I must be candid with you, that, in respect of that removal, there are certain matters which it is difficult to explain, especially the false statements Mrs. Patrick Staunton made in reference to it. I am not here to pretend to say that if they had acted with activity and energy, and taken the trouble to look, the prisoners might not have discovered the filthy condition of the deceased, but it is difficult to know where negligence of this kind becomes criminal. I now return to the point at which I started, namely, the relationship between Mrs. Patrick Staunton and her husband. You have already heard some of the law discussed. If a wife receives or deals with stolen property in the presence of her husband, she is not responsible for her conduct in the matter.

Mr. Justice Hawkins—That is not an absolute proposition that a wife cannot be liable for receiving stolen goods, provided her husband is present. I should not like such a proposition, at all events, to go forth on my authority.

Mr. Straight—I have now finished my task. I have said all I have to say in as anxious a case as ever I have been engaged in. In a few seconds more you will no more hear the sound of my voice in this matter. I can only say I deeply sympathise with you in the severe, stern, and remorseless duty that you have to discharge. I quite appreciate that you must appreciate the interests of human life, and that you must regard human life as the law regards it, as the most precious thing entrusted to us, and I am quite sure in dealing between the prisoners and the Crown you will see that justice is done, and your verdict will be one dictated not by emotion, sentiment, or sympathy, but by honest conclusions on the facts of the case.

By the direction of the judge, Mrs. Gooding, the nurse, was recalled and re-examined by him as follows:—When I put the clean nightdress on the body I got it from the foot of the bed. I do not know when it had been placed there. I saw it there and took it up, and saw that it was a nightdress. I did not see it when I went into the room first; I saw no other wearing apparel on the bed; but there were some dirty petticoats on a chair, which had been taken off—excepting those, I saw no other women's wearing apparel except the nightdress at the foot of the bed. I never saw the basket.

J. F. Payne Mr. Joseph Frank Payne was then called, and examined by Mr. Clarke—

I am a Bachelor of Medicine, University of Oxford, a Fellow of the Royal College of Physicians, Assistant Lecturer on

Pathology at St. Thomas's Hospital, an Examiner in Pathology of the University of Edinburgh, and the editor of "Jones and Sieveking's Manual of Pathological Anatomy." I have had a large experience of post-mortem examinations, and have been engaged in the study of subjects relating thereto for several years. A summary of the depositions of the medical witnesses taken before the magistrates, and copies of the notes of the post-mortem examination were submitted to me by letter by Messrs. Lewis & Lewis—I forget the precise date, about the end of July this year—it was before the last sessions of this Court. J. F. Payne

I was anxious not to be called as a witness upon general grounds, but not with reference to this particular case. I have been in attendance during the trial except the first day. I was here on Thursday, and heard all the medical evidence on that day.

I heard Dr. Longrigg say that the symptoms he discovered were inconsistent with tubercular meningitis, and inconsistent with rigidity of the arms. If I understood rightly, Mr. Longrigg was asked whether the symptoms observed by him would be consistent with a disease known as tubercular meningitis, and he answered that if the disease were sufficiently established the symptoms would correspond, with one exception, that exception being rigidity of the arms.

In my experience, rigidity of the limbs, one or more, is very common. The rigidity of one or more limbs is a very common symptom of tubercular meningitis, in most cases, at all events. I believe that symptom is mentioned in most, if not all, the books on the subject.

The appearance in cases of tubercular meningitis of a flattening and bulging of the sides of the lobes of the brain depends on the amount of fluid contained in the brain, and if the amount of fluid is small that appearance is not produced. In my opinion, the absence of it is consistent with the fact of death being caused by tubercular meningitis. With respect to the position of the tubercles found in the brain, they are found in different parts of the brain, in different situations. Undoubtedly they vary very much in number and appearance as well as position. The symptoms spoken of, namely, the flattening and bulging of the lobes of the brain, and the effusion into the ventricles, vary very much. They are much more marked when the tubercles are found at the base of the brain.

I think the fact of death from tubercular meningitis is consistent with the fact of no tubercles being found at the base of the brain. I should add to that, no tubercles visible to the naked eye. In the event of tubercles being found in the upper part of the brain, it is very likely, by microscopic examination, you would find that there were appearances which were not

J. F. Payne visible to the naked eye. If you found tubercles in one part of the membrane of the brain, there exists the probability that on a microscopic examination you would find others in other parts which were not visible to the naked eye. If you found some tubercles which were visible to the naked eye, it is possible by microscopic examination you would find more in other parts of the surface of the brain.

I heard the statement made by Dr. Longrigg in regard to the average weight of different portions of the body. Of some of them I took a note, but I am not sure that I did of all. I heard Dr. Longrigg say that the average weight of a woman of 5 feet 5¼ inches high would be from 9 to 10 stones. I think a much lower weight than 9 stones would be consistent with health. The weights of different organs of persons in health vary very considerably.

By the COURT—In health, if you get persons of the same weight and the same height, the organs of the body would vary considerably in weight; that is what I mean.

By Mr. CLARKE—I think the weight of the heart as stated in this case to have been 7¾ ounces is very much below the normal weight for a person in a healthy condition. I do not say below the average weight; I say below the weight consistent with ordinary health, but only a little below it. I understood the liver to weigh 2 lbs. 2 ounces. Whether that is correct I do not know. In my experience the average weight of the liver of a woman like the deceased as stated, viz., from 50 to 60 ounces, is somewhat too high. I should say probably 48 or 50 ounces, giving a rough estimate—about 3 lbs. It is very difficult to say what the lowest weight would be, compatible with health. I think the weight of the liver was much below the average. With regard to the spleen, which is said to have weighed 4¾ ounces, that is an organ the weight of which is very variable, so that no very great importance can be attached to it. With regard to the kidneys, the weights I took down were 3¾ and 4 ounces respectively. Those weights seem to me to be scarcely below the normal weights, a little below the normal, but very little.

I heard the statement that inflammation of the peritoneum was discovered on the post-mortem examination. I do not think that is a symptom which would arise from deprivation of food, taken alone. With regard to the congestion of the brain and stomach, and of the outlets of the body, I do not think deprivation of food, taken alone, would produce congestion of the brain or congestion of the stomach. With respect to the condition of the outlets, that is mentioned in several books as occurring in people who are deprived of food. I understand by that that the orifices of the body which are exposed to the air and to irritation, such as the lips, the nose, the anus, and

so on, become inflamed. I have never seen it, but I have heard it described, or, rather, read the description. J. F. Payne

The congestion of the brain I should attribute to the tubercular disease which is described as having been present there; the inflammation of the peritoneum I cannot explain, unless there were possibly tubercles present there also; in other words, I regard the tubercles and the congestion as a part of the same disease. This kind of tubercular disease in the brain, namely, the small miliary tubercles, accompanied by great congestion in most cases, indicates a general infection of the whole body, which we call acute general tuberculosis. My judgment as to that was greatly confirmed by the presence of tubercles in the lungs. With regard to the inflammation of the peritoneum, that, in my judgment, might be produced by tubercles invisible to the naked eye.

Bronzing of the skin is nearly always present in Addison's disease, and there is some approach to it in diabetes. I do not know of any other certain indication of diabetes than sugar in the urine after death. In Addison's disease I know of no other invariable symptom except the condition of the superrenal capsules.

I think the traces of intemperate habits are discoverable after death if the intemperate habits have lasted a long time. If they have only lasted for a few months, and had been discontinued, I think the post-mortem appearances would be fallacious. We have often had people in the hospitals who have formerly been intemperate. I have no doubt I have had post-mortem examinations under such circumstances, but I cannot recollect any particular one at the moment; after a few months' discontinuance there might be no trace.

Tubercular meningitis or tuberculosis does not so much produce emaciation, as it is a fact accompanied by it, and sometimes produced by it; it would produce it if it lasted long. It is not so much a consequence as an accompaniment and sometimes a precursor; it is not so much produced by it as preceded by it.

The loss of flesh is sometimes the only premonitory symptom of tubercular meningitis. It is often the only premonitory symptom, which comes before the outbreak of other symptoms. When it does manifest itself it is a rapidly fatal disease. By rapidly I mean from two days to a month perhaps. It is quite possible that up to the time the disease actually manifests itself progressive emaciation is the only symptom. In my judgment, if the post-mortem appearances are correctly described—of course, I am not responsible for the description—but if they are correctly described I think they are consistent with death from tubercular disease.

J. F. Payne With regard to the symptoms during life which have been described as coma, unequal dilatation of the pupils, rigidity of the arm, and stertorous breathing, I think they are quite consistent with death from this disease. I think starvation alone does not explain either all the symptoms before death or all the post-mortem appearances.

In the course of my experience I have seen death result from that disease in a considerable number of children and a considerable number of adults—not from starvation, but from this disease. I may say that I have had considerable experience of this disease at the hospital for children, where I was formerly assistant physician. I have seen it chiefly in children, and also in adults, the disease being far less common in adults than in children. In the course of my practice I have seen emaciation to a very great extent; I could not, however, say to the same extent as in this case, without having seen the thing myself. I am not prepared to express an opinion as to the degree without having seen it.

I can quote a particular case from memory. It was the case of a child, an out-patient at the hospital for children. I attended the child there, and afterwards at its own home. I made a post-mortem examination, and found that it died of tubercular meningitis combined with some tubercles in the lungs, and it was so emaciated that I remember particularly a remark made by the mother, who was extremely affectionate. She asked me to explain the death of the child, because she said the neighbours accused her of starving it. I was told that the condition of the child gave rise to the suspicion of starvation in the minds of the neighbours.

I have never seen a case in which tubercles were present in the pia-mater without producing some symptoms; more especially, I should say, indicating disease in the head—head symptoms.

I have seen cases of tubercular meningitis in which there was not softening of the brain. They are not frequent or common. After that disease it is stated that in some cases the brain is found to be firm and not softened. The fact of the post-mortem being delayed until after the patient had been dead six days would not affect the possibility of drawing accurate and safe conclusions on most points. There are no points which have occurred to my mind in which the delay in the post-mortem would throw doubt on the accuracy of the conclusions—not on the material points which I have heard mentioned.

Cross-examined by the Attorney-General—Your view is that death was caused by tubercular meningitis?—Yes.

From the notes of the post-mortem?—Yes, and from what I have heard of the evidence.

Evidence for Defence.

When you speak of tubercular meningitis, you mean the acute form of the disease?—I mean an acute disease. J. F. Payne

What is the average weight of a woman of 5 feet 5¼ inches?—I am not prepared to say.

Answer the question generally?—I should say about 9 stones average.

So that if this woman were 9 stones on 23rd October, and on 12th or 13th April she was 5 stones 4 lbs., you would call that a case of extreme wasting and emaciation, should you not?—I should, undoubtedly.

You, I dare say, are of opinion from the evidence you have heard and the results of the post-mortem, it was a case of very extreme emaciation?—It was a case, from what I have heard, of extreme emaciation.

How long do you think, in your opinion, had this acute disease of tubercular meningitis been going on?—I think the post-mortem appearances do not supply the information.

But you say acute disease is generally fatal in a short time. You have given my friend from two or three days to a month?—Yes; the acute stage, one may say from the evidence, could not have been more than a few days. I cannot say more nearly.

Of course, the disease is more likely to make its appearance in a person of enfeebled condition of body than in a person in good health?—I should say so; in fact, I have no doubt about it.

If you had emaciation caused by any wasting disease, acute tuberculosis might supervene, might it not?—It does sometimes.

It would be much more likely to occur in a case of that kind than in a perfectly healthy patient?—More likely than in perfect health, undoubtedly.

Mr. Justice Hawkins—You say that in a person who wastes and becomes emaciated tuberculosis would be much more likely to supervene?—That would be so.

It would be much more likely to occur in a case of that kind than when the person was in perfect health?—Undoubtedly.

Now, supposing Mrs. Harriet Staunton had been reduced to the state described, would you be prepared to say that she would have tubercular meningitis?—Well, it is a rare complaint, so that I cannot say; but, taking a variety of cases of persons in an emaciated condition, I should say it is likely. Still, the disease is rare.

Supposing you had been called in when the wasting had gone on (because I assume it was gradual), and you saw that your patient was wasting away, what would be the sort of treatment you would recommend?—I should prescribe nourishment, tonic medicine, and so forth.

J. F Payne Would warmth be necessary—reasonable warmth?—Warmth is necessary in all such diseases.

It would be irrational treatment to subject such a patient to be without fire in winter?—It would be bad treatment.

In fact, it would be exceedingly dangerous treatment?—I don't suppose any medical man would recommend such.

It would be extremely dangerous, would it not?—Yes, bad, of course.

It would be extremely dangerous, is the question?—Yes.

The Attorney-General—I suppose a patient suffering as we have heard described, emaciated from day to day, would be better for a little exercise and fresh air?—Well, that would depend upon circumstances.

You think that death was caused by acute tuberculosis or tubercular meningitis, and that that disease had not existed for more than a month, at all events?—Judging from the post-mortem it could not be more than that at the outside.

What, in your opinion, caused the emaciation?—I cannot tell that, without consideration of the history of the case.

But, of course, I need hardly ask you if a woman was supplied with insufficient quantities of food she would probably become emaciated?—Undoubtedly.

This disease that we have spoken of—I think you call the three coverings of the brain meninges, do you not?—We do.

I will not go into the names professionally. The disease is inflammation occasioned in this particular kind of disease by the deposit of tubercles?—Yes, probably the deposit of tubercles would cause inflammation, but that is a question of opinion.

Generally speaking, is the condition of the brain in tubercular meningitis a softening condition?—In the majority of cases.

You know Dr. Bristowe?—Oh, yes.

Is he a physician at St. Thomas's Hospital?—He is; and I am an assistant physician there.

Do you know his work?—Yes, well.

Do you agree with him in this (reading)—"Meningitis due to the presence of tubercles nearly always commences at the base of the brain, is often limited to the base, and is generally most intense there"? Do you agree with that?—I do. I agree with the word "nearly."

Does starvation ever cause congestion of the brain?—I am not aware that it does.

Does it ever cause convulsions?—It is said in the last stage to be accompanied by convulsions. Convulsions may occur in the last stage of starvation, but I am not prepared to say that convulsions will cause congestion of the brain.

If the patient has convulsions would you expect congestion of the brain at the vessels?—Not necessarily.

I do not say necessarily—would you be at all surprised to

find that there was congestion if you had convulsions?—I J. F. Payne should not be surprised.

Mr. JUSTICE HAWKINS—You do not know that starvation causes congestion of the brain—you say convulsions may occur in the last stages, and then if convulsions occur you would not be surprised to find congestion?—If, after death, I find congestion of the brain, I rather presume that the congestion caused the convulsions than that it was caused by convulsions.

The ATTORNEY-GENERAL—But it might be either way?—I am not prepared to say that convulsions alone cause congestion.

Mr. JUSTICE HAWKINS—Are you prepared to say they would not be?—You might find, after death, congestion, because the convulsions and the congestion might have arisen from the same cause.

The ATTORNEY-GENERAL—Will maniacal delirium cause congestion?—I think it would be rather caused by the congestion.

We have read very frequently of cases of shipwreck, where men have gone without food for a long time, have been exposed in an open boat, and have been delirious. Is that caused by starvation?—It may be, and by thirst as well.

Those are causes of maniacal delirium—a man becomes completely mad?—Very likely it is so described.

Now, about congestion of the stomach. Would you not expect that from starvation?—No.

If you had the case of a woman where there had been starvation for a considerable time and then food was administered to her in great quantities, you would expect congestion, would you not?—I should expect to find the stomach as it is during digestion, and the vessels full of blood.

If the vessels are gorged they are congested, are they not?—They are.

Supposing a patient had been without food for a considerable time, would you venture to give him any considerable quantity of food all at once?—I should give it to him gradually. I am not prepared to say what precise harm there would be, but it is a matter of experience that harm is done in that way.

If you had a man seized with paralysis, and deprived of the use of his arm, would you expect it to be stiff?—Certainly not. Paralysis does not produce stiffness of the limbs.

Would giving food to a starved patient be likely to cause inflammation of the coating of the stomach?—I do not think so.

Will you say it would not?—I should not like to say, I have not had experience.

Had you ever before you a case of undoubted starvation?—I have often seen cases where persons would not take food.

Have you found emaciation come on very rapidly?—Steadily, not always rapidly.

J. F. Payne

You have listened to the evidence, and have learned the condition of this lady before she was removed from the Woodlands, and the evidence of Clara Brown. What do you say about the removal? Would it be likely to accelerate death? —I think it would.

Mr. CLARKE—Is the work of Dr. Bristowe one of considerable authority?—I think it is.

He is a great authority on this disease?—Undoubtedly; especially with regard to morbid anatomy.

J. S. Bristowe

Dr. JOHN SYER BRISTOWE, examined by Mr. CLARKE—I am a Doctor of Medicine and Fellow of the College of Physicians. I have not been consulted in any way in this matter before to-day. I sent you (Mr. Clarke) a private note in this matter. I am senior physician at St. Thomas's Hospital, and examiner in medicine at the College of Surgeons. I have heard the evidence that Dr. Payne has given, and I agree with it entirely.

In cases of death from tubercular meningitis it is a frequent thing to find rigidity of the limbs. That disease is very various in its symptoms; it is not infrequent that the acute manifestation of the disease is preceded by a period of progressive gradual emaciation—it may be a long period of emaciation.

Emaciation is one of the recognised symptoms of tuberculosis. In its acute form emaciation is often the only sign of the disease. The tubercles are often so minute as almost to defy detection; they sometimes require the microscope for their detection. I have never seen a case where there were tubercles in the pia-mater where there were no head symptoms during life. I have not looked up my experience for this examination as to there being cases of tubercular meningitis where there is no tubercle at the base of the brain, but I believe it does occur; I have seen cases where the tubercles have been limited to the upper part of the brain, but it is rare. There would in such a case be an absence of the flattening and bulging of the lobes of the brain and absence of effusion.

I have necessarily a large experience of vermin on the body at a hospital. It is a fact that where there are vermin at all on the hair they constantly spread immediately after death—they would spread over the body in a few hours; as the body cools the vermin spread over the whole body, over the trunk.

In the case of a post-mortem examination, where the body had not been washed after death, the presence of vermin all over the body six days after death would not necessarily indicate any great amount of filth before death; it would depend on the condition of the patient before death. If the patient had been bed-ridden or comatose before death, or had lain for several days or weeks before death, it is common to find even in a well-ordered hospital that the head is infested with vermin.

I should expect then to find them in great numbers. In any case, where there had been vermin in the head during life, and the body was left unwashed and untended during six days, the vermin might spread over the body, and I should expect to find them spreading. J. S. Bristowe

Cross-examined by the ATTORNEY-GENERAL.—Would you expect to find marks of the bites of vermin?—I don't think vermin bite the skin; I am not quite sure, but I don't think they do. They rather live on the scurf of the hair; they are scavengers.

You say this is a case of tubercular meningitis?—Yes; I entertain no doubt of this being a case of acute tuberculosis.

Now on 23rd October this woman was about 9 stones in weight.

Mr. CLARKE—That is not in evidence.

Mr. JUSTICE HAWKINS—We have evidence of her weight about the time of her confinement, and Mr. Keene said she looked well and about the same as usual on 23rd October.

The ATTORNEY-GENERAL—We are told that for a woman 5 feet 5¼ inches 9 stones is about the average. Is that so?—I think that is rather above the average.

Have you read the evidence?—Yes, I read it in the papers. That is all the knowledge I have of it.

Then you must have read that there was not a particle of fat found on any portion of the body. Now, what do you attribute the emaciation to? Is it from starvation?—I cannot attribute it to anything without knowing more of the case.

Is it consistent with starvation?—Yes, it may be.

Mr. CLARKE—Is it consistent with tuberculosis?—Yes.

The ATTORNEY-GENERAL—How long would acute tuberculosis take to produce great emaciation? About a month?—It might.

Would it produce emaciation as great as in this case?—It might; but I can't say.

Do you know a case of tuberculosis which resulted in such emaciation?—Yes.

Give us the particulars of that case?—I cannot do that. I have seen a case in which the body has been emaciated.

Now, you may have a person very much emaciated, say, from starvation, and then acute tuberculosis may supervene?—It is probable.

You may have a case in which emaciation has been going on for a considerable time, and then tuberculosis sets in?—Yes; but I cannot tell the cause of the tuberculosis or the cause of emaciation.

Emaciation may be caused by a variety of things?—Yes.

And then tuberculosis sets in?—Yes.

In that case you would not say that emaciation was caused by tuberculosis?—Not necessarily, and, on the other hand, I should not say that tuberculosis was caused by emaciation.

J. S. Bristowe Is it not a likely thing that tuberculosis should set in after emaciation—that the body being in an enfeebled state that disease might set in?—The majority of cases which I have seen were not emaciated, but we found evidence of tuberculosis. Tuberculosis might come on in a body in an impoverished state, but not as the result of previous emaciation or ill-health. Where that has been the case we have found evidence that there has been tubercle beforehand, before the acute symptoms manifested themselves. There is no connection necessarily between emaciation and tuberculosis.

If emaciation was the consequence of tuberculosis, and it assumed an acute form, how long do you think it would take to produce such emaciation as you have heard of in this particular case?—Well, six weeks, six months, or, it may be, a year. I have no means of saying.

But after an acute disease would you expect to find at the post-mortem an entire absence of fat round the omentum?—I believe I have seen such a case, in which there was an entire absence of fat. I should not expect to find it after death from acute tuberculosis only.

Do you still hold to the opinion expressed in your book—"Meningitis due to the presence of tubercles nearly always commences at the base of the brain, is often limited to the base, and is generally most intense there"?—Yes.

Would you expect to find effusion about the seat of the tubercles?—Generally.

In this case there was none?—So I read in the newspapers.

Re-examined by Mr. Clarke—Do I understand you to say that the emaciation that existed in this case may have been produced by starvation or by tubercular or some other disease?—Yes. Other diseases would produce the same amount of emaciation. I have seen the same amount of emaciation in many other diseases—in diabetes, for instance, and Addison's disease—and patients who have been hysterical simply I have seen reduced to the last degree of emaciation.

In what length of time?—In the course of four or five weeks.

In that case, and in the case of emaciation, that produces acute development of tubercular disease, is there often no other sign than emaciation?—In the case of tubercular disease there may be no other sign. In the other there may be symptoms of hysteria.

You have been asked as to whether tubercular disease may not supervene upon mere starvation; do I understand you to say that it may be concurrent, but that you do not look upon its being consequent?—The cause of tuberculosis is not at all well understood, and I should be sorry to say that tuberculosis is produced by starvation.

The Court then adjourned.

The Court sat at 9.30.

S. Greenfield

Dr. SMITH GREENFIELD was called and examined by Mr. CLARKE—Are you a Doctor of Medicine of the University of London, a member of the Royal College of Physicians, Assistant Physician and Lecturer and Demonstrator of Morbid Anatomy at St. Thomas's Hospital?—I am. I have not heard the medical evidence given on this trial. I have had the depositions before the magistrates and the notes of the post-mortem submitted to me, and I have given a written opinion.

Mr. JUSTICE HAWKINS—When was that?—About a month ago.

Were the whole of the depositions sent to you?—The whole of the medical depositions were, not the whole of the case. I had Mr. Longrigg's notes, and the evidence and cross-examination of Dr. Wilkinson, Mr. Longrigg, Dr. Rodgers, Dr. Bright, and Mr. Harman.

Mr. JUSTICE HAWKINS—It was material to know exactly what was before the witness, as a word might make all the difference.

Mr. CLARKE—I think, my lord, that he has mentioned the names of all the witnesses.

Mr. JUSTICE HAWKINS—No doubt.

Mr. CLARKE—I think I have a copy of what was sent to him.

Mr. JUSTICE HAWKINS—The originals——

The ATTORNEY-GENERAL—I don't object, my lord.

Mr. JUSTICE HAWKINS—I think you can guess what is in my mind.

The ATTORNEY-GENERAL—I think I can, but I am content.

Mr. JUSTICE HAWKINS—To my mind this is a most unsatisfactory sort of evidence. The jury have to decide on what is proved before them, and this gentleman is called here to say that the conclusions of medical witnesses who at some time appeared for the prosecution are wrong. He ought to have heard their evidence here in this Court, and it is a most unsatisfactory proceeding for it to be contradicted by a witness who has not heard them, but who has formed an opinion on something which is not before the jury. It is the most unsatisfactory evidence I can imagine.

The ATTORNEY-GENERAL—Quite so. In a case different from this I should have objected to it altogether.

Mr. JUSTICE HAWKINS (*To Witness*)—No one in the least degree imputes any blame to you.

WITNESS—I have read the notes with the greatest care.

S. Greenfield

Mr. CLARKE—I think I will examine the witness with regard to the post-mortem notes only.

Mr. JUSTICE HAWKINS—Where are the notes? (They were handed to his lordship.) Are these the originals?

WITNESS—Yes.

Mr. CLARKE—A copy was supplied to us by the Treasury.

Examination continued by Mr. CLARKE—Did you carefully read and consider the notes sent to you of the post-mortem?—I did.

Assume they accurately described the observations, have you formed an opinion of the cause of death?—I have formed an opinion that if the bodies described in these notes, as being in the membranes of the brain, were the tubercles of the acute form which I judged them from the description to be——

The ATTORNEY-GENERAL—There is no description before us.

Mr. JUSTICE HAWKINS—The witness ought to have heard the evidence, and then he might have been asked the question. He says, "If what is in there——"

Mr. CLARKE—I think, after what your lordship has said, I will take upon myself the responsibility of withdrawing this witness.

Mr. JUSTICE HAWKINS—I don't wish to prevent you taking him as far as you in your judgment can legitimately go; but I am pointing out to you what I think is an unsatisfactory mode of procedure.

Mr. CLARKE—I will ask Dr. Greenfield to leave the box.

Witness here left the box.[1]

Mr. JUSTICE HAWKINS—I leave it entirely to you.

Mr. CLARKE—I am much obliged, my lord. This is the whole of the case for the defence.

The ATTORNEY-GENERAL—You spoke yesterday, my lord, about a nightdress.

Mr. JUSTICE HAWKINS—I want to know, first, where the nightdress came from that was put on the body; and, next, whether there was evidence of any clothes brought to Penge. I know there is evidence of a box containing clothes at Mr. Bradford's.

The ATTORNEY-GENERAL—I have a list here, if your lordship will allow me to read it. "The following is a list of articles in the possession of Sergeant Bateman, belonging to the late Harriet Staunton, 34 Forbes Road, Penge, and examined by Clara Brown at the Penge station, 30th May, 1877." The things in this list will not be the same as those in the box at Mr. Bradford's. Is Sergeant Bateman here?

1 For the evidence which Dr. Greenfield came prepared to give see Appendix ix. p. 318.

Evidence for Prosecution.

Sergeant Bateman

Sergeant BATEMAN was recalled and examined by the ATTORNEY-GENERAL—Did you, on 30th May, show a quantity of clothes to Clara Brown?—I did.

Where did you get them from?—They were at 34 Forbes Road.

Did you go to Forbes Road?—Yes.

Who gave them to you?—Mrs. Chalklin.

They were given to you as things belonging to the Stauntons?—Yes.

Is Mrs. Chalklin here?—She will be here soon.

Listen to the list—"One blue stuff dress, one black silk dress, two petticoats (one white and the other coloured), one crinoline, one black cloth jacket, one ulster, two breast improvers, one dress improver, one chemise, one nightgown, one pair of stays, one pair of stockings, one blue scarf shawl, one skirt, one fall, one pair of slippers, one neck ribbon, one bonnet, a purse, a towel, a sheet, a tablecloth, a tooth-brush, a reel of cotton, and a pair of ear-rings." Are those the things you showed Clara Brown?—There was only one slipper.

It is down here, "a pair of slippers." Those, I suppose, would be the things she wore. Mrs. Chalklin is not here?—I expect her.

A JUROR—Is the chemise taken from the deceased in the possession of any one?

Mrs. Gooding

Mrs. GOODINGE, the nurse, was recalled and examined by the ATTORNEY-GENERAL—After the poor woman was dead, did you put a clean nightdress on her?—Yes.

Was that put on what you call a chemise?—Yes.

Had she on her before her death a chemise?—Yes.

What became of it?—I sent it to the wash.

Mr. JUSTICE HAWKINS (*To the Jury*)—That would not afford you the least assistance, it having been washed.

The JUROR—No, my lord.

Another JUROR (*To Witness*)—Did you find any appearance of skin disease?—No, sir.

The ATTORNEY-GENERAL—Did you find the chemise after it was washed?—Yes.

What did you do with it?—I gave it to the police.

Is that the chemise introduced in the list?—Yes, there was only one.

In what state was it before you sent it to the wash?—It was very dirty, as things are after death; but I told the woman to be sure and tell me if there was anything on it, and she said——

Mr. WILLIAMS—We cannot take that.

The ATTORNEY-GENERAL—Who was the woman who washed it?—She lives at Heath Grove, Kent.

Mrs. Goodinge

You could find her if you went for her?—Yes.

The witness was not cross-examined.

The ATTORNEY-GENERAL—I do not suggest that she was not properly clothed at Penge. We have never suggested that.

Mr. JUSTICE HAWKINS—Do you propose to call that witness at Heath Grove?

The ATTORNEY-GENERAL—If the gentlemen of the jury wish it, but I cannot say her evidence would throw any additional light on the case. The nurse tells you the state in which the chemise was, and the other witness would tell you the same.

Mr. JUSTICE HAWKINS (*To last Witness*)—Was the deceased wearing both a chemise and a nightdress?—Yes.

The FOREMAN—The juryman, my lord, who asked the question said that he wished to ascertain how long, to all appearances, this garment had been worn—whether a few days or a few weeks.

WITNESS—Not a few weeks. It might have been worn a week, or a few days more.

Another JUROR—Was there any vermin on it?—I think there was not. I asked the woman who brought it home——

The ATTORNEY-GENERAL—Do not tell us that.

Mr. JUSTICE HAWKINS—The witness in her original evidence said, "The nightdress was as if it had been worn a week, or rather more, and there was dirt from illness upon it."

A JUROR—I remember that quite well.

Mr. JUSTICE HAWKINS—You can add nothing to that, I suppose.

WITNESS—No, my lord.

Mr. Clarke

Mr. CLARKE—May it please your lordship, gentlemen of the jury—I am very thankful that the moment has come when, after you have heard the whole of the evidence in this case, I have to discharge the duty of addressing you on behalf of Patrick Staunton.

I say nothing of the strain upon all of us, upon you and upon my lord, as well as upon those who sit around me, of the conduct of a trial of this kind. The interests that are committed to our care are so large that it is impossible one can discharge a duty of this kind without a feeling of the most anxious responsibility, and I say that I am thankful that the time at last has come when, having all the evidence before you, I can deal with it on behalf of Patrick Staunton, and press upon you, I hope in fair and reasonable argument, not only that upon the evidence before you there is no proof that he is guilty of the murder with which he is charged, but also that the evidence falls short, and falls far short, of bringing home to him

any such culpable negligence or misdoing as would entitle you to find him guilty of the lesser crime of manslaughter. Mr. Clarke

Gentlemen, I remember your kind interposition when my friend Mr. Williams was speaking, the interposition of yourselves, as well as of my lord, expressing your anxiety to hear all that was to be said, without grudging to the counsel who have to discharge this duty the time it may take them to deal with the complicated matters in this case. I believe I shall not have to occupy your attention long. My learned friend Mr. Williams on the one hand, and my friend Mr. Straight upon the other, have dealt, and dealt strongly, with many matters upon which I should have been called upon to say a word to you. I am perfectly satisfied to leave these matters as they affect Patrick Staunton in the exact position in which they have been left by the observations of my two learned colleagues, and I am quite sure that you will not think I am seeking to evade any point in the case because I simply abstain from repeating, and possibly weakening by repetition, the observations which were strongly made to you yesterday by those gentlemen. But before I address myself to the facts of the case with regard to Patrick Staunton, I am bound to say a word as to some observations which were made to you by my learned friend Mr. Straight towards the close of his speech as to the relation in which Mrs. Patrick Staunton stands with regard to her husband, and in what I say I am entitled to say here exactly, and am saying exactly, what I should have been instructed to say if I had been representing both of them instead of Patrick Staunton only.

My friend Mr. Straight has pointed out to you that in certain aspects of this case, the aspect in reference to the negligence, to the negligent administration of food, or the carelessness with which food was given to Harriet Staunton—that with regard to the question of manslaughter it will become a substantial question for you whether Mrs. Patrick Staunton was not acting under the immediate and direct control of her husband, and he has enforced his observations upon that point by recalling a witness and obtaining the statement that Patrick Staunton, violent as he has undoubtedly been shown to be in certain matters which are recorded in this case, was violent also to his wife, on one occasion even striking her. As the counsel of Patrick Staunton, so far from having anything to complain of with regard to my friend taking that line or bringing that out, I am entitled to and I do adopt it and enforce it.

Patrick Staunton undoubtedly must have been the person who made the arrangements for money to be paid for Harriet Staunton's being kept at Cudham. Patrick Staunton was not a person long and constantly absent from home; he was frequently, I might almost say constantly, at home. You have heard that when he went out his wife very often went out with

Mr. Clarke him. He was there during the day, painting, an occupation which would keep him at home for a considerable time, and I do not on his behalf complain in the least of the tone that my learned friend has taken; so far from complaining of it, I say to you that, as Patrick Staunton's counsel, I recognise and adopt the line which my learned friend took. Patrick Staunton, at least, has nothing to complain of with regard to his wife. He has nothing to say as to her, except that if she committed any fault, that fault was committed under his control and on his culpability, and if she made any false statements afterwards in the course of the case, those statements were made to shield him.

Gentlemen, the position in which Harriet Staunton was at this house must be looked at with reference to the statement which is before you that money was paid by Louis for her support, and with reference also to four letters which have been read to you once in the course of the case, but which seem to me so important that I shall read them to you again. They are the letters dated June, August, and September, 1876—letters in which Louis Staunton writes to his brother in affectionate terms, and especially with reference to Harriet Staunton being at Cudham, and I ask you in deciding, as you will have to decide amongst all the other matters in the case, the question, for what purpose was Harriet Staunton taken to Cudham or kept there? I shall ask you to remember those letters, which at all events were not invented for the case, found half a year or nine months after they are written, found when the persons are in custody, and letters which at all events you can rely upon as showing correctly what the relations and feelings of the parties were at the time these letters were written.

Gentlemen, on 28th June, 1876, Louis Staunton, dating from Gipsy Hill, writes to his brother this letter—"My dear Bay, many, many thanks for your kind letter. I am glad to say my hand is better, but no one knows, dear Bay, what I have had to put up with from Harriet the last six months. Her temper has been something frightful. I have talked to her for hours together and tried to reason with her, but it is of no use. From the time she gets up in the morning until she goes to bed at night she does nothing but try to aggravate me and make me as miserable as she possibly can. Although I say it, I have been quite disheartened, and cried for hours to think that I should have laid out money to have things nice and no one to take an interest in the place. I am truly unhappy; but, oh, dear Bay, I can never thank you and dear Lizzie enough for all your kindness to me, but rest assured I shall not forget it. I should have been glad to have been with you a few days, but am now afraid I shall not be able to, having had a few words with Bradford, which I will tell you about when I see you on Friday. I shall be at the hospital about three o'clock. Your

ever affectionate brother, Louis Staunton." The expression "I shall be at the hospital" is explained by the postscript, "I have not heard how dear papa is yet. I am going over to Brixton to-day." At that time, undoubtedly, their father was in the hospital, in which he afterwards died. On 28th August he writes again to his brother, "Dear Bay, I was indeed glad to get your letter this morning, and grieved to hear the two children are still so ill, but trust they will get better. It makes me quite miserable to think you and Lizzie are in such trouble. I want you to send Harriet to me immediately; I am sure you cannot be bothered with her now. Give my love to her. I hope to see her soon, and, if possible, will run down. With fondest love from your affectionate brother, Louis." "1st September. My dear Bay, I have received your letter, and am sorry I said anything, but the fact is, I was very annoyed at the time to think that Harriet had given you any trouble, for I know you have enough already with the two children ill, but I trust you will not say or think anything more about it. I had hoped to see you all to-day, but suppose it will now be Monday. With fondest love to all, your very affectionate brother, Louis." Mr. Clarke

Gentlemen, I have read these letters through because, amidst the mass of doubtful material upon which you will have to express an opinion in this case, this material is, at all events, trustworthy, and these letters undoubtedly show that in the months of August and September, 1876, the brothers were on affectionate terms; that Louis so wrote with regard to his wife to Patrick; that Patrick obliged him by taking care of Harriet for such reasons as are suggested in these letters; and, at all events, they are letters which you cannot read and believe that there was any improper intention, if not plan or scheme, of ill-doing to Harriet then in the minds of these two brothers.

Now, gentlemen, she goes down to stay at Cudham, and there is one date upon which I want to make an observation in passing, because I think it is important to the whole case for the defence, and my friend Mr. Williams will forgive me, I am sure, if I refer to a matter which he himself has touched upon—the letter of 19th August, which has been mentioned a great deal, and which speaks of the lost letter. You are told by Clara Brown—and you will attach so much weight to it as you think her evidence in the case is entitled to—you are told by Clara Brown that it contained an expression about Louis and Alice being happy, or a better time coming, or something of that kind, when Harriet was out of the way. It may be suggested to you that at that very time Harriet was out of the way at Cudham, and that, therefore, that must have referred to something else than her being away from London. If that is so, I think it is important to recollect the tenor of those letters, which show conclusively that if she was staying at

Mr. Clarke Cudham at the time it was only temporarily; that, at all events at that time, there had been no permanent arrangement made for her to stay at Cudham. Well, now, gentlemen, she comes down and she stays at Cudham, and you have a mass of evidence before you with regard to the fact that she was, to a certain extent, concealed from observation. I am anxious to keep this part of the evidence separate from that part which relates to her actual treatment, and for this reason, it is given by a different set of witnesses. You have a certain number of witnesses who prove this beyond a doubt; they prove she was not in the habit of being about Cudham, out of the house, and they prove certainly that when Mrs. Butterfield was endeavouring to find out where her daughter was, her daughter's place was concealed from her. It is quite clear that Patrick in the course of the conversation denied that he knew anything about where her daughter was, and the same observation applies to other conversations at which the prisoners were present; but the important question for you—and one of the most important in the case—is this, does that concealment at Cudham necessarily imply anything more than concealment, than her being kept out of sight? Patrick Staunton denied that he knew anything of where she was, and at that time undoubtedly she was in his house. But see the reason for which he has taken her into his house; see the way in which it may have been put to him by the brother who wrote these letters to him with regard to Harriet Staunton.

The brother was not happy with her. He says in that letter he was anxious that she should go and live at Cudham. There was no question of taking a place in the country, and out of the way. At this time, when this correspondence is going on, Patrick Staunton has for a year been living and carrying on his profession as an artist in a little cottage in one of the loveliest parts of England. That cottage he had probably taken for the pursuit of his profession, and he is residing there, and, although there is not much room in the house, it is arranged that Harriet Staunton shall go down; but for reasons to which Patrick Staunton could not have been to any great extent a party. Louis was anxious that Mrs. Harriet Staunton should not be seen by her mother. Might it not be—you cannot tell; you have no evidence on either side after what took place in London—but might it not well be that Mrs. Staunton herself was anxious that her mother should not find her? Let us deal with the position she is in. Let us remember the fact that her mother had given evidence and attempted to prove that she was insane. One of my friends pointed out to you the horror that one who is conscious that something is the matter with the brain would feel of anybody who attempted to put her into a lunatic asylum. Let us remember that her mother had not

seen her for twelve months before her marriage, and we know Mr. Clarke
that when she did come she had a conversation for a few minutes, which my learned friend Mr. Williams commented upon, and may it not well have been that Harriet Staunton herself was desirous not to be found by her mother? You have her own sentiments in the letter she wrote to her mother so soon after that interview, in which she expresses the wish that she should not see the mother again, and in which she said her husband was desirous that the mother should not come. Does it come to anything more than this, that, in the first place, she should not be found by her mother, and, in the next place, that there was some other reason for it? It would be incomprehensible if there really were this plan and plot of murder which has been shadowed out to you. Strangely enough, Louis Staunton, whose one object, if he had been a party to a conspiracy or combination to destroy his wife, would be to keep himself as far as possible from the place to which she was to be taken, and at which this terrible resolve was to be carried out, arranged to go down and live with Alice, choosing the place only about twenty minutes' walk from the cottage where his wife is staying; and so long as he was down there, so long as his being there was concealed from the knowledge of his wife, every time she went out into the village, every walk she took about the place, might have revealed to her the fact that her husband was living down there with Alice Rhodes, and there comes at once a second reason for her being checked and not being allowed to ramble about the place near which, for some inscrutable reason, Louis Staunton has actually come down to live. If she goes out she may meet him or Alice Rhodes, or may be given the information that he is living within a mile of the place in which she is kept.

Now, gentlemen, if Patrick Staunton did deny the fact of her being there, was she checked and prevented from going out? Upon what Clara Brown said, with regard to that part of the case, I shall have a word to say presently; but, so far as any evidence goes, there is only the general evidence of the man who tells you that, in a tone and with a manner from which he thought he was joking—he thought it a joke at the time—Patrick Staunton one day said to her outside the house, "Here is a policeman, and he will run you in." The man thought it a joke. I think, with that exception, there is no direct evidence that she was checked or limited at all with regard to going out of the house.

One observation I should like to make at this moment, because it comes in order of time, although I confess I do not attach much importance to it. It must be admitted that Harriet Staunton was concealed from observation down there. I leave the suggestion with you. I have suggested to you that

Mr. Clarke that was not merely in order to prevent her being found out by Mrs. Butterfield, but also to prevent her finding out the place where Louis was living, and where he was living with Alice Rhodes as his wife. But you will observe when you come to the evidence which has been given by persons who say they watched the place, or were passing near the house, that they did not see her about at any time. I only want to call your attention to this observation, that a good deal of that evidence relates to the last month or two months during which she was at Cudham, and that with regard to that there is an explanation of her not going out, which certainly does not require the interposition of Patrick Staunton. It may have been that during that time the emaciation, which was afterwards so extreme, was gradually coming upon her, that she was wasting away and becoming weaker. There would be a reason in her own bodily condition. I do not say "health" for a special reason; but there would be a reason in her bodily condition, as well as in the wish entertained by Patrick Staunton and his wife, that she should not go out.

