

CHAPTER XXXI.

Hare's Case before the High Court of Justiciary—Speech by Mr. Francis Jeffrey—Opinion of the Judges—A Divided Bench—The Decision of the Court.

THE High Court of Justiciary met to decide on the case, as it now stood, on the 2nd of February. The importance of the issue to be deliberated upon is shown by the fact that on the bench were no fewer than six judges—the Lord Justice-Clerk (Boyle), and Lords Gillies, Pitmilley, Meadowbank, Mackenzie, and Alloway. Hare was represented by Messrs. Duncan McNeill and Hugh Bruce; the private prosecutors by Messrs. Francis Jeffrey, Thomas Hamilton Miller, and E. Douglas Sandford; and the Crown by the Lord Advocate, the Solicitor-General (Mr. Hope), and Messrs. Robert Dundas, Archibald Alison, and Alexander Wood, Advocates-Depute.

At the outset, Mr. Jeffrey obtained the permission of the Court say a few words on the power of the public prosecutor to enter into a compact with accomplices whom he might think proper to adduce as witnesses. The particular questions he wished to raise were—Had the High Court of Justiciary no power over such a compact? Had the court, he asked, no judicial discretion over the terms of such an agreement, and did it rest with the Lord Advocate, and not with the court, to decide on its validity and effect? If these were to be answered in the affirmative, then the result simply was that the Lord

Advocate was *per vias aut modos* substantially invested with the royal prerogative of pardon. Mr. M'Neill, on behalf of Hare, had nothing to add to what was contained in the printed information for his client.

The first judge to give his opinion on the case before the Court was Lord Gillies, who, after complimenting the Lord Advocate for having, by his action in the charge against Burke, saved the country from an "indelible disgrace," gave it as his opinion that his lordship was entitled to pledge his responsibility for a pardon or remission. But proceeding to the main question, whether this Court had powers, by law, to quash the proceedings taken against Hare by Wilson's relations in consequence of what took place at his precognition or at the trial of Burke, Lord Gillies, after a long argument, gave it as his opinion that the Court could not do so, and should accordingly reject the bill presented on behalf of Hare. He conceived that, in the general case, the legal right and title of the private party to prosecute was clear and indisputable. By the Act 1587, cap. 77, and a prior enactment, 1436, pursuits at the King's instance were only subsidiary; and even at the present time, after various changes, the private right of prosecution was, he believed, as sacred and as indisputable as that of the Lord Advocate. Then, on the question of *socii criminis*, his lordship said that anciently a *socius* was, as a general rule, not admissible, and had no immunity; but by the Act 21 Geo. II., c. 34, an accomplice to theft or cattle-stealing was admitted, and immunity was granted him if his evidence proved the guilt of the prisoner. In 1770, in the case of Macdonald and Jameson, the doctrine was laid down, not that an accomplice giving evidence was discharged of the crime, but merely that his examination might *go far* to operate as an acquittal from the crime as to which he was examined. By a decision in 1794, a *socius* was declared safe; first, if he were *examined* as a witness; and second, if he *spoke out*. No doubt there had been a great extension of the law, but taking the only statute that was in existence, they would find that it only gave impunity to him who had been examined, and not to him who might have been cited and not examined. It was said Hare was ready

and willing to give evidence on the two charges against Burke that were not remitted to the jury; but this the court could not know, and, at anyrate, an examination as a witness, which *alone* by law, even as extended by practice, gave indemnity, did not take place. As for the relationship existing, in virtue of the compact, between the Lord Advocate and Hare, it was one thing for his Lordship to apply for and obtain a pardon from the Crown, and another thing to have power to give a legal exemption from trial to a criminal, merely by citing him as a witness.

Lord Pitmilly, however, took another view of the case. He concurred generally in the historical *résumé* of the law as given by Lord Gillies, though he differed in his conclusions. "I feel intensely," said his Lordship, "for the relatives of Wilson; I sympathise also with the public desire to bring a great criminal to justice; but I feel more for the security of the law; and I hold no consideration so important, as that public faith, pledged by a responsible officer, and sanctioned by the Court, in pursuance of uniform practice, should be kept inviolate, even with the greatest criminal."

The history of the law relating to *socii criminis* was very learnedly reviewed by Lord Meadowbank, who submitted that it was clearly established, from a train of practice running through a period of upwards of two centuries and a half, that *socii criminis* had been admissible witnesses in the law of Scotland. Such being his opinion, he should have presumed at all times, and under all circumstances, the examination of a witness must have operated *ipse facto*, as an immunity to him from subsequent prosecution for the crime respecting which he was called upon to give evidence. In truth, he declared, so irreconcilable to all sound reason would it be to hold, either that no such immunity was thereby obtained, or that there was not created an equitable right, as in England, to a pardon, that he could not imagine how any *socii criminis* ever could have been examined. In the present case he considered the promise of the Lord Advocate barred the private prosecutors from taking action against Hare for punishment, though it in no way interfered with their right of prosecution for assythment, and he

was clear that this warrant ought to be discharged, and the complainer ordained to be set at liberty.

Lord Mackenzie went over much the same ground as his judicial brethren, and in delivering his opinion that Hare ought to be set at liberty, he said :—"Remembering, as we must do, the dreadful evidence he gave, it is impossible to contemplate his escape without pain,—a pain always felt, in some degree, in every case where an accomplice in a great crime is, however necessarily, taken as evidence for the Crown, but never, I believe, felt more strongly than the present. I sympathize with that feeling; but I feel not less strongly that this man, however guilty, must not die by a perversion of legal procedure,—a perversion which would form a precedent for the oppression of persons of far other characters, and in far other situations, and shake the public confidence in the steadiness and fairness of that administration of criminal justice, on which the security of the lives of all men is dependent."

Lord Alloway, on the other hand, felt bound to differ from the opinions of the majority of his brethren, and to concur in that given by Lord Gillies. He conceived that Hare might have a protection as to the murder of Campbell or Docherty, he having been a witness against Burke and M'Dougal in their trial for that murder, but he doubted if that protection extended to the other two charges, as to Wilson and Paterson, or in any other crimes for which Burke was never tried. As to the position of the Wilsons, it was his opinion that a private prosecutor had an undoubted right to prosecute to the highest doom every offender who had injured him, and for the punishment of all offences in which he had an individual interest. This opinion was founded upon the authority of every institutional writer upon the criminal law of Scotland, upon a variety of statutes, upon the decisions of the High Court of Justiciary, and upon the practice of the country; and his lordship thought that these circumstances, without one single authority to the contrary, would have been sufficient to prevent the contrary doctrine from being maintained, chiefly upon the ground of expediency and advantage to the public.

The Lord Justice-Clerk then gave his opinion, throwing his weight with the majority of the Court. He commended the

course taken by the Lord Advocate in retaining Hare and his wife as evidence, for had not that been done it was probable no verdict such as was given would have been come to by the jury. As to Hare's position, it seemed to him that the Lord Advocate had an undoubted privilege, according to long and established usage, of selecting from those suspected of such crimes such persons whose evidence he might deem material to secure the ends of public justice, and to assure them that, upon giving evidence, he would never bring them to trial for their concern in the transactions as to which they were examined. It seemed to his lordship that Hare, having given evidence as he did, completed his indemnity, and rendered it impossible for the public prosecutor to turn round, after the conviction of Burke, and indict the witness for his concern in either of the acts, the trial of which had only been postponed at the earnest desire of the prisoners. It appeared to be undoubted law that the public prosecutor having selected the accomplice, and used his evidence upon the trial, thereby necessarily deprived parties of the right which, but for his proceeding, they undoubtedly would have had to prosecute. If this were not the case, then the relatives of Docherty would also be entitled to prosecute Hare for the share he had in her murder, but it was conceded by the counsel for the respondents (the private prosecutors) that the relations of Docherty could not under the circumstances maintain that right. If Hare were legally exempted from all prosecution at the instance of the public prosecutor, for any accession he might have had to the three acts of murder charged in the indictment against Burke and M'Dougal, there seemed no ground in law for maintaining that he might still be prosecuted at the instance of the relatives of any of the three parties alleged to have been murdered.

These opinions, weighty and well considered, on a most important point in the criminal law of Scotland, having been delivered, the Court finally pronounced the following judgment:—

“The Lord Justice-Clerk and the Lords Commissioners of Justiciary having resumed consideration of the bill of advocacy, suspension, and liberation for William Hare, with the Informations given in for both parties, in obedience to the order

of Court of 26th January last, and Answers given in for his Majesty's Advocate, in compliance with said order ; Pass the bill ; advocate the cause ; and in respect that the complainer, William Hare, cannot be criminally tried for the crime charged in the warrant of commitment, therefore, suspend the said warrant, and ordain the Magistrates of Edinburgh, and Keepers of their Tolbooth, to set the said William Hare at liberty ; and discharge all farther procedure in the precognition complained of ; and ordain the said precognition, in so far as it has already been taken, to be delivered up to the Clerk of this Court, in order to the same being sealed up, to abide the farther orders of this Court, and discern."

But though Hare was now ordered by the High Court of Justiciary to be liberated, he was not yet a free man. The relatives of Wilson, acting in a sense as the representatives of public opinion, and certainly supported by public contributions, took further steps, which brought about a new phase of the case against Hare. Immediately after the court had pronounced that it was incompetent to prosecute Hare criminally, there was presented to the Sheriff a petition intimating the intention of Mrs. Wilson and her daughter to prosecute him civilly for the sum of £500 in name of assythment for the murder of their relative, and praying that, as he was *in meditatione fugæ*, he should be detained in prison until he found caution to appear in answer to their averments. The Wilsons then, before the Sheriff, declared upon oath—"That the said William Hare is justly addebted, resting and owing to the deponents, the sum of £500 sterling, or such other sum as shall be modified by the Court of Justiciary, or any Court competent, as stated in the petition : that the deponents are credibly informed, and believe in their conscience, that the said William Hare is *in meditatione fugæ*, and about to leave this kingdom, whereby the deponents will be defrauded of the means of recovering said sum : that the grounds of their belief are, that Hare was born in Ireland : that a short time ago he was imprisoned for examination, preparatory to a trial upon a charge of murdering James Wilson, of which they have no doubt he was guilty : that owing to certain circumstances, he has not been brought to trial for the offence, and there is reason to believe that he will

speedily be liberated from custody ; and owing to the prevailing belief of his guilt, and the popular indignation which has in consequence been raised against him, it is impossible that he can, with safety to his life, remain in Scotland, particularly as he has been suspected to be guilty of other murders ; and, therefore, they have no doubt, that as soon as he shall be liberated from custody, which they believe will be this evening, he will use utmost and immediate exertions to escape from Scotland to Ireland."

This form having been gone through, Hare was brought in, and was asked if he were concerned in killing James Wilson, to which he replied that he would say nothing about it. He was then questioned as to his intentions when liberated, but he remained silent all through. Mr. Monro, the agent for the petitioners, moved the Sheriff to grant a warrant of commitment, and offered to produce evidence that Hare was *in meditation fugæ* should his lordship desire it. The Sheriff appointed a proof for that same day. The first witness examined was William Lindsay, a prisoner in the Tolbooth of Edinburgh, who stated that two or three days before Hare told him that if he were liberated he would leave this country and go home to Ireland immediately. John Fisher, the head turnkey in Calton Jail, corroborated. Hare was then informed by the Sheriff that if he intended to remain in Scotland, any witnesses he might wish to speak to that fact could now be examined. The prisoner's tongue was loosened, and he replied that he had no money, and must go somewhere to get work ; that he had no domicile in this part of the country, and could not remain in Edinburgh ; and that as a matter of fact he did not know whether he would remain in Scotland, or go to Ireland or England in quest of employment. The Sheriff accordingly granted a warrant for the detention of Hare until he found caution to answer to any action that *might be* brought against him, in any competent court, for payment of the sum mentioned in the petition.

Hare was thus again thrown back, and it must have seemed to him that if by turning informer against Burke he had saved his life, he was to be deprived of enjoying what remained of it as a free man. But the Wilsons and their friends saw that to

prosecute the action for assythment could lead to no good result. Hare was penniless, and it was therefore hopeless to seek compensation from him, while if they did so they would be throwing away money needlessly in the process. The warrant was withdrawn on Thursday, the 5th of February, and Hare was at last free to go where he pleased.

CHAPTER XXXII.

Popular Feeling against Hare—His Behaviour in Prison—Withdrawal of the Warrant—His Liberation and Flight—Recognition—Riot in Dumfries, and Narrow Escape of Hare—Over the Border—Ballad Version of the Flight.

THE warrant *in meditatione fugæ* by the relatives of James Wilson against Hare was withdrawn quietly on the afternoon of Thursday, the 5th of February, and the authorities at once made arrangements for his liberation. They knew that to place him outside the prison gates and allow him to shift for himself would only be to endanger his life at the hands of the excited mob of Edinburgh, who would, under the high feeling then prevailing, have scrupled little about hanging the detested criminal and informer from the bar of the nearest lamp-post, or to have thrown him from the Castle-hill. Hare knew the feeling that was against him, but he affected to treat it with scorn. Even while the proceedings were being taken against him, and it was doubtful if he would not be put upon trial, which would have meant certain conviction, he displayed a levity altogether unbecoming a man in the critical position in which he stood. He asked his agent, with a sneer, what was the value of Daft Jamie, and remarked that the price given by the doctors was surely too much, as if the poor lad been offered alive to any one he would not have been bought

at any price. His opinion of the proceedings, therefore, was that the judges were wasting their time and their talent about a thing of no value. On another occasion Hare and several fellow-prisoners were walking in the court-yard when some visitors were being shown through the establishment. One of his companions turned to the strangers, and, pointing with his finger to the notorious criminal, said, "Here's Hare; look at him!" The eyes of the party were immediately turned upon the man whose crimes had made him so infamous, but he, with brutal nonchalance, stared them out of countenance, and remarked, "Pitch a shilling this way, will ye?"

