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ALAPSZAKOS SZAKDOLGOZAT

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Angol szakirány

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ALAPSZAKOS SZAKDOLGOZAT

Valószínűtlen hős: Bernard Spilsbury és a brit igazságszolgáltatás kisiklása 1910-1947

An Unlikely Public Idol: Bernard Spilsbury and the Derailment of Criminal Justice 1910-1947

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Abstract

Sir Bernard Spilsbury was an eminent forensic pathologist in the first half of the twentieth century. He made his debut in 1910 as a Home Office pathologist, assisting Scotland Yard as a medical expert in the *Rex v. Crippen* (1910) case. During his long career, Spilsbury acquired a degree of popularity in the press and in the eyes of the public that no medical practitioner had had before or indeed ever since. His charm affected juries and judges to such an extent that conviction seemed to be guaranteed as long as the prosecution engaged his services. Until recently, Spilsbury was regarded as the founding father of the modern principles of forensic science. Andrew Rose, his main critical biographer, introduced the theory that Bernard Spilsbury had contributed to serious miscarriages of justice throughout his long career. Following Rose's research, I endeavour to sustain and reinforce his arguments by exploring and categorising the pathologist's methods of evidence procedure and presentation in the most notable cases; in addition, I attempt to establish a more exhaustive definition of "Spilsburyism" by assembling a profile of possible personas of the pathologist. Considering his delicate position and the environment which occasioned the phenomenon, I intend to explain why Spilsbury was left mostly unchallenged and thus able to pervert the course of justice in the first half of the twentieth century.

INTRODUCTION

A perfect English gentleman in a grey Homburg hat, a morning coat and spats made his debut as a forensic pathologist in 1910 and would within ten years, develop into a giant of modern criminology. Owing to his immense popularity, Bernard Spilsbury established a platform for the domain, devoting his life and expertise to proving the *raison d'être* of “The Beastly Science”. The fast-growing tabloid interest in crime catalysed the Home Office pathologist’s reputation as an exceptionally gifted practitioner whose ability to untangle murder mysteries seemed to grow with each case until he became a household name in medico-legal circles and beyond. The influence of Spilsbury’s charm reached not only the public but juries and judges as well. Being a confident cross-examinee, he was conceded infallibility, as if by general consensus, which contributed to a number of miscarriages of justice none the less. While the defence appealed in most cases, the original judgement was invariably upheld. The appeals were rejected either by the Court of Appeal or by Sir Ernley Blackwell (Legal Under-Secretary 1913-1933) asserting in a letter to the Home Secretary that “there is no reason whatever in this case for interference with the sentence”¹.

In many ways, Spilsbury was in the centre of a closely-knit system: regular police forces throughout England and Wales were under the direct supervision of the Home Secretary, while the Treasury Solicitor, authorised to call in medical experts, presided over more complex criminal cases. To advise the Treasury Solicitor, the office of Director of Public Prosecutions was established by the Prosecutions of Offences Act 1879, though the Department itself (DPP) was not created until the 1908 Act. Although the Department was commissioned merely to initiate prosecutions, it worked hand in hand with the CID of Scotland Yard. The centre of the machinery was the Home Office itself, to whom the

¹ Andrew Rose, *Lethal Witness: Sir Bernard Spilsbury, Honorary Pathologist* (Stroud: Sutton, 2007), (hereafter *Lethal Witness*), 162.

appointed medical professionals officially belonged. On request, they could be assigned to assist the DPP as medical witnesses in criminal cases, or to help Scotland Yard at crime scenes or inquests, as it lacked a forensic laboratory of its own until 1934.

Since the late nineteenth century, there had been continuous academic discourse about refining the morality of law. The evolution of criminal law, which, at least in theory, indicates the rights and wrongs of a society, had come to reflect the increasingly liberal values that had permeated other spheres of public life. It appears from the record that Spilsbury in his position as Home Office pathologist found it difficult, in general, to keep pace with these changing values. Yet, in an era that considered legal morality and equity essential, Spilsbury's judgement was never once questioned during the prime of his public service. Given the necessarily intertwined nature of the judicial authorities, he became an insider at the Home Office, the DPP, and Scotland Yard. Until the mid-1930s, nearing the end of his cult of being irreproachable, the great pathologist's testimonies remained unchallenged.

Andrew Rose, the primary critical biographer of Spilsbury, and a few other contemporary researchers suggest that Spilsbury's contribution to the derailment of early twentieth century criminal justice was conscious and deliberate. The pathologist may be accused of producing evidence and presenting it in such a way that the conviction of a suspect was guaranteed. His remarkable court rhetoric and impeccable style earned him a reputation of an expert witness whose stature only could win the case for the prosecution. As a result of the massive media attention, the public was familiar with the gory details of every spectacular murder case Spilsbury was involved in and hailed him as a resolute medical detective. It was probably the infinite press interest and the power which went hand in hand with his exceptional position that allowed the famous pathologist to pull the ropes and thus decide the outcome of a trial single-handedly. After a short review of his formative years preceding the first capital murder trial of the pathologist's long career, Spilsbury's evidence procedure and

courtroom performance will be explored by a systematic overview of his tactics, providing an insight into his most notable cases. In addition to the elaborate discussion of his methods, a whole chapter will be devoted to establishing Spilsbury's profile, which might shed some light on the motives behind perverting the course of justice, and to portraying the nature of media attention to account for the popularity of an unlikely public idol who grabbed the nation's attention in the first half of the twentieth century.

CHAPTER ONE

The Making of a Forensic Pathologist

On 16 May 1877 in Leamington Spa, Warwickshire, Bernard Henry Spilsbury was born into a well-established family of the Midlands. Among his ancestors, there were landowners, innkeepers, artists, tradesmen, and medical practitioners. James Spilsbury, an individualistic and disciplinarian analytical chemist, was the earliest influence on his son, introducing Bernard to medicine with the purpose of making a medical doctor of him. James took good care of his eldest son's education even in his early years and had a private tutor teach him until the age of nine. The family's involvement in trade was lucrative, thus the childhood of Bernard and his siblings passed in relative financial comfort, while they were raised in strict decorum². The adolescent years of the future pathologist passed in a hectic fashion: the family was forced to leave its convenient abode several times to follow James, who went where his whim and trading career bade him. Being constantly on the move, Bernard obtained his basic education as a day-boy and a boarder at Leamington College, University College School, and Manchester Grammar School, all of which he left or finished as a mediocre student, who was, ostensibly, indifferent to scholarly prizes: he took none of them home. At Owen's College, Manchester, his studies in chemistry, mathematics, and biology began to foreshadow his future professional interests. In 1895, he matriculated at Magdalen College, Oxford, where he graduated in 1899 with a second-class honours degree in Natural Science under the supervision of Horace Middleton Vernon, who was in charge of the examinations³. Vernon later described Spilsbury as "generally irritating", "too confident in his powers", and as someone who "occasionally seems quite ignorant of facts of fundamental

² Rose, *Lethal Witness*, 1-8.

³ *Ibid.*

importance”⁴. Proud of his son’s achievement, James Spilsbury rewarded Bernard with an expensive microscope, hoping to indulge the enthusiasm of the latter. Being an introverted boy, isolating himself from his peers, Bernard was not interested in youthful shenanigans; instead, he spent hours ice-skating and taking long walks in his own company. Though he was a member of a rugby team, his participation was mostly nominal. It was at this time that he had a minor accident, which resulted in his right index finger being shortened. It is generally believed that this accident led to his soon-to-be famous ambidexterity⁵.

Spilsbury’s medical career began when he started his practice at St Mary’s Hospital Medical School in 1899. At the turn of the century, the hospital was in the exceptional position of being able to take pride in employing the triumvirate that founded modern forensic medicine: Dr Arthur P. Luff and Dr William Willcox, Home Office toxicologists, and Dr Augustus John Pepper, Home Office pathologist. Applying their knowledge at coroners’ courts, the trio had been attempting to restore the reputation of medical evidence, which had been overshadowed by the late Dr Alfred Swaine Taylor’s involvement in the 1859 Smethurst debacle⁶, after which the field was dubbed “the Beastly Science”. Having been introduced to one of his future mentors, Almroth Wright, whose treatises he had read at Owen’s College, Spilsbury was in almost daily contact with the four most influential medical professionals of the time, all of whom were greatly impressed by his capacity for work and enthusiasm for the field. The fascination was reciprocated: it was the somewhat domineering behaviour and self-assertive courtroom rhetoric of Dr Pepper that had influenced Spilsbury to a great extent and led to a striking similarity between the future star forensic pathologist’s style and that of his

⁴ Ibid, 7-8.

⁵ Douglas G. Browne and E.V. Tullett, *Bernard Spilsbury: His Life and Cases* (Harmondsworth: Penguin Books Ltd., 1951), (hereafter *Bernard Spilsbury*), 11-17.

⁶ In 1859, Dr Thomas Smethurst was tried at the Old Bailey for poisoning his mistress, Isabella Bankes. Dr Alfred Swaine Taylor, the prominent medical figure of the Victorian era, testified as a medical expert and declared that a bottle belonging to the accused had contained arsenic. Smethurst was sentenced to death, although was pardoned when it turned out that Taylor’s inadequate testing caused the contamination of the sample.

mentor. Upon his admission, Spilsbury joined St Mary's Medical Society, of which he later became joint secretary and president⁷. In 1903, he briefly studied and gained some months' experience in dentistry, dermatology, ophthalmology, and obstetrics, some of which would be of use later in his career. Among other positions, he was surgical dresser to Pepper in 1902 and Joint Assistant Demonstrator of Pathology between 1903 and 1905. Since pathology was considered inferior among practitioners, even Wright refused to conduct any, the enthusiastic newcomer did most of the work, gradually developing a nearly obsessive passion for dissecting. Spilsbury had no close friends; in fact, he was characterised by aloofness, and spent most of his time alone in the mortuary, which resulted in the development of a marked physical aversion for people⁸. This attitude had become solidified: all along his career, Spilsbury preferred working alone. The long hours devoted to dissecting and researching morbid anatomy kept him from other studies for his degree, which is the main reason why he passed his finals only in late 1904, earning a degree of B.M. and B.Ch. in 1905. Conducting his first post-mortem, Spilsbury started writing the first little black notebook, a more comprehensive version of his later famous case cards, containing the details – a practice he never abandoned: by the end of his career, the notebooks described over twenty thousand autopsies. The same year he became Resident Assistant Pathologist to Dr Pepper, which was a crucial promotional opportunity, as he could witness the primary responsibilities and practices of a forensic pathologist at first hand. As early as 1903, Spilsbury assisted Pepper in a case of suspicious death of a missing person, Miss Camille Holland. Ballistic evidence was required, and the DPP instructed E.J. Churchill to testify⁹. The firearms expert was the uncle of a gunsmith, Robert Churchill, who famously collaborated with Spilsbury in processing evidence for murder trials between 1913 and 1947.

⁷ Rose, *Lethal Witness*, 9-20.

⁸ Ibid.

⁹ Ibid.

Spilsbury's name gained some currency outside the hospital in the second half of the 1900s. During his second year as a qualified medical doctor in 1907, following his mentors' example, he gave evidence at coroners' courts in ten cases and began to develop the oratorical style which he was going to be famous for: dogmatic, marked by unflappable confidence, and devoid of the excesses of medical jargon, so that laymen had no difficulty in comprehending his testimony. Coroners took notice of his growing reputation as a swift and ambidextrous demonstrator, thus the number of cases he was called to give evidence in was rapidly increasing. Though successful at court, Spilsbury's rhetoric was less popular when he lectured at St Mary's, St Bartholomew's, and later at University College Hospital medical school. In 1907, he became a member of the Medico-Legal Society, a prestigious circle founded in 1901 with the aim of promoting current medico-legal discussions in London, and soon was elected one of the two honorary auditors¹⁰. Some of the notable members who no doubt had a profound influence on the pathologist were Pepper, Willcox, Professor Harvey Littlejohn, and G.B. Shaw. Membership meant connection to a cultural tradition dating back to at least the nineteenth century: it was the various medico-legal documents that served as the number one source for expert assistance in criminal investigations. For this reason, the treatises provided advice emphasising investigations of suspicious death and the responsibilities of medical practitioners in those cases¹¹. Until a few years before his death, Spilsbury attended the Society's regular meetings, where papers were presented and discussed, a procedure the likes of which the *Medico-Legal Journal* gave written account of thirty years later. Perhaps it was one of these assemblies that induced the pathologist's withering hatred and explicit disgust towards criminal abortion, against which he had been leading a crusade from 1906 until his death. He would report fellow practitioners to the authorities if they had come under suspicion

¹⁰ Ibid.