That being so, let me point out to you that if there is that explanation of her being kept concealed, one can understand but cannot sympathise with it; of course, one cannot approve, it is impossible to approve it, but you are not asked to do so; but one can understand, perhaps, the way in which Patrick Staunton would act, and understand that he would, for the sake of his brother, help to keep the wife in some sort of concealment there.

But the next step you are asked to take is a tremendous one. You are asked from the evidence in this case to conclude that, if not at the time when Harriet Staunton first went to that place, at all events at some time while she was living in that house, there was either a combination between these persons to do her to death slowly by starving and neglecting her, or that there was that intention on the part of some one, with the knowledge and without the interposition of the other.

Mr. Justice Hawkins—Or to do her grievous injury, grievous bodily injury; if they did that the probable consequences of which would be to reduce her to such a state as that death would be the probable result, or if they were doing acts which they were aware, and reasonably ought to be aware, would lead to that result, that would be equal to murder without the actual absolute intention.

Mr. Clarke—I will neither try to repeat, nor comment upon, anything my lord says. I know well he will lay down the law in his summing up.

Mr. Justice Hawkins—I mention that in order that you may deal with it before it comes to be too late, and that I may not conceal from you anything that is passing in my mind.

Defence of Patrick Staunton.

Mr. CLARKE—I am very much obliged to your lordship, but I think there are different aspects of the case which are present to my mind, and I propose to deal with them in their order. You, gentlemen, are asked in this case, and asked on the authority of one important bit of evidence, to believe that in August there was the intention that she should be done to death, not merely that she should be ill-treated, concealed, neglected, but that she should be got out of the way; and there was no doubt about it, because you heard what Clara Brown said, and what the interpretation was that she put upon that letter, an interpretation which suggested that there was the deliberate intention that she should be put to death. Mr. Clarke

I will deal in their order with those facts of the case which would throw upon Patrick Staunton the burden of having been negligent, or having been a party at a later time to neglect which would cause her death, or to a combination, whatever it may be. I will deal with the whole evidence, but at this moment I am asking you to consider this point, that with regard to the whole current and tenor of the conduct of Patrick Staunton in assisting to keep her in a certain sense concealed in his house there is an explanation, there is a possible motive; but it is a motive which fails to be sufficient when you come to the larger crime with which the prisoners are charged.

It might well be that from the affection which appears to have existed between the brothers, and which would induce him to do those very matters which I do not approve or defend, it might well be that Patrick Staunton would consent to help to keep the lady concealed; but can it be that he lent himself to the deliberate intention that he would put her to death, that he would be a party to her being murdered by starvation and negligence in his own house? Is it possible to explain his conduct upon any such hypothesis as that? Why, gentlemen, what was the motive? In his case it was no motive of money. So far as there was money, if money was of any importance in the poor little household which seems to have existed in that little cottage at Cudham, so far as money would be of value, money was paid to keep her, and it was by her life and not her death that he would profit. As for the gratification of passion, he has not been implicated in the tragedy of guilty passion which runs in this case alongside with the terrible tragedy into which you are inquiring. And is it conceivable that without either of these motives, so far as one can see, without any motive of adequate strength, that he would lend himself to a scheme which would destroy the happiness of his own home, and bring the victim of the crime which they were about to commit into daily and hourly contact with himself, where he could not fail day by

Mr. Clarke day, in the presence of his wife and children, to see the progress of the crime he is supposed to have been committing, and where in that little house there was necessarily either an accomplice or a spy, for there was a servant, upon whose secrecy or upon whose concurrence in the plot the lives of himself and his wife must depend. Surely it is monstrous to suppose that, without motive, he should lend himself to a plan so difficult in its execution, so horrible in its progress, so far as he himself is concerned, and so certainly fatal to him in the fact that it must at last, either by the speaking out of the witness, who was present in the house, or by the appearance of the dead when death had been accomplished, have been brought home to him. If this death was actually worked out in that way, if Harriet Staunton, in fact, was wilfully brought to her death by the deprivation of food in that house, then for days, for more than a month, Patrick Staunton must have had before him every day and every hour, present to his nightly dreams and to his waking thoughts, a crime which one could scarcely contemplate so long without an unutterable horror, which must surely have turned him from his dreadful purpose.

Gentlemen, apart from this question of concealment, there are only three matters with which I think I shall have to deal; starting with the absence of motive, there are three sets of evidence in the case upon which I must address you. The evidence against all the prisoners divides itself fairly enough into these three classes. There is the evidence of the statements that the husband and the wife themselves have made; the direct evidence, which is only that of Clara Brown; and the evidence of the medical witnesses; and excluding, as I desire to exclude after what I have said, the question of concealment, and the witnesses who referred to the fact of the lady not being seen about Cudham, I think you will find that the evidence is fairly summarised in the other classes I have mentioned.

With regard to the statements, of course my learned friends and I feel the responsibility, representing, as we do, the different prisoners, of going through the statements, and of seeing how far each prisoner is affected by the statements that were made. There were important conversations, for instance, like the conversation with Mrs. Chalklin and Dr. Longrigg on the night of the 12th. At those conversations Louis Staunton and Mrs. Patrick Staunton were present, Patrick was not.

Mr. Justice Hawkins—In the morning, you mean.

Mr. Clarke—Or in the morning. I was thinking of the conversation with Mrs. Chalklin, which I think took place that night or the following morning, and Mrs. Chalklin did not see Patrick or have any conversation with him till a quarter to six on the Friday evening. At all events, gentlemen, I

was indicating that as a conversation which I may have incidentally to mention in connection with Dr. Longrigg. But so far as Patrick is concerned, the only statements I remember which are contained in the case are, first, the account of his conversation with Mrs. Butterfield at the station, when he met her and denied knowing anything of Harriet Staunton (and with that I have dealt in dealing with the question of concealment), and the statement which was made to Sergeant Bateman when he went down and made inquiries at Cudham. It is also said that Mr. Patrick went to the hospital with Mrs. Patrick Staunton when the child was taken there, but that he took no part in the conversation, and the nurse said that she did not know he was within hearing. It is true that he said something to the doctors at the hospital, describing the child, and it was put in evidence, though I do not suppose it will affect your minds upon this question. It is true it was mentioned at the hospital that the wife had nothing to do with it, that the mother was a worthy woman, and that is a statement which is really to a certain extent true concerning Harriet Staunton. I need not make any observation about that. It was not his child, as a matter of fact, but there are people who have availed themselves of the magnificent charity which the hospital offers, and who have availed themselves of it without fair reason. It may be so in this case, but I am not anxious to acquit him of that; at all events I am confident you would not desire that I should burden you with observations on circumstances which are incidental, and upon irrelevant conversations. Mr. Clarke

Then, with regard to Sergeant Bateman. He made a statement to Sergeant Bateman which I shall ask you to accept and to say was true. He made a statement to Sergeant Bateman that she had been there for some months, and that there was nothing the matter with her except a little brain disease. Gentlemen, I think you will find upon the whole evidence of the case that the statement which was made to Sergeant Bateman was a true statement, substantially a true statement, and I say substantially because when you have to deal, after my lord has called your attention to it, with the whole of that statement, I think you will find very fair ground for caution before you accept it at all points. One of my learned friends has already spoken of the conduct of Sergeant Bateman in going down and asking questions in the way he did. I cannot imagine how it is allowed that a police constable should go down to persons in this way, that he should call them one by one into a room, should examine and cross-examine them, and then should go and give evidence at the trial, unfortified by any notes which he made at the time, and liable, as was shown to you by the example of Bateman himself, to lapses of

Mr. Clarke memory, which may prevent his repeating matters of the gravest and most vital importance to the prisoners. There was a great case in this Court not many years ago, the case of the Lewisham murder,[2] when I remember the then Lord Chief Justice Bovill spoke very strongly indeed with regard to inquiries made by policemen, and reports which they brought as to the statements which had been made to them; and I do ask you to remember this in dealing with the evidence of Sergeant Bateman, that my learned friend, Mr. Straight, in listening to the evidence he gave here, and referring to the notes of that which he had given before, was able to suggest to him matters of grave importance to Mrs. Patrick Staunton, which he had innocently, I have no doubt, and from the defect of the human memory, left out in his statement here.

The observation I make is not in any way one of censure. I suppose he took the ordinary course, and you may take it that I do not impute to him any breach of duty. But the observation I make with regard to that brings me naturally to another which I heard made by the Attorney-General himself in the very fair and temperate speech in which he opened this case. He pointed out to you himself that at Cudham there were only five people in the house who could give direct evidence as to what had taken place there. He pointed out to you that, of those five people, four were silenced because they were in the prisoners' dock.

Now, gentlemen, this trial, of course, has to be conducted according to the rules of procedure as they at this moment exist. This is not a place to rail against the practice of condemning prisoners to silence, and allowing them to sit in a dock, day after day, as if they were spectators of some highly interesting game which the counsel on both sides played out with their lives at stake. This is not the place to complain, though one may hope that the day will soon come when something may be done to strike out from our criminal procedure what is its last remaining barbarism.[3] But I think, so long as the practice lasts, I am bound to point out to you that in this case the prisoners are suffering not only the disadvantages of this practice, but the disadvantages of another practice without having the advantage which would then be given them. It is urged against prisoners being allowed to give evidence on their own behalf that they would be liable to cross-examination; but these prisoners cannot give evidence though their cross-examination is before you.

Mr. Justice Hawkins—The coroner's duty is not to cross-examine; the coroner's duty is to say, "What have you to

2 *The Queen* v. *Edmund Pook*, July, 1871.

3 This was effected by the Prisoners' Evidence Act of 1898, 61 and 62 Vict. c. 36.

say?" so that you have both the examination and the cross-examination. That is all that can be elicited from people before the trial. Mr. Clarke

Mr. CLARKE—I have not forgotten that, but I do not think my observation is incorrect.

Mr. JUSTICE HAWKINS—I certainly understood that you were going to ask the jury to say that they were cross-examined without the opportunity of saying anything.

Mr. CLARKE—Oh, no, my lord. Gentlemen, they were examined by the coroner; the coroner has received information, some information that Dr. Longrigg sends in a letter to him, and with that information he sends Sergeant Bateman down to examine the people at Cudham. He has the information of members of the family, and Mr. Casabianca comes and tells Dr. Longrigg that there has been foul play, and, although Mr. Carttar is a gentleman of great experience, and would put questions fairly to these witnesses, you must remember that when he examined them only one of them was represented by counsel, Mr. Percy Gye appearing for Alice Rhodes, and that counsel was there taking part by courtesy in the proceedings, and, though he was allowed the greatest freedom of counter examining, all these people were cross-examined by Mr. Poland, who is now here as the counsel for the prosecution. I have a right to say, with regard to the prisoner, this is a ground upon which his counsel is entitled to claim that everything which is doubtful in the case shall receive an interpretation in his favour. If the fact that he is prevented from giving an explanation is a disadvantage to a prisoner charged with ordinary crime, it is still more the case here, where those depositions were taken before the coroner, the examinations and cross-examinations are put in evidence here, and when they are combined with the statements which, so far as Sergeant Bateman recollects, were made to him at Cudham, and when the prisoners sit and listen to the performance without being called upon or being able to give their own account. Gentlemen, does not that observation, strong as I submit in any case, become enormously strong in this case, when you consider the position which Clara Brown holds? Of these five people who alone could give direct evidence as to what took place at Cudham, four are silent in the dock and one is a perjurer in the witness-box, and upon that evidence and with that evidence you are asked to deal.

Now, there is a difficulty in dealing on the part of either of the prisoners with the evidence of Clara Brown, and I will tell you frankly what that difficulty is. If one leaves the evidence altogether alone, then one fails to elicit many things which might be truthful and might be strongly in favour of the prisoners. If, on the other hand, one cross-examines fully with regard to the matters with which she has to deal, then one

Mr. Clarke runs the risk of appearing to attribute too much importance to the statement she has made. I ask you first to consider to what extent you have to rely upon that evidence. Before the coroner, when she was called up into the room to give her evidence, Patrick Staunton had already been examined and cross-examined, and was in the room. He could not have communicated with her that day; he could not possibly have told her the day before the particular questions which my learned friend Mr. Poland or the coroner would be likely to ask; and the coroner tells you he has experience in taking such inquiries, and takes care there shall be no interference permitted with a witness while he is under examination. Clara Brown goes up to be examined. She receives from the coroner that most solemn warning which I read in cross-examination, when he reminds her that he has taken the evidence of other persons; he warns her for her own sake to speak the truth; and the foreman of the jury, with a natural anxiety when this girl is before them that they should get from her exactly what happened, backs that warning with a caution and an encouragement, he himself urging her to speak the truth. Thus free from interference, thus warned, thus encouraged, she is questioned as to what she knows, and her answers, if true, establish the innocence of the prisoners at the bar.

That is one statement. When and under what circumstances does the other statement come? Why, it comes when she has been in frequent communication with the police constable, who is cognisant of the materials in the case, who knows what letters are going to be produced, and who does not hesitate in dealing with that girl to affect her mind by what substantially was a threat, telling her that he had evidence that her story before the coroner was untrue, and that if she went on in that way she would get herself into trouble or get herself into prison.

Now, gentlemen, without discussing at any greater length the circumstances under which that second statement was made, put the two statements fairly side by side, and consider the circumstances under which they were made, consider the care that was taken in the first statement to induce her to tell the truth, and then say whether—if that first statement on oath speaks in favour of the innocence of the prisoner, and the second statement, handed in as the statement of a witness to be called for the prosecution, speaks of the guilt of the prisoners—say whether you for one moment, in a case involving issues of life and death, can rely upon either of those statements to the exclusion of the other. Is it not exactly the same as if you found two witnesses, both honest, both with equal opportunities of knowing the truth, both with the same motives for telling the truth, but telling you precisely contradictory stories? Could you in a case, I will not say where the life, but where

the liberty of anybody was at stake, could you say when you had the two scales balanced equally, with the same knowledge, the same motive, for the evidence given under them, could you say that with regard to evidence so equally matched you would believe the one and not believe the other, and would believe the one as justifying you in giving a verdict that would deprive a man of his liberty? Surely it could not be. And if in Clara Brown's case you find these two statements given under the circumstances I have stated to you, if you find these two statements, which are directly contradictory to each other, can you then, I say, whatever you may think with regard to incidental matters which she may state to you in the course of examination, and which may be in themselves valuable, can you at all events, in any doubtful case, give weight to her testimony so as to make it affect the life or even the liberty of a prisoner who is in your charge? Mr. Clarke

Now, my learned friend the Attorney-General most fairly and most generously, in his opening speech, spoke strongly of Clara Brown's evidence, and he, as representing the prosecution, besought you not to credit that evidence or lean upon it unless you found it corroborated. Gentlemen, let me for one moment ask you, what is corroboration in this case? What does corroboration mean? It means, as I take it, the giving of evidence which supports the same proposition. It does not mean that if one proposition follows another the second proposition may be called a corroboration of the first. If you had evidence before you that two men might either of them have committed an offence of murder, and you then had a witness called, and a tainted and unbelievable witness, who identified one as having committed the murder, that would not be corroboration. The evidence of that witness would carry the case the whole way. It might be consistent with the innocence of the man who was accused that the original evidence, showing that one of the two did it, was true. In the same way, if you found that a man had died, and the question was whether he died from violence or died from a fall, and your doctors came and told you that the appearances were consistent with either hypothesis, and you found an untrustworthy witness coming forward to say that that man died by violence, that is not corroboration, that is carrying the argument a step further. The first proposition is that the man died either by violence or by an accident, and when you come to the next step, which it is important and necessary to make before you can find a verdict of guilty, the original evidence of science stops short; it is only the evidence of the tainted and uncorroborated witness which would carry you on to the conclusion that would be fatal to the prisoner.

Mr. Clarke Gentlemen, I think I have made that point clear at all events, and I think you understand it. I shall ask you presently, on looking carefully through the evidence of Clara Brown, to say this, that, although you would have desired to have her in the box, and if the medical evidence had been clear you would have been glad to know what she said to-day, in order that any doubt upon your mind might have been removed, still, if you find that the medical evidence is in itself not to be acted upon in this case, then you no more strengthen that evidence by putting the evidence of Clara Brown beside it than you would make a bridge consisting of a rotten plank stronger by laying another rotten plank by its side, or than you would make a staff to lean upon by tieing two broken reeds together. I can quite understand why Clara Brown was called into the witness-box. My learned friend the Attorney-General, in the high office which he holds, represents in its highest form in this country the administration and the prosecution of criminal justice, and he might well desire, in a case so grave and difficult, that you should have the whole evidence before you for what it is worth. The witnesses, whether they are to be believed or not, at all events should not be kept back. The jury should have this before them and see what they can make out, and I think you will find that, although you cannot rely upon the evidence of Clara Brown herself—the direct story which she comes to tell—there are a great many things in the evidence which she has given, matters of omission as well as of statement, which may very usefully help you to come to a conclusion in this case.

Now, in the first instance, she told the story which was put to her in cross-examination by my learned friend Mr. Williams, a statement of Harriet Staunton having been in pretty good health up to the Monday previous, and of her having been fed as the rest of the family fed, and of her having been fairly attended and just like the other members of the family. The whole story—I need not go into details, and I cannot do so—is in your recollection. Well, what is the story that she tells now? When one examines it carefully it does not come up to a story of habitual starvation and habitual ill-treatment. Let me deal with the question of ill-treatment, for instance. You have heard it put by my learned friend Mr. Straight, and I already, for another purpose, have mentioned and have adopted his line upon that—you have heard it mentioned by him that Patrick Staunton is a man of violent temper. There can be no doubt about it. We have it in evidence that he struck his wife. We have it in evidence that he struck the child. We have it in evidence, if it is to be believed with regard to the child and with regard to the language that he used—we have it in evidence that he spoke

to Mrs. Harriet Staunton in very foul and abusive language. Mr. Clarke Mind, that all depends on the evidence of Clara Brown. Entertaining for the moment, accepting for the moment, for the purpose of argument, the statement which she has made, I want to point out this to you, that the very fact that Patrick Staunton was, according to her account, a man of violent temper, is evidence in his favour upon this trial, because she tells you it is a question of the treatment of Harriet Staunton on two occasions. She tells you that on two occasions she saw him strike Harriet Staunton. I, in cross-examination, pressed her to fix the date of those two occasions. On one occasion he struck her on the arm because she complained of not having food enough. On another occasion he is said to have struck her when she had shut the door against his wife and caused her a black eye, either by a blow with his hand—or, as Clara Brown says, that she had fallen against some article of furniture. Those two occasions are mentioned by Clara Brown as the occasions, and the only occasions, when she saw Patrick Staunton use any violence to Mrs. Harriet Staunton, and when she is asked to fix the time she says she cannot remember the exact date, but the second of them was before Mrs. Harriet Staunton went to a solicitor on 23rd October. So that you have this uncontemplated piece of evidence on the part of Clara Brown, if her story is to be believed at all, that this man of violent temper, either originally party to, or, at all events, becoming cognisant of, the intention to do to death Harriet Staunton—for that, you know, is Clara Brown's interpretation of it—having that intention and that knowledge, this man of violent temper strikes her and ill-uses her before she has gone to her solicitor, and at the time when he must have known that she would have the opportunity of complaining of what had been done to her; and he never uses any violence to her at all from 23rd October, when she goes to the solicitor, to 12th April, when she is actually taken out of the house. So much with regard to the violence of Patrick Staunton; and I submit that the absence of evidence makes Patrick Staunton's violent character a reason for refusing to believe that during those weeks he was lending himself to the deliberate scheme which has been spoken of in this case. Now, with regard to the boots. I mention that because once or twice it has been mentioned in this case. Something was said about Harriet Staunton not wearing boots, and something has been said about the condition of her feet. Gentlemen, if you are asked in any way to believe Clara Brown's evidence on the part of the prosecution, at least you will believe her where she is confirmed in her original statement. If you are asked to believe her when she contradicts what she before said upon oath, surely you will believe her where she now

Mr. Clarke corroborates it, and she says that three weeks before Harriet Staunton was taken away from Cudham she had been wearing boots which had been provided for her.

There is one more matter, and only one, which I want to mention, and at the same time it is a very important matter. But it depends also upon what weight is to be given to Clara Brown's evidence. Do you remember that Clara Brown was recalled by the Attorney-General, and said with regard to the room in Patrick Staunton's house in which Harriet Staunton slept, and in which Harriet Staunton was condemned to spend a good deal of her time, that there was a fire only once after Christmas? Gentlemen, here is a matter upon which only those five persons can know anything. From Clara Brown you have now got that statement, a statement which shocks and horrifies us all. One could not help it. If that were true, it is one of the worst pieces of evidence in the case; but you have her giving that statement, which, in their position, they cannot contradict, and giving it here for the first time. Is it possible a thing of that kind escaped her memory? If that is true, if there was no fire in the room, either Harriet Staunton was not kept there during those three weeks, or she would most assuredly have complained of cold and of ill-treatment. And when you see what Clara Brown omits, and come to compare it with what she says afterwards, you will find ample reason to believe that that story will not do at all. Now, I want to comment upon another part of the evidence. That is the evidence of Clara Brown with respect to the bedroom. From the opening—I do not mean the opening of my learned friend the Attorney-General, but I mean the way in which the case shaped itself—we have assumed that Harriet Staunton was kept as a prisoner in the house, that there was some place in which she was confined, and where, separated from any other members of the family, she was allowed to drag out this suffering which ended in her death. But what do we find? You find that the cottage in which this crime is said to have been committed consisted of four rooms only besides the kitchen. You know that Patrick Staunton and his wife and two children, and the servant, who was in some way related to them, and Mrs. Harriet Staunton and her child all lived there; and, instead of there being a separate room in which she was kept separate from the rest of the family, in which she was allowed to fall into as horrible a condition of filth as possible, it turns out that down to the very last day that Harriet Staunton was at Cudham that room was shared not only by Clara Brown, but also by one of Mrs. Patrick Staunton's children. It is absolutely inconceivable. Surely it is a thing which you would not believe if it came to your hearing without the concurrent testimony of witnesses of

undoubted veracity, that Mrs. Patrick Staunton should allow her child to be sleeping night after night in a room which was in the horrible condition of filth in which this room was said to be; and when Clara Brown came to speak of incidental matters with regard to which, perhaps, she had not contemplated being asked, she gave answers which all tend in the same direction. At first she said it was a shocking thing to keep Mrs. Harriet Staunton in this room, with no jug and no washstand. But if Clara Brown was there she must have washed somewhere, and the child must have washed. It might be very inconvenient not to have a washstand in the room, but no doubt, so long as Mrs. Harriet Staunton was capable of getting about the house, she would have had to use the downstairs as the others did. She was sleeping in what was properly the servant's bedroom; and the servant took the child down to wash in the wash-house. Where is the importance of there being no jug in the place? When the policeman describes to you the sort of trestle bed with no furniture to it, a sketch was brought of it, with the chintz furniture to it. What says Clara Brown? "It is true that the furniture was not there, because when Mrs. Harriet Staunton was removed I took it down to wash it." It does not suggest itself to her mind that the room was neglected, because she says, "I cleaned the room myself about three weeks before Mrs. Harriet Staunton was taken away." On 10th May the police sergeant goes to Cudham and goes into that room, and he says it looked as if it had not been cleaned for a month, and it had not been cleaned for several weeks. It had been occupied for three weeks, and for the other month it had not been occupied, and had not been cleaned. So that the sergeant's evidence corresponds with Clara Brown's—that there was no neglect as to cleaning the room, but it happened that when Harriet Staunton was taken away that it was three weeks since she had cleaned the room. Now, I come to one or two other little matters. Do you remember the statement about Mrs. Harriet Staunton not coming down to breakfast? Patrick Staunton was complaining of Mrs. Harriet Staunton not coming down to breakfast. Patrick Staunton you find calling upon her to come down to her meals. I shall have to say something about it presently. What about the hair? Mrs. Harriet Staunton used to attend to her own hair. "And I have heard Mrs. Patrick Staunton complain to her that she did not keep it in good condition." Well, now, instead of that neglect and misery and filth in that little dungeon room, which is the sort of idea pressed upon the public, she was sleeping in the room occupied by the servant and the child. It was cleaned in the ordinary way. She was reminded about getting her hair tidy, and that is exactly what you would expect to

Mr. Clarke

Mr. Clarke find in a mother whose child was sharing that room night after night. How about the bedstead? It was suggested by the police sergeant that the furniture was in a wretched condition. What do we find about the bedstead? When Harriet Staunton first went there she slept with Clara Brown upon the chair bedstead in the room. Afterwards a change was made. One does not know why. Possibly Harriet Staunton preferred to sleep alone instead of sleeping with a servant, and to have a smaller bed; but, at all events, a change was made after a time, and Harriet slept in one bed and Clara Brown and the child in the other. What was this smaller bed that Harriet Staunton slept in? Why, it was a bedstead that Patrick Staunton himself had slept in frequently before on the occasion that Alice Rhodes was staying at the house, for you hear, when Alice Rhodes was staying there, he used to take that chair bedstead out into the kitchen or to the landing, having only two bedrooms in the house, and he used to sleep on the chair bedstead which Mrs Harriet Staunton afterwards slept on.

With regard to the cleaning of the room, with regard to the hair, with regard to the washstand, with regard to the bedstead, and with regard to the furniture of the bed, has not the whole statement disappeared? And does not the condition of things, as you get them incidentally admitted by Clara Brown, go strongly to refute the whole story which has been put before you? For this reason, Clara Brown's story, to my mind, is not so important for what she says as for what she does not say. If you are asked to believe that, whether wilfully or by negligence, this poor woman was starved while she was in the house at Cudham, and to believe that that process went on for a considerable time, what would you expect to find from Clara Brown? Would not you expect to hear that Harriet Staunton had been begging Clara Brown to get her food? Would you not expect to hear of her trying to escape, and would you not expect to hear of Clara Brown herself helping her and giving her food when Mr. and Mrs. Patrick Staunton were away from the house? There is not in Clara Brown's evidence a syllable about Mrs. Harriet Staunton complaining of hunger, except that statement that she occasionally complained of not having had enough, as if it happened only now and then. There is no trace of any such complaint or of any such attempt to escape, nor is there—and I ask you, if you please, especially to remember this, because it is important with regard to what the medical evidence states—there is not a word from Clara Brown of any complaint by Harriet Staunton of pain or suffering, or any request by her that a doctor may be called upon to attend to her.

Mr. Clarke

Now, gentlemen, bearing in mind that evidence given by Clara Brown, which I now pass over with those observations, asking you to look at the evidence to which you are referred, it is conceded that Clara Brown's evidence, so far as it is uncorroborated, is not evidence upon which you would act in this case. You have not been so warned by me, but by the prosecution in this case. I have asked you to carefully consider as a matter of logic where corroboration begins and what you strictly can call corroboration; and when you have heard Clara Brown's evidence and considered how that evidence broke away under your feet at every step, you are thrown back upon the medical evidence in this case, and I must come to the evidence which Mr. Longrigg gave with regard to the matters which were before him in life, and also in the post-mortem examination.

Now, gentlemen, upon this point there is a conflict of evidence before you. It has been my duty in this case (and my learned friends have confided it, somewhat too trustfully, perhaps, to me) to deal with the medical evidence in the case, and to the best of my ability I have endeavoured to grapple with the questions which have arisen; and I now want to point out to you the inferences which have been drawn from the appearances in life and from the post-mortem examination, and to prove to you, not on the evidence of the witnesses I have called, but upon the admission of the doctors who have given evidence for the prosecution in this case, that the examination and the record of the examination are imperfect, and that the inferences are inconclusive and untrustworthy.

I deal first with the evidence of Mr. Longrigg. He is consulted about the patient, he is told that the lady is very ill; and here I must for a moment refer to a statement in the conversation with him. He says it is only a matter of recollection on his part—there is no note of it. He says that when he was talking to Louis Staunton and Mrs. Patrick Staunton they told him that a doctor had been attending her, and that he asked the name, and was told Dr. Creasey; and on suggesting it was Dr. Creasey, of Gravesend, he was told no, it was Dr. Creasey, of Brastead. There was a Dr. Creasey at Brastead, so that to that extent, if they were desiring to conceal anything from Mr. Longrigg, they took the worst course: they gave the name and address of the doctor, where he could be found and actual inquiries made.

That is his recollection, and if it is accurate with regard to that conversation it is very important. There were two persons who were present with him during the conversation. It is so important that he had to be pressed with regard to the exact words spoken, and he said in cross-examination that he could not state the exact words which were spoken in that

Mr. Clarke conversation. Now, gentlemen, in the report of a conversation of this kind, everything depends on the exactness of his recollection. The mere form of the sentence, the mere form of the question as he addressed it to one of these people, would make the whole difference between on the one hand a true statement of that which had taken place, and on the other a falsehood, or what you might consider as a falsehood designed to lead him off the scent and prevent investigation. He was speaking to these two persons, he wanted to ask them a question about the doctor; he tells you he cannot recollect the exact words he used. He asked if a doctor had been attending her and they said, "Yes." Is the answer untrue? If he asked them (and is it not the usual form of a medical question?) Have you a doctor there? and they said "Yes," it would be true. Upon that small difference in the exact words in which the question was put by Mr. Longrigg depends the whole difference between the truth or the falsehood of that statement, and let me just say that what immediately follows in that conversation is an almost conclusive indication that Dr. Longrigg's memory is failing him, and what was really said was, "Have you a medical man?" because they tell him that she has been only ill for a few days, and they tell him that this doctor lives 7 or 8 miles off. Is it not a great deal more likely that the statement by them was, "We have a doctor, and he is not attending, for he lives 7 or 8 miles off," than that they told him he had been attending and went on to say that the doctor lived 7 or 8 miles off? What was Dr. Longrigg's impression of the matter immediately after? He is speaking now from imperfect recollection, but what was his impression immediately afterwards? Why, gentlemen, surely his impression must have been that there had not been a doctor attending her, for this reason: he treats the case—he does not ask to send for the doctor—he treats the case, he does not ask anything about the treatment. One would think if he was told that a doctor had been attending he would have asked what medicine had been taken, and "Did you give her stimulants?" or something of that kind. H does not ask anything of that kind; but there is something more than that, he attends the case, and within a few hours, apparently, the patient dies.

Mr. Justice Hawkins—When he had that conversation about the medical man he had not seen the patient.

Mr. Clarke—When he had that conversation he had not seen the patient, but he attends the case, and in a comparatively few hours the patient dies. If he believed that the medical man at Cudham had been attending that lady, is it conceivable that a man exercising ordinary care, having seen so little of the patient as he had, having had so few opportunities of

testing the cause or the nature of the disease, is it conceivable that he would give a medical certificate without taking the ordinary precaution of writing to the other medical attendant to inquire what the former symptoms had been? No. Not only that, but when he gave the certificate, and Casabianca comes and tells him there is foul play, it does not seem to occur to him then to communicate with Dr. Creasey with regard to the matter. Mr. Clarke

Gentlemen, I hope I do not seem to be labouring this point too much. That conversation is an important one in this most important respect. From that conversation and from the exact form of this answer is there not a reason, as well as from the account of what else was said, to doubt the accuracy of Dr. Longrigg's memory, and to believe that the question really asked was the question, "Have you a medical man?" and that the answer to that question was truly answered by the statement that Dr. Creasey lived at Brastead, but with the explanation that as he lived some miles off they brought the patient up to London.

And what was the conduct of the people who bring the patient there? Directly they get to the place they go twice that night to urge Mr. Longrigg to come. I am not going to say anything in the way of censure upon Mr. Longrigg for not going that night. Certainly it occurred to one, as the house was little more than a quarter of a mile from his own house, and as it was a case in which, so to speak, he was retained, as the people had been twice in the course of the night to tell him that the lady was worse, and to beg him to come as soon as he came in, it did occur to one that whenever he came in, whatever time of night it was, it would have been a reasonable thing for him to have gone those few hundred yards to see how the lady was. However, he did not. The next morning he went, and the next morning undoubtedly this poor lady was beyond the reach of medical aid. But there is one important piece of evidence that he gave you in favour of the prisoners. He says—"I noticed nothing in the appearances inconsistent with their account. I noticed nothing in their behaviour which was in the least suspicious. I noticed nothing about the patient herself, or the behaviour of the people around her, which gave me any cause to suspect at all." He came to a conclusion he fairly enough defends to a certain extent, and I am not here to dispute it. There was truth in the certificate that he gave, but then came Mr. Casabianca. Mr. Casabianca gave him a history which we know may have been a romantic one, probably it was a very serious one, of the members of the family to which the deceased lady belonged. Mr. Casabianca told him that there was foul play, and upon that Mr. Longrigg

Mr. Clarke was led to another conclusion. His first conclusion was stated in the certificate; his second conclusion was narcotic poison, because he tells you that directly he was told that there was foul play, the symptoms which he observed during life were of course present to his mind, and he formed the opinion of narcotic poison. Upon that a post-mortem examination was ordered, and a post-mortem examination took place.

Now, gentlemen, upon the accuracy and completeness of that post-mortem examination very much indeed depends. Who conducted it? Mr. Longrigg. He examined the viscera, I think, and he examined the brain. Mr. Wilkinson also examined the brain. Who recorded it? Curiously enough, in the first instance, Mr. Longrigg, who was the responsible person in the case, and who took notes, who was the principal, therefore, practically having attended the patient. He took notes in a little book of his own—a private memorandum book. He may have filled, I think he says, two and a half pages, or something of that kind in this book, but all the notes that he took at the post-mortem examination were contained in that memorandum book, and that book, unfortunately, is lost. The notes which we have now, and which we know as Dr. Longrigg's notes, are notes that he made afterwards with regard to the appearances that he had observed. Well, now, was that post-mortem examination a complete one? It is perfectly clear that it was not. That, by the confession of the doctors who have been called upon the other side, was not the case. The brain was not weighed, the urine was not tested, the supra-renal capsules were not examined, the microscope—and perhaps this is the most important of all—was never used.

Now, gentlemen, how can we explain this? How is it that the three or four doctors of some experience in the matter, going to look at this body and to study the appearances presented by it, how is it that they allowed a post-mortem examination to remain incomplete? Is not the answer obvious, and that in the early stages of the post-mortem examination they were, I won't say directed to a conclusion, but were led to entertain a belief which, so to speak, threw them off the scent? Early in the post-mortem examination they found redness of the intestines, and upon that the theory was suggested to Mr. Longrigg and to the other medical man who was conducting the post-mortem examination, that although there may have been poison it was not a narcotic poison such as Mr. Longrigg inferred from the symptoms during life, but that it was an irritant poison which would have effect in that way upon the coating of the intestines; and upon that, discussing the matter amongst themselves, having that suggestion presented to their minds—for I will put it no stronger than that—their examination, like

the examination of Dr. Rodgers, when the matters were submitted to him afterwards, was an examination directed to the presence of poison. If it had not been so, is it not obvious, gentlemen, that they would have filled up the gaps that I have pointed out in this medical examination? Were there not appearances there which should have led to further examination? My learned friend the Attorney-General called one witness who was not present at the post-mortem examination, and a witness whose ability, I suppose, is known to all who are practising in this Court. Mr. Bond was called into the witness-box, and gave certain evidence in regard to this matter, and, in cross-examination, do you remember what Mr. Bond said with regard to this post-mortem examination? He admits that it was incomplete, and the evidence which he gave points to two, at all events, special evidences of this incompleteness. Mr. Bond tells you this, "There are two diseases which cause a bronze skin." He says, "I know of no other disease which causes a bronze skin. In diabetes the skin is slightly bronzed. In Addison's disease the skin is a great deal more bronzed, and, therefore, if I find a bronzing of the skin, that would lead me to the suspicion that either diabetes or Addison's disease might be present." Mr. Clarke

Now, suppose that to be so. In this case there was a bronzing. Mr. Longrigg says, "The skin was bronzing." Then that would lead to the inference that one of those two diseases was present, and with regard to each one of those diseases there is only one unmistakable symptom to be discovered after death. In the case of diabetes that one unmistakable symptom is the presence of sugar in the urine. With regard to Addison's disease, the one unmistakable symptom is the condition of the supra-renal capsules. I asked the doctors with regard to this post-mortem examination, "Did you find urine?" "Yes." "Did you test it?" "No, there were 3 ounces of it, and it was not tested." "Did you examine the supra-renal capsules?" "No, they were overlooked." There was the indication on the appearance of the body that one of those two diseases might probably be present, and with the opportunity of making sure of that fact with regard to each of them by an appearance which they could easily have tested, they did not test either. Is not that one explanation, the explanation that I have suggested to you, that their minds had already gone off on the suspicion of poison, and that, with that view in their minds, it did not occur to them to follow up the other evidences that were present before them?

But this is still more important according to the view of the case which I have ventured to take. There is a still more important omission upon their part, and that is the omission

Mr. Clarke of the use of the microscope. They find in the lungs a certain amount of tubercular deposit. They find in the meshes of the pia mater a certain number of granules or miliary tubercles, tubercles which connect themselves with tubercular disease, and connect themselves either with a chronic state of disease, tuberculosis, which would be acute and general, or with the local disease, meningitis. Now, these indications are found in the brain, and the doctors who were called on behalf of the prosecution say that they did not attach much importance to these tubercles on the brain, they were not sufficient in quantity and they were not in the right position. Some of them seemed to consider that the important point was that there was not enough of these tubercular substances; another, Mr. Wilkinson I think it was, seems to think that they were not important because they were not at the base of the brain.

Now, gentlemen, of course the very important question for you is, not whether it is proved that the death of this lady was caused by any of the diseases I have mentioned, but whether her death, with the symptoms I have described, is consistent with her having died of one of those diseases; because I am quite sure you would demand, before you acted upon it to the prejudice of the prisoners, that the medical evidence given before you should be consistent with the hypothesis of their guilt, and with that hypothesis only. If you find that all the appearances here are consistent with her having died from a fatal disease, a disease not necessarily produced by privation of food, then surely you could not be asked to say that you were satisfied that the crime of murder had been committed by the wilful deprivation of food.

Well, now, how about this disease? What do we hear? In the first place these doctors, one or two of them who have given their evidence on the part of the prosecution, I suppose now must admit themselves to have been mistaken, after the authority, the great authority, which has been produced in this case with regard to the question of tubercular meningitis and tubercular disease. Mr. Longrigg and Dr. Bright would probably hardly persist in the evidence which they have given, and which has been contradicted. I asked Mr. Longrigg whether there was any sign in the appearances which he noticed which was inconsistent with the symptoms occurring from tubercular meningitis, and he mentions one; he mentions the rigidity of the arm as the symptom which shows him that it is not tubercular meningitis.

The Attorney-General—I think you are mistaken.

Mr. Clarke—It is so really.

The Attorney-General—I think he mentioned paralysis.

Mr. Clarke—My lord will correct me by and by if I am wrong.

Mr. JUSTICE HAWKINS—I have carefully abstained. I keep silent. I do so, not because I assent to everything. Mr. Clarke

Mr. CLARKE—I quite understand that, my lord. Of course, gentlemen, I am speaking under my lord's correction. There is my lord's note. One of my friends has been kind enough to take a note for me, and this is what he has—"Considering the rigidity of the muscles of the upper extremity, tuberculosis was not sufficiently established. If it had been established, it might have caused the other symptoms." That is Mr. Longrigg's statement—that if tuberculosis had been sufficiently established, it might have caused all the symptoms except the rigidity of the arm. That was, at all events, in my mind to ask him, and I believe I did ask him, and that is on the note.

Thus Mr. Longrigg stated that the rigidity of the arm was inconsistent with tuberculosis. We have called witnesses in the box to put the matter beyond a doubt, referring not merely to their own experience but to their knowledge, the high scientific knowledge of Dr. Payne and Dr. Bristowe. They are the authorities for the proposition that so far from its being inconsistent with tuberculosis, it is one of the consequences and frequent signs.

Now take the other suggestion, that because these tubercles were not at the base of the brain, therefore they could not have produced the disease and produced the emaciation which existed. Gentlemen, the answer to this is the evidence of Dr. Payne, evidence which is endorsed by the authority of Dr. Bristowe, and is of the greatest importance. I asked Dr. Bright, you will remember, in cross-examination, with regard to the symptoms that he saw, whether those were not consistent with tubercular disease, and with being caused by that tubercular disease. He said, "No, there were other appearances that one would have found, namely, tubercles at the base of the brain, flattening and bulging of the lobes of the brain, and effusion into the ventricles." Now, then, I asked Dr. Payne, and his opinion is supported by Dr. Bristowe, and he said, "It is quite possible to have the disease produced without having tubercles at the base of the brain, that would produce the appearances which Dr. Bright conceived should have been presented if the disease was there at all; but in the absence of tubercles at the base of the brain those appearances will not be presented, and yet there will be the tubercular meningitis which would cause the emaciation and the death." Therefore, upon those points the differentia indicated by these doctors, as showing that it was not tubercular meningitis, are proved by the evidence which is before you to be perfectly consistent with that disease.

Now, gentlemen, there is another important part of the evidence, and it is this, there is evidence of appearances in the

Mr. Clarke body which are inconsistent with death being the result of starvation only, and that is the inflammation of the peritoneum, and upon that point did not the evidence of Mr. Payne, given in the witness-box yesterday, make you regret that there had not been more care in this post-mortem examination and a more careful resort to the appliances of science to solve the difficult question? Dr. Payne says, "I cannot explain the presence of the appearances of inflammation of the peritoneum unless, in fact, it was caused, as it might have been, by tubercular deposit not to be detected by the naked eye, but yielding to the examination of the microscope." And Dr. Payne says this further, which is of the greatest importance, "If I find the existence of tubercles in the brain discoverable by the naked eye, I should consider it probable that in the other organs of the body I should, by microscopic examination, be able to discover further marks of tubercular deposit."

What, then, was the condition of the body? There is one matter that I must mention before I sum it up, and that is the state of the brain. This is very important. In cases of starvation Mr. Longrigg admitted that the brain was pale. In this case it was not pale. Mr. Wilkinson says that in cases of tubercular disease he should not expect to find the rest of the brain healthy; but Dr. Payne, backed again by Mr. Bristowe, who endorses that medical opinion, and supported by medical authority beyond and apart from his own experience, says, "There are cases in which the disease does exist, and in its fatal form, and yet the residue of the brain would be found healthy."

