

## **The history of Burke and Hare and of the Resurrectionist times : a fragment from the criminal annals of Scotland.**

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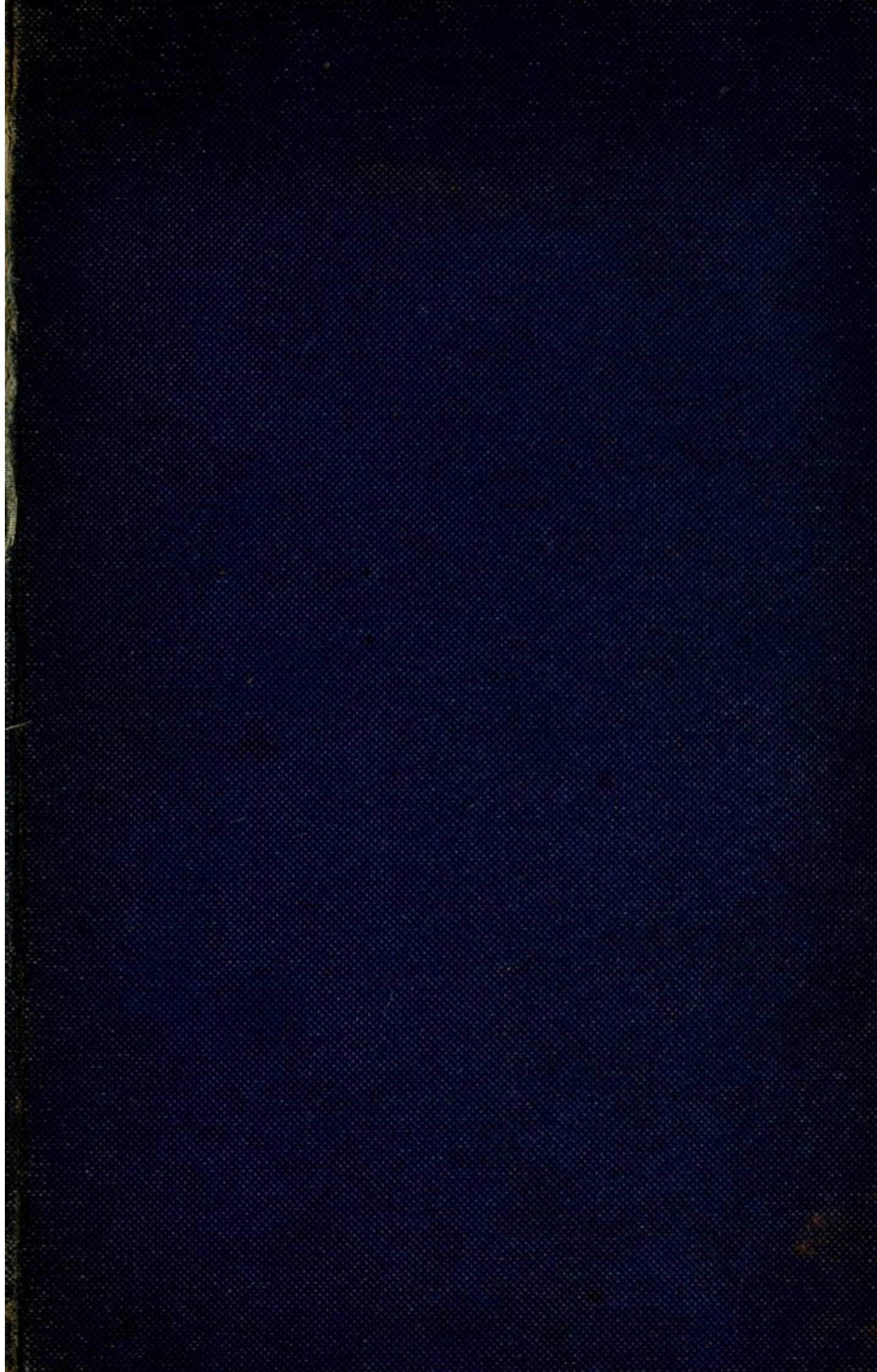
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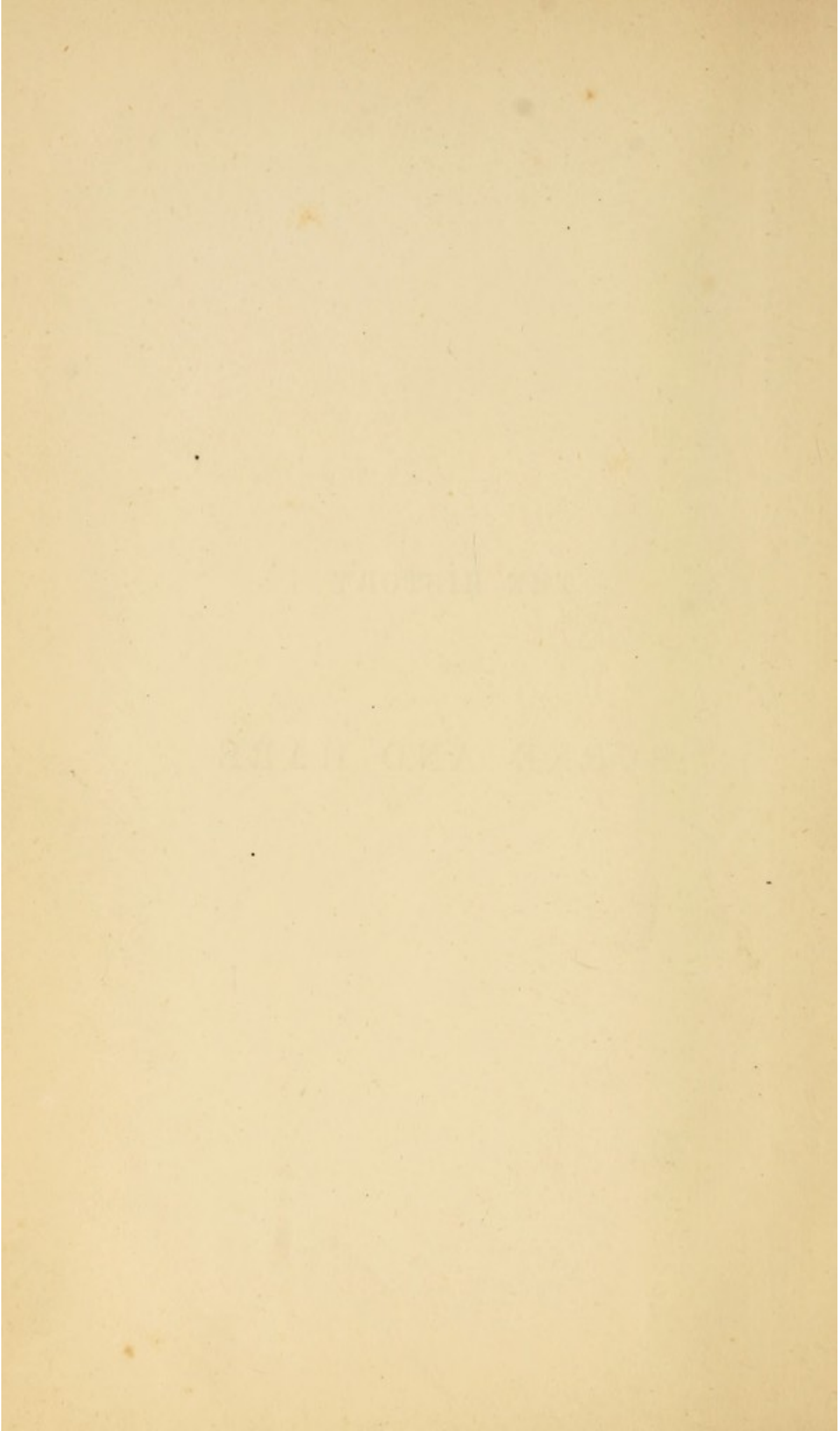
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THE HISTORY

OF

BURKE AND HARE



THE HISTORY  
OF  
BURKE AND HARE

*And of the Resurrectionist Times*

A FRAGMENT FROM THE CRIMINAL ANNALS OF SCOTLAND

BY

GEORGE MAC GREGOR, F.S.A. SCOT.,

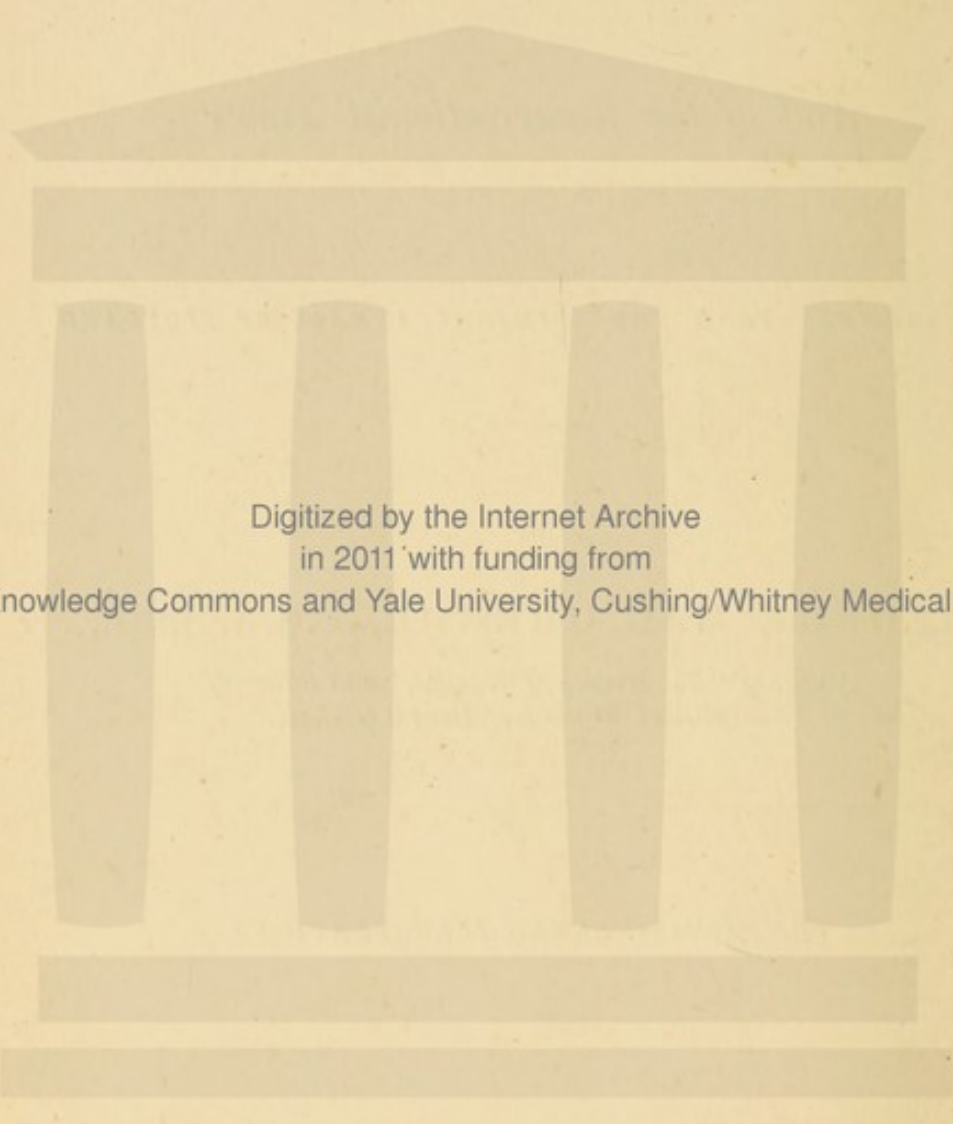
*Author of "The History of Glasgow," and Editor of  
"The Collected Writings of Dougal Graham."*

CONTAINING SEVEN ILLUSTRATIONS

GLASGOW: THOMAS D. MORISON  
LONDON: HAMILTON, ADAMS, & CO.

1884





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## P R E F A C E.

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THE history of the Scottish nation has, unfortunately, been stained with many foul crimes, perpetrated either to serve personal ends and private ambition, or under the pretence of effecting the increased welfare of the people. These have given life to a large amount of literature, much of it from the pens of some of the most distinguished legal and antiquarian authors the country has produced, such as Arnot, Pitcairn, MacLaurin, Burton, and others. But of all the criminal events that have occurred in Scotland, few have excited so deep, widespread, and lasting an interest as those which took place during what have been called the Resurrectionist Times, and notably, the dreadful series of murders perpetrated in the name of anatomical science by Burke and Hare. The universal interest excited at the time of these occurrences, also, has called forth a great quantity of fugitive literature; and as no narrative of any considerable size, detailing in a connected and chronological form the events which bulk so largely in the history of the country, had yet appeared, the Author considered a volume such as the present was required to fill up an important hiatus in the criminal annals of his country.

In the preparation of this work the Author has had a double purpose before him. He has sought not only to record faithfully the lives and crimes of Burke and Hare, and their two female associates, but also to present a general view

of the Resurrectionist movement from its earliest inception until the passing of the Anatomy Act in 1832, when the violation of the sepulchres of the dead for scientific purposes was rendered unnecessary, and absolutely inexcusable. He has, in carrying out this object, endeavoured to give due prominence to the medical and legal aspects of the whole subject; and to the social effects produced by the movement throughout the century and a half during which it flourished in Scotland. In order to do this the Author has consulted books, newspapers, and documents of all kinds, and has sought, where that was possible, to supplement his information by oral tradition. But in addition, he has, in the body of the work, and in the Appendix, brought together stray ballads, and illustrative cases and notes, which help to give a better and fuller understanding of the historical aspect of the question, and of its influence on the minds of the great bulk of the Scottish people.

The Author has to express his thanks to the many gentlemen who have kindly allowed him access to their rare and valuable collections, from which he derived great assistance in the course of his investigations.

GLASGOW, May, 1884.

# CONTENTS.

---

	PAGE
INTRODUCTION.—	
<i>The Resurrectionist Movement—Its Contributing Causes and Results,</i>	13
CHAPTER I.—	
<i>Early Prohibition of Dissection—Shakespeare's Tomb—The Progress of Anatomy—Curious Incident in Edinburgh—An Old Broadside Ballad on Body-Snatching—Tumults in Edinburgh and Glasgow—Female "Burkers,"</i> ... ..	16
CHAPTER II.—	
<i>Tales of the Resurrectionists—The Students at Work,</i> ... ..	25
CHAPTER III.—	
<i>Tales of the Resurrectionists—What the Doctors did,</i> ... ..	33
CHAPTER IV.—	
<i>Tales of the Resurrectionists—The Professional Body-Snatchers—A Dundee Resurrectionist Ballad—A Strange Experiment in Glasgow,</i> ... ..	38
CHAPTER V.—	
<i>The Early Life of Burke and M'Dougal—Their Meeting with Hare and his Wife—Some Notes Concerning the Latter,</i> ... ..	47
CHAPTER VI.—	
<i>Death of Donald the Pensioner—Hare's Debt—Negotiations with the Doctors—A Bargain Struck—Sale of Donald's Body,</i> ... ..	54
CHAPTER VII.—	
<i>New Prospects—Description of Hare's House—The Murder of Abigail Simpson, the Old Woman from Gilmerton—The Two Sick Men,</i>	57
CHAPTER VIII.—	
<i>Qualms of Conscience—The Murder of Mary Paterson, and Escape of Janet Brown—Preservation of the Fallen Beauty,</i> ... ..	63
CHAPTER IX.—	
<i>Unknown Victims—The Two Old Women—Effy the Cinder Raker—"A Good Character with the Police"—Burke and Hare Separate—The Murder of Mrs. Hostler,</i> ... ..	69
CHAPTER X.—	
<i>Old Mary Haldane—The End of her Debauch—Peggy Haldane in Search of her Mother—Mother and Daughter United in Death,</i>	74

	PAGE
CHAPTER XI.—	
<i>A Narrow Escape—The Old Irishwoman and her Grandson—Their Murder—Hare's Horse rising in Judgment, ... ..</i>	79
CHAPTER XII.—	
<i>Jealousy—An Undeveloped Plot—Hare Cheats Burke, and they Separate—The Foul Work Continued—Murder of Ann M'Dougal, ... ..</i>	82
CHAPTER XIII.—	
<i>James Wilson, "Daft Jamie"—Some Anecdotes concerning him—Daft Jamie and Boby Awl, ... ..</i>	88
CHAPTER XIV.—	
<i>Daft Jamie Trapped into Hare's House—The Murder—The Body Recognised on the Dissecting Table—Popular Feeling, ... ..</i>	94
CHAPTER XV.—	
<i>The End Approaches—Proposed Extension of Business—Mrs. Docherty claimed as Burke's Relative—The Lodgers Dismissed—The Murder of Mrs. Docherty, ... ..</i>	99
CHAPTER XVI.—	
<i>An Ill Excuse—Strange Behaviour—Discovery—The Threat—Un-availing Arguments—The Last Bargain, ... ..</i>	103
CHAPTER XVII.—	
<i>The Arrest of Burke and M'Dougal—Discovery of the Body—Hare and his Wife Apprehended—Public Intimation of the Tragedy—Burke and M'Dougal give their Version of the Transaction, ... ..</i>	107
CHAPTER XVIII.—	
<i>Public Excitement at the West Port Murder—The Newspapers—Doubts as to the Disappearance of Daft Jamie and Mary Paterson—The Resurrectionists still at Work, ... ..</i>	113
CHAPTER XIX.—	
<i>Burke and M'Dougal amend their Account of the Murder—The Prosecution in a Difficulty—Hare turns King's Evidence—The Indictment against Burke and M'Dougal, ... ..</i>	118
CHAPTER XX.—	
<i>Public Anticipation of the Trial—Appearance of Burke and M'Dougal in the Dock—Opening of the Court—The Debate on the Relevancy of the Indictment, ... ..</i>	124
CHAPTER XXI.—	
<i>The Trial of Burke and M'Dougal—Circumstantial Evidence—Hare's Account of the Murder of Docherty—What he Declined to Answer—Mrs. Hare and her Child, ... ..</i>	130
CHAPTER XXII.—	
<i>The Trial—Speeches of Counsel—Mr. Cockburn's Opinion of Hare—The Verdict of the Jury, ... ..</i>	136

	PAGE
CHAPTER XXIII.—	
<i>The Last Stage of the Trial—Burke Sentenced to Death—The Scene in Court—M'Dougal Discharged—Duration of the Trial, ...</i>	142
CHAPTER XXIV.—	
<i>The Interest in the Trial—Feeling as to the Result—Press Opinions—Attack on Dr. Knox's House, ... ..</i>	146
CHAPTER XXV.—	
<i>Burke's Behaviour in Prison—Liberation of M'Dougal, and the Consequent Riot—Visitors at Burke's House in the West Port—Burke's Idea of the Obligations of Dr. Knox—His Confessions, ...</i>	150
CHAPTER XXVI.—	
<i>"The Complicity of the Doctors"—Numerous Disappearances—Dr. Knox and David Paterson—Paterson Defends Himself—"The Echo of Surgeon's Square"—The Scapegoat, ... ..</i>	155
CHAPTER XXVII.—	
<i>The Legal Position of Hare and his Wife—Gossip about Burke—Mrs. Hare and her Child—Constantine Burke—Anatomical Instruction—Mrs. Docherty's Antecedents, ... ..</i>	163
CHAPTER XXVIII.—	
<i>Burke's Spiritual Condition—The Erection of the Scaffold—The Criminal's Last Hours—Scene at the Execution—Behaviour of the People, ... ..</i>	169
CHAPTER XXIX.—	
<i>Lecture on Burke's Body—Riot among the Students—Excitement in Edinburgh—The Public Exhibition—Dissection of the Body of the Murderer—Phrenological Developments of Burke and Hare, ...</i>	174
CHAPTER XXX.—	
<i>Hare's Position after the Trial—Warrant for his Commitment Withdrawn—Daft Jamie's Relatives seek to Prosecute—The Case before the Sheriff and the Lords of Justiciary—Burke's Confession and the "Courant"—The Lord Advocate's Reasons for Declining to Proceed against Hare—Pleadings for the Parties, ...</i>	182
CHAPTER XXXI.—	
<i>Hare's Case before the High Court of Justiciary—Speech by Mr. Francis Jeffrey—Opinion of the Judges—A Divided Bench—The Decision of the Court, ... ..</i>	191
CHAPTER XXXII.—	
<i>Popular Feeling against Hare—His Behaviour in Prison—Withdrawal of the Warrant—His Liberation and Flight—Recognition—Riot in Dumfries, and Narrow Escape of Hare—Over the Border—Ballad Version of the Flight, ... ..</i>	198
CHAPTER XXXIII.—	
<i>The Confessions of Burke—The Interdicts against the "Edinburgh Evening Courant"—Burke's Note on the "Courant" Confession—Issue of the Official Document—Publication of both Confessions, ...</i>	206

	PAGE
CHAPTER XXXIV.—	
<i>Burke's Confession before the Sheriff—A Record of the Murders—The Method—Complicity of the Women and the Doctors—Murderers, but not Body-Snatchers, ... ..</i>	211
CHAPTER XXXV.—	
<i>The "Courant" Confession of Burke—Details of the Crimes—Burke's Account of his Life—The Criminals and Dr. Knox, ... ..</i>	219
CHAPTER XXXVI.—	
<i>The Fate of Hare—Mrs. Hare in Glasgow—Rescue from the Mob—Her Escape to Ireland, and Subsequent Career—Helen M' Dougal—Burke's Wife in Ireland, ... ..</i>	229
CHAPTER XXXVII.—	
<i>Dr. Knox's Connection with Burke and Hare—His Egotism—Knox's Criticism of Liston and his Assistants—Hanging Knox's Effigy—Popular Tumults—Demand that he should be put on Trial, ... ..</i>	234
CHAPTER XXXVIII.—	
<i>Inquiry into Dr. Knox's Relations with Burke and Hare—Report of Committee, ... ..</i>	240
CHAPTER XXXIX.—	
<i>English Newspapers on the West Port Tragedies—The "Sun," and its Idea of the Popular Feeling—Gray and his Wife, ... ..</i>	244
CHAPTER XL.—	
<i>The Relations of the Doctors and the Body-Snatchers—Need for a Change in the Law—A Curious Case in London—Introduction and Withdrawal of the Anatomy Bill, ... ..</i>	249
CHAPTER XLI.—	
<i>"Burking" in London—Apprehension of Bishop, Williams, and May—Their Trial, Confession, and Execution—Re-introduction and Passing of the Anatomy Act, ... ..</i>	254
CHAPTER XLII.—	
<i>The Passing of the Anatomy Act—Its Terms and Provisions, ... ..</i>	260
CHAPTER XLIII.—	
<i>Conclusion—Review of the Effects Produced by the Resurrectionist Movement—The Houses in Portsburgh—The Popular Idea of the Method of Burke and Hare—Origin of the Words "Burker" and "Burking," ... ..</i>	267
APPENDIX.—	
<i>The Case Against Torrence and Waldie, ... ..</i>	275
<i>Interview with Burke in Prison, ... ..</i>	278
<i>Confession of Bishop and Williams, the London "Burkers," ... ..</i>	281
<i>Songs and Ballads, ... ..</i>	288

## LIST OF ILLUSTRATIONS.

---

	PAGE
PORTRAIT OF WILLIAM BURKE, - - -	21
PORTRAIT OF HELEN M'DOUGAL, - - -	53
INTERIOR OF BURKE'S HOUSE, - - -	85
PLAN OF HOUSES IN WESTER PORTSBURGH, - - -	133
PORTRAIT OF WILLIAM HARE, - - -	173
FAC-SIMILE OF BURKE'S CONFESSION, - - -	229
PORTRAIT OF MRS. HARE, - - -	272



## KEY TO ILLUSTRATIONS

APPEARING OPPOSITE PAGES 85 AND 133 RESPECTIVELY.