¹¹ Ian Burney and Neil Pemberton, *Murder and The Making of English CSI* (Baltimore: Johns Hopkins University Press, 2016), 41-42.

of conducting criminal abortion¹². It was a mission fuelled by contempt imprinted in his morality in the course of his upbringing: The family tradition was characterised by a distinctive Protestant Nonconformist streak; consequently, Bernard had been raised in accordance with Methodist values such as sobriety, discipline, scriptural purity, Christian perfection, and moral earnestness. Methodist theology had significant roots in contractualism, so that believers took heed of what was mutually recognised by the community as right and wrong¹³. Although baptised a Methodist, Spilsbury's application to become a 'minister of the gospel' was met with rejection¹⁴. Considering the accounts of his career, it is reasonable to conclude that he subordinated his professional life to these values; as for his private life, there is no sufficient record that might offer an insight in this respect. According to both Andrew Rose¹⁵ and Christopher Hilton¹⁶, the religious environment played a decisive role in forming the reclusive personality of the pathologist.

Spilsbury succeeded Pepper when the latter retired as Pathologist of St Mary's in 1909, a year after Spilsbury had completed his M.A. at Oxford, and even inherited his title of Pathologist to the Home Office in 1910 with one difference: it was for him that the title of *Honorary Pathologist* was created¹⁷. Not only did his growing reputation earn him an invitation to St Bartholomew's and take him to coroners' courts more and more frequently, but also, thanks to his links to the Home Office, the Metropolitan Police began to trust him as an adviser on forensic pathology.

A year before his first major appearance in court, Spilsbury gave evidence in a case which elevated him to the status of the DPP's pathologist of choice. At a hairdressing salon at

¹² Rose, *Lethal Witness*, 39.

¹³ Elizabeth Ashford and Tim Mulgan, "Contractualism," *The Stanford Encyclopedia of Philosophy*, last modified August 2, 2012, <https://plato.stanford.edu/archives/fall2012/entries/contractualism/>.

¹⁴ Rose, *Lethal Witness*, 14.

¹⁵ Andrew Rose, email correspondence, October 24, 2017.

¹⁶ Dr Christopher Hilton, email correspondence, October 20, 2017. On 4th October 2016, Christopher Hilton gave a speech at Spilsbury's blue plaque unveiling in Leamington Spa as a representative of the Wellcome Library, London.

¹⁷ Rose, *Lethal Witness*, xix.

Harrods in 1909, a hairdresser applied a new dry shampoo to a woman, who fainted and died a sudden death minutes later. It was Spilsbury who conducted the post-mortem examination of the body and declared the cause of death to be 'syncope', a term frequently used at the time to denote unexplained heart failure¹⁸. His evidence regarding the cause of death was contradicted from the start by Lieutenant-Colonel Edward Lawrie, a reliable medical authority at the time, who was at Spilsbury's side during the autopsy. Giving testimony at Kensington Coroner's Court as a witness for the Crown, which attracted considerable press interest, Spilsbury asserted that the woman would not have died had the shampoo not been applied. The rock-solid prosecution team comprised two star barristers of the Old Bailey, William Leycester and Travers Humphreys, and other medical experts introduced by the DPP at the committal proceedings such as Pepper and Willcox, who determined that the shampoo was unusually toxic. Two employees, the hairdresser and the manager of the department, were charged with manslaughter. Harrods was represented by the soon-to-be Director of Public Prosecutions, Archibald Bodkin, who prompted the Director to withdraw charges¹⁹.

¹⁸ Ibid, 18.

¹⁹ Ibid, 18-19.

CHAPTER TWO

Manipulation of Evidence

Forensic science and indeed the role of scientists were changing considerably at the turn of the century. Pioneer thinkers emerged in Europe, establishing theories of crime investigation which instantly became definitive. These works examined the scope of the forensic expert in general and his role in what was going to be known by the mid-twentieth century as Crime Scene Investigation. Reflecting on and at times challenging the primarily Victorian assumptions of Alfred Swaine Taylor's *Principles and Practice of Medical Jurisprudence* (first published in 1865, then in 1905), which explained the "medical jurist's" unquestionable authority at the crime scene by bestowing a "natural gift" of the most thorough observational skills on him, came out an exceptional theoretical work of principles of criminal investigation: Hans Gross's *Handbuch für Untersuchungstrichter als System der Kriminalistik* (published in the early 1890s and translated into English in 1906). Accompanied by contributions of the world-renowned French criminalist, Edmond Locard, the shifting nature of crime science became evident. The Austrian jurist's Handbook, which Ian Burney referred to as "the first systematic manual for criminal investigation"²⁰, describes the medical expert as having limited powers and a disputable place in criminal cases, giving all control to the Investigative Officer at hand. As the manual was becoming generally accepted, medical practitioners were more conscious of their limitations, and therefore more reluctant to make confident assertions.²¹ Furthermore, there had been a change in the system of assigning medical experts to crime scenes as well. For the most part of the nineteenth century, it was the unremarked general toxicologist in the vicinity, not bearing direct forensic expertise, who first arrived at the scene and began the investigation, in stark contrast to the elite group of mighty

²⁰ Ian Burney, "Our Environment in Miniature: Dust and the Early Twentieth-Century Forensic Imagination," *Representations* 121, no. 1 (Winter 2013): 32.

²¹ Burney and Pemberton, *Murder and The Making of English CSI*, 28.

professionals of forensic medicine, who would take the lead after the turn of the century. The focus had been shifted and put primarily on the individual practice of the pathologist encountering dead flesh, a trend of which Spilsbury would become the unparalleled, par excellence example.²²

Presenting evidence

Throughout his whole career, Spilsbury had been involved in approximately 250 murder cases. Having chosen a profession of a primarily solitary nature, it was only the courtroom that provided a platform for a showcase of the pathologist's expertise. Not only had he been preparing for the trial by writing extensive notes on the related post-mortem examinations, but he also dressed up for the event: a red carnation in his buttonhole, for instance, was an essential accessory at the trial of Dr Crippen in 1910.²³ It was by no means the sole occasion when Spilsbury arrived armed with a number of spectacular props, which were used in order to broaden his appeal and to seem highly professional yet familiar as an everyman. Perhaps intending to evoke the sympathy of every group and rank of people in the room, whether driven by a sinister purpose or a natural desire to satisfy the public, he resorted to skilful manipulation of various kinds. First and foremost, he needed to appeal to the jury, which comprised of ordinary citizens. Many times, the jury was directly involved in the evaluation of evidence, as in the Crippen case, for example, when the scar tissue which lay at the heart of the case was presented on a china dish and was carried around among them²⁴. Moreover, members of the jury were ushered into a separate room, "Pied Piper like"²⁵, where Spilsbury gave a short demonstration of the microscopic examination of the slides, after which the jury, one by one, was allowed to look for themselves. Although such interactions

²² Ian Burney and Neil Pemberton. "Bruised Witness: Bernard Spilsbury and the Performance of Early Twentieth-Century English Forensic Pathology," *Medical History* 55, no. 1 (2011): 41-60, doi:10.1017/S0025727300006049.

²³ See *Rex v. Crippen* (1910) in Appendix.

²⁴ Rose, *Lethal Witness*, 27.

²⁵ Colin Evans, *The Father of Forensics* (New York: Berkley Books, 2006), 28.

were not too frequent, the “People’s Pathologist”²⁶, as he was commonly dubbed, was more than willing to offer illustrations at any given moment of a trial, even if it meant fetching a heavy bathtub.²⁷ Descriptions of his individual experiments and findings were delivered in an equally vivid manner. On one occasion, Spilsbury gave details of how he had tied a cloth sack around his head to prove a theory²⁸, other times he showed the court the exact position of fractures on a wax model, on the dead man’s skull at the trial of George Cooper Jr.²⁹, or on his own head. It became a predictable certainty that irrespective of the evidence itself, jurymen and women would develop a soft spot for Spilsbury.

Owing to his popularity, Spilsbury acquired some privileges at court, which he tended to take full advantage of. For example, whenever the Home Office pathologist referred to his notes, it was not necessary for him to produce them; upon referring to his experience in a given matter, he was hardly ever asked to specify the details, while other experts invariably were. Similarly, as opposed to other experts and witnesses, he was permitted to sit through the whole length of the trial, which enabled him to listen to witnesses for the defence. Called usually among the last witnesses, he was thus forearmed against the defence arguments, which alarmed some court officials, and which was also frowned upon by Andrew Rose, Spilsbury’s main critical biographer. Based on the research I conducted and the evidence I found, it is reasonable to assume that the pathologist, on at least some occasions, tailored his evidence precisely to refute that of the opposing side. The comparison of the trials of Donald Merrett and George Kitchen, cases described in detail below, serves as a typical example to illustrate the phenomenon: the lack of blackening around the wound was used in argument for suicide in the first case, and for murder in the second. It was a vigilant prosecutor, Sir Patrick Hastings KC, who was the first and the only person ever to request in 1932 at the trial of Mrs

²⁶ Ibid, 28.

²⁷ See *Rex v. Smith* (1915) in Appendix.

²⁸ See *Rex v. Dearnley* (1923) in Appendix.

²⁹ Evans, *The Father of Forensics*, 152.

Barney³⁰ that Spilsbury, “of all the witnesses to be called against me the one I feared the most”³¹, be removed until his evidence was called. As Andrew Rose rightly points out, during the trial proceedings of the Thorne case³², an intimate conference took place at Sir Henry Curtis-Bennett KC’s flat. A small influential group attended the meeting, namely Sir Archibald Bodkin (DPP), Sir Ernley Blackwell, Chief Inspector Gillan, and Spilsbury. Little is known about the details, but by the end, all were of the opinion that the account of Dr Brontë, one of three medical experts for the defence, was not reliable.³³ While only one of the attendees was qualified to address the matter, the outcome was a unanimous agreement. Therefore, examining the report of the Metropolitan Police which referred to the conference mentioned above³⁴, I am led to believe that the Home Office pathologist persuaded the others into giving credit to his findings as opposed to those of his opponent, and that a discussion about the methods of refuting the inconvenient medical evidence took place. Indeed the following day Spilsbury was recalled to contradict almost every word of Dr Brontë, whose Irish temperament, differing radically from that of the reserved and beloved English pathologist, could easily influence the judge to the doctor’s disadvantage. Needless to say, despite the testimony of the seven competent medical experts for the defence, Thorne was found guilty on the same day.

Dr Pepper, Spilsbury’s mentor himself, had a particularly domineering way of presenting evidence, thus it may come as no surprise that his protégé developed a strikingly similar rhetoric accompanied by an overpowering presence. Beside the concise, matter-of-fact answers, Spilsbury was permitted to address matters which he was not questioned upon.

Though he did not digress from the actual case, this was indeed his privilege only, as other

³⁰ See *Rex v. Barney* (1932) in Appendix.

³¹ Browne and Tullett, *Bernard Spilsbury*, 183.

³² See *Rex v. Thorne* (1925) in Appendix.

³³ Rose, *Lethal Witness*, 134.

³⁴ Chief Inspector Gillan to probably Detective Superintendent Brown, 1 May 1925, The National Archives (TNA), MEPO 3/1610.

witnesses were instantly rebuked for the same. His methods were various, including disguising the matter as relevant: “Put in that way, I am afraid I cannot agree; but if you ask whether the evidence is consistent with such and such a theory, you are quite right.”³⁵, and asking if he may deal with something else first and then forgetting to return to the original question unless he was explicitly reminded to do so. A typical example for the latter, which may have been left unnoticed by Rose, can be found at least twice in the trial transcript³⁶ of Patrick Mahon, the man who was convicted for chopping up and boiling the remains of Emily Kaye.³⁷ Although famous for simplifying his replies so that laymen could understand them, the pathologist knew exactly when to cast a shadow of scientific jargon on matters he did not wish to address, thus he could avoid answering directly without the trick being noticed. Sometimes he answered in moderation with a firm, monosyllabic word, or showed compelling self-confidence with one of his frequently used phrases of ‘I have not the slightest doubt.’ or ‘Certainly out of question.’ Sometimes the exact phrase the given advocate used was repeated, so that the “deadly nature of his evidence was immediately apparent”³⁸. Not only did he bewitch the jury, but also members of the bar. The expert cross-examinee led many defence counsels into believing they encircled him until the very last moment. The technique which he kept returning to was aptly described by Browne and Tullett:

‘During cross-examination’, writes another old friend, if some suggestion that countered his evidence were put to him he had a pleasing, almost an engaging way of accepting it; he might even put it into simpler words, so that all could understand it. Then he destroyed it, and made it clear to all that it had no foundation in the facts that had described. (Browne and Tullett 1951, 185)

Even though described as thoroughly accurate and sufficiently lucid, some inconsistencies can be detected in Spilsbury’s testimonies. Judging from the accounts of those who worked with him, it is not his precision that may be challenged, but the question arises:

³⁵ Browne and Tullett, *Bernard Spilsbury*, 179.