It was but natural that in the state of public feeling the decision of the High Court of Justiciary in Hare's petition should cause dissatisfaction in many quarters; and the fact that two of the judges took a different view of the law from the majority of their colleagues, only tended to prolong the controversy. Many were the bitter comments made on the case, but none was more forcible than the remark that the judges came to decide on the case drunk with law, and kicked sober justice out of court. Clever although this statement was, and partially true, it involved a fallacy which was admitted after the excitement occasioned by the disclosures of the conspiracy had spent itself.

But notwithstanding this feeling on the part of the public, the law had to be carried out, and Hare had to be set at liberty. The prison officials took an outside place for him, under the appropriate name of Mr. Black, on the coach for England; and shortly after eight o'clock on the night of Thursday, the 5th of February, Hare left Caltonhill Jail. To prevent identification he was muffled up in an old camelot cloak; and in his hand he carried a small bundle of clothes. Accompanying him was John Fisher, the head turnkey, who was charged to see him safe out of Edinburgh. At Waterloo Bridge they called a hackney coach, and in it drove to Newington, where they waited the arrival of the mail. When the coach came up it was stopped, and Hare took his place on the outside. As the guard called out to the driver, "All's right," the turnkey shouted out a cordial farewell to his *quasi* friend—"Good bye, Mr. Black, and I wish you well home." Away the coach went, and Hare

was free and out of Edinburgh without it being known to any but the prison officials that he was even at liberty. What a tumult there would have been had the people suspected that the man for whose death they clamoured was posting from them! Had they even had an inkling of what was going on it is problematical if he would have been allowed to leave the city without marks of their vengeance which he would have borne to his dying day, possibly he would have been torn to pieces.

However, the plans of the authorities had been carried out with such secrecy that no one was aware of what was being done, and Hare might have left the country without recognition, had it not been for his own imprudence. The night was bitterly cold, and in the frosty air a seat on the top of a rapidly travelling coach was far from comfortable. Accordingly, when the mail arrived at Noblehouse, the second stage on the Edinburgh road, Hare, knowing there were twenty minutes to wait, descended from his perch, and accompanied the inside passengers into the inn. He seemed to be alive to the dangers of recognition, for at first he sat near the door, at the back of the company, with his cloak muffled closely around him, but some of his fellow-travellers, thinking his backwardness was due to modesty, said he must be perishing with cold, and invited him to a seat nearer the fire. Hare felt the truth of the suggestion, and in taking advantage of the invitation he threw aside his cloak and hat to warm his hands before the roaring fire. This was an injudicious movement on the part of the fugitive under any circumstances, but it was especially so now owing to the fact that Mr. Sandford, the advocate, who had been employed along with Mr. Jeffrey by Daft Jamie's relatives to conduct the prosecution against Hare, was a passenger in the coach, and one of the company in the inn. Sandford at once recognised him, and Hare knew that, for he saw the advocate shake his head ominously at him.

When the guard blew his horn for the renewal of the journey, Hare was first at the coach-door, and as the night was so bitterly cold, and there was a vacant seat inside, he was allowed to occupy it. Mr. Sandford, however, when he discovered the new arrangement, ordered the guard to "take

that fellow out," and although others of the passengers remonstrated on the hardship of sending the man to the outside of the coach in such weather, he insisted upon being obeyed, and accordingly Hare was transferred to his old seat. The coach again started, and the advocate judging that his fellow-travellers were entitled to some explanation of his extraordinary conduct, revealed to them the identity of the person he had dealt with so harshly, and if their sympathies did not altogether disappear they at least concluded that the position taken up by Mr. Sandford was to some extent justifiable.

When the coach arrived in the morning at the King's Arms in Dumfries, the news spread rapidly that Hare was among its passengers, and by eight o'clock a crowd of some eight thousand people surrounded the inn, all eager to obtain a sight of the notorious murderer whose terrible crimes had caused such a sensation in that, as in other parts of the country. It was known that he was bound for Portpatrick, and the interval of four hours between the arrival of the Edinburgh mail and the departure of the Galloway and Portpatrick coach was one of the most exciting in the history of Dumfries. Meanwhile Hare was inside the inn drinking ale with a number of stablemen, giving them such ridiculous toasts as "Bad luck to fortune." Some of them tried to get a story of his crimes from him, but he declined to say anything about them, as he declared he had said enough about that before, and had done his duty in Edinburgh.

It was deemed impossible to drive the mail along the High Street, when the time of departure arrived, if Hare were in it, with safety to the other persons connected with it, for the people had laid their plans for the attack. They intended stopping the coach at the bridge and throwing Hare into the river, or failing that, they had closed the gates at Cassylands toll-bar where they proposed to deal with him in another manner. Two passengers were sent forward a part of the way in a gig, and the coach left the inn empty. The mob surrounded it, but their fury was only intensified to find that the West Port murderer was not in it. The coach was allowed to proceed, and attention was again turned to the inn, towards which a large number pressed their way.

An old woman attempted to strike at "the villain" with her umbrella, and another, after exhausting herself with verbal abuse, seized him by the collar of the coat and gave him such a shaking that he was nearly strangled. An hostler addressed the now trembling Hare:—"Whaur are ye gaun, man? or whaur can ye gang tae? Hell's ower guid for ye. The very deevils, for fear o' mischief, widna daur to let ye in; and as for heaven, that's entirely oot o' the question." As he crouched in a corner a small boy menaced him, and was backed up by the crowd, who enjoyed the sight. Hare at last became so thoroughly exasperated that he told his tormentors to "come on," and give him "fair play." The tormenting to which he was subject became unbearable, and he seized his bundle and walked towards the door, determined, as he said, to let the mob "tak' their will o' him," but in this effort he was checked by a medical man who happened to be present.

The position of affairs in Dumfries had now become positively alarming, and Mr. Fraser, the landlord of the King's Arms, saw that while his obnoxious guest remained in his house it was in danger of being wrecked, and he was therefore naturally anxious for his removal. In fact the whole town and neighbourhood were completely convulsed, and it was impossible to tell what might be the next movement on the part of the excited people. The burgh magistrates met to deliberate upon some plan for preserving the peace of the town. After long consideration they agreed upon a plan which ran every risk of failure, but which was perhaps the only one they could have adopted.

A chaise and pair drove up to the door of the King's Arms, between two and three o'clock in the afternoon. A trunk was buckled to it, and a great fuss was made. While these movements were going on before the people to attract their attention from what was the really important part of the magisterial plan, Hare slipped out of a back window, crept along by the stable-wall to a chaise in readiness to receive him. Once he was in, the doors were closed, the postillion whipped his horses to the gallop, and drove rapidly along the street towards the river. The mob having received a hint of what was going on from a few boys who had been lounging about the inn stables,

made after the chaise with a rush. Volleys of stones were thrown at it, and some of the missiles went through the windows of the vehicle, narrowly missing Hare, who cowered at the bottom of it. On the horses flew, and, taking a turn sharply, the coach was nearly overturned, but after running a short distance on two wheels it righted. At the bridge the fugitives were almost intercepted, but the people were too late. After some furious driving, the jail door was reached, and the governor, having been informed that he might expect a distinguished guest, opened the door immediately. Hare sprang out of the chaise, and in past a strong chain that had been placed behind the prison gate for greater security against a rush of the mob. "Into this gulf he leapt," said the *Dumfries Courier* of the following week, "hop, step, and jump, a thousand times more happy to get into prison than the majority of criminals are to get out of it."

The people now saw how they had been deceived, and they were furious with rage and disappointment. Hare, if he fell into their hands now could not hope to escape; but, fortunately for him, the high strong walls of the prison were between him and the excited populace. The mob laid siege to the jail, blocked up all the door and gateway, and no one could pass out or in without considerable personal risk. This began at four o'clock in the afternoon, and for four hours later the angry mob howled and shouted, and even sought to break down the prison gates with a heavy piece of iron which they used as a battering-ram. When the street lamps in the vicinity were lighted at nightfall, they were immediately extinguished by some of the rioters, many of whom had now come to the conclusion that the best means they could adopt for forcing a surrender was to burn down the gate by lighted tar barrels and peats. About eight o'clock in the evening, however, the magistrates had made arrangements for dispersing the people. The militia staff and the police force had been found quite insufficient to quell the disturbance. A hundred special constables were therefore sworn-in, and were drafted to assist in the preservation of the peace. The augmented force quickly cleared the streets, and the people, tired and exhausted with their exciting day's employment, at last

reluctantly retired to their homes. But their efforts were plainly manifest in the amount of wreckage about the town, and scarcely a window in the prison or its neighbourhood was intact.

While the tumult was at its height, Hare, fatigued and weary, slipped away to the bed provided for him, and soon he was fast asleep, for he had had no rest since leaving Calton Jail in Edinburgh. About one o'clock on Saturday morning he was wakened by the officials, who told him that, now the town was quiet, he must depart immediately. Trembling violently, he put on his clothes, and before leaving asked for his cloak and bundle. But these had been left at the inn, and were not at hand. The officers said he must do without them, and thank his stars into the bargain that he had escaped with whole bones. They also advised him that—as the whole of Galloway was in arms, and as the mail-coach had been stopped and searched the day before at Crocketford toll-bar, probably, also, at every other stage between Dumfries and Portpatrick—he would be better to take a different road. With this advice he set out on his journey on foot, and by three o'clock in the morning he was seen by a boy passing Dodbeck. By day-break he was probably over the border. On Saturday and Sunday it was reported that Hare's identity had been discovered at Annan, and that he had been stoned to death; but this was a mistake, for the driver of the English mail, on his return journey, saw him seated on the roadside within half-a-mile of Carlisle shortly after five o'clock on Saturday afternoon. The fugitive was then seated talking to two stone-breakers, and as the coach passed he held down his head, but was recognised by the driver and an outside passenger. On the Sunday morning he was again seen about two miles beyond Carlisle, having skirted the city, the inhabitants of which were stated to be prepared to give him as cordial reception as the men of Dumfries. It is believed that after this Hare turned eastwards towards Newcastle, but as a matter of fact nothing is authoritatively known of his subsequent movements.

There is a story which an old resident of the east end of Glasgow, who died over eighty years of age, in the autumn of

last year (1883), used to tell with great gusto. In his younger days this old gentleman was of a wandering disposition, and travelled on foot over the greater part of the island. In the spring of 1829 he passed through Berwick-on-Tweed, and put up for the night at a lodging-house there. He was told by the landlady that he could not have a bed for himself, but would require to sleep with another lodger who was, of course, a stranger to him. On retiring to the room, M'A——, the Glaswegian, found that his bed-fellow was before him, and was sound asleep. This, however, was of little consequence, and he was soon himself in a similar condition. In the middle of the night he was awakened by his companion grasping him firmly by the throat, and, greatly alarmed, he flung off his assailant, sprung out of bed, and demanded to know what such behaviour meant. The stranger replied, in an apologetic tone, that he must have had the nightmare, for he knew nothing about what he was doing until he was thrown off. After a little conversation the two men became quite friendly, and again retired to rest. The night passed without further incident. In the morning, when he awoke, M'A—— found that his bed-fellow was gone. He told the landlady at breakfast of the adventure, and she then informed him that the man with whom he had slept was none other than the notorious Hare. He shivered with horror, but the danger was past, and, for more than half a century, M'A—— told how in his youth he had spent a night with Hare, the accomplice of Burke. If the identification was correct, it was probably the case that Hare was really suffering from the nightmare, for it is not at all likely that he would attempt murder among strangers so soon after his narrow escape in Edinburgh.

In the preceding pages the story of Hare's departure from Scotland has been told, very much as given to the world in the columns of the *Dumfries Courier*; but the ballad-makers had another version which may prove interesting now, as it did at the time of its publication. Here are a few verses:—

“ Dark was the mid-night, when Hare fled away,
Not a star in the sky gave him one cheering ray,
But still now and then blue lightning did glare,
And strange shrieks assailed him like shrieks of despair.

“ But still as the fugitive ran down the wild glen,
Not a place did he fear like the dwellings of men ;
Where a heap lay before him all dismal and bare
The ghost of Daft Jamie appeared to him there.

“ ‘ I am come,’ says the shade, ‘ from the land of the dead,
Though there be for poor Jamie no grass-covered bed ;
O’er hills and o’er valleys I’ll watch thee for ill,
I will haunt all thy wanderings, and follow thee still.

“
‘ I am come to remind you of deeds that are past,
And tell you that Justice will find you at last.

“ ‘ When night darkens the world, oh, how can you sleep ?
In your dreams do you ne’er see my poor mother weep ?
And long will she weep, and long will she mourn,
Till her wandering Jamie from the grave can return.

“ ‘ From the grave, did I say ? Ah, calm is the bed
Where sleepless and dreamless lie the bones of the dead ;
Their friends may lament them, and their sorrows may be,
But no grave grows green in the wide world for me.

“ ‘ Oh, Hare, go and cover your fugitive head,
In some land you’re not known by the living or dead ;
For the living against thee will justly combine,
And the dead will despise such a body as thine.’ ”

CHAPTER XXXIII.

The Confessions of Burke—The Interdicts against the “Edinburgh Evening Courant”—Burke’s Note on the “Courant” Confession—Issue of the Official Document—Publication of both Confessions.