Now, gentlemen, what was the fact? In examining this body they found tubercles in the meshes of the pia mater in the brain. Let them look further and see whether those tubercles were matters to which no importance was to be attached, or whether the presence of tubercles in another part of the system showed that there was great importance to be attached to it. Looking further, you find a patch of tubercular deposit on one of the lungs, and although they found it, although there were these tubercles in the brain, and this tubercular deposit on the lungs, that must have guided them to the suspicion of disease, they did not call to their aid the microscope, which might have enabled them to detect, at the base of the brain or on the coating of the peritoneum, the still further and conclusive evidence of the presence of the tubercular meningitis which might have produced this death.

But, gentlemen, there are two more matters with regard to which the evidence of Mr. Longrigg and the other doctors is of great importance. In cross-examining Mr. Longrigg, I hope I did not seem unfair to him for a moment. Certainly there was no intention on my part to be unfair to him with regard

to the notes that he took, and I think you will bear me witness, directly he complained of the matter, I was only too glad that the notes should be in his hands, and that he should have an opportunity of examining them. But there was an important question, and important to put in a particular way; and in cross-examination one exhausts the recollection of a witness before helping it, in order to test it, and I asked him, "Have you told us everything that you noticed with regard to the coating of the stomach?" He said distinctly, "Yes." Then I asked him, "Did you make a note of it?" "No, I did not." He examined his notes, and there was no trace of it. Another of the doctors was asked solely about the thinning of the coats of the stomach; but Mr. Longrigg admits that there are two indications, almost necessary indications, of death by starvation: one is the thinning of the coat of the stomach, and that the doctors never noticed and never noted. If Mr. Longrigg did notice it himself, or noticed something which he thought was thinning, he made no note of it. The other inevitable symptom is the paleness of the brain, and in this case the brain was not pale at all. With respect to the thinness of the coating of the stomach and the paleness of the brain, you have the absence of both these invariable symptoms. Mr. Clarke

The Attorney-General—Who proved that paleness of the brain was a symptom?

Mr. Clarke—I believe I examined Mr. Longrigg about it. I think you will find I am right. He said, "It was neither pale nor wasted."

The Attorney-General—I do not say that was not stated, but who proved that it was a symptom of starvation?

Mr. Clarke—The same witness that I asked.

The Attorney-General—It is not so, I think.

Mr. Clarke—He says, "I expect to find it pale in cases of starvation."

Mr. Justice Hawkins—Whom are you alluding to?

Mr. Clarke—Mr. Longrigg. In my cross-examination he says, "The brain was neither pale nor wasted. I should expect to find it pale, but not wasted."

The Attorney-General—If that was the note, so be it. We hear nothing of that kind from Mr. Payne.

Mr. Clarke—Gentlemen, the point that I was upon—and I am quite satisfied now by the notes of my learned friend that I was right about the statement that I made—the point that I was upon was this, that, by the evidence of the doctors who were called by the prosecution, there are two symptoms of starvation; one is the thinness of the coating of the stomach, the other paleness of the brain; and in this case, so far as the other doctors beside Dr. Longrigg were concerned, there was no thinness of the coating of the stomach. And he only admits that thinness

Mr. Clarke when it was suggested to him, although he made no memorandum in his notes, and although he had already said that he had told us all that he remembered about the condition of the stomach. He admits that he said the organs, with the exception of the lungs, were in a healthy condition. Then, gentlemen, if you get two symptoms that would be there in starvation, they are absent.

Mr. JUSTICE HAWKINS—Not that they of necessity would be there, Mr. Clarke, in all cases of starvation.

Mr. CLARKE—Well, my lord, they would expect to find it.

Mr. JUSTICE HAWKINS—I mean to say, Addison's disease has the bronzing of the skin as in diabetes; it is not an essential.

Mr. CLARKE—I am quite content. If there is one thing that I am anxious about in this case, it is that I should not overstate or exaggerate propositions which are not so familiar to me as they are to the gentlemen who have been in the witness-box, but which are very important for your consideration in the case. At all events, there are two symptoms one would expect to find in starvation, and neither of them is mentioned in the record of the post-mortem examination. There is the symptom of the inflammation of the peritoneum, which you would not expect to find in cases of starvation, and which you do find here. There is something more. Mr. Payne was examined with regard to the matters which were found, and which he thinks were inconsistent with death from starvation only; and I want to call your attention to the evidence that he has given in the cross-examination to which he was subjected.

Mr. Payne says that the rigidity of the arms would not be caused by starvation alone. He says that congestion of the stomach and congestion of the brain would not be caused by starvation alone. My learned friend the Attorney-General, in cross-examination, suggested to him two matters, one the matter of a person dying in convulsions. Now, so far as I know, there is no evidence in this case of any convulsion prior to death. So far as I know, the symptoms which Mr. Longrigg noticed with regard to the dilatation of the pupils and the stertorous breathing, the head symptoms, as I may call them, were symptoms noticed by him actually some time before the patient died. Then another question—I won't call it far-fetched, that would be disrespectful, but it was certainly a question I did not expect to hear put to Mr. Payne; it was this, "Don't you know that, in cases of shipwrecked sailors who have become maniacs and have died, the brain is congested?"[4] One would not suppose that anybody has had any very long experience of shipwrecked sailors who died maniacs, from absence of food and of drink, and there is no evidence in this case, from

[4] See p. 183. Mr. Clarke's condensation does not agree with the Attorney-General's question as reported.

beginning to end, that the privation, if there were privation, to which this lady may have been subjected, assuming for a moment the suggestion of the prosecution to be true, there is no suggestion of any maniacal excitement or convulsion, or anything of the kind. Mr. Payne gave important evidence. He told you he had read the depositions. He had read the notes of the post-mortem examination. He had sat here and listened to the examination and cross-examination of the doctors who had been called into the box, and he gives you his opinion that the deceased was killed by tubercular meningitis. He gave you his experience that this tubercular disease had for one of its frequent and early symptoms the slow and gradual emaciation, and an emaciation which is unaccompanied by any other sign of disease. Mr. Clarke

Now, of Mr. Payne's eminence in his profession one need not, I think, speak. The less necessity is there for my doing so, because in a curious and remarkable way he was corroborated by evidence to which the Attorney-General himself appealed. It is the Attorney-General's own witness in one sense that I next call into the witness-box, in order to test the accuracy of Mr. Payne's evidence with regard to these symptoms of obscure diseases. My learned friend had had handed to him, I suppose by the scientific gentlemen who are instructing him in dealing with this case, a book, as a book of authority, upon which he might rely, and by which he might test evidence. It was Dr. Bristowe's book, and in cross-examination he puts that to Mr. Payne. He seeks to modify Mr. Payne's evidence by appealing to the dicta which he finds in Dr. Bristowe's book, and Mr. Payne admits that Dr. Bristowe's book is acknowledged to be a high authority, and that Dr. Bristowe himself is one of the highest living authorities upon these subjects. It must be so, because my friend has used it as an authority. It so happens that I have the good fortune of Dr. Bristowe's personal acquaintance, and it so happened that Dr. Bristowe, having nothing whatever to do with this case, and dealing simply with me as a private friend, made a communication to me, and at the moment when Mr. Payne was challenged with that book, and referred to Dr. Bristowe's authority, Dr. Bristowe himself was sitting here.

Mr. Justice Hawkins—You really must not state anything that he has not stated.

Mr. Clarke—But he has stated it, my lord.

Mr. Justice Hawkins—I mean you must not state what he has stated to you.

Mr. Clarke—I am not doing that.

Mr. Justice Hawkins—You said something about his being a private friend.

Mr. Clarke—I am only stating what Dr. Bristowe stated

Mr. Clarke in the witness-box, that he had not been retained in this case, and had no communication with the other gentlemen in the case. It was in consequence of a private letter to me that he was here. At all events, at the moment when his authority was appealed to—and my friend called it a high authority—he was here, and he was in the witness-box yesterday. He endorsed the opinion which Mr. Payne had expressed, and he endorsed it in the answer to the questions of the learned Attorney-General, saying that he felt confirmed by that opinion in the judgment that he had formed with regard to this case.

Gentlemen, upon that point have I not produced to you evidence which is worthy of consideration, and worthy of respect? The matters with which you are dealing in this case are matters with which Mr. Longrigg may well be forgiven for not being very conversant. A general practitioner at Penge, however able he may be, however good his practice may be, cannot be supposed to have that knowledge of the most recent results of scientific investigation which belongs to gentlemen who occupy the position of those whom I called into the witness-box yesterday. I am not asking you to find affirmatively a verdict as to the disease which caused this lady's death. I am quite aware that with regard to one of the diseases mentioned—diabetes—my learned friend the Attorney-General may put that out of view, because I am quite aware that disease would bring with it a symptom during life which could not be mistaken, and which would easily have been noticed. But it is only necessary for me to show, as I hope and believe I have shown upon the evidence that I have called before you, that the symptoms which were observed during life or on the post-mortem examination were consistent with death from a disease which produces gradual and great emaciation, which is ultimately fatal, but fatal after being in its acute form possibly for only a few days, and the history of which disease is therefore consistent, not merely with the appearances during life and the post-mortem examination after death, but consistent—and this is all-important to me—with the account that the prisoners themselves have given of the condition that Harriet Staunton was in whilst she was remaining at Cudham.

Gentlemen, if this was a case of tubercular disease, assuming on the Monday this acute form, there is an explanation of the whole of the symptoms that have been stated and the gradual emaciation going on. And here let me call your minds—for at this moment it seems to me of the greatest possible importance—here let me call your minds to the observation I made with regard to one thing that you do not find in the course of this evidence. You do not find any complaint of suffering or any complaints of disease. These scientific men tell you that one of the symptoms of this tubercular disease is that

preceding it there may be a long period of gradual wasting leading to very great emaciation. Dr. Bristowe vouched for having seen cases in which the emaciation was as great as it was in this case, the disease having no symptom other than this slow and gradual emaciation. Now, if during the two or three months that had preceded this lady's removal from Cudham she had been gradually becoming emaciated without any painful symptom to herself, without any other symptom noticeable by the persons in the house, no symptom other than the gradual wasting of her frame; if this disease became acute on the Monday that she was removed to Penge, you find then that the account of the prisoners is consistent with the current of the disease, and you find that when you come into the presence of medical science every symptom of the brain and on the body, which after death is observed in the patient, is consistent with the presence of this disease. Mr. Clarke

Now, gentlemen, I confess I hope and believe that this evidence puts it beyond a doubt that you will refuse to return a verdict of wilful murder, based upon the idea that Harriet Staunton was wilfully and systematically starved. When you recall the way in which you are asked to believe Clara Brown only if she is corroborated, is there not force to all of you in the observation I venture to make, that, although, if the medical evidence were clear and decisive, it would be a satisfaction to your minds to have seen Clara Brown in the witness-box, and have heard her story for what it is worth given out before you, if you found reason for doubt and hesitation upon the medical evidence, the value of Clara Brown's evidence is gone altogether? If the medical evidence is consistent with either of the two hypotheses, the one hypothesis the hypothesis of innocence, the other the hypothesis of guilt, I am quite sure you would never allow the evidence of Clara Brown to force you to accept the hypothesis which is inconsistent with the innocence of every prisoner at the bar. But I think it carries it a little further than that. I am not content to challenge your verdict with regard to the question of murder or not murder. I do not repeat any of the definitions or endeavour to repeat any of the definitions of the different stages or different forms of the crime which will be laid down to you by my lord. I think my lord will quite understand that, while I am anxious to deal fully with the facts, I do not think it part of my duty to put before you propositions of law when those propositions of law will come with the fullest authority to you from the bench. But I do say that I am carried a step further here. It is suggested that there was manslaughter at all events in this case, that there was the neglect to provide the medical attendance and the comforts which the prisoners, I suppose it will be suggested, must have seen were needed,

Mr. Clarke and which they ought to have provided. The medical attendance is the only thing which presses upon me with regard to that matter, for as to the question of the comforts, that entirely depends upon the evidence of Clara Brown, and to that extent I am content to leave it. But with regard to the medical attendance, is there not an explanation, and a reasonable and fair explanation, in that medical evidence to which I have just called your attention?

Gentlemen, it is not a mistake, it is not an act of carelessness which the law brands as a crime and would punish, for the law is not so inhuman. The delay that a father weeps for when his child is dead, and when he thinks and thinks, in the bitterness of his sorrow, that if he had gone a little sooner, if he had called the doctor earlier, if he had wrapped the child up and taken it to a doctor he might have saved it; that is not the sort of thing which constitutes a criminal offence. And even if these people were negligent and careless, if you think they would have done wisely and properly when this gradual wasting, with no other symptom, was going on, to have called in Dr. Creasey or some medical attendant, and did not; you would not necessarily say that there was such an amount of neglect and carelessness on their part as would entitle you to find a verdict of manslaughter against them.

So far as the indisputable evidence goes, it seems clear that when they did move this lady, when they thought she was ill, and when they were going to take her to a medical man, so far as their conduct was concerned with respect to Penge, I say that conduct is consistent with the readiness to bear the fullest inquiry and investigation, and with the greatest care and attention to this unhappy lady. The doctor speaks of the distress the women were in who were attending to her, the surprise that they expressed at the illness from which she was suffering. He says that Alice Rhodes—I think it was he or the nurse, I am not quite sure which—that Alice Rhodes was attending and doing all she could in the matter. Then again and again to the doctor; twice that night they sent for the doctor. They leave the urgent message for him to come. They go, and it was Alice Rhodes who goes and waits till he comes. Louis Staunton goes to him later. The true name was given, the address was given. I heard some suggestion at the beginning of the case of their going to Forbes Road, as if that was not in the same registrar's district. I do not know whether anything is to be made of that, but it seems to be in evidence that Forbes Road is in two districts, and that No. 34, the place they took, was in the district which would be registered at Bromley, the very place it would have to be registered in if the death had occurred at Cudham. This is a matter of very trifling importance, and I only mention it to

get rid of the idea of suspicion or concealment at all. This death takes place, and after the death what happens? Is there any behaviour on their part as if they knew they had hurried this unfortunate woman to her grave, and were afraid of the deed? They had gone in by chance, as it were, where "Apartments to let" was in the window. They took the apartments from a person they never knew before, and from that person they accepted the recommendation of the doctor, of whom they had never heard until that day. From the doctor there came the nurse, a perfect stranger. The undertaker was sent for afterwards. And what do they do? Why, they go away from the place, and they leave a key with the nurse, or at the inn where she was then being employed, with instructions that she is to show the body to any person who comes; and when there is a suggestion of a difficulty with regard to the medical certificate, Louis Staunton says—"If there is any question about it at all, I should rather you waited. Do not hurry the funeral." Mr. Clarke

Gentlemen, from beginning to end, are not the circumstances of the removal consistent with the story which they have told, and which they tell, that there was a sudden illness which surprised and alarmed them, which made them think it necessary, instead of having a doctor who lived some distance off, that they should take this lady where the best medical skill could be constantly at hand? And was there not in the whole conduct of the transfer from Cudham to Penge a manifestation of solicitude and care in the way in which they took the lady, and a manifestation of the most perfect openness and freedom with regard to the publicity of all the proceedings in which they took part?

Now, gentlemen, I believe I have almost finished the observations that I have to make to you. I urge upon you that there is no evidence which would justify you in bringing a verdict of guilty of murder against the man for whom I appear in this case. And I do urge it upon you most seriously, in asking for your anxious consideration, that there is no evidence that he is guilty of the crime of manslaughter. I am anxious to urge this upon you, for I beg you not to look upon it as if manslaughter were a crime involved or necessarily to be decided by the other. When you have dismissed, as I hope you will dismiss, the charge of murder against him, it is for you then carefully to consider whether there is evidence against him of this negligence, and carelessness, and recklessness, as to which my lord will direct you. I have no desire to anticipate a phrase which would entitle you to find a verdict of manslaughter. Is not there only the mistake—the honest mistake of which I have spoken, the mistake for which he has suffered the most terrible punishment, gentlemen, to be

Mr. Clarke for months in gaol awaiting his trial for life, to know that, while he lay in one cell of that gaol, in another cell of that shameful birthplace his wife is bringing forth the child of their love; to have to give up everything that he possesses to supply the means of facing a criminal trial like this; to sit—I was about to forget the worst of all—to have to sit for five or six days listening to these discussions going on, and I fear very much, thinking now and then how much was being left unsaid that should be said for him, how much was being left unasked that might have brought an answer in his favour? All this would have been to him an unsupportable agony, it would have constituted to me in this trial a responsibility almost too great to bear, if he, and I as his advocate, had not been sustained by the knowledge of the way in which a jury deals with a question of life and death.

Gentlemen, in a case of this kind, would you venture as Christian men to pronounce a verdict of guilty unless you were satisfied beyond reasonable doubt by evidence which was accurate, and clear, and trustworthy, and satisfied you to the hilt of the matters which were alleged, and with which you were asked to deal? Will you venture to rely thoroughly upon the controverted conclusions of the doctors who have dealt with the medical evidence, or upon the shameless evidence of that girl who came into the witness-box admitting herself a perjurer before the coroner, and proclaiming herself in this Court to be the accomplice of the crime which she denounces? Gentlemen, human justice is depicted as blind. It is not given to human justice to see and to know, as the great Eternal knows, the thoughts and feelings and actions of all men. She has to depend upon what she hears. She must depend upon recollection. She must depend upon testimony. She must depend upon inferences. How should she deal with the irrevocable issues of life and death unless those recollections are exact, that testimony trustworthy, those inferences uncontradicted? How should she lift the sword to strike—and you, gentlemen, guide her hand to-day—while at the moment that the accusing voice is in her ear denouncing the crime, the echo of that very voice is heard proclaiming that the prisoners are innocent, and when passionless science steps to her side to warn her that there may have been in truth no crime committed?

Mr. Gye Mr. Gye—Gentlemen of the jury, in addressing you on behalf of Alice Rhodes, though I approach the case with the most anxious care and with the strongest sense of responsibility devolving upon me, I have the advantage of following my learned friends who are engaged with me in this case, and they have called attention to the main points generally. They have dealt fully with the question of the guilt or no guilt of

the three Stauntons, and I do not feel in any observations of my own as regards the matters to which they have alluded I could usefully occupy your time, or attempt to add to the arguments which they have used. They have also dealt with the circumstances of the case as bearing on the Stauntons; but many of these circumstances also bear upon the case against Alice Rhodes. The medical evidence has been particularly called to your attention. That evidence applies precisely and in the same manner to the case of Alice Rhodes, and has the same bearing in her case as it has in that of the Stauntons. The facts relating to all that was done with regard to medical attendance also equally apply in the case of Alice Rhodes. Mr. Gye

[*At this point the prisoner Mrs. Patrick Staunton was seized with a violent fit of hysteria. Her husband, who was sitting next to her in the dock, immediately turned to her aid, as did also the female warders and the governor of Newgate, who were in attendance. At the suggestion of the learned judge the prisoner was removed, and the other prisoners were also allowed to leave the dock. In about five minutes Mrs. Patrick Staunton returned, looking very pale, and the other prisoners having been brought in,*]

Mr. Gye proceeded—I was saying to you that the medical evidence has the same bearing on the case of Alice Rhodes as upon the case of the Stauntons, and that evidence has been so fully gone into that I feel if I were to call your attention to it I should only repeat the arguments which have been already used, and with which you are perfectly conversant. I shall therefore ask you to take the medical evidence on behalf of Alice Rhodes in precisely the same manner as it has been applied to the case of the Stauntons, and with all that has been said on their behalf I fully and entirely concur and adopt. Do not let it be misunderstood between us that this question of the intimacy between Alice Rhodes and Louis Staunton has been denied. It has been admitted throughout by my learned friends and myself in the entire conduct of this case. It has been admitted by the prisoners throughout the whole proceedings from their very first institution. At the inquest, acting without advice, they all made statements. I am not here to say one single word in excuse or justification of the intimacy between Alice Rhodes and Louis Staunton. It was wrong, it was most improper, and most wicked if you like; but there may be circumstances about it which, upon consideration, will cause you to take a more lenient view of the conduct at least of the parties concerned. There is no doubt that this intimacy has given rise to an enormous amount of prejudice against the prisoners. The examinations to which they were subjected lasted some considerable time, and the case was published in all its details in the newspapers, and the

Mr. Gye prisoners have been judged severely throughout the country. The case has been discussed far and wide, and many persons have not scrupled to say this intimacy justified the charge against the prisoners. Besides this, the prisoners have been cruelly hooted, and held up to execration by excited crowds utterly ignorant of the principles of justice. In fact, the conduct of some people can only be likened to that of savages, having no civilisation at all. Well, gentlemen, I hope you will put any of that prejudice aside. It should not be forgotten that intimacies of this immoral kind exist in every class and every creed of society. They exist amongst persons who know full well what they are doing, and know that at any moment they may be found out, their proceedings brought to light, and a lifelong punishment await them; yet they are willing to run the risk for the gratification of passion. But I do not think there are many who would consent to commit such a cold-blooded murder as that which is alleged in this case, even for the gratification of passion. Therefore, if motives are to be searched for to explain the commission of this alleged murder, I hope to find a reason why you will go beyond the intimacy of Alice Rhodes and Louis Staunton. I will now endeavour shortly to call your attention to the evidence as against, and subsequently as in favour, of Alice Rhodes. The evidence against Alice Rhodes begins at the date of the confinement of Harriet Staunton, in March, 1875, and it rests only on the testimony of Clara Brown, and simply on the words, "I am not quite sure that she always slept in her own room." That is the whole of the evidence at this stage of the case against Alice Rhodes, except that about the nightdress; and, gentlemen, you may depend upon it, if more could have been got out of that witness, it would have been. A mere slanderous insinuation from a witness who had admitted her own untruthfulness need not take up any more time; and with regard to the nightdress found in a drawer in the room in which Louis Staunton slept, it is capable of an easy and natural explanation. Louis Staunton, on account of the confinement of his wife, was obliged to dress elsewhere, and it happened that on that floor there was only one chest of drawers, and thus Alice Rhodes had no other place for her clothes. The learned judge asked Clara Brown if there was any other of the clothes of Alice Brown in those drawers, and she did not remember; so that the whole story is not worth a moment's consideration. The next point is that arising out of Harriet Staunton being sent to Cudham for a week. That is naturally accounted for on the hypothesis that they wished her out of the way while they pursued the intimacy which no doubt at that time existed between them, and which has never been denied.

The next thing urged against Alice Rhodes is what she said

when she met Mrs. Butterfield at London Bridge station. No doubt she told a falsehood as to the whereabouts of Mrs. Harriet Staunton; but, if there was any criminal intention at that time, why did Alice Rhodes make use of statements which were not calculated to allay, but rather to arouse, the suspicions of Mrs. Butterfield? Mrs. Butterfield complains of Alice Rhodes wearing a brooch belonging to her daughter. That is a mere trivial matter. The brooch itself was of trivial value, and may have come into the possession of Alice Rhodes in many different ways consistent with honesty. It might be that in reward for what Alice Rhodes had done for her during her confinement she had given the brooch to her. If the prosecution intend to attach any value to details of this kind, their case against my client must be very weak indeed. Then we have the fact of Harriet Staunton going to live at Cudham. Now, gentlemen, what are the probabilities of Alice Rhodes's knowledge of the condition of Harriet Staunton? At the time they were at Cudham together Harriet was in a good state of health, as we know from the evidence which Mr. Keene gave us as to her appearance in October. I come now to the "lost letter," which was said to have been found by Clara Brown. An oral version of a written document ought always to be received with great caution, even when given by an honest witness. Clara Brown does not remember one word except that which affects the prisoners; and I urge that it was only when she knew a lost letter was mentioned in another letter that she thought of this one. The lost letter, according to Clara Brown, said, "There will be a time when Harriet is out of the way, and we shall be happy," but the alteration of a word will give a widely different meaning to those words. I contend that the words may not be correctly remembered—that is, supposing there was such a letter—and if the words read, "There will be some time," or "some times," it may be well taken to allude to the opportunity of Louis and Alice seeing one another only, and not in any way connected with Mrs. Staunton's death. Then, just consider who and what Alice Rhodes was at that time. She could scarcely have been more than nineteen years of age—a weak girl with all the impulses of youth strong in her. What is more likely than that, knowing Louis Staunton well as her sister's husband's brother, she, however unwillingly at first, at last yielded and fell, and, having once fallen, there is no retraction of the step.

Mr. Gye

[*The prisoner Alice Rhodes here wept very loudly and bitterly.*]

Mr. Gye—It is said, in corroboration of the finding of the lost letter by Clara Brown, that Alice Rhodes wrote a letter to Louis Staunton, in which she said, "I have searched high and low for the lost letter, and cannot find it. I am sure

Mr. Gye Harriet has not got it." Now, at the end of this letter there is some poetry which I should like to call your attention to. It is as follows:—

Though absence parts us for a while,
And distance rules between,
Believe, whoever may revile,
I am still what I have been.

Now, that refers to the intimacy which existed between them, and why I call your attention to it is to show that Alice Rhodes was a weak and foolish girl, and she puts in these lines, which are not poetry, to show her affection for Louis Staunton. As to the pencil letter with a postscript, "I am not bad yet," that is dated 1st August last year. It has been suggested that that sentence had some reference to the pregnancy of Alice Rhodes, but that can scarcely be the case, because she was not confined until June 28 this year. As regards all the correspondence, you must remember you have only one side given you, because the mouths of the prisoners are closed. Then you have the period during which Mrs. Harriet Staunton was at Cudham. You have it from Clara Brown that Alice Rhodes was there from time to time, and there is no doubt that whatever may have been the state of that house, Alice Rhodes saw it up to a certain period. Whenever Alice Rhodes was there, you have it from Clara Brown that the deceased's meals were taken upstairs to her. It is quite clear that up to very late in November you have what was the state of Harriet Staunton's health. Mr. Keene's evidence shows that in October she was in a perfect state of health; therefore, you may dismiss what Clara Brown says about her health. Clara Brown says she observed her to be ill a month or six weeks before the date of her removal, and then, in answer to a question from the learned judge, you have it that Alice Rhodes was there and dined there the Wednesday before the removal. That was only one day before, the removal having been on the Thursday. His lordship put a question later on in the case, which may be used, and which no doubt will be used, as against Alice Rhodes, in order to show that she was there after that period. The first answer of Clara Brown was, "I noticed her being ill a month or six weeks before the date of her death"; and then the next answer was, "Alice Rhodes dined there on the Wednesday." Now, gentlemen, you have the presence of Alice Rhodes up to that time, but you have no evidence except that evidence of Clara Brown as to the state of Harriet Staunton's health up to that period. Now, when Alice Rhodes and Louis Staunton went there it would be natural they would not like Harriet Staunton to be present. We have it that she was usually in her room, that she preferred to be there, and that Patrick Staunton had to call her down occasionally to her

meals. What more natural than that she should stay up there sometimes? Mr. Gye

I am dealing now, and have dealt up to the present time, only with the evidence as against Alice Rhodes. We now have the question of the removal, and upon that a very material question depends. Alice Rhodes came there on the Wednesday. At that time all questions as to the removal were settled and definite. It had been decided that the woman must go to London or elsewhere to see a physician. At that time Alice Rhodes therefore could do nothing, and whatever remonstrance she might have made would have been of no avail. Alice Rhodes could not prevent the Stauntons doing what they pleased with the deceased. There was no duty on Alice Rhodes to look after this woman, or her necessities, or to take any steps with regard to her food or clothing. The doctor had been procured, the lodgings taken, and even the room taken which she was to occupy. If there had been any criminal intent then to kill the woman, I do not see how it is possible to reconcile it with the facts that then existed. The doctor, I say, had been engaged, and the time arranged when they were to come into the rooms. Then I do not see how, at that time, any criminal intent could have existed. If it did not exist it is clear that Alice Rhodes could take no part in it; and if it did exist, it must be shown that Alice Rhodes knew of it, and took part in it. It may well be that although she participated in that removal she did not participate in the felonious design, if felonious design there were. When they get to Penge, what is done? Is their conduct there consistent with the existence of crime, or the guilty knowledge of putting this woman away? It cannot be. She is there, it is true; but her conduct is entirely consistent with the greatest care and solicitude. Everything is done for the poor woman. The two Stauntons go for the doctor, Alice Rhodes stays with Harriet, and then goes herself and brings him back with her. The nurse and Dr. Longrigg say she exhibited the greatest care and solicitude for the patient. Is that consistent with a criminal intention at that time to do away with this poor woman? One of the many things urged for the prosecution is the discovery of these letters. The phrases in those letters were, if anything, in favour of the prisoners. They knew from the first what the charge was that would be brought against them, and if they had for one moment conceived that the contents of those letters referred to the crime of murder, they would most assuredly have destroyed them; they would, in fact, have searched for every bit of paper in the place which might have referred to any of those misdoings of which it had been said they were guilty. The sole desire

Mr. Cyo of Alice Rhodes was to keep the knowledge and the intimacy between her and Louis Staunton from the world at large. Try and see if you cannot reconcile these statements with the fact that all she did was to conceal herself from shame and infamy, and not that she ever contemplated the commission of the awful crime of murder. The intimacy with Louis Staunton is the key to the whole of her conduct; for, can you believe that if a man was designing slowly, foully, and deliberately to murder a woman who stood to him in the relation of a wife—if he had courage and wickedness enough for such a villainy—would he take for his confidante such a girl, and that a girl of her age would consent to take a tacit part, much less an active one, in such horrors? You are asked to believe she went to Cudham with this guilty knowledge, and that she sat down to a well-spread table, and ate her fill, while she knew that in a wretched room upstairs there was a poor creature craving for food—imploring those about her to bring her anything to stay the pangs of hunger. Believe that if you can. The prisoner is in your hands. You will do what you will with her. It is for you, and you alone, to pronounce for her condemnation or her release. I know that you will act fairly, that you will not undertake the task lightly, and I am sure that you will arrive at a conclusion in accordance with right, justice, and mercy.

Attorney-General The Attorney-General rose at seven minutes past three to reply upon the whole case. The hon. and learned gentleman said—Gentlemen of the jury, in the course of the five days of this momentous trial you have had placed before you with the greatest care all the evidence that can be produced, both on the part of the prosecution and of the defence. The evidence for the Crown and the medical evidence for the defence have been elaborately commented upon by the counsel for the prisoners, especially by my learned friend Mr. Clarke. Gentlemen, it is my duty now to reply on the whole of the case, and, as I shall have to comment upon evidence which jeopardises the lives of some of my fellow-creatures, I feel that my duty is both responsible and painful. But to me is confided in some degree the administration of justice in this country, and I, no more than my lord or you, cannot avoid the duty imposed upon me. I hope, therefore, I shall be perfectly clear and temperate, but I hope, at the same time, that I shall be firm in obeying the behests of duty. You have heard the speech delivered by Mr. Clarke. I do not think a Court of criminal justice is exactly the place to bandy compliments, or a trial of prisoners for murder exactly the time, but I cannot help saying that a more able speech it has scarcely ever been my good fortune to listen to. At the commencement of that speech my learned friend complained bitterly of the judicial system

of this country, and thought it a great hardship that prisoners were not allowed to give evidence under the sanction of an oath. And he said that the refusal of that was a barbarism which ought to be swept away from our system. That may or may not be so; but it is a question of politics, and, while some think it a barbarism, others think it is not; and, for my part, I cannot say that I agree with him. But there seems but little ground in this case for such a complaint of hardship, for before any charge was made against the prisoners of any sort there was a preliminary investigation before the coroner, at which they appeared, and at which they were represented by counsel. So much for that. Now, the first matter which you must direct your attention to is, was the death of this woman caused by the culpable conduct of the prisoners, or of any of them, or was it not? I am not now dealing with the question of whether they are guilty of murder or manslaughter; but it is urged by one of my learned friends that they are guilty of neither, and that the death was not caused by any culpable conduct at all. The evidence divides itself into two parts—that which relates to the circumstances before 12th April and that which relates to the removal from Cudham to Penge and afterwards. We have evidence which seems to me pretty satisfactory as to the condition of Harriet Staunton on 12th April, when she was removed from the Woodlands. We have that not only from Clara Brown, but also from the medical evidence. There can be no doubt about this, as the post-mortem shows it, what the state of Harriet Staunton must have been the day before she died. Now, what was her condition? She was in a condition of extreme emaciation. She was insensible, incapable of walking, and she presented the appearance of a woman of forty-five years of age instead of only about thirty-six. She was certainly in a filthy condition, and she had vermin on her. Now, how did she come into this state? Did she get in that condition in consequence of natural causes, and natural causes only? Did she become so in consequence of disease, or in consequence of ill-treatment, or of ill-treatment and disease combined? If she was in that condition from disease no one is responsible, but if from ill-treatment and neglect alone, or from ill-treatment and disease combined, then some one is responsible and some one is culpable. On that question we have to deal with the testimony of the medical men, and that is a task of some difficulty. The prosecution say the case is one of starvation, and starvation alone, and death arose from exhaustion consequent on the want of sufficient food; we say that she was subjected to confinement, and not allowed reasonable air and exercise. On the other hand, it is said it is not a case of starvation, but of something else. On the part of the prosecution we have called, in the first place,

Attorney-General

Attorney-General Dr. Longrigg, the gentleman at Penge who attended this lady and saw her symptoms while still alive, and who was present at the post-mortem. In addition to Dr. Longrigg we have several other medical men who took part in the post-mortem—Dr. Bright and Dr. Wilkinson. Then we have Professor Rodgers, who examined the contents of the stomach and some of the organs, and we have also Dr. Bond. These men had ample opportunity of ascertaining what was the cause of death if it could be ascertained, and I must remind you that Mr. Harman, another medical man, was there on behalf of the prisoners, and he had every opportunity of examining the body with the others. He consulted with them and agreed with the rest. Dr. Longrigg told you what he saw when the lady was at Forbes Road. She was perfectly insensible, and all he heard her utter was a low groan. She lay there in that state until she died, and he told you the appearance at the post-mortem. He said he took some notes and afterwards amplified them, but he is attacked because he did not take more voluminous notes. So be it; but what of that? Dr. Bright did take the notes, and a copy of them long ago was handed over to the counsel for the prisoners. Dr. Longrigg took notes, Dr. Bright took complete notes, and Dr. Longrigg amplified his afterwards; but Mr. Clarke says the examination was incomplete and inaccurate. But in what way? It is very easy to call medical men to tell you about some obscure diseases, and that possibly, if such-and-such things had been done, some slight indications of an obscure and rare disease might have been found. But take a reasonable view of the matter. In what way was the post-mortem incomplete? Mr. Clarke says they did not weigh the brain; but would the weighing of the brain show the cause of death? If it would, we should have heard it from Dr. Payne and Dr. Bristowe. Then one of the gentlemen Mr. Clarke called said that, if a tubercular deposit on the brain was not visible to the naked eye, it ought to have been examined with a microscope. It is stretching matters rather far, if you find ample symptoms to account for death, to say it was to be required or necessary that you have recourse to microscopical examination. The doctors for the prosecution tell you this, "We investigated as closely and carefully as we could, and we came to the conclusion it was a case of exhaustion from starvation, and we came to the conclusion it was so because we found this extreme emaciation." This woman, in all human probability, had been a woman of about 9 or 10 stones in weight. The body was, I think, 5 stones 4½ lbs. only—about half its usual weight. But not only was there this great wasting away, this exceeding emaciation which is spoken of, but every organ of the body was diminished in weight, and there was not a particle of fat in any portion of the

body. When they find those appearances and discover this extreme emaciation—because it is admitted to be extreme—and that the organs of the body are in a healthy condition, and nothing upon them which can account for death, and when they see the appearances which are known to follow upon a case of starvation, that is to say, the congestion of the outlets, then they come to the conclusion that it is a case of starvation. Attorney-General

How is that combated? When the medical witnesses appeared in the box they were subjected to a severe and able cross-examination by my learned friends, and it was suggested to them this was a case, or might be a case, in the first place, of Addison's disease, and then it might be a case of diabetes; and, again, it might be a case of what is called tubercular meningitis. It was said, why did not you examine for diabetes? Why should they? There was not a symptom of diabetes during life, nothing to suggest diabetes; and it is clear from the evidence called by the defence that it was not alleged that this was a case of diabetes. So with regard to Addison's disease. Why did you not examine the super-renal capsules? They did not do so because Addison's disease did not suggest itself; and this disease does not suggest itself to Dr. Payne or Dr. Bristowe, who are called to lay their theories on this matter before you. But what is said upon the matter is this—that this was a case not of starvation alone, but where death occurred in consequence of a disease which is called tubercular meningitis. Now, about the investigation which took place for poison. There was, you will remember, at the time of death some appearance of a fit, and there were indications that some narcotic poison had been administered, and on the post-mortem was found irritation and congestion, leading to the supposition that some irritant poison had been given. The stomach and organs of the body were therefore submitted for analysis to Professor Rodgers, but no poison was found. The doctors, consequently, became united in their opinion that it was a case of starvation. But it was put to them, "May not this be a case of meningitis, and may not that have caused her death?" These words are mostly derived from the Greek, and puzzle most people, and they are apt to say the doctors must settle the matter among themselves. But when they cannot, gentlemen, we must do it for ourselves. The coatings of the brain—the membranes around the brain by which the brain is encompassed—are called meninges, and when there is inflammation of these coatings of the brain that is a disease called meningitis. This inflammation may be caused by a variety of circumstances, but among other things the deposit of tubercles may cause it. So that when there is a deposit of tubercles on the brain, which causes inflamma-

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tion of the brain, that is meningitis or tuberculosis, and it is a disease which destroys the patient in a short time, less than a month—in fact, a few days.

Now, in the course of the examination, having dealt with diabetes and Addison's disease, my friend came to this disease, tuberculosis, and he asks the doctors called for the prosecution a variety of questions to get from them evidence to support that theory. What do the doctors say? Dr. Bright gave very clear and satisfactory evidence on this point, and he was confirmed by the other medical men who followed him. He says, "I do not think there is any case of meningitis. If there had been there would have been flattening and bulging of the sides and lobes of the brain—there would be effusion in the chambers of the brain." The complete absence of that effusion is all-important. Then, there would have been tubercular deposits, or, at all events, in all probability there would have been tubercular deposits at the base of the brain. Congestion of the outlets is a symptom of starvation, and that appearance was presented in the body. Nothing has been kept back by the medical men, and I believe this country can furnish medical men of greater skill than, perhaps, any other country. You have heard Dr. Payne, but Dr. Bristowe, as you will remember, admitted that he had not heard the evidence for the prosecution, that he had had no papers submitted to him, that he had not even consulted Dr. Payne, and that he knew nothing of the case except what he had seen in the newspapers. Such evidence, gentlemen, cannot be regarded as satisfactory. Take Dr. Bristowe's evidence in its fullest sense, and he agrees with Dr. Payne, and what does it amount to? He says that, in his opinion, this was not a case of starvation, and starvation alone, but of acute tubercular meningitis. He gives you his reason, and says, looking at the notes, there was congestion of the vessels of the brain, and he says that was inconsistent with starvation. He says there was congestion of the stomach, which was inconsistent with starvation; that there was inflammation of the peritoneum or coatings which cover the stomach and intestines, and that, in his opinion, is inconsistent with starvation. Can these reasons really and truly prevail? He was asked if there was delirium whether he would not expect congestion of the brain, and he answered in the affirmative. Consider the state of this poor lady as she lay upon the bed, the dilation of one eye and the contraction of the other. When asked whether exhaustion caused by starvation would be likely to produce delirium and convulsions, he says he should not expect to find it. I put it to him whether, if a person was starved for a considerable time, and then was allowed to take food, or had food administered in considerable quantity, there might be

congestion of the stomach, and he admitted it. He spoke about inflammation of the peritoneum, but that is not distinctly marked in the evidence. All that Mr. Longrigg and Dr. Bright say is that there was slight inflammation of the peritoneum. I also asked Dr. Payne if food came into connection with the interior coating of the stomach, that might cause redness, which is all that is meant by inflammation of the peritoneum. He says the appearances were inconsistent with starvation, but when you take the reasons one by one they disappear until they are all got rid of. When further examined he says he should expect to find tubercles in the base of the brain in meningitis. Dr. Bristowe seems to say that meningitis is due to the presence of tubercles beginning near the base of the brain, and is generally most intense there. When you hear that the tubercles are found in greatest quantity at the base of the brain, is not that a piece of very important testimony in favour of the prosecution after the evidence of Dr. Payne? It is sometimes difficult to understand scientific subjects and scientific language; but let us look at the case in the light of common sense. What causes the discharge of serum except inflammation? What causes softening of the brain except the discharge of serum on the brain? What conclusion can you come to but that Dr. Payne was mistaken in these views? You have a case presented to you—one of starvation—and you have the appearances consistent with starvation. Yet you have an obscure denial, in which there are certain appearances: but they are obliged to say that these appearances are consistent with starvation. I have dealt with this part of the subject as fully and completely as I can, because a great deal depends on the medical evidence. Suppose, for a moment, that this was a case of acute meningitis—I use the word "acute" advisedly—did the acute meningitis account for the emaciation that took place? I said to Dr. Payne, "This woman was probably 9 stones in weight at the beginning of August. She is now only 5 stones 4¼ lbs. It is a case of extreme emaciation, is it not?" "Yes," he replied, "there is not a particle of fat in the body." I said, "Does not that lead you to the inference that it is a case of exceeding emaciation?" "Yes, it does," he answered. "Then," I said, "how do you account for it?" and his answer was that he could not account for it unless he knew the history of the case. Of course not. It is said that meningitis, when it does not assume an acute form, may endure for a considerable number of years. Consequently, the emaciation might be the gradual result of meningitis, or it might be the result of starvation. Supposing this emaciation had been going on for several months, and this woman had been wasting away in consequence of this disease, that

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Attorney-General she had been kept practically in confinement without the necessaries of life, without food and air, without necessary exercise, and without medical assistance or advice—don't you think that that would be ill-treatment, and that such neglect would expedite the operation of the disease which was upon her, and so lead to her death? It has been proved beyond doubt that deceased was a woman of weak intellect, but physically she was in a good and perfect condition of life as late as October, 1876. After her confinement, however, at the Woodlands, it was in evidence that her strength had gone, as we say by ill-treatment, or it might be ill-treatment combined with disease. But, gentlemen, the case does not rest there. It is nothing to the Treasury whether the prisoners are condemned or not. The Treasury desires only to get at the truth, and thus it was that Clara Brown, after the statements she had made, was removed, in order that no outside influence might be exerted upon her. My learned friends have called her an accomplice, and I call her an accomplice, too, in fairness to the prisoners and in the interests of justice; but there are some portions of her evidence, corroborated as they are by circumstances and facts, which I think you must regard as being consistent with the truth. Her testimony as to the deceased getting thinner and thinner, or to her condition just previous to her removal, is corroborated, I think, by the facts that have transpired. The story of the lost letter from Louis to Alice, and the black eye, are confirmed to my mind satisfactorily.