³⁶ Transcript of the trial of Patrick Mahon, 17 July 1924, HO 144/4100.

³⁷ See *Rex v. Mahon* (1924) in Appendix.

³⁸ Browne and Tullett, *Bernard Spilsbury*, 183.

Why would a professional scientist who paid painstaking attention to detail and who, apparently, had the best competence to master every aspect of the art of rhetoric retract his own definite word? Could these instances be attributed to a slip of the tongue or were they manipulative acts of altering the evidence? I am led to believe that a person with such awareness and routine would not allow himself to make innocent mistakes. A spectacular incident occurred in the Seymour³⁹ case, when Spilsbury modified his report about the murder weapon three times and also introduced completely new evidence, of which he had not given prior notice to the defence⁴⁰. Likewise, in the Second Brighton Trunk Murder case⁴¹, Spilsbury presented new evidence during the trial, which he admitted having known since the very first post-mortem examination, though did not think of sharing it with the defence. In the so-called Blazing Car Murder case, at the trial of Alfred Rouse⁴², the pathologist added a “Supplemental Report” to his testimony in the last moment, a report that contained information not originally present in his first report, which had been forwarded to the Metropolitan Police.⁴³ Beside the report, it was this case in which Spilsbury’s speculation was the most obviously exaggerated. Even though no crime scene preservation took place and the two police officers called to the scene gave entirely conflicting descriptions of it⁴⁴, a large part of Spilsbury’s testimony was based on the original position of the body, which seems even more disconcerting considering that the pathologist saw it only after it had been moved to a nearby garage. In addition to speculation, when it came to determining the cause of death in any murder case, Spilsbury contradicted his own research in concluding the cause of death to be shock due to bruising. In the research article written for his 1933 presidential address to the Medico-Legal Society, the second sentence reads: “ ‘Shock’ I regard as one of the most

³⁹ See *Rex v. Seymour* (1931) in Appendix.

⁴⁰ Rose, *Lethal Witness*, 199-210.

⁴¹ See *Rex v. Mancini* (1934) in Appendix.

⁴² See *Rex v. Rouse* (1931) in Appendix.

⁴³ Rose, *Lethal Witness*, 194.

⁴⁴ *Ibid*, 190-191.

overworked terms in the medico-legal vocabulary (...).”⁴⁵ He continued to describe four types of shock that may result in an almost immediate, sudden death, none of which was due to bruising.

Fabricating evidence

The pathologist’s involvement in a criminal case usually began in the mortuary, though he was regularly called to visit crime scenes in the first place. By the early 1920s, at the peak of his career, Spilsbury had become an “honorary member of the CID”⁴⁶, which meant that he was allowed to ramble around the crime scene, looking at every nook and cranny. Spilsbury had never been treated as the extraneous medical practitioner to be accompanied by an officer at all times. On the contrary, it was a matter of course that he would not disturb the scene or touch anything apart from the corpse; thus, he was often left alone. Members of the Yard looked up to him as a father figure with great experience. Chief Inspector Wensley, for example, said in nostalgia that “It is an education for any young officer to work with Sir Bernard.”⁴⁷, as his fascination for criminal investigation, triggered by the relics of the Palmer case⁴⁸ which he inherited from his grandfather, urged him to help officers reconstruct the events which might have taken place.

The significance of the Crippen case weighed hard on representatives of Scotland Yard and the medical experts as well. Not enough time had passed since the Smethurst downfall, and forensic pathology had to prove that it had a vital place in modern criminal justice. According to Dr Pepper, only a spectacular, “once-in-a-decade” case could turn the

⁴⁵ Sir Bernard Spilsbury, “Some Medico-Legal Aspects of Shock,” *The Medico-Legal and Criminological Review* 2, no.1 (January 1934): 1.

⁴⁶ Browne and Tullett, *Bernard Spilsbury*, 209.

⁴⁷ *Ibid.*

⁴⁸ William Palmer, a.k.a. The Rugeley Poisoner, was a doctor from Rugeley who is estimated to have been responsible for the death of sixteen people, among those were relatives and people who owed him money. When the insurance company which had paid after the deaths realised that Palmer’s mother-in-law, wife, and brother also died in mysterious circumstances, a detective was sent to investigate. Nevertheless, it was the murder of John Cook, a friend of Palmer, which Palmer was tried for and found guilty of. He was executed in Stafford on 2 June 1856.

course of forensics around and restore the belief in the necessity of crime science⁴⁹. Little did they know that it was around the corner. The trial revolved around a small tissue, which was examined by a number of medical experts. Spilsbury was only the third to receive it, and by that time, he had looked at the news coverage on the case, which reported details about the victim's life. Later in the course of the trial, the pathologist admitted reading the papers⁵⁰ and having prior knowledge about the operation, thus he may have been influenced by that when he asserted that the piece of skin showed an old operation scar of a woman. Based on Spilsbury's testimony about the tissue and on other completely circumstantial evidence, Dr Crippen was found guilty and was duly executed. It is of course unfair to judge with the wisdom of hindsight, but the pathologist's evidence was seriously flawed. Some dedicated scientists established in 2010 that the tissue was probably not a scar and did not at all belong to the victim, Cora Crippen – as a matter of fact, it had male DNA.⁵¹

Bernard Spilsbury is said to have conducted approximately 25,000 post-mortems during his career, which meant about two every single day. Beside regular post-mortems, he gave lectures, attended meetings of masonic lodges, the Medico-Legal Society, and at least four social clubs he was a member of. According to his diary from 1944-1945⁵², sometimes he gave six lectures a week, had lunch meetings about twice a month, and usually worked on Saturdays and sometimes on Sundays, not to mention the trials he had to attend. Taking this schedule into consideration, it seems fairly unlikely that a person subjected to such a workload did not make a single mistake or did not look for short-cuts. At times he was caught leaving out steps of post-mortems, such as the microscopic examination of certain sections. It was at the trial of Norman Thorne that this negligence occasioned considerable medical

⁴⁹ Evans, *The Father of Forensics*, 13.

⁵⁰ Rose, *Lethal Witness*, 28.

⁵¹ David R. Foran, Beth E. Wills, Brianne M. Kiley, Carrie B. Jackson, and John H. Trestrail III, "The Conviction of Dr. Crippen: New Forensic Findings in a Century-Old Murder," *Journal of Forensic Sciences* 56, no.1 (August 2010): 233-240, doi:10.1111/j.1556-4029.2010.01532.x.

⁵² Sir Bernard Spilsbury, Diary from 1944 and 1945, The Royal London Hospital Archives.

debate. Seven eminent medical experts contradicted Spilsbury's evidence, namely that the grooves around the victim's neck were natural creases rather than rope marks. Even though Spilsbury admitted not to have prepared slides during his first post-mortem examination, nor did he bother to inspect the neck under a microscope, his testimony that the creases were not rope marks by the sheer look of them was duly accepted none the less, and Thorne was convicted of murder. Similarly, just five years later at the trial of Sydney Fox⁵³, Spilsbury claimed to have found a bruise at the back of the victim's larynx. Oddly enough, when the medical experts for the defence, Dr Henry Weir, Dr Robert Brontë, and Dr Sydney Smith, sought to examine the said bruise too, Spilsbury replied that it had disappeared before he could preserve it, and no sections were taken either⁵⁴. The pathologist introduced a theory of manual strangulation despite the fact that none of its classic signs could be detected.

Moreover, the hypothesis was based on the invisible bruise and another one on the tongue, which would presume that Mrs Fox had her false teeth in when she went to bed. The great man's version of events was again accepted by the judge and the jury, which sent Fox to the gallows for matricide. In this case, Spilsbury had been aware of the queer life of the suspect before he began examining the corpse, and as a vicious opponent of homosexuality, he could easily have let his views preside over his professionalism. According to Rose, Spilsbury was not the only one against the suspect from the beginning, but Detective Superintendent Walter Hambrook, one of the initial four founding members the Flying Squad⁵⁵, had no sympathy either for Fox's murderous blue eyes. It was also general knowledge in the Yard and the bar as well that Fox possessed information of immensely compromising nature regarding, for instance, some of the most respectable army officers⁵⁶. Determined to see the "male

⁵³ See *Rex v. Fox* (1930) in Appendix.

⁵⁴ Rose, *Lethal Witness*, 172.

⁵⁵ Specialist Crime Directorate 7 founded in 1919 by Detective Chief Inspector Wensley to investigate organised crime involving firearms.

⁵⁶ Rose, *Lethal Witness*, 179.

prostitute⁵⁷ hang, Sir William Jowitt KC, Attorney-General at the time, his wife, Curtis-Bennett, and St John Hutchinson KC conducted an experiment based on Spilsbury's theory. To reconstruct the potential events, a pillow was pressed tight to the face of Lady Jowitt, the three prosecutors playing Fox. Needless to say, their experiment was flawed from the start, since no evidence pointed to smothering or the use of a pillow in the Fox case⁵⁸. This was not the only encounter between the pathologist and a homosexual suspect. There is considerable doubt about Spilsbury's impartiality while investigating Drummer James Ellis's death⁵⁹, which occurred due to a sado-masochistic roleplay between two lads in the army. Not only Rose, but even the authors of the exclusively adulatory biography, Douglas G. Browne and E.V. Tullett, suggested that Spilsbury withheld evidence. In addition, instead of testing his hypothesis on the victim's skull, Spilsbury experimented on his own head and thus concluded his hypothesis proven. Only a day before Drummer Dearnley's execution, when his grave had already been dug, was any doubt raised about his guilt. Thanks to the prison governor, T.J. Harding, who discovered essential new evidence, Dearnley's life was saved – he ended up serving nine years in prison.⁶⁰ There is no evidence that Spilsbury was in any way held accountable. In an equally slipshod manner, he kept changing his mind about the potential murder weapon in the Seymour case. It had already been established twice that the hammer in question could not have caused the injuries on the skull when Sir Bernard changed his mind at the committal proceedings. Finally, in the witness box, he claimed that it was this hammer in a different condition that caused the fracture, which he concluded based on a number of experiments: by using a different hammer, covering it thick with a piece of cloth, and striking a wooden board, he was able to produce the same fracture as on the victim's skull⁶¹. Despite the inaccurate experiment and the entirely circumstantial evidence, Spilsbury's spell was

⁵⁷ Ibid.

⁵⁸ Ibid, 173-174.

⁵⁹ See *Rex v. Dearnley* (1923) in Appendix.

⁶⁰ Rose, *Lethal Witness*, 108-110.

⁶¹ Ibid.

hypnotic enough to secure a death sentence. At least in two instances, Spilsbury failed to address the medical condition of the suspect: in the Fox case, the pathologist did not comment on Sydney Fox's epilepsy or how it might have affected his abilities to go through with murder. Quite similarly, he disregarded the serious medical condition of the ex-army officer, David Greenwood⁶². As the pathologist did not prepare notes during post-mortem examinations, he had to memorise every little detail and recall them sometimes days later upon writing the notes. Therefore, there is a serious chance, especially considering the number of cases in which the suspicion of miscarriage of justice arises, that even more pieces of evidence were left out.

While the Home Office pathologist would work alone in the mortuary, he was more than willing to carry out experiments with Robert Churchill, the nephew of E.J. Churchill, a celebrated firearms expert frequently called in to testify at courts. The duo first collaborated in 1913 during the Baxter case⁶³ and conducted their first joint experiment, which included Spilsbury firing a gun at the victim's pyjamas. They worked together in at least seven subsequent high-profile murder cases. There usually were inconsistencies and oddities about the pair's reports, which should not have been left unchallenged. The Scottish Merrett case⁶⁴, one of the few instances when Spilsbury testified for the defence as an independent witness, is a perfect example of the phenomenon. Spilsbury and Churchill carried out their experiments to show the exact distance from which the gun had been fired, and they concluded that it could only have been suicide. In the course of the case, four experiments were carried out, in the centre of all of which was the lack of blackening around the wound, which was believed to indicate the estimated distance of the gun. Since blackening is present in the vast majority of suicides by the means of a gun, its absence troubled Harvey Littlejohn, professor of

⁶² See *Rex v. Greenwood* (1918) in Appendix.

⁶³ See *Rex v. Baxter* (1913) in Appendix.