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*References to View of the Interior of Burke's Room, as it appeared upon the Day after the Trial.*

1. The bed, or wooden frame, full of rags and filth.
1. Straw under it.
2. The straw under which the body of the old woman was hid.
3. A chair, on which Hare pretended that he sat during the murder.
4. Two wooden stools.
5. An iron pot, full of potatoes.
6. A cupboard, or wall-press.
7. A window, large for such a den, looking towards the Castle Hill.
8. Implements for shoe-making, old shoes, and rubbish.

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A fac-simile of Burke's signature, carefully traced from his first declaration of 3rd November, 1828.

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*References to Plan of Houses in Wester Portsburgh, and Places adjacent, reduced from the Plan drawn by Mr. James Braidwood, 22, Society, 20th November, 1828.*

- A. House possessed by William Burke.
- B. Bed in Burke's house, filled with case straw, covered with a blanket.
- C. The dark mark near C represents the appearance of blood on the floor of Burke's house.
- D. House possessed by Mrs. Connoway.
- E. House possessed by Mrs. Law.
- F F F F. The dotted line on which the four letters F are placed shows the passage from the street and flat above, and corresponds with the passage in the sunk floor.
- G. Steps and door to back court.
- H. Passage and stair leading from back court to Weaver's Close.
- I. House possessed by William Hare.
- K. Stable possessed by William Hare.
- L. Shop possessed by Mr. Rymer.
- M. The loose straw at the foot of the bed.
- N. The dotted lines S S S S represent the direction of Paterson's house, distant 208 feet from the point N.
- O O O. Private passage to Burke's house.
- P P P P. Common passage to all the houses and cellars on the sunk flat.
- R R R R. The strong line marked with the letter R shows the different entries to Burke's house.

THE HISTORY  
OF  
BURKE AND HARE.

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INTRODUCTION.

*The Resurrectionist Movement—Its Contributing Causes and Results.*

THERE is perhaps no portion of the social history of Scotland which possesses greater interest of a variety of kinds than that which relates to the rise, development, and ultimate downfall of the resurrectionist movement. To many persons now living, but who are nearing the verge of the unseen world, the interest is in a sense contemporary, for their younger days were spent under the shadow which so long overspread our country; to those of a later generation the traditions—perhaps the events are scarcely of sufficiently remote occurrence to call the stories of them traditions—of that dreadful time served to make their young imaginations vivid, and render them more obedient to behests of their parents or nurses. How many can remember the time when they were frightened into good behaviour by the threat that, if they did not do what they were told, “Burke and Hare” would take them away; or who, passing by a churchyard on a dark night, with the light of the moon casting a gruesome glamour over the tombstones, recalled to mind the tales of the doings of the terrible resurrectionists. How many children—some of them old men and women now—in their play chanted the lines—

“ Burke an’ Hare  
Fell down the stair,  
Wi’ a body in a box,  
Gaun to Doctor Knox ” ;

who trembled, even during the day, when they passed the houses occupied by these two men in the West Port of Edinburgh, remembering the fearful deeds that were enacted there. But in addition to the extraordinary impression which the resurrectionist movement made on the minds of the people of Scotland, it must be admitted to have had one good result. In the face of restrictive laws it gave an impetus to anatomical study, which was in the first instance beneficial to humanity; and in the second to the medical schools of this country, notably to the Edinburgh medical school, which attained great reputation at the period when the majority of the subjects for dissection were obtained in a manner revolting to the best feelings of humanity.

This practice of violating sepulchres, which must ever be regarded as one of the foulest blots on Scottish civilization, may be said to have had several contributing causes. The principal of these is admitted on all hands to have been the discovery on the part of the medical faculty that the knowledge they possessed of the human frame was founded rather upon uncertain tradition than upon empirical science; that they were practically ignorant of anatomy; and that if they hoped to make any advance in the art of healing human diseases they must devote more attention to a minute study of the dead subject. Having arrived at this conclusion—and it is a wonder they did not do so earlier—they were met by a difficulty brought about by prejudice. The people of Scotland, even in the most lawless ages, had an almost superstitious reverence for the dead; a reverence, indeed, which they did not always pay to the living. In this they only showed their human nature, and exhibited those instincts which seem to characterise men of all countries and all times. The “something beyond” the mortal sphere caused a peculiar regard for the dead; their belief in a resurrection was rather material, and it was thought impossible by many that when the last trump should sound the dead could rise if the bodies were cut up in dissection. The bodies of the dead, therefore, were carefully entombed to await the last call. The almost insurmountable difficulty, then, that presented itself to the doctors when they awoke out of their dream of ignorance, was where to obtain those subjects

upon which they could experiment, and gain that knowledge of which they stood so much in need. The prejudice of the people, it has been stated, was against the subjection of the bodies of their deceased friends to such sacrilegious treatment, even though they were willing, for the most part, to admit that benefit was to be derived from it. As a consequence, science and prejudice came into violent conflict, and the war was carried on by the representatives of the former with a determined persistency that led more or less directly to shocking crime, but ultimately to a *modus vivendi* that was for the interests of all concerned. These were the two main causes of the traffic; but there were others which, while not bearing so directly upon it, greatly aided its development. It received considerable assistance from the remarkable superstitions long attached to graveyards, the stories of ghosts and of wandering spirits

“Doom'd for a certain time to walk the night”;

of spiteful goblins and playful “brownies,” or of the uncanny dabblers in the forbidden art, whose dominion over the world was only during the midnight hour. It was then that the witches met in solemn conclave with the “father of lies” to plot against the peace of humanity, and that the denizens of the nether hell breathed the free air of earth, away from the choking fumes of the infernal brimstone. Such were the beliefs, and it therefore behoved every well-conducted person to keep the house after night-fall; and when any ventured abroad during the magic hours the working of superstition on minds either naturally credulous, or muddled with deep potations at the village tavern, or both, was sure to produce all kinds of apparitions, more or less fearful. Through this means the men employed by the surgeons to obtain bodies for dissection,—men, generally, whose utter absence of moral principle gave them the power to discredit the fears of their more conscientious countrymen,—were enabled for a time to go about their dreadful work with great immunity. Gradually the people threw off their superstitious feelings about church-yards, and considering

themselves safe from unhallowed influences by the presence of numbers, they took guard in the protection of the bodies of their friends. Many skirmishes ensued between these watchers and the resurrectionists, and these have given to Scottish literature a large collection of anecdotes of rather a unique description. Then the large iron cages, or railings, placed over graves, give our churchyards an aspect peculiarly their own. All these matters have made an impression on the Scottish mind which it will yet take generations to efface.

There is, however, another aspect in which the resurrectionist movement can be regarded. It gave rise to a series of the most shocking crimes, committed in Edinburgh by Burke and Hare and their female confederates; and the discovery of these, again, brought about a trial occupying a most prominent and curious place in the annals of Scottish criminal law. In that trial legal points of the utmost importance were involved; and in connection with it the most eminent lawyers of the time were engaged. Were it only because of the great trial with which the movement may be said to have terminated it is deserving the attention of all interested in the history of Scotland. Further than that, it brought about the passing of a measure which relieved the medical faculty of the restrictions to inquiry and investigation under which they had so long laboured, and tended towards the development of a science in which humanity is too deeply interested to neglect.

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## CHAPTER I.

*Early Prohibition of Dissection—Shakespeare's Tomb—The Progress of Anatomy—Curious Incident in Edinburgh—An Old Broadside Ballad on Body-Snatching—Tumults in Edinburgh and Glasgow—Female "Burkers."*

AT the first blush one is apt to think that the resurrectionist movement, culminating in Scotland by the apprehension of Burke and Hare, and the execution of the former, is of modern

growth. That this, however, is not the case, is shown by a little investigation into the records of the past. There are numerous instances, in all civilised countries, if not of active body-snatching, at least of prohibitions of it or anything akin. The early Christians put epitaphs on the tombs of deceased relatives calling the curses of heaven upon the sacrilegious hand that dared disturb the ashes of the dead; Pope Boniface VIII. issued a bull condemning even the profane perforation of a skeleton; and who knows but the well-known inscription on Shakespeare's tomb, written long before the great poet had become the object of a world's regard, may have been dictated by a similar feeling:—

“ Good friend, for Jesus' sake forbear  
To dig the dust inclosed here :  
Blest be the man that spares these stones,  
And curst be he that moves my bones.”

Then, again, the desire expressed by the dying Bruce that his heart should be cut from his body and taken to Jerusalem by the faithful Douglas, called forth the malediction of Pope Benedict XII. Mahomet, also, in the pages of the Koran, has forbidden dissection. All these instances show a most pronounced antipathy to the mutilation of the human body after death; and argue two things, first, that it was instinctive, and not a trait in the character of any particular nation or type of civilization; and, second, that unless a molesting cause existed, there would have been no need for the prohibitions. But the advancement of science was not to be bound down by this superstitious reverence for the dead; and, ultimately, in the sixteenth century, with the revival of learning, the bodies of criminals and unclaimed paupers were granted to surgeons for dissection, but then so sparingly that little progress in anatomy was made. The ignorance of the functions of the human body was so great, that the most haphazard methods of cure were adopted. If a sick person recovered it was more by chance than science, and if he died there is little doubt that death was hastened by the ignorance of his so called medical attendant,

who clung tenaciously to the traditions of his profession, be the result kill or cure.

The first indication of anything approaching body-snatching in Scotland is to be found in the Fountainhall MS., in the Library of the Faculty of Advocates in Edinburgh. As the entry is of more than ordinary interest it may be quoted *in extenso* :—

“6 Februarii 1678.—Four Ægyptians [Gypsies] of the name of Shaw were this day hanged, the father and three sones, for a slaughter committed by them upon one of the Faws (another tribe of these vagabonds, worse than the *mendicantes validi* mentioned in the code), in a drunken squabble, made by them in a randevouz they had at Romanno, with a designe to unite their forces against the clans of Browns and Bailzies, that were come over from Ireland to chase them back again, that they might not share in their labors ; but in their ramble they discorded, and committed the fore-said murder, and sundry of them of both sydes ware apprehended. . . . Thir four being throwen all unto on hole digged for them in the Grayfrier Church Yeard, with their clothes on ; the nixt morning the youngest of the three sones (who was scarce sixteen) his body was missed, and found to be away. Some thought he being last thrown over the ladder, and first cut downe, and in full vigor, and no great heap of earth, and lying uppermost, and not so ready to smother, the fermentation of the blood, and heat of the bodies under him, might cause him rebound and throw off the earth, and recover ere the morning, and steall away ; which, if true, he deserves his life, tho’ the magistrats, or their bourreau, deserved a reprimande ; but others, more probably, thought his body was stolen away by some chirurgeon, or his servant, to make ane anatomical dissection on ; which was criminal to take at their owne hand, since the magistrats would not have refused it ; and I hear the chirurgeons affirme, the towne of Edinburgh is obliged to give them a malefactor’s body once a year for that effect, and its usual in Paris, Leyden, and other places to give them ; also some of them that dyes in hospitals.”

The obligation mentioned in this quotation as lying on the city of Edinburgh, was made under the charter granted by the Town Council to the Surgeons in 1505. This grant of one body in the year would, however, be of little value, and the inquiring spirit that was abroad gradually came to feel that the privilege was little better than none at all. In the last decade of the seventeenth century strenuous efforts were being made to establish a school of anatomy in the city. Alexander Monteith, one of the most eminent physicians of the time, made

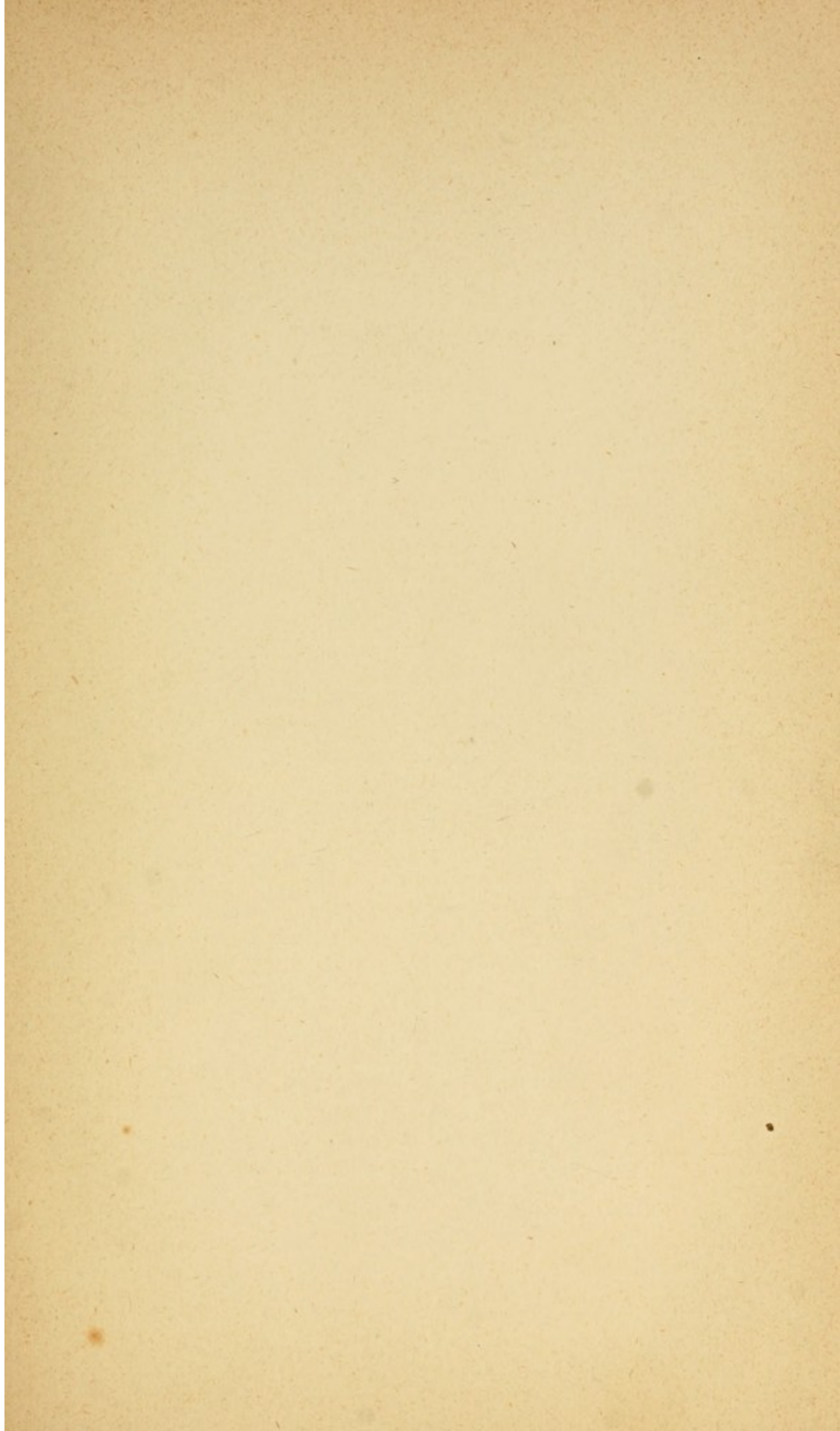
the following proposal to the Town Council:—"We seek the liberty of opening the bodies of poor persons who die in Paul's Workhouse, and have none to bury them; and also agree to wait on these poor for nothing, and bury them at our own charge, which now the town does. I do propose if this be granted to make better improvements in anatomy in a short time than have been made by Leyden in thirty years." Monteith had studied at Leyden. The Edinburgh Faculty were alarmed at the proposal, because they felt that, if it were approved, a privilege which they had hitherto enjoyed as a corporation would be given in a much more extended form to one of their number; and they accordingly put forward an application in which they sought "the bodies of foundlings who dye betwixt the tyme that they are weaned and their being put to schools and trades; also the dead bodies of such as are dead-born, which are exposed; also, suicides, a violent death, and have none to own them; likewise the bodies of such as are put to death by sentence of the magistrates." Both applications were granted, under condition, however, that the dissections were only to be made during the winter, and that the intestines were to be buried within forty-eight hours after the body was obtained, and the rest within ten days. Such restrictions were unworthy the enlightened policy the authorities were pursuing; and through the very act by which they fed the spirit of inquiry they created an increased appetite for anatomical research, which quickly went beyond foolish conditions, and ultimately led many to adopt the practice of body-snatching. Even yet the supply of bodies was unequal to the demand, and the doctors' apprentices resorted to robbing Greyfriars Churchyard, then the chief place of burial in the city. Their work was done very stealthily, for no one except the most hardy would in that age venture near a churchyard after the "gloaming." The matter at last became known, and the College of Surgeons, on the 20th May, 1711, drew up a minute protesting against the practice, saying that "of late there has been a violation of sepulchres in the Greyfriars' Churchyard by some who most unchristianly has been stealing, or at least attempting to carry away, the bodies of the dead out of their graves." This

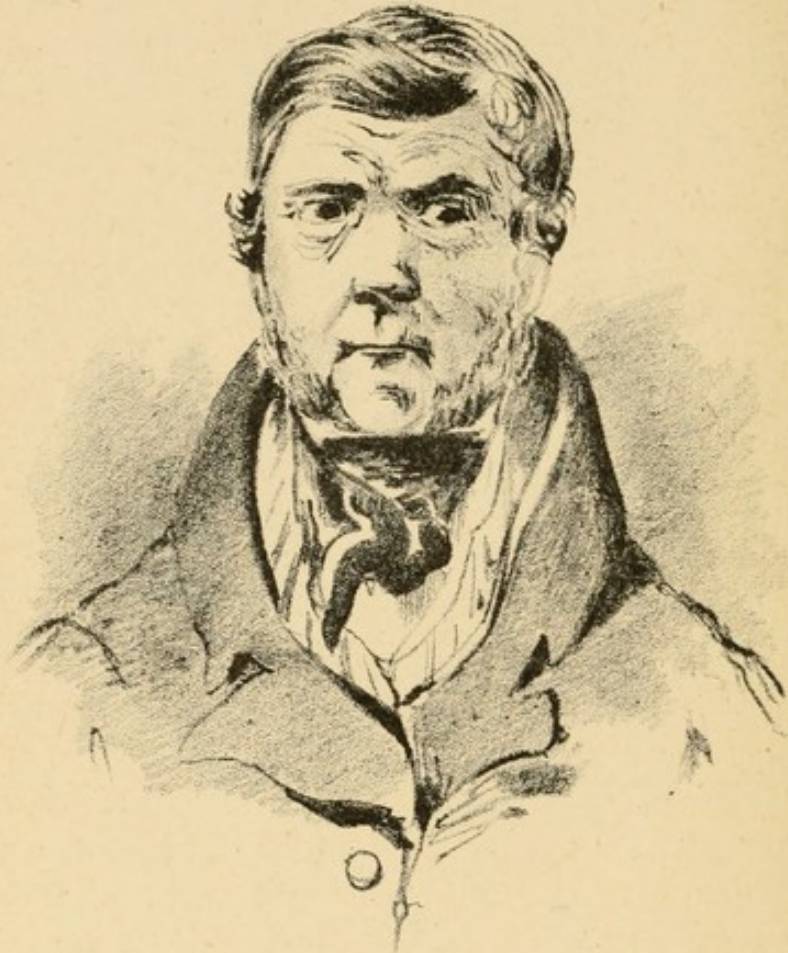


discovery caused a terrible sensation in the city, and it spread throughout Scotland. A broadside on the event was printed and hawked about the country. As it marks an important step in the progress of the movement, the quotation of such a lengthy document will be excused:—

*“ An Account of the most horrid and unchristian actions of the Gravemakers in Edinburgh, their raising and selling of the Dead, abhorred by Turks and Heathens, found out in this present year 1711, in the Month of May.*

Dear Friends and Christians, what shall I say,  
Behold, the dawning of the latter day  
Into this place most bright casts forth its rays—  
The like was never seen by mortal eyes.  
Methink I hear the latter trumpet sound,  
When emptie graves into this place is found,  
Of young and old, which is most strange to me,  
What kind of resurrection this may be.  
I thought God had reserved this power alone  
Unto himsell, till he erect'd his throne  
Into the clouds, with his attendance by,  
That he might judge the world in equity.  
But now I see the contrar in our land,  
Since men do raise the dead at their own hand ;  
And for to please their curiosities  
They them dissect and make anatomies.  
Such monsters of mankind was never known,  
As in this place is daily to be shown ;  
Who, for to gain some worldly vanities,  
Are guilty of such immoralities.  
The Turks and Pagans would amazed stand,  
To see such crimes committed in a land,  
As among Christians is to be found,  
Especially in Edinburgh doth abound.  
There is a rank of persons in this place  
That strive to run with speed a wicked race :  
They trample rudely on God's holy law,  
And of his judgment they stand not in aw ;  
For those that are laid in their graves at rest,  
This wicked crew they do their dust molest.  
Dead corps out of their graves they steal at night,  
Because such actions do abhorre the light.