Mr. Justice Hawkins—She said that she found the letter, but did not mention it, because she was afraid they might be angry with her, and she burnt it because she did not wish them to know that she had seen it.

The Attorney-General—That is so, gentlemen, and you will recollect the passage, "There will be a time when Harriet is out of the way, and we shall be happy together. You must know, dear Alice, how I love you, for we have been together two years." I say that the girl is corroborated in her testimony as to that letter by what was found in the cottage afterwards by the police. In a letter then discovered Alice writes, "I have searched high and low for the lost letter, but cannot find it. I am sure Harriet has not got it, but where it can be I cannot judge at all. Come down to see me as soon as you can, if only for a few hours, for you cannot think how happy it makes me to see your old face again.—With kindest love," &c. These letters, at all events, show that an intercourse was being carried on between Louis Staunton and Alice Rhodes, which ought not to have existed at all. The rest of the letter, as Clara Brown told you, related to the death of Louis Staunton's father in the hospital. Now, even if the girl had

invented the first part of the letter, which I say she did not, what motive could she have had for inventing that portion of the letter which she said had reference to the father? The Treasury have investigated into the matter, and it has been found that Mr. Staunton, the elder, was taken to the hospital in June, and that he died there soon afterwards. The letter of Alice speaking of having lost the letter sent to her by Louis confirms, I say, the girl's statement in a marvellous and extraordinary manner. Attorney-General

Taking, then, the statement of the girl as being worthy of belief, can you doubt that the condition in which the poor woman was, just prior to her removal, was not the result of some culpable neglect on the part of somebody? If you want confirmation of that you have it, I submit, in the statements of the prisoners themselves—false though those statements may be. Gentlemen, you will have to ask yourselves whether the condition in which this woman was was not due to culpable conduct, and whether it was not such culpable conduct as makes all the prisoners, or some of them, responsible to the law. Can you think that Louis Staunton ever had any affection for the deceased, or do you not rather think that, to use a vulgar phrase, he "married her for her money"? Though there may have been some adulterous intercourse between Louis and Alice Rhodes before his marriage, you are not here to investigate any offence against morality; still it may be an element for your consideration in dealing with the question of murder. We hear that all the money was absorbed, and that Louis and Alice Rhodes were anxious to live together as man and wife. You have Alice going down to him after he had taken the Little Grays farm. We find her then at the head of the household, whilst the wife was practically a prisoner at Cudham. Why was Alice there but for her own purpose? And what was to become of the wife? I do not think she was to be murdered; but why was she to be kept in confinement at the house of the brother? We have been told that it was in order that she should know nothing of the adulterous intercourse that was going on between Alice and her husband. There is no doubt that Alice was in the position of the wife, that she sat in her seat, and that she possessed the affection of the husband. But how long was the confinement of the wife to last? Was it to last for a month or two, or for years? And did all the prisoners aid in the concealment? Was it that she should be deprived of all the necessaries of life and reduced to such a state that she would not be likely to live? It was obvious that it would never do, if such a design was entertained by anybody, that this woman and her child should remain and die at the Woodlands; nor must she be attended there by any

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medical man, for the whole secret would have become known. If she died, the death would have to be registered, and possibly, in the absence of a medical man, a coroner's inquest might be held. If at any time such a design was entertained by anybody, by Louis, by Patrick, or by any of these prisoners, and that design was carried into execution, and the others aided and abetted, knowing all the circumstances, knowing that death was intended, or that acts were intended to be accomplished, the necessary consequences, or the probable consequences of which would be death, I submit to you that that would be murder. You will ask yourselves, no doubt, as to the motive. Of adequate motive there can be none. Consider the case of the husband. He had got all the money he could from his wife. She had evidently become distasteful to him. It was said that she drank, and undoubtedly she was an imbecile. He loved another woman with a strong and overwhelming love, and it might be that he thought, if he could get rid of his wife, he could marry Alice, and they could live happy and comfortable together.

With regard to Patrick no such motive as that existed. Evidently he had a very strong affection for Louis, and the affection was mutual; in fact, there was an extraordinary affection one for the other. Between Patrick and his brother there was a motive which had its origin in affection and love, and a desire to serve him in any way that he could. Alice Rhodes was the sister of Patrick's wife, and one knows the influence of a wife over her husband in cases of that kind. Now, with respect to Mrs. Patrick Staunton, Alice Rhodes, as I have said, was her sister; and although she may have disapproved of her conduct with Louis, yet her reputation was dear to her, and she would naturally desire to conceal her shame as best she could. It may be said, what do you mean by this woman being deprived of the necessaries of life? I answer that a woman is entitled to have all that is necessary to sustain her life. I do not mean that she should have been loaded with food; but if she was stinted, if she was kept practically in confinement, if she was prevented obtaining health and exercise, if she was subjected to cold, if she was kept in a room without fire and warmth, if she could not get medical aid when she was in a condition that it was absolutely necessary, then I say that this woman was deprived of the necessaries of life. Well, gentlemen, the next point to which I wish to draw your attention is the removal of the deceased from Cudham to Penge. It is evident that some time before that occurred this lady must have been extremely ill, requiring medical attendance, requiring judicious treatment, and, in all respects, she appears to have been in a lamentable condition. I cannot abstain from saying that the conduct of Louis

with regard to her child at this time showed how careless, indifferent, and hard-hearted he was. That, too, was removed from the Woodlands to the hospital, because its removal was an act that was absolutely necessary if the secret was not to be known. A few days later Harriet is removed. You have heard the story of her removal. I must confess that I did not attach so much importance to that part of the case as I do now, and you know what Clara Brown says of her condition. You remember the false statements that were made to Dr. Longrigg, and how he was persuaded by the prisoners that there was nothing improper, but that the lady had had an apoplectic fit; and how he was induced to give a certificate that the cause of death arose from some cerebral mischief. Their conduct is such, in fact, as to disarm suspicion; and I do not think you will come to the conclusion that much can be said in their favour on account of anything that happened at Penge. The doctor's certificate was transmitted to the proper authorities, and the funeral was appointed to take place, when the whole evidence against the prisoners would be removed. If the lady had been interred there would have been no possibility of a post-mortem examination, no opportunity of ascertaining how she came by her death, for the organs would in time have been destroyed, and the greatest medical science would have been unable to elucidate the truth. Suspicion, however, was created in the minds of one or two persons, and, the gossip reaching the ears of the registrar, an investigation was set on foot, and that which was intended as a secret became known. Did I not know there are many murders that are never discovered, I should say there was an interposition of destiny in this case. Attorney-General

Well, gentlemen, I will deal with another question—the question as to who was responsible for the condition of the lady when she was removed. If she had been removed in a lamentable condition, and somebody had struck her a blow which caused her death, the prisoners would not, of course, be responsible for that. If it was murder, then all who took part would be responsible. Now, what was the part taken by these several prisoners? Louis must have known the condition in which his wife was—it was his duty to give her all the assistance she required. It was Louis who assisted to remove her—it was Louis who made the arrangements at Penge, he was a party to what happened there. If there was any design to take life, did he take part in carrying that into accomplishment? Then there was Patrick. He was the man who made the arrangement with his brother to take Harriet under his roof. It was he who gave instructions that she should not be allowed to go out of the house—he was receiving £1 a week, one would assume, for the purpose of providing

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her with necessaries, and he must have known that she did not have them. Then, with respect to Mrs. Patrick Staunton, it has been urged that she is not to blame, for she acted under the coercion of her husband; that there was nothing to show that she took any part in the design. Gentlemen, I must remind you here that in law there is no presumption that in the crime of murder a wife acts under the coercion of her husband, although there may be such a presumption in crimes of a lesser magnitude. I do not, and never did, understand why a doctrine such as that should be laid down in the case of a wife when it does not exist in the case of a young child. But the law is so, and the coercion of a wife does not prevail in the case of murder. It is true that she was heard to say, "Don't hit the woman," but, if we are to believe Clara Brown, it was she who told Mrs. Harriet not to leave her room—not to come downstairs. If there was a design, and if they were carrying it out by means of confining this woman to her room, here is Mrs. Patrick giving orders at the same time that her husband does. She had many opportunities to aid the woman if she was desirous of doing so. There must have been times out of number when Harriet was under her control. She tells the girl she must keep her in the house, and that she must wait for food. Does all this not show that she was endeavouring to deceive and to assist in the concealment of the woman? With regard to Alice Rhodes, if there was this design to kill, originating at any time before the death, Alice was constantly with Louis, and occasionally she must have seen the condition in which Harriet was; or, at all events, she must have known that she was kept a prisoner there, and what was intended to be done with her. Alice, in fact, took part in endeavouring to conceal the whereabouts of the wife, because it is in evidence that when she was asked by Mrs Butterfield where she was, she replied at Brighton. Then, again, Alice was one of those who removed her, and that is a material fact against her.

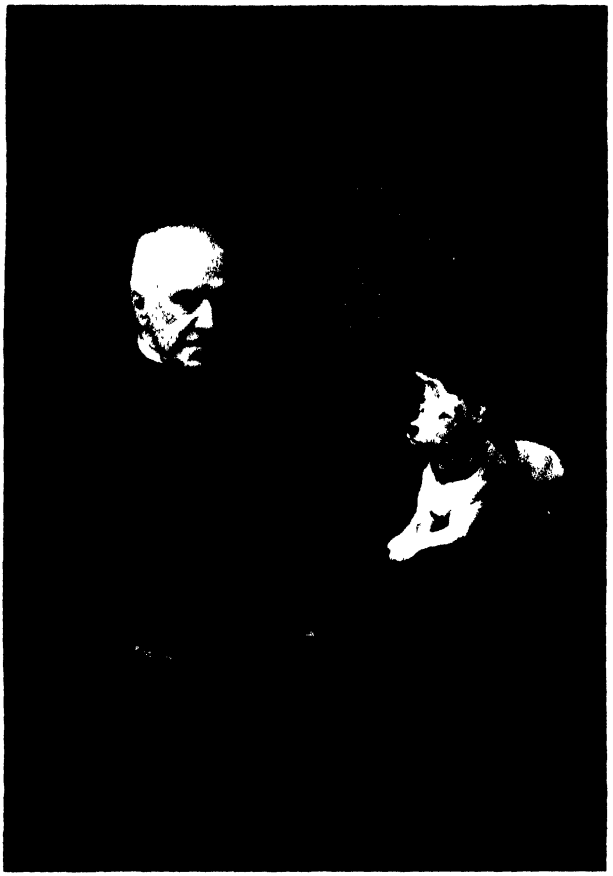
As to the removal itself, you must consider whether the woman was in such a state, to the knowledge of the prisoners, as that the change would accelerate her death. If they knew that the probable consequences of removing the woman would be that she would die, it is murder. I care not how she had been brought into the condition in which she was—either by disease, for which the prisoners were not to blame, or by disease and neglect combined, it matters not—if the people removed her, knowing that the probable effects of the removal would be that she would die, that, I say, is murder. According to the evidence she had not been seen for a long time; she was seriously ill when brought downstairs; she was in a sort of drowsy stupor; food was obtained for

her, but she declined it; she was apparently almost insensible, moaning, and in a weak, lamentable state. She remains in that state until the evening of 12th April, when, for reasons of their own, the prisoners resolve to remove her. What were they going to do? They were going to take the woman in her then condition in an open vehicle, drive her 8 miles to Bromley station, then to take her by train to Penge, there to place her in another vehicle and convey her to her lodgings in Forbes Road. Was she in a fit state for the journey? I say, gentlemen, that she was in a condition that no reasonable being would have thought of removing her. What has Clara Brown told us? Patrick was heard to say that he should like to have kept her a little later, for fear the people at Portlands should see her; whereupon Mrs. Patrick said, "You had better take her at once, or she will not last the journey." If that was said, does it not go a long way to convince you that these people knew that she was in a very precarious condition? The girl further states that Mrs. Harriet was sitting in a chair propped up by pillows, and that Patrick tried to rouse her several times, when Mrs. Patrick observed that she had better not go to sleep, and Patrick added that if she does she will never wake again. The poor woman, it seems, never spoke when she got to the railway station. She was carried out between the two men, or rather dragged along, with her slippers coming off, and she was put into the carriage. She was heard to moan, and nothing more. She was got out again at Penge, where she drew her hand away from the person who was supporting her, and that was the only movement that was seen. One of the women was heard to say, "Never mind, dear, you will have your supper presently." That would lead you to suppose that the woman had been praying for food. When she got to the lodging she was put to bed. It was found that all the sound proceeding from her was a low moaning noise, and she dies. Well, now, gentlemen, ask yourselves whether this woman was in a fit condition to be removed and exposed to the cold. Must the prisoners not have known of her condition when they resolved to take her to Penge? If so, they are answerable to the law. Suppose you take a lenient view of the case, and say that it is not a case of ill-treatment, of design, or neglect, but simply a case of gross culpability, then all who took part in it would be guilty of manslaughter. It may be that some of the prisoners may be guilty of murder and others of manslaughter. That is for you to determine. If Mrs. Patrick Staunton went before the coroner for the purpose of screening Louis and enabling him to escape from justice by telling a falsehood, she must be an accessory after the fact—that is, if she knew that the offence of culpable misdemeanour had been committed. The

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same would apply to Alice Rhodes as to the rest. Now, gentlemen, in conclusion, I can only say that I have discharged my duty to the best of my ability. You will hear the summing up of my lord; it will then be your duty to discharge the most serious responsibility that the law imposes upon a subject; but, I think, considering the intelligence you have exhibited during this trial, and the extraordinary patience you have shown, that your verdict will be the result of an earnest and careful and unimpassioned deliberation, and that therefore there will be found in it the voice of reason, and of reason only.



Sir Henry Hawkins and his dog Jack.

Photo by W. H. Bustin, Hereford.

Seventh Day—Wednesday, 26th September, 1877.

Mr. Justice Hawkins

The Court sat at half-past ten o'clock, and Mr. JUSTICE HAWKINS at once proceeded to sum up the evidence in the case. He said—Gentlemen of the jury, we have arrived, after six days of most anxious investigation in this all-important case, to the last stage but one of it, and ere this day closes you will be called upon to give your verdict and pronounce your opinion upon the culpability or the innocence of the persons who now stand charged before you. I am quite sure, from what I have observed, and anxiously observed, during this inquiry, of your conduct and demeanour in that box, that you will give your verdict and pass your opinion in this momentous issue without any feeling of sympathy or prejudice, and without regard to the consequences which may attach to your verdict—that you will decide this momentous issue, I know, according to your honest and conscientious opinions, according to your honest belief, and your verdict will be that of truth. Momentous indeed the issue is, not only to the prisoners at the bar, who, if innocent of this crime, deserve the deepest sympathy, for the accusation made against them is indeed a terrible one—momentous to the public and to society at large. The interests of society demand that, if this hideous crime which is charged against these persons is made out to your satisfaction, they should receive the punishment the law awards. It is a source of great comfort to me to know that each of these prisoners has been most ably defended by the learned counsel. It is a source of equal comfort to me to know that those learned counsel have but done common justice to the Attorney-General when they acknowledge the fair, the temperate, and the humane way in which he has discharged his stern, imperative, but painful duty. Gentlemen, before I proceed to call your attention to the circumstances of this case and to the facts upon which you are to determine the issues before you, it may be well, and proper, and convenient that I should first of all state to you the general propositions of law by which you will be guided throughout this inquiry. Generally, I may state the law to be this, that every person who is under a legal duty, whether such duty be imposed by the law or imposed by contract, or by the act of taking charge, wrongfully or otherwise, of another person, to provide the necessaries of life for such

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other person—every person who takes charge and has that legal duty imposed on him is criminally responsible for the culpable neglect of that duty if, by reason of that neglect, death ensues to the person so neglected. If the person so neglected, and to whom that duty is owing, is from age, health, insanity, or any other cause unable to take care of himself, and death ensues, the crime will be murder, and the interests of society demand that justice should be meted out to the perpetrator. For the person who has such a charge has a legal obligation cast upon him to take charge and provide the necessaries of life; or, if he contracts to provide the necessaries of life for another person, he takes charge of that person, and if he neglects culpably the duty so imposed upon him, and if by reason of that neglect of duty the death ensues of the person so neglected, he is criminally responsible to the charge of murder if that neglect of duty has arisen from an intention or with a design to bring about the death or grievous bodily injury to the person so neglected. But if the neglect of duty is the result of mere carelessness, without any such intent as I have mentioned, then the crime is manslaughter, provided that you should come to the conclusion that there has been culpable neglect of the duty which is cast upon the individual. There is another alternative. Supposing the neglect of duty be such that those who neglect it must be aware that the consequences of that neglect will result in death, in that case it will be murder if death does result from such neglect. Now, that being the general proposition of law, I shall have to advert to it again hereafter when I come to deal with the case as it affects the various prisoners before you.

Let me now proceed to call your attention to the facts of the case in chronological order. Gentlemen, the deceased lady, Harriet Staunton, was a daughter of a lady named Butterfield, who has been a witness before you. Mrs. Butterfield had been married previously to a gentleman named Richardson, by whom she had issue a daughter, Miss Richardson, who ultimately became Mrs. Louis Staunton Now, Harriet Staunton, at the time of her death, was thirty-six years of age, and she had lived until about the year 1874, as far as we know, with her mother; but in that year she was paying a visit to a Mrs. Hincksman, who lived in Heygate Street, Walworth Road. Mr. Hincksman was a son of a sister of Mrs. Richardson, and, consequently, Mr. Hincksman was the nephew of Mrs. Butterfield or Richardson, and would be the cousin of Harriet Richardson. Mr. Hincksman had married the widow of a person named Rhodes, and Mrs. Hincksman, by her first husband, had had two daughters—the two prisoners at the bar. One of them had been for some time married to Patrick Staunton, artist, who seems to have been living at 9 Lough-

borough Park; the other daughter, Alice Rhodes, was still unmarried. Although we have no direct evidence upon the subject, we find that in the course of the years 1874 and 1875 Miss Harriet Richardson was staying with Mrs. Hincksman, and, in all probability, it was there that she first became acquainted with the prisoner Louis Staunton, who afterwards became her husband. She was entitled, according to the evidence, to a fortune of somewhere about £4000, about £1600 or £1800 of which—it is not very material which—she was entitled to in possession. The rest of the £4000 consisted of a reversionary interest which had been bequeathed to her under the will of the late Lady Rivers. There is no evidence as to what Louis Staunton's occupation was or what his means were when he first made the acquaintance of Miss Richardson. Certainly we have no evidence at all that he was personally possessed of any independent property. Shortly after we find him following the profession of an auctioneer in the Loughborough Road, because it was not until some time after his marriage that he took offices at Gipsy Hill. Mr. Justice Hawkins

Now, Mrs. Butterfield had, after the death of her first husband, married the Rev. Mr. Butterfield, of Burstead, in Essex, and she had before the period to which I am about to refer thought that her daughter was not quite in a condition to be able to take care of herself or to manage her own affairs. Louis Staunton, however, had met Miss Richardson and made overtures of marriage to her, and she had consented to become his wife. This appears to be in the year 1874, and some time in that year Mrs. Butterfield did all she could to oppose the union. She filed a petition in the Court of Chancery for the purpose of making her daughter a ward in Chancery. She made an affidavit of the weak state of intellect of her daughter. She spoke in that affidavit of having remonstrated with her daughter against her contemplated marriage, and there is no doubt that the daughter had herself exhibited acts of violence to her mother in consequence of the opposition which she had offered to the marriage. In the result, however, the Court of Chancery declined to interfere with the personal liberty of Miss Richardson, she being then thirty-five years of age; and on 16th June, 1875, she was married to Louis Staunton, at Clapham, against the will of her mother, and not having lived under her mother's roof certainly for many months before that period. There was no settlement made on the marriage, so that all the property which she had in possession, about £1800, of course became the absolute property of Louis Staunton. That was the condition of things when the marriage took place in 1875. Although her mother had been estranged from her daughter for many months before the marriage took place, nevertheless two or three weeks after that event she thought

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it right and proper to pay her daughter a visit. Her daughter had then gone to live at the house No. 8 Loughborough Road, opposite to the house occupied by Patrick Staunton, Louis Staunton having taken and furnished No. 8. The deceased was residing there in the early part of July with her husband, and there it was that Mrs. Butterfield paid her daughter that first and last visit. You had better hear from Mrs. Butterfield's own lips the account of that visit, because a great deal has been said about it and about her impropriety of conduct—a great deal has been said about a quarrel, or of bad feeling exhibited on her part, about her daughter's household. I will therefore read from her evidence what really did take place. You must be the judges of all matters of fact, and, without discussing now whether or not this point is material, I leave it to you to say if there was in Mrs. Butterfield's conduct anything beyond the natural solicitude of a mother who, having been opposed to her daughter's marriage, was anxious, after that marriage had taken place, to make matters up and resume friendly relations. She says—"Three weeks after the marriage I paid her a visit at 8 Loughborough Park. I knocked at the door, and my daughter opened it. She asked me in. She called her husband, saying, 'Louis, mamma is here.' He came, and I went into the dining-room, and he was present. I asked my daughter if she was happy, and she said, 'Pretty well, mamma—middling.' Louis said he was sorry he could not ask me to take something, as he had nothing but spirits in the house. I asked him why he did not keep a servant, and he said he had advertised for one. He then said, 'Take your mamma upstairs, my dear, and show her the house.' I went upstairs, and saw only one of the rooms was furnished, and I said something about it. I did not stay more than ten minutes or a quarter of an hour, and when I left they both accompanied me to the station. We waited there ten minutes for the train, and when I left Louis bade me good-bye and lifted his hat. There was no quarrel and no angry words of any kind or sort passed between us, and nothing to show we were on any other than friendly terms." That is the account Mrs. Butterfield gives of this interview, and she never saw her daughter again alive. She next saw her dead at Penge on 15th April, 1877.

Upon the following day—certainly within forty-eight hours after that visit—Mrs. Butterfield received two letters—the one was stated to be from her daughter, the other from Louis Staunton. It is said, on behalf of the prisoners, that Harriet wilfully abstained from permitting her mother to come into her presence. But for the prosecution it is asserted that, whatsoever was done to keep Mrs. Butterfield away from June, 1875, till the death of her poor daughter in April, 1877, was

done by Louis Staunton, and that the daughter would have been quite willing to see her mother if she had been so permitted to do. The suggestion is that the mother was prevented from having access to her by the influence of Louis Staunton. She says—that is, Mrs. Butterfield—that she received the next day, or the day following, a letter from Louis, enclosing one from her daughter—"In my daughter's letter she told me that her husband objected to my calling upon her, and she thought I had better not come again for fear of causing a disturbance. His letter was very rude, telling me that he would not have me go to the house again, and in consequence of that I did not go." In consequence she heard nothing of her daughter until she heard of her confinement on 23rd March, 1876. There is no evidence of the terms on which Louis Staunton was living with his wife from that time, July, 1875, to March, 1876. I have looked in vain for any particle of evidence to show how or upon what terms Louis Staunton and his wife were living during that period. Patrick Staunton lived opposite till November, 1875, when he left and took a small house at Cudham, called the Woodlands, of which we have heard so much in this trial, and there he resided until the melancholy tragedy occurred into which we are now inquiring. When he left Louis Staunton was still at 8 Loughborough Park. Some little time before the confinement of Mrs. Louis Staunton Clara Brown—on whose evidence I shall have a great deal to say—came up to town for the purpose of attending her during her confinement. Alice Rhodes was also present during the period of confinement, and the residents at Louis Staunton's house for a month were Mr. and Mrs. Louis Staunton, Alice Rhodes, Clara Brown, and a child of Mrs. Patrick's.[1] During that month Clara Brown says she noticed that there was a great deal more affection between Louis and Alice Rhodes than was proper. Mrs. Louis Staunton, of course, was in her room, and could not see all that was going on, but she knew, or suspected something, for, according to Clara Brown, she made some complaint. Then Clara Brown on one occasion found in a drawer in Louis Staunton's room the nightdress of Alice Rhodes. Of course, this depends on the credit which you may ultimately give to the evidence of Clara Brown, and I should point out that she made the statement in answer to a question put by the Solicitor-General. It is said, on the part of the prisoners, that this does not prove anything material, or that there was any undue familiarity at that time between these two; they say also that there was no chest of drawers in Alice's room, and that, therefore, it may be taken as a matter of no importance that the nightdress was

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[1] There was also the nurse Emma Denton, but she was not called at the trial.

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found in a chest of drawers in Louis' room. Mr. Gye, in his very able address to you yesterday, dwelt upon that, and asked you to dismiss that from your minds. The question for you is whether you can so summarily dismiss the matter. Where—if Alice Rhodes slept in a different room—where do you suppose that during the daytime, when it was not worn, would her nightdress be found? I leave it to you to consider whether it would be left on or under the pillow of her own bed, or whether it would be taken into another room, where Louis Staunton slept, and placed in a chest of drawers. Dr. Russell attended Mrs. Louis Staunton in her confinement, and it is well that we should know her state at that time. She had been described by her mother as a lady about 5 feet 4½ inches or 5 feet 5½ inches in height, and about 9 or 10 stones in weight. You have had a photograph handed to you, produced by the mother, who says it is a fair representation of her at the time it was taken—about a year before her marriage. Dr. Russell, in the spring of 1876, describes her as being in good health. Nothing is more important than to keep in your mind the condition of this lady at different periods. She was before her marriage healthy, temperate, cleanly in her person, and particular in her dress, and, as her mother says, knew how to dress. The mother saw her after marriage, and observed nothing particular in her appearance. Dr. Russell describes her as having got over her confinement well, and in three weeks he ceased to attend her. He was shown her photograph, and says it was a fair representation of what she was at the time of her confinement. In his evidence he says—"I attended her three weeks. She was in a healthy condition; her body was well nourished. She was, I should say, from 9 stones to 10 stones in weight." Then, upon cross-examination, with a view of testing the opportunity he had of observing her, he said—"I saw the lady not only while she was in bed during her confinement, but I saw her up both before and afterwards." Now, here is a gentleman who had three weeks' opportunity of observing the state of this lady in March, 1876. He gave a description of her, and there is no doubt that this gentleman was quite capable of forming an opinion. It is not suggested that he is forgetful about the matter. He is a trustworthy witness, according to everybody's account. He says—"She got well through her confinement. I look at the photograph. I say that is like the lady I attended. I saw her during her confinement, whilst she was in bed, and for three weeks I was constantly attending upon her, and when I ceased my attendance she was a healthy woman." That is his account of her in the month of March, 1876. "In a healthy condition," is his expression, "and the body was well nourished." If you

desire to look at this photograph you can. It is the one shown to Dr. Russell, and it is the one Mrs. Butterfield recognises. (The photograph was handed to the jury.) Mr. Justice Hawkins

Gentlemen, that closes the end of the month of March. After the confinement, about the latter end of April, Clara Brown and Mrs. Patrick Staunton's child returned to Cudham, leaving Alice Rhodes still a resident in the house of Louis Staunton. Within three weeks, according to Clara Brown's evidence, Louis Staunton, with his wife and Alice Rhodes, came down to pay a first visit at the Woodlands from Saturday till Monday. When they returned to town on the Monday morning they did not take the child back with them, but they left it in the care of Mr. and Mrs. Patrick Staunton; at all events, they left it at the Woodlands, and, as far as we know, the child never left the Woodlands again until 8th April in the present year, when it was taken to the hospital and died. On three or four other occasions Mr. and Mrs. Louis Staunton came down to pay a short visit—some forty-eight hours or so—between that time and the month of August; and upon one occasion Mrs. Harriet Staunton paid a visit, and remained there a week. She seems, further, having paid these visits some time early in the month of August, to have gone down again to stay at the Woodlands, and from that period until her death she never left the Woodlands again except on two occasions, to which I shall have to advert more particularly, when she came up to see Mr. Keene, who was to take her acknowledgment of a deed which was finally to dispose of the whole property which she was entitled in reversion. From the early part of the month of August until her death, with the exception of those two occasions, you may take it that, according to all the evidence, she never left the Woodlands.

Now, it seems to me to be just as well at this period that one should, by reference to letters, see the condition and state of things at Loughborough Park. As to the exact date at which the house in Loughborough Park was left, and the residence in Norwood, Gipsy Hill, was taken, we have no very precise evidence. It was clear it was some time before the month of August—I think it was in June—because in the month of June we have some letters that will show that in that month the house had been taken; but, at all events, in the summer of 1876 Louis Staunton had removed to Gipsy Hill, and he remained there until the latter end of the month of October, when he went to reside at Little Grays farm. I am speaking of the period now between the month of March and the month of August, for the purpose of showing you what the condition of things was at that period. There are several letters, one of June, 1876, two in August, 1876, and one in September, which show what Louis' relations were at that time with his

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wife. Writing from Gipsy Hill under date 28th June, 1876, Louis Staunton says to his brothe

My dear Bay,—Many, many thanks for your kind letter. I am glad to say my hand is better; but no one knows, dear Bay, what I have had to put up with from Harriet the last six months. Her temper has been something frightful. I have talked to her for hours together, and tried to reason with her, but it is all of no use. From the time she gets up in the morning until she goes to bed at night, she does nothing but try to aggravate, and make me as miserable as she possibly can. Although I say it, I have been quite disheartened and cried for hours to think I should have laid out money to have things nice, and no one to take any interest in the place. I am, indeed, truly unhappy; but oh, dear Bay, I can never thank you and dear Lizzie enough for all your kindness to me, but rest assured I shall not forget it. I would have been glad to have been with you a few days, but am now afraid I shall not be able to, having had a few words with Bradford, which I will tell you about when I see you on Friday. I shall be at the hospital about three o'clock. Your ever affectionate brother,

LOUIS STAUNTON.

P.S. I have not heard how dear papa is yet. Am going over to Brixton to-day.

One of the learned counsel says that Mrs. Harriet Staunton was violent in her habits, and it has been said she was addicted to intemperance. That is one of the questions you will have to determine. But there may have been good reason for the excitability and the irritability of Mrs. Harriet Staunton if she had discovered, as Clara Brown suggests she had done, that, soon after her marriage with Louis Staunton, he had proved unfaithful to her, and had formed an illicit connection with Alice Rhodes. It becomes, therefore, material for you to remember for yourselves, as nearly as you can, the events attendant upon this illicit connection. In the early part of August Alice Rhodes was staying at the Woodlands, and on 1st August we have a letter, written in pencil, shown to be in her handwriting, addressed to Louis Staunton at Gipsy Hill. I will read this letter, inviting you to form an opinion as to the terms on which Louis and Alice were on when it was written—

The Woodlands, Cudham. Tuesday.

My dear Louis,—I was very sorry to see it rain so soon after you left here yesterday morning. I am afraid you got very wet. It rained here incessantly until about 5 o'clock, and then I went as far as Roberts's to try and get some jam pots, but I could not get them anywhere. I had a good walk with Florie this morning to get Tommy's milk. You cannot tell how I missed my dear old sweety, and I hope he was not in mischief last night. Not that I think you would do it intentionally, but feeling dull, might call on ——, and take strawberries and cream. I think myself it might be tempting. Come down as soon as you can, and then I shall have a great deal to tell you. Come down without Harriet if you can when you take me home. The men have just come to make the hay

here. Hoping I shall see my own darling soon, I remain his truly affectionate wife, Alice. I am not bad yet. Mr. Justice Hawkins

"Tommy" was the name of the child. "Come down without Harriet if you can when you take me home." You must draw your own inference from that letter, written unquestionably by Alice Rhodes to Louis Staunton on 1st August. Then there is the postscript, "I am not bad yet." Is that the language of a girl who is innocently writing to a man who was her friend, or does it show that an illicit intercourse had commenced not immediately before, for the language was such as to show that there had been a considerable amount of freedom going on for a considerable time? It is an important letter for your consideration when you come to look at the relations which existed between Louis Staunton and his wife Harriet during the summer and autumn of 1876. Couple this letter with the statement of Clara Brown, if you believe her, and then ask yourselves whether, during the whole of that summer and autumn, there had been an illicit intercourse existing between Louis Staunton and Alice Rhodes? It is clear that somewhere between 1st August and the 19th of the same month—although the date is not exactly fixed—Alice Rhodes went down and paid a visit to the Woodlands. Harriet Staunton had also gone there, and her name is mentioned in the letter. That is proved by a letter dated 19th August, which has been proved in evidence; so that you may take it that these two women—Alice Rhodes and Mrs. Harriet Staunton—were staying at the Woodlands together at that time; and, if you believe, it will be equally clear that during that time Louis Staunton came down, but whether to visit Alice Rhodes or to visit his wife is a question for you but not for me to judge.

Now, Clara Brown is introduced to you by the learned Attorney-General as a person on whom you ought not implicitly to rely, unless you find her in material points of her statement corroborated by independent witnesses. According to the argument of the learned counsel for the prisoners in this case, if Clara Brown is speaking the truth, she was an accomplice in the crime which, by her evidence, it is sought to fix upon the persons before you. I may tell you that in law it is not necessary that an accomplice should be corroborated. A jury may—I say may—in law, if they think fit, act upon the uncorroborated testimony of an accomplice. But it has been the practice of learned judges for many and many a year, in dealing with the evidence of accomplices, to recommend you—not to take for granted such evidence as that which Clara Brown has given, unless you find that there is so much corroboration of her testimony in some respects as induces you to believe that now at last she is telling the truth. The observations made to you as to Clara Brown are well deserv-

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ing of your attention; but I must call your attention to the fact that there are many crimes which would go absolutely and altogether unpunished unless the evidence of accomplices were admitted in Courts of justice. If an accomplice were to require corroboration in every respect—that is to say, if you were to take no part of an accomplice's statement without it were corroborated with unimpeachable testimony—you would have no necessity to have the testimony of an accomplice at all. It is the duty of a jury to regard the evidence of an accomplice with a considerable amount of suspicion. If you see a man as an accomplice come into the witness-box for the purpose of giving evidence against his comrade—if you hear him confess that he was there, and you feel that he is endeavouring to implicate another for the purpose of extricating himself from the difficulty in which he is placed, by evidence which beyond all question might implicate himself, you naturally say, "How can I place reliance upon a man who is implicating another, unless, indeed, I have reason to believe that, great as his interest is in endeavouring to implicate the other, nevertheless he is speaking the truth?" And for that reason it is, gentlemen, that, in dealing with the testimony of an accomplice, you must see how far in material respects it is corroborated by independent and unimpeachable proof, and, if you are satisfied upon that point, there is no reason why the evidence should not be acted upon. In taking Clara Brown's account it is infinitely better, with a witness of this description, that you should have it in the words which fell from her own lips. She says she went into the service of Mrs. Patrick Staunton in September, 1873. She remembered Louis being married. She went to Cudham in 1875, when the family consisted of Mr. and Mrs. Patrick, their two children, and herself. "When Mrs. Louis was confined," she says, "I went up to London to help the nurse. Dr. Russell attended Mrs. Louis, and I remained till after the month. During the month there were in the house Louis, Alice Rhodes, the nurse, myself, and Mrs. Harriet and her baby. I thought that during that time Louis and Alice Rhodes were too affectionate towards each other. I am not sure that she always slept in her own bed." It is but fair to the witness to remark on that, that she did not volunteer that statement, but in answer to a question from the Attorney-General, "Did they sleep together?" Then she goes on, "I found a nightdress of Alice's in a drawer in Mr. Louis's room." I have already commented on that. "I heard Mrs. Harriet complain of the behaviour of Alice Rhodes and her husband. I have seen notes sent down to her husband, and I have seen Mr. Staunton read them. When, after the month I went to Cudham, I left Alice Rhodes at No. 8. All four came

down to Cudham from Saturday to Monday, and they did not take the baby back. They left it with Mrs. Patrick to be fed with the bottle. Harriet afterwards came twice with Louis. I remember Alice Rhodes staying at Woodlands. I heard something pass between the two sisters about Harriet. I think Alice wanted Mrs. Patrick to allow Harriet to come down for a week. I did not hear the answer." Mr. Justice Hawkins

Now comes the first important statement about Mrs. Harriet's stay at the Woodlands. "I heard Louis speak to Patrick about his wife's hat and jacket. He said, 'You had better put her hat and jacket away, or else she will come after me.'" That certainly shows a desire to leave her. "I saw Mrs. Patrick put the hat and jacket in a box and lock it up. I heard Mrs. Harriet ask for them, and Mrs. Patrick say that Louis had taken them away with him. Except on two occasions, Mrs. Harriet never again left the Woodlands, and on those she came back the same night."

I will now refer to the lost letter. Clara Brown says, "I found one day a letter. I remember taking it up and reading it. I burned it. It was in Louis's handwriting, addressed to Alice Rhodes. I found it in Mrs. Patrick's bedroom. Alice had been there, but was gone. It began—

"My own Darling—I was very sorry to see you cry so when I left you. It seems as though it never would be; but there will be a time when Harriet will be out of the way, and we shall be happy together. Dear Alice, you must know how much I love you by this time. We have been together two years now."

The Attorney-General says, taking that letter as a fact, it shows that the intimacy was of a very questionable character, which had existed for a considerable period of time between them—it may be before the marriage of Louis. The letter was clearly picked up in August, if picked up at all. It says, "We have been together two years now." That would go back to 1874, months before the marriage took place. The question is ay or no, did this girl correctly repeat to you that which was a fact? In the first place, did she find a letter? The fact of the letter being lost depends not on her testimony, but upon a letter about which there can be no possible doubt—Alice's letter of 19th August, which I have already read to you. It is said that she invented the story after the inquest, when she heard that a letter had been lost. If you believe that she invented that letter for the purpose of giving strong evidence against her relatives—persons nearly related to her—with whom she never seems to have had one single word of anger, who had never, as far as we know, behaved otherwise than with kindness to her, if you believe she invented the letter, she must be the vilest person that

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ever entered a witness-box, and you could not place reliance on her testimony. If capable of inventing a story like this, without a particle of foundation, it shows her to be a person on whom no reliance could be placed. You would then have to discard her testimony altogether, and fall back upon that of others entirely. Now, is she inventing this story or not? I have looked through this evidence—you have heard Clara Brown cross-examined—you have heard Police Sergeant Bateman cross-examined on the subject of the communications he has had with Clara Brown. I don't think it was suggested—certainly it was not proved—that when this story of finding the letter was first of all mentioned by Clara Brown, that she was then aware of the existence of the letter of 19th August. If she had not heard of that letter in which a lost letter is missing—if she had not heard of it, do you not accept it as a remarkable corroboration? Now, as regards the finding of that letter. Let me call your attention to the letter of 19th August. It is signed "Alice," and dated from Woodlands during the time she and Harriet Staunton were there together. It is dated "Woodlands, Saturday morning, 19th August." If anything like the letter Clara Brown tells us she found had been lost—a letter addressed by the husband of Harriet Staunton to Alice Rhodes—it is natural that Alice Rhodes should be most anxious that it should not get into the hands of any other person. And it is quite clear that such a letter, missed from Alice Rhodes' possession, would be very anxiously looked after. This is the letter—

Dear Louis—I was extremely thankful to have a letter from you yesterday. You must know that it is dreadfully dull down here. I have searched high and low for the lost letter, but cannot find it. I am sure that Harriet has not got it. Where it can be I cannot tell. Come down to me as soon as you can, if only for a few hours, for I cannot tell you how happy it would make me to see your dear old face again. With fondest love, and trusting to see you soon, I remain your affectionate ALICE.

She adds these lines—

Though absence parts us for a while,
And distance rolls between,
Believe, whoever may revile,
I'm still what I have been.

In this letter express reference is made to the lost letter. And more than that, old Mr. Staunton, the father of Louis, was in Guy's Hospital in June, and he remained there until 15th August, when he died. Clara Brown, with a view to testing her, was asked this question, which was suddenly put to her in cross-examination—not a question put and answered before the coroner—and requiring, without any prompting, an immediate answer. It is this—"You say you read this

letter; how long was it?" She replied that it filled four pages of notepaper. She was then asked what else was in the letter, and she said, "I do not remember, but there was something in it about Mr. Staunton's father." The letter referred to could not have been lost more than a day or two before this letter dated 19th August. On 15th August old Mr. Staunton died in the hospital, and you must ask yourself if there is a probability that Louis, writing about that time to the girl with whom he had formed an illicit connection, would make a reference to his father's death. Clara Brown says the letter did contain such a reference, and I think you will consider that a corroboration of her statement. An observation has been made that, supposing this letter was found, it did not contain the words Clara Brown says it did, but look at the probabilities. Do you think it probable that a girl of Clara Brown's age—sixteen years—would, having found a letter of this description addressed to her own first cousin—having read it, and having seen the character of its contents—is it or is it not likely that she would read that letter over more than twice? It related to her own cousin upon a matter which had been called to her attention so long before as the confinement of Harriet Staunton. Do you think it probable her story is true, and that having got it in her possession she would naturally read it more than once? Mr. Justice Hawkins

Mr. WILLIAMS—There is no mention in the letter of 19th August, or any reference to, the death of the father.

Mr. JUSTICE HAWKINS—I have not said so.

Mr. WILLIAMS—Is it not an extraordinary thing that if a mention of the father's death is made in one letter there should be no mention of it in the reply of Alice Rhodes?

Mr. JUSTICE HAWKINS—I do not know at all why she should. We do not know what was said of the father's death. If you ask me to reason off the probabilities, I would rather not. I must leave it to the jury to say whether Louis would write to her without mentioning the death of his father in the hospital. It is one of those circumstances which the learned Attorney-General relied upon as affording a test of the probability of her story; whether you think so or not is for you, gentlemen, to say. There is the remarkable circumstance that the father's death did occur on 15th August. It is an event which you may come to the conclusion would probably be mentioned in Louis Staunton's letter to Alice Rhodes. It remains for you to say whether you think that Clara Brown has related accurately to you the contents of the letter she found. I will read to you now two or three more letters, which were written at the close of the month of August, 1876, for the purpose of showing you the state of feeling there was between Louis Staunton and his wife, having previously stated to you

Mr. Justice Hawkins what was the state of feeling between Louis Staunton and Alice Rhodes.