⁶⁴ See *Rex v. Merrett* (1927) in Appendix.

forensic medicine at the University of Edinburgh⁶⁵. Two initial experiments were conducted: one by Spilsbury and Churchill, using a different gun with different ammunition, and one carried out by Professor Littlejohn, using the same gun with the same kind of ammunition. The London pair concluded that it could not have been murder, as powder marks could easily have been washed away by blood and hot water. Using the exact same weapon, Littlejohn contradicted this point. A subsequent joint experiment was carried out by Littlejohn and Professor John Glaister, who was at the time head of forensic medicine at Glasgow University⁶⁶. Again, it was established that the powder marks were so stubborn that even after letting the piece of skin they were firing at soak in water for two months, blackening was still visible. Spilsbury attempted to refute the above by conducting an experiment on his own, this time with Merrett's gun, although still with different ammunition, firing at paper. Since for him the powder could be wiped off, he stuck to his own hypothesis through thick and thin.⁶⁷ Irrational as it may seem, despite the accusations of Bertha Merrett, who miraculously survived the shot and lived on long enough to incriminate his son, it was Spilsbury's word that secured the odd verdict of "not proven" for Donald Merrett. Although Spilsbury never lived to know, in 1954, Merrett drowned his wife, bludgeoned his mother-in-law, and then shot himself⁶⁸. A couple of years after the case, Spilsbury and Churchill reunited twice, though by this time the peers were more alert. In 1932, George Kitchen was tried for murdering his son with a hammer gun⁶⁹. The duo's joint report on their experiments contained that the gun, contrary to Kitchen's own testimony, could not have gone off accidentally; moreover, it was fired by another person standing three inches away from the body. After four other firearms experts, Dr R.K. Wilson – Captain in the Royal Artillery, Gerald Burrard –

⁶⁵ Colin Evans, "Donald Merrett (1926)," in Colin Evans, *A Question of Evidence: The Casebook of Great Forensic Controversies, from Napoleon to O.J.* (New Jersey: John Wiley & Sons, 2003), 42-57.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Rose, *Lethal Witness*, 151.

⁶⁹ See *Rex v. Kitchen* (1932) in Appendix.

retired Major in the Royal Artillery, William Mansfield – at that time director of Holland & Holland, and another gunsmith, H.L. Greener, gave evidence that the gun was extremely liable to accidental discharge, Churchill re-examined the weapon⁷⁰. The new experiment did not prompt him to change his mind; however, it resulted in serious accusations. Upon re-examining the weapon, Burrard reported his concerns to the Home Secretary: in his view, the gun had been “tampered with”⁷¹. A personal and confidential correspondence followed between Tindal Atkinson, the DPP, and the Chief Constable of Lincoln, G.H.R. Halland. Although some kind of investigation of the matter was required, the Director expressed his disbelief in Burrard’s claims, and was undoubtedly anxious to refute the allegation as soon as possible.⁷² Spilsbury’s involvement was not once mentioned or investigated, and though Churchill ended up not giving evidence at the trial, he was absolved of the allegations⁷³. This case was also exceptional on other grounds, too: it was the first time a judge reproached Spilsbury for speculating, and he summed up for the jury to acquit. The report by Spilsbury and the gunsmith in connection with Mrs Barney’s trial the same year caused temporary discomfort, this time, surprisingly, to Spilsbury. The emphasis was now on the trigger and Spilsbury’s illustration of how difficult it was to pull it. Having learnt the lesson from the many years of seeing the pathologist in action, Sir Patrick Hastings asked for permission to try it himself – in his hand, the trigger could be pulled much more easily.

There were a number of theories that governed Spilsbury in the course of his daily routine as a medical detective. It was common knowledge that the pathologist was a devoted advocate of phrenology, which must have already been considered obsolete by his contemporaries, since this pseudo-scientific field had been popular in the first half of the 19th century. Along with the principles of Cesare Lombroso, the Italian criminologist who is

⁷⁰ Rose, *Lethal Witness*, 213-216.

⁷¹ *Ibid*, 216.

⁷² Tindal Atkinson to Chief Constable G.H.R. Halland, 21 April 1932 and 22 April 1932, DPP 2/62.

⁷³ Rose, *Lethal Witness*, 218.

credited with the modern rediscovery of phrenology, Spilsbury believed the measurements of the “born criminal” to be accurate enough to be used as evidence. According to manuals⁷⁴ dating back to the early 19th century, when phrenology was most researched, attributes of an extraordinarily violent character are visible on the face as follows: the zones that are responsible for aggression are immediately above and behind the ears; therefore, were they visibly broad, the person was very likely to assault a fellow human being. A big nose and the dominance of the region ranging from the chin approximately to the cheek bones accounted for the same behaviour. Even though pictures that are currently available of those suspects who were executed on Spilsbury’s expert opinion are mostly frontals, some of these characteristics may be identified on the faces of Norman Thorne, George Smith, Patrick Mahon, and Tony Mancini. Another theory was of assistance when the pathologist familiarised himself with a given case, and if one thing is for sure, Bernard Spilsbury would unswervingly stick to any theory which he himself had come up with. He believed in a principle belonging to forensic linguistics today, namely that a criminal, in some way or another, is likely to refer to his crime in his speech. This theory was clearly proved right when Thorne made a joke about chopping Elise Cameron’s body up and burying it under the chicken run – the exact condition in which and spot where the body was found. As far as Spilsbury was concerned, Thorne was bound to be guilty. In a similarly morbid but much more mechanical manner did Mahon detail the dismemberment of his victim’s body, which ultimately resulted in his execution. It is equally important to consider the position in which Spilsbury found himself: never before or indeed after him had any medical professional been singled out so evidently and had had such power over the life of a suspect as he had. Nor could it have been more obvious in the eyes of the public that the pathologist had the last say in the trials he was involved in. Being the absolute authority on murder must have been pure

⁷⁴ Such as George Combe, *System of Phrenology* (Edinburgh: Longman & Co., 1830, 1843) and G. Spurzheim, *Phrenology, in Connection With The Study of Physiognomy*, (London: Treuttei, Wurtz., and Richter, 1826).

joy for someone who seems to have been indifferent to every other walk of life: Spilsbury's marriage became a sheer formality after a couple of years, while not being around minimised the scope of his role as a father. Provided that a son joined the medical profession, Spilsbury's paternal instincts kicked in full-fledged giving all the necessary support. Spilsbury was known to have had no real friends whatsoever, nor was he particularly bright as a student or had any talent in matters other than pathology. Regarding his embarrassingly warm and demonstrative affection for dissecting and the multiple oratorical techniques from which he had no problem choosing one that was suitable for the occasion, it is fair to assume that Spilsbury was satisfied with the strings of power that united in his hands in the mortuary as well as the micro-world of the courtroom, and took advantage of them. The most gruesome illustration of this is perhaps what followed Mahon's trial in 1924. Not only did Spilsbury secure Mahon's conviction and thus execution, but he also conducted a post-mortem on his body, still warm, freshly removed from the gallows. Although such an examination was not unprecedented, this one, in the view of Sir Ernley Blackwell, was completely uncalled for, together with the pathologist's request for his permission to keep a part of Mahon's spine. The permission, of course, was not granted⁷⁵.

Most likely, Spilsbury's primary motivation was to stay in the game. As the shiny lights of the age of illusion, which coincided with the prime of his career, started to fade, so did his name begin to lose its strength, which, eventually, resulted in the breakdown of his reputation as an infallible medical expert. The thirties brought cases which still bear some legal relevance today, and unfortunately, their volume and public recognition also meant the magnification of blunder. The intimate group of professionals, the medical elite brought into existence by the post-Ripper paradigm shift, had started to disintegrate and was eventually swept away by a new era devoted to covering the cracks of the exclusivist system. Change, of

⁷⁵ Rose, *Lethal Witness*, xviii.

course, was inevitable, which is something that Spilsbury must have realised; yet, he had been fighting against it with full force, not once counting the costs. He resorted to abandoning the principles of the profession as well as his own convictions nearing the end of the battle. Not getting a single step further, he gave up. By his last appearance in the witness box in 1947, the pathologist's firm testimony had already been history: he could only mumble that he had no idea what kind of powder had been used or from what distance had the shot been fired⁷⁶. About three months later, Spilsbury's last letter read "I'm finished."⁷⁷ – by the time Eric Gardner received the letter, Spilsbury had already taken his own life.

However questionable Spilsbury's procedure and presentation of evidence were, judges tended to sum up directing the jury to accept the pathologist's testimony and effectively disregard those of other medical witnesses. In these speeches, the pathologist was singled out from among the others, and was marked as the only person holding the key to the solution of the case. Sometimes he was claimed to be superior to any other pathologist in Europe, sometimes was simply referred to as the very best. Mr Justice Avory summed up in this fashion at the trial of Patrick Mahon: "You will bear in mind the evidence of Dr Spilsbury, than whom there is no greater expert in matters of this description."⁷⁸, words published verbatim by the press. Other times, the judge did not wait until the end to express his fond appreciation for the pathologist, and he even reprimanded the counsel who dared to suggest that Sir Bernard might be somewhat inconsistent. At the trial of Oliver Newman and William Shelley in the Ayres case⁷⁹, Justice Rigby Swift implored the counsel for implying that Spilsbury changed his previous statement. Swift did not let Mr Peregrene finish his sentence but interrupted: "(...) It is painful to sit here and see what the art of defending criminals has descended to. I will not tolerate it and it is a perfect outrage to put that to Sir

⁷⁶ Ibid, 266.

⁷⁷ Ibid, 267.

⁷⁸ Transcript of the trial of Patrick Mahon, 17 July 1924, HO 144/4100.

⁷⁹ See *Rex v. Newman and Shelley* (1931) in Appendix.

Bernard Spilsbury. (...) It is an outrage, it is shocking.”⁸⁰ Regardless of the volume of the case, the number of expert witnesses disagreeing with the great man, or even the total sum of evidence, Spilsbury’s word had invariably been deemed as the most credible, which is perfectly illustrated by the summing up of Justice Craigie Aitchison in the Merrett case: “I do not hesitate to say that there is no name in Britain, there is no name in Europe, on medico-legal questions on the same plane as the name of Sir Bernard Spilsbury.”⁸¹

⁸⁰ Rose, *Lethal Witness*, 200.

⁸¹ Browne and Tullett, *Bernard Spilsbury*, 182.

CHAPTER THREE

A Distinguished Character

When Orwell described the “good old days”, he depicted a fascination for the classic English murder which crept into the daily lives of English people. Lying back on a settee with the *News of The World* and a nice cup of tea after a sizeable portion of shepherd’s pie to read the latest development of a sensational domestic murder was part of the charm of a peaceful Sunday evening. Although this solemn period, in his view, had come to its end around 1925, reminiscences of the most memorable murders survived. From among the nine notable cases Orwell singled out, five ended in conviction due to Spilsbury’s contribution. These cases were referred to as being on the same level as the cult that had built up around Jack the Ripper⁸²; consequently, assiduous media attention followed every detail, even reported the trials verbatim. The appeal of crime had already been immense at the turn of the century, and it only multiplied by the inter-war years. The press transformed itself to satisfy the unquenchable thirst of readers, who fed on scandals, vivid images, and of course, crime gossip; therefore, murder cases appeared in a great number of papers, quite frequently on the first page. The same mentality prevailed in popular culture: the detective novel was the rage of the thirties. Sherlock Holmes of Sir Arthur Conan Doyle and Richard Austin Freeman’s Dr Thorndyke, who both were equally idiosyncratic and somewhat exhibitionist characters, were the stars of the era. They represented the ideal of a lone forensic practitioner who had a sixth sense for detecting crime and solving mysteries that no-one else could. No wonder that, with the appearance of Spilsbury, the public believed this ideal to be real – they projected every virtue of the fictional characters into the one living example they could finally discover. Although the pathologist’s career fuelled this image, recollections of those who actually knew

⁸² George Orwell, “Decline of the English Murder,” in *George Orwell: Essays*, ed. Sonia Orwell and Ian Angus (London: Penguin Books, 2014), 345-348.

him draw a different picture. Considering both the media attention and first-hand accounts of Spilsbury's personality, this chapter seeks to tap into these discrepancies and attempts to assemble a plausible profile of the various personas of a great man of whom so little is known.