WILLIAM BURKE.  
(From a Sketch taken in Court.)

The heathen nations, for ought I read,  
Was never found for to molest the dead,  
That were their kindred, and among them born ;  
But we to nations all may be a scorn :  
In that such crimes is perpetrated here,  
As both the living and the dead do deer.  
These monsters of mankind, who made the graves,  
To the chirurgeons became hyred slaves ;  
They rais'd the dead again out of the dust,  
And sold to them, to satisfy their lust.  
As I'm inform'd, the chirurgions did give  
Fourty shillings for each one they receive :  
And they their flesh and bones assunder part,  
Which wounds their living friends unto the heart ;  
To think that any of their kindred born  
Unto the nations, should become a scorn ;  
For they their bones to other nations send—  
As I'm informed, this is their very end.  
How may now all the nations us deride,  
And call us poor, since that we sell our dead,  
Some coyn to get, the living to maintain ;  
The like in any nation ne're was seen.  
The godly sowe their dust on such cold ground  
As do our kirks and chappels compass round,  
That they may get their dust in such a field,  
So well refin'd, that it to them may yield  
A crop most plentiful at the last day,  
When they from dust must haste and come away.  
But now their dust they take out of the ground,  
So that nothing but empty graves is found.  
I'm very sorry that such things should be  
Practis'd by folk professing piety ;  
And the religion should be wounded so  
By any who under a name do go.  
But still I see profession is no grace,  
As does appear into the present case ;  
But more especially at the last day,  
When all the world shall be put in a fray,  
When stars shall fall out of the firmament,  
And sun and moon out of their orbs be rent,  
And all this earth into a flame shall burn,  
And eliments like liquid mettals run,  
And all mankind before God's throne shall come,  
That He may justice do unto each one—  
Then shall the separation be made  
Between them that are good and that are bad :

The good receiv'd to everlasting glore,  
The bad cast down to hell for evermore.  
All who to wrong the saints do still desire,  
Dead or alive, shall have hell for their hyre,  
Unless with speed they do repent of sin,  
And do another course of life begin.  
But I shall say no more upon this head,  
Hoping henceforth they will not raise the dead,  
But suffer them to rest into their beds,  
And won their bread by following other trades."

Neither such a production as this, nor the mild protest from the College of Surgeons, was likely to put a stop to a practice which was being found useful on the one side and profitable on the other. Dr. Alexander Monro, "primus," the great anatomist, became Demonstrator of Anatomy in the University of Edinburgh, and his fame brought around him a large number of students. These seem to have been making depredations on the churchyards in the city and neighbourhood, and the College of Surgeons again took action, this time by ordering, on the 24th January, 1721, the insertion of a clause in the indenture of apprentices binding them not to engage in the violation of graves. Four years later, however—in April, 1725—the practice had grown to such an extent as to cause popular commotion. The people rose in angry protest against the violation of the sepulchres of their dead, and before the authorities could quell the disturbance the windows of Dr. Monro's anatomical establishment were destroyed, while the inmates stood in imminent danger of their lives.

Notwithstanding the extreme views the people of Scotland held against the resurrectionists, as the body-snatchers were named, their horrible trade continued to prosper, and it received many recruits. The surgeons, even, gradually dropped into the business; perhaps not themselves engaging in it personally, but at least sanctioning and approving of it by the purchase of the bodies offered them. But besides these, a class of men became resurrectionists as a matter of trade, and no churchyard in the country was safe from their depredations. The law was comparatively powerless, or took refuge under the pretext of the necessity for subjects being procured, but it took no

steps to produce a remedy. The people, therefore, took matters into their own hands, and were not slow in punishing any one suspected of body-snatching, as the following story from the *Scots' Magazine* for 1742 will show. On the 9th of March of that year the body of a man, Alexander Baxter by name, which had been interred in the West Kirkyard of Edinburgh, was found in a house adjoining the shop of a surgeon named Martin Eccles, in that city. The popular indignation had been raised by the suspicion, amounting almost to certainty, that the churchyards were being desecrated, and it needed very little to cause a tumult. The Portsburgh drum was seized, and beat through the Cowgate. The populace demolished the contents of Eccles' shop, smashed the windows of the houses of other surgeons, and it was with the greatest difficulty that the authorities were able to quell the riot. Eccles and some of his apprentices were brought before the court charged with the offence of being accessory to the lifting of bodies, but the charge was abandoned for want of proof. Later, on the 18th of the same month, the house of a gardener named Peter Richardson, in Inveresk, was burned by the people on the suspicion that he had some hand in pilfering the village churchyard of its dead; and on the 26th, a chairmaster and carrier were banished the city of Edinburgh for being in possession of a street-chair containing a body, and the chair itself was burned by the public executioner under the order of the magistrates. In the July following, under the sentence of the High Court of Justiciary, John Samuel, a gardener in Grange-gateside, was publicly whipped through Edinburgh for having been detected at the Potterrow-port, in the April preceding, selling the corpse of a child which had been buried in Pentland Kirkyard a week before. He was also banished from Scotland for seven years.

In Glasgow, about the same period, a riot of a serious nature occurred. On the 6th of March, 1749, according to the *Newcastle Magazine*, a disturbance arose in the city on a suspicion in the minds of the citizens that the students in the College had been raising bodies from one of the city graveyards. The windows of the University buildings in the High Street were broken, a large number of people sustained severe injury, and

had not the appearance of the military intimidated the mob, the tumult might have assumed much more serious proportions.

But it is curious to notice, in view of the main subject of this work—the history of Burke and Hare—that the crimes of which these men were guilty had a prototype in one committed in Edinburgh between seventy and eighty years before they entered upon their murdering career. In 1752, two women, Helen Torrence and Jean Waldie, were executed for the murder of a boy of eight or nine years of age. They would appear to have been nurses, and they promised to some doctors' apprentices that they would supply them with a subject, proposing to do so by the abstraction of a body from a coffin, when they were sitting at the death-watch, for it was then the custom—and still is, in some parts of the country—never to leave a corpse in a room alone. They were either unsuccessful in accomplishing this, or were anxious speedily to redeem their promise and obtain their reward, for they took even more reprehensible means to obtain a body. They met the boy and his mother in the street, and invited the woman into a neighbouring house to drink with them. She consented, and while she was sipping her liquor one of them went out to look for the boy. He was discovered leaning over a window, and the woman carried him into her own house, where she suffocated him among the bed-clothes. The mother afterwards searched for her son, but could not find him. Meantime, Torrence and Waldie took the corpse to the surgeon's rooms, where they were offered two shillings for it, the one who had carried it receiving sixpence additional. They demurred at the lowness of the price, but the students would only increase it by tenpence, which was given them for a "dram." The facts of the case at length came to light, and the women suffered on the scaffold for their barbarous crime.

## CHAPTER II.

*Tales of the Resurrectionists—The Students at Work.*

WHAT has been related in the preceding chapter are some of the early escapades of the resurrectionists. Throughout the latter part of the eighteenth century, these worthies, to call them by a mild name, were the scourge of Scotland, and notwithstanding the utmost vigilance of the people graves were ransacked of their contents and bodies sold to the doctors. But it was in the first three decades of the present century that the horrible trade was in its most flourishing condition. Many tales of the adventures of resurrectionists are told—some of them serious as the subject warrants, others of them amusing in spite of the subject. In this chapter there has been gathered together a number of anecdotes which will illustrate the part the students themselves took in the movement.

Perhaps the Edinburgh district is richer in the tales of the resurrectionists than any other in Scotland. This was only to be expected, for the reputation of the Edinburgh medical school had gone over the world, bringing to it students from all parts. The desire for fame caused a professional rivalry among the teachers, which was taken up by their respective pupils, who were not slow to vie with each other in carrying to the furthest extent the desire to obtain human bodies for dissection. In this they were assisted by the "professional" body-snatchers, and by the beadles and grave-diggers of the churchyards in the vicinity of Edinburgh. Many excursions of this kind were made. Was a body needed? Then several of them joined together, searched out a large bag for the conveyance of the body, and a spade, and their equipment was complete. They had no fear of the watchers who might be set at the churchyard they intended visiting. They trusted to their mother-wit to carry them through any difficulty. At the very worst they could only drop their spoil, and show a clean pair of heels. But here are some of the tales. It would be useless to make any effort to put them in a chronological order. They are stories that have found their way to the



public through a variety of sources, without dates, but it is sufficient to know that the events occurred during the present century.

A middle-aged man named Henderson, residing in Leven, Fifeshire, died of fever, and was interred in a neighbouring churchyard. Two young men attending the University of Edinburgh heard of the death, and about a week after the funeral they successfully raised the body from what had been fondly supposed by the relatives of the deceased, to be its last resting-place. While the men were carrying it away, one of them was overtaken by sickness, rendering it necessary that they should seek refuge in an inn at the outskirts of the town. Into this place they carried their ghastly burden, carefully put up in a sack. Curiously enough, the public house formerly belonged to the very man whose corpse they had stolen, and it was then being kept by the widow, for the support of herself and her daughter. The visitors were ushered into a room, in which was a closed-in bed, with wooden door, such as may yet be seen in country houses, and the drink they ordered was taken to them there. No sooner were they fairly begun to discuss the liquor, than the town's officers roused the landlady, and asked if some thieves who had broken into a neighbouring house had taken refuge on her premises. The men, for some unexplained reason, had by this time taken the body out of the sack, and when they heard the noise made by the constables they threw it inside the bed, and themselves made a hasty retreat by the window. The officers went in chase, but the resurrectionists were too nimble for them and made good their escape. A search was afterwards made in the room occupied by the men, but only the empty bag was found. The widow, however, after the tumult was over, went to the same room to retire for the night, when to her great horror, she found her dead husband lying in the bed which she herself proposed to enter, clad in the grave-clothes she had made with her own hands.

Another story of a somewhat similar adventure is told of Liston, the eminent surgeon, but at this time a student. He had been informed by a country practitioner in one of the villages on the Firth of Forth of the death of a man by a

disease whose ravages on his frame should afford some important information to searchers after medical truth. Accordingly, Liston, with one of his companions, dressed themselves as sailors, and set out on board a small boat for the village. There they were joined by the doctor's apprentice, who was to act as guide. They quickly lifted the body, and placed it in the sack they had brought with them for that purpose. Liston hoisted the ghastly burden on his shoulder, and carried it some distance in the direction of the shore, where their boat was lying. They considered it inadvisable to return to Edinburgh that night, assuming, probably, that if they managed their prize home in the course of the following day their adventure would be more likely to have a satisfactory termination. Accordingly, they placed the bag and its contents behind a thick hedge, where they proposed it should remain until next morning, when they would convey it to the boat. This done, they proceeded to look after their creature comforts, and made their way to a roadside inn. Here they soon made themselves at home. Sitting cosily by the kitchen fire, they gave an order for a supply of good liquor. Under its warming influence they forgot the shocking work in which they had had so recently been engaged, and they amused themselves by flirting with the servant girl, a pretty country damsel. Shortly after midnight, when the companions were proposing to retire to rest, they were alarmed by a drunken shout from the outside, "Ship, ahoy!" The girl explained that the noise came from her sailor brother, Bill, who, she feared, had been drinking. When the door was opened Bill staggered in under the burden of the sack Liston and his comrades had put behind the hedge, and heaving it on the floor he exclaimed—"There, if it ain't something good, rot them chaps there who stole it." He said he got the "hulk" behind a hedge when he was lying there trying to wear about upon another tack, and remarking, "Let's see what's the cargo," he proceeded to cut the bag open. The sight of the contents made the girl fly from the house screaming, and she was quickly followed by her brother. The two young men, who had witnessed all under the terror of discovery, seeing a way of escape, took a hasty resolution. There was no safety for them if they remained in the inn, and

the turn matters had taken showed them that they must make off as quickly as possible with their booty. Liston again put the dead man on his shoulders and carried him to the boat, leaving the tavern without paying the reckoning. They reached Edinburgh without further adventure, and no doubt they would find some satisfaction in dissecting a subject which was not only interesting in itself but which had also given them so much trouble.

This was not, however, the only exploit of the kind in which Liston was engaged. On another occasion he made an excursion in his boat to Rosyth, near Limekilns, on the Fifeshire shore. The church-yard here, on account of its remoteness from human habitation, and its situation on the side of the Firth, had become a favourite haunt for the resurrectionists. The reason for this expedition was that Liston had seen in a newspaper an account of the drowning and funeral of a sailor belonging to Limekilns. The newspaper also informed its readers, what was the most affecting part of the story, that the young man had been engaged to be married to a girl residing in the district, and that she had become insane through the violence of her grief. This sad calamity had no effect on the young student. He saw in the announcement, melancholy as it was, only the way to obtain a fresh subject, and he took measures to carry the project that had taken possession of his mind into execution. He soon got together a band of kindred spirits, to whom he explained his intentions. The party in the boat arrived at the scene of their intended operations at nightfall, and for a few hours they kept in hiding, until it would be more convenient to begin. As they were about to land they noticed a young woman sitting on a tombstone in the churchyard. Of course they knew nothing of her: but her heart-rending sobs indicated that she was lamenting the death of some loved one whose body had been consigned to its kindred earth. This scene delayed their advance, but it was without effect in turning them from their purpose. At last the woman went away, and the students made towards the place where she had been sitting. They found she had strewn the grave with flowers—"Rosemary, that's for remembrance;

pansies, that's for thoughts." Setting to work they quickly raised the body underneath, and speedily carried it to their boat. The party, one of them wearing in his coat a flower he had picked from the grave, then pushed off; but before they were well away from the scene they again observed the woman running backward and forward in the churchyard with her arms waving, apparently acting under the most intense excitement. Her agonizing cries quickened the use of the oars, and hurriedly they left the heart-rending scene behind them.

Rosyth, it has been said, was a favourite haunt of the resurrectionists, but gradually the people of Limekilns awoke to the knowledge that their Golgotha was being desecrated. A party of students from Edinburgh once made a descent upon the place and narrowly escaped detection. They heard of the burial of a woman who had died in child-bed, and they rowed over the Firth to raise her body. When they got to the grave-yard the weather was wild and stormy; as Burns puts it:—

“The wind blew as 'twad blawn its last;  
The rattling showers rose in the blast. . . .  
That night, a child might understand  
The Deil had business on his hand.”

After twenty minutes' work the students had “the tall beauty,” as they had named her, again above the ground, and carried her to the dyke, upon which they laid her until they had climbed over themselves. No sooner had they done this than the plaintive howl of a dog was heard. This incident introduced something approaching a panic among them, and they sought comfort in the contents of their pocket flasks. But their terror was increased by the appearance of a lighted lantern moving about among the tombs. They made for their boat, taking care, however, to carry the corpse with them. The dead woman's long golden hair had become entangled among the stones, and the rough manner in which they dragged the body away left some of the locks, with a portion of the scalp, on the side of the dyke. They immediately put off, and afterwards saw the lantern stop at the point of the dyke where the body had lain. It was currently reported that the bearer of the

lantern was the woman's husband, and that he recognised the hair entangled on the wall.

The depredators were not, however, always successful in carrying off their spoil. Three students attending the class of *Monro, tertius*, hired a gig, and paid a visit to a churchyard to the south of Edinburgh, somewhere about the vicinity either of Gilmerton or Liberton. When they had arrived at the place on which they intended to operate, two of them climbed the boundary wall, leaving the others in charge of the conveyance. They soon brought to the surface the recently-buried body of a woman, the wife of a well-to-do farmer in the neighbourhood. Unfortunately for themselves, these young men were new to the business, and they had omitted to take with them a very necessary instrument of the resurrectionist—a sack. They saw their mistake when it could not be remedied, and they made up their minds to carry the body in the dead-clothes. One of the students had it hoisted on his back, but as he was going along his grasp upon the shroud began to give way, and the feet of the corpse slipped down until they were touching the ground. As the carrier staggered under his burden, the feet of the dead woman came against the ground every now and then, impeding his progress, and causing such a peculiar movement that the youth thought the woman was leaping behind him. The idea struck him that she was alive, and with an oath he flung the body from him on the road, and made for the gig. His companions, as frightened as himself, rushed after him, and the three worthies drove furiously back to the city. Early next morning the farmer was walking along the Edinburgh road, and came upon a white-robed figure stretched out on the footpath. He found it was the body of his wife, clad in her dead-clothes, with eyes wide open and glazed. His first thought was that she had come back to life, and he tried to restore her, though he knew she had been entombed for three days. The task was futile, and he was only restored to reason by the appearance of the *Penicuik* carrier, who at once divined the cause of the body being where it was found. The woman was buried privately the next night, and an effort was made to hush up the story.

But while the students of the metropolis were active in the

body-snatching work, those of Glasgow were following hard behind them. About the year 1813, Mr. Granville Sharp Pattison, a clever anatomist belonging to the western city, drew around him a band of students who committed many a depredation in the graveyards in and near Glasgow. They had rooms in College Street, in the vicinity of the old University, and there they conducted in secret the dissection of the bodies they were fortunate enough to get into their possession. They kept up a system of espionage over the doctors in the city, learning all the details of any peculiar cases they might be attending; and in the event of death there was little scruple about raising a body from which they thought they were likely to gain information. When any expedition was on foot, those who had been chosen to take part in it were careful to show themselves during the evening in some of the most frequented taverns, in order to throw off suspicion, and then they set about their unhallowed work. These men, of course, wrought in secret, but the suspicion gradually grew on the community that the graves of their friends were being violated. At last the suspicion deepened into a certainty, greater vigilance was observed by the city watch in the hope of laying hands upon the offenders, and many people took the precaution of erecting elaborate iron cages over the graves to give greater security against their desecration.

However, an event occurred in Glasgow which caused an extraordinary sensation. A vessel arrived at the Broomielaw with a consignment of what was supposed to be cotton or linen rags. The cargo, done up neatly in bags, was addressed to a huckster in Jamaica Street, but he refused to take delivery, as between £50 and £60 were charged for freight. He said no rags could afford such freightage, and he sent the packages, without examination, back to the Broomielaw. There they lay in a shed for some time, until the dreadful stench proceeding from them caused the city officers to open them. To the horror of the searchers, there were found in them the putrid bodies of men, women, and children. The authorities ordered the remains to be buried in Anderston Churchyard, and this was done. The explanation of the matter was, that owing to the scarcity of subjects for

the anatomy classes of Edinburgh and Glasgow, the bodies had been sent from Ireland by some students there; and the price of each corpse varied from ten to twenty guineas each. As ill-luck would have it, the Jamaica Street huckster did not receive the note advising him of the valuable nature of the cargo consigned to him until it was too late, "otherwise," says old Peter Mackenzie, who tells the story, "there can be little doubt he would have paid the freight money demanded, and pocketed a goodly commission for the traffic entrusted to his care!"