Dear Bay—I was indeed glad to get your letter this morning, but grieved to hear the two dear children are still so ill, but trust they may soon get better. It makes me quite miserable to think you and dear Lizzie are in such trouble and I cannot help you. I want you to send Harriet up to-morrow, for I am sure you cannot be bothered with her just now, and I will then send Alice down to help dear Lizzie. Give my love to her and say I hope to see her soon, and if I can possibly run down I will do so. With fondest love, your ever affectionate brother, Louis.

On 31st August he writes again—

My dear Bay—I find your train will arrive at London Bridge at about five o'clock, and there is one for Gypsy-hill at 5.15, so I shall expect you about six o'clock unless you come up in the morning. I have now got a girl, so dear Lizzie cannot have any excuse for not bringing up the two children. I feel so sorry Harriet should have given you so much trouble; what to do with her I do not know. I told them down home Harriet came back last Saturday, so if you go down to the terrace first you will know what to say.
Your ever affectionate brother, Louis.

We know from the evidence before us that at that time Harriet had been staying since the early part of August in the house of Patrick. We know now as a matter of fact that she never did return to her home at Gipsy Hill. We know she never left the Woodlands, if you take the account of Clara Brown, except on the two occasions of the visits to Mr. Keene. It is clear she did not come up, because the letter of the 31st says—"I do not know what to do with her." Why should there be a mystery about her coming up or going down is a matter I cannot say anything about. I cannot withdraw it from you, because this is a case a decision on which cannot be formed upon one isolated fact or so, but upon a combination of the whole of the circumstances. This is the last letter—

Sept. 1, 1876.

My dear Bay—I have received your letter and am sorry I said anything, but the fact is I was very annoyed at the time to think Harriet had been giving you any trouble, for I know you have enough already with the two children ill, but I hope you will not say or think anything more about it. I had hoped to have seen you all to-day, but suppose it will now be Monday.
With fondest love to all, your ever affectionate brother, Louis.

These are the letters written by Louis to his brother. Upon those letters I will make one observation, and you will take it for what it is worth. You will find when you come to look at the statements to which I shall have to refer at some length, that there is no reference made to the intemperate habits of Harriet Staunton. There was a long examination of the

doctor upon that. You will not find in either of these letters a suggestion of intemperate habits.[2] They had had words and he had complained of her irritating him, whether with or without reason I do not stop to inquire, but here no reference is made to intemperance. Mr. Justice Hawkins

In August Louis had secured the last remnant of Harriet Staunton's property. The money she was in possession of at her marriage had become his absolute property, but she was also entitled to a reversionary interest which would be of the value of £2200, according to Mrs. Butterfield, who said that the whole of the property of the deceased would be of the value of about £4000. We have no evidence of the age of the person on whose death the reversion would fall in; but instructions were given to sell the reversion about August, 1876, and this circumstance is not altogether undeserving of your consideration. There may have been reasons for it. If there were I know them not. It is quite clear from the evidence before us that, in August, 1876, Harriet Staunton was not in immediate want of money. Of this there is no suggestion. She had gone to stay at Woodlands, and was now living with the wife of Patrick Staunton. There was no pressure for money upon her. Why, then, was this reversion sold, instead of waiting for the death of the person, when it would fall in; for we know reversions must be sold at a sacrifice? Mr. Keene tells us it was sold in August, and realised not £2200, but £1100. The transaction, however, was not then completed, and therefore I presume the money was not paid till October of the same year. Louis Staunton, upon leaving Loughborough Park, had taken up his abode at Gipsy Hill, Norwood. The letters which from time to time he wrote were addressed from an estate office facing the railway station at that place. The precise date of his going does not appear, but it was probably between May and June, because Mrs. Harriet Staunton was confined on 23rd March, and would be there for a month, which would bring it up to 23rd April. We may take it that about the end of April or the beginning of May he went to Gipsy Hill and opened his estate office. At the end of September, at Michaelmas, 1876, there was a little farm called Little Grays farm, containing about 20 acres of grass land, and let at the rent of £70 a year, and Louis Staunton agreed to take it. He was entitled to enter into the possession of it at Michaelmas, and he was to take it for three years, with the option of continuing on it for seven years. One of the learned counsel stated that the business at Gipsy Hill was abandoned, and certainly we have no proof that the business

2 See the Attorney-General's opening speech, pp. 38, 39.

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at Gipsy Hill was carried on at any period after September, 1876.

I now desire to call your attention to the position of Little Grays farm, and also to the Woodlands. The Woodlands was a small cottage containing only four rooms, two of which were bedrooms. One of these bedrooms was occupied by Mr. and Mrs. Patrick Staunton and one of their children, while the other bedroom was occupied by Clara Brown and another of the children of Mr. and Mrs. Patrick Staunton and by Mrs. Harriet Staunton and her child. The house was a mile from the little village of Cudham. The house opposite to it was called the Portlands, and between the Woodlands and the Portlands there was another house, the name of the occupier of which we do not know. Therefore, the Woodlands would appear to have been a house inconveniently crowded, having regard to the number of rooms and the occupants of them. Now, Little Grays farm was about a quarter or twenty minutes' walk from the Woodlands. This house had four bedrooms, two of which were furnished and two were not. For whom was that home taken? It is admitted by all the counsel for the prisoners that it was taken for Alice Rhodes, and for Alice Rhodes alone. The reason is given. It was to enable Alice Rhodes to pass as the wife of Louis Staunton while the child of their connection was born. Although taken in September, the farm was not occupied until the end of the month of October, and that is a date deserving of consideration, because it was on 23rd October that the last remnant of property belonging to Mrs. Harriet Staunton was disposed of. Mrs. Harriet Staunton had gone to live at the Woodlands under the notion that she was a visitor there. She went in August, and remained during the months of September and October, evidently devotedly attached to her husband. Whatever her suspicions may have been, and whatever jealousy may have been caused, there can be no doubt at all that towards her husband at that time Mrs. Harriet Staunton did feel most affectionately. I will tell you why I say so. She wrote a letter which has been produced. It was found by Sergeant Bateman, and it is as follows:—

Friday.

My own darling. I write these few lines hopeing they will find you well. Will you be down on Sunday if not I shall be disapointed hope to see you on Monday if not will let me know which day you will be down by Pursey. it has been raining all day. Will you bring me down peace ribon and frilling for my colour and sleves. I hope to return to town with you soon Persy is coming back to-morrow night so I beleve. Tomie is quite well so good night my dear God bless you will you let me know I have not had clean flanel for a month I have here month on Saturday it is time I shall be a home my boots has worn out from yours ever affectionate wife

HARRIET.[3]

[3] See p. 50 *supra*.

The Judge's Summing Up.

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Now, in this letter she entreats to be taken home, but at that moment, if you believe the evidence, preparations must have been in contemplation to dispose of the only home she had, for that at Gipsy Hill was disposed of when Little Grays farm was taken, and Little Grays was never intended to be a home for her. I say that is a striking letter, and one to which I direct your most serious observation. Whether there was a reply to this letter or not I cannot say, but here we have the letter of the wife writing to her husband in the most affectionate of terms, and writing at a time when he was carrying on beyond all doubt the most illicit intercourse with that girl who was to pass as his wife at Little Grays farm while his own wife was occupying half a bedroom at the Woodlands. If the letter speaks the genuine feelings of Mrs. Harriet Staunton, it is quite clear at that time she was ignorant of any such arrangement as that which is spoken to by Louis Staunton in his deposition before the coroner. It is there said that Louis Staunton had made an arrangement with his brother Patrick Staunton to take charge of Mrs. Harriet Staunton for 20s. a week. In one of the depositions you will find it also stated that the reason that there was a mutual separation by agreement was on account of the intemperance of Mrs. Harriet Staunton, but there is no mention of intemperance in the letters, and the medical evidence says there were no traces of intemperance in the body of the deceased. If that arrangement be true it speaks of a very strange state of things. Here is a lady who, according to all the evidence, was possessed of property which, when realised, fetched a sum of £3000, which would give an interest at 5 per cent. of £150, and within eighteen months, or less than that, of the marriage her home is abandoned, and she is placed with Patrick Staunton, where she is to be maintained upon 20s. a week. It is avowed that Mrs. Harriet Staunton was to know nothing of the home at Little Grays, and, according to the evidence not a trace of her has ever been seen in the neighbourhood of that house. Now, it was suggested before the coroner that all this was done with the sanction and approval of Mrs. Harriet Staunton, but there is no evidence before us that such was the case. On 17th October it was arranged that the sale of the reversionary interest should be completed. I may tell you, very shortly, gentlemen, if you do not already know it, when a married woman is about to dispose of her property, before effect can be given to the deed of transfer which is executed by her, it is necessary she should appear before commissioners, who are appointed to examine her and see that what she does is done of her own free will, and if, before the commissioner, a woman, though she had executed the deed, and signed, sealed, and delivered it with all solemnity, were

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then to say, "I refuse to acknowledge this deed, because I was coerced into the making of it by my husband; I have sold my property and assigned it so far as it goes, but not by my free will," the commissioner would refuse to give his sanction, and he would not acknowledge the deed. Now, on 17th October, when Mrs. Harriet Staunton first went to the commissioner, she was suffering from a nervous trepidation, and she was told she had better go away for a week and come back again. She accordingly went away, and returned on 23rd October, when she completed the assignment which was to divest her of every portion of what she possessed in this world. I should be doing wrong, perhaps, if I did not here call attention to a matter which may not have a direct bearing upon the issue, but which is of some importance. You will remember that Clara Brown says that on one occasion Patrick Staunton struck Mrs. Harriet Staunton, and gave her a black eye, and she says this was just before Mrs. Harriet Staunton went to Mr. Keene's, the solicitor. Mr. Keene is called, and he says that he did notice when Mrs. Harriet Staunton called upon him to go before the commissioner, on one of the occasions she had a discoloration under the eye.

I have now, gentlemen, taken you down to the end of the month of October. Let me next call your attention to a body of evidence which was given on the second or third day of this inquiry, which may possibly be deemed of more importance than it appeared at first sight—I mean the evidence called to show the state of things at the Woodlands during the late autumn and early spring of 1876-7. There called at the Woodlands the butcher, the baker, the fishmonger, the man who served hay and straw to the pony belonging to Mr. Patrick Staunton, and other tradespeople. These witnesses have been examined before you, and I will call your attention to their evidence. The first of these witnesses is a man named Marchant, a gamekeeper. He was cross-examined as to whether he had not had any difference with Mr. Patrick Staunton, and he says he had a difference with him as to the fencing in of some pond. It will be for you to say whether that difference is of such a character as to have an interest in it which would induce him to come here and tell that which is a deliberate falsehood. That is the only thing I know that might be said against him. Marchant says he lived at the adjoining farm, about three-quarters of a mile from the house. "I have seen the lady in this photograph in August, 1876. I have seen her in the wood and round the house. I saw her often up to the end of October or the beginning of November. About the 19th I saw her leaving in a wagonette belonging to Louis Staunton." He does not fix the date more accurately at the time, but we know what happened on the 17th and 23rd, and

that would fix the date. "Patrick was with her. I tucked her dress up to keep it off the wheel. I afterwards saw her in the stable. I was in the stable looking at the pony. The lady was without her bonnet, and Patrick said, 'If you are not off, I have a policeman here, and I will run you in.'" Marchant says he never saw her afterwards. "I heard inquiries made for her by Mrs. Butterfield. I watched the woods to see if I could see the lady, but I never saw her again." Mr. Justice Hawkins

According to his statement, the last he saw of her was in the end of October or beginning of November, and he speaks of that which, standing alone, would be, as he treated it, a joke—only she came out at Patrick's bidding, and went back to the house. He is cross-examined, and says, "I have seen her hanging out clothes. I said before the magistrate that the expression made use of by Mr. Patrick was put down by me as a joke." If that matter stood alone it might be so treated, but we have reason to think it was said seriously. She was doing nothing to justify her being given into custody; but it is used by the prosecution to show the system of terrorism that was practised, and they say it could not have been a joke, because Patrick Staunton was not in the habit of joking with her, and we must take it in connection with the evidence of Clara Brown. "I remember," he goes on to say, "seeing the lady with a baby. I swear she did not say it was her sister-in-law's child. That was before November. There was a little difference between me and Patrick." Now, subject to those observations I have made, you are asked what weight this evidence has. But it does not stop here. On the part of the prosecution they say, "We will call everybody we know of for the purpose of seeing whether this woman really was out and about the grounds and seen by anybody," and accordingly they proceed to call them. George Dewsbury, who served them with straw for the pony, was called, and he says, "I never saw the deceased. I did not know she was living there. I was always about the place. I was in the wood, and I heard a female scream in the direction of the Woodlands. It was about October, on a Sunday afternoon. It seemed as if a woman was being roughly knocked about." The Attorney-General says he does not place much reliance upon that; it is a circumstance standing alone. But Clara Brown spoke of Harriet having a black eye, and Mr. Keene says there was a discoloration on the 23rd.

Mr. Clarke—Clara Brown says the giving of the black eye occurred the last thing at night. The scream was in the afternoon.

Mr. Justice Hawkins—So much has been said about it that I will not trust myself to give you, gentlemen, a summary of

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this evidence, but I will read it. John Staples, a labourer, says he is a fishmonger on his own account, and used to call at the Woodlands with fish. He saw the deceased lady, and he says, "She looked as if she had been very ill or half-starved. I only saw her once." Alfred Nicholls, who worked with his father as a baker, seems to have gone there three times a week, and he never saw the deceased at the house. Owen Davis, the butcher, says he called four times a week, and continued to do so until April, 1877, at nine, ten, and one in the day, so that he went at various hours, but he never saw the deceased, nor did he know that such a person was living in the house. Another witness, Henry West, speaks of going to the Woodlands from March to November, but he never heard of the deceased. Two other witnesses speak of having watched the house sometimes for hours together, but they could not hear or see anything of the deceased. From the latter end of October, when the property of deceased had been conveyed away, and when Louis Staunton and Alice Rhodes came down, Mrs. Harriet Staunton was seen no more. There is also the evidence of the girls Longridge and Weatherley, who refer to a person, supposed to be Mrs. Harriet Staunton, being heard moving about, and it would seem that she was almost in fear of the servant girls.

I come now to the evidence of Clara Brown. With regard to Clara Brown they say, "Before the coroner you gave evidence directly at variance with the story you are telling to-day." Says the girl, "Indeed, I avow it, and my reason for doing so was this: at that time I was influenced by the two female prisoners, who were my own near relatives. The deceased lady had died under circumstances which raised, rightly or wrongly, suspicion against them. An inquiry was going on, and what I said to the coroner was untrue so far as it went to shield my relatives, and my statement was made at their request and subject to their dictation." Well, she is cross-examined—and cross-examined most properly—on the statement she did make to the coroner. She says, "Before I was called upon to subscribe my hand to the depositions which I had made I told the coroner that I had told an untruth." Now, gentlemen, that she did tell the coroner so is placed beyond all doubt, because Mr. Carttar, the coroner, who took her depositions, says the girl made that statement to him. But Mr. Carttar told her that, having already made the deposition after having been sworn, true or false, she must sign it, and, accordingly, she did sign it. Now, nobody will suppose Mr. Carttar wished or intended Clara Brown to subscribe her name to an untrue statement with a view to influence the mind of that jury. Mr. Carttar viewed her as having been sworn, and, as she had made that statement, he must insist upon her sub-

scribing her name to it. If he had adopted the other course, and had torn up the depositions, then it would have been said what Clara Brown said in favour of the prisoners was not forthcoming. Well, gentlemen, it is for you to next ask yourselves whether Sergeant Bateman induced Clara Brown to make a false statement. Clara Brown says Sergeant Bateman said to her that, if she had been falsely swearing, she was to mind what she was about, or she might get herself into trouble. Gentlemen, I attach no blame to Sergeant Bateman for saying that. It is an observation that any one of you would have made in order to preserve the girl from making any further false statements. Clara Brown was further asked where she had been living since the coroner's inquiry, and she said at Penge. She was taken there to be out of the influence of those who had caused her to make her first false statement. The learned counsel for the prisoners, in their addresses to you, have stated that they could not cast any blame upon the Treasury for their way of conducting this prosecution, inasmuch as the Treasury has only the interests of society and the safety of the public at heart in the matter. You must ask yourselves whether you can suppose that this girl, Clara Brown, has been influenced by the Treasury officials. Is there anything to lead you to suppose that she has been prompted to say that which is untrue? It is a question entirely for your decision as to whether you can believe her story. I have the right to form an opinion on the matter, but I have no right to express it to you with the view of dictating to you as to what you should believe. You must judge for yourselves as to whether or not you believe the girl's story. If you do not believe it, then, of course, you will disregard it; but that would not prevent you from forming an opinion upon other evidence in the case which has been submitted to you, and with reference to which no such observations as have been made about Clara Brown can apply. I will now take up her evidence at a later stage. She says—"I have heard Mr. Patrick speak to his wife about having Mrs. Harriet Staunton out of the house. This was after the visits to London, when she went to see Mr. Keene. I have heard him say to her, 'You must not go outside the house so that any one can see you.' He has spoken to me on the same subject. He has said, 'Do not let Mrs. Staunton go out so that any one can see her.' When she first came to us she took her meals with the rest of the family, but just before Christmas there was an alteration, and her meals were sent upstairs. She had the same as the rest, but not always. Sometimes pudding was sent and no meat, which the others had. On several occasions she has complained of not having enough food, and Mr. Patrick was very angry, and struck her once, which left a bruise on her

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arm. On another occasion Mrs. Harriet Staunton shut the door in Mr. Patrick's face, and he struck her and pushed her down." This was in the back bedroom. There was a bed, a chair, and two boxes in that room, but no basin, or jug, or any means for her to cleanse herself. You will remember that the two policemen examined the room, and they described the room as being without any washing apparatus. She says that after Mr. Patrick Staunton gave Mrs. Harriet Staunton a black eye she went up to London to Mr. Keene's office. Well, there is evidence that she came to London twice to Mr. Keene's office in reference to the settlement of the sale of the reversionary interests; and Mr. Keene says that on one of these occasions he saw a discoloration on the eye of Mrs. Harriet Staunton.

At this point the Court adjourned for luncheon. On reassembling,

Mr. JUSTICE HAWKINS proceeded—I had got to that part of the evidence of Clara Brown in which she goes on to give a description of the state of the bedroom, after which she says—"Patrick Staunton has struck Mrs. Harriet Staunton, and Mrs. Patrick Staunton has seen him, and I have heard her ask him to leave her alone. She had only one pair of boots while she was there. She had no boots when she was removed. She had then a pair of Mrs. Patrick's slippers. She had no boots on for three weeks. The room she occupied was rather dirty. I remember his saying, 'Get out, you damned cat, or I shall break your back.' I have heard this more than once. I have heard Mrs. Patrick say, 'Don't come downstairs, Harriet; we do not want you down'; and after that I don't remember her coming down. When she has complained of not having had sufficient food, I have known her to be without food for a day. I have asked Mrs. Patrick whether I should take it up to her, and she has said, 'No, let her wait.' She got gradually worse." She goes on—"At the latter part of 1876, from November until Mrs. Harriet Staunton was removed, Louis was living at Little Grays, twenty minutes' walk from the Woodlands. When he came he always saw his wife. I do not remember hearing him speaking of her, but I have heard him speak to her. Louis and Alice Rhodes were living at Little Grays." She next gave us an account of having picked up that letter about which I have already made some observations, which I will not repeat, but she is asked this question about it, "Alice Rhodes made inquiries about it a week after she lost it. She asked me if I had seen a letter addressed to her, and I said, 'No.' In fact, I had then burnt it."

Then she says this about her examination before the coroner—"I was examined as a witness before the coroner, and made certain statements there. Before I was examined all the

prisoners had spoken to me about my being a witness. They told me to say everything I did before the coroner. Between the death of Mrs. Staunton and the examination before the coroner I had been to Mr. Bradford's. I think I was examined two days. What I said before the coroner was not true." The name of Mr. Bradford is a name that I shall have to revert to hereafter, because in the statement of the prisoners it would appear that Bradford was a friend. I don't know whether it is stated that Bradford was in the habit of visiting, but I think he was—the girl had been to Bradford's, and, if he was in the habit of visiting at that period, it is a matter which cannot escape your observation that Bradford has not been called. The importance of this part of the case is that, if it was true, as this girl states, and as the doctors say must have been the case, that this poor woman was gradually wasting away until she arrived at the state of emaciation in which she was when she died—the object of this evidence is to show that those who were about her and saw her from week to week had an opportunity of seeing the condition to which she was being reduced, and must have known of it. One of those persons was her husband. Another was Alice Rhodes, who was living, we know, unseen by Mrs. Harriet Staunton, with Louis Staunton, and keeping their whereabouts a secret from her. Now then, Clara Brown is examined by Mr. Williams on the part of Louis Staunton. "In August, 1876, Harriet came to Cudham. I was the only servant at Patrick's. I was in the habit of going frequently out. On the 29th (of May) I made another statement. I think before the coroner I spoke about a hat and jacket being taken away, but I am not sure. I cannot say if I mentioned it before the 23rd (of June). I do not remember if I told the coroner of Patrick Staunton telling Mrs. Harriet Staunton not to go out. I do not believe I told the coroner she was kept without food for a day." If her statements were true—that in what she said before the coroner she was influenced by feelings, as I have already mentioned to you, for her relatives, and if what she said was dictated by her relatives, it is quite likely she may have said it to the coroner, for it was not likely that it would have advanced their interests if it were known that Patrick Staunton had kept Mrs. Harriet without food for a day. She goes on—"I do not remember saying anything about Patrick striking her before 23rd June. I think I did say I did not consider her very ill till three or four on the Thursday evening, when she sat drowsily over the fire." Then she speaks of the child, and said her mistress said the child was going to the hospital, and that Mrs. Harriet Staunton hoped she would be able to get in. That was not true. She thinks she said that the deceased was aware that Alice Rhodes was passing as Mrs. Staunton, but that if she

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Mr. Justice Hawkins said she heard Mrs. Harriet make that statement it was false. After the statements of the learned counsel, we cannot hesitate to accept the statement that Mrs. Harriet Staunton did not know of their living at Little Grays, and, if the witness did say that the witness was aware that Alice Rhodes was passing as Mrs. Staunton, it must have been false.

Clara Brown goes on to state that she never said that Harriet Staunton came home the worse for liquor, though she believed she once saw her the worse for liquor, and that she went more by what she heard, but that she believed she had seen Harriet Staunton a little intoxicated. The witness proceeds to state that Patrick Staunton used to be away, and that when Mrs. Patrick went to Little Grays farm the deceased and witness used to be left at home together. There is strong evidence that Mrs. Patrick knew who was at Little Grays farm, and approved, by her presence, the connection existing between Alice Rhodes and the husband of the lady who was living in her little back bedroom. When I come to deal with Mrs. Butterfield's evidence you will find she saw Mrs. Patrick actually in the house. In cross-examination Clara Brown says she thinks Patrick Staunton had been examined on the same day, but before her, and the foreman said, "Fear no one." That seems to convey an impression on his part that the witness was under some fear. Then she is cross-examined by Mr. Poland, and she stated that Patrick Staunton was an artist, and used to paint in the larger of the parlours at Cudham. She also described the size of the house and the way in which the inmates slept, to which I have already alluded. Then, with reference to the connection which existed between Louis Staunton and Alice Rhodes, she said in reply to the learned counsel, Mr. Williams, "There were no drawers in Alice Rhodes's room when I found the nightdress, and I don't remember any other article of dress being found in the same room." The girl further said that after she left the Woodlands she went to live with Mrs. Hincksman, who is the mother of these two women, but latterly she had lived with Mrs. Judd, Wakeley Road, Penge, and she thought that the Treasury had paid for her lodgings. She added that she was staying with her aunt while the inquiry before the magistrates was going on. She described how the butcher and the baker from the adjacent villages used to call for orders, how she used to go into Cudham for golden syrup for the deceased lady, and gave other details of the matters connected with the domestic management of the household. She said, "I have heard quarrels between Mrs. Patrick Staunton and the deceased about her not doing her hair. Mrs. Patrick used to remonstrate with her." Other evidence was also given by Clara Brown, and I call your attention to the fact that during the time she was in residence with

the Stauntons they do not appear to have had an unkind word with her, and I am at a loss to discover a particle of evidence showing that there was any hostility on the part of this girl towards the two female prisoners, who are her first cousins. And this is a matter which should be weighed when you are taking into consideration whether she is to be believed or not. If they could have shown that she was hostile to them, that she had been in the habit of quarrelling with them, or that they had ill-used her, then you might very well say that in giving her evidence she was gratifying some feeling of revenge, which I am bound to say does not seem to have existed in her mind. Mr. Justice Hawkins

Clara Brown says, speaking of Mrs. Harriet's habits—"When she first came she was very neat and tidy about her hair and dress. It was just about Christmas that Mrs. Patrick used to complain of her hair. Deceased then appeared to be ill, and complained about her feet and hands." Now let us see what Mrs. Butterfield, her mother, says—"When I last saw my daughter, in June, 1875, she was in good health. She had always had general good health. She was fond of dress; she was always well dressed, and knew how to dress. She was a very clean girl, and so continued up to the last time I saw her." She adds—"She was very particular in her person, and also very temperate, and never in the habit of drinking to excess." Clara Brown continues that "from that time she continued to get worse and worse. I was generally upstairs in the bedroom. I was told to keep her out of the way of the door and let no one see her. I used to tell her I would tell master if she did not go back at once." It was suggested to you yesterday by the Attorney-General that she must have been in a weak state of mind and body if upon the mere bidding of a servant girl she went back to her room in this way. Clara Brown says, "I have seen Patrick flog Mrs. Harriet Staunton's child on its face and arms, and once he bruised it." This is the whole of the evidence of Clara Brown on that occasion. There were one or two other occasions when she was recalled to clear up certain matters. She says, "There was only one fire either before or after Christmas in the bedroom of the deceased"; and on another occasion when she is recalled she says, "I have known Patrick strike his wife in anger." Now, gentlemen, you have heard Clara Brown's description of the way in which Mrs. Harriet Staunton was treated from the month of October or November until the period when she finally left; and, according to her evidence, the deceased had become ill before Christmas, and she continued to get weaker and weaker, and I do not find that any step of any sort or suggestion of any kind was made by any of the prisoners with respect to medical attendance, though they must all have seen her condition. Before I pass on I will just call your attention

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again to the evidence of Weatherley and Longridge. Clara Brown says she was told to keep the deceased from the door, that no one might see her. Well, is she corroborated in that story by the two witnesses Weatherley and Longridge? It is for you to say whether you see any ground for disbelieving their testimony.

The learned judge, having read over the evidence of the girls Weatherley and Longridge, continued—I do not think there is anything more to which I need call your attention up to the commencement of the present year. In the month of January, 1877, a letter is written by Louis Staunton to Mrs. Butterfield which deserves your consideration, because it seems to be the first of a series to which I must draw your minds. It is stated by one of the witnesses that at the birth of the child the connection actually existing between Alice Rhodes and Louis Staunton had been brought to Mrs. Butterfield's attention, and she commenced making inquiries about it; and it was not unnatural that she should do so. Where she made those inquiries we have no evidence. She was not examined or cross-examined upon it, but some of the letters of the month of April show beyond all question that she and her husband had been inquiring. But sufficient for me to say that Mrs. Butterfield was making inquiries, when on 20th January, from Brighton, Louis Staunton wrote this letter. There is no evidence that his wife was ever at Brighton at all. The evidence rather shows conclusively that she was not there. This is the letter—

I hear from my sister that you called and wished to see your daughter. I only wish I had been there at the time. Now, I tell you once for all, after your unnatural and brutal conduct to her, she never wishes to see you again—nor would I allow her to do so. In fact, while you live, she considers she is in danger of her life. It is my intention to pay Brentwood a visit shortly, when I will let every one know your true character.—Yours, LOUIS STAUNTON.

Now, you will see in this letter it is stated that the daughter Harriet never wished to see her mother again; but just ask yourselves whether you see in the case or the evidence anything to warrant that statement. The daughter, when her mother called in July, just after the marriage, had spoken affectionately to her mother. Her mother had evidently got over all the displeasure she had felt as to the fact of her daughter having disobeyed her in her marriage with Louis Staunton. She had thought it an imprudent marriage for her to contract; she expressed her displeasure at it; but the thing was over, and she called to see her daughter. There was no quarrel then of any kind with Mrs. Butterfield. On the contrary, she was shown upstairs; Louis said, "Show your mamma over the house." She was not met with the expres-

sion, "What business have you here?" When she noticed that they had not a servant, Louis did not say, "What business is that of yours?" but "I have advertised for one"; and when Mrs. Butterfield noticed that a bedroom was not furnished, no offensive remark is made on that. We have heard the rebuke offered that Mrs. Butterfield had no right, as the mother of a married lady, to make these remarks. Comment has in the progress of this case been made upon the interference of mothers-in-law, and upon the mischief done by mothers-in-law; but I confess that I am at a loss to see the justice of the observation, or to see that there is any harm for the mother of a newly-married woman to see her daughter's new home and speak to her child in kindly spirit on any defect she may notice in the establishment—although, certainly, it would be an undue interference if suggestions of this nature took the form, "This and the other thing must be done." However, this conversation lasted only ten minutes, and how did it close? Louis said, "I am sorry I have nothing in the house to drink your health with but spirits"; and so it seems as if all the unpleasantness had passed away. When she left they went with her to the station; the train came up, she got in, he took off his hat, and his wife waved her hand. The next day, it is true, a letter came to her from her daughter; but it was not to the effect that she was ill-treated by her mother, but "My husband does not want you to come, and therefore it is better you should not come for fear there should be a disturbance." From the hour of marriage till after the death of Mrs. Harriet I find no statement but the prisoners' of any complaint of ill-treatment by the mother. I find no trace of any complaint to that effect—nothing of that nature from Clara Brown, who was her sole companion except the children, if you believe her, for many an hour. The letter in no way upbraids the mother. Mr. Justice Hawkins

Mrs. Butterfield spoke to one letter she received from her daughter. She said no correspondence was kept up because her daughter was not a good correspondent, and hardly knew how to spell. There is proof of the truth of the statement in that respect in a letter of Harriet's, which is the only one from her that has been found. Harriet in a letter before me says, "I write these"—and here you will observe she spells "these" "thease"; then she spells "ribbon" "ribon," "peace" for "piece," "wich" for "which," and there are other mistakes. This shows the style of letter she was able to write. Mrs. Butterfield says she was not capable of receiving such an education as she desired to confer upon her. A remarkable draft letter has been found by the police in their search in the house at Little Grays, which is worthy of your consideration. You must judge for yourselves whether or

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not it throws light upon the question whether Louis was speaking the truth when he said the daughter desired the mother to keep away, or whether this was simply Louis's desire. The prosecution asks you to look upon this draft letter as one which it was intended the wife should copy and send to her mother; whether she did so or not does not appear in the evidence. Here is the draft letter, which is spelt well, as though it was intended to be copied, and it is not in the handwriting of the deceased lady herself—

Mrs. Butterfield—I am really astonished at your audacity and impertinence after your shameful and unnatural behaviour such as no mother in the whole world would have acted towards her own child. Rest assured I would cast myself into a lion's den to be devoured at once rather than come within arm's length of you, having come to the fullest determination to have nothing to do with you or your family. I have been again to my solicitor to-day, and we have given instructions for you to be taken into custody at once should you continue to molest me. With regard to the ill-treatment you allude to it is quite the reverse, having received the greatest kindness from Tom and Nancy since I have been in their house, and I must protest against such assertions.

It is part of the case of the prosecution that not only during the later autumn of the year 1876 was Mrs. Harriet Staunton, for reasons already alluded to, kept secluded in the house of Patrick Staunton, but it is also alleged that in the beginning of the year 1877 there is abundance of evidence to satisfy you that something must have been in contemplation by the parties with reference to this poor dead lady. That she was kept secluded from the time of Little Grays farm being occupied by Louis Staunton and Alice Rhodes has not been disputed. The prisoners' counsel have admitted that she was staying at Woodlands, and that the object was to prevent her getting any knowledge of or seeing any of the parties at Grays.

I now come to the commencement of the year 1877. I approach it with a great deal of anxiety, and I pray you to weigh most carefully every particle of the evidence which has been laid before you touching the events between the commencement of this year and the removal of the lady on the 12th of April, because it is impossible to attach too great importance to it. I have already adverted to a letter of 20th January. What happens in the month of February? If you believe Clara Brown this lady was then ill, and was gradually becoming more so. If you draw the inference to which you are invited by the Attorney-General from the evidence of the persons who called at the house and heard no tidings, you may be left to imagine what was going on. In January Louis Staunton wrote the letter I have read to you. At that moment Mrs. Butterfield was anxious about her daughter. In February she accidentally met Alice Rhodes at the railway station at

London Bridge, and inquired about her daughter. Alice replied that she did not know, though, in fact, she did know that Harriet Staunton was at the Woodlands, within a mile of Little Grays farm. Mrs. Butterfield added, "You must know," upon which Alice Rhodes replied, "Upon my word, I don't know," and then she said she was at Brighton. You must couple with that statement the letter of 20th January, written by the husband from Brighton, and when you come to look at the depositions you will find that it falsely purported to be written from Brighton, for he avowed that that was a false address; and it is suggested that there was another letter written by his wife at the same time, and that she had requested him to post them at Brighton, and that he had gone down to Brighton and posted these letters. You must say for yourselves whether there is any foundation for that statement; and if it be true that neither he nor his wife was at Brighton, and that this deliberate falsehood was told by him in the letter, and by Alice Rhodes when at the London Bridge station she met Mrs. Butterfield, then you must ask yourselves why these falsehoods were told putting the mother altogether off the scent. You must ask yourselves why these things were done, and the question must be answered by you as you think it really ought to be answered. Mrs. Butterfield says that Alice Rhodes had got her daughter's brooch, which had been given to her twenty years before, and she asked her how she became possessed of it, to which Rhodes replied, "She said I might have it." Mrs. Butterfield replied, "It is all right if she has given it to you; but I am surprised at it as it was her favourite brooch." You have been told that this was a trifling episode about the brooch, signifying nothing, as Mr. Gye said. Sometimes articles of the most trifling description have the greatest value attached to them by reason of the persons who gave them or other associations. Let me call your attention to a portion of the evidence bearing on this interview which Mr. Gye in discussing it yesterday left out of view. "I asked her," says Mrs. Butterfield, at this interview with Alice Rhodes, "if my daughter was well; and she said, 'No, she has been very ill, but she is better now.'" Clara Brown says that Mrs. Harriet Staunton was ill that Christmas and was getting worse. Mrs. Butterfield also asked Alice Rhodes for the address of her daughter's medical man, to which she replied, "I don't remember it now, but if you will give me your address I will send it to you." Mrs. Butterfield gave her address to Alice Rhodes, but never heard anything from her on the subject. Then an attempt was made in the cross-examination to show that the conversation had reference to Mrs. Harriet Staunton's confinement; but Mrs. Butterfield said, "When I saw Alice Rhodes my daughter's confinement

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was not mentioned." Gentlemen, this conversation in February could not have had any reference to her daughter's confinement, if the rest of her evidence is true, because it has been sworn that after that she had been backwards and forwards from Woodlands to London three or four times, and transacted business with Mr. Keene. There is no pretence for saying that she had not recovered at that time. Mrs. Butterfield says that Alice Rhodes said, "You should see her playing with little Tommy; it is great fun." Gentlemen, in February last do you see any grounds for believing that she was playful in Alice Rhodes's presence with "little Tommy"? If the state of her bodily health, as described by Clara Brown, was true, you must ask yourselves whether she could be playful with "little Tommy." And if that was not true, was it fabricated to allay the anxious inquiries of the mother on her daughter's account? You must ask yourselves that question, and you must answer it as you think it ought to be answered. Possibly you may think it was done to quiet the mother and prevent her asking any more questions about the woman who, by the consent of all the counsel, was at this time in a state of restraint. It did not have the effect of quieting the mother, for she pursued her inquiries and determined to go to Cudham.

On the 5th of March, 1877, she went to the London Bridge station, and there she met Patrick near the ticket place. She went to him, and said she was going to Cudham, and asked where her daughter was. She was asking the question of the man at whose house her daughter was, but he replied he did not know anything about her daughter—what was she going to Cudham for? She replied that she was going to see if she could find her daughter, and she added that she should go and see the clergyman. Patrick replied, "I'll blow your brains out if you come to my house; damn your daughter—I know nothing about her"; and he then went away. This is the conversation she swears she had with Patrick Staunton. Do you disbelieve her when she swears that? This is a story which in substance must be true, or it must be a fabrication. If the latter, it is a vile fabrication, which would destroy the value of Mrs. Butterfield's evidence with every honest mind. Let us see what follows. She went down, notwithstanding this conversation, and in consequence of something she heard at the station, which the rules of evidence would not allow the prosecution to give you, she determined not to go to Woodlands, but to Little Grays, where under ordinary circumstances she would be most likely to find her daughter, namely, in the house of her husband, who lives at Little Grays. She took a cab and drove 5 miles to Little Grays farm. There she saw Mrs. Patrick, who answered the door, and asked to see Mrs.

Staunton, her daughter. It does not appear that Mrs. Patrick gave any answer, but Louis came forward in a great passion, and swore he would not let her be seen. She said, "If you will not let me see her, let me hear her voice, or see her hand on the bannister, and I will be content." He was going to strike her with a knife, when Mrs. Patrick said, "Do not hit her, do not hit her." She adds, "He called me a dirty old bitch," and said "I did not live with my husband." She says also, "Then I begged of Mrs. Patrick to see my daughter, saying that she might one day want to see her children." But she was not touched by that, and replied, "Your daughter is well cared for, and that is enough for you to know." "Then," continues Mrs. Butterfield, "I was pushed out of the house." The disappointed mother then returned to the cab, and drove back to the station, and seems not to have thought of going to the Woodlands after that. Her story in this respect is corroborated by a man named George Wells, who drove her on this occasion. Mr. Justice Hawkins

Let me now call your attention to a letter written on 5th March by Mrs. Patrick Staunton to Mrs. Butterfield, which is as follows:—

I hear from Alice that she met you the other day when she was in London, and you informed her you thought of coming down here. I wish you to fully understand that neither my husband or myself will on any account see you. How you can even think of calling on me I cannot think, after the disgraceful way in which you treated Mrs. Hincksman. You also told Alice you should come with a revolver, as you hear that Patrick has threatened to shoot you. I deny that my husband ever said anything of the sort, and I am sure he would not even waste powder and shot on such a vile woman as you have proved yourself to be.

Then on 4th April—we are approaching very rapidly to the all-important dates of 12th and 13th April, a letter is addressed by Louis Staunton to the Rev. Mr. Butterfield—who, it is clear, had been making inquiries as to the illicit connection between Alice Rhodes and Louis Staunton—saying—

I am surprised that you, a clergyman of the Church of England, should make a statement which is without foundation, and you must remember at the same time that an assertion of that kind is actionable, and as to making a public investigation you are at liberty to make it, for I am anxious to have the opportunity of exposing the disgraceful manner in which your wife has behaved. My wife will not, nor will I allow her, to see you under any circumstances.

The letter went on to say that, as regarded complaining to Mr. Hincksman's superior officer, the writer would remind Mr. Butterfield that he could complain to Mr. Butterfield's superior officer, the bishop, and that if a policeman had been present when Mrs. Butterfield called he would have given her into custody, and he would do so if she called again. On the

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part of the prisoner it was said, would a man who contemplated the death of his wife, the daughter of this lady, within so short a time of the writing of this letter, have so taunted the mother? Gentlemen, it is for you to say whether that is a fair and legitimate observation. But there is another view which must be taken, and it is this. Louis had determined that his wife should not be seen by her mother, and it may be that this course was taken to coerce Mrs. Butterfield into giving up her persistent efforts to see her child. Don't, however, be guided by me, and if any observation I make fails to meet with your entire concurrence discard it altogether from your consideration, for you are to judge of the effect of the evidence, and not I. I have no right to form an opinion upon it as against yours; I have but to suggest matter for your consideration, and the conclusion you draw must be your own, dictated by your own sound common sense and knowledge of the world.

To an episode of the case—that touching the death of the child of the prisoner Louis—I think it necessary to direct your attention. Thomas Henry, as he was afterwards baptised, was born on 23rd March, 1876. He was taken shortly after his birth by his father and mother to the Woodlands, where he was left in the charge of Mrs. Patrick Staunton. He used to sleep by the side of his mother in a bassinette in the room which she occupied until his removal to the hospital. The state and condition of the child at the time he was sent to the hospital, and what his ailments were, I will not go into. In the spirit of fairness which distinguished the learned Attorney-General throughout this inquiry he did not go into, and I don't ask you to inquire into, the cause of this little child's death. But the fact of the child being dead and being taken to the hospital, the fact of the conduct of Louis Staunton and Patrick Staunton and his wife, are very material when you come to look around for the purpose of seeing, among other things, whether it is calculated in any way to throw any light on the death of the mother. Discard altogether from your minds the idea of what the child died of, but listen to the facts. On 8th April the child was taken by Mr. and Mrs. Patrick Staunton, in company with Louis Staunton, to the hospital. Mr. and Mrs. Patrick went in with the child, leaving the father at the hospital gates. Mr. Coles, house physician, tells us that the child was in such a condition that he felt that if it were sent back the little thing would die, and, therefore, acting on his own authority and his own responsibility, and knowing that he was only acting as the governors of that noble institution would desire him to do, to receive within it those who are in imminent necessity of medical aid, without adhering to strictly rigid rules, he took it in and handed it

over to the care of Sister Mary, Mrs. Patrick saying that the mother was unable to take care of it, and that she and her husband had brought it, out of kindness, to the hospital. It is idle to suppose that in a house like Patrick's, where Clara Brown was acting as a servant, there was a necessity for removing the child to the hospital. If there had been, it proved beyond all question that in the estimation of Mrs. Patrick, Mrs. Harriet Staunton was then in such a condition that she was unable to attend to her little baby. The name and address were asked. The name was given with a slight variation, but the spelling is immaterial. They gave the true address, Frith Cottage, which is another name for Woodlands. That was much dwelt upon by the learned counsel who addressed you, and who argued that if mischief had been intended they would not have given the correct name and address of the little child that died on the evening of 8th April. Sister Mary continued, "I told her that the child was gradually sinking. I asked its age, and she said about twelve months. It was not dressed as a child of that age should be. It was dressed like a child one month old. It died the same night. It gradually sank. It was unable to take any nourishment. There was a mark upon its left cheek." You will remember that Clara Brown gave evidence as to Patrick Staunton striking the child, and the evidence of Sister Mary corroborates it to some extent. The fact of the blow would show the sort of feeling which prevailed in the mind of Patrick Staunton with regard to the child's mother, for if he had much feeling for her he would hardly think of striking her child. We now come to the burial of the child, from which it appears that in connection with that matter Louis appeared on the scene as "John Harris," representing that the father was away in the country, and that he was the representative of the firm in which the father was employed. I recall your attention to this evidence for the purpose of directing your consideration to the fact that on 10th April Louis Staunton wrote to Mr. Butterfield,[4] two days after the baby died, and after he had arranged and paid for its burial, and never said one word of its death. As to the condition of this unfortunate lady at that time you must form your own judgment; but the statements made by Mrs. Patrick and by Louis with regard to the child as to its mother having been long ill are worthy of consideration.