Star of the press

Spilsbury's massive popularity was not a result of a gradual increase of media attention: it was immediate. All the essential conditions were given for a short-cut to fame when the pathologist appeared at the crime scene of the murder of Cora Crippen in 1910. According to Andrew Rose, the Crippen case was the first high-profile murder case since Jack the Ripper⁸³; therefore, it was closely followed by the press. It was a sensation overseas, too: "Never were two ships more eagerly looked for" read the first page of the *New York Times* reporting the celebrated arrest of the culprit and his mistress⁸⁴. Equally thrilled was France, drawing the scene of the arrest on the front page of *Le Petit Journal*⁸⁵. Hilldrop Crescent, the street on which the Crippen family lived, was packed with Fleet Street reporters when an elegant, fashionable character yet unknown to the papers appeared with an air of superiority. He made no comment, answered no question, but left the crowd on a cliff-hanger as for what his role was in the investigation⁸⁶. The mystery was such that the press became interested and followed up every subsequent murder case which Spilsbury was involved in. The pathologist's contribution to the case provided the additional publicity which eventually skyrocketed him into fame: he identified the body and therefore the murderer by merely looking at a piece of the victim's skin. Although it was his first case beside those at coroners' courts, Spilsbury was depicted in drawing giving evidence at the trial in the illustrated

⁸³ Rose, *Lethal Witness*, 21.

⁸⁴ Evans, *The Father of Forensics*, 20.

⁸⁵ Cover of *Le Petit Journal*, 14 August 1910, www.alarmy.com.

⁸⁶ Evans, *The Father of Forensics*, 11.

*Morning Leader*⁸⁷. By choosing St Mary's as a practice hospital, he had already been supported by Dr Pepper, who brought him into the Crippen case, and he was also a household name at coroners' courts. Thanks to Pepper's unremitting efforts to gain his beloved protégé public recognition, the media followed suit.

Although Spilsbury had often been followed by members of the press since the Seddon case⁸⁸ in 1911, the case which attracted an extensive coverage next was, as it became known, the Brides in the Bath Murders⁸⁹ in 1915. Reporters set up camp in front of the pathologist's estate at Marlborough Street on 17 February and stayed the night only to see where Spilsbury was going to flee in the morning⁹⁰. Tailing him to exhumations and back to the mortuary became a habit of representatives of the press – the pathologist was followed while running errands regarding the so-called Brighton Trunk Murders and in connection with the trial of Armstrong and Vaquier. Some reporters went further still until they passed the borderline of legality by sneaking into St Bartholomew's to secure Spilsbury's results against Vaquier. Newspapers frequently gave account of the pathologist's schedule, specifying time, place, and purpose. Needless to say, popular broadsheets of the time, such as the *News of The World*, the *Daily Sketch*, and *The Daily Mirror*, did not disappoint their readers in the Brides in the Bath case either: beside a trial transcript, a drawing of the courtroom was prepared by an artist, picturing “England's modern Sherlock Holmes”, as the *Washington Post* dubbed Spilsbury⁹¹.

Since the vast majority of Spilsbury's cases were commonly regarded as high-profile murders, they usually appeared on the front page of the newspapers including *The Times*, *The Lancet*, the *Morning Leader*, the *Evening News*, the *Manchester Guardian*. Spilsbury's name

⁸⁷ Rose, *Lethal Witness*, 29.

⁸⁸ See *Rex v Seddon* (1912) in Appendix.

⁸⁹ See *Rex v Smith* (1915) in Appendix.

⁹⁰ Evans, *The Father of Forensics*, 51.

⁹¹ *Ibid*, 63.

in the headlines attracted even more readers than the scandalous murders themselves; consequently, his name was turned into a catch-phrase used by *The Times*, “DR SPILSBURY’S EVIDENCE”⁹², the *News of The World* “DRUMMER SUFFOCATED – FAMOUS EXPERT’S THEORY OF HIS DEATH”⁹³ or “HOW SIR B SPILSBURY GOT AT THE TRUTH”⁹⁴, the *Manchester Guardian*, “MAHON HANGED – SIR BERNARD SPILSBURY’S EVIDENCE AT INQUEST”⁹⁵, and other local newspapers such as the *East Kent Times*, “YESTERDAY’S SENSATIONAL EVIDENCE – FAMOUS EXPERT IN THE BOX”⁹⁶. These and a considerable number of other papers, naturally, had their correspondents to attend the trials, which allowed them to publish verbatim transcripts with every word of Spilsbury written as if they were the sacred truth. The courtroom scene was regularly drawn vividly, as at the trial of Sydney Fox or Alfred Rouse. Although most attention was devoted to the gruesome murders and the suspects, on no occasion was Spilsbury’s contribution left unspecified. A picture of the pathologist at work was a rare sight for the readers, as it was caught on camera only once when he was performing a post-mortem at the backyard of the Crumbles bungalow for all spectators to see. Even more unfamiliar was the public with the great man in a less gory setting: an exceptionally clear picture of him smiling appeared on the front page of *The Daily Mirror*, when he was greeted by the Chief Constable of Brighton⁹⁷. At times, the press yielded to hyperbolic statements in describing the events, which may easily be illustrated by a report of the trial of Sydney Fox: “The Court was crowded, for it had been understood at last weeks’ hearing that Sir Bernard would, [*sic*] probably be called, (...), when he was called his evidence proved to be of the most sensational kind. The prisoner, as well as the members of the general public present, followed his statements with almost breathless

⁹² Rose, *Lethal Witness*, 53.

⁹³ *Ibid*, 106.

⁹⁴ *Ibid*, 182-183.

⁹⁵ Newspaper cutting from the *Manchester Guardian*, 4 September 1924, HO 144/4100.

⁹⁶ Newspaper cutting from the *East Kent Times*, 1 February 1930, PCOM 92/280.

⁹⁷ Newspaper cutting from *The Daily Mirror*, 16 July 1934, www.alamy.com.

silence and with painful attention.”⁹⁸ Despite the awe that inevitably accompanied the medical man’s presence, Spilsbury had been receiving his fair share of criticism since the Thorne case. Although, arguably, there is no such thing as bad publicity, reproachful remarks contributed to the decline of the pathologist’s career. The most spectacular of these negative comments came in an avalanche after the Thorne case: the *Law Journal*, for example, believed that it was “(...) something of a shock that twelve men in half-an-hour had “no reasonable doubt” that Sir Bernard Spilsbury’s unsupported view was right.”⁹⁹, and, in a similarly critical way, even Sir Arthur Conan Doyle reflected on the effect of Spilsbury’s firm conviction: “the more than papal infallibility with which Sir Bernard is readily being invested by juries must tend to be somewhat embarrassing to him”¹⁰⁰. Not for a second did the fascination of the press fade, which is illustrated by George Belcher’s caricature drawing of the pathologist published in *Punch* magazine in 1928 with a short poem as inscription¹⁰¹, nor did Spilsbury shrink in the eyes of the public. On 1 February 1935, *The Daily Express* published the results of a popularity contest, in which, as a person of whom the public had been pleased to read, Spilsbury was duly included along with Mussolini¹⁰². The almost infinite press interest in juicy crime, surviving from the late-Victorian period, and in his person in particular widened the reach of the pathologist’s popularity. One might argue that it seems all too good to be true, and in fact, it really is: the massive media attention that surrounded Spilsbury might have been at least partially tainted by corruption. It was one of the pathologist’s friends, Lord Riddell, who owned the *News of The World* at the time, the paper which would report Spilsbury’s activities on the front page the most frequently.

⁹⁸ Newspaper cutting from the East Kent Times, 8 February 1930, PCOM 92/280.

⁹⁹ Rose, *Lethal Witness*, 136.

¹⁰⁰ Val McDermid, *Forensics: The Anatomy of Crime* (London: Profile Books Ltd, 2014), 76.

¹⁰¹ “When arsenic has closed your eyes, / This certain hope your corpse may rest in: - / Sir B. will kindly analyse / The contents of your large intestine.” in Rose, *Lethal Witness*, 163.

¹⁰² *Ibid*, 241.

Little is known about the pathologist's attitude to the overwhelming media attention, but perhaps the lack of his reaction is equally revealing. There is no record of any interview with Spilsbury, nor is there any indication that he cared at all. For all we know, he read the papers at least for the purpose of familiarising himself with the actual case, and bearing in mind that his name could be read in the headline, he could not possibly have been ignorant of his fame. Based on his behaviour in the spotlight, Spilsbury was happy to oblige. According to Rose, the pathologist repeatedly spread the news that he was going to retire, and even though no firm evidence was brought in support of the claim, one example was given: during the trial of Vaquier, it was Hastings who asked Spilsbury whether the rumour about his retirement was true – he readily confirmed¹⁰³. While investigating the death of a man shot by two members of the Irish Republican Army in 1922, Sir Bernard claimed that he had been followed by the IRA. His assertion was irresponsible “scare-mongering”¹⁰⁴ which led other public figures to express irrational fear of being liquidated. The spectacular props he applied and his court rhetoric, which were both described in detail in the previous chapter, led me to the same conclusion. Upon being faced with remarks about his infallibility, he, allegedly, replied: “I have never claimed to be God, but merely His locum on His weekends off.”¹⁰⁵

Personal accounts

There is a significant number of first-hand accounts of Spilsbury by people who knew him to some extent, ranging from family friends to social club members, and from students to the highest court officials. Their accounts vary depending on where the encounter took place: fellow practitioners at hospitals drew a different profile from those who met the great man at an Organon¹⁰⁶ dinner. Even the descriptions by students differ depending on whether they attended Spilsbury's lectures or were present at one of his pathology demonstrations. Taking

¹⁰³ Ibid, 113.

¹⁰⁴ Ibid, 98-99.

¹⁰⁵ Ibid, 188.

¹⁰⁶ Dining club exclusively for members of the University of Oxford and Cambridge, founded in 1868.

the degree of familiarity into consideration, this section seeks to provide an insight into some of these accounts categorised into professional, non-professional, private, and public spheres.

Spilsbury began lecturing at various schools in his prime, and the habit survived until a year or two before his death. He did not hesitate long to mark his territory by having the classrooms and school mortuaries rearranged and modernised to his taste at the start. According to his diary, he gave three to six lectures a week even in 1945. It would be reasonable to assume that with such experience and knowledge, he would have made a perfect lecturer, which is perhaps exactly why students had flocked the lecture hall in the first place. While the pathologist was never at loss for words, his presentation style was described as monotonous, even tedious, nowhere near his passionate dedication to the profession. Despite his conscientious preparation for the classes – he made his own slides for each lecture –, his students tended to fail at theoretical subjects. On the other hand, his ambidexterity and swiftness provided sublime professional entertainment for the mesmerised students. Being a man of hard work, it is not surprising that he was, paradoxically, the most alive in the mortuary. One of the students went as far as saying that “To watch Sir Bernard (...) was like watching Turner paint. What a master demonstrator!”¹⁰⁷ Other students recollected staying behind after the class and asking Spilsbury to go over some issues again, which he did with pleasure. Despite having been taken under Pepper’s wings as an eager pathologist, he did nothing of that sort to his students. As Spilsbury knew how quickly he outgrew his surroundings, presumably, he may not have been capable of tolerating the ambitious youth aspiring for his success. Neither did he train anyone, nor did he collect his expertise into a volume for the posterity. Whether out of sheer vanity or simply due to lack of time, we may never know. According to a colleague, Dr Keith Simpson, Spilsbury simply “disliked

¹⁰⁷ Browne and Tullett, *Bernard Spilsbury*, 200.

bonhomie and student high spirits”¹⁰⁸. It should come as no surprise, regarding that he had had the same attitude as a student defying such communalities as slapping each other’s back after a successful rugby match, and thus deterring these attempts with a cold “Don’t touch me, please!”¹⁰⁹. Nevertheless, students were fond of him anyway, which is illustrated by the number of appreciative letters after his death.

Fellow medical practitioners at St Mary’s and St Bartholomew’s respected his astonishingly unlimited capacity for work. Having been rather reserved and detached at all times, even his closest colleagues did not get to see behind his perfect English manners. Despite his reserve, Spilsbury was depicted by the contributors of the Browne and Tullett biography as the humblest human being, who gave his advice and support readily to students and colleagues equally¹¹⁰. Perhaps these accounts should be considered with reasonable doubt; it is only natural that a biography which was published four years after the death of the popular pathologist is predominantly appreciative. Later, Dr Keith Simpson describes Spilsbury quite differently. He revealed the true attitude of Spilsbury’s colleagues, whom the pathologist refused to meet, and who did not take his instant fame and unquestioned qualifications well. As Simpson put it, Spilsbury “had grown up and away too soon”¹¹¹, and “he never tried to cultivate those with whom he worked (...) in the right terms. Spilsbury just remained aloof, coldly detached, a little haughty, though never intentionally puffed up or pompous, a man whose stature had grown a little too fast for his fellows, and who, regrettably, did not know how to appeal to them.”¹¹² His stubbornness, too, was apparent to colleagues. According to Dr Sydney Smith, “Spilsbury, like the rest of us, could make mistakes. He was unique, I think, in that he never admitted making a mistake. Once he had

¹⁰⁸ Keith Simpson, “Sir Bernard Spilsbury,” *Medico-Legal Journal* 29, no. 4 (December 1961): 182-189.