Although this discovery still further alarmed the community, and showed fully the dreadful nature of the conspiracy which those connected with the medical faculty seemed to have entered into against the peace of the country, all the efforts of watchers and others were unable to foil the ingenuity of the students and their accomplices. Notwithstanding the use of trap-guns placed in the churchyards, bodies were stolen, and the trade flourished. There is, however, one instance recorded in which a student was killed by stumbling over one of these guns. He and two companions were in search of a body in the Blackfriars Churchyard, Glasgow. When he dropped dead, his fellow-students were horrified, but the fear of discovery forced them to adopt an extraordinary method of taking away the body of their unfortunate friend. They carried it to the outside of the churchyard, and placed it on its feet against the wall; then they each tied a leg to one of theirs, and taking the corpse by the arms, they passed slowly along the street towards their lodgings, shouting and singing as if they were three roysterers returning from a carouse. Once safely home, the dead man was put to bed, and next morning the story was circulated that during the night the poor fellow had committed suicide. The fatal adventure was thus kept quiet, and it was not until many years afterwards that the true version of the night's proceedings was made known.

Two other Glasgow students, having heard of an interesting case at the Mearns, a few miles to the south of the city, determined to obtain possession of the body, in order to find out what it was that had baffled the skill of two such eminent practitioners as Drs. Cleghorn and Balmanno. Knowing

that their expedition might be spoiled by the numerous watchers, they took the most ample precautions against discovery. They purchased a suit of old clothing in the Salt-market, and with it they drove out to the Mearns. The body they desired was easily raised, and was carefully dressed in the suit they had provided. Then they placed it between them in the gig, and returned gaily towards the city. The keeper of the Gorbals toll-bar, through which they had to pass, was a suspicious old man, and they thought they might have some difficulty with him. When they came to the bar they halted promptly, and while one was producing the toll-money the other was attending with the utmost solicitude to what he called his "sick friend," who was, of course, none other than the dead man. The tollman, noticing his efforts, looked at the "sick" friend, and remarked sympathetically, "O! puir auld bodie, he looks unco ill in the face; drive cannily hame, lads, drive cannily." Once over the bridge, the students lost no time in conveying to their den the prize they had so ingeniously secured. This device, it would seem, was practised with success in other places, for it is said that in Dundee two men conveyed a body, dressed in the clothes of the living, arm in arm, along the streets, and afterwards sent it on to its destination, presumably Edinburgh.

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### CHAPTER III.

#### *Tales of the Resurrectionists—What the Doctors did.*

A RECORD of the share which the doctors themselves took in the resurrectionist work has not been well preserved. Personally they do not seem to have done much, leaving the active operations in the hands of the students and body-snatchers. There was a suspicion, however, that they were not above lending a helping hand in a case of necessity, when they hoped to obtain a special prize. At least they connived at the practice, and undoubtedly benefited by it. It has been



more than hinted, that in many outlying places, far from the University centres, a good deal of business of this kind was done by medical men who had with them apprentices whom they had engaged to teach the art and science of medicine, but who found it impossible to do so unless they had, by some means or other, the requisite anatomical subjects. In these country places the churchyards were watched by the villagers in turn, there being a voluntary assessment on the inhabitants for peats to make the fires by which the guardians of the dead sat and smoked their pipes and sipped their whisky during the long dark nights. In a village in the north of Scotland it is a tradition that a medical man set out with his students one night to lift a body which they considered would be of value to them. The watchers, however, surprised them, and the doctor was mortally wounded by a shot fired by one of the defenders. His companions fled, carrying the injured man with them, and a few days afterwards it was announced that he had died by his own hand.

Others, again, laid the churchyards of Ireland under contribution, as a story related by Leighton amply testifies. A young Irish doctor, known under the name of the "Captain," resided in Surgeon's Square, Edinburgh, and many a barrel containing the bodies of his compatriots arrived by boat at Leith addressed to him, and he disposed of them to his friends. He was in the habit of telling how, when at home, he relieved his want of a "subject" in a rather clever way. He had been attending a young man who ultimately died and was honestly interred. It struck him that the body was precisely what he wanted, and he drove off to the churchyard for it. On the way back he met the lad's mother, who asked him if it were "all right wid the grave ov poor Pat?" The "Captain" assured her it was, and drove her home in his gig, which also contained her son's corpse. "I dhrove," said he, "the good lady home agin without breaking a bone of hir body, and Pat never said a word." Once he addressed the body of a woman, lying on one of the Edinburgh dissecting tables,—“Ah, Misthress O'Neil! did I spare the whisky on you, which you loved so well,—and didn't you lave me a purty little sum to keep the resurrectionists away from you,—and didn't I take care of you

myself? and by J—s you are there, and don't thank me for coming over to see you."

A somewhat amusing conflict took place between the students of Drs. Cullen and Monro for the possession of the body of Sandy M'Nab, a lame street singer, well known in Edinburgh. He died in the Infirmary, and Cullen and several others placed the body in a box, in order to raise it by a rope to their rooms above. Some of the students under Monro, impelled by a similar motive, were searching for the body, and they came upon it in the box. They shifted it to the other side of the yard, intending to lift it over the wall, but they were observed and attacked by their rivals. A great fight followed, until at last the attacking party had to retire, leaving victory—which meant possession of Sandy's body—with the original body-snatchers.

The doings of the students of Glasgow has already been mentioned, and the influence which Dr. Pattison had in making body-lifting popular among them has at least been indicated. Matters in that city were at last brought to a crisis, and the doings of this gentleman and his colleagues came to light. The Ramshorn and Cathedral churchyards were being robbed of their silent inhabitants almost nightly, and the greatest excitement prevailed in consequence throughout the city. Two deaths from what were considered peculiar causes occurred in Glasgow about the beginning of December, 1813. On the afternoon of the 13th of that month both the bodies were interred, one in the Ramshorn and the other in the Cathedral churchyard. The students accordingly made preparations for raising both of them. The expedition to the Cathedral was highly successful, for in addition to the corpse they went specially for, the young anatomists put another in their sacks, and made a safe journey to their rooms. In the Ramshorn yard, however, the work had been gone about rather noisily, and the attention of a policeman stationed in the vicinity having been attracted, he raised the alarm. The students escaped, but they were seen to disappear in the neighbourhood of the College. The search was stopped for the night, but next day the news spread throughout the whole community. Intense alarm prevailed, and the Chief Constable,

James Mitchell, was besieged with inquiries. Many persons visited the graves of their friends to see if all were right. The brother, or some other relative, of the woman—Mrs. M'Alister by name—who had been lifted from the Ramshorn, quickly found that her body had been stolen. No sooner was this discovery made than a large crowd rushed to the College, and gave vent to their feelings by breaking the windows of the house occupied by Dr. James Jeffrey, then professor of anatomy in the University. The police had to be called to suppress the tumult. At last the magistrates, forced to action by the strength of public opinion, issued a search-warrant empowering the officers of the law to enter, by force, if necessary, every suspected place, in order to find the body of Mrs. M'Alister, or of any other person. The officers were accompanied by Mr. James Alexander, surgeon dentist, who had attended the lady to the day of her death, and also by two of her most intimate acquaintances. In the course of their search they visited the rooms of Dr. Pattison, in College Street, where they found the doctor and several of his assistants. They were shown over the apartments with all apparent freedom, but they discovered nothing. They had left the house when Mr. Alexander thought they should have examined a tub, seemingly filled with water, which stood in the middle of the floor of one of the rooms. They returned accordingly, and the water was emptied out. At the bottom of the tub were found a jawbone with several teeth attached, some fingers, and other parts of a human body. The dentist identified the teeth as those he had himself fitted into Mrs. M'Alister's mouth, and one of the relatives picked out a finger which he said was the very finger on which Mrs. M'Alister wore her wedding ring. Pattison and his companions were immediately taken into custody. They were removed to jail amid the execrations of the mob, who were with difficulty restrained from executing summary vengeance upon them. This done, the officers dug up the flooring of the rooms, and underneath they found the remains of several bodies, among them portions of what was believed to be the corpse of Mrs. M'Alister. The parts were carefully sealed up in glass receptacles for preservation as productions against the accused at their trial. On Monday, 6th June, 1814, Dr.

Granville Sharp Pattison, Andrew Russell, his lecturer on surgery, and Messrs. Robert Munro and John M'Lean, students, were arraigned before Lord Justice Boyle, and Lords Hermand, Meadowbank, Gillies, and Pitmilly, in the High Court of Justiciary, Edinburgh, charged under an indictment which set forth, particularly, that the grave of Mrs. M'Alister, in the Ramshorn churchyard, Glasgow, "had been ruthlessly or feloniously violated by the prisoners, and her body taken to their dissecting rooms, where it was found and identified." The prisoners were defended by two eminent men—John Clerk and Henry Cockburn. The evidence of the prosecution was clearly against the accused, but the counsel of the defence brought forward proof which as clearly showed that some mistake had been made with the productions. They proved to the satisfaction of the law, at least, that the body, or portions of the body, produced in court, and which were libelled in the indictment, were not portions of the body of Mrs. M'Alister. This lady had been married and had borne children; the productions were portions of the body of a woman who had never borne children. The result was an acquittal. So strong, however, did public feeling run, that Pattison had to emigrate to America, where he attained to an eminence deserving his abilities.

This put an end for a time to the resurrectionist fever in Glasgow, but it was shrewdly suspected that other cases occurred. They must have been few, for the strictest watch was preserved over the graveyards. There was, however, another case which should be mentioned, and occurring, as it did, at a time when the whole of Scotland was struck with terror at the wholesale pillage of churchyards, and the frequent mysterious disappearances of the living, it caused a terrible sensation in Glasgow. In the month of August, 1828, a poor woman in that city was delivered of a child, and on the same evening, some female neighbours observed, through a hole in the partition wall of the apartment in which she resided, that her medical attendant made a parcel of the newly-born infant, and placed it below his coat. When he left the house, they raised the "hue and cry" after him, calling out, "Stop thief," and telling all they

met that the man had a dead child in his possession. An immense crowd soon gathered, the man was attacked, and the body taken from him; and only the opportune arrival of the police saved him from being torn to pieces by the mob. The officers took him and the body to the station-house, the people hooting and howling around them. An examination of the body of the infant was made by several practitioners in the city, at the instance of the authorities, and they certified that it had been still-born. The explanation was, that the young man was a student finishing his course, and that the mother had agreed with him that if he attended her during her illness, he should have the body of the dead child for the purpose of using it as he thought proper.

The result of this revolting work in the West of Scotland was not altogether evil, for, as was said by Dr. Richard Miller, for forty years lecturer on *Materia Medica* in the University of Glasgow, "these experiments in the Anatomy School of Glasgow, lighted up the torch of science in this quarter of the world, and saved the lives of many invaluable beings."

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#### CHAPTER IV.

*Tales of the Resurrectionists—The Professional Body-Snatchers—  
A Dundee Resurrectionist Ballad—A Strange Experiment in  
Glasgow.*

THE two preceding chapters have been devoted to stories circulated about doctors and medical students who engaged in resurrectionist exploits, but there are many other tales, quite as interesting, told of a very different class of men. Those who entered into this horrible work for the purpose of carrying out their anatomical investigations, can be excused in part; but the men of whom we now speak entered into it with motives not dictated by, and therefore had not the excuse of, a desire for scientific progress, but rather were founded on mercenary greed. Not a few of them were sextons; many of

them were drawn from the scum of the population, who, rather than earn an honest livelihood, were ready to engage in any desperate enterprise which would give them a large sum of money. The work of these men, if all stories are true, at times touched the feelings of the anatomists themselves. It is stated that a Professor of the University of Glasgow, going into the dissecting room one morning to view a subject which had been laid out, was horrified to find it was the body of his son, who had been recently interred. A somewhat similar tale is recorded of a student at the University of Edinburgh. He saw on the dissecting table what he believed to be the body of his mother. Half distracted he posted home to Dumfries, and, in company with his father, made an investigation of the grave where his mother had been buried. It was then found he had been mistaken, for they found the body lying silently in its last resting-place.

In connection with the Medical School of Edinburgh were several worthies who have been made immortal by the graphic pen of Leighton. Here is how the author of the *Court of Cacus* photographs them:—"There was one called Merrylees, or more often Merry-Andrew, a great favourite with the students. Of gigantic height, he was thin and gaunt, even to ridiculousness, with a long pale face, and the jaws of an ogre. His shabby clothes, no doubt made for some tall person of proportionate girth, hung upon his sharp joints, more as if they had been placed there to dry than to clothe and keep warm." The manners of this man were quite of a piece with his outward appearance. His gait was springy, and his face underwent contortions of the least pleasant kind. The people knew his peculiar ways, and many of them seized every opportunity of tormenting him, generally much to their own intense satisfaction and amusement. Another attendant, and one of Merry-Andrew's colleagues, was a worthy whose proper name was practically unknown, but who went by the *sobriquet* of "Spune." With an exterior suggestive of a broken-down parson, his mental qualities were of the feeblest order, or, being vigorous, they found no fitting expression. The "Spune" always kept his own counsel, performing his duties in such a staid and dignified manner that Leighton feels compelled to

say "that you would have said he bore all the honours of the science to the advancement of which he contributed so much." These two men were slightly touched by scientific aspirations, though it must be admitted that these were not by any means the motives that constrained them to follow their unholy employment. The pecuniary results weighed much more than any scientific considerations with the "Moudewart," properly called Mowatt, who was another of the group. He had been a plasterer, but he found that to pursue his trade he had to work hard for little, and he took to the business of a resurrectionist simply because he could make more money a great deal easier—a course of conduct perhaps legitimate enough in itself, but one which it would be difficult to justify when the nature of the change is taken into account. However, these three men were the great supports of the anatomical investigators in Surgeon's Square, Edinburgh. They were assisted by others of less note, important enough in their own way, but undeserving the same particular notice.

These men are believed to have made a great number of purchases in the lower parts of Edinburgh, for not a few drunken, shiftless creatures were willing to sell the bodies of their deceased relatives for a small sum; often an arrangement had been come to before the final separation of soul and body. Indeed, it is to be feared that this was by no means uncommon in all the centres of population. A grimly amusing story is told by Leighton, illustrative of this, and at the same time of the trickishness and love of mischief supposed to be characteristic of the medical student. This is how he tells it:—"One night a student who saw him [Merrylees] standing at a close-end, and suspected that his friend was watching his prey, whispered in his ear, 'She's dead,' and, aided by the darkness, escaped. In a moment after, 'Merry Andrew' shot down the wynd, and, opening the door, pushed his lugubrious face into a house. 'It's a' owre I hear,' said he, in a loud whisper. 'And when will we come for the body?' 'Whist, ye mongrel,' replied the old harridan, who acted as nurse; 'she's as lively as a cricket.'" The unfortunate invalid was terrified, but was unable to do anything to help herself. Merry Andrew slipped out, and went in search of the student who had played such a

scurvy trick upon him, but was, of course, unsuccessful. To resume Leighton's narrative:—"The old invalid, no doubt hastened by what she had witnessed, died on the following night; and on that, after the night succeeding, when he had reason to expect that she would be conveniently placed in the white fir receptacle that has a shape so peculiarly its own, and not deemed by him so artistic as that of a bag or a box, Merrylees, accompanied by the 'Spune,' entered the dead room with the sackful of bark. To their astonishment, and what Merrylees even called disgusting to an honourable mind, the old wretch had scruples. 'A light has come down upon me frae heaven,' she said, 'an' I canna.' 'Light frae heaven!' said Merrylees indignantly; 'will that shew the doctors how to cut a cancer out o' ye, ye auld fule? But we'll sune put out that light,' he whispered to his companion; 'awa' and bring in a half-mutchkin.' 'Ay,' replied the 'Spune,' as he got hold of a bottle, 'we are only obeying the will o' God. "Man's infirmities shall verily be cured by the light o' his wisdom." I forget the text.' And the 'Spune,' proud of his Biblical learning, went upon his mission. He was back in a few minutes; for where in Scotland is whisky not easily got? Then Merrylees (as he used to tell the story to some of the students, to which we cannot be expected to be strictly true as regards every act or word), filling out a glass, handed it to the wavering witch. 'Tak ye that,' he said, 'and it will drive the deevil out o' ye'; and finding that she easily complied, he filled out another, which went in the same direction with no less relish. 'And noo,' said he, as he saw her scruples melting in the liquid fire, and took out the pound-note, which he held between her face and the candle, 'look through it, ye auld deevil, and ye'll see some o' the real light o' heaven that will mak your cat's een reel.' 'But that's only ane,' said the now wavering merchant, 'and ye ken ye promised three.' 'And here they are,' replied he, as he held before her the money to the amount of which she had only had an experience in her dreams, and which reduced her staggering reason to a vestige. 'Weel,' she at length said, 'ye may tak her.' And all things thus bade fair for the completion of the barter, when the men, and scarcely less the woman, were startled by a knock at the door,



which having been opened, to the dismay of the purchasers there entered a person, dressed in a loose great-coat, with a broad bonnet on his head, and a thick cravat round his throat, so broad as to conceal a part of his face. 'Mrs. Wilson is dead?' said the stranger, as he approached the bed. 'Ay,' replied the woman, from whom even the whisky could not keep off an ague of fear. 'I am her nephew,' continued the stranger, and I am come to pay the last duties of affection to one who was kind to me when I was a boy. Can I see her?' 'Ay,' said the woman; 'she's no screwed down yet.'" "Merry-Andrew" and the "Spune" slipped out of the house, followed by the stranger, who pretended to give them chase. The stranger, it came out afterwards, was a student who thought fit to play a practical joke on the two worthies. The dead woman was decently buried, but the nurse quietly put the three pounds in her pocket.

In the course of some transactions in Blackfriars' Wynd, Merrylees had—so they thought—cheated his two companions to the extent of ten shillings, and this was an offence never to be forgotten or forgiven. A sister of Merrylees, residing in Penicuik, happened to die, and it occurred to his unfeeling heart that he might make a few pounds by raising her body, immediately after the interment. He said nothing, but the "Spune" noticing from his appearance that he had some important project on foot, made inquiries which made him, as he said, "suspect that Merrylees' sister was dead at last." The "Spune" told the "Moudewart" so, and they agreed to lift the body themselves, as by doing this they would not only profit to the extent of several pounds, but would also be revenged upon Merry-Andrew for his unfair behaviour towards them. A donkey and cart were procured, and the two companions set out that night for Penicuik, with all the necessary utensils. Between twelve and one o'clock they were at work in the kirkyard. They had hardly begun when they were alarmed by a noise near at hand, but, after listening a moment, they thought they were mistaken, and resumed. At last they got the body above the ground. Then they heard a shout, and behind a tombstone they saw a white-robed figure with extended arms. They fled in terror, and started for Edinburgh

in all haste. The apparition was none other than Merrylees, who, having met the owner of the donkey and cart, and been told that his two colleagues were away with them to Penicuik, suspected their design, and had thus frustrated it. Remarking that "the 'Spune' is without its porridge this time, and shall not man live on the fruit of the earth," Merrylees shouldered the body of his sister and set out for the city. Before long he came near his foiled enemies, and raising another shout he forced them to leave their cart behind, as they found their legs would carry them faster home than the quadruped they had borrowed. This was the crowning part of Merry-Andrew's expedition, for he put his burden in the cart, and managed at last to convey it to Surgeons' Square.

The professional body-snatchers were, however, sometimes employed by other than doctors—by persons who made use of them for purposes which had not even the excuse of a desire for the advancement of anatomical science. The story is told of two young men from the north, named George Duncan and Henry Ferguson, fellow-lodgers in the Potterow of Edinburgh, who were rivals for the affections of a Miss Wilson, residing in the vicinity of Bruntsfield Links. Ferguson was preferred, and Duncan hated him because of that. At last disease carried the successful suitor away, and his body was interred in Buccleuch burying-ground. Duncan's hatred went even further than death itself, for he employed a well-known snatcher, who rejoiced in the cognomen of "Screw," on account of his cleverness at raising bodies, and they went together to the cemetery for the purpose of conveying the corpse of Ferguson to the rooms occupied by Dr. Monro. When they arrived there they found Miss Wilson beside the grave, overwhelmed with grief at the loss of her lover. At last she went away, and soon the body was within the precincts of the college.

In the Dundee district, also, the resurrectionists were able to do a considerable amount of business. There, as elsewhere, the people in the country parts were in a high state of excitement over the frequent depredations made in their churchyards, and it was shrewdly suspected that this was done for the purpose of supplying the Edinburgh doctors with "subjects." Watches were set, but the superstition of the guardians of the

dead, often aided by the whisky they partook of to keep away the cold and raise their spirits among their "eerie" surroundings, made their vigils too frequently of little avail. The wily resurrectionists were too sharp for them, for it was almost a matter of certainty that the body of any one who died of a peculiar disease would disappear within a few days after it had been consigned to the grave. In the village of Errol, in the Carse of Gowrie, such depredations were not unfrequent. About the time that Burke and Hare were operating with so much effect among the waifs of Edinburgh, an incident of a somewhat amusing kind occurred at this place. The parish churchyard was then without a boundary wall, and as it lay in the middle of the village it was customary for the inhabitants to make a "short cut" across it, when passing from one part of the place to another. On one occasion a village worthy had been attending a convivial gathering, and on his way home, at "the witching time of night," he thought he would take the pathway through the churchyard. As he approached it he saw what appeared to be a black horse feeding in the "isle," a low part of the yard. To his horror some one jumped on the animal's back, and made towards him. He took to his heels, and ran as fast as he could, never stopping until he had gained a safe hiding in a farm on the side of the Tay, at a point about two miles to the south-east of the village. When the story obtained currency, the belief was commonly expressed that the horse belonged to a doctor who was in search of an interesting "subject" that had been recently buried.