PASSING mention was made in a previous chapter of the confessions of his crimes made by Burke while he was in prison awaiting the time fixed for carrying out the final sentence

passed upon him by the High Court of Justiciary, and it was then stated that the curious history of the second, or *Courant*, confession, must be reserved for the proper time. Part of that history has already been related, for it has been seen how, when the *Courant* announced the Monday before Burke's execution that that document would be published in its columns on the following Thursday, the High Court granted interdict prohibiting the publication until the proceedings against Hare were concluded. The *Courant* bowed to this decision, but promised at the same time to lay before its readers the interesting paper as soon as possible.

This, however, was only the beginning of the difficulty. In its issue of Thursday, 5th of February, the *Courant* stated that the interdict granted by the High Court of Justiciary, on the application of Mr. Duncan M'Neill, as counsel for Hare, having expired on the Monday previous (the 2nd of February), the publishers fully intended to have inserted the confession by Burke in their paper of that day. But, unfortunately, they had been laid under a new interdict by the Sheriff, at the instance of Mr. J. Smith, S.S.C. This Mr. Smith was the gentleman who had applied to the Lord Advocate some weeks before for permission to visit Burke in prison for the purpose of receiving from him a full confession of his crimes, and who, on being refused, had unsuccessfully appealed to the Home Secretary. On Tuesday, 3rd February, this gentleman applied to the Sheriff, craving that the *Courant* be interdicted from publishing the confessions of Burke. The application was founded upon an allegation that the document in the possession of the editor of the *Courant* was intended by Burke to be delivered to Mr. Smith, and had been given by the condemned man to a fellow-prisoner named Ewart for that purpose. Ewart entrusted it to the care of Wilson, a turnkey, who had disposed of it to the editor of the *Courant*. By this means, it was alleged, the intention of Burke was defeated; and it was further stated that the night before his execution, in the presence of Bailie Small, Mr. Porteous, and Mr. James Burn, Burke signed a document authorising Mr. Smith to uplift from the editor of the *Courant* the declaration now under discussion. This paper was in these terms:—"The document or narrative, which I

signed for — Ewart, was correct, so far as I had time to examine it; but it was given under the express stipulation that it should not be published for three months after my decease. I authorise J. Smith to insist upon the delivery of the paper above alluded to from the *Courant*, or any other person in whose possession it may be; and, at the same time, I desire Bailie Small to be present when the papers are demanded and got up, and that they may be taken to the Sheriff's office and compared with my declaration made before the Sheriff, which is the only full statement that can be relied on." The Sheriff granted interdict, but on the following day a petition was presented on behalf of the *Courant* praying for its recall. In support of this it was stated that Wilson, the turnkey, had disposed of the confession to the editor of that journal for a fair price, while the document itself had not come unfairly into his hands. The question of the right or power of a condemned criminal to bequeath property of any description was also raised, but was not seriously entered into. The Sheriff, however, did not see his way to recall the interdict, and said it was worthy of some attention whether the document given to Ewart was not to be published until three months after the death of Burke.

But whatever may have been the method adopted by the *Courant* to obtain possession of the confession, it is at least certain that the document, though its publication for a time was laid under interdict, was not uplifted, and that it was ultimately issued to the public long before the period stipulated for by Burke. This was probably due to the fact that a new set of outside circumstances emerged which rendered it imperative that the private confession should be published if any profit was to be gained or enterprise shown. The Lord Advocate had given orders for the issue of the official confession to all the newspapers, and the competitors for the ownership of the other document were thus forced to come to a mutual arrangement.

On the 5th of February, the day on which Hare was liberated, the Sheriff addressed a letter to the Lord Provost of Edinburgh, in the course of which he said:—"As it is now fully understood that all proceedings of a criminal nature

against William Hare have terminated, it has appeared to the Lord Advocate that the community have a right to expect a disclosure of the contents of the confessions made by William Burke after his conviction. I have, therefore, to place those confessions in your lordship's hands with the view to their being given to the public, at such a time, and in such a manner, as you may deem most advisable. . . . It may be satisfactory to your lordship to know, that in the information which Hare gave to the Sheriff on the 1st December last (while he imputed to Burke the active part in the deeds which the latter now assigns to Hare), Hare disclosed nearly the same crimes in point of number, of time, and of the description of persons murdered, which Burke has thus confessed; and in the few particulars in which they differed, no collateral evidence could be obtained calculated to show which of them was in the right. Your lordship will not be displeased to learn, that after a very full and anxious inquiry, now only about to be concluded, no circumstances have transpired, calculated to show that any other persons have lent themselves to such practices in this city, or its vicinity; and that there is no reason to believe that any other crimes have been committed by Burke and Hare, excepting those contained in the frightful catalogue to which they have confessed."

This action on the part of the Lord Advocate was simply a formal way of making the public aware of the contents of the confession, the Lord Provost being the official representative of the citizens of Edinburgh. He, in his turn, sent the document to the newspapers for publication. Of course, when the people read it they would be initiated into the secrets of the conspiracy engaged in by Burke and Hare, and the *Courant* managers saw that it would forestall their confession, even though it was fuller in detail. There must have been a hasty consultation with Mr. Smith, for on Saturday, the 7th February, the two confessions appeared in that journal, accompanied by the following editorial note:—

"The interdict of the Sheriff on the publication of the confession and declaration of Burke, which has been for some time in our possession, having been withdrawn in consequence of a mutual compromise, we now publish this document, along with

a declaration signed before the Sheriff, and sent by him to the Lord Provost for publication the day after he had pronounced an interdict against the *Courant*. It will be observed that the declaration before the Sheriff is dry and meagre in its details. The declaration which we publish is much fuller, and contains minute and striking circumstances which were never before laid before the public. The publication of this declaration and confession has been delayed by various proceedings; of which, however vexatious, we are not disposed to complain. The interdict of the Court of Justiciary being deemed essential to the ends of justice, we yielded an immediate and respectful obedience to this order. The first interdict by the Sheriff, at the instance of a private party, was granted as a matter of course; and that interdict, after our application to have it recalled, was continued by a well meant but erroneous judgment. However we might be disappointed by the decision, we did not conceive that we had any right to complain. But we certainly do complain, that, after the Sheriff had laid the declaration which we possessed under an interdict, he should, the very next day, have published, or sent for publication, another declaration. We complain of this the more, because the very ground on which he decided to continue the interdict against us was, that our interest would be less injured by delay than that of the other party by removing the interdict; and yet, in the face of this decision, he publishes a document which, for ought he knew, might be identically the same as ours, and by the publication of which our interest would not merely be injured, but utterly ruined. We certainly think that this is an extraordinary mode of procedure. A judge in the case first interdicts the publication of a certain confession or declaration, telling one of the parties that he cannot suffer much injury by the delay, and the very next day publishes a declaration by the same person, to the injury, perhaps to the utter destruction of any interest the party had in the matter at issue. We really think that the dangers of delay are here exemplified in a very instructive manner; for if we had known that the very paper, as we could judge, about which parties were at issue, would be published the next day by the Sheriff himself, how would this have

strengthened our argument against the continuance of the interdiction? Such are the facts of the case; considering them carefully, they certainly appear to be somewhat irregular; and the effect was certainly calculated to prejudice, nay, to ruin our interest, if the paper in the possession of the Sheriff had not been so meagre and unsatisfactory, compared with the declaration we publish."

The *Courant* showed its annoyance at the turn affairs had taken, but while doing so it made every effort, and that successfully, to outstrip its contemporaries. Besides publishing the two confessions in full, it gave a *fac simile* of the note in Burke's handwriting, appended to the document in their own possession, over which there had been so much dispute. There is one thing in favour of the *Courant*, or unofficial, confession, and that is the paper signed by Burke the night before his execution. He there testifies as to its accuracy, so far as he had had time to examine it. At the same time, in view of the many discrepancies between the two documents themselves, and what was brought out by subsequent investigation, it must be admitted that in many respects they are defective as records of the terrible series of crimes in which Burke and Hare participated.

CHAPTER XXXIV.

*Burke's Confession before the Sheriff—A Record of the Murders—
The Method—Complicity of the Women and the Doctors—
Murderers but not Body-Snatchers.*

THE official confession of Burke was made in the condemned cell by the criminal on the 3rd of January, 1829, in the presence of Mr. George Tait, Sheriff-substitute; Mr. Archibald Scott, Procurator-fiscal; and Mr. Richard J. Moxey, assistant Sheriff-clerk. The following is a copy of the document:—

“Compeared William Burke, at present under sentence of death in the jail of Edinburgh, states that he never saw Hare till the Hallow-fair before last [November, 1827,] when he and Helen M'Dougal met Hare's wife, with whom he was previously acquainted, on the street; they had a dram, and he mentioned he had an intention to go to the west country to endeavour to get employment as a cobbler; but Hare's wife suggested that they had a small room in their house which might suit him and M'Dougal, and that he might follow his trade of a cobbler in Edinburgh; and he went to Hare's house, and continued to live there, and got employment as a cobbler.

“An old pensioner, named Donald, lived in the house about Christmas, 1827; he was in bad health, and died a short time before his quarter's pension was due: that he owed Hare £4; and a day or two after the pensioner's death, Hare proposed that his body should be sold to the doctors, and that the declarant should get a share of the price. Declarant said it would be impossible to do it, because the man would be coming in with the coffin immediately; but after the body was put in the coffin, and the lid was nailed down, Hare started the lid with a chisel, and he and declarant took out the corpse and concealed it in the bed, and put tanner's bark from behind the house into the coffin, and covered it with a sheet, and nailed down the lid of the coffin, and the coffin was then carried away for interment. That Hare did not appear to have been concerned in anything of the kind before, and seemed to be at a loss how to get the body disposed of; and he and Hare went in the evening to the yard of the College, and saw a person like a student there, and the declarant asked him if there were any of Dr. Monro's men about, because he did not know there was any other way of disposing of a dead body—nor did Hare. The young man asked what they wanted with Dr. Monro, and the declarant told him that he had a subject to dispose of, and the young man referred him to Dr. Knox, No. 10 Surgeon's Square; and they went there, and saw young gentlemen, whom he now knows to be Jones, Miller, and Ferguson, and told them that they had a subject to dispose of, but they did not ask how they had obtained it; and they told the declarant

and Hare to come back when it was dark, and that they themselves would find a porter to carry it. Declarant and Hare went home and put the body into a sack, and carried it to Surgeon's Square, and not knowing how to dispose of it, laid it down at the door of the cellar, and went up to the room, where the three young men saw them, and told them to bring up the body to the room, which they did; and they took the body out of the sack, and laid it on the dissecting table: That the shirt was on the body, but the young man asked no questions as to that; and the declarant and Hare, at their request, took off the shirt, and got £7 10s. Dr. Knox came in after the shirt was taken off, and looked at the body, and proposed they should get £7 10s., and authorized Jones to settle with them; and he asked no questions as to how the body had been obtained. Hare got £4 5s. and the declarant got £3 5s. Jones, &c., said that they would be glad to see them again when they had any other body to dispose of.

“Early last spring, 1828, a woman from Gilmerton came to Hare's house as a nightly lodger,—Hare keeping seven beds for lodgers: That she was a stranger, and she and Hare became merry, and drank together; and next morning she was very ill in consequence of what she had got, and she sent for some drink, and she and Hare drank together, and she became very sick and vomited; and at that time she had not risen from bed, and Hare then said that they would try and smother her in order to dispose of her body to the doctors: That she was lying on her back in the bed, and quite insensible from drink, and Hare clapped his hand on her mouth and nose, and the declarant laid himself across her body, in order to prevent her making any disturbance—and she never stirred; and they took her out of bed and undressed her, and put her into a sheet; and they mentioned to Dr. Knox's young men that they had another subject; and Mr. Miller sent a porter to meet them in the evening at the back of the Castle; and declarant and Hare carried the chest till they met the porter, and they accompanied the porter with the chest to Dr. Knox's class-room, and Dr. Knox came in when they were there: the body was cold and stiff. Dr. Knox approved of its being so fresh, but did not ask any questions.

“The next was a man named Joseph, a miller, who had been lying badly in the house: that he got some drink from declarant and Hare, but was not tipsy: he was very ill, lying in bed, and could not speak sometimes, and there was a report that there was fever in the house, which made Hare and his wife uneasy in case it should keep away lodgers, and they (declarant and Hare) agreed that they should suffocate him for the same purpose; and the declarant got a small pillow and laid it across Joseph’s mouth, and Hare lay across the body to keep down the arms and legs; and he was disposed of in the same manner, to the same persons, and the body was carried by the porter who carried the last body.

“In May, 1828, as he thinks, an old woman came to the house as a lodger, and she was the worse of drink, and she got more drink of her own accord, and she became very drunk, and declarant suffocated her; and Hare was not in the house at the time; and she was disposed of in the same manner.

“Soon afterwards an Englishman lodged there for some nights, and was ill of the jaundice: that he was in bed very unwell, and Hare and declarant got above him and held him down, and by holding his mouth suffocated him, and disposed of him in the same manner.

“Shortly afterwards an old woman named Haldane (but he knows nothing further of her), lodged in the house, and she had got some drink at the time, and got more to intoxicate her, and he and Hare suffocated her, and disposed of her in the same manner.

“About Midsummer, 1828, a woman with her son or grandson, about twelve years of age, and who seemed to be weak in his mind, came to the house as lodgers; the woman got a dram, and when in bed asleep, he and Hare suffocated her; and the boy was sitting at the fire in the kitchen, and he and Hare took hold of him, and carried him into the room, and suffocated him. They were put into a herring barrel the same night, and carried to Dr. Knox’s rooms.