¹⁰⁹ Browne and Tullett, *Bernard Spilsbury*, 21.

¹¹⁰ *Ibid*, 177-220.

¹¹¹ Simpson, “Sir Bernard Spilsbury,” 184.

¹¹² *Ibid*, 185.

committed himself to an opinion he would never change it.”¹¹³ Dr Keith Simpson later remarked that Spilsbury had never really had a competitor; therefore, he was left unchallenged throughout his long career: “In the light of then current knowledge (...) his pronouncements (...), should all have been strongly opposed and examined more ruthlessly than was so.”¹¹⁴ The pathologist’s conservative views were not allowed to appear on the surface when challenged by the progressive mindset of the era: although against women’s rights with full force, Spilsbury had always been infinitely courteous with female doctors. One particular female colleague described him as having “all the charm and dignity of the Edwardian era – the age of ‘carriages at eleven’”¹¹⁵. He had a few nicknames, too, one of which was the Great White Chief for his white rubber overall suit. When it came to his profession, Spilsbury was truly inventive: he was said to be the inventor of detachable shirt-sleeves and probing forceps, the latter making it into a more substantial invention of the pathologist, the murder bag used at crime scenes. Most of his colleagues and friends expressed by no uncertain terms that the overwork Spilsbury subjected himself to was enormous, whereas his fees were ridiculously low; some even suggested that Spilsbury had been exploited by the Home Office¹¹⁶. Apparently, money was not something that could put him off – he did the same amount of work all his life and his enthusiasm would always allow for more. On the other hand, old age did not leave him untouched: from the mid-1930s he suffered from arthritis, which made post-mortem examinations and his obsessive note- and letter writing physically unbearable, lost his sense of smell, which undoubtedly had some benefits in the mortuary, and had two strokes in 1940 and 1943. His coordination and focusing skills started to give in, which resulted in a minor car accident in 1945¹¹⁷.

¹¹³ Ibid.

¹¹⁴ Ibid, 187.

¹¹⁵ Browne and Tullett, *Bernard Spilsbury*, 193.

¹¹⁶ Ibid, 177-220.

¹¹⁷ Rose, *Lethal Witness*, 263.

The police remembered some of the peculiarities of Spilsbury at work when he went to examine a corpse at a crime scene or attended an exhumation. One CID officer who worked with him time and time again recalled being playfully reprimanded by the Sherlock Holmes of medicine: “Sir Bernard came in. He sniffed twice, looked around the room, and said: ‘You mustn’t smoke, please, Johnson. I can’t smell the smells I want to smell.’ He then bent down over the corpse and sniffed away as if it was a rose-garden.”¹¹⁸ As soon as he began the examination, no-one was allowed to touch his murder bag and specimens, indeed he himself took them to the mortuary. His work did not stop there; even after submitting the report, Spilsbury’s advice on other matters was required, while the contribution of other medical professionals would not go beyond post-mortem reports, and even then, their conduct was compared to the exemplary examination of Spilsbury. Throughout the forty years of collaboration, during which he was on a twenty-four-hour call even if it meant being fetched from the dinner table at Christmas, the pathologist was hailed as a medical detective, and indeed his suggestions for improving everyday police methodology were duly implemented. The honorary member of the CID, who was described as “every inch a gentleman”¹¹⁹, was seen as a father figure every detective could turn to for advice, and who was, probably fuelled by the desire of becoming a detective himself, ready to reconstruct a scene of violence even if there was no body present.

Members of the bar remember Spilsbury in different ways, some of which were already referred to in the previous chapter. Although judges, on the whole, were blind to the flaws of the great medical expert, others spotted them on more than one occasion. Travers Humphreys admitted in his autobiography that despite meeting Spilsbury at trials countless times, he did not know him as a person. Yet, the pathologist appeared to have no close friends

¹¹⁸ Browne and Tullett, *Bernard Spilsbury*, 207.

¹¹⁹ *Ibid.*

and to be indifferent to matters other than pathology and people in general¹²⁰, except when they lay under his scalpel on the mortuary table. Humphreys also remarked his reticence, which he attributed to the pathologist's awareness of his own limits. Most bar members would not recall ever hearing him talking about himself; on the other hand, each of them had something to say about his obstinacy. Patrick Hastings remembered that there had been no way anyone could shake Spilsbury in his definite opinion at trials, Bentley Purchase, coroner of St Pancras and perhaps the only truly close friend of the pathologist, said he was "entirely unaffected by the possibility that he might have missed something"¹²¹, and a Scottish counsel even claimed that he was downright dictatorial¹²². None the less, Spilsbury was regarded by judges as well as juries as an expert in murder with limitless experience.

Despite being immersed in his work, Spilsbury could always spare some time to engage in meetings of social and professional clubs. He was regarded by other members as someone they could learn from, and who was by all means infinitely kind. His diary gave away his attention to detail in these matters, too: the names of various club members, hospital and coroners' courts staff were listed throughout several pages. Although Rose repeatedly accused the pathologist of not contributing to academic discourse, it should be pointed out that this assertion refers strictly to writing, and even to that not entirely. It is true indeed that Spilsbury did not leave a comprehensive work of his vast experience behind, except the black notebooks describing post-mortems, but he did participate in contemporary medical debate at leading societies, such as the Medico-Legal Society of London, where he also published a number of medical articles. When the pathologist gave a speech, Dr Lovatt Evans recollected, he was more interested in the matter itself than the manner of presentation¹²³, the gory details of which must have put Organon members off their fancy dinners. As much as Spilsbury

¹²⁰ Ibid, 177-220.

¹²¹ Ibid, 215.

¹²² Ibid, 177-220.

¹²³ Ibid, 196.

could discuss medical content, he was less of a companion, quite ill-informed in fact, when general topics were brought up. The more ruthlessly he testified in the witness box, the more benign he was at club meetings. Dr Eric Gardner, a close friend to whom the great pathologist's last letter was dedicated before his suicide, recalled a club member pointing at the pathologist approaching Gardner with the following remark: "Do you know that new member? All my life I have loathed that bombastic fellow Spilsbury, laying down the law in the witness-box as if he alone knew anything. I have spent several delightful evenings with him, and have been more than charmed to find out what an unassuming, courteous gentleman he is. (...) I can hardly understand it. I have seldom met a more delightful man to talk to."¹²⁴

Spilsbury spent most of his time in the privacy of the mortuary. Since he would only work alone, except for the short period when Hilda Bainbridge was given an insight into the pathologist's private empire, there is scarce account of his conduct confined into that small place. It was requested extremely rarely that a medical expert for the defence attend one of Spilsbury's additional examinations, and at these times, accustomed to being on his own, Spilsbury would round on the other practitioner for daring to speak¹²⁵. Even less is known about the great man's private life. Establishing a laboratory at his abode in London, spending most of his time out and about England due to his punishing workload, it could fairly be estimated that he could not have allowed more than occasional Sunday dinners with his family. The chilly remark of Dick, one of his sons, only confirmed this theory: when asked by Browne and Tullett what their relationship was like, he said they were "vaguely related"¹²⁶. The biographers did not specify, but it is likely that it was the same son who suggested that his father was "hampered all his life, and probably was conscious of it, by the defects of his

¹²⁴ Ibid, 198.

¹²⁵ Evans, *The Father of Forensics*, 186.

¹²⁶ Rose, *Lethal Witness*, 269.

early education”¹²⁷. Friends of the family described Spilsbury as a prankster playing practical jokes every now and again. Outside the witness box, as both Dr Eric Gardner and G. Roche Lynch recalled, Spilsbury was a delightful companion and a true friend who was always ready to help others but would resist assistance himself. Upon being asked about retirement, he said he would have none if it; instead, he “shall go on to the end, and die in harness”¹²⁸. Indeed, he marched on until illness took control of him, which barred him from doing what he devoted his life to.

“Never mind, dad, don’t worry. I am a martyr to Spilsburyism.” wrote Norman Thorne before his execution in his farewell letter to his father¹²⁹. Although Thorne was familiar only with the pathologist’s public persona, therefore he could only refer to his reputation of being infallible, it is essential to recognise some sort of underlying paradox in Spilsbury’s character. Extending Thorne’s description of the phenomenon by including the forensic pathologist’s private persona(s), too, “Spilsburyism” could be given a more comprehensive definition. Despite embodying, in his own words, the “most modern view”¹³⁰ in the courtroom, the pathologist was entirely possessed by conservative notions on abortion, the death penalty, and the role and rights of women. Although he regularly shied away from the cameras of reporters covering his face with a book or a newspaper, he was more than willing to have portraits taken representing him as a “matinée idol”¹³¹. His appearance at court was a spot-on performance as opposed to the mundane and tedious lectures he gave. Contrary to his incessant boasting about his expertise, he had been a mediocre student at all stages of his education, and despite coming across as infinitely thorough and meticulous, the great pathologist’s massive speculations and manipulation of evidence were criticised on several

¹²⁷ Browne and Tullett, *Bernard Spilsbury*, 189.

¹²⁸ *Ibid*, 203.

¹²⁹ Rose, *Lethal Witness*, 139.

¹³⁰ Browne and Tullett, *Bernard Spilsbury*, 179.

¹³¹ Rose, *Lethal Witness*, 16.

occasions. These contradictions underpin three of Bernard Spilsbury's multiple personalities, which are necessarily intertwined though easily separable. On the one hand, there is the scholar and leading scientist, who is, according to Browne and Tullett, educated in Latin, Greek, and as a pastime, absorbs himself in archaeology¹³²; meanwhile, he is leading all his contemporaries into a new, streamlined era of forensic science. On the other hand, an obstinate, prudish conservative manifests himself by avenging abortionists and attacking homosexuality even if it means having to send someone to the gallows. Somewhere in between, perhaps smoothing the edges of the two characters, there is someone romantic at heart who adores flowers, good wine, Wordsworth, and attends Henry Wood's promenade concerts¹³³. From these various images, there emerged a medical man whose spectacular performance at the courts led defendants all over Britain to their doom.

¹³² Browne and Tullett, *Bernard Spilsbury*, 195-196.

¹³³ *Ibid.*

CONCLUSION

It is essential to consider the environment which made it possible for such a personality to grow and flourish for such a long period of time without anyone taking the trouble to subject it to rigorous scrutiny. The position of Bernard Spilsbury, the only example of “celebrity pathology”¹³⁴, in the power structure was that of an insider to each authority in the network. His practice hospital of choice upon graduation was the most ideal because it allowed him to meet Dr Pepper, whose role in Spilsbury’s life cannot be emphasised strongly enough. Pepper, who had already been an established authority on pathology, singled him out and supported his inclusion in the short list of professionals known as the medical elite at the turn of the century. Moreover, upon his retirement as Pathologist to the Home Office in 1910, Pepper heartily recommended Spilsbury for the office and thus placed him on the map. Beside supporting the development of his career, it was Pepper’s recommendation which allowed Spilsbury to join masonic lodges as well as the Medico-Legal Society, and perhaps some other social clubs that granted Spilsbury membership. Once he was officially working for the Home Office, the pathologist was the first person to be called by Scotland Yard and the Director of Public Prosecutions, too; therefore, Spilsbury enjoyed free flow among the three authorities, and since they were essentially interdependent, the pathologist served as a jolly joker that would have been unreasonable for any of those agencies to relinquish. The greatest effect Spilsbury had was on judges, whom he had been getting chummy with at meetings and annual dinners of the Medico-Legal Society and masonic lodges. According to his diary, the pathologist was in the habit of luncheoning with judges such as Lord Alness, who directed the jury to acquit Donald Merrett in 1927 on Spilsbury’s dubious evidence. Judges took to him for other reasons beside his charisma: as an expert witness, Spilsbury was always refreshingly laconic and answered questions in a lucid manner, so that even laymen could understand the

¹³⁴ Ian Burney and Neil Pemberton, “The Rise and Fall of Celebrity Pathology,” *BMJ* 341, no. 1 (December 2010): 1319-1321.

weight of his evidence. Judges, similarly to Spilsbury, had risen to power through an exclusively inbred system, the Inns of Court, which allowed for no radical change. It was in their interest, too, to preserve an elitist system which had bestowed dignity and power on them for hundreds of years. Destined to live and dine in their Inns, it should come as no surprise that judges were just as conservative as Sir Bernard Spilsbury, whom they identified as the embodiment of days gone-by – an era of perceived moral heights – and the guardian of their tradition. It seems as though Spilsbury received support from every quarter, which enabled him to remain in his exceptional position as long as he could perform what was expected of him. Even though a great number of eminent medical practitioners tried to compete with him, not one of them had the same resources as he had or were armed with anything close to his bewitching manners and impeccable court rhetoric. Without competition, the people's pathologist remained unchallenged in his time, allowing the phenomenon known as "Spilsburyism" to develop and thrive.