The churchyard of Dundee, then popularly known as the "Howff," was laid under heavy contribution to the cause of science, and the most notorious of the local resurrectionists was Geordie Mill, one of the grave-diggers. He was at last caught in his nefarious work, and his memory has been celebrated in a song long popular in the district. This production has now nearly dropped out of memory, but as it is a curious commentary on the transactions of the time, it is worthy of preservation. The following fragments of it are from the notes of Dr. Robert Robertson, Errol, and Mr. James Paterson, Glasgow, two natives of the Carse of Gowrie :—

“ Here goes Geordie Mill, wi’ his round-mou’d spade,  
 He’s aye wishing for the mair folk dead,  
 For the sake o’ his donal’, and his bit short-bread,  
 To carry the spakes in the mornin’.

“ A porter cam’ to Geordie’s door,  
 A hairy trunk on his back he bore ;  
 And in the trunk there was a line,  
 And in the line was sovereigns nine,  
 A’ for a fat and sonsie quean,  
 Wi’ the coach on Wednesday mornin’.

“ Then east the toun Geordie goes,  
 To ca’ on Robbie Begg and Co. ;  
 The doctor’s line to Robbie shows,  
 Wha wished frae them a double dose,  
 Wi’ the coach on Wednesday mornin’.

“ Geordie’s wife says, ‘Sirs, tak’ tent,  
 For a warning to me’s been sent,  
 That tells me that you will repent  
 Your conduct on some mornin’.’

“ Quo’ Robbie, ‘Wife, now hush your fears,  
 We ha’e the key, deil ane can steer’s,  
 We’ve been weel paid this dozen o’ years,  
 Think o’ auchteen pound in a mornin’.’

“ Then they ca’d on Tam and Jock,  
 The lads wha used the spade and poke,  
 And wi’ Glenlivet their throats did soak,  
 To keep them richt in the mornin’.”

The worthies were, according to the ballad, discovered when lifting the second body, and it concludes with the line,—

“ And that was a deil o’ a mornin’.”

It was popularly believed that these men were in the habit of supplying Dr. Knox with bodies taken from the churchyard of Dundee, and there was great indignation against them when the revelations consequent on the apprehension of Burke and Hare were made known.

Before proceeding to deal with the events that led up to the Burke and Hare trial, there is an incident of peculiar interest

which deserves to be recorded, but which cannot be properly put under any of the classes into which we have divided these tales of the resurrectionists. In a sense it does not belong to the resurrectionist movement, but as it relates indirectly to it, it may be given. At the Glasgow Circuit Court in October, 1819, a collier of the name of Matthew Clydesdale was condemned to death for murder, and the judge, in passing sentence, as was the custom, ordered that after the execution the body should be given to Dr. James Jeffrey, the lecturer on anatomy in the university, "to be publicly dissected and anatomised." The execution took place on the 4th of November following, and the body of the murderer was taken to the college dissecting theatre, where a large number of students and many of the general public were gathered to witness an experiment it was proposed to make upon it. The intention was that a newly-invented galvanic battery should be tried with the body, and the greatest interest had accordingly been excited. The corpse of the murderer was placed in a sitting posture in a chair, and the handles of the instrument put into the hands. Hardly had the battery been set working than the auditory observed the chest of the dead man heave, and he rose to his feet. Some of them swooned for fear, others cheered at what was deemed a triumph of science, but the Professor, alarmed at the aspect of affairs, put his lancet in the throat of the murderer, and he dropped back into his seat. For a long time the community discussed the question whether or not the man was really dead when the battery was applied. Most probably he was not, for in these days death on the scaffold was slow—there was no "long drop" to break the spinal cord,—it was simply a case of strangulation.

## CHAPTER V.

*The Early Life of Burke and M'Dougal—Their Meeting with Hare and his Wife—Some Notes Concerning the Latter.*

THUS far we have traced the genesis, and the ultimate development, of the resurrectionist movement, and it will now be necessary to relate with some detail the connection of Burke and Hare and their female associates with the vile traffic, showing how they, by adding to the brutality inherent in it, ultimately encompassed their own ruin, and unconsciously freed medical science from restrictions tending to stifle inquiry and prevent progress. About these people comparatively little is known, and certain it is that had it not been for the timidity of the press of the period there would have been abundance of material more or less reliable. James Maclean, a hawker, belonging to Ireland, who was well acquainted with all the parties, furnished a few particulars concerning them to the publishers of what may be called the official account of the trial, issued in 1829, but what he was able to give was very meagre. Maclean's notes, however, have been supplemented, and, apparently, in some instances corrected, by the subsequent investigations of Alexander Leighton.

The most notorious of these great offenders against the laws of God and man was William Burke. He was the son of Neil Burke, a labourer, and was born in the early part of the year 1792, in the parish of Orrey, about two miles from the town of Strabane, County Tyrone, Ireland. Receiving a fair education, he, though of Catholic parentage, first went as servant to a Presbyterian minister, but becoming tired of that kind of employment, he tried in succession the trades of a baker and a weaver. Maclean, however, makes no mention of these two attempts, and says Burke's "original trade was that of a shoemaker or cobbler." None of these trades suited his taste, and ultimately he enlisted in the Donegal militia in the capacity either of fifer or drummer—probably the former, as he was known in after life as an excellent player on the flute. During

this time he was the personal servant of one of the officers of the regiment; and he married a young woman belonging to Ballina. When the regiment was disbanded he went to live with his wife and family, and he was engaged as the servant of a country gentleman. Here an event occurred which may be regarded as the turning point of what had hitherto been a life of respectability. Burke was anxious to obtain the subtenancy of a piece of ground from his father-in-law, but they quarrelled over the matter. How this dispute came about is unknown, but it was of sufficient severity to cause Burke to leave his wife and family and emigrate to Scotland, and sufficient to prevent him from returning again to his native land. He arrived in this country about the year 1817 or 1818, when the Union Canal, between Edinburgh and the Forth and Clyde Canal, near Camelon, was in the course of construction. Making his way eastwards, Burke obtained employment as a labourer on this important undertaking, and while so engaged he resided in the little hill village of Maddiston, a mile or two above Polmont. It was here that he met Helen Dougal or M'Dougal, the partner of his guilt, and his fellow-prisoner at the great trial. This woman was born in the neighbouring village of Redding. The record of her career up to her meeting with Burke is not altogether good. In early life she made the acquaintance of a sawyer of the name of M'Dougal, to whom she had a child during his wife's life-time. When M'Dougal became a widower the young woman went to live with him, and though they had never gone through a regular marriage ceremony, cohabitation was sufficient to constitute them man and wife, and she bore M'Dougal's name. After a time the couple left Maddiston for Leith, where M'Dougal worked at his trade. Here he was struck down by typhus fever, and his illness terminated in death in Queensferry House. His female companion and her two children returned to her old place of abode, a loose and dissolute woman, even more so than when she went away. At the time of the trial, in 1828, it was reported that she had had two husbands, one of whom was then alive, but that is uncertain. This, however, is an outline of her life up till the advent of Burke in Maddiston, when she was living there with

her two children, a boy and a girl. Burke and she threw in their lot together, and lived as husband and wife. This irregular life came to the knowledge of the priest of the district, who advised Burke to leave M'Dougal and return to his lawful wife and to his family in Ireland; but he refused to do so, and as a consequence was excommunicated. The early religious training of Burke made him feel uncomfortable under the displeasure of the church, but he would not, nevertheless, carry out the dictates of his priest or of his own conscience. He continued to live with M'Dougal, not a very happy life, certainly, both of them being somewhat given to drink, but they appeared to have taken a liking for each other which kept them together through every difficulty. For some reason or other, probably because employment in the neighbourhood of Maddiston had become scarce, Burke and his companion removed to Edinburgh, and took up their quarters in what was known as "The Beggar's Hotel," in Portsburgh, owned by an Edinburgh worthy of the lower class, Mickey Culzean by name. Here Burke reverted to the trade of shoemaker or cobbler, and whether he was bred to it or not is a small matter, for he seems to have been able to make use of it, when in need, in the way of gaining a livelihood. He was in the habit of buying old boots and shoes, and repairing them; after which M'Dougal hawked them among the poorer classes in the city, and in this way they were able to make from fifteen to twenty shillings a week.

Burke and M'Dougal, however, were not long resident in the "Beggar's Hotel," when it was burned to the ground, and all their goods were destroyed. Among their possessions so lost were the books belonging to the Burke, and these were—Ambrose's *Looking Unto Jesus*, Boston's *Fourfold State*, Bunyan's *Pilgrim's Progress*, and Booth's *Reign of Grace*. It has been said that this little library of theological works belonged to Burke, but, it may be suggested, that they were not of the type to be owned by an excommunicated Roman Catholic; they rather appear, judging from their character, to have belonged to M'Dougal, for they are all of the kind affected in most Scottish homes of the period. It is worth remembering, however, that Burke was a man of a



naturally religious turn of mind, though not bound up in any particular form of faith, and that in all his after actions, brutal and godless though they were, the inward warning voice never left him at peace, except when his senses were steeped in drink.

Culzean, after this disaster, hired new premises in Brown's Close, off the Grassmarket, and Burke and M'Dougal moved there with him. Here religious matters attracted Burke's attention, and for a time his actions to a certain extent were modified by them. He attended services in an adjoining house, and even went the length of an endeavour to reform his landlord, who was an inveterate swearer. This appearance of better things did not, however, continue long, and the old course of life was renewed. It would be difficult to say what would have been the course of Burke's life had M'Dougal and he never met; in all probability it would have been less guilty, and would have had a happier result. Had their paths been separate, they might never have been heard of, and a series of crimes disgraceful to humanity might, possibly, never have been committed. But as it happened, it is to be feared that the influence of the one upon the other was for evil. Maclean described Burke as a peaceable and steady worker when free from liquor; and even when intoxicated he was rather jocose and quizzical, and by no means of a quarrelsome disposition. M'Dougal, on the other hand, was of a dull, morose temper, sober or otherwise. Quarrels between them were of frequent occurrence. One point of dispute between them, and which gave rise to at least one severe disturbance, was Burke's relations with a young woman, a near friend of M'Dougal, who became jealous of her. The three lived in the one room, and one occasion the two women fell out so seriously that they sought to settle their differences by force. The man did not interfere until he saw that the younger woman was being worsted. Then he turned on M'Dougal and beat her most brutally, until, indeed, it was thought she was beyond recovery.

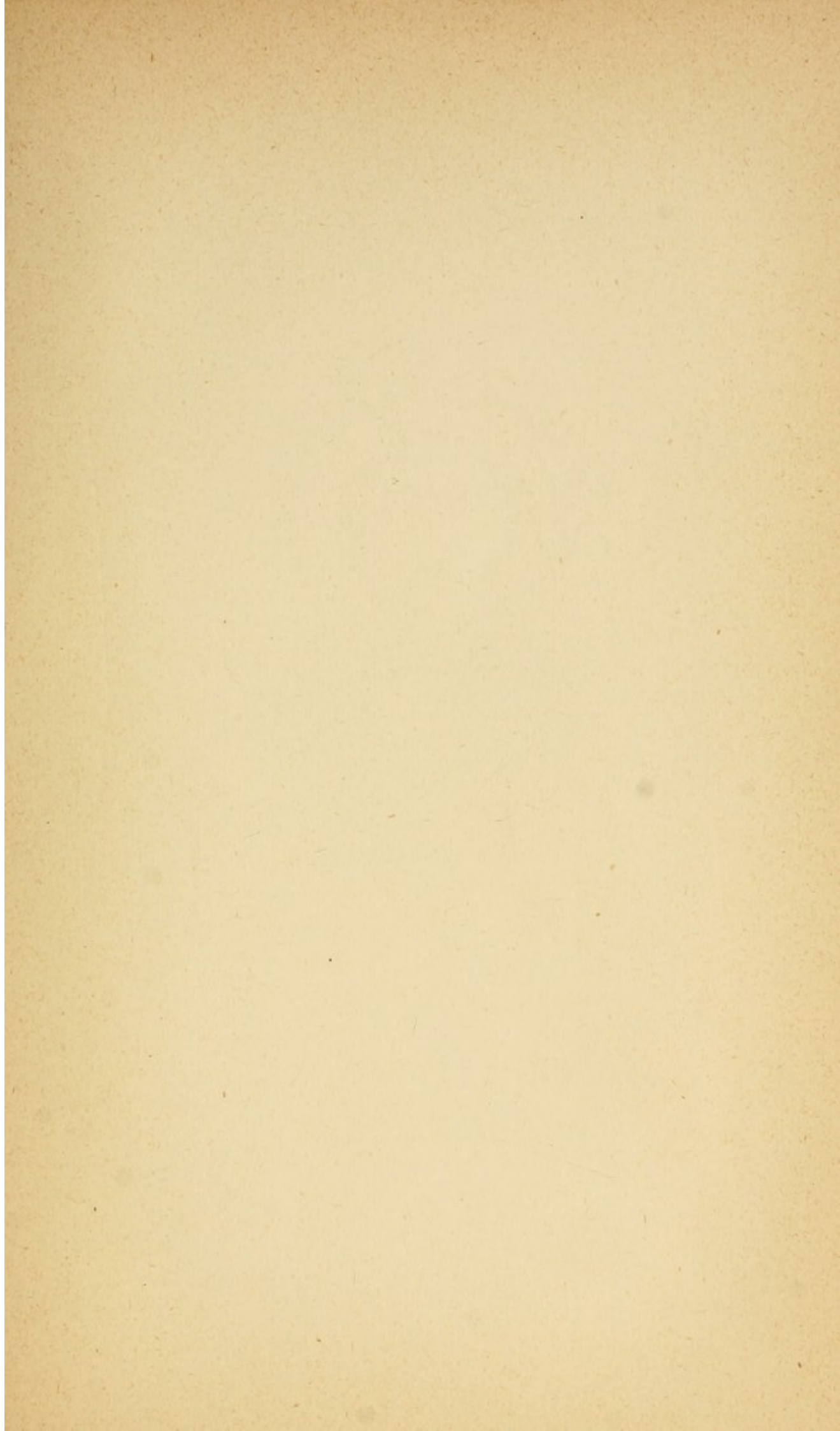
Notwithstanding their apparent incompatibility, the couple kept well together, and when trade in Edinburgh grew dull they removed to Peebles, where Burke wrought on the roads,

By this time his habits had not improved; his whole moral character, never very robust, though not without a susceptibility to religious impressions, was on the decline; and gradually he became the associate of men and women whose experience of wickedness was greater than anything to which he had yet sunk. In the autumn of 1827, Burke and M'Dougal wrought at the harvesting near Penicuik, and returning to Edinburgh, they went to lodge with William and Mrs. Hare, the companions and participators in the crimes that afterwards made them amenable to the laws of the country. Burke met Mrs. Hare, with whom he had previously been acquainted, and over a glass of liquor he mentioned to her that he intended going to the west country to seek for employment. She urged that he and M'Dougal should take up their abode in her house in Tanner's Close, Portsburgh, where he would have every facility for carrying on his trade of a cobbler. To this he consented, and he again set up business in a cellar attached to the house, in which Hare, who was a hawker, kept his donkey. Thus were these two men brought into contact, and from this accidental meeting arose that close and intimate connection which enabled them to originate and carry out their diabolical plans against their fellow-creatures.

This William Hare, whose name afterwards came to be so indissolubly connected with that of Burke, was about the same age, and was also a native of Ireland. Brought up without any education or proper moral training, he rapidly slipped into a vagabondising kind of life. His temper was brutal and ferocious, and when he was in liquor he was perfectly unbearable. Before leaving Ireland he was employed in farm work, but better prospects across the Channel made him come to Scotland, where he became a labourer, like his companion in later life, in the construction of the Union Canal, though there is no evidence that they met each other until the year 1827, in Edinburgh. Hare afterwards worked as a "lumper" with a Mr. Dawson, who had a wharf at Port-Hopetoun, the Edinburgh terminus of the canal. While so engaged he became acquainted with a man of the name of James Log, or Logue, who has been described as a decent, hard-working man. Before this time Log had held a contract on the canal

near Winchburgh, at which his wife, a strong-minded, able-bodied woman, laboured along with the men in her husband's employment, wheeling a barrow as well as the best of them. After this Hare turned a hawker, at first with a horse and cart, but latterly with a hand-barrow. In the interval, Log and his wife, Mary Laird, had opened a lodging-house at the back of the West Port Well, whence they removed to Tanner's Close, and with them Hare, on his change of employment, took up his abode. A quarrel with his landlord, however, made him seek other quarters; but when Log died in 1826, he returned, and, as Maclean puts it, "made advances to the widow," and she consenting, the couple were regularly married. Mrs. Log, or Hare, as she had now become, had had one child to her previous husband. Her character, while before not beyond reproach, had been further blackened by her notorious misconduct with a young lodger in the house. This man left her, and Hare stepped in to fill his shoes. The lodging-house, into possession of which Hare had entered on his marriage with the widow of its previous landlord, contained seven beds; and the earnings from his new property gave him the means of drinking without the necessity of working. He took full advantage of his position, became more and more dissolute, and went about bullying and fighting with all and sundry. His wife was not exempt from his brutality, but then she was as ready for drinking and quarrelling as he was himself. With these people Burke and M'Dougal went to reside, after their return from Penicuik.

Two stories are related by Maclean, who knew all the parties well, which serve to illustrate the characters of Burke and Hare. In the autumn of 1827, Maclean, Hare, Burke, and some others, while on their way from Carnwath, in Lanarkshire, where they had been at the shearing, went for refreshment into a public-house a little to the west of Balerno, a few miles from Edinburgh. The liquor was served, and the party clubbed together to pay the reckoning. The money was placed on the table, and Hare coolly picked it up and put it in his pocket. Burke, knowing the temper of the man, and desiring to avoid a disturbance, paid for the whole of the liquor consumed out of his own pocket. Maclean, however, was more





HELEN M<sup>C</sup> DOUGAL.  
(From a Sketch taken in Court.)

outspoken, and on leaving the house told Hare that it was a *scaly* trick for him to lift the money with the intention of affronting the company. Hare knocked the feet from under Maclean, and kicked him severely on the face with his iron-shod *caulker* boots, laying his upper lip open. Mrs. Hare, again, was equally brutal. Once, when returning from his work at the canal, Hare found his wife very tipsy. He remonstrated with her, and then lay down on his bed. She lifted a bucket of water and emptied the contents over him. A desperate struggle followed, and, Maclean adds:—"As usual with her she had the last word and the last blow."

Before concluding this chapter it may be of interest to give the description of the personal appearance of Burke and his wife, as furnished by the *Caledonian Mercury* of Thursday, the 25th December, 1828. It refers to their appearance at the trial, but it may be taken as generally relating to their looks at the time they entered upon their course of crime:—"The male prisoner [Burke], as his name indicates, is a native of Ireland. He is a man rather below the middle size, and stoutly made, and of a determined, though not peculiarly sinister expression of countenance. The contour of his face, as well as the features, is decidedly Milesian. It is round, with high cheek bones, grey eyes, a good deal sunk in the head, a short snubbish nose, and a round chin, but altogether of a small cast. His hair and whiskers, which are of a light sandy colour, comported well with the make of the head and complexion, which is nearly of the same hue. He was dressed in a shabby blue surtout, buttoned close to the throat, and had, upon the whole, what is called in this country a *wauf* rather than a ferocious appearance, though there is a hardness about the features, mixed with an expression in the grey twinkling eyes, far from inviting. The female prisoner [Helen M'Dougal], is fully of the middle size, but thin and spare made, though evidently of large bone. Her features are long, and the upper half of her face is out of proportion to the lower. She was miserably dressed in a small grey-coloured velvet bonnet, very much the worse of the wear, a printed cotton shawl and cotton gown. She stoops considerably in her gait, and has nothing peculiar in her appearance, except

the ordinary look of extreme poverty and misery common to unfortunate females of the same degraded class."

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## CHAPTER VI.

*Death of Donald the Pensioner—Hare's Debt—Negotiations with the Doctors—A Bargain Struck—Sale of Donald's Body.*

THE beginning of the connection of the persons whose career, up till 1827, we have endeavoured to describe in the preceding chapter, with the resurrectionist movement, may be said to have been to a certain extent accidental.