Mr. Justice Hawkins

I now come to that most eventful day in the history of this case, Thursday, 12th April, when Louis and Mrs. Patrick Staunton went together from Cudham to Penge. I invite your attention to the conversation held on that morning by them with the landlady at 34 Forbes Road, and with Dr. Longrigg, because it affects not merely Louis Staunton, but Mrs. Patrick

[4] See p. 157.

Mr. Justice Hawkins also, firstly, because the case on the part of the prisoners now is that the lady was in perfect health up to the 9th or 10th of April—and certainly there was no apprehension of any fatality up to that period—and, secondly, it is material to see whether or not the view taken by the learned counsel for the prosecution, namely, that Louis and Mrs. Patrick joined in a falsehood about this poor lady being attended by a medical man is correct; or whether the suggestion of the prisoners that they did not say so, but that the medical man named was their general family attendant, should be adopted. It certainly is an important circumstance, although not conclusive in any way. We have the evidence of Mrs. Chalklin, who says that in April she had lodgings to let, and at twelve o'clock at noon on 12th April Louis and Mrs. Patrick Staunton came to her house. They said they wanted lodgings for an invalid lady, and they would be wanted for three weeks or a month. Mrs. Chalklin positively swears that Louis said the deceased was attended at Cudham by a doctor who did not understand her case. If he made that statement there is overwhelming evidence that it is false. Then it becomes a serious question, why was that falsehood uttered? Mrs. Patrick Staunton added that they wanted to get nearer London to get better advice. Louis said he understood there were good doctors in that neighbourhood, and asked to have one recommended to him, which Mrs. Chalklin did. She was further told that the deceased lady could eat, but had refused to eat, and was inclined to be paralytic, especially about the feet. They went to see Dr. Longrigg, who is in practice in Penge, and told him they wished to place this lady under his charge, and to him Louis said she had been under the care of a doctor who lived a good distance from their place, and could not attend properly to her. It was suggested by counsel for the defence that Dr. Longrigg asked who was their general medical attendant, but the witness denied this, and the natural inference was that he had no concern with who was the medical attendant of the family, but would be concerned to know whether the invalid had been attended. Mrs. Patrick Staunton said Dr. Creasey, of Brastead, attended her. The statement as to the refusal of the invalid to eat was evidently aimed at accounting for her emaciated condition. To Dr. Longrigg they represented that the patient whom they desired him to see was a lady of weak intellect, that she was paralysed, and in reply to his question, were her habits cleanly, they said they were. So also said Clara Brown, speaking of what she knew of her up to the beginning of the year 1877, and so said Mrs. Butterfield.

It is not, continued the learned judge (after going minutely over further evidence showing the condition in which the deceased was when she was driven in an open wagonette to Penge), contended that there was absolute deprivation of all

food so as to bring about rapid starvation. If so, it would have been impossible to have avoided immediate detection. The patient of necessity would sink so rapidly that inquiry would at once be challenged. A patient kept without all food would probably not survive more than eight or ten days. It is not suggested that that was the state of things. But it is suggested that, systematically, and with motive and intent, the deceased had been kept without a sufficient supply of the necessaries of life, so that little by little she might be reduced in health and strength until at last Nature could no longer support the deprivation, but would probably yield and waste away so gradually as to awaken no exceptional notice. And so in this case it is said the process went on from October to November or Christmas. It is important to see whether there is ground for that theory. To the evidence that food was administered and medical assistance obtained, counsel for the prosecution says, "It was then too late; you had done your work—Nature was exhausted, and could not be revived." For the prosecution more is urged—that this was wilfully done, and that the poor lady was removed for this, among other reasons, that inquiry might not be instigated, and it is further urged that her removal accelerated her death. Immediately before her removal you have her carried downstairs by Patrick, and propped up in a chair in the kitchen. She was drowsy, and Patrick tried to rouse her. Mrs. Patrick Staunton said it would be better to let her go to sleep, to which Patrick replied, "If she goes to sleep she won't wake up again, in my opinion." Gentlemen, these are distressing matters to deal with; they are harrowing to the feelings, and as feeling men you cannot help, whatever may be the conclusion at which you may arrive, the deepest commiseration for this poor woman. I would pause here to entreat you, though I know you will not allow feeling to sway your judgment, to discard all sympathy from your minds in applying yourselves to the evidence. If this is true, it is most cogent and grave evidence, and it becomes you to consider closely whether this part of Clara Brown's evidence is corroborated by those who saw the deceased on the journey to Penge. So far as the evidence goes, no further clothing was sent with Mrs. Harriet to the lodgings taken for her than that which the poor woman wore on her back.

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Mr. Clarke—There was a basket of whose contents there was no list made.

Mr. Justice Hawkins—There was a basket brought with provisions. Point me any particle of evidence to show that any change of clothing was provided for the lady. I am dealing with the evidence; if I were to speculate I might do injustice.

Mr. Clarke—It is in evidence that there was a basket.

Mr. Justice Hawkins

Mr. JUSTICE HAWKINS (it being now twenty minutes to six o'clock) suggested that it might be convenient to adjourn for a short time.

The FOREMAN—We should like a quarter of an hour.

The Court then adjourned, and upon reassembling after a brief interval, his lordship resumed reading the evidence of Mrs. Chalklin and of Dr. Longrigg. It was noticeable, he continued, that Louis did not remain in the house during the night when his wife was so seriously ill. It may be said there was not a bed for him, but could he make that a *sine qua non* under the circumstances? However, the fact is that he left her, returning the next morning. The doctor saw the poor woman that morning, and, again being sent for, he went and found her dying. The nurse, finding her dying, went to Louis and asked him if he wished to see the last of the lady; but Mrs. Patrick Staunton interposed, saying, "Don't ask him; it will worry him"—worry him to see the last moments of his wife—and he did not go to see her. Nobody complains of the conduct of Alice Rhodes or of Mrs. Patrick Staunton that morning, but, as the learned Attorney-General said, it was too late then. The question is not whether there was any humanity shown on the afternoon of the death; if guilty business there was, it was done before, and it is for the consequence of those previous acts, and not for the acts of that morning, that they are now arraigned. But, no sooner was the breath out of the body than they left the poor dead creature in the hands of a strange nurse, in a strange house, and they came no more near the place till the undertaker came to put it in a coffin to convey it to its last home. We come to the certificate of Dr. Longrigg, that the deceased died from a cerebral disease; but he explains to you now that he gave it upon the statements of the prisoners, and that he necessarily knew exceedingly little of the deceased at the time. The funeral was deferred, the undertaker being apprised by Mr. Casabianca that there were circumstances calling for inquiry. In due course an inquest was held, and a post-mortem examination held. At that post-mortem examination Mr. Harman, a surgeon, was present on behalf of the prisoners, and I take it for granted that he is a gentleman of skill and honour. He has not been called to say what his opinion was, or what view he took. It was not the duty of the prosecution to call him, and no excuse is offered on the part of the defence.[5]

Mr. CLARKE—As to the appearances at the post-mortem examination, they have never been challenged.

Mr. JUSTICE HAWKINS—Never challenged!

[5] See Appendix vii., p. 306.

Mr. CLARKE—No.

Mr. Justice Hawkins

Mr. JUSTICE HAWKINS—Surely I have stated nothing but what is in evidence. Everything depends upon the conclusions come to as to the cause of death.

Mr. CLARKE—That is a different thing.

Mr. JUSTICE HAWKINS—The sole object of the post-mortem examination was to discover the cause of death. Why was this examination held? Because, to use the words of one of the witnesses, foul play was suspected. Scientific witnesses have been examined as to certain theories, but far more important than evidence of this kind is that of the witnesses of the condition of the body immediately after death, and, again I repeat, it would have been highly important to have heard the evidence and conclusions of Mr. Harman. It has been suggested that diabetes and various other diseases might have produced the appearances shown by the dead body, but it was never suggested during the deceased's lifetime that she had any of these diseases. In dealing with the medical evidence, if you do not find that it leads to a definite conclusion you must take all the surrounding facts into consideration.

His lordship then read the evidence showing the filthy and emaciated condition of the body, and that the appearances did not denote intemperance, but rather the contrary.

Without attaching particular importance to the loss of Dr. Longrigg's original notes, continued the learned judge, I would make this general remark, that I think it most desirable in all cases where original notes are made, be they long or short, be they the mere headings of that which is afterwards to be written out at greater length, or be they more elaborate, be they in pencil or ink, taken by a scientific gentleman or a policeman, that which is taken at the time ought always to be preserved, because it stops a great deal of cross-examination.

His lordship then dealt with the medical evidence, observing—The organs of the deceased appeared to be in a healthy condition, except for the emaciation. You have heard a medical witness cross-examined as to why he did not make microscopical examinations. But why make these examinations in pursuit of something you have no reason to believe existed? A sufficient cause for death presented itself on examination, and the tubercular deposits were not considered of importance.

There was nothing, his lordship said, in his judgment to show that death arose from this tubercular meningitis, or any other such disease. Mr. Harman was there on behalf of the prisoners; they all discussed the matter, and they all agreed. As regards the rest of the medical testimony, I do not propose to read it in detail to you; but there are one or two points in the evidence of Dr. Payne as to the condition of the body and the size of the organs, to which I should call your attention.

Mr. Justice Hawkins

Dr. Payne never saw the body at all, but formed his conclusions upon notes supplied to him, and upon evidence which he never heard. On the other hand, Dr. Longrigg, Dr. Bright, and Mr. Wilkinson were actually present at the post-mortem examination; they minutely examined the body; they saw what they have spoken about here; and bringing their scientific knowledge to bear upon what they observed, they agreed that they could not come to any other conclusion than that death arose from the cause alleged, viz., starvation. Dr. Harman, as I have said, was there; but there is no evidence whatever that he suggested that there should be any microscopic examination of the base of the brain, about which a great deal has been said. Had he made any suggestion we should undoubtedly have had it in evidence before us on behalf of the prisoners. As to the matter of weight, deposed to by Dr. Payne, the question is not whether persons were living at 9 stones, but whether this particular lady was 9 stones when in good health, and whether by emaciation she was reduced to a much less amount. Dr. Payne stated that the symptoms of the deceased were consistent with tubercular meningitis, and that they were not all accounted for by the theory of starvation; but against that it must be remembered that the medical witnesses for the prosecution stated that the body was in as good a condition as could be desired for post-mortem purposes, and that they made as satisfactory an examination as could be wished. The question of how long emaciation had been going on is not a question of dates, but a question of fact, to which several witnesses have testified. Dr. Bristowe confirmed Dr. Payne so far as the latter gentleman's evidence went; but remember that he laboured under the same disadvantage of not having seen the body. It is for you, gentlemen of the jury, to say whether, having regard to these two sets of conflicting opinions, you ought to take the testimony of those who saw the body and formed their judgment thereon, or that of those who formed their opinions not on view of the body, but merely upon some reports which were laid before them, and upon the evidence given in this case. As I have said, the question for you is, do you believe that death was produced or accelerated by starvation, or by the deprivation of the necessities of life? If there has been a wilful deprivation of those necessities of life which the prisoners were bound to provide for the deceased—a wilful deprivation with the view of bringing about fatal consequences—and if that deprivatino caused or accelerated death, no matter that disease existed, then that would clearly be murder. If the deprivation, apart from any disease that might have existed, caused or accelerated death, the deprivation being wilfully intentional, that would be murder beyond all possible question.

The Judge's Summing Up.

I don't propose to call your attention any further to the medical evidence in the case; but you must not lose sight of the fact that the evidence of Dr. Longrigg is substantially corroborated by Dr. Bright and Mr. Wilkinson, and by Dr. Rodgers, who made the analysis of the contents of the stomach. You must take into consideration all the evidence of fact contained in the medical testimony, and say whether, in your opinion, death was produced in the manner alleged on the part of the prosecution. Now, I will call your attention to the evidence relating to matters that occurred after the post-mortem. First, as to Sergeant Bateman, it has been suggested that that officer took an unwise or improper course in asking the witness Clara Brown and the prisoners certain questions before and after their examination before the coroner; and the opinion of an able and learned judge, the late Chief Justice of the Common Pleas,[6] was cited upon the point. But permit me to say that, although I am perfectly satisfied that the Chief Justice said what was perfectly right under the circumstances, I cannot conceive that it is the duty of a policeman, having an investigation to make upon a particular subject, to shut his ears, and not to make any inquiries of those who are able to give information. If the officer had laid a trap to catch any one, or had put questions calculated to embarrass or to afterwards criminate those to whom they were addressed, then no one would have been more eager to denounce it than myself; but if the questions were fairly put, with the purpose simply of eliciting the truth, and of giving those suspected of a crime an opportunity of giving such information as might be either in their power or pleasure to give, then, for the life of me, I cannot see that there can be anything wrong in it. There is, in fact, nothing in the conduct of Sergeant Bateman which I consider deserves any reprobation from me. I don't know if either of the learned counsel for the prisoners desire that I should go through the evidence of that officer——

Mr. Justice Hawkins

Mr. Williams—Oh, no, my lord. I am quite sure it is fresh in the minds of the jury.

Mr. Justice Hawkins—Very well. Then I will proceed to call your attention to the evidence given by the Stauntons at the coroner's inquiry—evidence that must be read by the light of the facts that have since been laid bare. Now, Louis Staunton said at the inquest that he was separated from his wife by voluntary arrangement; but where have we in this case the slightest evidence in corroboration of that statement? He said, too, that his wife was in good health on the Monday previous to her removal to Penge; and if that were true it

6 Sir William Bovill. *Vide* p. 200.

Mr. Justice Hawkins

was also true that she must have lost the difference between 9 stones and 5½ stones in two or three days. Before the coroner Mrs. Patrick Staunton stated that the deceased lady was very fond of her child; but if it were so, and she was in good health in which Louis Staunton represented her, how was it that she allowed her child to be taken from her and removed to the hospital? It has been forcibly urged on the part of the prisoners that the giving of the true name and address of the child at the hospital, and the true name and address of the deceased at Penge, were strong indications that the prisoners had nothing to fear in respect to either of them; but the reply of the prosecution to this argument is that if false names and addresses had been given, and an inquiry had arisen, the deceit would have been most damning proof against the accused. It is asked on the part of the prosecution why it was that the child, who was so ill that it had scarcely two hours' breath left in its little body, was taken from its mother at the critical moment and removed all the way from Cudham to Guy's Hospital to die? It asks again, why, three or four days after the death of the child, the mother herself was taken in the condition in which she then undoubtedly was, to Penge, also to die? How came it, the prosecution wants to know, that these two events happened in one and the same week? Is there any explanation of it? The prosecution, answering the question, suggests that the child was sent there to die, and to die because it would have been inconvenient, having regard to the relationship existing between Louis Staunton and Alice Rhodes, for the legitimate offspring to be about at the moment that the illegitimate child was born. You must ask yourselves if there is any foundation for this suggestion of the prosecution. You are not here for the purpose of inquiring into the death of the child; but at the same time that death is a circumstance which cannot be entirely withdrawn from your notice when you come to consider the fact that the death of the mother occurred only three days after.

Another suggestion of the prosecution is that this lady, the deceased, was virtually immured at the Woodlands from the time that she parted with her husband until the few hours before her death, and that when the prisoners removed her to Penge she was in such a condition that they knew that death must follow. The question suggested by the prosecution is, why, if this poor woman had been wasting away for months, as she did do if Clara Brown's evidence is to be believed, falling from a plump, healthy woman of 9 stones into an emaciated creature of little more than half that amount—why, if the prisoners did not mean her mischief, did they not call in some medical

man other than Dr. Creasey, if they did not like him? The prosecution contends that the fact that no medical aid was called in is a strong ground for coming to the conclusion that the prisoners wished for no such aid; but that is an argument of which you must judge for yourselves. The intent attributed to Louis Staunton on taking the Little Grays farm is that of continuously passing off Alice Rhodes as his wife, and of putting the illegitimate child, then unborn, into the position of the real child of Harriet Staunton. All these things are not facts—they are inferences which you are asked to draw from facts, and you must say if they are warranted. If you believe the evidence of Clara Brown, you have proof of ill-treatment towards the deceased commencing in November, after the last part of the deceased lady's property had been disposed of; but if you discard the girl's testimony, you still have left the statements of people in the neighbourhood that they never saw Mrs. Harriet Staunton outside the doors after October. What is suggested by the prosecution is that between Louis Staunton and the realisation of his hopes in regard to Alice Rhodes there stood two people—his wife and his child; and that his object was to get rid of both, that he might make Alice Rhodes his wife and substitute her child then to be born for the lawful child of his lawful wife. The object of the removal of the deceased from Cudham was said to be this: that if it were known that Louis Staunton was living with another woman while his legitimate wife and child were dying in a small back room at the Woodlands, the village would have been in arms. If you think that an unreasonable theory, discard it at once; if you think it reasonable on the first blush, ponder it well before you adopt it. Mr. Justice Hawkins

Now, gentlemen, upon the law of this case I have already addressed you; but perhaps you may desire that I should in some way repeat my directions. Where the obligation to maintain exists in regard to a person unable to provide himself or herself with the necessaries of life, the violation of that obligation with the object of bringing about death, or with the knowledge that death would probably result, is murder in the eye of the law. Again, if the necessaries of life are withheld, not with the desire to bring about death or causing grievous bodily harm, but from culpable negligence, that would amount to manslaughter. But if there be the wilful intention to bring about death it is murder, and there is no shrinking from it; and whosoever aids and abets in such a purpose is guilty of murder also. If Patrick Staunton aided his brother in the design which the prosecution attribute to him of bringing about the death of the poor woman—if he lent himself to his brother in the knowledge that it was contemplated to immure Harriet Staunton and to cause her death by the harsh treat-

Mr. Justice Hawkins

ment and the deprivation of the necessaries of life—then he is guilty of wilful murder; for in that case it signifies not upon whom the obligation to provide for the deceased was originally cast. Now, as to the case of Mrs. Patrick Staunton, I must tell you that it is no protection to a woman guilty of murder that she should be married. To say that under such circumstances a woman should be exempt from punishment would be monstrous; but if it were proved in this instance that Mrs. Patrick had not been supplied by her husband with the means of providing the deceased with necessaries then I should hold that she could not be expected to do impossibilities. Now, as to Alice Rhodes, in reference to the crime of murder there is this to be said, that if you do not think she aided in the design to deprive Harriet Staunton of her life, it is not competent for you, gentlemen of the jury, to find her guilty of manslaughter, because she was under no legal obligation to provide necessaries for the deceased. She was not under any contract to find her in food, nor had the obligation been delegated to her. If Louis Staunton knew that the removal of the deceased from Cudham to Penge would, in all reasonable probability, cause death, the act of so removing her would amount to murder; if he simply removed her in recklessness, and without any knowledge of what the consequences would be, that is manslaughter. I ought to mention this in favour of Alice Rhodes, that it is not proved that she was present when the conversation took place between Louis and Patrick Staunton as to not letting the deceased go to sleep lest she should never wake again.

And now, gentlemen, I think I have gone through the whole of the case. You and I have had an arduous, an onerous duty to perform. We can have—we ought to have—we have but one object, to ascertain the truth and to discharge our duty. I know it is superfluous to warn you against both prejudice and sympathy; yet, on the one hand, you cannot help feeling sympathy for the unhappy woman who, to say the least, came to so miserable an end; and on the other hand, you cannot help feeling prejudice against those—whoever they were—who brought about their death. But discard these feelings, and above all let me entreat you to leave out all consideration of the consequences of your verdict should it be against the prisoners. Your duty is solely to ascertain the truth, to declare by your verdict what you believe to be the truth, regardless of consequences to anybody. If your opinion should be that this case is not made out against the prisoners, all or any of them, it is your duty to say so by your verdict. It is equally your duty, painful and stern as it may be, if you should come to a decision adverse to the prisoners to declare your opinion by your verdict. With the

consequences you have nothing to do. For them the law—whose minister I am this day—is alone responsible. I entreat you, therefore, to let your verdict be, as I am sure it will, the expression of your honest opinion, arrived at by a calm but firm consideration of the facts that are now before you. Mr. Justice Hawkins

His lordship concluded at twenty minutes to ten, his summing up having lasted ten hours and a half.

Whilst the jury were being given in charge of the sheriff's officer, the prisoners were taken below.

The jury asked the learned judge if they could have a copy of the indictment.

Mr. JUSTICE HAWKINS said it would not help them in the least, written as it was in legal phraseology.

At five minutes past eleven the jury returned, having been absent for an hour and twenty-five minutes.

Mr. AVORY (Clerk of Arraigns)—Gentlemen of the jury, have you agreed upon your verdict?

The FOREMAN—We have.

Mr. AVORY—Do you find the prisoner Louis Adolphus Edmund Staunton guilty of the murder of which he stands indicted, or not guilty?

The FOREMAN—Guilty.

Mr. AVORY—Do you find the prisoner Patrick Llewellyn Staunton guilty of the murder of which he stands indicted, or not guilty?

The FOREMAN—Guilty.

Mr. AVORY—Do you find the prisoner Elizabeth Ann Staunton guilty of the murder of which she stands indicted, or not guilty?

The FOREMAN—Guilty.

Mr. AVORY—Do you find the prisoner Alice Rhodes guilty of the murder of which she stands indicted, or not guilty?

The FOREMAN—Guilty.

Mr. AVORY—You say the prisoners are all guilty of the crime of wilful murder of Harriet Staunton, and that is the verdict of you all?

The FOREMAN—We do.

Alice Rhodes here fell back in a fainting fit, and the two female warders placed her on a chair.

Mrs. PATRICK—I can bear it more than if I was guilty.

The FOREMAN—The jury recommend both female prisoners to mercy, and we strongly recommend Alice Rhodes.

At this point Patrick Staunton began to cry.

Mr. AVORY—Prisoners at the bar, you have severally been indicted for the murder of Harriet Staunton, and on the indictment you have been found guilty. For your trial you

The Sentence have thrown yourselves upon your country, and your country has found you guilty. You now stand convicted of the crime of murder. Have you, or any of you, anything to say why this Court should not give you judgment to die according to law?

The CRIER OF THE COURT—Oyez, oyez, oyez, my lords the Queen's Justices do strongly charge and command all persons to observe silence whilst sentence of death is passed upon the prisoners at the bar, on pain of imprisonment. God save the Queen!

The JUDGE, having put on the black cap, passed sentence as follows:—Louis Adolphus Edmund Staunton, Patrick Llewellyn Staunton, Elizabeth Staunton, and Alice Rhodes—After a long, patient, and anxious inquiry, you have been found guilty by a jury of your country of a crime so black and hideous that I believe in all the records of crime it would be difficult to find its parallel. With a barbarity almost incredible, you plotted together to take away, by cruel torture, the life of a poor, innocent, helpless, and outraged woman. Though you do not stand to-day convicted of the crime of having murdered her helpless child, I cannot help feeling satisfied that you are not only guilty of the crime of which you have been tried, but that you contemplated and brought about its death also. It is a sad thing to see four young people standing there convicted of so cruel a murder as that of which you are guilty. It is incredible—to my mind, at least—how you could have carried out so barbarous a plot, and it is even terrible to think how wickedly and cruelly, day by day and hour by hour, you could look upon and see sinking into her grave by slow torture that poor, unhappy creature whom you sent to her rest. I desire not more than is necessary to harrow up your feelings by further dwelling on the details of this sad, wretched, and barbarous crime. This is not the place for me, nor is it part of my duty, to warn you or to direct you as to what you should do for the purpose of making your peace with your Maker; but I do warn you to make the best of the short time which remains to you here on earth, and to attend to the ministrations of the reverend gentleman who will, in the gaol to which you will be conveyed, render you all the assistance within his power to prepare to meet your God. Mercy belongs not to me. I have no power to grant mercy. That belongs to a higher authority. I will take care that the recommendation of the jury with regard to you, Alice Rhodes, and you, Elizabeth Ann Staunton, be forwarded to the proper authority, where it will be, I am sure, duly and properly considered. It remains only for me to pass on you the dread sentence of the law, which I am bound to pass—the sentence that, for the crime which you have committed, you must die.

The Sentence.

The sentence of the Court upon you is that you be severally— each of you—taken back to the place from whence you came, and thence to the common gaol of the county of Kent, and thence to a place of execution, and that you be each of you hanged by the neck until you be dead, and that the bodies of each of you be buried within the precincts of the prison in which you shall have been last confined after your conviction. And may the Lord have mercy upon your souls. Amen! The Sentence

The response of "Amen" was almost general throughout the Court.

Mr. AVORY—Elizabeth Ann Staunton, you have been convicted of the crime of murder, and had judgment for the same. Have you anything to say in stay of execution?

A warder spoke to Mrs. Staunton, and then said "No."

Mr. AVORY—Alice Rhodes, you have been convicted of the crime of murder, and had judgment for the same. Have you anything to say in stay of execution?[7]

The GOVERNOR, after speaking to the prisoner—"No, I am perfectly innocent."

The prisoners were then removed.[8]

The Court adjourned at twenty minutes past eleven.

[7] Stay of execution would be granted on an allegation of pregnancy being established to the satisfaction of a jury of matrons empanelled on the spot.

[8] "I was watching the prisoners as the jurymen took their places, and the scene was indeed a moving one. Louis Staunton stands at the corner of the dock, to all appearance dazed. His vacant eyes are fixed upon one of the windows. In the centre of the dock sit Patrick Staunton and his wife. They are hand in hand, and apparently locked together. Alice Rhodes is in the further corner, with her head bent down. She does not look into the Court; apparently, like her paramour, she is stricken motionless with terror. The foreman gives out the verdict in a voice choked with emotion. Moaning piteously, Alice Rhodes falls into the arms of the female gaoler, and is gently placed in a chair. Patrick Staunton is sustaining the body of his wife and imploring her to be firm. She answers in a wild voice, 'I will! I will!' The Clerk of Arraigns calls upon them all to say why sentence of death should not be passed upon them. Patrick Staunton is grasping his wife's hand, and at the mention of the word 'death,' with a pitiful cry of 'Oh, give me a chair,' she sinks in a faint by the side of her sister. The sentence is passed, and before the solemn words are all uttered, Patrick has grasped the hand of Louis, who, pale as death, continues to gaze across the crowded Court into vacancy. He has neither word nor look for Alice Rhodes, who is seated unconscious in the corner. The prostrate sisters are gently and tenderly removed; the two men are hurried down the stairs, and the scene is over."—"Leaves of a Life," by Montagu Williams, Q.C., ii. 104.

APPENDICES.

Appendix I.

APPENDIX I.

MEDICAL CERTIFICATE OF CAUSE OF DEATH.

I hereby certify that I attended Harriet Staunton, whose age was stated to be thirty-six years, that I last saw her on the 13th day of April, 1877, that she died on the 13th day of April, 1877, at 34 Forbes Road, and that to the best of my knowledge and belief the cause of her death was as hereunder written—

(*a*) Primary, cerebral disease.
(*b*) Secondary, apoplexy.

Witness my hand this 14th day of April, 1877.

Signature— DEAN LONGRIGG.
Registered Qualification—M.R.C.S.
Residence—Penge, S.E.

APPENDIX II.

Telegram dated April 15, 1877.

Handed in at Bromley Street Office at 8.45 p.m.

Received here 8.30 a.m.

From	To
Uridge, Bromley, Kent.	Mrs. Butterfield, Vicarage, Burstead, Brentwood.

Harriet Staunton died yesterday at Thirty Four Forbes Road, Beckenham, Kent. Will be buried to-day Sunday.

Appendix III.

APPENDIX III.

Sir James Stephen's Charge to the Grand Jury.

[*The Times*, Wednesday, July 11, 1877.]

Summer Assizes—South-Eastern Circuit—Maidstone, July 10.

Crown Court.

Sir James Stephen, who sat in the Crown Court and charged the Grand Jury, dwelt particularly on the Penge case, the prisoners charged in which having been committed for trial at these Assizes, the case had necessarily come before the Grand Jury here, though in the event of an indictment being found, there is an order of the Queen's Bench, under Palmer's Act, to remove it to the Central Criminal Court for trial. He referred to the charge against four persons—Louis Staunton, Patrick Staunton, and Elizabeth Staunton (his wife), and Alice Rhodes (her sister)—for the murder of Harriet Staunton, wife of Louis Staunton. The case, he said, was one of the deepest gravity, involving as it did the capital charge against these four persons, closely connected by relationship or affinity. He would first state the outline of the facts, and then the different hypotheses arising out of them, and the law applicable thereto. The deceased woman was the wife of Louis Staunton, and she was thirty-six years of age, and the daughter of a Mrs. Butterfield. Her mother stated that she had always been of weak mind, and this would be found to be of some importance in the case. In 1874, indeed, her mother took proceedings in lunacy for the purpose of having her declared a lunatic, and having a committee of her person appointed, but these proceedings failed, and subsequently her daughter made the acquaintance of Louis Staunton, and became engaged to him. The engagement lasted some months, and ultimately they were married without the mother's approval. They were married on the 16th June, 1875, and went to live at Loughborough Road, Brixton. The wife was entitled to £2500, which her husband received. Some weeks after the marriage Mrs. Butterfield went to see them, and it did not appear to have been a happy marriage. Some days afterwards she received two letters, one from Louis Staunton, the other from her daughter. The letter from Louis Staunton forbade the mother the house, telling her that, in consequence of her past conduct, he would not permit any intercourse between her and her daughter, and the letter from her daughter was to the effect that, as her husband took a strong view on the subject of her mother's conduct, it was as well that she should not come to see her. Towards the end of 1875 Alice Rhodes came to live at Louis Staunton's, apparently as a friend or companion. In March, 1876, a child was born of the marriage, and the nurse and medical attendant stated circumstances which seemed to show neglect of Mrs. Staunton at the time. It also appeared that at this time she showed jealousy as to Alice Rhodes' relations with her husband—a jealousy which, as subsequent events showed, was amply justified. In May, 1876, they removed from Brixton to Gipsy Hill, Norwood, but during the summer—in August

and September—Louis Staunton sent his wife for some time to stay at the house of his brother Patrick, at a place called Woodlands, in this county, a remarkably lonely part of the country. After the removal of the prisoners there had been found at this house four letters from Louis Staunton to his brother, dated in August and September, and relating to his wife, speaking of her as having a violent temper; but it is remarkable that, though complaining of her, he does not in these letters hint at her indulging in drink, and this is to be borne in mind. During this visit the wife was seen by a witness about the place engaged as she naturally might be, and this is remarkable with reference to what subsequently occurred. She was there, it seems, until October, but in November, 1876, Louis Staunton left Gipsy Hill and came to live at a place only twenty minutes' walk from Woodlands, the house of his brother Patrick, and when he came to live there with Alice Rhodes he sent his wife again to Woodlands—a singular arrangement, but which he accounted for before the coroner by saying that it was to prevent her from drinking. In the meantime he lived with Alice Rhodes, who passed as his wife, so that while his real wife was at Woodlands, under the care of his brother, Alice Rhodes was living with him as his wife in the neighbourhood. From that time forward (with one or two slight exceptions) no one seems to have seen Mrs. Staunton. Louis Staunton before the coroner stated that she was perfectly free, and lived as one of the family, he allowing £1 a week for her support, and that he went several times a week to see her. That was his own account of the way in which they passed the period between November, 1876, and April, 1877 (when she died). But evidence will be adduced to suggest a very different state of things. At the end of October or beginning of November a witness saw Mrs. Staunton come to the door and heard Patrick say to her, "I've a policeman here, and if you don't go, he will run you in"; and upon that she went in, and the witness says that though he constantly (having communicated with her mother) looked for her, he never saw her again. When the house was searched a letter of hers was found to her husband, which throws some light on the case—

"My own darling,—I write these few lines hoping this will find you well. Will you be down on Sunday? If not, I shall be disappointed. I hope to see you on Monday. If not, will you let me know when you will be down? Will you bring me a piece of riband, &c.? I have not had clean flannel for a month. I have been here a month on Saturday. It is time I should be at home; my boots is worn out.—Your ever affectionate wife."

Now, here it appears that she had been there a month; that she had not had clean flannel for a month, and that she wanted to be at home, where she had an undoubted right to be. But nothing appears to have been seen of her again until the Wednesday before Christmas, when a tradesman, calling at the house, heard some one walking through the kitchen, and heard the servant say. "Go back, ma'am," and then heard a door locked. Now, of course, it is practically impossible to hear or know what is going on in a lonely house, but it appears that Mrs. Staunton was seen by no one. Tradesmen went from time to time to the house and saw every one else there, but never saw her. On the 20th of January, 1877, Mrs. Butterfield, her mother, received a letter from Louis Staunton in these terms—"I hear from my sister that you called and wished to see your daughter. I only wish I had been there at the time. I will tell you once for all that for your unnatural conduct she never wishes

to see you again, nor will I allow her to do so." In February, 1877, Mrs. Butterfield met Alice Rhodes in London and asked after her daughter, and she said she was at Brighton—which Louis Staunton said was untrue, and was only intended to put the mother in the wrong direction, because he did not wish her to know where her daughter was. On the 5th of March the mother went down to the place, and saw Patrick and Louis Staunton (*sic*) and, according to her account, they abused her and threatened her; and, though they denied this, they did not deny that they did not allow her to see her daughter. The mother used every effort to find her. She complained to the magistrates, and directions were given to the police to watch the house; but the policemen could never see or hear any trace of Mrs. Staunton. On the 8th of April Louis Staunton wrote a letter to Mr. Butterfield of a very violent character. On the 10th of April occurred an incident which has a strong bearing on the case as to the question whether Mrs. Staunton was a free agent. On that day Patrick Staunton and Mrs. P. Staunton brought the child of Louis Staunton to Guy's Hospital, between five and six in the evening. The child was extremely ill; it was taken in, and proper care was paid to it, but it died before nine that night, and the doctors state that the child died of starvation. Now, it at once suggests itself that if the mother was a free agent it would be natural that, if the child required to be taken to the hospital, she herself should take it. Further, that if it was suffering from want of food, that might have been supplied without taking it to the hospital. However, it was taken there, and died the same evening, and the next day, the 9th of April, Patrick Staunton went to the hospital to ask about it, and was told that it was dead, and on the 10th of April Louis Staunton, the father, went to the undertaker to arrange about the burial of the child, representing himself as one Harris, and taking a receipt in that name, and representing that the child was the child of some one in the employ of a firm to which he belonged. The bearing of all this upon the case is with reference to the question, how far the deceased woman, the mother of the child, was a free agent at the time? All this time, according to the accounts given by the prisoners, she was a free agent, and in good health. On Wednesday, the 11th of April, she became, it is said, ill, and her feet began to swell, and they found it necessary, they say, to remove her to some place where she could have better medical attendance, and, accordingly, they resolved to move her to Penge—a place several miles off, and to reach which it was necessary to go to Bromley to get a train, and thence to go to Penge by rail, so that it was a journey necessarily involving some fatigue to a person in a weak state. On the 12th of April, at midday, Louis Staunton, the husband, and Mrs. P. Staunton, the sister-in-law, appeared at the house of a Mrs. Chalklin, who lets lodgings at Penge, and took two rooms, a sitting room and a bedroom, saying that they wanted them for a lady in good health and who could eat, but would not, and for whom they wanted good medical advice. It appeared that up to that they had had no doctor at all. They asked the landlady to recommend one, and she mentioned a Dr. Longrigg, to whom they went at once, and told him that the lady had lost the use of her left side, and that she was very thin, but hearty, and that she had been attended by a Mr. Creasy, which was utterly untrue, as she had not been attended by him at all. Then Mr. Staunton went home to his own place, where they got about a quarter to six o'clock in the evening, and then he and Mr. and Mrs. P. Staunton, his wife, and Alice Rhodes all drove to Bromley, six miles off, and got a train which took them to Penge about a quarter past eight. Mrs.

Staunton was so weak that she had to be carried, and it is a singular thing that, though they brought some food with them in a hamper, they brought no linen or clothes at all. When they got to the lodgings Mrs. P. Staunton and Alice Rhodes made up a bed, and the husband went over to the doctor, but he was out, and did not return until two or three in the morning, and no one else was sent for. The landlady, when she saw Mrs. Staunton brought in, was shocked, she said, at her appearance, and said that she looked more like a corpse than a living woman. The husband left the women there and went back. Mrs. P. Staunton went to bed with her sister-in-law (*sic*). Alice Rhodes sat in a chair all night. Next morning, the 13th of April, the women sent for the doctor, as Mrs. Staunton seemed, they said, very ill. He sent a nurse, and came himself at about ten o'clock, and they both said that when they saw her they saw at once that she was in a very dangerous and, indeed, dying condition. Louis and Patrick Staunton returned to the house about eleven, the doctor came after twelve, and saw that she was nearly dying; and at half-past one on Friday, the 13th, she died. There was no provision of any kind for her, and the nurse had to bring some linen to cover the body with. She described the condition of the body as filthy in the extreme. She did what was necessary, but at once—as far as I can see, before the body was laid out, or any preparations were made—Louis Staunton asked the nurse about an undertaker, and directed that the funeral should be performed on Monday at Penge. The undertaker received notice—it does not clearly appear how—and so rapidly that he was in the house at half-past two. Shortly afterwards Mrs. P. Staunton and Alice Rhodes left the house, leaving a message for Mr. Staunton that he was to go to Bromley, as he did, leaving papers with the nurse for the purpose of registration of the death. On the Saturday, the 14th, the medical man gave a certificate of death from apoplexy, which was sent to the registrar; but the medical man afterwards saw cause to withdraw that certificate. The parties had all gone away, leaving the body in the charge of the lodging-house keeper, and leaving money in her hands to pay for the funeral, which was to take place on the Monday. They had appeared there at nine on the previous evening; they had brought nothing but the woman herself; they had brought nothing, they took away nothing; they left only the dead body behind, with directions for a funeral to take place in two days. But some one telegraphed to Mrs. Butterfield, the mother, who sent a son-in-law, who saw the medical man, and he at once wrote to the coroner, stating suspicious circumstances as to the death. The coroner at once telegraphed to stop the funeral, and a post-mortem examination was held. The state of the body was described as such as to indicate that the deceased had been unable for some time to perform the commonest functions, and that those who had charge of her had neglected her. The doctors who examined her body stated that she was a woman 5 feet 4 inches in height, and that she weighed only 70 lbs., about half what a woman of that stature should have weighed; that there was no trace whatever of drunken habits about her, and that they ascribed her death to starvation. Some signs of inflammation appeared to indicate poison; but on a careful examination no poison was produced, and they thought, therefore, that the death had been caused by starvation. Such are the facts of the case, and the question is, what hypothesis do they reasonably point to? You are not to consider what is absolutely proved, but whether the facts laid before you are such as to require a further inquiry. What you have to find out is whether any hypothesis involving either murder or manslaughter is so far

Appendix III.

reasonably made out that it ought to undergo a further investigation. If you think that the woman died of starvation, then the next question will be, what was the cause of it? It may have been by downright confinement and physical restraint and withholding of food, or it may have been caused by a degree of neglect highly culpable, but still not likely, according to common ideas, to cause death, nor intended to do so. If what was done was either intended to cause death or was reasonably likely to do so, then those who were so acting would be guilty of murder. If they neglected the woman grossly and wickedly, but still not with such intention or probability of such result, then they would be guilty of manslaughter. And then a further question would arise as to the guilt of the various parties before us. First, let me point out one or two principles of criminal law. If a person omits to discharge a duty cast upon him by law, and that omission causes the death of any one, he is in the same position as if he had caused the death by an act accompanied by the same state of mind as to malice, intention, or otherwise. If it is done intentionally, he is guilty of murder; if only carelessly, then he is guilty of manslaughter. Further, if it is the duty of any person to provide the necessaries of life for any one, and that person causes the death of the other by not providing them, he is guilty of murder or manslaughter as the case may be, provided that the other is unable to withdraw herself from his control. Thus, if a husband were to neglect to provide his wife with necessaries, for the want of which she died, and she could have obtained them, then (though it is hardly a probable case) he would not be criminally liable, because she could have avoided the result. This shows you the importance of the evidence as to the woman being in a weak state of mind; because, if you should think that she was in such a state of mind that she was not capable of withdrawing herself from those who had charge of her; if you are satisfied that, by reason of weakness, she could not withdraw herself, then you could take the first step towards a conclusion of criminal liability. Again, as to the duty of providing the necessaries of life. This duty may be imposed in various ways. It may be imposed by law; it is imposed by law upon husbands, and it was Louis Staunton's duty by law to provide his wife with necessaries. But it may be imposed otherwise than by law; it may be imposed by contract, and it may be imposed by wrong. If a man contracts with another to take care of the other's wife, he is bound to do so; or, again, if a man wrongfully and unlawfully takes another into his custody and detains her in his custody, the legal duty of providing her with necessaries is imposed even more stringently upon him. If, therefore, you think that Mr. P. Staunton and his wife had engaged to take care of Harriet Staunton, it was their duty to provide her with necessaries; and if they unlawfully kept her in custody, then they were doubly under a duty to provide her with the necessaries of life. And again, if a man delegates such a duty to another, he is bound to see that it is performed; at all events, to take common care that it is so. If, then, Louis Staunton allowed his brother £1 a week to take care of his wife, he was bound to use common care that she should be properly taken care of. But as to Alice Rhodes, I cannot see that she was under any legal duty to take care of the deceased. Now, let us apply these observations more closely to the facts, with a view to see whether you ought to find a bill, and, if so, whether it ought to be for murder or for manslaughter. If you think that the woman was confined and subjected to physical restraint which would be sufficient to prevent a person in her state from withdrawing herself from their control, and that being so confined, she was kept without food in

order that she might die, and that she did die in consequence, then, if that be true, every one who took part in it would be guilty of murder. And if you think that this is the view of the case suggested by the evidence, then you ought to find a bill for wilful murder. And in that view only you would have to consider the case of Alice Rhodes. If you think the facts suggest this view—that this man, having formed an adulterous connection with Alice Rhodes, wished to get rid of his wife in order that he might live with Alice Rhodes, and that it was arranged between them, whether by express words or tacit understanding, that Harriet Staunton should die, then that would be wilful murder by all three of them; and if Alice Rhodes knew of the design, and did anything in aid of it and in order to carry it out (though mere knowledge would not be enough), and that in order to carry it out she took part in the removal of the woman to Penge—if that is the view you take, then you ought to find a bill against her also. But that is the extreme view of the case, and it is for you to say whether you think that awful, dreadful view of the case is suggested by the facts of which I have given you an outline; and if so, then it would be your duty to find the bill for murder against all the accused. If, on the other hand, you think that a different and milder view of the case is suggested by the facts, and that there has been a culpable and wicked neglect by the Stauntons of their duty to provide the necessaries of life for the deceased, then you ought to find a bill for manslaughter against the Stauntons; but I do not see in what way Alice Rhodes can be responsible, and you ought, in that view, to find no bill against her. Therefore, putting the question in a few words, it comes to this—If you think that these four persons conspired together to starve this woman to death, and did so, then you ought to find a true bill for murder against them all; but if you think that, without such conspiracy or intention, three of them caused her death by their neglect of the duty imposed upon them, then you would find a bill for manslaughter against those three, or two of them, if you think the case made out as regards two of them and not as against the other.