It was Andrew Rose who first introduced the idea that Bernard Spilsbury may have contributed to serious miscarriages of justice. Following Rose's research, I intended to reinforce his predications by emphasising the deliberateness of the pathologist's actions and attempting a structural description of his methods. Through a biographical study, I took a closer look at Spilsbury's person and the contradictions of his personality which Rose had already referred to were re-examined. Taking his arguments perhaps another step further, it was established in the previous chapters that there were multiple personas of the pathologist, and an attempt was made to distinguish and make sense of those personas. In addition, I endeavoured to explore the possible motives behind Spilsbury's actions and the environment which occasioned them. I believe I managed to expand and therefore create a more comprehensive definition of Spilsburyism, the term which Norman Thorne, one of the famous defendants Spilsbury's disputable evidence helped to convict, is credited with.

The deadly impact of Bernard Spilsbury's evidence could be derived from a number of factors, the power of which lay in interdependence. The pathologist was introduced to the profession and arrived at St Mary's when forensic science desperately needed a breakthrough that would prove its vital role in the criminal justice system, which had been denied since the Smethurst downfall in 1859. Scientists had been struggling to restore the reputation of the field, and not until giving evidence in the Crippen case in 1910 did they succeed. However, even Dr Pepper's domineering court rhetoric seemed futile without a magnificent character that would lead the preeminent medical practitioners to a new era of professional recognition. Under such pressure, coming from the colleagues and Scotland Yard equally, Spilsbury undoubtedly resorted to manipulating evidence, a habit which he felt at liberty to practise time and again during his career. Spilsbury's techniques varied within the dichotomy of manufacturing and presenting evidence: he could rely on his accomplice, Robert Churchill, to join him in questionable experiments which would eventually prove the pathologist's theories, and he could always trust his own convincing courtroom performance. Adding frenzied media attention and the enhanced power rooted in his unique position, it is fair to conclude that Spilsbury was under the impression that he could get away with tailoring evidence to his purposes.

The pathologist's oratorical style, which he started to develop at St Mary's based on that of Pepper, laid the foundations of his popularity among ordinary citizens, who would bend over backwards just to see Sir Bernard in the witness box and from whom the jury was selected. The spectacular demonstrations of certain aspects of the evidence with the involvement of the jury, re-presentations of a violent murder scene, and his pomposity are only a handful of examples that illustrate the reasons why Spilsbury became the People's Pathologist at courts. His passion for the domain only enhanced his courtroom performance, which gave birth to a character, not to say media celebrity, radically different from the

Spilsbury who was described as an unassuming gentleman by fellow members of various social clubs. The pathologist's devotion to dissecting and intolerance of assistance resulted in gross overwork; therefore, to cover the frequent shortcomings of post-mortem examinations and other experiments, he had to be resolute in presentation, which often tempted correspondents of the press to report every word and even depict the courtroom scene every once in a while. The media's fascination with heinous crime, which was a fair reflection of public taste, along with the newfound popularity of Sir Conan Doyle's detective novels induced by the first film adaptations placed top murder cases in the forefront and, at the same time, created the ideal of an omniscient medical detective. Solving the puzzle of the Crippen case by identifying a piece of skin long before the availability of DNA evidence, Bernard Spilsbury proved his aptness for this emerging niche profession.

The forensic pathologist's conclusions were becoming recognised by both judges and juries as infallible. Spilsbury's haughtiness, aloofness, and stubborn persistence were remembered by court officials and fellow practitioners in contrast to his generosity, sense of humour, and humbleness recollected by family friends. Although the pathologist's troubled adolescence and strict upbringing might explain the distance he kept from his colleagues, there is a considerable number of other traits that cannot be attributed to the same personality. Consequently, to account for the glaring contradictions, it has been established that Spilsbury maintained public as well as private personas, which he would choose from depending on the requirements of a given professional or social situation. Norman Thorne recognised the magnitude of the phenomenon and duly coined the term "Spilsburyism", which, with the confrontation of first-hand recollections and depictions accumulated from biographies and the press was given a more exhaustive description in the thesis.

In one way or another, Bernard Spilsbury's career contributed to forensic science as well as to the criminal justice system. It was the outcome of the Crippen case that effectively

provided forensic scientists with a blank sheet after sixty years of strenuous effort. The Brides in the Bath case in 1915 marked a new era which had broken with the predominantly Victorian principles of Alfred Swaine Taylor, refuted by Sir Bernard's reputable experiment, and introduced a new attitude emphasising the importance of scientific investigation and proofs. Moreover, whatever the motivations may have been, Spilsbury's rhetoric recognised the significance and power of the jury by appealing to them at all times and by making science more accessible and digestible for them. Perhaps his performance even served as an early version of multi-media presentation due to the variety of illustrations. The pathologist's presence at crime scenes and his involvement in crime detection introduced a more active role of science in criminal justice, which eventually led to what is commonly known today as Crime Scene Investigation (CSI). The invention of the murder bag, which Spilsbury assembled after having seen the irresponsibility with which the police handled the gruesome crime scene at the Crumbles in 1924, was already foregrounding the CSI of the future. The signpost of the streamlined era-to-come was the establishment of Scotland Yard's own forensic laboratory in 1934, which clearly indicates the changes in methodology as well as attitude: the lone forensic practitioner, with all his romantic connotations, had gradually been replaced by a forensic team, which, somewhat similarly to the late Victorian practitioners, might not have attracted as much attention as a celebrity pathologist, but the general expertise and scope of the members were being widened. This paradigm shift replaced body-centred forensics with the "forensics of things"¹³⁵, which was one of the first steps towards the modern science of bloodstain analysis, entomology, or indeed DNA. Spilsbury's inventiveness affected the daily operation of the mortuary by introducing special rubber gloves and probing forceps. As an advocate of the death penalty, he suggested adding three inches to the rope that hanged criminals, so that the method would be more effective. On the

¹³⁵ Burney and Pemberton, "Bruised Witness," 41-42.

other hand, clutching Swaine Taylor's principles of medical jurisprudence, which claimed that the medical jurist's natural gift explained and justified everything, clearly showed that the first half of the twentieth century still approved of remnants of the late-Victorian period. Similarly, Spilsbury's presence sustained an exclusivist and individualist system – the medical elite being the absolute authority –, which was susceptible to corruption.

The reception of Spilsbury's presence and work is an accurate portrait of the 1920s and 1930s in particular. The brutality of the First World War still haunted people, violence was an ordinary concept. People would dilute the war-time malaise by desperately looking for amusements, one of which was following crime gossip: they fed on the sensational headlines, the glitter, and the horror that surrounded top murder cases. Spilsbury contributed to public entertainment by providing the illusion that a solution to any puzzle is within easy reach, though only for him, and thus created the impression of a one-to-one correspondence between detective fiction and reality. While retaining primarily Victorian fundamentals, forensic science bore hallmarks of modernity, and could even account for Spilsbury's paradox. His strict morals and fine elegance appealed to leftover Victorians, while his inventiveness and pioneer scientific attitude captivated modernists. The mindset of the age of the dole, when work provided people with pride and a sense of belonging, also seems to have agreed with the Victorian work ethics of Thomas Carlyle, and bade Spilsbury to work round the clock and keep up with the hectic tempo of life in the inter-war years. With the gradual loosening of morals and conventions, Spilsbury's star started to fall, and soon the cult of the solitary medical professional disappeared. However, it gave way to the forensic team in the laboratory, which, concentrating on trace evidence, heralded a new era that scientists today still live in. Dr Keith Simpson and Dr Sydney Smith, two of Spilsbury's determined opponents, led the next generation of forensic scientists. Their authority was not based on star quality but genuine eminence and expertise, which perfectly illustrates the fact that the

profession together with the criminal justice system had learnt the lessons of the corruption of fame. The sanctity of Bernard Spilsbury's memory was slowly beginning to be stained, until Dr Sydney Smith allowed himself to assert that "One might almost hope that there will never be another Bernard Spilsbury."¹³⁶ Researchers today still talk cautiously about the legacy of the father of forensics.

¹³⁶ McDermid, *Forensics*, 78.

APPENDIX

Summary of extracts from case files.

Rex v. Barney (1932):

Elvira Dolores Barney (28) was tried in 1932 for murdering her boyfriend, Thomas William Scott Stephen, a.k.a. "Mickey". In May that year, Elvira was seen leaning out of a window, stark naked, firing at Mickey during a quarrel. From 30 to 31 May, the two had spent the night with a group of friends partying and drinking. On 31 at around 5 am, Elvira called her doctor, Thomas Durrant, to be summoned immediately. Upon arriving, Durrant found Mickey shot and covered in blood. Though Elvira claimed that the gun had gone off accidentally, she was arrested four days later. Bernard Spilsbury and Robert Churchill carried out an experiment, the results of which showed that the gun was too safe to be liable to accidental discharge. The trial opened on 4 July 1932 at the Old Bailey before Travers-Humphreys. Court officials present: Sir Percival Clarke for the prosecution and Patrick Hastings KC for the defence. After Hasting proved the theory of Spilsbury and Churchill wrong, Mrs Barney was acquitted.

Rex v. Baxter (1913):

Jeannie Baxter was tried in 1913 for murdering his boyfriend, Julian Hill, by shooting him in the chest on 15 April 1913. According to Jeannie's version of events, Julian had been drunk, he threatened to kill himself, and in the course of a struggle, the gun discharged accidentally. Spilsbury and Robert Churchill cooperated in a joint experiment, which determined that the fatal wound could not have been self-inflicted based on the estimated distance of the gun. Unfortunately, forensic evidence based on the clothing of the victim cannot be taken for granted, as the pyjamas had been sent to the laundry by the police before they submitted it to inspection. The trial opened on 2 June 1913 at the Old Bailey. The jury found Miss Baxter guilty of manslaughter, and she was sentenced to 3 years' imprisonment.

Rex v. Crippen (1910):

Doctor Hawley Harvey Crippen (48) was tried for the murder of his wife, Cora Crippen a.k.a. Belle Elmore. By 1910, Crippen had been having an affair with his typist, Ethel Le Neve, for three years. It was established in the investigation that on 19 January 1910, Crippen bought hyoscine and wrote a letter of resignation on Cora's behalf claiming she had to leave for America. Cora was last seen alive on 1st February. During the following months, Cora's jewellery was spotted on Ethel countless times; also, a telegram was sent by Crippen to the wife's friends on 24 March writing that Cora had died the previous day. Upon receiving the telegram, a number of friends approached Scotland Yard. The family house had been searched twice by the police until human remains were found buried under the cellar. Main findings were belongings of a woman, two skin tissues, and a pyjama jacket. Crippen's theory that Cora had left him for another man had never been investigated. Crippen and Ethel were on the run when the famous arrest took place on board of SS Montrose. The trial opened on 11 October 1910 at the Old Bailey before Lord Chief Justice Richard Everard Webster. Court officials present: Treasury Counsel Richard Muir, Alfred Tobin, Charles Mathews DPP, Baron Alverstone, defence solicitor Arthur Newton. Medical experts in the case: Dr Pepper, William Willcox, A.P. Luff, and Bernard Spilsbury for the prosecution, Dr Turnbull and Dr Wall for the defence. Crippen was found guilty of wilful murder and was hanged on 23 November 1910.

Rex v. Dearnley (1923):

Drummer Albert Edward Dearnley (20) was tried in 1923 for murdering his friend, Drummer James Ellis. Ellis disappeared from the Badajoz Barracks on 25 May, and his body was found on 22 September 1923, his limbs tied behind his back, a cloth in his mouth, a coat all buttoned up on his head, tied tighter with a belt. Dearnley admitted having played Cowboys and Indians with Ellis, who, allegedly, asked Dearnley to tie him up and challenge him to get back to the barracks before he does. The trial opened in December 1923 at Winchester Assizes before Horace Avory. Court officials present: Rayner Goddard KC, Robert Dummett junior defence counsel. In the course of the trial, several witnesses hinted at the intimate relationship of the two young boys, though this was not taken into consideration. Spilsbury argued for wilful murder, and Dearnley was found guilty in December, with his execution scheduled for 8 January 1924. On 6 January, the prison governor, T.J. Harding came across alarming new evidence, and it was revealed that Dearnley was sodomised and threatened by Ellis. Harding immediately contacted Sir Ernley Blackwell, Legal Under-Secretary of State, who sent a memorandum to the King on 11 January 1924. King George V authorised a reprieve, and Dearnley ended up serving 9 years in prison.