In Hare's house in Tanner's Close there resided for some time an old pensioner named Donald. About Christmas, 1827, he died, owing his landlord about £4, but as a set off against this his quarter's pension was about due, though, of course, it was more likely this would go to some relative who might be unwilling to pay the debt to Hare. The funeral arrangements were made, and everything was in readiness for consigning the remains of the old veteran to their kindred dust, when it occurred to Hare that by selling the body to the doctors he might be able to save himself from making a bad debt through the inconvenient death of his lodger before the pension was due. Burke, in his confession, stated that Hare made the proposition to him, promising a share of the proceeds. After some hesitation Burke agreed to the scheme; the coffin, which had been "screwed down," was opened, and tanners' bark substituted for the body, which was concealed in the bed. Thereafter the coffin and its contents were carefully buried. In the evening the two men visited Surgeon's Square, Hare remaining near at hand, while Burke went towards the door of Dr. Knox's class-rooms. He was noticed by one of the students; and the following strange conversation, founded on the record of it by Leighton, took place between them:—

"Were you looking for any one?" the student said, as he

peered into the dour-looking face of the stranger, where perhaps there had never even once been seen a blush.

“Umph! Are you Dr. Knox?”

“No; but I am one of his students,” was the reply of the young man, who was now nearly pretty well satisfied as to the intention of the stranger whom he had accosted.

“And sure,” observed the latter, “I’m not far wrong thin, afther all.”

“And I may suit your purpose as well, perhaps.”

“Perhaps,” answered the strange man; “perhaps you may, sir.”

“Well,” said our friend, the young student, “don’t be at all afraid to speak out. Tell me your business, although I have myself an idea as to what it may be. Have you got ‘*The Thing?*’”

“Doun’t know, sir, what you mean.”

“Ah! not an old hand at the trade, I perceive. You were never here before, perhaps?”

“No,” said the stranger.

“And don’t know what to say?”

“No,” said the stranger. And the bashful man again turned his gloomy downcast optics to the ground, and appeared also as if he didn’t very well know or to be able to make up his mind as to what he should do with those hands of his, which were not made for kid gloves—perhaps for skin of another kind rather.

And shouldn’t this hardened and callous-hearted student have been sorry for a man in such confusion? But he wasn’t; nay, he evidently had no sympathy whatever with his refinement.

“Why, man, don’t you speak out?” he said somewhat impatiently.

“There’s somebody coming through the Square there,” was the reply, as the man looked furtively to a side.

“Come in here, then,” said the student, as he pulled the man into a large room where there were already three other young men, who also acted as assistants of Dr. Knox. And there now they were, in the midst of a great number of coarse tables, with one in the middle, whereon were deposited—each having



its portion—masses or lumps of some matter which could not be seen by reason of all of them being covered with pieces of cloth—once white, but now dirty gray, as if they had been soiled with clammy hands for weeks or months. . . .

“Sure, and I’m among the dead,” said the man, . . . .  
 “and I have something ov that kind to——”

“Sell,” added an assistant sharply, as, in his scientific ardour, he anticipated the merchant.

“Yes.” . . . .

“And what do you give for *wun*?” he answered, as he sidled up to the ear of the young anatomist who had been speaking to him.

“Sometimes as high as £10.” . . . .

“And wouldn’t you give a pound more for a fresh one?” said he, with that intoxication of hope which sometimes makes a beggar play with a new-born fortune.

“Sometimes more and sometimes less,” replied the other; “but ‘the thing’ must always be seen.”

“And by my sowl it is a good thing, and worth the money any how.”

“Where is it?”

“At home.”

“Then if you will bring it here about ten it will be examined, and you will get your money; and since you are a beginner, I may tell you, you had better bring it in a box.”

“And have we not a tea-chest all ready, which howlds it nate, and will not my friend help me to bring it?”

“Well, mind the hour, and be upon your guard that no one sees you.”

The young students who had this conversation with Burke were two men who afterwards became famous in their profession—Sir William Ferguson, F.R.S., the author of a *System of Practical Surgery*; and Thos. Wharton Jones, one of the most eminent physiologists of the country. So that the training they obtained in these troublous times has proved highly beneficial to medical science, and through it to humanity.

But to continue the story of the disposal of old Donald’s body. Having come to this agreement with the students,

Burke joined his companion, and went home. They put the body into a sack, and carried it to Surgeons' Square. When they arrived there they were in doubt as to what they should do with it. They laid it down at the door of a cellar, and then went to the room, where they saw the students again. By their instructions they carried the corpse into the room, took it out of the sack, and placed it on a dissecting table. A shirt which was on the body they removed at the request of the students, and Dr. Knox, having examined it, proposed they should get £7 10s. The money was paid by Jones, Hare receiving £4 5s., and Burke £3 5s., the paymaster saying he would be glad to see them again when they had any other body to dispose of. This is Burke's account of the transaction, as made in his confession on the 3rd January, 1829, and it substantially agrees with the fuller account given by Leighton.

This was the first transaction these two men had with the doctors, and it is curious to notice how an incident of so little moment in itself should be to them the first step in a long and terrible course of crime—long in the sense that, considering its nature, they should have for such a length of time kept out of the reach of the law, or, indeed, of any suspicion of being anything worse than pitiful creatures of resurrectionists, who were willing to rob graves of their mouldering contents for a few paltry pounds. That step, however, was enough.

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## CHAPTER VII.

*New Prospects—Description of Hare's House—The Murder of Abigail Simpson, the Old Woman from Gilmerton—The Two Sick Men.*

THE success of their first transaction with the doctors developed new feelings in the hearts of Burke and Hare, and their two female companions. Their minds, unconsciously, had been undergoing a degrading process, and the action they had taken with regard to the old pensioner's body opened up the

way to them into a more complete state of moral turpitude. They thought they saw in this new traffic, if they could by any means obtain possession of the remains of their fellow-creatures, an easier method of attaining a comfortable livelihood than any they had yet tried, even though it should involve the committal of murder; for they seemed fatally blind to the consequences which it was certain such a course as they contemplated would in all probability bring to them. Their argument, it may be assumed, was that if they got bodies to sell, no matter how, they would be able to throw off suspicion; and instead of doing what others then did, go to the churchyards and plunder them of their ghastly contents, they took for their motto the significant question Burke put to the student when he was negotiating for the sale of Donald's body—"Wouldn't you give a pound more for a fresh wun?" It was perhaps the case that they did not make up any definite plan of operations for the future; but it is beyond doubt that the outline of the plan they ultimately adopted was suggested by the conversation in Knox's rooms, while the details, in respect of the individual members, may have been worked out as occasion presented—each act leading on to the next until the last foul crime was committed.

Before beginning the horrid record, it will be well to give a description of the scene of the enactment of most of the crimes—Log's lodging-house, in Tanner's Close:—

"The entry from the street," says Leighton, "begins with a descent of a few steps, and is dark from the superincumbent land. On proceeding downwards, you came—for the house, which was razed for shame, is no longer to be seen—to a smallish self-contained dwelling of one flat, and consisting of three apartments. One passing down the close might, with an observant eye, have seen into the front room; but this disadvantage was compensated by the house being disjoined from other dwellings, and a ticket, 'Beds to let,' as an invitation to vagrants, so many of whom were destined never to come out alive, distinguished it still more. The outer apartment was large, occupied all round by these structures called beds, composed of knocked-up fir stumps, and covered with a few gray sheets and brown blankets, among which the squalid wanderer

sought rest, and the profligate snored out his debauch under the weight of nightmare. Another room opening from this was also comparatively large, and furnished much in the same manner. In place of any concealment being practised, so far impossible, indeed, in the case of a public lodging-house, the door stood generally open, and, as we have said, the windows were overlooked by the passengers up and down; but as the spider's net is spread open while his small keep is a secret hole, so here there was a small apartment, or rather closet, the window of which looked upon a pig-stye and a dead-wall, and into which, as we know, were introduced those unhappy beings destined to death. The very character of the house, the continued scene of roused passions, saved it from that observation which is directed towards temporary tumults, so that no surprise could have been excited by cries of suffering issuing from such a place, even if they could have been heard from the interior den; and that was still more impossible, from the extraordinary mode of extinguishing life adopted by the wary and yet unwary colleagues. In this inner apartment Burke used to work when he did work, which, always seldom, soon came to be rare, and eventually relinquished for other wages."

In this place Donald the pensioner died, and here it was that the most terrible series of modern tragedies was committed. The plan having been agreed upon by the two confederates—it is doubtful if the two women had anything to do with its formation—Hare began by prowling about the streets to see if he could fall in with any person who would make a likely subject upon whom they could practice. For a time he was unsuccessful, but at length an opportunity arrived. This was, according to Burke's confession of the 3rd January, 1829, early in the spring of 1828, and, according to the one published in the *Edinburgh Evening Courant*, on the 11th February. Leighton, however, says it was one afternoon in December 1827, though he gives no other reason for differing from Burke, though in this instance the criminal does not speak generally, but with absolute definiteness. Whichever month it was, the fact is certain that one afternoon Hare met an old woman the worse of drink in the Grassmarket. This was Abigail Simpson, belonging to Gilmerton, a village on the outskirts of Edinburgh,

who had come into the city to obtain the pension granted her by a gentleman in the New Town—Sir John Hope, it has been suggested—who gave her one-and-sixpence a week, and a can of kitchen-fee. Her call had been made, and some of the money she had apparently spent in drink, for she was under the influence of it when she met Hare. He thought she looked a fitting subject. She was old and weakly, and the little strength of mind and body left her by her potations could surely be overcome very easily if she were once in a suitable place for the commission of his shocking design. Hare spoke to her, professing that he had seen her before; and she, garrulous and doted, readily entered into conversation with him. Speedily they became fast friends, and he easily persuaded her to accompany him to his house, where they would have a “dram” together in honour of their happy meeting. Once in the house, Mrs. Simpson was treated with overflowing kindness. She was introduced to Burke as an old friend, and the whisky was placed before her. She and the others partook of the liquor, though it is probable that her entertainers were more circumspect than she was in her libations. Highly pleased with her reception she told all about herself and her affairs, and of how she had a fine young daughter at home, who was both good and beautiful. Hare said he was a bachelor, and he spoke to the old woman of marrying her daughter, so that they would have all the money among them. When the supply of drink was finished, Mrs. Hare bought the can of kitchen-fee from Mrs. Simpson for one-and-sixpence, and this money was also expended in the purchase of more whisky for the use of the company. The fun became fast and furious. The old woman crooned some of the songs of her youth, and Burke, who, as it has already been seen, was himself something of a musician, contributed his share to the harmony of the evening. It was proposed that Mrs. Simpson should not go home that night, and to this she readily assented, for, as the *Courant* confession of Burke puts it, “she was so drunk she could not go home.” This was their chance, but somehow or other it was not taken advantage of—perhaps it was because they were not “old hands at the trade,” and they lacked sufficient courage at the time to carry out their evil intentions

against the old woman; just as likely they were too much intoxicated themselves to commit the crime; possibly they were joined by other lodgers, before whom they could not act. Be that as it may, the poor victim lay the last night of her life in a state of thorough intoxication. When morning came, she was sick and vomiting, and cried to be taken home to her daughter. Her entertainers expressed the utmost sympathy for her condition, and in their brutal "kindness" they gave her some porter and whisky, which quickly made her again helplessly drunk. The time had now arrived. The house was quiet, and the courage of the two men was sufficient for the deed they contemplated. Hare placed his hand over her mouth and nose to stop her breathing, and Burke laid himself across her body in order to prevent her making any disturbance. Resistance there was really none. The woman was beyond resistance, and any noise she might have been able to make was stifled by the method adopted to compass her death. In a few minutes she was dead, and the men lifted the body out of the bed, undressed it, and bundled it up in a chest. Hare took away the clothing, among which was a drab mantle, and a white-grounded cotton shawl with blue spots, with the intention of putting it in the canal. One of the men afterwards informed Dr. Knox's students that they had another subject to give them, and it was agreed that a porter from Surgeon's Square should meet them at the back of the Castle in the evening. Burke and Hare carried the chest, with its ghastly contents, to the meeting place, and thence the porter assisted them with it to the rooms. "Dr. Knox," says Burke, "came in when they were there; the body was cold and stiff. Dr. Knox approved of its being so fresh, but did not ask any questions." The price paid the murderers for the corpse of old Abigail Simpson, of Gilmerton, was ten pounds.

The work of wholesale murder was now fairly begun, and the conspirators had gained confidence by the success of their first effort. There were no qualms of conscience—if there were they were speedily drowned in drink—strong enough to stop them in the course upon which they had so rapidly entered. The fear of discovery had passed away when they saw

how easily and quietly they could work, and the desire for more victims became—shall we charitably say?—a mania.

The next unfortunate who fell into their foul clutches was a miller known to Burke simply as "Joseph." The man was related by marriage to one of the partners of the Carron Iron Company, then the principal ironfounding firm in Scotland, and at one time had himself been in possession of a decent competency. He had, however, lost his money, and was so reduced that he had to reside in Hare's house in Tanner's Close. Joseph, while lodging there, became very ill, and the report went forth that the malady by which he was attacked was an infectious fever. Hare and his wife were alarmed lest the rumour should damage the reputation of their house, and keep lodgers away. It was accordingly agreed that Joseph should be put out of the way as quickly as possible, and that by the remedy they had applied so successfully in the case of Mrs. Simpson. Burke laid a small pillow over the sick man's mouth, and Hare lay across the body to keep down his arms and legs. Death ensued as a matter of course, and the body was sold in Surgeon's Square for ten pounds. It does certainly seem strange that such a set of circumstances should lead up to the murder of the miller, and having in view the line of conduct these two men had now adopted, it is more than probable that the report of Joseph lying ill of fever was circulated by them to avert suspicion at his disappearance, and render his death from apparently natural causes more probable.

Another case very similar to this one, but in all likelihood distinct from it, is mentioned in one of the confessions of Burke, which, though not to be depended upon absolutely, must be assumed to be accurate in their main features. In the *Courant* confession the condemned man mentions the murder of an Englishman as having followed that of Mrs. Simpson; though in the document prepared by the Sheriff-Clerk the case of Joseph the miller is given in its place. The victim in this other instance was a native of Cheshire, also a lodger in Hare's house, who was ill with jaundice at the time the tragedy with Abigail Simpson was being enacted. He was a very tall man, about forty years of age, and found a livelihood by selling "spunks," or matches, on the streets of Edinburgh. His death was caused

by the efficient plan now adopted by Burke and Hare, who obtained the customary ten pounds from Dr. Knox for the body, and no questions asked.

As indicative, however, of the untrustworthiness of these confessions, it is interesting to notice at this point that while in the document published in the *Courant*, and attested as correct by Burke's own signature, the murder of the Englishman is placed in point of time after that of Simpson; yet, in the official confession, emitted fully a fortnight earlier, the commission of the crime is stated to have occurred in May, and as the fourth on the terrible list. It is nevertheless to be feared that although there may be some doubt as to the exact dates when some of the murders were committed, Burke did not make full confession of the various acts of wanton sacrifice of human life in which he had been engaged, perhaps, unfortunately, because they were so numerous, and were done in such a short space of time, that his memory could not carry every individual case and its proper details.

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## CHAPTER VIII.

### *Qualms of Conscience—The Murder of Mary Paterson and Escape of Janet Brown—Preservation of the Fallen Beauty.*

It is remarkable that at so early a period in their career of crime Burke and Hare should have shown so much boldness as they exhibited in the murder of Mary Paterson, a young woman unfortunately too well known on the streets of Edinburgh; and it is equally remarkable how, considering the whole circumstances, they were able to carry out the crime and dispose of the body without detection.

There is little reason to doubt that Burke was in the first instance a man of finer nature than Hare, though their guilt in the end was at least equal. Hare, it seems, could play his part in the slaughter of a fellow-mortal without any qualms of conscience, and he slept as quietly the night after he had provided a "subject" for the doctors, as if his soul were



unstained with guilt. Burke, however, was a man of a different temperament, and though reckless he could not altogether banish the moral teachings of his church from his mind. "Thou shalt do no murder," rung in his ears, but under the benumbing influences of drink the command was forgotten and broken, and then followed the fearful looking for judgment. He could not sleep without a bottle of whisky by his bed-side, and he had always on the table a two-penny candle, burning all the night. When he wakened, sometimes in fright, he would take a draught at the bottle, often to the extent of half of its contents at a time, and that induced sleep, or, rather, stupor.

In one of these "waukrife" fits, Burke, early on the morning of Friday, the 9th April, 1828, left the house, and made towards a public house in the neighbourhood of the Canongate, kept by a man named Swanston. While he sat drinking rum and bit-  
ters with the landlord, two young women, of apparently doubtful character, entered the house, and ordered a gill of whisky, which they immediately set about to consume. These were Mary Paterson or Mitchell and Janet Brown, both residing with a Mrs. Worthington in Leith Street. They had been apprehended the previous evening for some offence against the law, probably for being drunk and quarrelsome, and lodged in the Canongate Police Station. Between four and five o'clock in the morning they were liberated, and went to a house in the vicinity, where they had formerly lodged, occupied by a Mrs. Laurie, who endeavoured to persuade them to remain with her. She was unsuccessful, and they left for Swanston's public house, where they met with Burke.

The women and Burke, it is said, were strangers to each other, but he, whose conscience had been again quieted by the liquor he had imbibed, thought he saw in them two fine subjects for the doctors. In his most winning manner he went up and spoke to them, asked them to have a drink with him, and ordered a round of rum and bit-  
ters. They were not at all averse to the treat, so they sat down and consumed three gills at the expense of their smooth-spoken entertainer. At last Burke had ingratiated himself so much with the girls that he proposed they should accompany him to his lodgings, near by,

and partake of breakfast with him. His story was that he was a pensioner, and to Brown, who had some objection to going with him, he said he could keep her comfortably for life if she and her companion, who was quite willing, would go with him. He talked them round, until they agreed to accompany him. Purchasing two bottles of whisky he gave one to each of them, and the trio then set off for Constantine Burke's house in Gibb's Close, off the Canongate. This Constantine Burke, his brother, was a married man, with several of a family, and was a scavenger in the employment of the Edinburgh Police establishment. It was never known whether he and his wife had any complicity in the murders, but it was shrewdly suspected at the time that they were at least aware of them, especially of the one that was committed in their house.

When Burke and his two companions arrived at the house they found that the brother and his wife were newly out of bed, but had not as yet got time to kindle the fire. The house, on that account, looked rather gloomy for the reception of guests, and Burke upbraided his sister-in-law—or landlady as he wished her to appear—for her carelessness. The fire was, however, speedily lighted, and a cheerful glow was shed through the apartment, which even then was nothing very fine. The entrance to it was up a narrow wooden trap-stair, and along a dark passage. The door was only fastened by a latch. The place itself was but meagrely furnished, the most prominent articles it contained being a truckle bed, and another with tattered patch-work curtains; while on the walls were nailed, by way of adornment, some tawdry prints. The fire, however, improved its appearance somewhat, and Mrs. Constantine Burke and her brother-in-law set about the preparation of breakfast. Soon there was on the table a plentiful supply of food, consisting of tea, bread and butter, eggs, and haddocks,—altogether a feast which could not have been anticipated by the look of the apartment itself or of its accustomed occupants. The company sat down, and the conversation became general and altogether friendly, so that, what with the drink they had imbibed, and the warmth of their reception, the girls began to feel quite happy. Constantine Burke left to attend to his daily employment; and when the breakfast dishes were cleared off

the table the two bottles of whisky were produced, and the debauch, begun at so early an hour, was renewed. Burke and Mary Paterson drank recklessly, the former to keep up his courage for the murder he contemplated, and the latter simply because she liked the liquor; but Brown was more temperate, though she did not altogether abstain. Mary at length succumbed to the potency of the whisky, and she lay back asleep in her chair. Burke now saw that at least one of his proposed victims was safe, and his suggestion to Brown that they should go out and have a walk was agreed to quite readily. It is difficult at first sight to surmise what can have been his object in making this movement, but it may find an explanation in the fact that soon the couple were seated in a public house with pies and porter before them. The mixture of drinks made Brown more stupid, and after a while she accompanied the man back to the house in Gibb's Close, in a very drunken condition, but still retaining some little knowledge of what she was doing. Again the whisky was produced. While they sat drinking, Helen M'Dougal, who had entered the house while they were out, and who had hidden herself behind the bed-curtains, broke in upon their conversation. The sister-in-law whispered to Brown that this was Burke's wife, and M'Dougal fiercely attacked the girls, accusing them of attempting to corrupt her husband. Brown explained that neither she nor her own helpless companion knew Burke was married. M'Dougal having heard this explanation apologised to Brown and pressed her to resume her seat, and she then turned with the fury of a tigress upon her husband, breaking the dishes on the table. Burke threw a glass which, striking her on the forehead, caused an ugly gash which bled profusely. Mrs. Constantine Burke rushed out of the house, and went, it has been assumed, for Hare, and soon afterwards Burke succeeded in turning his M'Dougal out, locking the door after her. Mary Paterson slept through all the hubbub, while Brown stood aside in terror. Burke endeavoured to induce the latter to sit down again, and she, though willing enough, was put in so much fear by the noise made by M'Dougal in the passage leading to the house that she felt the sooner she was at home it would be the

better for herself. Finding he could not persuade her to stay, Burke conducted her past his paramour, and then returned to the house, where Mary Paterson still lay unconscious. Hare arrived soon afterwards; the two men combined to try their fatal skill on the intoxicated girl; and in a few minutes her soul had fled from her poor frail body. The women were conveniently outside, and when they came in the corpse was lying on the bed covered up. They asked no questions, for they probably knew as well as if they had witnessed it, what had been going on. Having completed their work the men left the house.