“That, soon afterwards the declarant brought a woman to the house as a lodger; and after some days she got drunk, and was disposed of in the same manner; That declarant and

Hare generally tried if lodgers would drink, and if they would drink, they were disposed of in that manner.

“The declarant then went for a few days to the house of Helen M'Dougal's father, and when he returned, he learned from Hare that he had disposed of a woman in the declarant's absence, in the same manner, in his own house; but the declarant does not know the woman's name, or any further particulars of the case, or whether any other person was present or knew of it.

“That about this time he went to live in Broggan's house, and a woman named Margaret Haldane, daughter of the woman Haldane before mentioned, and whose sister is married to Clark, a tin-smith in the High Street, came into the house, but the declarant does not remember for what purpose; she got drunk, and was disposed of in the same manner: That Hare was not present, and neither Broggan nor his son knew the least thing about that or any other case of the same kind.

“That in April, 1828, he fell in with the girl Paterson and her companion in Constantine Burke's house, and they had breakfast together, and he sent for Hare, and he and Hare disposed of her in the same manner; and Mr. Ferguson and a tall lad, who seemed to have known the woman by sight, asked where they had got the body; and the declarant said he had purchased it from an old woman at the back of the Canongate. The body was disposed of five or six hours after the girl was killed, and it was cold, but not very stiff, but he does not remember of any remarks being made about the body being warm.

“One day in September or October, 1828, a washer-woman had been washing in the house for some time, and he and Hare suffocated her, and disposed of her in the same manner.

“Soon afterwards, a woman named M'Dougal, who was a distant relation of Helen M'Dougal's first husband, came to Broggan's house to see M'Dougal; and after she had been coming and going to the house for a few days, she got drunk, and was served in the same way by the declarant and Hare.

“That 'Daft Jamie' was then disposed of in the manner mentioned in the indictment, except that Hare was concerned in it. That Hare was lying alongside of Jamie in the bed, and

Hare suddenly turned on him, and put his hand on his mouth and nose; and Jamie, who had got drink, but was not drunk, made a terrible resistance, and he and Hare fell from the bed together, Hare still keeping hold of Jamie's mouth and nose; and as they lay on the floor together, declarant lay across Jamie, to prevent him from resisting, and they held him in that state till he was dead, and he was disposed of in the same manner; and Hare took a brass snuff-box and a spoon from Jamie's pocket, and kept the box to himself, and never gave it to the declarant—but he gave him the spoon.

“And the last was the old woman Docherty, for whose murder he has been convicted. That she was not put to death in the manner deponed to by Hare on the trial. That during the scuffle between him and Hare, in the course of which he was nearly strangled by Hare, Docherty had crept among the straw, and after the scuffle was over they had some drink, and after that they both went forward to where the woman was lying sleeping, and Hare went forward first, and seized her by the mouth and nose, as on former occasions; and at the same time the declarant lay across her, and she had no opportunity of making any noise; and before she was dead, one or other of them, he does not recollect which, took hold of her by the throat. That while he and Hare were struggling, which was a real scuffle, M'Dougal opened the door of the apartment, and went into the inner passage and knocked at the door, and called out police and murder, but soon came back; and at the same time Hare's wife called out never to mind, because declarant and Hare would not hurt one another. That whenever he and Hare rose and went towards the straw where Docherty was lying, M'Dougal and Hare's wife, who, he thinks, were lying in bed at the time, or, perhaps, were at the fire, immediately rose and left the house, but did not make any noise, so far as he heard, and he was surprised at their going out at that time, because he did not see how they could have any suspicion of what they (the declarant and Hare) intended doing. That he cannot say whether he and Hare would have killed Docherty or not, if the women had remained, because they were so determined to kill the woman, the drink being in their head;—and he has no knowledge or suspicion of Docherty's body having been

offered to any person besides Dr. Knox ; and he does not suspect that Paterson would offer the body to any other person than Dr. Knox.

“ Declares, that suffocation was not suggested to them by any person as a mode of killing, but occurred to Hare on the first occasion before mentioned, and was continued afterwards because it was effectual, and showed no marks ; and when they lay across the body at the same time, that was not suggested to them by any person, for they never spoke to any person on such a subject ; and it was not done for the purpose of preventing the person from breathing, but was only done for the purpose of keeping down the person’s arms and thighs, to prevent the person struggling.

“ Declares, that with the exception of the body of Docherty, they never took the person by the throat, and they never leapt upon them ; and declares that there were no marks of violence on any of the subjects, and they were sufficiently cold to prevent any suspicion on the part of the doctors ; and, at all events, they might be cold and stiff enough before the box was opened up, and he and Hare always told some story of their having purchased the subjects from some relation or other person who had the means of disposing of them, about different parts of the town, and the statements which they made were such as to prevent the doctors having any suspicions ; and no suspicions were expressed by Dr. Knox or any of his assistants, and no questions asked tending to show that they had suspicion.

“ Declares, that M’Dougal and Hare’s wife were no way concerned in any of the murders, and neither of them knew of anything of the kind being intended even in the case of Docherty ; and although these two women may latterly have had some suspicion in their own minds that the declarant and Hare were concerned in lifting dead bodies, he does not think they could have any suspicion that he and Hare were concerned in committing murders.

“ Declares, that none of the subjects which they had procured, as before mentioned, were offered to any other person than Dr. Knox’s assistants, and he and Hare had very little communication with Dr. Knox himself ; and declares, that he

has not the smallest suspicion of any other person in this, or in any other country, except Hare and himself, being concerned in killing persons and offering their bodies for dissection; and he never knew or heard of such a thing having been done before."

This declaration was signed by Sheriff Tait and Burke. It is curious to notice how, in it, the criminal endeavours in almost every instance to bring out Hare as the chief actor in the horrible events he describes in such a fragmentary way; but it will be remembered that Burke, several times between his conviction and execution, said he would be happy if he were certain Hare would also become a subject for the scaffold. There is little reason to doubt that, had the opportunity been afforded him, he would have turned informer himself, and twisted events in such a way as to have condemned Hare.

About three weeks later, on the 22nd January, Burke was again before the gentlemen to whom he made his confession on the 3rd of the same month. But there was an addition to the company in the person of the Rev. Mr. Reid, the Catholic priest, who had regularly attended him since his condemnation. This gentleman was requested to be present, as the Sheriff said in his letter to the Lord Provost, in order to give the confession "every degree of authenticity." On this occasion, Burke, having expressed his adherence to his former declaration—

"Declares further, that he does not know the names and descriptions of any of the persons who were destroyed except as mentioned in his former declaration. Declares, that he was never concerned in any other act of the same kind, nor made any attempt or preparation to commit such, and all reports of a contrary tendency, some of which he has heard, are groundless. And he does not know of Hare being concerned in any such, except as mentioned in his former declaration; and he does not know of any persons being murdered for the purpose of dissection by any other persons than himself and Hare, and if any persons have disappeared anywhere in Scotland, England, or Ireland, he knows nothing whatever about it, and never heard of such a thing till he was apprehended. Declares, that he never had any instrument in his house except a common

table knife, or a knife used by him in his trade as a shoemaker, or a small pocket knife, and he never used any of those instruments, or attempted to do so, on any of the persons who were destroyed. Declares, that neither he nor Hare, so far as he knows, ever were concerned in supplying any subjects for dissection except those before mentioned; and, in particular, never did so by raising dead bodies from the grave. Declares, that they never allowed Dr. Knox, or any of his assistants, to know exactly where their houses were, but Paterson, Dr. Knox's porter or door-keeper, knew."

CHAPTER XXXV.

*The "Courant" Confession of Burke—Details of the Crimes—
Burke's Account of His Life—The Criminals and Dr. Knox.*

IN the following pages is the *Courant* confession of Burke, about which there was so much difficulty and heartburning. It goes more into detail than the official document, and it is interesting to know that the words and sentences in italic were written in by Burke himself. The date on which it was made will be seen at the end to have been 21st January, 1829, a week before the execution:—

"Abigail Simpson was murdered on the 12th February, 1828, on the forenoon of the day. She resided in Gilmerton, near Edinburgh; has a daughter living there. She used to sell salt and camstone. She was decoyed in by Hare and his wife on the afternoon of the 11th February, and he gave her some whisky to drink. She had one shilling and sixpence and a can of kitchen-fee. Hare's wife gave her one shilling and sixpence for it; she drank it all with them. She then said she had a daughter. Hare said he was a single man and would marry her, and get all the money amongst them. They then proposed to her to stay all night, which she did, as she was so

drunk she could not go home; and in the morning was vomiting. They then gave her some porter and whisky, and made her so drunk that she fell asleep on the bed. Hare then laid hold of her mouth and nose, and prevented her from breathing. Burke held her hands and feet till she was dead. She made very little resistance, and when it was convenient they carried her to Dr. Knox's dissecting-rooms in Surgeon Square, and got ten pounds for her. She had on a drab mantle, a white-grounded cotton shawl and blue spots on it. Hare took all her clothes and went out with them; said he was going to put them into the canal. She said she was a pensioner of Sir John Hay's. (Perhaps this should be Sir John Hope).

"The next was an Englishman, a native of Cheshire, and a lodger of Hare's. They murdered him in the same manner as the other. He *was* ill with *the* jaundice at the same time. He was very tall; had black hair, brown whiskers, mixed with grey hairs. He used to sell spunks in Edinburgh; was about forty years of age. Did not know his name. *Sold to Dr. Knox for £10.*

"The next was an old woman who lodged with Hare for one night, but does not know her name. She was murdered in the same manner as above. *Sold to Dr. Knox for £10.* The old woman was decoyed into the house by Mrs. Hare in the forenoon from the street, when Hare was working at the boats at the canal. She gave her whisky, and put her to bed three times. At last she was so drunk that she fell asleep; and when Hare came home to his dinner, he put part of the bed-tick on her mouth and nose, and when he came home at night she was dead. Burke at this time was mending shoes; and Hare and Burke took the clothes off her, and put her body into a tea-box. Took her to Knox's that night.

"The next was Mary Paterson, who was murdered in Burke's brother's house in the Canongate, in the month of April last, by Burke and Hare, in the forenoon. She was put into a tea-box, and carried to Dr. Knox's dissecting-rooms in the afternoon of the same day; and got £8 for her body. She had twopence-halfpenny, which she held fast in her hand. Declares that the girl Paterson was only four hours dead till she was in

Knox's dissecting-rooms; but she was not dissected at that time, for she was three months in whisky before she was dissected. She was warm when Burke cut the hair off her head; and Knox brought a Mr. ——, a painter, to look at her, she was so handsome a figure, and well shaped in body and limbs. One of the students said she was like a girl he had seen in the Canongate as one pea is like to another. They desired Burke to cut off her hair; one of the students gave a pair of scissors for that purpose.

“In June last, an old woman and a dumb boy, her grandson, from Glasgow, came to Hare's, and were both murdered at the *dead* hour of night, when the woman was in bed. Burke and Hare murdered her in the same way as they did the others. They took off the bed-clothes and tick, stripped off her clothes, and laid her on the bottom of the bed, and then put on the bed-tick and bed-clothes on the top of her; and they then came and took *the boy* in their arms and carried him ben to the room, and murdered him in the same manner, and *laid* him alongside of his grandmother. They lay for the space of an hour; they then put them into a herring barrel. The barrel was perfectly dry; there was no brine in it. They carried them to the stable till next day; they put the barrel into Hare's cart, and Hare's horse was yoked in it; but the horse would not drag the cart one foot past the Meal-market; and they got a porter with a hurley, and put the barrel on it. Hare and the porter went to Surgeon Square with it. Burke went before them, as he was afraid something would happen, as the horse would not draw them. When they came to Dr. Knox's dissecting rooms, Burke carried the barrel in his arms. The students and them had hard work to get them out, being so stiff and cold. They received £16 for them both. Hare was taken in by the horse he bought that refused drawing the corpse to Surgeon Square, and they shot it in the tanyard. He had two large holes in his shoulder stuffed with cotton, and covered over with a piece of another horse's skin to prevent them being discovered.

“Joseph, the miller by trade, and a lodger of Hare's. He had once been possessed of a good deal of money. He was connected by marriage with some of the Carron company,

Burke and Hare murdered him by pressing a pillow on his mouth and nose till he was dead. He was then carried to Dr. Knox's in Surgeon Square. They got £10 for him.

“Burke and Helen M'Dougal were on a visit seeing their friends near Falkirk. This was the time a procession was made round a stone in that neighbourhood; thinks it was the anniversary of the battle of Bannockburn. When he was away, Hare fell in with a woman drunk in the street at the West Port. He took her into his house and murdered her himself, and sold her to Dr. Knox's assistants for £8. When Burke went away he knew Hare was in want of money; his things were all in pawn; but when he came back, found him have plenty of money. Burke asked him if he had been doing any business. He said he had been doing nothing. Burke did not believe him, and went to Dr. Knox, who told him that Hare had brought a subject. Hare then confessed what he had done.

“A cinder-gatherer; *Burke* thinks her name was Effy. She was in the habit of selling small pieces of leather to him (*as he was a cobbler*), she gathered about the coach-works. He took her into Hare's stable, and gave her whisky to drink till she was drunk; she then lay down among some straw and fell asleep. They then laid a cloth over her. Burke and Hare murdered her as they *did the* others. She was then carried to Dr. Knox's, Surgeon Square, and sold for £10.

“Andrew Williamson, a policeman, and his neighbour, were dragging a drunk woman to the West Port watch-house. They found her sitting on a stair. Burke said, ‘Let the woman go to her lodgings.’ They said they did not know where she lodged. Burke then said he would take her to her lodgings. They then gave her to his charge. He then took her to Hare's house. Burke and Hare murdered her that night the same way as they did the others. They carried her to Dr. Knox's in Surgeon Square, and got £10.