APPENDIX IV.

Postponement of the Trial.

[*The Times*, Thursday, August 9, 1877.]

Central Criminal Court.

Yesterday morning, on the Lord Chief-Justice, Sir Alexander Cockburn, taking his seat on the bench, Louis Staunton, Patrick Staunton, Elizabeth Staunton, and Alice Rhodes were again placed at the bar on a charge of having murdered Harriet Staunton, the wife of the prisoner, Louis Staunton, by starvation.

The Attorney-General, the Solicitor-General, Mr. Poland, and Mr. Bowen appeared on behalf of the prosecution; Mr. Montagu Williams appeared for Louis Staunton, Mr. Edward Clarke for Patrick Staunton, Mr. Douglas Straight for Mrs. Patrick Staunton, and Mr. Percy Gye for Alice Rhodes.

Appendix IV.

The prisoners pleaded "Not Guilty." Mrs. Patrick Staunton wept bitterly when placed in the dock, but the three other prisoners were self-possessed, if somewhat dejected in demeanour.

Mr. Montagu Williams said that he was instructed on behalf of the prisoner, Louis Staunton, to apply for a postponement of his trial, and the grounds upon which the application was based was that they had been unable to prepare the necessary evidence for the defence. He was in a position to say that if the application were granted, the necessary evidence would, on a future occasion, be forthcoming. He hoped that his lordship, in the interest of the accused, would not ask him to state the details of the evidence he proposed to adduce, and that it would be sufficient if he stated what medical evidence would be produced at the trial. They had endeavoured to obtain that evidence, and had succeeded in obtaining the deposition of one eminent medical gentleman—a deposition which justified an opinion already formed. It was not the fault of those who instructed counsel for the prisoners that they now had to make the application. The matter came into the hands of the solicitors who were instructed to defend the whole of the prisoners at the end of June, and they set to work at once to get other evidence to endorse that which they had already procured. Owing to the pressure of work and the season of the year, it was found difficult to obtain that evidence.

The Lord Chief-Justice—Between the month of June and the present date of August, surely medical evidence might have been obtained? I do not think that this is sufficient ground for the postponement of the trial. If you have been unable to obtain medical evidence up to the present time, how can I assume that you will be able to get it between this and the next session?

Mr. Montagu Williams said that, owing to the pressure of business or for some other cause, the papers sent had been returned without the necessary opinion. He could satisfy the Attorney-General that the gentlemen by whom they were instructed were acting with perfect *bona fides*.

The Lord Chief-Justice—It is but a few days since the prisoners, without reserve, stated their desire to have the case tried as soon as possible. With the abundance of medical men to be found, and bearing in mind the readiness with which medical men lend their assistance to that which they consider right, I cannot understand the difficulty.

Mr. Montagu Williams said he was in a position to place before his lordship the names of the gentlemen who had been consulted.

The Lord Chief-Justice—But who have not given evidence?

Mr. Montagu Williams—Only on the ground that they have been too much occupied with other engagements.

Mr. Clarke said that he should like to add a word or two to those that had fallen from his learned friend, Mr. Williams. He represented Patrick Staunton, who, individually, was anxious that the trial should proceed, and did express a wish that that course should be pursued. It was only after careful consideration of this matter that the learned counsel felt he could, in the exercise of his duty, concur in this application, and he therefore hoped his lordship would grant it. It was not that they were without medical evidence—there had been time to obtain certain evidence—but it was because they had certain material which was of vital importance to corroborate. If the result of their inquiries had been that they found they had no reasonable expectation of obtaining evidence on the difficult medical question, they would not have made the application.

The Lord Chief-Justice said the only facts on which medical testimony could be obtained were simple. There was the state in which

the deceased was found, the appearances after death and at the post-mortem examination. It all lay in a narrow compass, and any medical man who was asked to give evidence could probably do so in the course of the trial.

Mr. Clarke said there was a large mass of evidence in the depositions.

The Lord Chief-Justice said that the medical evidence was not very long.

Mr. Clarke said that, in inferences drawn as to the cause of death, the medical opinion was that it was a most difficult question to deal with.

The Lord Chief-Justice—It is not a difficult question, but a matter of fact about the appearances. It all lies in a narrow compass.

Mr. Clarke—Facts that lie within a small compass frequently cover large issues.

The Lord Chief-Justice—True; but a medical man would be able to form an opinion easily.

Mr. Clarke said that, as his learned friend had already stated, various medical men had declined to entertain the question at the present moment. They were in possession of evidence which, if supported by others, would materially affect the result of the trial, and it would be impossible to educe it at present.

Mr. Douglas Straight, who represents Mrs. Patrick Staunton, concurred in the application, as he felt that in his best judgment the prisoners were not at present able to give a full and complete defence.

Mr. Gye, on behalf of Alice Rhodes, supported the same view, as he thought this not only affected his client, but the whole of the prisoners. It was a most material matter, and he respectfully urged that the evidence could not be produced at this trial.

The Attorney-General said his learned friends had informed the Court that medical evidence could be obtained which would be of advantage to the prisoners at the bar. If that were so, he could not, on behalf of the Crown, considering the awful nature of the charge made against the accused, offer any opposition to the application. At the same time it seemed to him to be almost inconceivable that evidence of the character which had been referred to should not have been procured before now. The appearances after death were all described at the coroner's inquest, and before medical men who appeared on behalf of the prisoners. There could be no controversy as to those appearances, and the only question with which any medical gentleman would have to deal was as to how those appearances were produced. The prisoners had been permitted in the middle of June to furnish themselves with such testimony, and he could not imagine why it had not been forthcoming. However, after what his learned friends had said, he would not resist the application.

The Lord Chief-Justice said the application which had been made appeared to him to be a most unreasonable one, and he had very much doubt as to whether he would be justified in acceding to it. It was perfectly monstrous to say that, if medical evidence was capable of being obtained in a particular direction, there had not been abundant time and opportunity for having it procured. The application implied gross negligence on the part of those whose duty it was to have such testimony forthcoming, if they deemed it necessary, but who did not seem to have taken the necessary steps for that purpose within the time which had been allowed, and which had been abundantly sufficient. This being so, he had no hesitation in saying that if there had been any opposition to the application on the part of the Crown, he should have felt it his duty to refuse to allow a postponement of the trial. Indeed, even after what had been said, he had some doubt as to whether, in the interest of public justice and the

maintenance of the regular course of the administration of justice, those who represented the Crown were not doing wrong in acceding to the application, and as to whether he himself was not doing wrong in allowing it to prevail. However, as the Attorney-General had stated that he did not object on the part of the prosecution to the application being granted, he would not stand in the way, but would allow the case to stand over until next session.

The prisoners were about to be removed from the bar when

The Lord Chief-Justice added that he understood a still further difficulty existed in connection with the case. It was quite certain, he believed, that the charge could not be tried even next session, the condition of one of the female prisoners being such that the case would have to be again adjourned. It was possible that might have something to do with the present application.

The Attorney-General asked his lordship whether, after what he had just said, he would not postpone the trial until the session after next.

The Lord Chief-Justice said he would not. The case must be allowed to take its course. He did not resist a postponement until next session, but at present he would grant nothing further.

The prisoners were then removed from the bar.

During the day the Grand Jury returned a true bill against Louis Adolphus Staunton, Patrick Staunton, and Elizabeth Staunton, for the manslaughter of the child of the first-named prisoner.

APPENDIX V.

Evidence of EMMA DENTON, of Pound Road, Church Street, Camberwell, wife of James Denton, labourer. This witness was not called at the trial.

Before the Coroner—

I nursed Mrs. Louis Staunton in her confinement in March and April, 1876. Mr. Louis Staunton, Mr. and Mrs. Patrick Staunton, Alice Rhodes, and Clara Brown were in the house.

Mrs. Staunton was only allowed ordinary food. Alice Rhodes was mistress of the house. Mrs. Staunton did not suckle the child. I asked Mr. Staunton about it. He said he did not wish it to suck. He had a motive of his own and forbade her. She was always fretting. She was not strong-minded. The Stauntons are Roman Catholics. When I left Mr. Staunton invited me to call and see his wife. I called once. The baby was removed to Norwood. She was always clean, and acted like a lady. She did not drink. I told Mr. Staunton that the doctor had ordered meat and stout, and it was not supplied her, Mr. Staunton saying it was not the doctor's business to give such orders. She was not properly treated.

Before the magistrates—

Witness repeated to counsel the same story, with the following addition—"I considered she was very much kept down and was afraid to say anything. She seemed to be continually crying from morning to night. Crying to see her husband repeatedly."

Recalled by the bench—

She swore—"The husband I did not consider attentive to his wife. He went out in the morning without seeing his wife, and sometimes at night. She cried because she was continually hearing them laughing and playing together, and she repeatedly rang the bell. I mean Louis Staunton and Alice Rhodes."

APPENDIX VI.

Final Statement by Clara Brown.

[From *The Daily Telegraph*, Monday, October 1, 1877.]

A correspondent forwards the following statement as having been made by the witness, Clara Brown, since the condemnation of the Stauntons. It contains a number of allegations against the accused that were not made by the witness in any of her previous depositions, the only reason given for making them now being to reply to the grave censure that has been passed upon her in various quarters for the discrepancies in her evidence, and still more for not having made known while Harriet Staunton was alive the shocking treatment to which she was subjected. We publish the extraordinary narrative simply as we receive it—

"She says that before any one can understand or form any idea of the case, they must take into consideration the tempers and failings of all the parties, and then they would see how acts of aggravation have been resented by acts of cruelty. Of course Louis and Alice were so strongly attached to each other that no one could ever keep them apart. Though Harriet patiently and quietly bore a good deal at first, yet afterwards, when she found them together, or when she thought he had been in her company, she took to screaming and grinning at him in rage, till the whole neighbourhood was frequently raised. When the screaming was heard by Farmer Dubery (*sic*), it was because deceased found him and Alice lying by the side of each other on the lawn at Patrick's. Harriet set up screaming without being touched. She told him that she would not go into the house and help me to lay the cloth for him, and then he got up and struck her, and pushed her indoors. Her habit of grinning and screaming was the cause of many of the first blows she had. Though from the very first she was always very badly treated, yet it was not until last Christmas week that the cruelties began. In that week Percy (that is Patrick) went upstairs and strongly nailed the window of the back bedroom down, and so darkened the window that no one could either see in or out. He then ordered her upstairs, took away from her all her clothing but a dirty old nightgown and an old petticoat body which she had round her legs, and dared her to come down ever again on any account whatever. At first she was obstinate and daring, and used to come to the top of the stairs and shout out. 'I will come down; I'll come down in spite of you.' Then every time she did that he would run upstairs, knock her down, and treat her dreadfully. After some of these beatings I have seen her face puffed,

her eyes swollen round as big as my two hands, so that you could not see a bit of her eyes at all, and she herself could not see a single thing. Her screams used to be frightful. At such times as these, when he had been so savagely beating her, Mrs. Patrick would run upstairs, and, getting between them, would call on him to stop before he killed her, till at last many a time she has been knocked down by his blows herself. He took to keeping her so long without anything to eat that she became desperate for food. Her cries and moans were very sad, and the beatings to make her be quiet went on day and night, so that the place was not like any place on earth. Many a time I have jumped out of bed with fright at the scenes, and gone out of the house into the wood, sometimes taking their little baby that was with me in the bed, wrapped up in the blanket, at all hours of the night. After he took to reducing her to one meal a day, he would not let that go up till supper time, as, after she began to get weak, she generally went to sleep a bit after a meal, and I was then able to get some rest. So, in order to keep her quiet all day, they used to promise her she should have some supper, but if she made any noise that then she should not have that. One night, after she had had nothing all day, and nothing was put for her supper, I said, 'Shall I take Harriet some supper up?' He flew into a rage and said, 'No; let her go to bed without.' When Harriet saw I had no supper for her she began to cry dreadfully. She was very hungry and cold, for there never was any fire allowed her in the room but once all through the winter. She kept moaning and begging of me to fetch her a bit of food. As soon as I thought he had gone to sleep, I went downstairs to the pantry and cut her what I could without it being missed. It was always difficult to take her anything, for he could somehow always tell when the loaf was cut. We had not used to have much meat, but we used to have chiefly boiled rice, sweetened with condensed milk, which Harriet used to be very fond of, ate ravenously, and was her chief food. One thing I used to think very cruel of him, and that was the delight he seemed to take in jeering her and seeing her suffer. He used to mock her, and ridicule the faces she used to pull in her sufferings. When he was keeping her a very long time without food he would go upstairs and laugh at her, and say, 'Well, Harriet, are you hungry yet?'

"Whenever he had kept her without food the previous day and night he would invariably come into the room as soon as he was up in the morning, and say, with a sneer and jeer, 'Well, Harriet, do you want your supper yet?' One morning, after he had given no supper for her, he came in and said, 'Well, Harriet, did you get any supper last night?' As she lay in bed she very foolishly grinned at him and said, 'Yes, I got my supper for all you, for Clara went and fetched me some.' With that he flew into a rage, and threatened us all, and always after that locked up the pantry, and I had very little chance to give her anything again. What followed after that I cannot bear to think of. For three days and nights after that Harriet never had a taste of anything either to eat or drink. She cried all day and moaned all that night, begging me to fetch her some food, but I could not. Next morning he came in and said, 'Well, Harriet, do you want your supper?' She did not grin at him then, and he went downstairs, but during the day he went up several times and said, 'Well, Harriet, ain't you hungry yet?' When I went upstairs the second night, and she saw I had no supper for her, it was pitiable to see her. Throughout the night she cried, and besought me to fetch her food, even if only a bit of bread; but I could not, for it was all locked up. I had no sleep till five in the morning, when I just dropped off. He came into the room and waked me

again at half-past seven, and then, turning to Harriet, in his usual way said, 'Well, Harriet, don't you want your supper yet?' On the third day it was dreadful to see her. She entreated him to give her food, and she promised to be always quiet if he would only give her a bit of bread. The third night I had to go upstairs without any supper for her again. I thought that was cruel, and I was afraid then that he really meant starving her to death. I shall never forget that night. When she saw I had no supper for her the third night she seemed completely to give way. She cried and sobbed, and begged me to fetch her something—anything—even if it was only a drop of water. I could not help crying myself; but I was afraid he would come and beat her again, and I had to keep her as quiet as I could by telling her if she did not keep quiet Percy would come and beat her again. After a bit she seemed to go almost mad. She grinned at me, made the most hideous noises, and said I should get her food. While she was on in this way Tommy was often crying as well. Next morning Percy came into the room at seven o'clock, and said, laughing, 'Well, Harriet, have you had any supper yet? Ain't you hungry? Don't you want your supper?' She had been sitting up and down on the iron chair bedstead, but she was then trying to stand, but was too weak. She managed to pull herself up by holding on to the mantelpiece, and then, holding on by one hand, she shook her fist at him and grinned, saying, 'Yes, I do want my supper. I am famishing.' I shall never get the sight of her as she then stood out of my mind. She seemed going quite mad. She had scarcely anything round her, and when she shook her fist at him she looked like a mad skeleton. He laughed and mocked the faces she was making, till at last she called him names he did not like, and he then ran at her, struck her in the face, and knocked her down in the fireplace. Mrs. Patrick ran in and stopped him striking her again, but Harriet then, I think, was insensible. They then picked her up and put her on her bed, but after that she was so weak she was never able even to raise herself up again. Patrick was always a very bad-tempered man, and would strike anybody—man, woman, or child—if they said anything to him. After this her sufferings seemed to get a great deal more dreadful. She struggled to get up, but could not. During the last five weeks no one could describe the agony she seemed to be in. The lice got all over her body by thousands, and were eating her all over. She appeared to be nearly tearing herself to pieces with scratching. She lingered in this manner, with sometimes one bit of food a day and sometimes none, till just one week before she died. Then it was that she got quite insensible, and they got frightened. They did all they could to try and bring her round a bit with pouring chicken broth down her throat, but she was never conscious again, and was perfectly helpless when she was moved.

"As it regards poor little Tommy, his sufferings were frightful. They treated him, if possible, worse than his mother. They starved him at the same time in the same way. He had scarcely any clothes on, and had to lie in the bassinet by the side of his mother, with no bed, nothing during all that cold weather but a bit of old carpet under him and a bit of an old shawl to cover him. He got so thin, only like the skeleton of a child, and at last, not being able to bear his own weight, his back grew so round that it seemed as though his backbone was coming through the skin. Percy used to say it would not do to let his bones come through his skin, and he knew how to keep his back straight; so every day he used to strap him down flat on his back on a large board he had used sometimes as an extra easel. In this way the poor little thing was left crying piteously,

with one strap tight round its body and another round its knees, for four and five hours every day at least. When it had been a long time in this position, unable to move a limb, it would roll its eyes round and round in the sockets as if in the intensest agony. It had not used to cry like other children, but shriek and make a kind of hideous noise. He would frequently beat it dreadfully, and once when it was so strapped on the board, and was crying, he struck it a violent blow in the face, making bruises on its forehead and face, which never went off, but lasted till death, and which were afterwards spoken to by Sister Mary and the hospital doctor. Many a time I have cried at the dreadful scenes that were going on, and wondered what I could do to save them. When Mrs. Harriet was strong enough to walk downstairs I could help her a little then. When I was sure that they had gone across to the farm, or any distance, I used to get her down into the back kitchen, and have washed her many a time when they have been out; but the lice were so thick on her that I could not use a towel. I had to wipe them off with wet rags, and at last I burnt so many that they began to miss them. Towards the last I used to wipe off what I could, and burn the rags, for the vermin of different kinds were getting all over the room. I thought sometimes that I would tell the neighbours, but I was afraid lest things should take a wrong course, and that it would make matters worse. I thought if I told, perhaps the neighbours would only talk without doing anything, and that I should be found out, perhaps get something done to me, and very likely Harriet be put out of the road at once. Several times I have gone to Mrs. Weatherley's crying, and said what dreadful scenes were going on between Patrick and his wife, but she used to say that she did not want to hear anything about rows between men and their wives, and though I wanted to tell her about Harriet, when I saw how Mrs. Weatherley used to take things I was afraid to begin. Then I thought that if I tried to run away I should only starve, or be caught and brought back, and treated I don't know how. I thought no one would have me in that way in service, for I had scarcely anything but an old frock on. I had neither shoes nor stockings, and not one penny piece, for they never gave me a shilling all the time I was there. I had neither father nor mother. If I had got up to London as I was, I had no one to go to but my aunt Rhodes, Mrs. Patrick's mother's, and I thought the best thing was to wait in the hope that some of Mrs. Harriet's friends would come. I had no chance to do anything in that lonely place, for they would not, if they knew it, allow me to speak to a single soul. Even my own brother came to see me one day. We had not seen each other for a long time, but when he came to the door they sent me upstairs and him away, and would not let me see him. Everybody that approached the house they were afraid of, lest they were sent to look for Harriet, or lest her groans should be heard. I very much regret now that I did not have more courage, and risk everything; but Percy was always watching me, and threatening what he would do if ever he caught me mentioning Harriet's name out of the house. When I went before the coroner they used to tell me when we were at home that if I did not stick to what they told me that it would all be found out, and that I should be locked up as well as them. If I had only known where to have found some kind friends I could have trusted, none of them would have come to the end they have.

"Mrs. Weatherley and other persons state that the girl frequently came to them crying, but they would not hear her, as they thought she only wanted to begin on family matters. The girl adds that she does not know that either Alice or Louis knew of the beatings, and that Mrs. Patrick seemed powerless to prevent them."

Staunton Trial.

APPENDIX VIII.

Letters of Charles Reade.

[*The Daily Telegraph*, Wednesday, October 10, 1877.]

Hang in Haste, Repent at Leisure.

To the Editor of *The Daily Telegraph*.

Sir,—When a woman of property is half starved by people who are eating her bread, and her husband, with his paramour, lives but one mile distant, on the money of their injured benefactress, and the victim dies covered with vermin and weighing about 5 stone, the wildfire of indignation will, I hope, always run through every vein of the country, and the judges share the just wrath of the gentry and of the millions who work so hard to feed their own helpless charges.

But great wrath, even when just, is still a fever of the mind, and cannot discriminate. Whilst the heart is yet hot with that ire which has been so truly called "a passing phrenzy" (*ira furor brevis*), the culpable ones seem criminal, the criminal ones seem monsters, and "our great revenge has stomach for them all."

I, who write these lines, am but a man recovering fast from a fever in a nation which is recovering slowly but surely. I recover fast because from my youth I have been trained in a great school to reason closely and discriminate keenly, and armed with Oxford steel against the tricks and sophistries of rhetoric, against the derangement of dates (which single artifice will turn true facts into lies), against those fatal traps, equivoques in language, and against all gaps in evidence, however small they may appear to the unwary. I grieve to say that I receive shoals of insulting letters telling me I am a Whalleyite and a novelist, and so disqualified. This draws a few unwilling words from me to disarm prejudice. I declared against Orton, in the *Daily News*, before ever the Crown tried him. I then laid down the scientific principle which governs his case, the doctrine of multiplied coincidences; and though I write novels at one time, I can write logic at another, and when I write a novel I give the public my lowest gifts, but I give them my highest when I write in a great journal upon life and death and justice. But the best thing the public, and those who govern it, can do will be to go by things, not names, to sift my arguments as closely as I shall analyse the evidence and the hasty inferences in the greatest judicial error of modern times.

The verdict against the Stauntons and Rhodes is a hodge-podge, in which the legally criminal and the legally culpable are confounded, and both sets of legal culprits are confounded with the moral culprits, who are clear of the case by the law of England and the rules of evidence that bind the Central Criminal Court.

Few observers of mankind will deny me this, which, indeed, like a truism—

Where A, B, and C confound four things, and D, on the evidence, distinguishes them, it is a thousand to one that D is right and A, B, and C are wrong.

This position becomes even stronger when we find that A, B, and C have been subject to several confusing influences. It may

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be worth while to point out the confusing processes that muddled the jury, of which processes some rise from the habitual malpractices of this particular Court, and others from faults that have been imported into it for this single occasion.

Processes of Confusion.

1. The Court, for its convenience, tried four dissimilar cases in the lump, and the four prisoners stood together at the bar.

2. Being near and dear to each other, and involved in one danger, they suffered and sympathised openly.

3. Twelve unguarded men looked on, and, deluded by the which are always stronger than the judgment in untrained minds, said to themselves, "They are all in one boat." So they were—in one family boat. But the family boat being in a legal dock, these good souls took it for a legal boat directly.

4. The four separate indictments, with their various counts, would have tended to cure this. But here the malpractices of the Court came in with another process of confusion.

By the law of England the arraignment of a prisoner consists of three parts—

(*a*) He is called to the bar by his name; (*b*) the indictment is read to him; (*c*) he is invited to plead to the indictment, and no other form of words, and he has a right to plead guilty to one count and not guilty to another count; and, if he is legally culpable, but not criminal, it is the wisest thing he can do.

This being done by the Clerk of Arraigns, the paper that clerk has read from becomes, by the universal practice of all our Courts, the property of the jury so long as that trial lasts.

But the Clerk of Arraigns, by a modern malpractice, broke this just and necessary law, and the judge let him. So each prisoner was grossly robbed of his right to admit one count and deny another, and the jury were grossly robbed of a copy of the indictment, though the mere preliminary jury, whose responsibility is so much less, had one to study and find a true bill on; and though it is not merely the right but the duty of the jury, as laid down by Blackstone himself very clearly, to study the indictment very closely, and to find "guilty" on one count, and "not guilty" on another, and to carry discrimination even further, for they can find guilty on one half of a divisible count and acquit upon the other.

5. Law, justice, and common sense having thus been defied by the Central Criminal Court, and the great written instrument of discrimination withheld from them contrary to law, they were manipulated and confused by a rhetorician on the bench, who picked out the highest count and ignored the others, and with gentle hand extinguished their one faint gleam of incipient discrimination, and left no doubt to the jury in a case crammed with doubts; which was unprecedented.

The result corresponded with all these co-operating processes.

The judge laid down the law that whoever has by law or takes upon himself the charge of a helpless person, and does not give her enough to live upon, is guilty of murder by omission. He did not say one-fourth of the charge, for that is not the law.

Staunton Trial.

The Charge.

Under this ruling, on which I have something to say hereafter, the jury, on the evidence, contrived to see four persons, all of whom had, either by law or their own act, "the charge" of Harriet Staunton, and all saw her pine to death, and let her pine to death.

Now, let all men in whose minds the very landmarks of truth are not obliterated, look on that picture conjured up by a jury under several processes of confusion along with this picture which the evidence reveals to a discriminating eye.

Patrick Staunton, a committer of a crime responsible for Harriet Staunton's life by a pecuniary contract with Louis. He docks her food, strikes her, terrifies and strikes his wife for interfering, &c. The evidence suggests that if the man had died in 1876 Harriet Staunton might be alive now. He comes under the judge's ruling. He had "the charge." This is the only committer of them all. Yet the jury can see nothing exceptional in his position. We now step down in law to a much lower grade of crime.

The Mere Omitters.

At the head is Mrs. Patrick Staunton, a grown up woman, experienced, and no fool. Her neglect of Harriet is *prima facie* barbarous; but it transpires that there was conjugal influence and coercion. The woman encountered blows in defence of the victim. The deterring effect of those blows, and her pregnancy, cannot be exactly estimated; nor is it necessary. The law, always disposed to assume conjugal influence, is amply satisfied with the admissions made on this head, and she is not a criminal, but a culpable offender. Two years' imprisonment. The next omitter is Clara Brown. She slept in the same room with the victim, allowed the vermin to accumulate, saw her sufferings more than Mrs. P. Staunton; filled her own belly and let her perish; nor did she show any positive goodness of heart, as the elder woman did once or twice. I mean she never faced a blow, nor got an angry word, and she never told a soul till the Crown Solicitor inspired her with higher sentiments. On the other hand, she was young, inexperienced, and stupid; and, though she saw most of the victim, never anticipated her death, which blindness in her rouses a suspicion that the whole set were much greater fools and smaller villains than they look. We now take a step in law which is as wide as the step down from the one committer to the four omitters. We go out of the house. We don't even go next door, but to another house a mile distant, where two self-indulgent adulterers were hiding themselves from Harriet Staunton, and absorbed in adultery, which was made smooth by Patrick's control of the injured wife. I never knew how low the human understanding could sink till I saw a jury who could confound this situation with that of Mrs. Patrick Staunton and Clara Brown, two people living in the house where Harriet Staunton pined on the first floor. That first floor Louis Staunton and Alice Rhodes avoided from self-indulgent motives that are out of the case. Of these two persons the law never had any hold on Rhodes. A mistress living in one house is not bound to provide food for the wife who lives in another. Rhodes is out of the case. Louis Staunton, until some day in August, 1876, was deep in the case. But the judge, in order to make hostile comments on his niggardliness, let in as evidence that he made a contract with Patrick Staunton of this kind. Patrick was to keep Harriet in his own house, and receive 20s. per week. Louis was a mean scoundrel to offer so small a sum, but a rustic labourer and

eight children live on less. It crushes the charge of murder as completely as £20 a week would. It is a contract in which both contracting parties distinctly contemplated, not the death, but the indefinite life of Harriet Staunton. Its very niggardliness proves that on behalf of Louis Staunton. A man can transfer his legal responsibility. It is done daily. The legal responsibility of Louis passed by that pecuniary contract to Patrick as much as did the responsibility of that mother who handed her child for 5s. a week to a baby farmer, which baby farmer neglected the child till it died, a bag of bones, and was tried by Sir *James* [*sic*] Hawkins two days after the Stauntons (see *The Daily Telegraph*, October 1). The attempts made to drag Rhodes into the case at all, and to drag Louis back into it after admission of that contract, are pure sophistry and equivocation, as I shall show in the proper place. Meantime, here is the true picture—

1. Committer and criminal omitter.

2. Culpable omitters; one condemned to die, one walking about London.

3 and 4. Two vile moral omitters clear of the crime, but relieved by the lawyers of all their ill-gotten money, defended with admirable speeches, but worse defended on the evidence than they could have defended themselves, and condemned to die.

The blunder has been brought about partly by the recent malpractices and the inherent defects of the Central Criminal Court, whose system is so faulty that it never gets below the surface of a case, and is the worst instrument for the discovery of truth in Europe; and partly from special vices and errors that found their way into this case, and surprise the whole legal profession, so opposed are they to precedent and to the best traditions and most sober habits of the Court. These it will be my next duty to analyse closely, but I think I can hit upon a briefer method than I have been able to pursue in this letter.—Yours faithfully,

CHARLES READE.

2 Albert Terrace, Knightsbridge.

[*The Daily Telegraph*, Saturday, October 13, 1877.]

To the Editor of *The Daily Telegraph*.

Sir,—In reply to reasonable comments, let me say I have not dealt with that branch of law which concerns the aiding and abetting any kind of murder, whether by commission or omission, because the judge did not lay that down to the jury, and he was bound to do so if that was the law he relied on.

He never treated Louis Staunton as an "accessory before the fact," which, under this head of law, was the only cap that could be made to fit him. He never told the jury what precise evidence the law demands against a man who has made a niggardly contract, contemplating, by its very niggardliness, the indefinite life of the victim ere a jury is to pronounce that he did "procure, counsel, command and abet" the murder of that person.

Of course no lawyer will pretend that a man living out of the

house of murder can be accessory *at* the fact, or what the text-books call "a principal in the first degree"; nor will any lawyer deny that if he lives out of the house, but procures, counsels, commands, or abets the murder, *beyond doubt* he can be an accessory *before* the fact, or a principal in the second degree. But there must be high evidence, and direct evidence, and if spoken or written words are relied on, they should be addressed to the very person who does the murder, and must be unequivocal. A doubtful phrase addressed to Rhodes, who took no part in the murder, is not at all the kind of evidence required by all the books and all the cases. See the word "accessory" in any text-book or report whatever.

The Facts.

In our Criminal Court, where the prisoners, the only people who really know the ins and outs of the case, are not allowed to open their lips and correct any of the shallow guesswork that is going on about them in their astonished ears, one great abuse like that I denounced in my last letter is sure to let in many more. Clara Brown, the one witness on whom the case for the Crown really depends, was allowed by the judge to swear she had destroyed a letter, and yet to cite so much of it, correctly or incorrectly, as fitted the two horns of the prosecution. That abuse led at once to another. This model witness was allowed another privilege the rules of evidence do not grant, viz., to argue the case. For this the defendants are indebted to their counsel.

He asked whether she understood the sentence about Harriet being "out of the way" to refer to her death. To this question she replied, "Yes." (Note, see p—.)

French counsel surprised by a prosecution would have immediately had a personal conference with the prisoners, and would have asked the girl questions that would have greatly benefited the prisoners. The jury, hearing a witness swear to an interpretation of a doubtful phrase, were not aware this was not evidence, and ought severely to be rejected from their minds. So one abuse led to another, and it is not too much to say that this imaginary letter, with the witness's interpretation, was the rope that is to hang Louis Staunton.

Well, such a rope of sand has never hung an Englishman in my day. It is pitiable to see how little, if anything, that can even by courtesy be called mental power was brought to bear by twelve men of the world on this quotation of a letter without its contents, one of the stalest frauds in the world, and also in literature of every kind, especially controversial theology.

Permit me to test this imaginary extract from what was proved, I think, to be a real letter, by one or two sure methods of which I am not the inventor.

Have those twelve gentlemen counted the number of words a young servant girl swore she had remembered in their exact order for nine months and more, though she had burned the letter, and the subject had never been recalled to her mind till she fell into the hands of the prosecution?

The words are 64 in number.

"My own darling,—I was sorry to see you cry so when I left you. It seems as though it never must be; but there will be a time when Harriet will be out of the way, and we shall be happy together. Dear Alice, you must know how——"

Now, sir, even if those fatal words about a time when Harriet will be out of the way were ever written without some explanatory context, I think the jury ought to have been throughout reminded of

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them and guarded against the illogical interpretation of them. The just rule of interpretation is that you should always prefer a literal to a vague or metaphorical interpretation. The words "out of the way" mean out of the way; they don't mean dead. A man can say "dead," and if Rhodes was projecting murder with him, why should he not?

The next rule is that you prefer the interpretation which the writer himself confesses by his own act, and the next is that you prefer the interpretation that is first fulfilled in order of time. Now, it was Louis, the writer of the words, who took a farm soon after, settled Harriet with Patrick, and lived in smooth adultery with Rhodes; whereas it was other people who killed Harriet Staunton, and nine months afterwards. But I shall now show the extract as sworn to was never written.

1st Objection. It is too long, and too short, which two traits can never meet in a genuine extract.

(*a*) Too long for a servant girl to remember, word for word, nine months after hearing it.

(*b*) Too short. Louis Staunton was not preparing his own prosecution. It was not on the cards of mere accident that he should furnish in 64 words *two equivocal* expressions—one establishing a long adulterous intercourse of which there is no corroborative proof, but the reverse, and another quibble projecting distant murder, of which there is no corroborative proof, since Harriet was well used for months after.

2. The line reminding her she had been his mistress for two years is worded by a woman, and not by Staunton or any other man. Decent women like Clara Brown have a delicate vocabulary unknown to men. "We have been together," which means everything the prosecution wanted, but says nothing at all, is a woman's word.

3. The statement itself is not true, and from that you must argue backward against the genuineness of the quotation, since he would not say this to a girl who knew better.

4. The witness could remember nothing but her lesson: sixty-four consecutive words, all neat and telling, and meeting the two great views of the prosecution; but, that done, a blank—a total blank; not six consecutive words. This is barefaced. Daniel Defoe would have managed better. He would have armed the witness with ten consecutive words on some matter quite foreign to the objects of the prosecution. The quotation is fabricated, though not maliciously.

The process has nothing exceptional in it, nor is there any one to blame except the Court for letting in parole evidence about a written document destroyed by the witness herself.

Allow ten thousand such witnesses, and, if the case is ably prepared, you must, in the very nature of things, have ten thousand inaccurate quotations all leaning towards the side of that calling the witness.

The people who get up a prosecution have but one way of dealing with such a witness. She comes to them remembering a word or two here and there. She is advised to speak the truth, and take time. But, as the conference proceeds, she is asked whether she happens to remember anything of such a kind. She is very ductile, and forces her memory a bit in the direction she instinctively sees is desired.

The very person who is examining her with an *ex parte* view does not see that she is so waxlike as she is.

Add a small grain of self-deception on both sides, and a mixture of truth and falsehood comes into the unwary and most inconsistent Court, which stops Louis Staunton's mouth, yet lets in a worse kind of evidence than the prisoner's own, because this horrible melange of memory and imagination, and prompting, which, *in the very nature of things, and by the mere infirmity of the human mind, must be a lie.*

That a man should die only because he is tried in England! Bring your minds to bear on this, my countrymen. If an ignorant man like this Staunton is defendant in a suit for £51, he can go into the witness-box and explain all the errors of the plaintiff, if any; but if he is tried for his life, which is dearer to every man than all the money in the world, he is not allowed to say one word to the jury, if he has counsel. He is allowed, indeed, to speak after his counsel have done muddling with his case, but with truly heartless mockery. When ignorance all round has hanged him he is allowed to speak. To whom? To the judge. On what? On nice quibbles of the law, but not on facts nor motives—this being the one thing he can never do, and the other being the thing he could generally do, and flood the groping Court with light, especially as to his true motives and the extenuating circumstances of his case. By this system the bloodthirsty murderer, who chooses his time, and slays swiftly in the dark, gains an advantage he cannot have in the wiser Courts of Europe.

But God keep the malefactor who is not an habitual criminal, or one of the deepest dye, but a mixed sinner who has glided from folly into sin, and from sin into his first crime, and who has been fool as well as villain. His mouth is closed, and all the extenuating circumstances that mouth could always reveal are hidden with it, or, as in this case, grossly and foully perverted into aggravating circumstances.

This is very unfair. The nation will see that one day.

At present what is to be done? After all, thank God, it is a free country, and one in which bad law is sometimes corrected by just men.

To all such I appeal against the rope of sand I have had to untwist in this letter.

The post enables me to do something more.

Resolved to resist foul play and garbled quotations, and those most dangerous of all lies, equivoques in language, such as "Harriet out of the way," the very kind of lies Holy Writ ascribes to Satan, and the great poets of every age have described as hellish, which they are—

> And damned be those equivocating fiends
> That palter with us in a double sense—

So, to give him one little chance of untwisting that rope of sand, although he has the misfortune not to be a Frenchman, I conveyed a short letter to Mr. Louis Staunton, through the proper authorities, requesting him to try and remember the entire matter of a certain letter he had unquestionably written to Alice Rhodes in August, 1876, and to send it to me verbatim. Some delay took place while my letter was submitted to authorities outside the gaol, but fair play prevailed, and I now append the letter to my own, which is of less value. I send it all the same, because I have looked narrowly into Staunton's, and I don't see any of that self-evident mendacity I have felt it my duty to point out in the garbled quotation, the rope of sand. This letter, at all events, may be true. For I see youth, with its selfish vices, not looking months and months ahead,

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either for good or bad, but getting Harriet out of the way without a metaphor, to enjoy the sweet vice his self-indulgent soul was filled with, and not with long, cold-blooded schemes of murder such as belong to more hardened natures than his, who, we learn from the Crown itself, and on oath, sat down and cried because his wife upset the house.

The following is

LOUIS STAUNTON'S LETTER.

Maidstone Gaol, Oct. 11, 1877.

Sir,—I duly received your letter of the 9th inst., and now beg to reply to it. The letter in question I wrote to Alice Rhodes on or about Aug. 17, 1876. The facts are these: I had several times promised to take Alice Rhodes down to Brighton for a week, but had been prevented from doing so; but on Saturday, Aug. 14, Mrs. Staunton, Alice Rhodes, and myself, went down to Cudham for the purpose of leaving Mrs. Staunton there, that we might go to Brighton on the Tuesday, but on the Monday I received a telegram to say my father was worse. My brother and myself immediately came up to London, leaving Alice Rhodes and Mrs. Staunton at Cudham. I then wrote her this letter—

"My own Darling,

"I know you will be sorry to hear that my poor dear father passed away yesterday. This is a sad blow to me, but we all have our troubles. Our trip must now be put off again. It seems as if it is not to be; but I will arrange another time to get Harriet out of the way, so you must not be disappointed. I shall have to remain down home for a few days, so Harriet had better stop down with you."

I believe I have now given you word for word what I said in this letter. I have thought well over it, and cannot remember saying anything more. What I meant by "it seems as if it is not to be" was our going to Brighton, and of getting Harriet out of the way that she might not know anything about it.

This is the whole truth of the letter.—I am, Sir, yours obediently,

LOUIS STAUNTON.

Charles Reade, Esq.

The public is to understand that I deal fairly with the powerful journal which has done me the honour to allow me to express boldly my unalterable convictions. I do not write letters and say, "Thus saith Staunton." I tender you his handwriting, begging you to do me the honour to keep it and show it to few or many, as you think proper. I do not lead witnesses as I think Clara Brown was led—unconsciously, no doubt. My short letter, to which this is a reply, lies in Maidstone Gaol. I can't remember what I write, like this young sinner, nor imagine what other people write, like Miss Brown *plus* an attorney's clerk. But I am sure it is a short line, just asking the man to send the truth. He looks on himself as a dying man; has no hope of saving himself; and I think he has come pretty near the truth in his letter. Yours faithfully,

CHARLES READE.

APPENDIX IX.

Some Remarks on the Medical Evidence in the Staunton Case.

By W. S. Greenfield, M.D.,
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[*Lancet*, October 6, 1877.]

The recent trial of four persons for the murder of one of them by starvation and neglect has attracted so much public attention, and the points of interest to the medical profession are so numerous, that no apology is needed for some remarks on the medico-legal questions raised by it.

To my own position with regard to the case I may make a brief reference. Having been consulted for the defence, such medical evidence as came before the committing magistrate, and the post-mortem notes, were submitted to me for an opinion. I gave that opinion only reluctantly, and under a sense of duty, knowing that the papers had already been sent to several distinguished pathologists who were out of town or about to leave. Nor did I know of any one on whom I could devolve the task. The evidence which was laid before me was, in my opinion, of a very incomplete nature, and such as to warrant no definite opinion as to the cause of death. But at the same time it contained sufficient evidence to warrant very grave doubt as to whether death resulted from starvation alone. I gave my opinion then fully and impartially, and not concealing my great doubts as to the nature of the case.

Subpœnaed as a witness, I received also the information that notice would be given as to when my appearance in Court would be necessary. Owing, however, to the error of a clerk, no notice was sent to me until after the medical evidence for the prosecution had been given; and as I was not aware it was coming on, I missed the opportunity of hearing it. Owing to a misunderstanding on the part of the learned counsel for the defence, questions were put to me to which no definite answer could be returned; and as the judge made a strong objection to my testimony on the ground that I had not been in Court during the evidence for the prosecution, it was thought best, seeing his evident bias, to withdraw me as a witness.[2]

I have made this explanation solely because I hold that it is the duty of every medical witness, when placed in the unsatisfactory position of an expert, to be ready to state precisely the grounds on which his evidence is based and the motives by which he is guided. No method could be less adapted for the elucidation of truth than that in practice in courts of law. But for my own part I could not consent to abate any portion of the truth to serve one or other side. The case, so far as I am concerned, has a purely scientific interest.