In the meantime, Janet Brown had made her way as best she could to the house of Mrs. Laurie, which she and Paterson had visited immediately before meeting with Burke. She told, as coherently as possible, the story of what had happened to herself and her companion during the day, and Mrs. Laurie, judging that the company in which they had been was somewhat rough, sent her servant along with Janet to bring Mary away. Muddled with the drink she had taken, the girl found the greatest difficulty in returning to the house she had so recently left. At last she applied for information to Swanston, the publican, who informed her that Burke was a married man, and that she would probably find him in his brother's house in Gibb's Close. Thither she went, and after mistaking the door she succeeded in getting the place she wanted. Mrs. Hare was sitting inside, and whenever she saw Brown she jumped towards her as if to strike her, but thinking better of it, she held back. The girl asked where Mary Paterson had gone, and they replied that she was out with Burke. The unlikeliness of the story did not seem to suggest itself to her, though if she had been in any other than a semi-intoxicated condition she would have remembered that when she left the house Mary was totally incapable of walking on account of the drink she had taken. On the invitation of Hare and his wife and M'Dougal, she again, for the third time, sat down at the table to partake of more whisky. Mrs. Laurie's servant, seeing the state of matters, left Brown and returned to her mistress.

Hare now calculated on a second victim, and he plied Brown with more liquor, while M'Dougal, to keep up the

appearance, poured forth invective against her husband for going away with Paterson, who, poor girl, lay dead on the bed beside them. While this was going on, and the girl was fast becoming a fit subject for the murdering arts of Hare, the servant had informed Mrs. Laurie of how matters looked in Gibb's Close, and she, rather alarmed, sent the girl back to bring Janet Brown away. In this she succeeded, and Hare, considering his object frustrated, left the house shortly after her. Later in the afternoon Brown, partially sobered, returned again—how like the moth careering recklessly round the candle that works its destruction!—and again inquired for Mary. The answer she received this time was that Burke and her friend had never returned. Brown went out to search for her, and with the aid of Mrs. Worthington, with whom she resided, she found that Mary Paterson had not gone with Burke. They called again at Constantine Burke's house for an explanation, and the inmates there, seeing that their former story had been proven untrue, said the girl had gone away with a packman to Glasgow. This was not at all satisfactory, but what could they do? If they had called in the police and searched the house they would speedily have unravelled the mystery, but they were, unfortunately for themselves, of a class whose relationship with the authorities was not of the most pleasant description, and who, therefore, sought to have as little to do with them as possible.

About four hours after Mary Paterson's death her murderers had her body in Dr. Knox's dissecting room, and had received eight pounds for their forenoon's work. This expedition, in itself, was rather foolhardy, for while the corpse was cold it was not very rigid, and presented the appearance of recent death; and it was all the more so on account of the fact that Burke and Hare were supposed to be resurrectionists of the old type, who robbed graves of their contents. Ferguson, the student already mentioned, and one of his companions, thought they knew the girl, and one of them said she was as like a girl he had seen in the Canongate only a few hours before as one pea was to another. But more than that, the girl's hair was in curl papers, so that all the external appearances were that the body was fresh, and had not been buried. They asked Burke

where he had obtained the body, and his reply was that he had purchased it from an old woman residing at the back of the Canongate. One of the students gave him a pair of scissors, and he cut off her fine flowing tresses, and these he would probably sell to a hairdresser to be made up for the use of some proud dame.

But this was not all. Mary Paterson, in life, was an exceedingly good-looking girl,—indeed, her fine personal appearance had to a certain extent contributed to her ruin. Her handsome figure and well-shaped limbs so attracted the attention of Dr. Knox, that he preserved the body for three months in spirits, and invited a painter, whose name is suppressed in Burke's confession, to his rooms to see it. Her friends, however, knew nothing of this, and they searched everywhere, but without success. For some months Janet Brown asked Constantine Burke, every time she saw him, if he had ever heard anything of Mary Paterson since she went away with the tramp to Glasgow, but he replied to her only with a growl, and there the matter rested for eight months, until the great conspiracy against human life was brought to light. And surely Mary Paterson, notwithstanding all her faults, was worthy of a better fate. Beautiful and well educated, she had lost in youth the guiding care of a mother. Her beauty was a snare to her, and her perverse will, though accompanied but not modified by a kind heart, greatly tended to accomplish her downfall.

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## CHAPTER IX.

*Unknown Victims—The Two Old Women—Effy the Cinder Raker—"A Good Character with the Police"—Burke and Hare Separate—The Murder of Mrs. Hostler.*

IN view of what has already been said as to the serious discrepancies in the confessions given to the world by Burke, and considering also that many of the persons murdered, even according to these confessions, were never sought after by their friends, if they had any, the impossibility of taking the

crimes in their chronological order will be at once evident. We therefore propose, in the present chapter, to bring together as many details as can be gathered respecting these unknown victims, reserving, in the meantime, an account of those more prominent instances which came within public ken either through the medium of the trial, or by subsequent inquiry.

One forenoon Mrs. Hare, in the course of her peregrinations, found herself in the company of an old woman whom she persuaded to go with her to her house. There the whisky was, as usual, produced, and a mid-day carouse indulged in by the two women; but Mrs. Hare, it may be presumed, would drink very sparingly. At this time Hare was at work unloading the canal boats at Port-Hopetoun, and Burke was busy mending shoes in his cellar. That this was so may be taken as indicating that in point of time this was one of the earliest adventures of the terrible quartette, for latterly, when they were in receipt of a large and, as they made it, a steady income from the doctors, the men threw aside all honest work, and devoted themselves to their murderous employment. However, at this period, they were sometimes engaged in the creditable affairs of life. When Hare came home for dinner his wife had her unknown acquaintance in bed, in a helplessly drunken state, although she had had some trouble before she got that length. Three times had Mrs. Hare put the old woman to bed, but she would not sleep, and every time she plied her with more drink until at length she attained her purpose. Hare, seeing the woman in this condition, carefully placed a part of the bed-tick over her mouth and nose, and went out to resume his work. When he returned in the evening the woman was dead, having been suffocated by the bedding he had placed over her. Burke, if his own statement is to be credited, had nothing to do with this cool and deliberate murder, but if not an accessory to the fact he was certainly one after it, for he assisted Hare to undress the body, place it in a tea-chest, and convey it that night to Dr. Knox's rooms, where they received and divided the usual fee. The name of this woman was not known, even to Burke, and all that he could tell of her was the manner of her death, and that she had some time previously lodged in Hare's house for one night.

As a set-off against the crime just mentioned, there is one in which Burke acknowledged that he alone was engaged. This was the murder of an old woman in May, 1828. She came into the house as a lodger, and of her own accord she took drink until she became insensible. Hare was not in the house at the time, and Burke, by the usual method of suffocation, produced her death. No time was lost in conveying the body to Surgeon's Square.

In the murder of an old cinder woman, however, both the men were engaged. During the course of her work of searching for small articles of inconsiderable value among the contents of ashpits and cinder heaps, and about the coach-houses, this woman, familiarly known as Effy, came across small pieces of leather which she was in the habit of selling to Burke, who used them for mending the shoes entrusted him for repair. One day he took her into Hare's stable, which he used as a workshop, and gave her drink, possibly on the pretence of finishing some business transaction between them; it may have been in part payment of scraps of leather he had received from her, for a murder never seems to have been committed except when the funds were at a low ebb, and at the rate at which the confederates were carousing and indulging in finery, that was very frequent. Hare joined his companion in the work of making the woman incapable, and she was soon so overcome by the liquor she had consumed, that she lay down to sleep on a quantity of straw in the corner. Their time for action had again arrived, and they carefully placed a cloth over her so as to stop her breathing. "She was then," proceeds the confession, "carried to Dr. Knox's, Surgeon Square, and sold for £10." This is always the end of the matter, and for a few paltry pounds these persons were willing to take the life of a fellow creature.

But in spite of all his loose way of living, and, as we have seen, somewhat drunken habits, Burke had a good character with the police, and on one occasion made them the means of furnishing him with a victim. A "good character with the police" in the locality in which he lived would be of some consideration. It was then inhabited, and still is, by the lowest classes of the community, and the criminal element would be



prominent. Burke, so far as is known, had always been able to keep clear of the minions of the law, and in this respect his character would seem to them to be of a better type than those who engaged in a less shocking, if more open, form of crime. They would look upon him as a poor workman, a little foolish, perhaps, but still, as the place went, comparatively respectable; yet, as they found out latterly, he was the most wicked criminal in the city, with, perhaps, the exception of his accomplice Hare. It seems strange that he should have been able to manage the police in such a way as to make them serve his vile purposes, but it must be remembered that he was a man possessed of considerable assurance and not a little of that winning tongue proverbially belonging to his race. However, this was the way the incident came about.

Early one morning, when probably on the outlook for some poor unfortunate whom he could drug with whisky and put to death, he came across Andrew Williamson, a policeman, assisted by his neighbour, dragging a drunken woman to the watch-house in the West Port. They had found her seated on a stair, but thought she would be safer and more comfortable in a police cell. And so she would have been if they had carried out their intention. Burke saw in her a victim who had herself half done the work he contemplated, so he went to the constables, and said:—"Let the woman go to her lodgings." The men were willing to do so, but they did not know where she lived. Burke proffered his services to take her home, and they, presuming he knew something about her, gladly gave him the charge of their loathsome burden. The murderer did not look upon her in that light—she was to him a valuable prize, loathsome though she might be as a drunken, debauched woman. He took her to Hare's house. There is hardly any need to say what was done with her. That she fell into Burke's hands in such a condition indicates her end. That night she was murdered by Burke and Hare in "the same way as they did the others," and for her body they received ten pounds from Dr. Knox.

But the last of these, what may be called, isolated cases, took place in the house of John Broggan, whither Burke and his wife removed in Midsummer, 1828. Why this change of residence

took place has never been satisfactorily explained. Some have supposed that the parties quarrelled, and there is undoubted evidence of a dispute between Burke and Hare about the time of the removal, but, certainly, if the separation of residence was due to such an event, they do not seem to have kept up the ill-feeling long, for they were soon together at work at their shocking trade. Others, again, have thought it more probable that the change was due to a desire to extend the business in which they were now engaged, or to avert any suspicions that may have been raised by the frequent disappearance of people seen to enter Log's Lodging House. Either of these suppositions is feasible, but, as will be shown later on, a dispute as to the division of the money received from Dr. Knox in payment for a body was the primary cause of the separation; though, after the difference between them was settled, the change may have been found very convenient. Broggan's house was situated only a short distance from the abode of the Hares, and into it Burke and M'Dougal first went in the capacity of lodgers, but it was afterwards rented by them.

In the month of September, or, perhaps, October, after this removal had taken place, a widow woman of the name of Hostler, was washing for some days in Broggan's house. This woman's husband, a street porter, had died but a short time previously, and she was forced to seek for employment at washing and dressing, and, during the harvesting season, in the fields. The Broggans had engaged her to wash their clothes, and after a full day's work she went back the day after to finish up. When this was done Burke pressed her to take a drop whisky along with him. They soon were in a happy state, and the sound of merriment was heard by the neighbours, who, however, paid little attention to the matter, very possibly because Mrs. Broggan had but a little before been confined, and their idea was that the "blythmeat" and the "dram" incident to such an occasion, were going round. Burke, in his second confession, said Broggan and his wife were not in the house at the time, but the fact already mentioned rather tells against the latter's absence. Whoever were present seemed to be enjoying themselves. Mrs. Hostler drank heartily, and as the liquor

warmed her blood and raised her spirits, she sang her favourite song, "Home, Sweet Home." Burke, notwithstanding all the black sin on his soul, and the evil purpose in his mind, sang too, and the mirth to the outsiders seemed real and legitimate. But the drink she had imbibed made the woman sleepy, and at last she was forced to lie down on the bed. Hare by this time had joined his accomplice, and they speedily smothered the poor woman. She did not die without a severe struggle. In her hand at the time of death she had ninepence-halfpenny, and it was with the greatest difficulty that the murderers were able to open the tightly-grasped hand to take away the money. The body was packed into a box, and placed in a coal-house in the passage until an opportunity occurred for taking it to Surgeon's Square. That evening the corpse of Mrs. Hostler lay in Dr. Knox's rooms, and Burke and Hare were richer by eight pounds, though they had to answer for another murder.

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## CHAPTER X.

*Old Mary Haldane—The End of her Debauch—Peggy Haldane in Search of her Mother—Mother and Daughter United in Death.*

BUT returning to the cases about which more is known than those spoken of in the last chapter, or which possessed features that have given them a greater hold on the public mind, the first to call for notice are the murders of an old woman named Haldane, and her daughter Margaret, which took place before Burke changed his residence.

Old Mary Haldane, it seems, was called "Mistress" merely out of courtesy, for she had no claim to the title. A woman of some considerable personal charms in her youth, she had given way to the deceiver, and at last found herself on the streets, a drunken, worthless vagrant. She had three daughters, one of whom married a tinsmith named Clark, carrying on business in the High Street of Edinburgh; the second, at the

time of her mother's death, was serving a term of fourteen years' transportation for some offence; while the third was simply following the unfortunate example of one who should have sheltered her from evil influences. Old Mary was well-known to Burke and Hare and their wives, having at one time been a denizen of Log's lodging-house. According to Burke's own admission this was how the murder was committed:—"She was a lodger of Hare's. She went into Hare's stable; the door was left open, and she being drunk, and falling asleep among some straw, Hare and Burke murdered her the same way as they did the others, and kept the body all night in the stable, and took her to Dr. Knox's next day. She had but one tooth in her mouth, and that was a very large one in front." This account, however, hardly agrees with what was brought out by subsequent inquiries. Burke, it would appear, had long thought of her as a proper subject for his murdering craft, and one day, when he felt that something further would have to be done to renew their exhausted exchequer, he went out to look for Mary. She had left Hare's lodgings, and was then away on a drunken debauch. His search was unfruitful at the time, but two days later he saw her standing at the close leading to the house in which she then resided. She was then in the condition of the man who said he was "sober and sorry for it," for she readily agreed to accept the dram Burke offered her if she went along with him. Mary was well-known in the district, and the *gamins* regarded her as a butt for their little practical jokes and coarse fun. They ran after her as she passed along the Grassmarket towards the West Port, all the more so as she was in the company of a well-dressed man, because Burke's personal appearance and habit had been improved by the large sums of money he was every now and then receiving from Dr. Knox for his ghastly merchandise. Many persons noticed the strangely assorted couple, and although they wondered a little at the time to see them going along the street in so friendly a manner, they soon forgot all about it, until the disclosures of the trial brought the incident back to their recollections. As Burke and Mrs. Haldane were on their way along, they met Hare walking in the opposite direction. Hare, if he were not previously aware of his

colleague's object, now quickly divined it, and stood to speak with them. Mary agreed to accompany her old landlord to his house in Tanner's Close; and Burke, having chased away the children who were tormenting the poor woman, left them to transact some other business. He was not, however, long behind them in arriving at Hare's house, where the two women—M'Dougal and Mrs. Hare—had provided whisky for the good of the company. The bottle was passed round, and Mrs. Haldane partook greedily of its contents, so greedily, indeed, that in a marvellously short time she was helplessly intoxicated. Then followed the usual process of "burking," and Mary Haldane, unfortunate in life, was equally unfortunate in her death. Of course the women had retired from the apartment before the last scene was enacted. Probably they did not care to see the end, for it was inconvenient if they should be called upon as witnesses, though they must have known what was being done, as they certainly contributed largely to bring about the commission of the deed. This was but a part of the method, and in this, as in other respects, it was carefully carried out. What Dr. Knox or his assistants gave them for Mary Haldane's body is not known, but it has been suspected that, providing a regular and good supply, the conspirators were now receiving twelve or fourteen pounds for every "subject" they took to Surgeon's Square.

But this was not the end of the Haldane tragedy—there was yet another victim from that already unfortunate family. Mention has been made of the daughter Margaret, who was only too closely following in the footsteps of her wayward mother. Notwithstanding the terrible career of these two unfortunates, there seems to have been as strong a bond of affection between them as should always exist between a daughter and a mother. Margaret, or Peggy, Haldane soon missed her mother, and after the lapse of a day or two set out to look for her. It was nothing new for the old woman to be away for a short time, but on this occasion the absence was more prolonged than usual. She went about asking every one she knew if they had seen Mary Haldane, and her "begrutten face" and tawdry finery drew sympathy from many to whom that feeling was an almost total stranger. Many gave her

what help they could to trace her missing mother, but for a time they were without a clue, until David Rymer, a grocer in Portsburgh, mentioned to a neighbour that he had seen Mary Haldane in the company of Hare on the way to his house. The girl felt that her search was now at an end, and so it was, for she would soon be beside her lost parent. At Hare's house she called in the full expectation of finding her mother, perhaps it might be in the midst of a debauch, but that was nothing out of the way, and surely she would get her home with her. On entering the house Peggy met Mrs. Hare and Helen M'Dougal, who, to her surprise, denied that Mary Haldane had recently been with them, and who, in the fear of discovery, endeavoured to strengthen their repudiation by abusing the old woman and her daughter. Hare, in an adjoining apartment, heard what was going on, and set to work to deceive the girl in a much more astute manner. Blank denial could only send her back to those who had helped her to trace her mother to his house, suspicion might be raised, and inquiry, he saw, could only result in complete discovery. He therefore came out of his den, and, silencing the clamorous tongues of his two female associates, he assured Peggy that he could give her the explanation of her mother's disappearance. In his heart he knew no one could throw more light than he on the matter, but it was his purpose rather to darken than illuminate the inquiring mind of the poor searcher. He invited her into the adjoining room to taste the inevitable "dram"—drink and die. She was not averse to a drop of whisky, and she sat down at the table where her mother but a few days before had indulged in her last debauch, aye, and where many before had done the same. Burke had noticed Peggy enter the house, and he followed soon after her. It was wonderful how readily these two men closed round their victims. He sat down at the table with Hare and the girl, and the former began his explanation. He admitted, of course, that he had seen old Mary, for there was a policy in that, but he added that she left him to go on a visit to some friends she had at Mid-Calder, a few miles to the west of Edinburgh. It must have appeared a little strange to Peggy that her mother should have gone visiting among her

family friends without letting her daughter know of her intention, but then Mary's ways were somewhat erratic; and the hope that a walk to Mid-Calder would discover her mother, combined with the benumbing effects of the whisky she was drinking, quieted her anxieties. The potation wrought speedily, and the young woman passed from the talkative and merry state of drunkenness to the dull and stupid, until, at last, she was ready for the sacrifice. She was so drunk, says Burke, that he did not think she was sensible of her death, as she made no resistance whatever.

Burke's confession regarding Peggy Haldane's murder has been proven by inquiry to be inaccurate in some details; but there is no reason to doubt his account of the manner of it. He says it was committed in Broggan's house. That was not the case, for the crime occurred in Log's lodging house, of which Hare was then the landlord. He said, "Hare had no hand in it," and that "this was the only murder that Burke committed by himself, but what Hare was connected with;" but this statement is contradicted by another of Burke's own confessions; and, further, we have seen that if Hare took no active part in the murder itself, he was at least accessory to it. However, as to the manner there need be little doubt:—"She was laid with her face downwards, and he (Burke) pressed her down, and she was soon suffocated." What a dreadful death! Yet no more dreadful than that met by all the victims of the soul-hardened conspirators. The body was put into a tea chest, and taken to the rooms of Dr. Knox. Mary and Peggy Haldane were again under the same roof: they were again together, but in Death! Burke acknowledged that he received eight pounds for this victim, but, as he said, he did not always keep mind of what he got for a subject, though he had no doubt Dr. Knox's books would show. These books, however, never saw the light of day.

## CHAPTER XI.

*A Narrow Escape—The Old Irishwoman and her Grandson—  
Their Murder—Hare's Horse rising in Judgment.*

STILL the wholesale slaughter of weak human beings went on. The murderers never sought a strong, able man upon whom to try their fatal skill ; they always chose the old and the silly in body or in mind, those who could be plied with drink.

Burke, one day in June, 1828, was wandering about the streets of Edinburgh looking for another "subject." In the High Street he came across a frail old man whose physical condition bespoke him an easy victim, and whose bleared eyes and drink-sodden face showed he would quickly respond to the fatal bribe of a glass or two of whisky. The two men were just becoming fast friends, and were about to adjourn to the den in Log's lodging house, when an old woman, leading a blind boy of about twelve years of age, came up to them. She asked if they could direct her to certain friends for whom she was seeking. Burke then discovered her to be an Irishwoman, who had walked all the way from Glasgow, sleeping at nights by the roadside or in farm-yards, and whose simple question showed that she was entirely strange to Edinburgh. This was a better opportunity, he thought, and he parted with the old man to make friends with the newcomers. He soon found out from the woman's own statement who she was, and for whom she was in search ; and on the strength of a common nativity he undertook to befriend her, professing that he knew where her friends resided and that he would take her to them. The boy, it seemed, was her grandson, and he was deaf and dumb ; Burke even thought he was weak in his mind. So he took them to Hare's house at the West Port, feeling certain that he had obtained a prize, if not two of them. He knew that being strangers there would be less chance of an inquiry after them, should they disappear, than if they had been denizens of Edinburgh, though experience had shown him that even the best-known figures in the district could drop out of sight without any serious search being made for them. Again the bottle was set on the table, and the old Irish woman was invited to take a drop until her



friends should come in, for it was told her that they resided there. It is the old, sickening story. The whisky operated quickly on the wearied brain, the woman lay down on the bed, and at the dead hour of the night she was murdered by the human ghouls. How truly can Poe's lines be applied to them :—

“ They are neither man nor woman—  
They are neither brute nor human—  
They are Ghouls.”