“Burke being asked, did the policemen know him when they gave him this drunk woman into his charge? He said he had a good character with the police; or if they had known that there were four murderers living in one house they would have visited them oftener.

“ James Wilson, commonly *called* Daft Jamie. Hare’s *wife* brought him in from the street into her house. Burke was at the time getting a dram in Rymer’s shop. He saw her take Jamie off the street, bare-headed and bare-footed. After she got him into her house, and left him with Hare, she came to Rymer’s shop for a pennyworth of butter, and Burke was standing at the counter. She asked him for a dram; and in drinking it she stamped him on the foot. He knew immediately what she wanted him for, and he then went after her. When in the house she said, you have come too late, for the drink is all done; and Jamie had the cup in his hand. He had never seen him before to his knowledge. They then proposed to send for another half mutchkin, which they did, and urged him to drink; she took a little with them. They then invited him *ben* to the little room, and advised him to sit down upon the bed. Hare’s wife then went out, and locked the outer door, and put the key below the door. There were none in the room but themselves three. Jamie sat down upon the bed. He then lay down upon the bed, and Hare lay down at his back, his head raised up and resting upon his left hand. Burke was sitting at the foreside of the bed. When they had lain there for some time, Hare threw his body on the top of Jamie, pressed his hand on his mouth, and held his nose with the other. Hare and him fell off the bed and struggled. Burke then held his hands and feet. They never quitted their grip till he was dead. He never got up nor cried any. When he was dead Hare felt his pockets, and took out a brass snuff-box and a copper snuff-spoon. He gave the spoon to Burke, and kept the box to himself. Sometime after, he said he threw away the box in the tan-yard; and the brass-box that was libelled against Burke in the Sheriff’s office was Burke’s own box. It was after breakfast Jamie was enticed in, and he was murdered by twelve o’clock in the day. Burke declares, that Mrs. Hare led poor Jamie in as a dumb lamb to the slaughter, and as a sheep to the shearers; and he was always very anxious making inquiries for his mother, and was told she would be there immediately. He does not think he drank above one glass of whisky all the time. He was then put into a closet that Hare kept clothes in; and they carried him to Dr. Knox’s,

in Surgeon Square, that afternoon, and got £10 for him. Burke gave Daft Jamie's clothes to his brother's children; they were almost naked; and when he untied the bundle they were like to quarrel about them. The clothes of the other murdered persons were generally destroyed, to prevent detection.

“Ann M'Dougal, a cousin of Helen M'Dougal's former husband. She was a young woman, and married, and had come on a visit to see them. Hare and Burke gave her whisky till she was drunk, and when in bed and asleep, Burke told Hare that he would have most to do with her, as she being a distant friend, he did not like to begin first on her. Hare murdered her by stopping her breath, and Burke assisted him the same way as the others. One of Dr. Knox's assistants, *Paterson*, gave them a fine trunk to put her into. It was in the afternoon when she was done. It was in John Broggan's house; and when Broggan came home from his work he saw the trunk, and made inquiries about it, as he knew they had no trunks there. Burke then gave him two or three drams, as there was always plenty of whisky going at these times, to make him quiet. Hare and Burke then gave him £1 10s. each, as he was back in his rent, for to pay it, and he left Edinburgh a few days after. They then carried her to Surgeon Square as soon as Broggan went out of the house, and got £10 for her. Hare was cautioner for Broggan's rent, being £3, and Hare and Burke gave him that sum. Broggan went off in a few days, and the rent is not paid yet. They gave him the money that he might not come against them for the murder of Ann M'Dougal, that he saw in the trunk, that was murdered in his house. Hare thought that the rent would fall upon him, and if he could get Burke to pay the half of it, it would be so much the better; and proposed this to Burke, and he agreed to it, as they were glad to get him out of the way. Broggan's wife is a cousin of Burke's. They thought he went to Glasgow, but are not sure.

“Mrs. Haldane, a stout old woman, who had a daughter transported last summer from the Calton Jail for fourteen years, and has another daughter married to ———, in the High Street. She was a lodger of Hare's. She went into Hare's stable; the door was left open, and she being drunk,

and falling asleep among some straw, Hare and Burke murdered her the same way as they did the others, and kept the body all night in the stable, and took her to Dr. Knox's next day. She had but one tooth in her mouth, and that was a very large one in front.

"A young woman, a daughter of Mrs. Haldane, of the name of Peggy Haldane, was drunk, and sleeping in Broggan's house, was murdered by Burke himself, in the forenoon. Hare had no hand in it. She was taken to Dr. Knox's in the afternoon in a tea-box, and £8 got for her. She was so drunk at the time that he thinks she was not sensible of her death, as she made no resistance whatever. She and her mother were both lodgers of Hare's, and they were both of idle habits, and much given to drinking. This was the only murder that Burke committed by himself, but what Hare was connected with. She was laid with her face downwards, and he pressed her down, and she was soon suffocated.

"There was a Mrs. Hostler washing in John Broggan's, and she came back next day to finish up the clothes, and when done, Hare and Burke gave her some whisky to drink, which made her drunk. This was in the daytime. She then went to bed. Mrs. Broggan was out at the time. Hare and Burke murdered her in the same way as they did the others, and put her in a box, and set her in the coal-house in the passage, and carried her off to Dr. Knox's in the afternoon of the same day, and got £8 for her. Broggan's wife was out of the house at the time the murder was committed. Mrs. Hostler had ninepence-halfpenny in her hand, which they could scarcely get out of it after she was dead, so firmly was it grasped.

"The woman Campbell or Docherty was murdered on the 31st October last, and she was the last one. Burke declares that Hare perjured himself on his trial, when giving evidence against him, as the woman Campbell or Docherty lay down among some straw at the bed-side, and Hare laid hold of her mouth and nose, and pressed her throat, and Burke assisted him in it, till she was dead. Hare was not sitting on a chair at the time, as he said in court. There were seven shillings in the woman's pocket, which were divided between Hare and Burke,

“That was the whole of them—sixteen in whole; nine were murdered in Hare’s house, and four in John Broggan’s; two in Hare’s stable, and one in Burke’s brother’s house in the Canon-gate. Burke declares that five of them were murdered in Hare’s room that has the iron bolt in the inside of it. Burke did not know the days nor the months the different murders were committed, nor all their names. They were generally in a state of intoxication at those times, and paid little attention to them; but they were all from 12th February till 1st November, 1828; but he thinks Dr. Knox will know by the dates of paying him the money for them. He was never concerned with any other person but Hare in those matters, and was never a resurrectionist, and never dealt in dead bodies but what he murdered. He was urged by Hare’s wife to murder Helen M’Dougal, the woman he lived with. The plan was, that he was to go to the country for a few weeks, and then write to Hare that she had died and was buried, and he was to tell this to deceive the neighbours; but he would not agree to it. The reason was, they could not trust to her, as she was a Scotch woman. Helen M’Dougal was not present when these murders were committed; she might have a suspicion of what was doing, but did not see them done. Hare was always the most anxious about them, and could sleep well at night after committing a murder; but Burke repented often of the crime, and could not sleep without a bottle of whisky by his bedside, and a twopenny candle to burn all night beside him; when he awoke he would take a draught of the bottle—sometimes half a bottle at a draught—and that would make him sleep. They had a great many pointed out for murder, but were disappointed of them by some means or other; they were always in a drunken state when they committed those murders, and when they got the money for them while it lasted. When done, they would pawn their clothes, and would take them out as soon as they got a subject. When they first began this murdering system, they always took them to Dr. Knox’s after dark; but being so successful, they went in the day-time, and grew more bold. When they carried the girl Paterson to Knox’s, there were a great many boys in the High School Yards, who followed Burke and the man that carried her,

crying, 'They are carrying a corpse;' but they got her safe delivered. They often said to one another that no person could find them out, no one being present at the murders but themselves two; and that they might as well be hanged for a sheep as a lamb. They made it their business to look out for persons to decoy into their homes to murder them. Burke declares, when they kept the mouth and nose shut a very few minutes, they could make no resistance, but would convulse and make a rumbling noise in their bellies for some time; after they ceased crying and making resistance, they left them to die of themselves: but their bodies would often move afterwards, and for some time they would have long breathings before life went away. Burke declares that it was God's providence that put a stop to their murdering career, or he does not know how far they might have gone with it, even to attack people on the streets, as they were so successful, and always met with a ready market: that when they delivered a body they were always told to get more. Hare was always with him when he went with a subject, and also when he got the money. Burke declares, that Hare and him had a plan made up, that Burke and a man were to go to Glasgow or Ireland, and try the same there, and to forward them to Hare, and he was to give them to Dr. Knox. Hare's wife always got £1 of Burke's share, for the use of the house, of all that were murdered in their house; for if the price received was £10, Hare got £6, and Burke got only £4; but Burke did not give her the £1 for Daft Jamie, for which Hare's wife would not speak to him for three weeks. They could get nothing done during the harvest time, and also after harvest, as Hare's house was so full of lodgers. In Hare's house were eight beds for lodgers; they paid 3d. each; and two, and sometimes three, slept in a bed; and during harvest they gave up their own bed when throng. Burke declares they went under the name of resurrection men in the West Port, where they lived, but not murderers. When they wanted money, they would say they would go and look for a shot; that was the name they gave them when they wanted to murder any person. They entered into a contract with Dr. Knox and his assistants that they were to get £10 in winter, and £8 in summer, for as many subjects as they could bring to them.

“ Old Donald, a pensioner, who lodged in Hare’s house, and died of a dropsy, was the first subject they sold. After he was put into the coffin and the lid put on, Hare unscrewed the nails and Burke lifted the body out. Hare filled the coffin with bark from the tanyard, and put a sheet over the bark, and it was buried in the West Churchyard. The coffin was furnished by the parish. Hare and Burke took him to the College first; they saw a man there, and asked for Dr. Monro, or any of his men; the man asked what they wanted, or had they a subject; they said they had. He then ordered them to call at ten o’clock at Dr. Knox’s, in Surgeon Square, and he would take it from them, which they did. They got £7 10s. for him. That was the only subject they sold that they did not murder; and getting that high price made them try the murdering for subjects.

“ Burke is thirty-six years of age; was born in the parish of Orrey, County Tyrone; served seven years in the army, most of that time as an officer’s servant in the Donegal Militia; he was married at Ballinha, in the county of Mayo, when in the army, but left his wife and two children in Ireland. She would not come to Scotland with him. He has often wrote to her, but got no answer; he came to Scotland to work at the Union Canal, and wrought there while it lasted; he resided for about two years in Peebles, and worked as a labourer. He wrought as weaver for eighteen months, and as a baker for five months; he learned to mend shoes, as a cobbler, with a man he lodged with in Leith; and he has lived with Helen M’Dougal for about ten years, until he and she were confined in the Calton Jail, on the charge of murdering the woman of the name of Docherty or Campbell, and both were tried before the High Court of Justiciary in December last. Helen M’Dougal’s charge was found not proven, and Burke found guilty, and sentenced to suffer death on the 28th January.

“ Declares, that Hare’s servant girl could give information respecting the murders done in Hare’s house, if she likes. She came to him at Whitsunday last, went to harvest, and returned back to him when the harvest was over. She remained until he was confined along with his wife in the Calton Jail. She then sold twenty-one of his swine for £3, and absconded. She



— Burke declares that doctor
Knox never incouraged him either thought
~~or~~ incouraged him to murder any
person letter any of his assistants that
worthy gentleman M^r. Ferguson was
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inquired where we got
• young women prisoners that
dined William Burke prisoners

was gathering potatoes in a field that day Daft Jamie was murdered; she saw his clothes in the house when she came home at night. Her name is Elizabeth M'Guier or Mair. Their wives saw that people came into their houses at night, and went to bed as lodgers, but did not see them in the morning, nor did they make any inquiries after them. They certainly knew what became of them, although Burke and Hare pretended to the contrary. Hare's wife often helped Burke and Hare to pack the murdered bodies into the boxes. Helen M'Dougal never did, nor saw them done; Burke never durst let her know; he used to smuggle and drink, and get better victuals unknown to her; he told her he bought dead bodies, and sold them to doctors, and that was the way they got the name of resurrection-men.

"Burk deaclars that Docter Knox never incoureged him, nither taught or incoreged him to murder any person, nether any of his asistents, that worthy gentleman Mr. Fergeson was the only man that ever mentioned any thing about the bodies. He inquired where we got that yong woman Paterson.

(Sined)

"WILLIAM BURK, prisner."

"Condemned Cell, January 21, 1829."

CHAPTER XXXVI.

The Fate of Hare—Mrs. Hare in Glasgow—Rescued from the Mob—Her Escape to Ireland, and Subsequent Career—Helen M'Dougal—Burke's Wife in Ireland.

IN a previous chapter the escape of Hare from Scotland, and the stirring events that accompanied it, have been minutely described. What became of him after that is not really known—he dropped out of sight as rapidly as he had emerged

into public ken. Long afterwards it was stated that an old white-haired blind man, led by a dog, was in the habit of frequenting one of the busiest corners in London, begging from the passers-by, and this poor unfortunate was identified as Hare. The statement, however, was made on no definite authority. Again, some twenty years ago a London newspaper gave currency to a statement that Hare had died shortly before in Canada, whither he had found refuge; but whether the fact was as given to the public was never authoritatively known. If it were the case, he would at the time of death be a man of between sixty and seventy years of age. But while he thus escaped from the scene of his crimes to some land where he was unknown, the memory of his deeds impressed itself strongly on the minds of the people of Scotland, and there was a tendency to blame him and his wretched accomplices with offences of which it must be assumed they were innocent. Thus, in the *Edinburgh Evening Courant* of the 14th of February, 1829, it was stated that an investigation was then going on in the city relative to a murder committed some time before in Shields, the manner being similar to that adopted by the West Port experts. The object of the inquiry was said to be to ascertain whether Hare or Burke were in or out of Edinburgh at the time the crime was committed. It was even rumoured that Hare had been apprehended in Newcastle on a charge of being concerned in the deed; but this was not the case, and it would seem as if nothing came of the inquiry in Edinburgh, for no further mention is made of it.