Rex v. Fox (1930):

Sydney Fox was tried in 1930 for murdering his mother, Rosie, by means of manual strangulation. Mrs Fox died in 23 October 1929 in, apparently, a fire in her room at Hotel Metropole in Margate. The cause of death was certified at the time as shock and suffocation. Two days after his mother's death, Fox claimed on insurance policies taken out on his mother's life prior to the accident, policies which were to expire at midnight on 23 October. Upon collecting the money, Fox was arrested by Scotland Yard. The body of Mrs Fox was exhumed on 9 November, which was followed by Bernard Spilsbury's post-mortem examination. The trial opened on 12 March 1930 at Lewes Assizes before Mr Justice Rowlatt. The prosecution comprised of Attorney-General Sir William Jowitt KC, Henry Curtis-Bennett, St John Hutchinson KC, and a junior barrister. Court officials for the defence were Jimmy Cassels and two junior barristers. Spilsbury introduced a theory of manual strangulation and claimed to have found a bruise on the larynx which disappeared before he could examine it microscopically or take a section of it. Although this was crucial evidence, Spilsbury could not show the bruise to the medical experts of the defence, Dr Sydney Smith, Dr Robert Brontë, and Dr Henry Weir. Even though Mrs Fox had advanced Parkinson's disease and showed symptoms of progressive cardiac failure, this was not taken into consideration. Fox was found guilty of matricide and was executed on 8 April 1930.

Rex v. Greenwood (1918):

David Greenwood (21), former member of the Royal Army Medical Corps, was tried in 1918 for murdering Nellie Grace Trew (16) by raping and strangling her. Miss Trew's body was found by a tram driver on 10 February 1918. By the time the police arrived, the scene had been treaded over, and no crime scene preservation occurred afterwards. At the scene, a black button and a metal badge of the Leicestershire Regiment were found, which could easily have belonged to by-standers. *The Daily Mail* published pictures of the badge for identification, and Greenwood contacted the police admitting it was his. Although no direct evidence placed him at the scene, Greenwood was arrested. The trial opened on 24 April 1918 before Mr Justice Atkin. Travers Humphreys led the prosecution, while the defence comprised of Henry Slessor, future KC, alone. Both medical witnesses, Bernard Spilsbury and Dr Milton, appeared for the prosecution. Greenwood's medical condition was disregarded along with an existing theory of another suspect. Despite the lack of evidence, the verdict was "guilty but

recommended for mercy”. Only the intervention of King George V saved Greenwood from the gallows: he was eventually sentenced to penal servitude for life.

Rex v. Kitchen (1932):

George Kitchen (63) was tried in 1932 for shooting his son, James Kitchen, on 1 December 1931. According to Mr Kitchen, he was away when he heard the shot, and upon finding his son dead, he assumed it must have been the dog that had knocked over the gun. The trial opened in March 1932 at the Central Criminal Court before Justice Rigby Swift. The prosecution team comprised of J.F. Eales KC, Gerald Dodson, and Garth Moore, while the defence was led by Mr Pettifar and aided by two medical experts, Dr Robert Brontë and Dr Sydney Smith. Various firearms experts were called to give evidence for the defence as well as the prosecution. According to the experiments of Robert Churchill and Bernard Spilsbury, the shot could not have been self-inflicted, nor was it possible to discharge the gun accidentally. The estimates of the defence’s experts contradicted the latter point. It was the first time a judge confronted Spilsbury for speculation, and, when the pathologist admitted that there is scarce evidence to underpin his theory, Swift stopped the trial and directed the jury to acquit.

Rex v. Mahon (1924):

Patrick Mahon (34) was tried for murdering his girlfriend, Emily Beilby Kaye in a case which became known in 1924 as “Murder at the Crumbles”. The chopped up and boiled remains of Miss Kaye were found on 3 May 1924, and upon examining the premises, further evidence was gathered: a hand saw, knives and female accessories. It was known that Mahon and Kaye had planned to spend a week or two in the bungalow. According to Mahon, in the course of a quarrel, Miss Kaye fell on a coal cauldron, hit her head and died. Panicking, Mahon cut the body into pieces and attempted to dispose of the remains by boiling and burning them. Some body parts and organs had never been found. The trial opened on 17 July 1924 at Lewes Assizes before Horace Ivory. Court officials present: Henry Curtis-Bennett for the prosecution, Jimmy Cassels for the defence. Although the head was missing, Spilsbury concluded that no fall on that cauldron could have caused accidental death; therefore, it must have been murder. Mahon was duly executed on 3 September 1924.

Rex v. Mancini (1934):

Tony Mancini (25) was tried in 1934 for murdering a prostitute, Violette Kaye (42). Upon being questioned, Mancini denied murdering Miss Kaye, and asserted that he had found her dead. Panicking, he chopped her up and attempted to hide the remains in a trunk left in the basement of his flat in Brighton, for which the case became known as “Brighton Trunk Murder Number Two”. The trial opened on 10 December 1934 at Lewes Assizes before Mr Justice Branson. Court officials present: Jimmy Cassels for the prosecution, Norman Birkett KC for the defence. Spilsbury’s inconsistent testimony and obvious speculation did not convince the jury, and Mancini was acquitted. Years later, Mancini admitted to having killed Violette Kaye.

Rex v. Merrett (1927):

Donald Merrett (18) was tried in 1927 in Edinburg for forging cheques and shooting his mother, Martha, in the head on 17 March 1926, which subsequently caused her death on 1 April that year. According to Merrett, his mother attempted to commit suicide due to money worries. As the forfeited cheques were accumulated, the police arrested Donald on 29

November. The trial opened on 1 February 1927 before Lord Alness. The prosecution was led by Lord Advocate William Watson KC, and was aided by two expert witnesses, Professor Harvey Littlejohn and Professor John Glaister. Merrett was defended by Craigie Aitchison KC and three expert witnesses, Professor George Robertson, Robert Churchill, and Bernard Spilsbury. The case revolved around the lack of powder marks around the wound and the distance from which the gun was fired. A number of individual and joint experiments were carried out with both sides contradicting the other. The trial ended in a verdict of “not proven” for murder and that of guilty for forgery, for which Donald Merrett had to endure a year of imprisonment.

Rex v. Newman and Shelley (1931):

Oliver Newman (61) and William Shelley (56) were tried in 1931 for murdering Herbert William Ayres (45), an itinerant labourer. The body of Ayres was found on 2 June 1931 in a rubbish dump with both legs and the right arm missing. There were obvious signs that the man had been severely beaten. Although a bloodstained axe was found near Newman’s hut, both suspects claimed that they had been assaulting Ayres only with fists. The trial was opened on 24 June 1931 at the Old Bailey before Justice Rigby Swift, and on the following day, the suspects were found guilty of murder. Their execution followed on 5 August.

Rex v. Rouse (1931):

Alfred Arthur Rouse (36) was tried in 1931 for murdering an unknown man. On 5 November 1930, a blazing car with a human shape inside was spotted by passers-by. The case became known as “The Blazing Car Murder”, in which Rouse was accused of disguising a murder as an accident. After the potential crime scene had been treaded over, the body was moved to a safer place, where Spilsbury examined it and determined the cause of death to be shock due to burns. The car was registered under Rouse’s name, thus he became the prime suspect. His name and photo being published in the press, he was on the run when arrested. The trial opened on 26 January 1931 at the Northampton County Hall before Mr Justice Talbot. Court officials present: Norman Birkett KC for the prosecution, Douglas Finemore and A.P. Marshall for the defence. Medical experts: Bernard Spilsbury for the prosecution, Dr Raymond Benedict Harvey for the defence. Despite the massive negligence of the police – as no measures were taken to preserve the scene and conflicting reports were submitted –, Spilsbury’s speculation, and that no motive was established, Rouse was found guilty and was executed on 10 March 1931.

Rex v. Seddon (1912):

Frederick Henry Seddon (40), district superintendent of the London & Manchester Insurance Society, was tried in 1912 for the murder of his tenant, Miss Eliza Barrow (49). Miss Barrow moved to 63 Tollington Park in August 1910 with a ten-year-old orphan. As she was concerned about her fortune, she turned to Seddon for financial advice. Miss Barrow ended up leasing her entire stock to Seddon in return for a generous annuity paid in monthly instalments. On 1 September 1911, Miss Barrow suddenly fell ill. The local doctor deemed her symptoms, which were abdominal pain, diarrhoea, and vomiting, typical of the epidemic of that season. Unfortunately, the prescribed medication had no effect, and Miss Barrow died during the night of 13-14 September. Death was certified as due to epidemic diarrhoea and exhaustion. A relative was alarmed by the sudden turn of events and contacted the DPP, who instructed Spilsbury and Willcox to attend the exhumation of the victim. After a detailed post-mortem examination, the experts agreed that the cause of death must have been arsenical poisoning. Upon receiving the report, Scotland Yard arrested Seddon on 4 December 1911.

The trial opened on 4 March 1912 at the Old Bailey before Mr Justice Bucknill. The prosecution team comprised of Rufus Isaacs, Attorney-General, S.A.T. Rowlatt, Richard Muir, and Travers Humphreys. Two junior counsels appeared for the defence led by Marshall Hall KC. Both medical experts, Bernard Spilsbury and William Willcox were called by the defence. It took only an hour for the jury to convict Seddon of murder, who was subsequently executed on 18 April 1912

Rex v. Seymour (1931):

Henry Seymour (37) was tried in 1931 for murdering Mrs Annie Kempson, who was found dead with her head injured and throat cut on 3 August that year. Seymour was seen near her house when he was trying to sell a vacuum cleaner to her, and a witness saw him with a hammer and a chisel on the day of Mrs Kempson's death. Spilsbury examined the hammer and the body a number of times and concluded that the hammer could not have caused the injury. However, at the trial, he changed his mind. The trial opened on 19 October 1931 at Oxford Assizes before Justice Rigby Swift. Court officials present: St John Micklethwaite KC for the prosecution, W.G. Earnegay and R.P. Cole for the defence. Despite Spilsbury's conflicting evidence and the exclusively circumstantial nature of other evidence, Seymour was found guilty and was executed on 10 December 1931.

Rex v. Smith (1915):

George Joseph Smith (43) was tried in 1915 for murdering three of his wives, Bessie Mundy in July 1912, Alice Burnham in December 1913, and Margaret Lofty in December 1914, in the same manner: drowning them in the bath, for which the case was commonly known as the "Brides in the Bath" murders. Under various names, Smith had lured the three women into marriage under false pretences and profited from their wills and life insurance policies after their deaths. Upon reading about Lofty's death in the papers, the father of the second victim contacted Scotland Yard. Smith was arrested in February 1915, and post-mortem examinations of the bodies were duly conducted. Spilsbury found nothing that could account for sudden, natural death. Spilsbury and Willcox came up with a theory: the victims were sitting in the bath when the assailant held their legs beneath the knees, raised them, and pressed their heads down with his other hand. Sudden submersion in water caused immediate loss of consciousness, which accounted for the lack of bruising. This theory was tested before the trial took place – the volunteer had to be resuscitated. The trial opened on 22 June 1915 at the Old Bailey before Mr Justice Scruton. Court officials present: Archibald Bodkin DPP, Sir Travers Humphreys, Edward Marshal Hall KC, and Montague Shearman. Medical experts: William Willcox, Bernard Spilsbury. Although Smith was tried for the second time for murdering Bessie Mundy, the murder of the other two victims was used to prove the pattern: Smith was found guilty and was hanged on 13 August 1915.

Rex v. Thorne (1925):

Norman Thorne (25) was tried in 1925 for murdering his fiancée, Elise Cameron. Elise went missing on 5 December 1924, when she visited Thorne to discuss their future. According to Thorne, after they had dinner, Elise was told that he sought to terminate their relationship, which resulted in a quarrel. Thorne subsequently left the house, and upon returning, he found Elise's body hanging from the roof beam. He panicked, cut her up, and hid her body parts under the chicken run. Spilsbury examined the remains and found no rope marks around the neck. The trial opened on 11 March 1925 at Lewes Assizes before Mr Justice Finlay. Court officials present: Sir Henry Curtis-Bennett KC for the prosecution, Jimmy Cassels for defence. Medical experts in the case: Bernard Spilsbury for the prosecution, and seven for the

defence, among them Dr Robert Brontë and Dr David Nunes Nabarro. Although the seven medical experts contradicted Spilsbury's testimony, Thorne was found guilty of murder and was executed on 22 April 1925.

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