To the various points raised by the case I have of necessity given anxious consideration. The difficulty in forming any definite opinion as to the cause of death from the post-mortem notes alone resided in the fact that no definite statement was made of the tubercular nature of the bodies in the piamater. But now that it has been definitely stated that miliary tubercle existed in the piamater, and that statement is concurred in by all the witnesses of the post-mortem, and is corroborated by the presence of tubercle in the lungs, it must be

[2] See p. 188 *supra*.

accepted as a fact that there was tuberculosis of the meninge. I shall therefore assume this as being for the purpose an undoubted fact, and shall not further question it.

In examining the medical evidence adduced by the prosecution, I can only indicate the chief points under each head. I shall not attempt to detail the evidence on which my opinions are grounded. In the course of a paper like the present, extended quotations from authorities or detail of cases would be impossible. My statements as to tubercular meningitis are chiefly grounded on cases which have come under my own observation, of thirty-five of which I have more or less complete notes. I hope on a future occasion to give more fully the details of the more important, and fuller references to authorities.

The evidence consisted (1) of symptoms observed by Mr. Longrigg; (2) of some statements by Clara Brown and the nurse, Gooding; and (3) short account of the post-mortem examination by Mr. Longrigg, Dr. Bright, and Dr. Wilkinson, in which Mr. Harman concurred.

The post-mortem notes have already been published in the *Lancet*; they agree in the main with the evidence, though in some points the latter was fuller and more explicit.

Mr. Longrigg's evidence described the state four hours before death, consisting in (1) coma, with stertorous breathing; (2) rigidity of one arm; and (3) minute contraction of one pupil, with dilatation of the other.

The evidence of the nurse was that there was diarrhœa in the night preceding death, and that the patient "lay as if in a fit," of what nature is not stated. That of the girl Clara Brown is very unreliable; all that can be accepted as probably true is that the first acute symptoms were difficulty in understanding when spoken to, then drowsiness, and that there was no fit.

The more definite statements on the subject of tubercle are found in Mr. Longrigg's evidence, in which the other witnesses concurred. "There were old adhesions between the internal and external membranes, with a deposit of tubercular substances in the lining membranes. . . . There were other minute tubercles on the brain, and although there were symptoms of inflammation and tubercles in the lungs, I did not think it necessary to follow up the discovery of tubercles on the brain by microscopic examination. . . . There is a disease called granular tubercle, and it is indicated by tubercles such as I have mentioned on the brain. It produces emaciation, but it is rapid in its progress, and is sometimes fatal in forty-eight hours. . . . That disease is not sufficiently advanced to produce the symptoms." He was also asked, "If she had had acute tuberculosis, what effect would that have had upon the brain?" and replied, "It would have produced softening of the brain." Mr. Longrigg is probably not responsible for the form of the words, but they may be taken as conveying generally his meaning.

Before considering the conclusions which must inevitably follow if the account of the post-mortem is correct, a word may be said as to the value of the post-mortem notes in determining the cause of death. Their value is vitiated by the fact (1) that the examination was not made till one hundred and forty-three hours after death; (2) that it was very incomplete, and the notes still more so, whilst the way in which they were made and recorded reduce their value to a minimum; (3) that no due allowance was made for the changes in the body which must ensue in such weather in six days, and of the presence of some of which there is distinct evidence; (4) that certain statements are made of appearances which, though regarded as normal, would be remarkable indications of disease.

Two or three points deserve special mention. It is stated that "*all*

the cavities of the heart were contracted and empty." Such a fact, even as regards the left ventricle, so long after death in ordinary temperatures, would be very remarkable, and is inconsistent with the statement, "coronary vessels much congested, giving the appearance of being injected," which can only refer to the colour of the lining of the membrane either of the coronary veins or arteries (which is not stated), evidently the result of post-mortem dissolution of the blood, and consequent staining.

On the subject of "congestion," a term which seems to be used to include fulness of vessels as well as abnormal redness of whatever kind, I shall comment later. Only on the appearances of the brain I may remark (1) that if it was "very firm" six days after death, with adhesions of the opposed surfaces of the arnachroid, I should regard it as presumptive evidence of old disease, probably diffuse sclerotic change; and (2) that whilst a general reddening, especially on the surface, occurs as a post-mortem change, a distension and engagement of the sinuses and veins and marked excess of puncta cruenta, do not result from that cause, but would indicate a condition produced in life. If any importance attaches to the extreme general redness of the membranes of the brain, which, if there was really a healthy, firm condition of the brain, must be assumed to be the case, it would be a sign, not merely of congestion, but of commencing encephalitis.

I shall now briefly summarise the grounds which lead me to consider that death was due to tubercular meningitis, if the statement of the medical witnesses as to facts are accepted.

The symptoms observed in life—drowsiness, passing rather rapidly into coma, with stertorous breathing, rigidity of one arm, and extreme inequality of pupils—are consistent with cerebral disease, and in my experience inconsistent with starvation *alone*.

The presence of miliary tubercle in the piamater, even if in small amount as seen with the naked eye, is of itself a sign of very serious cerebral disease, and, so far as my own experience goes, or that of pathologists of large experience of whom I have inquired, or whose works I have read, it is never found after death in cases which have not presented cerebral symptoms during life (Bristowe, Murchison, Payne, Wilks, and Moxon).

In the rarer form of tubercular meningitis, in which the tubercle exists *only* on the convexity of the brain, there is an absence of lymph, exudation at the base, and of hydrocephalus; and there may be an absence of exudation on the convexity and of softening of the brain substance, a condition of extreme engorgement of the superficial veins, of general intense reddening of the piamater, and a very vascular condition of the subjacent cortex, with more or less of the white matter being the only sign of real inflammation visible with the naked eye. This also rests on my own observation and the statements of authorities (Huguenin and Gee).

In this form (tubercular meningitis of the convexity) death is usually much more rapid; in some cases only from twenty-four to thirty-six hours elapse between the definition of the disease and death.

The symptoms of tubercular meningitis, protean even in the child, are far more so in the adult, in whom they may simulate almost any form of cerebral disease. Drowsiness, passing into coma, may be the only symptom observed (Bristowe). Precise distinction between the symptoms of meningitis of the convexity and of the base is not possible in all cases. In some cases of the former the symptoms closely resemble these of meningeal hemorrhage.

Convulsions, the rule in children, both in the basic and convexity forms, and more marked in the latter, are far rarer in adults, usually indeed absent unless in certain cases of the convexity form.

Appendix IX.

Rigidity of one or more limbs is observed in a certain number of cases. It may be a constant tonic contraction, or a resistance of one limb to movement, attempts to move it being made by resistance of the muscles, the limb usually lying quiet as if paralysed; or there may be a rigidity, simulating cataleptic rigidity, of the limbs, trunk, and neck. In cases of meningitis of the convexity in children this condition often persists till death, alternating with slight convulsive movements. In the adult the rigidity is often of more passive form, visible convulsive movements hardly occurring. But the variations of this frequent symptom in meningitis constitute too wide a subject to be discussed here.

Inequality of the pupils may or may not be present in tubercular meningitis of the base. In many cases the pupils are equal, or nearly so, throughout, so far as my observations go. So far as I have been able to judge by observation during life, and minute research after death, this inequality of pupils does not depend, as usually stated, upon implications of the nerves at the base, but upon central irritation. My observations upon this point in convexity meningitis are not sufficiently extensive to be of any decisive value, but in one case of meningitis of the convexity, the tubercular nature of which was not decided, but which I now believe to have been tubercular, from analogy with other cases, and on the authority of a dictum of Hillier, there was, about two hours before death, minute contraction of one pupil, whilst the other was dilated and of irregular outline (the *Lancet*, 20th September, 1873). I have no similar note as regards any case of basic meningitis in which I have frequently noted equality or nearly equality of the pupils shortly before death. There is, of course, no doubt that great inequality of the pupils may occur in basic meningitis.

Diarrhœa persisting up to the time of death does not negative the presence of tubercular meningitis. I have noted its presence in two cases in very marked degree. It is usually, but by no means necessarily, associated with tubercular ulceration of the bowels.

I may add to these that at the onset of tubercular meningitis in the adult it is almost invariably mistaken for some other disease, often, I believe, for hysteria in females; or the patient becomes stupid, drowsy, and torpid, says and does odd things, and is supposed to be going out of his or her mind. In females the catamenia may be absent or may cease suddenly, and the slight head symptoms be supposed to be due to this cause. Headache is not a necessary, though a very common symptom of onset.

Emaciation does not *necessarily* accompany or precede tubercular meningitis. But it is an error to say that where it does exist it is of necessity dependent upon associated general tuberculosis. For example, in two recent cases of young women (aged twenty-one and twenty-four) both were well nourished, one had abundant subcutaneous fat, yet both had general tuberculosis of some standing. On the other hand, in a male aged thirty-four, he had only tubercular meningitis of very acute and rapid form, and no tubercle discoverable elsewhere in the body, there was great emaciation, and the liver weighed only 34 ounces. There were no other discoverable antecedent causes to account for the emaciation. And other cases might be brought to show that in the adult, as in the child, great emaciation without obvious causes may precede the onset of the acute disease, and no amount of extended tuberculosis or lung disease being found to account for it.

Here I may mention a patient now under my care, a young woman, twenty years old, 5 feet 4½ inches high, not of particularly slender build, who for some few months has been losing flesh, who has no discoverable disease beyond a small patch of dulness at one apex, with no active signs. All the other causes of emaciation have been

most carefully sought and never found. She weighs, with her boots and most of her clothes on, only 80 lbs. (the weight of the body of Harriet Staunton was 75 lbs.); yet she has no acute symptoms, no suffering, can walk about well, and in a sense enjoys life. A year ago she was robust, stout, and hearty.

The *weights* of organs in persons dying of this disease naturally vary within wide limits. But a striking fact may be mentioned, viz., that in two cases of tubercular meningitis, mentioned above, in which there was absolutely *no* emaciation, the weight of the healthy livers was respectively 32½ ounces and 34 ounces, and in marked disproportion to the other organs. The subject of weights of organs is too wide a one to be treated here in detail; as a general statement derived from a careful analysis of their weights in the notes of 800 post-mortems, I may state that 7¾ ounces for the heart is rather a high than a low average weight for an emaciated female thirty-four years of age, and that it is quite consistent with health and no emaciation; that 4½ ounces for the spleen is considerably in excess of a number of cases of men and women, younger and of the same age, in perfect health; that 7¾ ounces for the kidneys is also perfectly compatible with health, and that the weight of the kidneys is, perhaps, the least valuable criterion of emaciation.

One or two words in conclusion as to post-mortem evidence of *starvation*. I have myself made and noted nearly 900 post-mortems, and I have seen, perhaps, 400 more. I can honestly state that I know of no criterion by which the emaciation due to want of food, from inability to ingest it, or from deficient supply, can be distinguished from that resulting from chronic wasting disease, or even from acute febrile disease or diarrhœa. The exact number of cases in which there was inability to ingest food, owing to stricture of the œsophagus, or disease about the mouth or throat, I cannot precisely state, and perhaps the number is not large. But to state that a congested appearance of the stomach or of the brain, or of the outlets of the body, is a sign (?) of starvation, and, moreover, of chronic starvation, is, to my mind, an outrage upon medical science.

I have already remarked that the appearances derived from "congestion" in a body six days after death are utterly fallacious. But even if they had been seen soon after death, what would they have proved?

Of the *vulva* and *vagina* in a woman with leucorrhœa they would prove absolutely nothing.

It is said to have been "much congested, and presented a striking contrast to the bowels above the sigmoid flexure, the membrane of which was pale and exsanguine." Now, this candid description is that of a very common post-mortem phenomenon. The simple explanation is that the distribution of the vascular supply of the lower 4 inches of the rectum is different from that of the upper part (see Quain's Anatomy, article Rectum). Any one who has examined the rectum frequently will often have noticed this marked difference. Moreover, when diarrhœa is present it would be especially liable to occur.

Of the *stomach* "very marked and intense congestion of the internal lining, especially along the upper curvature," more or less congestion of the mucous membrane of the stomach, and even ecchymoses are very common, and the ordinary rule is not to attach much importance to it. "This congestion was remarkable, and quite unlike ordinary post-mortem congestion." "Post-mortem congestion" is one of two things, a subsidence of the blood in the veins to the most dependent part, or a staining of the coats due to dissolution and transudation of the blood colouring. But in persons who die during the process of digestion the mucous membrane is often of deep red colour dependent on active hyperæmia. It is well known that when fluids are taken they pass

along the lesser curvature, and, if of irritant character, set up irritation there; but brandy and water or sal volatile would be quite sufficient to set up congestion of the character and position described. That it is evidence of starvation is pure hypothesis. *Total* deprivation of food for some time, and then the ingestion of food, *might* cause it, and therefore it is held to be evidence of *chronic* starvation.

As to the *brain*, the statement that congestion of the brain is one mark of chronic starvation is not only not true, but is the exact reverse of truth. That it may occur in acute starvation no one would deny; but one of the most essential results of chronic deficiency of food, whether experimental or from disease, is to cause an anæmic condition of the brain. In fact, it has been shown by the experiment of Panum and others that, whilst in acute complete starvation the blood corpuscles do not notably diminish before death, in slower starvation there is a very great decrease, so that the blood becomes thin, pale, and watery. All organs show the effect of this, but notably the brain, since it is the last organ in the body to waste. If there was in reality, as stated, an extreme congestion of all the blood vessels and of the brain, and the blood was of normal colour, it would be one of the strongest evidences that death was not due to chronic starvation. The theory adopted was, "Convulsions may occur in acute starvation, congestion may be supposed to be the cause of convulsions—*ergo*, congestion may occur in, therefore is a sign of starvation." Such logic, though well enough for legal argument, will not serve even for a formal hypothesis in science. I do not for one moment deny that congestion of the vessels of the brain may occur in the course of, and be found post-mortem after, the various cerebral accidents which sometimes complicate anæmia and exhaustion. I have, in fact, myself given instances (in a paper on "Insanity as a Sequel of Acute Disease and Hæmorrhage," St. Thomas's Hospital Reports, 1873); but on a careful search into the literature of the subject I could find but few examples of such a condition, nor does my own experience furnish any. In all the cases that I have seen, even after convulsions and delirium, the brain was pale and anæmic. And, be it added, in nearly all these rare cases of acute cerebral symptoms in conditions of exhaustion there was an immediate determining cause, *i.e.*, the cause was acute, the symptoms rapidly following. Minute contraction of one pupil, with dilatation of the other, would, so far as my knowledge goes, if the eyes were perfectly healthy, be absolutely inconsistent with such a case as starvation or anæmia.

The condition which alone, apart from emaciation, would point to death from starvation—namely, a wasted and contracted condition of the stomach and atrophy of the intestines—is not even mentioned in the post-mortem notes.

So far, then, there seems to be in the medical statements as to facts no particle of evidence that the emaciation was due to want of food, and still less to wilful starvation. On the other hand there is evidence that the immediate cause of death was an acute disease, nor is there anything to show that it was induced or increased by starvation or neglect. Undoubtedly its fatal issue may have been accelerated by incautious removal. But to a similar indictment a very large number of those who bring patients to hospitals must also plead guilty. I have not here entered fully into the question—which is of necessity raised by the general evidence given on the trial and facts which have since come to light—how far the mental disease which is proved to have existed might in part account for the emaciation and acuter symptoms, and to what extent the condition of the brain which was found after death indicates chronic brain disease. In my original report, given before there was positive evidence as to tubercle, I pointed out the possibility that the greater part of the morbid conditions and of the

symptoms might have been associated with paralytic dementia. At that time I knew nothing of the history of the deceased, but the further evidence has strongly confirmed my view. I quote therefore entire the portion of my report bearing upon this subject.

"Thus far it has been assumed that the bodies found in the piamater were tubercular, or that there is at least reasonable ground for the belief that they were so. But it is possible that this belief may not be maintained, or that further and more complete statements as to the nature, position, and appearance of these bodies may lead to great doubt as to whether they were such. That they were indicative of some disease there can be no doubt. Is there any alternative view which may be offered as to their nature which is consistent with other appear ances, symptoms, and mode of death?

"The appearances described in the brain and its membranes indicative of some diseases were (1) undue adhesion of the dura to the piamater attributed by the medical men to old inflammation, which they believed to have resulted from a blow or fall. The extent and character of these adhesions are not stated. (2) The presence of small millet-seed-like bodies in the piamater above described. (3) A *firm condition* of the brain *six days after death*, with marked distinction of the grey and white matter. If this condition is accurately described, it is very remarkable. (4) General and well-marked congestion of the vessels and membranes of the brain and of the brain substance.

"It seems not improbable that the first three of these conditions may have been the result of some old chronic changes such as are found in some forms of insanity, for (*a*) the hypothesis of injury to account for (1) unless there were other signs of such injury, would, I think, be inconsistent with experience; (*b*) these may have been small fibrous nodules, such as are found under similar conditions to (1). This must remain uncertain; (*c*) a firm condition of the brain so long after death in such weather would, in my experience, be inconsistent with health, and would very probably indicate a similar indurated or fibrous condition which may be associated with (1) and (2).

"If any value attaches to (4) it would probably indicate that death occurred in an attack of acute congestion supervening on the chronic brain disease. . . . At present, as the tubercular nature of these bodies in the piamater is maintained, the further questions arising out of the other possible view need not be discussed; *but it is important that this alternative be not lost sight of.*"

It is only right to add that, as I have said before, the tubercular nature of the nodules seems now to be pretty certainly established. Of the "acute congestive attack" in paralytic dementia, I do not think I have had any post-mortem experience; the statement rests on the authority of Griesinger. But by the combination of paralytic dementia with tubercle, all the facts of the case would be fully explained. Rapid wasting is not infrequent in some cases of general paralysis and other forms of insanity, even where food is taken in fair quantity.

In view of the importance of the issues, not only in the present case but in future cases of a similar kind, it has seemed only right to state the grounds on which the view of starvation alone appears to me to be untenable. And if food was supplied in insufficient quantity, the proof of that fact must, in my opinion, rest entirely upon positive evidence as to the food actually given.

Appendix X.

APPENDIX X.

"The Lancet" on the Verdict and Evidence.

[*Lancet*, October 6, 1877, Leading Article.]

Viewed from the politico-social standpoint, the conclusion at which the jury in the Penge case arrived may appear just and the sentence pronounced expedient. It is not for us to question the abstract justice of the verdict returned, and in the face of such a verdict no discretion rested with the judge as minister of the law. We have already expressed our belief that the evidence of criminal neglect was overwhelming. It has long been a painful duty devolving on the organs of medical opinion to protest that the law should be brought to bear against the practice of compassing by neglect the death of persons who are unable, by reason of mental or bodily incapacity, to protect their own lives. We have persistently and urgently pleaded that the young, the weak, the sick have an especial claim on the humanity of those about them, which it is the solemn duty of humanity to maintain and enforce. No feeling of sympathy with criminals convicted of neglect can be allowed to stultify the judgment that the righteous punishment of the cruel indifference shown towards the sufferings of the deceased woman, Harriet Staunton, is indispensable to the safety of the subject and the honour of the State.

Nevertheless there are, as we pointed out immediately upon the close of the trial, momentous and conclusive reasons why the sentence of death should not be carried into effect. The objection does not arise out of consideration for either of the prisoners. If any are worthy of punishment all share the guilt. We are not concerned with degrees of culpability. If murder in the strictly legal, as distinguished from a constructional sense, was committed, the incubus of that crime rests heavily on the women as on the men. The recommendation to mercy was illogical, and evidently the fruit of a sentimental view of the consequences entailed by the verdict with which we can have no sympathy. Our contention is simply and expressly that the conviction is bad in fact, and therefore, we presume, bad in law. The judge left the case to the jury on the allegation of murder by starvation. We have no hesitation in affirming that the fundamental proposition of this count, namely, that the deceased died of starvation, is not only unproved, but entirely unsupported by the evidence. The inference drawn by the medical witnesses for the prosecution was obviously not warranted by the post-mortem appearances as described by themselves, and it must be apparent to the profession that the report to which we allude is not of a nature to supply material for a satisfactory judgment. It is remarkable chiefly for the omission to state necessary and, as may have been supposed, self-evident particulars. The independent statement furnished by a correspondent, and printed in another column to-day, does not help to clear up the difficulty. On the contrary it introduces a fresh element of confusion by denying the existence of at least one important pathological condition previously described.

The position we are compelled to take in regard to this case is that the ground upon which the prosecution relied has no existence. It must obviously be impossible to prove *murder* by starvation without first showing *death* by starvation. The attempt to affirm the primary proposition has failed. Upon this point we claim a right to form a judgment. With the legal inference we have nothing to do, but it

seems reasonable to assume that if the fundamental premise of a charge is negatived, the allegation raised upon it must fail. In a word, medical opinion upon the facts submitted cannot be developed to the extent of defining the disease which caused the death to which neglect may have contributed, but it is clear there was disease, and the life of Harriet Staunton was not therefore sacrificed by want of food alone. This much is apparent from the post-mortem appearances, although we are unable to proceed beyond the conclusion indicated. Our presumption—it is no more—inclines to the belief that the deceased was generally paralytic. The reasons which suggested this conjecture were given last week, and communications we have since received strengthen the belief. The opinion is, however, unimportant. The plea we urge as a final bar to the execution of the culprits is that they certainly did not compass the death by starvation; and whatever may be the legal interpretation placed by Mr. Justice Hawkins on the law, he insisted, and the jury returned their verdict, on the assumption that the deceased came to her death by wilful deprivation of food and necessaries. The post-mortem appearances were not consistent with the hypothesis of death from the cause assigned; they afford irresistible evidence of other causes at work, although it is not, owing to the defective manner in which the body was examined, possible to say which of several morbid conditions proved fatal to life.

In another place we publish a communication from Dr. Greenfield, the medical witness excluded from the case in consequence of a technical objection raised by the judge, and whose testimony would have supported the view propounded by Dr. Payne and Dr. Bristowe. It is needless to remind medical readers that Dr. Greenfield writes with great authority on the subject in hand. The studious moderation with which his opinions are expressed will be apparent. He does not attempt a final diagnosis, but he demonstrates, we think conclusively, the existence of more than sufficient evidence to dispose of the assumption on which the prosecution relied. The case may have been one of tubercular meningitis, or, as we have conjectured, general paralysis—tubercular deposits in the course of the disease known as "general paralysis of the insane" are not uncommon. It is not necessary, nor would any scientific witness undertake, to raise a specific theory upon the basis of such a report as that made by the original observers in this, happily, unusual case. The utmost justice required was that the allegation of death by starvation would be opposed by a well-considered and reasonable presumption that death, although perhaps hastened by neglect, was, in fact, due to disease. The testimony which Dr. Greenfield was prepared to give at the trial, and which, on public grounds alone, he now lays before the profession, would obviously have placed a construction upon the case entirely different from that presented by the medical evidence offered by the prosecution, and incompatible with the inferences drawn from it by the judge in his charge to the jury, and the verdict.

The issue raised is so serious that we venture to think the medical profession should mark its sense of the emergency by a combined expression of opinion. Again we protest that this view of the situation is not in the least degree suggested by sympathy with the prisoners or a low estimate of their crime—that of gross neglect. We offer no opinion of the relative culpability of the convicts under sentence of death. Still less should we desire to extenuate their offence as conscious, if not wilful, participators in the cruel treatment of Harriet Staunton. What we desire to place on record is a strong belief that the indications offered by a dead body imperfectly examined have been misinterpreted, and an inference drawn which the facts do not warrant, but which, on the contrary, they controvert. The interests of

no less than justice call for an assertion which shall make this apparent. We have therefore to ask those members of our profession who share this conviction to send us their names, to be affixed to a memorial printed in another column, and which we will undertake to place before the Secretary of State for Home Affairs. The letters of authority to be appended to the memorial should be returned to this office without delay.

APPENDIX XI.

Chronological Order of Letters.

1876.

June 28.—From Louis Staunton to Patrick Staunton.

"Gipsy Hill.

"My dear Bay,—Many many thanks for your kind letter. . . . I shall be at the hospital about three o'clock."

Aug. 1.—From Alice Rhodes to Louis Staunton.

"The Woodlands.

"I was very sorry to see it rain so soon. . . . I am not bad yet."

Some date between Aug. 1 and 19, probably August 17.—"The lost letter." From Louis Staunton to Alice Rhodes.

"There will be a time when Harriet will be out of the way."

Aug. 19.—From Alice Rhodes to Louis Staunton.

"I have searched high and low for the lost letter."

Aug. 28.—From Louis Staunton to Patrick Staunton.

"Gipsy Hill.

"Dear Bay,—. . . I want you to send Harriet up to-morrow."

Aug. 31.—From Louis Staunton to Patrick Staunton.

"Gipsy Hill.

"My dear Bay,—. . . I feel sorry to think Harriet should have given you so much trouble."

Sept. 1.—From Louis Staunton to Patrick Staunton.

"Gipsy Hill.

"My dear Bay,—. . . I received your letter and am sorry I said anything."

Some date in Sept. about the middle of the month.—From Harriet Staunton to Louis Staunton.

"Friday.

"My own Darling,—. . . I have been here a month on Saturday."

1877.

Jan. 20.—From Louis Staunton to Mrs. Butterfield.

"Brighton.

"I hear from my sister you called. . . . I will let every one know your character."

March 5.—From Mrs. Patrick Staunton to Mrs. Butterfield.

"Cudham.

"I hear from Alice . . . such a vile woman as you have proved yourself."

April 4.—From Louis Staunton to Mr. Butterfield.

"Little Grays Farm.

"I have received a communication from Mr. Hincksman. . . . It would be equally an easy matter to communicate with your bishop."

April 10.—From Louis Staunton to Mr. Butterfield.

"Little Grays Farm.

"Unless I receive an apology will instruct my solicitor to commence an action."

Draft of letter found at the Woodlands by the police, undated, but subsequent to March 5—in handwriting of Louis Staunton, but intended to be sent in name of Harriet Staunton.

"Mrs. Butterfield,—I really am astonished at your audacity."

Appendix XII.

APPENDIX XII.

Publications on the Subject of the Staunton Case.

There is in existence a reprint of a newspaper report of the trial of the Stauntons, but I have not been able to meet with a copy. The British Museum Library contains a small pamphlet [Press mark, 6495, c. 40 (5)] taken from the *Police News*, entitled, "Harriet Staunton, The Life and Portraits of the four prisoners connected with the Penge Case." The "portraits" are atrocious wood-cuts, and the letterpress of no value.

Of the newspaper reports of the trial, those contained in the *Times* and the *Daily Telegraph* are the best; the latter is a good deal the fuller of the two. The correspondence columns of the *Daily Telegraph* and the *Echo* for the interval between the close of the trial and the remission of sentence contain a good deal of matter bearing on the case. Extracts from these, together with some valuable medical notes from the *Lancet*, are given above. *The Penny Illustrated Paper* for 2nd June, and 6th, 13th, 20th October, contains some rough portraits and illustrations, including views of 34 Forbes Road, Penge, and of the Woodlands.

The Central Criminal Court Session Papers, vol. lxxxvi., contain the minutes of evidence, taken in shorthand by James Drover Barnett and Alexander Buckler, shorthand writers to the Court; they are full and reliable (with occasional slips), but are not in form of question and answer. The Session Papers do not print the speeches of counsel nor the summing up of the judge.

In his "Selected Speeches," republished in 1908, Sir Edward Clarke, K.C., gives the corrected report of his speech on behalf of Patrick Staunton, together with an introduction to the case.

In "Leaves of a Life" (ii. p. 97), the late Mr. Montagu Williams, Q.C., devotes a chapter to the Penge case. It is very superficial, and is conspicuous for omissions and for mistakes which one would hardly expect from a counsel who had figured in the case only thirteen years before writing his reminiscences.

The late Major Arthur Griffiths gives a short account of the case in "Mysteries of Police and Crime" (iii. 108); the text is illustrated by reduced photographs of the prisoners and Harriet Staunton.

There are, of course, allusions to the case in the Reminiscences of Baron Brampton (Sir Henry Hawkins), but they are of a very perfunctory character.

A careful summary of the medical evidence will be found in Taylor's "Principles and Practice of Medical Jurisprudence" (i. 640).

APPENDIX XIII.

Short Account of the Judge and Counsel Engaged in the Case.

Sir Henry Hawkins, Baron Brampton (1817-1907), born at Hitchin, 14th September, 1817, was the son of John Hawkins, solicitor, of that town. Educated at Bedford School, he practised for some years as a special pleader, and was called to the bar by the Middle Temple in 1843. He chose the Home Circuit, and there as well as at the Surrey Sessions and the Central Criminal Court he obtained a large practice, which soon brought him business in the superior Courts at Westminster. In 1858 he received a silk gown from Lord Chelmsford, and from that period to his elevation to the bench he was classed among the most successful advocates and most striking personalities of the day. "His powerful and flexible voice, his manner, and the variety of his facial expression gave him an enormous influence with juries; as a cross-examiner he was seldom, if ever, surpassed" (*Times*, 7th October, 1907). In 1858 he appeared with Edwin James, Q.C., for Simon Bernardi, who was charged with complicity in the Orsini conspiracy; he represented some of the defendants in the Overend and Gurney case in 1866; he was engaged in *Saurin* v. *Star*, and in *Sugden* v. *St Leonards* (1876). He was seldom heard on points of law in the Courts of law at Westminster, but he did an enormous business in reference and arbitration work; he was employed in the whole of the litigation arising out of the demolitions which led to the erection of the Law Courts and the Holborn Viaduct, and in one year his fees are said to have amounted to £22,000. His most notable forensic achievement, however, was in connection with the Tichborne case. He was deprived of the leading brief in the ejectment action by the elevation of Sir John Duke Coleridge to the Solicitor-Generalship, but his cross-examination of Baigent was a mortal blow from which the Claimant's case never recovered, and his conduct of the prosecution in the criminal proceedings which resulted in Orton's conviction for perjury greatly enhanced his prestige. He also defended Col. Valentine Baker in 1875. In November, 1876, he was appointed a judge in the Queen's Bench Division, but was almost immediately transferred to the Exchequer Division, which, however, was merged in the former on the death of Chief Baron Kelly in 1880.[3] On the bench he was remarkable for his wide knowledge of criminal law, and his opinion carried great weight in the Court of Crown Cases Reserved, but his conduct of the business on circuit was often the cause of grave dissatisfaction both to the public and to the bar. He retired in 1898, being raised to the peerage under the style of Baron Brampton of Brampton in Huntingdonshire. For several years after his retirement he took a leading part in the judicial work of the House of Lords, and to

[3] After the Judicature Act came into force in 1876 no more Barons of the Exchequer were created, and the following dialogue is reported to have taken place in the Exchequer Division shortly after the new appointment. A member of the Bar having referred to "Mr. Justice Hawkins," the Lord Chief Baron said—"Be good enough to call my learned brother by his proper title. He is not yet Baron Hawkins, and he is no more Mr. Justice Hawkins than I am Lord Chief-Justice Kelly. In the meantime my learned brother's name is Sir Henry Hawkins."—See *Penny Illustrated Paper*, Saturday, April 21, 1877.

the last his intellect remained bright and penetrating. His reputation as a lawyer will rest mainly on his judgments, delivered as a member of that tribunal. He died on the 6th of October, 1907.

Sir Henry Hawkins never sat in the House of Commons, though he contested Barnstaple unsuccessfully in the Liberal interest in 1865. He took a keen interest in the turf, and was for many years standing counsel to the Jockey Club. In August, 1904, he published his so-called Memoirs, in the compilation of which he was assisted by the late Richard Harris, K.C. Abounding in mistakes and inaccuracies, and written in a deplorable tone, the book has done injustice to the extraordinary acumen and ability of its subject.

Sir John Holker (1828-1882), son of Samuel Holker, manufacturer, of Bury, Lancashire, by Sarah, daughter of John Brocklehurst, of Clitheroe, was born at Bury in 1828. He was educated at Bury Grammar School, and articled to Mr. Eastham, solicitor, of Kirkby Lonsdale. He was called to the bar in 1854 by the Honourable Society of Gray's Inn, in which body he served the office of Treasurer in 1875. Having joined the Northern Circuit, the first years of his professional life were spent as "a local" at Manchester, where he acquired a large and miscellaneous practice. He received the rank of Queen's Counsel, and sprang at once into position as one of the acknowledged leaders of the circuit. He was returned to Parliament for Preston at a bye-election in September, 1872, and was re-elected in 1874 and in 1880. He was appointed Solicitor-General by Mr. Disraeli in April, 1874, and was knighted, and in the following year he succeeded Sir Richard Baggallay as Attorney-General. On the defeat of the Conservative Government in 1880 he resumed private practice, but in January, 1882, he was made Lord Justice of Appeal by Mr. Gladstone, who had formed a high opinion of his powers. It should be added that, though a typical Lancashire Conservative, he was known to have differed from his party on the Bradlaugh incident. During his few months on the bench he displayed great judicial powers, but at the time of his appointment his health was manifestly failing, and he died on the 24th of May. He is said to have declared that the office of Lord Justice was in his case a pillow for the head of a dying man. He was twice married, but left no issue.

Though little known outside political and professional circles, Holker was one of the forensic giants of his day. From his appearance he was known as "Sleepy Jack Holker," and no man was ever less studious of the arts and graces of oratory. In the conduct of a case he was without a rival, and none of his contemporaries could equal him in his power with a jury. A sound commercial and patent lawyer, he was retained in most of the *causes célèbres* of the day, and during his time as law officer there was an unusual crop of important criminal prosecutions in which he appeared in person for the Crown, notably the case reported in this volume, the trial of the Wainwrights (1876), and of the Scotland Yard detectives (1877). At the bar he was noted for his great kindness of heart and for his scrupulous conduct towards all with whom he was brought in contact "Holker had little of the grace that Russell could boast; his personality was outwardly heavy and uncouth; his language, rarely eloquent, was sometimes even rough and halting. But in his grasp of every case presented to him, and in his power of imposing the view he sought to uphold upon a northern jury even Russell was not his equal. . . . He seemed to notice nothing, and yet nothing escaped him. His method of appeal to the jury had something almost of cunning in its apparent helplessness. Even when he was

nearing success, and the verdict was within his grasp, he still retained the air of a man whose cause was in danger, owing to his inferior graces of style and his halting powers of eloquence. He had that persuasive art of convincing the jury that he was a plain man like themselves, and that the cause of justice was likely to suffer by reason of the superior intellectual attainments of his opponents unless he and they laid their heads together as plain men, and stood shoulder to shoulder in earnest endeavour to vindicate the right."—*Some Eminent Victorians*, by J. Comyns Carr, p. 54.

Sir Hardinge Giffard, first Earl of Halsbury, the third son of Stanley Lees Giffard, editor of the *Standard* newspaper, was born on the 3rd of September, 1823. He was educated privately and at Merton College, Oxford, whence he graduated B.A. in 1845. Entering at the Inner Temple in 1846, he was called to the bar, 25th January, 1850. Attaching himself to the South Wales Circuit, and attending regularly at the Central Criminal Court and Middlesex Sessions, he from the first showed great capacity as an advocate, and in 1861 he became one of the standing counsel for the Treasury, a post which he vacated on taking silk in 1865. He figured largely in the most important prosecutions of the day, including the trial of the Fenians for the Clerkenwell explosion of December, 1867. He appeared for Governor Eyre at the Market Drayton Sessions in the same year, and for some of the defendants in the Overend and Gurney case; in the ejectment action of *Tichborne* v. *Lushington* he was led by Serjeant Ballantine for the Claimant. He unsuccessfully contested Cardiff in the Conservative interest in 1868 and in 1874, and he was returned to Parliament for the first time as member for Launceston in March, 1877, having been appointed Solicitor-General, though without a seat in the House of Commons, in November, 1875, when he received the honour of knighthood. As law officer he appeared together with Sir John Holker in a series of sensational trials to which reference has already been made. In the 1880 Parliament he played a prominent part, being especially conspicuous in the opposition to Mr. Bradlaugh, and he enjoyed a large practice at *nisi prius*. His most famous verdict was that of £5000 for the plaintiff in *Belt* v. *Lawes*. He became Lord Chancellor under the title of Baron Halsbury, in June, 1885, and, following the fortunes of his party, he received the seals again in July, 1886, and June, 1895. In 1898 the dignity of an earldom was conferred upon him, and his son bears the courtesy title of Lord Tiverton. Whether on the Woolsack, in the Privy Council, or in the Court of Appeal, he has shown himself a judge of the highest rank. A good authority has declared that he is in the widest sense the greatest master of the common law since Lord Mansfield.

"He quitted the bar in the heyday of his fame. The disappearance of Holker had left him perhaps the most successful advocate of his day in that class of case where the appeal is to the sentiment, the emotions, or the prejudices of the jury. An admirable speaker and a fine cross-examiner, his pugnacious and combative spirit was kept in strict subordination to the needs of the hour, while it used to be said of him that he was the only man at the bar who would stand up to Charles Russell with absolute and unmistakable confidence."—Atlay, *Victorian Chancellors*, ii. 441.

Sir Harry Bodkin Poland, born in London, 9th July, 1829, is the sixth son of the late Peter Poland, merchant. Educated at St. Paul's School, he was called to the bar in 1851, by the Middle Temple, of which society he became a bencher in 1879. He was for

Appendix XIII.

many years counsel to the Treasury and Home Office, and in addition had a leading practice in rating cases; made K.C., 1888; knighted, 1895. Retired from active work at the bar in 1895, but held the Recordership of Dover, to which he had been appointed in 1874, down to 1901. Was for some time an alderman of the London County Council. Has written much on the subject of the reform of the law.

Sir Edward Clarke, born in London on 15th February, 1841, was the eldest son of J. G. Clarke, jeweller, of King William Street. Educated at the City Commercial School and City of London College, and attended the King's College evening classes. He entered the India Office as a writer in 1859, was elected to a Tancred Law Studentship in 1861, and called to the bar by the Society of Lincoln Inn in 1864. He rapidly attained a practice at the Surrey Sessions, and in the Central Criminal Court, but he first came prominently before the public eye in connection with the case reported in this volume, and by his successful defence of Inspector Clark in the "Detective's case," tried at the next sessions of the Old Bailey (1877). Other famous trials in which he took part were those of Adelaide Bartlet, where he obtained a verdict of acquittal for his client (1886); the Baccarat case, where he appeared for Sir William Gordon-Cumming (1891); and the prosecution of "the Raiders," in which he defended Dr. Jameson. As quite a young man he took a leading part in politics in the Conservative interest; he was elected M.P. for Southwark at a bye-election in February, 1880; lost his seat at the General Election in April, but was returned for Plymouth in July of the same year, and sat for that constituency until October, 1900, when he retired. He was elected for the city of London in January, 1906, but resigned his seat in May. He was Solicitor-General, 1886-1892, receiving the honour of knighthood, and he was sworn of the Privy Council in 1908. He is the author of the standard book on Extradition (first edition, 1866), and published a collection of his forensic and political speeches in 1908.

Sir Douglas Straight, born in London, 22nd October, 1844, was the son of Robert Marshall Straight, barrister-at-law. Educated at Harrow, he was called to the bar by the Middle Temple in 1865, and got rapidly into work, especially in criminal cases, receiving the appointment of junior counsel for the Treasury. He was returned to Parliament in the Conservative interest for Shrewsbury in 1870, but lost his seat in 1874. He was appointed Commissioner to inquire into corrupt practices at Boston in the same year. Appointed judge of the High Court of Allahabad in 1879; retired in 1892. Contested Stafford unsuccessfully as a Conservative in 1892. Editor of the *Pall Mall Gazette*, 1896-1909.

Montagu Stephen Williams, son of John Jeffries Williams, barrister-at-law, was born at Freshford, Somersetshire, on 30th September, 1835. He was educated at Eton, and was for a short time an ensign in the 41st Foot. Quitting the Army, he joined a touring stage company, and in 1858 married a daughter of the well-known actress, Mrs. Keeley. He was the author and adapter, mainly in conjunction with Sir Francis Burnand, of several successful plays and farces, and he also did work for the Press, and contributed to *Household Words*. He was called to the bar at the Inner Temple on 30th April, 1862, and joined first the Home and then the Oxford Circuit. His main practice, however, was at the Central Criminal

Court and the Middlesex and Surrey Sessions, where he rapidly attained a leading practice.

"His great vitality and vigour, his striking if irregular features, his self-possession, and his knowledge of men and of all sides of life led him quickly to a large practice, especially as a defender of prisoners."—*Dictionary of National Biography*, lxi. 434.

In this capacity he was retained in most of the sensational trials of the day. In 1879 he was appointed junior prosecuting counsel to the Treasury, with Sir Harry Poland as his senior. In 1886 an affection of the throat necessitated a severe operation, and though he returned for a short time to the bar, his voice was almost inaudible. In December of that year he was appointed a metropolitan stipendiary magistrate, and in 1888 he was made a Queen's Counsel. He died at Ramsgate on 23rd December, 1892. His books, "Leaves of a Life" (1890), and "Later Leaves" (1891), are an imperfect record of his career. As a magistrate he did much charitable work among the London poor.

Sir Charles Willie Mathews, born in 1850, the adopted son of Charles James Mathews, the younger, was educated at Eton and called to the bar by the Middle Temple in 1872. Prior to his call he had read with Mr. Montagu Williams, and he now became associated with him in many of the chief criminal cases of the day. "At the later end of 1868," says the latter in "Leaves of a Life" (ii. 294), "the very best pupil I ever had came into my chambers. It was C. W. Mathews. He remained with me until 1879, and, as what is termed a 'devil,' was of the greatest possible service to me. My pupils generally turned out well, but I think I may say that young Mathews was the best of the lot." He obtained a large practice both in London and on the Western Circuit. He was appointed junior counsel to the Treasury at the Central Criminal Court in 1886, and senior counsel in 1888. He was made Recorder of Salisbury in 1893, and held that office till his appointment as Director of Public Prosecutions in 1908. In the previous year he had been knighted by King Edward VII., on the occasion of the opening of the new Central Criminal Court.

Percy Gye, the fourth son of the late Frederick Gye, was born 25th November, 1845, and educated privately. He was called to the bar by the Inner Temple in 1872, and appointed a County Court Judge in 1896.