As for Mrs. Hare, we must go back a little, and trace her liberation and the adventures through which she had to go before she left the country. She was detained in custody for some time after the trial, for, of course, it would have been unwise and unsafe for the authorities to have risked her life at the mercy of an excited and unreasoning mob. On Monday, the 26th of January, two days before the execution of Burke, she was liberated from Calton Hill Jail. Unfortunately for her, she was recognised while crossing the bridges, and an immense crowd gathered round her. The day was convenient for people showing their ill-feeling in a comparatively mild way, for the streets were under a thick covering of snow. Once the

cry of recognition was raised, she was pelted by heavy volleys of snowballs, and only a feeling of sympathy for the child the woman carried in her arms prevented the mob from proceeding to more extreme measures. The police interfered, and for safety took Mrs. Hare to the lock-up, where she remained until the evening. As twilight was coming over the city she slipped out of the office, and left Edinburgh.

What became of Mrs. Hare and her helpless infant during the next fortnight is not known, but nothing was heard of her until the *Glasgow Chronicle* of Tuesday, 10th February, announced that on that day she had been rescued by the police from the fury of a Glasgow mob. She must have travelled on foot between the two cities, a weary, miserable pilgrimage, avoiding discovery, and often sleeping by roadsides and hayricks, with the inevitable feeling of a misspent, if not a criminal life. The *Chronicle*, speaking of her, spoke of her as "the celebrated Mrs. Hare," and stated that the Calton (Glasgow) police had to lodge her in a police cell to save her and her child from an infuriated populace. Her statement was that she had been lodging in the Calton for four nights, "with her infant and her bit duds," and that those with whom she resided were not aware of her identity. She had managed so well thus far that she had hoped to be able to leave Glasgow without detection. In order to ensure this she had been in the habit of keeping the house during the day, and occasionally in the early morning, or in the twilight, she had ventured to the Broomielaw, to see when a vessel would be ready to sail for Ireland, whither she hoped to be taken. Hitherto she had been disappointed. She had gone out that morning with the same object, and while returning to her lodgings by way of Clyde Street, she was recognised by a drunken woman, who shouted out—"Hare's wife; burke her!" and set the example to the large crowd that rapidly gathered by throwing a large stone at the unfortunate woman. The people were not slow to set upon Mrs. Hare, and heaped upon her every indignity they could imagine. She escaped from her persecutors, and fled into the Calton, but she was pursued there, and was experiencing very rough treatment when the police rescued her. In the station-house she seemed to be completely

overcome, and occasionally bursting into tears she bewailed her unhappy situation, which she declared had been brought about by Hare's profligacy. All she desired, she told her listeners, was to get across the channel to Ireland, where she hoped to end her days in some remote spot near her native place, where she would live in retirement and penitence. As for Hare, she would never live with him again.

Owing to the threatening attitude of the populace, the authorities saw they must themselves devise means for Mrs. Hare's safe removal to Ireland. On the afternoon of her rescue an immense crowd surrounded the police office expecting to see her depart, but it was feared that the spirit of riot might again break forth with renewed vigour. She was detained in custody until Thursday, the 12th of February, when she sailed from the Broomielaw in the steamer *Fingal*, for Belfast, which port was not far from her native place. Like her husband, in his escape from Dumfries, she had to leave the country without her bundle of clothing, which had gone astray when the people attacked her on the streets. While the *Fingal* lay at Greenock to take in cargo, Mrs. Hare was under the guardianship of the local police, and it was to but a few that she was known to have been in the town until after her departure.

Mrs. Hare thus arrived in Ireland, and all definite traces of her were lost. Leighton, however, obtained some information which probably relates to this unfortunate woman. Writing in 1861, the author of *The Court of Cacus* says:—"Not long ago, we were told by a lady who was in Paris about the year 1850, that, having occasion for a nurse, she employed a woman, apparently between sixty and seventy years of age. She gave her name as Mrs. Hare, and upon being questioned whether she had been ever in Scotland, she denied it, stating that she came from Ireland. Yet she often sung Scotch songs; and what brings out the suspicion that she was the real Mrs. Hare the more is, that she had a daughter, whose age, over thirty, agrees perfectly with that of the infant she had in her arms when in court. In addition to all this, the woman's face was just that of the picture published at the time."

Helen M'Dougal was no more fortunate in her treatment by the populace. Mention has already been made of the riot that

followed her liberation, and it has also been stated that she was seen out of Edinburgh by the police. She returned and offered to supply the Lord Advocate with information that would hang Hare, and probably among her statements was the story that was said to have been told by her after Burke's execution. Burke and Hare were one night drinking heavily, and in the course of a discussion on their prospects with the doctors, the former asked his companion—"What will we do when we can get no more bodies?" Hare coolly replied—"We can never be absolutely at a loss while our two wives remain, but that will only be when we are hard up." This was overheard by one of the women, and is another particle of evidence showing they were not so ignorant of the desperate nature of the enterprise engaged in by the men. When M'Dougal finally left Edinburgh she went towards the home of her relatives in Stirlingshire, but they would have nothing to do with her, and drove her away. She sought an asylum in the neighbourhood of Carnworth, but she was recognised and roughly treated; and again at Newbigging she had to run the gauntlet of an infuriated mob. Towards the end of January, 1829, a woman was severely abused in Lanark under the idea that she was M'Dougal, and the mistake was only discovered after she had been severely injured. The unfortunate person turned out to be a woman recently arrived from Fort-William. About the beginning of February, M'Dougal passed through Newcastle, on her way south. The police ordered her out of the town, and escorted her to the Blue Stone, which stood on the centre of the Tyne Bridge, marking the boundary between the counties of Northumberland and Durham, and there she was saluted by execrations and showers of stones from the populace of Gateshead. What became of her after this is unknown, but long ere now she must have gone to her account.

But perhaps there is no more affecting part of the terrible story of the West Port murders than is discovered by a letter received by an Edinburgh gentleman from the Rev. Anthony Corcoran, Roman Catholic curate at Kilmore, May, near Ballina. This gentleman had written to Ireland requesting the clergyman to make inquiries regarding Burke's wife. Mr. Corcoran sent the following reply, dated 26th January, 1829:—

“I have minutely inquired into the conduct of the unfortunate Bourke, and I feel much pleasure in assuring you that there was not a blot on his character for the time he lived in Ballina. After the receipt of your letter, I sent for Margaret Coleman, Bourke’s wife, to whom I communicated the sad news of the awful death that awaited her ill-fated husband. She was prepared for the shock for some time. She was acquainted with her husband’s criminal intercourse with the notorious M’Dougal. I fear that the companions of his travels from this country were his companions in blood in Scotland, and that every religious impression is blotted from their minds.”

By this time the newspapers had ceased to pay much attention to the West Port tragedies—the Catholic emancipation question beginning to agitate the country, while Parliamentary reform was being strongly pushed to the front—but they gave circulation to occasional pieces of gossip. It was stated that when old Abigail Simpson from Gilmerton was lying intoxicated in the house in Tanner’s Close, Burke and Hare sat carousing by the fireside. “Do you hear that,” remarked Hare to his companion, as he listened to the woman’s heavy breathing, “it would not be difficult to take her where we took Donald.” This was the suggestion for the first murder.

CHAPTER XXXVII.

Dr. Knox’s Connection with Burke and Hare—His Egotism—Knox’s Criticism of Liston and his Assistants—Hanging Knox’s Effigy—Popular Tumults—Demand that he should be Put on Trial.

AS yet Dr. Knox had done nothing to allay the irritation which existed towards him in the public mind. In the eyes of many he seemed a greater criminal than even Burke and Hare, and

outspoken and unthinking people went the length of declaring that these misguided men were but instruments in his hands, obeying his behests, and receiving pay for what their master knew to be murderous work. This was certainly much too harsh a judgment, but the doctor was, unfortunately, a man of such peculiar temperament, that a large section of the people was willing to give credence to any kind of story, however serious, regarding him. And it must be confessed that this dislike towards him was shared in by not a few of his professional brethren, who had suffered from his overweening self-conceit and pride, and who felt that the exposure of the resurrectionist system, with which they were all more or less forced, through the scarcity of subjects, to be connected, could not have happened in relation to a more suitable man. Even while Knox was alive, spending the last years of his life in London, Leighton writes of him in terms far from complimentary. Having referred to the professional, and even personal, jealousy that existed between the rival teachers of anatomy in Edinburgh, and their students, Leighton says:—"Unfortunately the characters of the leaders, with the exception of Monro, were not calculated to temper this zeal with discretion, or throw a veil of decency over the transactions of low men, which, however justified, as many said, by the necessities of science, were hostile to the instincts of nature, and fearfully resented by the feelings of relatives. Liston was accused, whether justly or not, of wiling patients from the Infirmary, to set off by his brilliant operations the imperfections of the regular surgeons of that institution; and great as he was in his profession, it is certain that he wanted that simplicity and dignity of character necessary to secure to him respect in proportion to the admiration due to his powers. But Knox was a man of a far more complex organisation, if it was indeed possible to analyse him. A despair to the physiognomist who contemplated his rough irregular countenance, with a blind eye resembling a grape, he was not less a difficulty to the psychologist. There seemed to be no principle whereby you could think of binding him down to a line of duty, and a universal sneer, not limited to mundane powers, formed that contrast to an imputed self-perfection, not without the evidence of very great scientific

accomplishments." Having told of an unscrupulous practical joke played by Knox on Prof. Jameson, Leighton proceeds:—"Even the bitterness of soul towards competitors was not sufficiently gratified by the pouring forth of the toffana-spirit of his sarcasm. He behoved to hold the phial with refined fingers, and rub the liquid into the 'raw' with the soft touch of love. The affected attenuation of voice and forced *retinu* of feeling, sometimes degenerating into a puppy's simper, bore such a contrast to the acerbity of the matter, that the effect, though often ludicrous, was increased tenfold."

Here are two samples of Knox's egotism, taken from his lectures to the students:—"Gentlemen, I may mention that I have already taught the science of anatomy to about 5,000 medical men, now spread over the surface of the earth, and some of these have turned out most remarkable for their knowledge, genius, and originality, for they now occupy some of the most conspicuous and trying positions in Europe." Again:—"Before commencing to-day's lecture, I am compelled by the sacred calls of duty to notice an extraordinary surgical operation which has this morning been performed in a neighbouring building, by a gentleman [Mr. Liston] who, I believe, regards himself as the first surgeon in Europe. A country labourer, from the neighbourhood of Tranent, came to the Infirmary a few days ago with an aneurism of considerable extent, connected with one of the large arteries of the neck; and, notwithstanding of its being obvious to the merest tyro that it was an aneurism, the most distinguished surgeon in Europe, after an apparently searching examination, pronounced it to be an abscess. Accordingly, this professional celebrity—who, among other things, plumes himself upon the wonderful strength of his hands and arms, without pretension to head, and is an amateur member of the ring,—plunged his knife into what he thus foolishly imagined to be an abscess; and the blood, bursting forth from the deep gash in the aneurismal sac, the patient was dead in a few seconds. This notable member of the profession is actually an extra-academical lecturer on surgery in this great metropolis; and on this occasion was assisted by a gentleman similarly constituted, both intellectually and physically, who had been trained up under the fostering

care of a learned professor [Monro?] in a certain University, who inherited his anatomical genius from his ancestors, and who has recently published a work on the anatomy of the human body, in which, among other notabilities, no notice is taken of the pericardium. Tracing the assistant of our distinguished operator further back, I have discovered that he had been originally apprenticed to a butcher of this city, but that he had been dismissed from this service for stealing a sheep's head and trotters from his employer's shambles. It is surely unnecessary for me to add that a knowledge of anatomy, physiology, pathology, and surgery, is neither connected with nor dependant upon brute force, ignorance and presumption; nor has it anything to do with an utter destitution of honour and common honesty." This extraordinary speech was listened to with interest and applauded by the great body of the students, though a few of them by hisses gave expression to their opinion that Dr. Knox had himself overstepped the bounds of prudence, and had shown "an utter destitution of honour and common honesty."

It was little wonder, then, that Dr. Knox was so universally detested, and that the great body of the people, agitated by the disclosures at the trial of Burke and M'Dougal, should show their dislike to him, in a manner they might not have adopted had he been a man who had hitherto received the respect of his fellows. On Thursday, the 12th of February, 1829, the inhabitants of Edinburgh made an extraordinary demonstration against him. On that day, a large crowd assembled in the Calton district of the city, and, having formed in marching order, they proceeded up Leith Street, and over the Bridges to the Old Town, while in the front was borne what one of the contemporary newspapers described as "an effigy of a certain doctor who has been rendered very obnoxious to the public by recent events." "The figure," the chronicler continued, "was pretty well decked out in a suit of clothes, and the face and head bore a tolerable resemblance to the person intended to be represented. On the back was a label bearing the words—'Knox, the associate of the infamous Hare.'" While the mob was crossing the South Bridge, a strong resolute policeman attempted, single-handed, to disperse them, as he saw a riot

would inevitably occur if they were allowed to parade the streets much longer, if that, indeed, were not the main purpose of the gathering. But his zeal was not tempered by discretion, otherwise he would not have attempted such a foolhardy task. The people easily drove him back, and he was in the struggle injured by the many blows aimed at him. As the crowd passed on towards Newington it increased in size. When they arrived in the district where Dr. Knox resided, the effigy was hanged by the neck to the branch of a tree. Fire, also, was put under it, but that soon went out, and the figure was torn to pieces amid the huzzas of the assembled thousands. Up to this period the crowd had behaved in a sort of good-natured fashion, and had resorted to no actual violence, though at times its playfulness had a dash of horseplay about it. But now matters assumed a threatening aspect, and a movement was made towards Dr. Knox's house, which it seemed to be intended to attack. The city authorities had become alarmed at the appearance of affairs, and having collected all their forces, the city watchmen, under Capt. Stewart, the superintendent, and a superior officer in another department of the municipal service, marched quickly towards Newington to suppress the tumult, and prevent, if possible, further popular excesses. The superintendent and another officer, in advance of their force, entered Knox's house by the rear, and from the front door they made a determined charge upon the crowd who had assembled there. The people instantly retreated to the other side of the road, and commenced throwing stones, from the first volley of which Captain Stewart and his colleague were severely injured. No further rioting took place at this time, and no property was destroyed beyond some panes of glass in the windows of Knox's and the adjoining houses. After a time the crowd—which consisted for the most part of boys and young lads, among whom eight or ten bakers were the most active—quietly dispersed, but large groups assembled in various parts of the city.

Another crowd, also composed mostly of boys, gathered later in the day, and, armed with sticks, they marched towards the High Street, which they paraded for some time. Before they could do any mischief a strong body of police met them opposite

the Tron Church, and after a short interval they dispersed. In the vicinity of the West Port another mob had collected and marched down the Grassmarket along the Cowgate to the Horse Wynd, breaking the glass in the windows of the south and west sides of the College. Several of the ringleaders of another crowd which took up its quarters in the Cowgate were apprehended by the police.

Edinburgh was now in a fairly riotous state, excited mobs pacing the city in all directions. The police found themselves little more than able to cope with the tumultuous spirit that was abroad, for no sooner had a threatened or active disturbance been quelled in one district than matters had assumed a serious aspect in another some distance off. They were thus kept at most fatiguing duty. In spite of all their efforts, they were unable to prevent another attack on Dr. Knox's house. About seven o'clock in the evening an immense concourse of people marched to Newington, and, surrounding the Doctor's residence, they threw stones at it until not a pane of glass in the windows of it or the one adjoining was whole. An attempt was also made to force Knox's premises in Surgeon's Square, but a strong party of police completely repelled the attack. At last, as the night advanced, the excited populace returned to their homes, and the city was again quiet. In the course of the day the police had been able to apprehend some twenty persons who had been conspicuous in the rioting in the various parts of Edinburgh.

It is an interesting and curious fact that some of the newspapers supported the people in their riotous proceedings. Speaking of the disturbances already noted, the *Edinburgh Weekly Chronicle* said:—"Since the grand spectacle of the execution of Dr. Knox in effigy was exhibited, about twenty-three of those concerned in it have been fined in sums of from five to forty shillings. We understand that all these have been defrayed out of a stock purse previously collected. Some of the rioters had large quantities of gunpowder upon them. Another *auto-da-fe* is meditated; on which occasion the cavalcade will move in the direction of Portobello, where, it is supposed, the Doctor burrows at night. As we have said before, the agitation of public feeling will never subside till

the city be released of this man's presence, or until his innocence be manifested. In justice to himself, if he is innocent, in justice to the public, if he is guilty, he ought to be put upon his trial. The police have a duty to perform, and it gives us pleasure to hear that they discharged it with promptitude; but the feelings of nature, when outraged as they have been in an immeasurable degree, will soar superior to all dignities. It scarcely ever was known that a populace entered upon acts of irregular justice when there was not extreme official apathy."

CHAPTER XXXVIII.

Inquiry into Dr. Knox's Relations with Burke and Hare—Report of Investigating Committee.

THE violent outbreak of public feeling described in the last chapter against Dr. Knox seems at last to have moved him to take some means to clear himself from the imputations cast upon him for his connection with Burke and Hare, and to attempt to set himself right with the people, who were likely to proceed to even more extreme measures than any to which they had yet resorted. Accordingly, it was intimated in the *Courant* of Thursday, 12th February, that at the desire of Dr. Knox and his friends, ten gentlemen, with the Marquis of Queensberry at their head, had agreed to make a full and fair investigation into all Dr. Knox's dealings with the West Port criminals, and make a report to the public. In the same newspaper on Monday, the 23rd of February, it was stated simply that the noble marquis had withdrawn from the committee of investigation. No reason for this withdrawal is given.

The committee of investigation certainly took plenty of time to inquire into the matter they had undertaken, and to prepare

their report, for it was not until Saturday, the 21st of March, 1829, that the result of their labours was published in the *Courant*. This report, certainly by no means the least important document in connection with the West Port tragedies in their relationship to medical science, was as follows:—

“The committee who, at the request of Dr. Knox, undertook to investigate the truth or falsehood of the rumours in circulation regarding him, have gone into an extensive examination of evidence, in the course of which they have courted information from every quarter. They have been readily furnished with all which they required from Dr. Knox himself; and though they have failed in some attempts to procure evidence, they have in most quarters succeeded in obtaining it, and especially from those persons who have been represented to them as having spoken the most confidently in support of those rumours; and they have unanimously agreed on the following report:—

“1. The committee have seen no evidence that Dr. Knox or his assistants knew that murder was committed in procuring any of the subjects brought to his rooms, and the committee firmly believe that they did not.

“2. On the question whether any suspicion of murder at any time existed in Dr. Knox's mind, the committee would observe that there were certainly several circumstances (already known to the public) regarding some of the subjects brought by Burke and Hare, which now that the truth has come out, appear calculated to excite their suspicion, particularly the very early period after death at which they were brought to the rooms, and the absence of external marks of disease, together with the opinion previously expressed by Dr. Knox, in common with most other anatomists, of the generally abandoned character of persons engaged in this traffic. But on the other hand, the committee, after most anxious enquiry, have found no evidence of their actually having excited it in the mind of Dr. Knox or of any other of the individuals who saw the bodies of these unfortunate persons prior to the apprehension of Burke.

“These bodies do not appear in any instance to have borne

external marks by which it could have been known, whether they had died by violence, or suddenly from natural causes, or from disease of short duration ; and the mode of protracted anatomical dissection practised in this and other similar establishments, is such as would have made it very difficult to ascertain the cause of death, even if special inquiry had been instituted with that intention.

“No evidence whatever has come before the committee that any suspicion of murder was expressed to Dr. Knox by any one either of his assistants, or of his very numerous class (amounting to upwards of 400 students), or other persons who were in the practice of frequently visiting his rooms; and there are several circumstances in his conduct, particularly the complete publicity with which his establishment was managed, and his anxiety to lay each subject before the students as soon as possible after its reception, which seem to the committee to indicate that he had no suspicion of the atrocious means by which they had been procured.

“It has also been proved to the satisfaction of the committee that no mutilation or 'disfigurement of any kind was ever practised with a view to conceal the features, or abstract unreasonably any part of the body, the presence of which would have facilitated detection ; and it appears clearly that the subjects brought by Burke and Hare were dissected in the same protracted manner as those procured from any other quarter.

“3. The committee have thought it proper to inquire further, whether there was anything faulty or negligent in the regulations under which subjects were received into Dr. Knox's rooms, which gave or might give a peculiar facility to the disposal of the bodies obtained by these crimes, and on this point they think it their duty to state their opinion fully.

“It appears in evidence that Dr. Knox had formed and expressed the opinion (long prior to any dealing with Burke and Hare) that a considerable supply of subjects for anatomical purposes might be procured by purchase, and without any crime, from the relatives or connections of deceased persons of the lowest ranks of society.

“In forming this opinion, whether mistaken or not, the committee cannot consider Dr. Knox to have been culpable. They

believe that there is nothing contrary to the law of the land in procuring subjects for dissection in that way, and they know that the opinion which Dr. Knox had formed on this point, though never acted on to any extent in this country, has been avowed by others of the highest character in the profession. But they think that Dr. Knox acted on this opinion in a very incautious manner.

“This preconceived opinion seems to have led him to give a ready ear to the plausible stories of Burke, who appears, from all the evidence before the committee, to have conducted himself with great address and appearance of honesty, as well in his connections with Dr. Knox, as in his more frequent intercourse with his assistants, and always to have represented himself as engaged in negotiations of that description, and occasionally to have asked and obtained money in advance to enable him and his associate to conclude bargains.

“Unfortunately, also, Dr. Knox has been led, apparently in consequence of the extent and variety of his avocations, to intrust the dealings with persons supplying subjects, and the reception of the subjects bought, to his assistants (seven in number) and to his door-keeper indiscriminately. It appears also that he directed or allowed these dealings to be conducted on the understanding (common to him, with some other anatomists), that it would only tend to diminish or divert the supply of subjects to make any particular inquiry of the persons bringing them.

“In these respects the committee consider the practice which was then adopted in Dr. Knox’s rooms (whatever be the usage in this or other establishments in regard to subjects obtained in the ordinary way) to have been very improper in the case of persons bringing bodies which had not been interred. They think that the notoriously bad character of persons who generally engage in such traffic, in addition to the novelty and particular nature of the system, on which these men professed to be acting, undoubtedly demanded greater vigilance.

“The extent, therefore, to which (judging from the evidence which they have been able to procure) the committee think Dr. Knox can be blamed, on account of transactions with Burke and Hare, is, that by this laxity of the regulations under

which bodies were received into his rooms, he unintentionally gave a degree of facility to the disposal of the victims of their crimes, which, under better regulation, would not have existed, and which is doubtless matter of deep and lasting regret, not only to himself, but to all who have reflected on the importance, and are therefore interested in the prosecution of the study of anatomy. But while they point out this circumstance as the only ground of censure which they can discover in the conduct of Dr. Knox, it is fair to observe that perhaps the recent disclosures have made it appear reprehensible to many who would not otherwise have adverted to its possible consequences."

This report was signed by John Robison, chairman; James Russell, Thomas Allan, W. P. Alison, George Ballingall, George Sinclair, W. Hamilton, John Robison, for M. P. Brown, Esq.; and John Shaw Stewart. The intention of the committee evidently was by it to clear Dr. Knox from the aspersions cast upon him; and this was a result far from satisfactory to a very large section of the community. The feeling was that Pater-son, the "door-keeper" mentioned in the report, was, as that individual himself put it, being made the "scape-goat for a personage in higher life." However, the matter was allowed to rest there.

CHAPTER XXXIX.

*English Newspapers on the West Port Tragedies—The "Sun,"
and its Idea of the Popular Feeling—Gray and his Wife.*

THESE strange on-goings in Edinburgh, it has been seen, met with the approval of the greater number of the Scotch newspapers; but many journals on the Southern side of the Border

professed the utmost horror at the manifestations made by the populace of Edinburgh against the West Port murderers. Indeed, so much was this the case that the *Times* was constrained to speak in this way—"Some of our contemporaries affect to be shocked at the shouts of disgust and horror against the miscreant *Burke* which broke from the excited populace of Edinburgh while witnessing the legal retribution for his crimes. We are more shocked at the sickly and sickening pretence to fine feeling by these newspapers. The exclamations of the Scotch were ebullitions of virtuous and honest resentment against the perpetrator of cruelties unheard of: we honour them for it; they proved themselves to be unsophisticated men." That, certainly, is a generous view of the conduct of the crowd at the execution; but perhaps as generous, and certainly a more thoughtful and fair one, was taken by the *Sunday Times* :—"The extraordinary sensation created by *Burke's* atrocities caused a display of feeling on the part of the populace while the last dreadful ceremonies were in progress, similar to that witnessed in England when the wretched Jonathan Wild, and when the cruel Brownriggs suffered at Tyburn. In that awful hour, when the hand of justice is about to descend on the devoted sinner, it were to be wished that no clamorous shouts of abhorrence or of sympathy, should interrupt the parting prayer which would fit the crime-stained spirit for the passage; but certainly, if any excuse can be offered for exulting over the dying agonies of a victim, it is furnished by the extraordinary guilt of the sufferer in the present case."

At the time of the trial the London *Sun* contained some comments on the few circumstances connected with the tragedies, which had been revealed to the public by the Scotch newspapers before that great event shed a flood of light and information upon the actual nature of the occurrence. The writer of the article was apparently ignorant of the real state of matters, founding only on the few scattered and not very accurate paragraphs then published, and not being within hearing of the vague rumours of impending revelation which circulated in Edinburgh, and from it gradually over the whole of Scotland. The editor of the *Caledonian Mercury*, however, took the matter up, and

being able to read between the lines, he penned an admirable article upon the production of his English contemporary. He thought some specimens of the "ignorance, presumption, and talent for abuse" in the *Sun* would amuse his readers, and on the same principle, and as having a direct bearing on the subject in hand, the following quotation is made:—

" 'The Scotch character (quoth the Luminary) *is amusingly developed* in the comments made by the different Edinburgh and Glasgow papers on the subject of the late West Port murders. *Each journal seems to think its own honour implicated in the business, and hastens to prove*, first, that Burke and his wife are both Irish; and, secondly, that the idea of cutting people's throats for the sake of selling their bodies to anatomists is far too original for the *inferior* conceptions of Scotchmen.'

" 'The Scotch character is' much more 'amusingly developed' in this paragraph than in any of the comments made by the Edinburgh or Glasgow papers; for it bears to be an editorial lucubration, and as such must proceed from an exported Invernessian, who seems to be ashamed of his country, very probably because his country had some reason to be ashamed of him. It is false, however, that any Edinburgh journal ever dreamt 'of its own honour being implicated in the business,' or 'hastened to *prove* that Burke and his wife (concubine) are both Irish.' Our contemporaries, like ourselves, stated such facts as came to their knowledge, without ever imagining the nonsense which this blockhead thinks proper to ascribe to them; in fact, they appeared much more anxious to express their horror of the crime than to 'prove,' as the Solar scribe has it, what country was entitled to claim the 'honour' of having given birth to the criminals. But it seems our brethren and ourselves also 'hastened to prove that the idea of cutting people's throats for the sake of selling their bodies to anatomists, is far too original for the *inferior* conceptions of Scotchmen.' We know of nothing, however, which we should not consider 'too original for the inferior conceptions' of *one* Scotsman, whom we need not name, and whose talent for misrepresentation seems to be nearly on a level with the shallow

petulance and presumption under the cloak of which he tries to hide his ignorance. This, however, is not the best of it.

"'Further than his name,' continues the Solar gentleman, 'there is nothing to prove that Burke is an Irishman.'

"Indeed! Why, man, Burke himself has confessed it in his declaration, read at his trial; and, if the murderer had been silent on the point, his brogue would as certainly and inevitably have betrayed his country, as your Invernessian nasal drawl, with a little touch of the genuine Celtic accent engrafted thereupon, would have betrayed your Northern origin and your Celtic descent. Burke *is* Irish, and so is Hare, and so is Hare's wife; and so is the woman M'Dougal, Burke's concubine, though her name would indicate that some of her ancestors might have been Highland cousins to some of your own—a relationship which your 'amiable bashfulness' will not, we trust, 'prevent you from publicly claiming.'

"He proceeds,—'with respect to the inferior conceptions of Modern Athenians, what, let us ask, can equal the ingenuity of Lord Lauderdale's famous torture boot?' Nothing, certainly, except it be the 'ingenuity' of such a driveller as this, who fancied that there is anything at all *ingenious* in putting a human leg in an iron hoop or ring, and driving in a wedge between them. A more brutal decree, or one betraying less of 'ingenuity' was never fallen upon to inflict torture on a fellow creature. It might even have been invented by the blockhead who here calumniates his country; it is not below even *his* 'inferior conceptions;' we consider the device on a level with *his* capacity: and, we believe, it was generally from among his countrymen that persons were sought for, and found to enact the part of executioners in putting the heroic martyrs of the Covenant to this species of torture. The following is his concluding touch:—

"'The West Port murder,' judging from internal evidence, *is decidedly of Scotch origin.* There is a cool, methodical, business-like air about it, a scientific tact in the conception, and a practised ease in execution, *which no Irishman could ever yet attain!* An Irish murder is hasty, sudden, impetuous,—an English one, phlegmatic, cunning, mercenary,—but it has been reserved for the Scotch, in this last unequalled atrocity, to

blend the qualities of both English and Irish guilt, *with a scientific effrontery peculiarly and pre-eminently their own.*"

"With an 'effrontery' which is very far indeed from being 'scientific,' but which is nevertheless 'peculiarly and eminently his own,' it has been reserved for this blundering renegade to pronounce a series of murders, devised and perpetrated by Irishmen alone, as 'decidedly of Scotch origin;' and to talk of the 'internal evidence' of a murder, while he is in ignorance of every thing concerning it, except the mere fact of its having been committed; to pander to the prejudices of the very lowest class of Englishmen by pouring out abuse upon Scotland; and to compromise the solid interests of his constituents, the highly respectable proprietors of the *Sun*, by venting libellous scurrilities against the country which had the misfortune to give him birth, and where that journal has hitherto been received with a degree of favour to which, not the talents of its editor certainly, but the activity of its reporters seemed to entitle it. But let that person look to himself. We know it is always renegade Scotsmen who are loudest and fiercest in abusing their country. Dr. John Macculloch is one of that class, and he has accordingly been served out in some measure proportioned to his deserts. If the editor of the *Sun*, therefore, has a mind to indulge further in such disgraceful scurrilities, he had as well accustom himself *paullatim et gradatim* to stand a pretty vigorous application of the scourge."

This display of energy on the part of the *Mercury* was greatly appreciated by the people, and a letter which was addressed to the editor on behalf of Gray and his wife gave expression to the popular feeling in the matter:—"Sir,—You drubbed Macculloch (the libeller of his country) delightfully; and it is hoped you will keep a good look-out if '*The Sun*' again shows any more such dirty dark spots as the one you lately held up to merited abhorrence. It is a general remark that our Scottish papers are sadly deficient in public spirit."

As for Gray, in whose favour the letter just quoted from was written, he was given an appointment in the Edinburgh police establishment, in which he is said to have become an active and

intrepid officer. A public subscription was raised for him, but the amount did not anything like adequately acknowledge his services to the country. Perhaps Burke himself gave the best testimony to these services, when he said, to a gentleman standing near him while he was making his confession before the Sheriff—"The murders never would have been discovered had Gray not found the body among the straw." This was supplemented by "Candidus," the writer of the letter to the *Caledonian Mercury*, who remarked—"Could they (Gray and his wife) have been bribed not to inform about the dead body, these murderous *fiends*, Burke and Hare, aided and abetted by their *miscreant* female companions, would still have been pursuing their dark deeds of blood." The relationship between Mrs Gray and Helen M'Dougal, it should be here stated, was simply that the former was the daughter of the man M'Dougal with whom the latter took up in Maddiston, and lived with until his death, when she met Burke.

CHAPTER XL.

The Relations of the Doctors and the Body-Snatchers—Need for a change in the Law—A Curious Case in London—Introduction and withdrawal of the Anatomy Bill.

THE revelations following the execution of William Burke, in the publication of his confessions, and in the paragraphs—more or less authentic—which appeared in the newspapers from time to time, had the effect of making the public alive to the dangers by which they were surrounded under the then state of the law. To all reasonable men who desired investigation for the benefit of suffering humanity, it was painfully manifest that the supply of bodies for the anatomical schools of the country was far too limited if any satisfactory result was to be

expected. And they were face to face with the equally painful fact that the sacreligious violation of graves, and the even more sacreligious "breaking into the bloody house of life," as Mr. Cockburn put it, had been resorted to in order to give the bold anatomists of the time an opportunity of investigating the science, on which, above all, human happiness and pleasure on earth were dependent. Many were unwilling to adopt the views which these facts forced upon them; others with a wise enthusiasm threw their whole influence in their favour. The surgeons themselves, seeing that under the existing state of things they were regarded by many as allied with an unholy class of men, desired such an alteration of the law as should put them on a more satisfactory footing. They wished that instead of the purchase of bodies from poor relations being done in what was almost a surreptitious and hidden manner, it should be done under legal sanction, and without the semblance of moral turpitude. This in itself was perfectly reasonable, and had been proven to be right by the stern logic of facts; but the great mass of the people were against it. Suggestions that legislation should proceed in this direction were regarded simply as suggestions for legislation for a favoured class—the doctors themselves—the fact being ignored that on the extension of the accurate information of that class depended to a very material extent the welfare and comfort of the whole nation, without respect of persons. The public mind, therefore, required to be educated up to the inauguration of a new state of things, which in the end would be better for all concerned. But two or three smart lessons, in addition to the severe one taught by the Edinburgh revelations, were required before Parliament could be turned in the right direction.

In January, 1829, while Burke was lying in Caltonhill jail, Edinburgh, under sentence of death, a case which showed the anomalous state of the law, occurred in London. A man named Huntingdon and his wife were charged with stealing the clothes of a man who had died suddenly while walking along Walworth Common. "The investigation of the charge," says a contemporary chronicler, "exhibited an extraordinary instance of the manner in which dead bodies are procured for

dissection." Mr. Murray, the assistant overseer of the parish of Newington, stated that on the Monday preceding the 9th of January, when the case was first heard, the body of a man who had dropped dead on one of the streets of that parish, was brought to the workhouse. Two days afterwards, the two prisoners attended at the committee room of the workhouse, and affecting great sorrow, represented that they were nearly related to the deceased, and that they desired to have his body delivered to them, as they wished to have it decently interred at their own expense. The parish officers, on this representation, made enquiries respecting Huntingdon and his wife at the place where they resided, and as nothing to their disadvantage was heard, it was agreed that the body be delivered to them immediately the public inquest as to the cause of death was concluded. On the Thursday the inquest was held, and after it the prisoners again made their appearance at the workhouse, and renewed their demand for the corpse, which was now given them. While preparations were being made for its removal, they became talkative, and informed the parish officers that the deceased was Mrs. Huntingdon's brother, and that, having come to London from Shoreham, in Sussex, about four months before, with eighty pounds in his possession, he had led a life of dissipation, and squandered all in that short period. This only tended to give a greater air of consistency and truth to the statements already made by the prisoners, that the officials thought they were not only doing right in giving up the body, but also that they were saving the parish the expense of a pauper's funeral. This dream, however, was soon rudely dispelled. In consequence of a quarrel which occurred between the prisoners and a female companion, as to the division of the money which the sale of the corpse had brought, the affair was brought to light, and Huntingdon and his wife were apprehended. Of course they were imposters, in no way related to the dead man; and on obtaining possession of the body they had sold it to the surgeons of St. Bartholemew's Hospital, receiving eleven guineas for their ware. An officer of the police searched the lodgings of the prisoners in Southwark, and there discovered the clothes which had belonged to the

deceased, together with a great variety of implements used by body-snatchers, such as screw-drivers and wrenching machines for opening the lids of coffins, and gimlets of all sizes. But not only did they appear to be engaged in robbing the houses of the dead—house-breaking implements of all kinds showed that they were at war with the living as well. But the most curious part of the whole case was that instead of being charged with the theft of the body, or with a misdemeanour which would cover that offence, Huntingdon and his wife, under the existing state of the law, could only be libelled for having stolen the clothes of the deceased, and for having burglarious instruments in their possession.

A few weeks after this, on the 21st of March, 1829, Mr. Henry Warburton, the Member for Bridport, obtained the first reading of a bill, intended to free anatomists from the restrictions under which they pursued their inquiries. This measure was supported by the Lord Advocate for Scotland, Sir William Rae, whose experience in the inquiries in the Burke and Hare trials was a strong recommendation in its favour. On the 7th of April Mr. Warburton obtained the passage of a motion made by him, under which the House of Commons appointed a Select Committee to consider and give effect to the recommendations contained in a report prepared by a Select Committee on Anatomy appointed in the previous Session. Those recommendations were in accordance with what he and many anatomists desired should be made the law of the country. That the details of the bill, however, were not altogether satisfactory to those who were supposed to be most interested in it, is evinced by the fact that on the 8th of May, Mr. B. Cooper, the member for Gloucester, presented a petition from the Royal College of Surgeons, praying to be heard in opposition to it. The petitioners, Mr. Cooper stated, were friendly to the principles laid down in the measure, but they wished to be heard on the details. The presentation of this petition gave rise to a short discussion, in the course of which the Edinburgh tragedies were incidentally mentioned. Mr. Smith, the representative of Norwich, complained of a letter which had appeared in the public prints, stating that Dr. Knox, of Edinburgh, was guilty

of the most intolerable criminality, and that he was unworthy to be trusted. If Dr. Knox, he said, did not deserve this, the letter must be reprobated in the highest degree. The petition was ordered to be laid on the table of the House; but it is probable that this passing reference in Parliament may have shown Dr. Knox that the position he then occupied was unsatisfactory, and have induced him to seek the inquiry into his relations with Burke and Hare mentioned in a previous chapter.

When Mr. Warburton's Anatomy Bill reached the committee stage on the 15th of May, the member for Oxford University, Sir R. Inglis, moved that it be an instruction to the committee that it be empowered to repeal so much of the Act 9, Geo. IV., Cap. 31, as gave permission to the judges to order the bodies of murderers, after execution, to be given over for dissection; but Mr. Warburton strenuously opposed this motion, as he believed the fate of his bill depended upon its containing no such provision. The view of the measure taken by the great body of the people was fitly given expression to by Lord F. Osborne, the member for Cambridgeshire, who, in a subsequent part of the debate, said he must oppose a measure which gave over the bodies of the poor and friendless to the surgeons; but the other side of the question was as aptly put by Mr. Hume, in the remark that the measure would be beneficial to the poor as well as to the rest of the community. At the close of the debate, the bill was committed with the instruction desired by Sir R. Inglis; and on the 19th of March it was read a third time, and passed by the House of Commons. Lord Malmesbury stood as sponsor for the measure in the House of Lords, which it reached on the 20th of May. His lordship, in moving that it be printed, admitted that it was extremely unpopular out of doors, but urged its necessity; and on the motion of the Earl of Shaftesbury it was read a third time. However, under the whole circumstances, it was deemed expedient, on the 5th of June, to withdraw the bill, and in the discussion to which this proposal led, the Earl of Harewood stated that, with respect to the horrid proceedings at Edinburgh, it was a disgrace to the country that they had not been investigated more fully, and that the public had not been informed of the result of the

investigation. All that the public really knew was that fifteen or sixteen murders had been committed.

The withdrawal of the bill was a great satisfaction to many, both in and out of Parliament; but the agitation for some such alteration of the law continued unabated. It required another severe lesson to bring public opinion into a state ripe for the change.