The dreadful work completed, they stripped the body, and laid it on the bed, covering it with the bed-tick and bed-clothes. All this time, unconscious of the tragedy going on in the little room, the poor boy was in the one adjoining in the charge of the women, who were, in their peculiar way, looking to his comfort. He was becoming anxious at his grandmother's prolonged absence from him, even though she was in the same house, and he gave such expression to his anxiety as his dumbness would permit. The men wondered what they should do with him. It would be imprudent, they thought, to slay him also and take his body with that of his grandmother to Surgeon's Square. Yet what could they do with him? They might wander him in the city, and there would be little fear that he would be able to tell how or where his grandmother had disappeared, for he was deaf and dumb and “weak in his mind.” On this point, however, they could not agree, and they parted, Hare to get something to put the body into, and Burke to consider the whole bearings of the important matter under discussion. Burke, in his second confession, says, “They took the boy in their arms, and carried him to the room, and murdered him in the same manner, and laid him alongside of his grandmother.” Leighton, however, obtained some further information, and in the light of it the tragedy becomes even more horrible :—“The night passed,” he says, “the boy having, by some means, been made to understand that his protectress was in bed unwell; but the mutterings of the mute might have indicated that he had fears which, perhaps, he could not comprehend. The morning found the resolution of the prior night unshaken; and in that same back-room where

the grandmother lay, Burke took the boy on his knee, and, as he expressed it, broke his back. No wonder that he described this scene as the one that lay most heavily upon his heart, and said that he was haunted by the recollection of the piteous expression of the wistful eyes, as the victim looked in his face."

The bodies of the old Irishwoman and her poor grandson lay side by side on the bed for an hour, until their murderers could get something into which they could be packed. The tea-chest so often used had gone astray, or been used up, so it was no longer available, but they obtained an old herring-barrel, which "was perfectly dry; there was no brine in it." Into this receptacle the two bodies were crushed, and it was carried into Hare's stable, where it remained until the next day. This cargo for the doctors required much more careful handling than any that had yet taken to Surgeon's Square, and Hare's horse and cart—which he had used in his hawking journeys throughout the country—were pressed into the service. But an extraordinary occurrence took place, nearly ending in discovery. The barrel was carefully put into the cart, and the old hack owned by Hare started for Dr. Knox's rooms with its loathsome burden. At the Meal-Market, however, it took a "dour" fit, and move it would not. A large crowd had gathered round the stubborn animal, and assisted the drivers to lash and beat it, but all to no effect. Burke thought the horse had risen up in judgment upon them, and he trembled for exposure—conscious guilt made a coward of him. Fortunately for them no one made any inquiry as to the contents of the barrel, for attention was directed mainly to the horse, and the murderers were safe. They engaged a porter with a "hurley-barrow," and the barrel was transferred to his care. The man had less scruples than the horse, and dragged his vehicle after him to Surgeon's Square. Hare accompanied him, and Burke went on in advance, fearful lest some other awkwardness should occur, and the stubbornness of the horse had made him doubtful if they would manage safely through the transaction. Arrived at Dr. Knox's rooms, Burke lifted the barrel and carried it inside. Another drawback took place in the unpacking of the bodies. They had been put into the barrel when they were in a

comparatively pliable state, but now they were cold and stiff, having been doubled up in it for nearly a whole day. The students gave a helping-hand in the work, and when it was accomplished and the bodies laid out, sixteen pounds were paid down to Burke and Hare. But was it not strange that no questions should have been asked? or that no suspicions of foul play should have been raised? The horse, it turned out, was fairly used up. Hare had it shot in a neighbouring tanyard, and it was then found that the poor animal had two large dried-up sores on his back, which had been stuffed with cotton, and covered over with a piece of another horse's skin. No wonder, then, that the brute refused to go further.

## CHAPTER XII.

*Jealousy—An Undeveloped Plot—Hare Cheats Burke, and they Separate—The Foul Work Continued—Murder of Ann M'Dougal.*

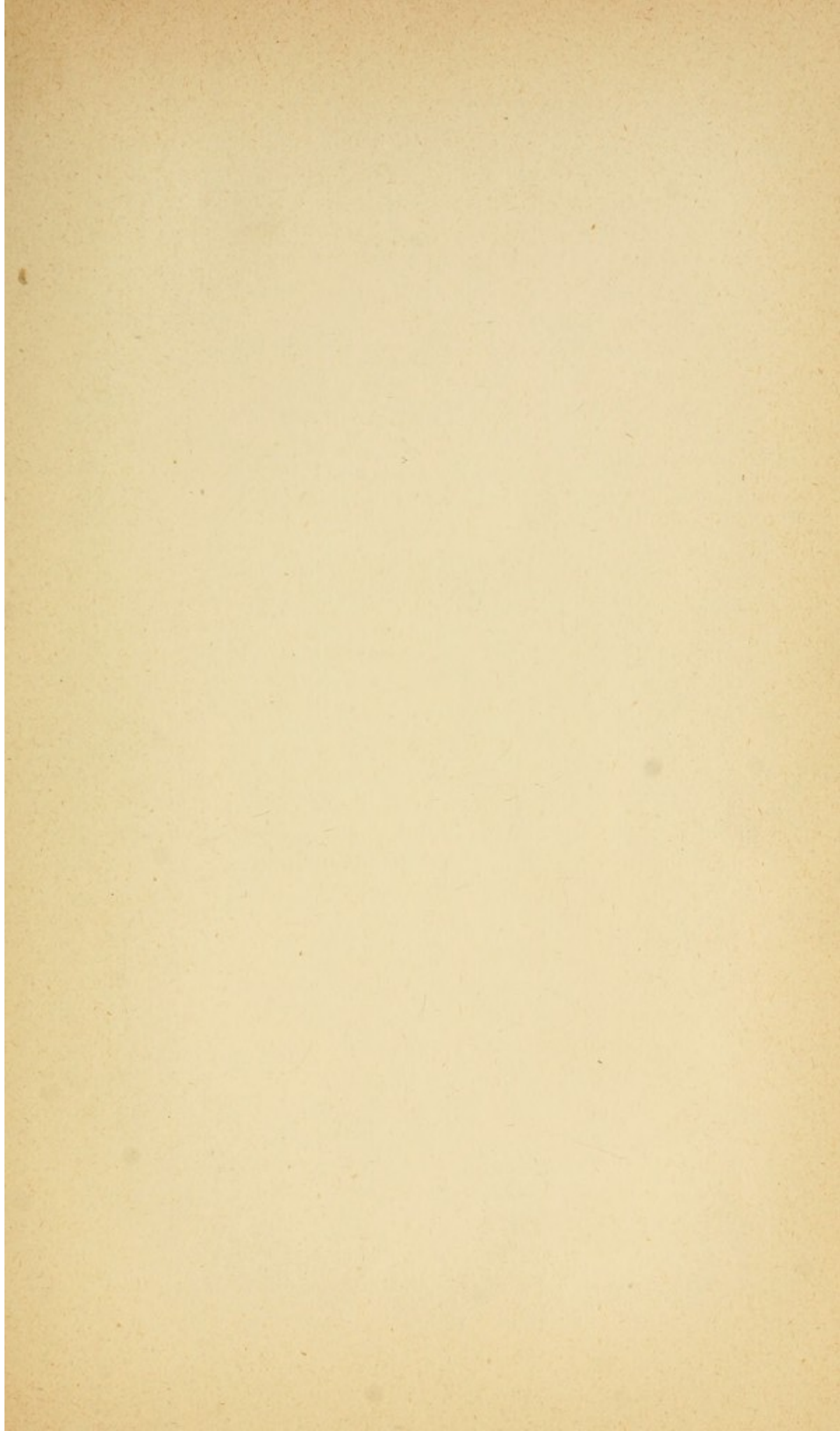
WHILE all this was going on, these four persons, bound together, as they were, by the joint commission of terrible crimes, had their little disagreements among themselves. The women were jealous of each other, and there is every reason to believe that each man was suspicious that his neighbour, in the case of discovery, would turn informer, as the result afterwards proved. To those around them they all appeared to be in a most prosperous condition. The women dressed themselves in a style that was considered highly superior in the locality in which they lived; the men also were better clad than members of the same class usually were; and their mode of living—the extent of their drinking, too—showed that somehow or other they had plenty of money in their possession. These things attracted the attention of the neighbours, but if they had any suspicion that matters were not altogether right, they did not give expression to it. Under all this outward appearance of comfort and well-doing there was a canker. The women, as already said, were jealous, the men were suspicious, and these feelings joined to produce the plan for another

tragedy in their own little circle, which was prevented either by the intervention of an accident, or by the fact that Burke had still a little kindness left in his blood-stained heart. Hare and his wife could not trust Helen M'Dougal to keep their secret, because, as Burke himself expressed it, "she was a Scotch woman." It is difficult to reconcile this statement with another made by Burke, that the women did not know what was going on when the murders were being committed. Besides, as we have seen, the women helped towards assisting the poor victims into a state in which they could be easily operated upon, and though they may not have been active participants in the taking away of life, or witnesses of the last struggle between the men and the creatures whom they so quickly ushered into eternity, there can be no reasonable doubt that they were aware of the dreadful adventure in which they were all to a greater or less extent engaged. Had the women been ignorant of all this there would have been no need—it would, indeed, have been impossible—for the one to urge that the other should be put out of the way, on the principle that "dead men and women tell no tales." However, notwithstanding these minor discrepancies in Burke's confessions, we have his own definite statement that Mrs. Hare urged him to murder Helen M'Dougal. The plan suggested was that he should go with her to the country for a few weeks, and that he should write to Hare telling him that his wife was dead and buried. No more of the plan is given, but it is to be presumed that the murder would actually take place in the little back room which had been the scene of so many tragedies—the little human shambles in Hare's house—and that the body should be sold like the rest to Dr. Knox and his fellows. This plan, as has been indicated, was not carried out. Burke says he would not agree to it. That may have been, but it is rather strange that about this time Helen M'Dougal and he should go to Maddiston, near Falkirk, to visit some of her friends there.

The time at which this visit to Maddiston was made was when the villagers made a procession round a stone in that neighbourhood—Burke thought it was the anniversary of the Battle of Bannockburn. This would fix the date as the 24th of June, 1828. They were away for some time, but whether

through scruples of conscience, on the part of Burke, or because no fitting opportunity of putting her out of the way occurred, Helen M'Dougal returned to Edinburgh with him. Arrived there they found a very different state of matters than had existed when they went away. Before, Hare and his wife were sadly in want of money, some of their goods having been laid in pawn; but now they were in the possession of plenty of money, and were spending it freely. There must be some reason for this change, and a suspicion was raised in Burke's mind that Hare had taken advantage of his absence to do a little business on his own account, without making him any allowance from the proceeds. The agreement among them, according to Burke, was that if ten pounds were obtained for a body, six went to Hare, and four to Burke, the latter having to pay Mrs. Hare one pound of his share, for the use of the house, if the murder took place there. This arrangement was in itself scarcely equitable to Burke, assuming it to be correct, and it was therefore all the harder on him when he found that his colleague was attempting to rob him of his due. He consequently taxed Hare with endeavouring to cheat him, but this was indignantly denied. Not satisfied, however, Burke paid a visit to Dr. Knox's rooms, and was there informed that during his absence Hare had brought a subject and had been paid for it. Returning to the house he upbraided his partner, charging him with unfairness and breach of honour. Hare still denied the accusation, and from high words they got to blows. They fought long and fiercely, so that the neighbours, attracted by the noise, gathered round the door to witness what was going on; but neither of the combatants allowed a word to escape them as to the cause of the quarrel between them. At last they were exhausted—possibly Hare was worsted, for Burke, without mentioning the fight, stated in his *Courant* confession that "Hare then confessed what he had done." He does not say whether or not he received any portion of the proceeds from the sale of the body of the victim murdered during his absence.

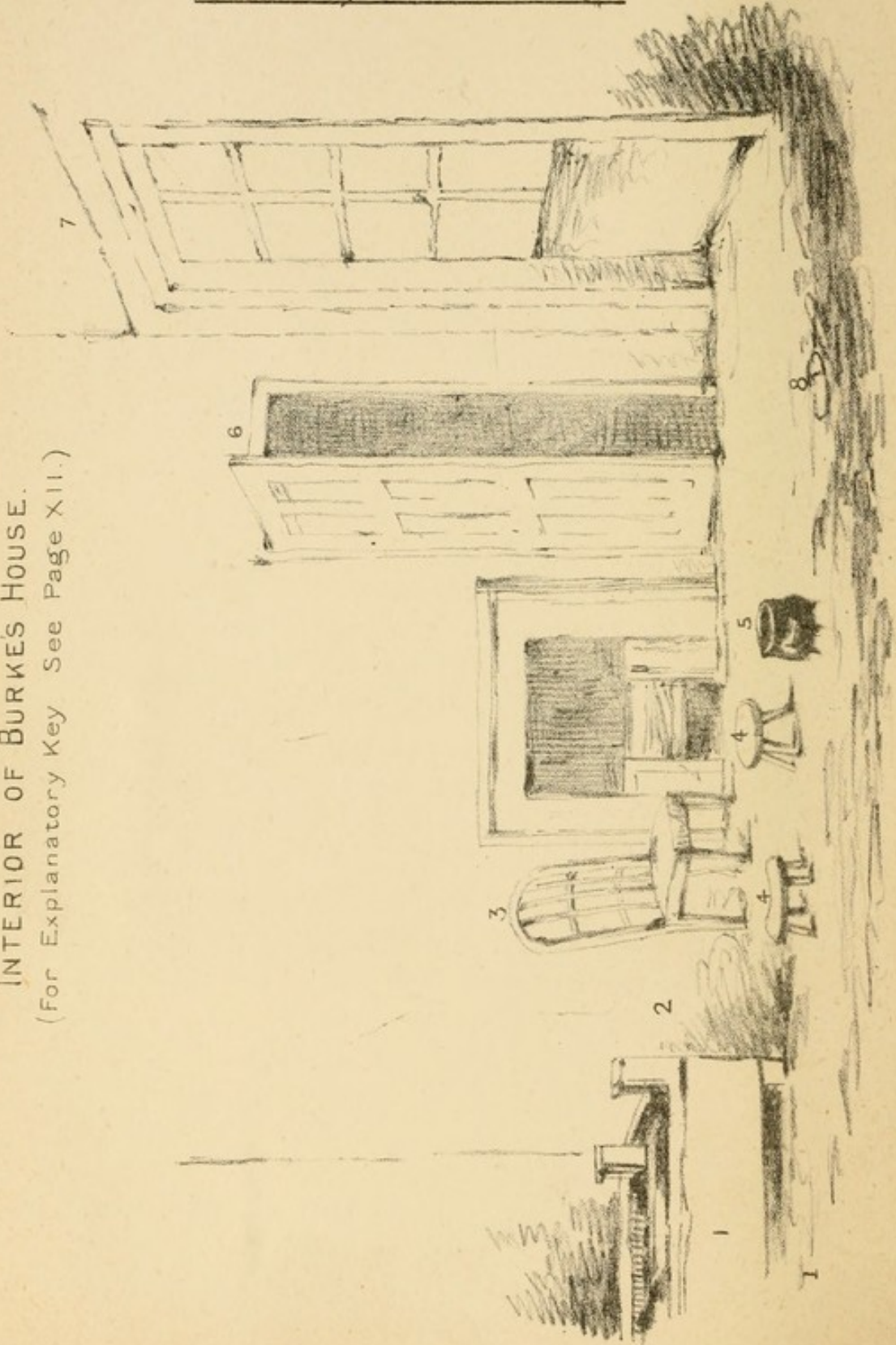
It was probably owing to this quarrel that Burke and Helen M'Dougal removed from Hare's house in Tanner's Close to that of John Broggan, whose wife was a cousin of Burke.



SIGNATURE.

Wm Burke

INTERIOR OF BURKE'S HOUSE.  
(For Explanatory Key See Page XII.)



This house was not far from their old lodgings, being but two closes eastward in Portsburgh. Grindlay's Close was between it and Tanner's Close, and it was entered from a back court to which admission could be gained from the street either by an unnamed passage, or by Weaver's Close, still further east. Leighton was able to gain a detailed description of this place, and it is well worth quoting:—"In a land to the eastward of that occupied by Hare, in Tanner's Close, you reached it after descending a common stair and turning to the right, where a dark passage conducted to several rooms, at the end and at right angles with which passage there was an entrance leading solely to Burke's room, and which could be closed by a door so as to make it altogether secluded from the main entry. The room was a very small place, more like a cellar than the dwelling of a human being. A crazy chair stood by the fire-place, old shoes and implements of shoemaking lay scattered on the floor; a cupboard against the wall held a few plates and bowls, and two beds, coarse wooden frames, without posts or curtains, were filled with old straw and rugs." It was in this house that Mrs. Hostler, as already described, was murdered, and it was in this house that the last of the long series of tragedies was to be enacted. The criminals were gradually approaching their doom, but they had become reckless and bold. They had been so successful in the past, that they hoped to be equally so in the future, forgetful that the mills of God grind slow, but sure.

We have seen that while Burke, according to his own declaration, had murdered Peggy Haldane in this house off Weaver's Close, unaided by his old accomplice (though both these details are doubtful), yet they were united in the suffocation of Mrs. Hostler. They really could not work separately—they were so bound together by the crimes they had committed that an ordinary quarrel, though it should have at first made them live in different houses, could hardly disjoin their interests. This could only have been done by one of them informing on the other. But they were again united in their horrid labours.

In the course of the autumn there arrived in Edinburgh to visit Helen M'Dougal a cousin of her former husband. This was a



young married woman named Ann M'Dougal, who probably came from the district around Falkirk. There is no doubt she would be received in the most friendly manner, which she would heartily reciprocate, for it is more than probable that her visit was consequent upon an invitation given her by Helen M'Dougal and Burke when they were in Stirlingshire during the summer. But may not that invitation, given in all apparent kindness, have been simply a snare to draw the poor woman from her home so that she might be a more convenient victim in Edinburgh? may Burke not have given it so that he might make Ann M'Dougal a sacrifice instead of his paramour, as had been suggested to him by Mrs. Hare? But whether this was a premeditated plan, or whether the young woman came to Edinburgh on a genuine invitation or of her own accord, is quite immaterial. It is at least certain that once she was in the house of her relatives her fate, so far as they were concerned, was sealed. After she had been coming and going for a few days, Hare and Burke plied her with whisky until she was in an incapably drunken condition, and had to be put to bed. Burke then told Hare that he would have the most to do to her, as he did not like to begin first on her, she being a distant relative. What an amount of feeling this displays! It would have been interesting to have known how Burke argued with himself in coming to this decision. However, relative or not, he was not at all averse to allow Hare to kill her when she was supposed to be under his protection, and what was more, he was willing to help Hare once a beginning had been made; he was even anxious to share the price her body would bring at the dissecting-rooms. Hare then set about his portion of the work. He held the woman's mouth and nose to stop the breathing, and Burke threw himself across the body, holding down her arms and legs. Of course life could not long continue under these conditions, and Ann M'Dougal lay murdered in the house of a friend, and by the heart and hand of a friend—"a distant friend," as Burke put it to his accomplice. The murder was committed in the afternoon. It is surely a remarkable thing that if Helen M'Dougal knew nothing of the work in which her reputed husband and Hare were engaged, she should have allowed her relative to

be murdered; or that if this was the first she learned of it, she should have been so ready to let the matter rest. But of course she was cognisant of it all along. Burke was at no regular employment, and yet the money was to hand in larger quantities than they could ever have expected from the cobbling of shoes.

The two men next set about making arrangements for the transfer of the body to Surgeon's Square. They saw Paterson, Dr. Knox's porter, who gave them a fine trunk to put it in. When this was done Broggan, who had been out at his work, came home, and made inquiries about the trunk standing on the floor-head, for he knew that neither he nor his lodgers possessed an article like it. Burke then gave him two or three drams, "as there was always plenty of whisky going at these times," to keep him quiet. He went out again, Burke and Hare carried the trunk and its contents to Surgeon's Square, receiving ten pounds for it. On their return they each gave Broggan thirty shillings, and he left Edinburgh a few days afterwards for Glasgow, it was thought. This money payment brings out the duplicity of Hare in a remarkable manner, and shows that the cunning by which he afterwards saved himself from the scaffold was no new development. Broggan, it would seem, had practically discovered that there was something wrong. The murderers saw that it would be necessary to give him "hush-money," and to endeavour to get him to leave the city. But Hare was cautioner for Broggan's rent, which amounted to three pounds, so that if the man left the city there was every probability that the payment of the rent would fall on him. He therefore proposed to Burke that they should each give thirty shillings to enable Broggan to pay the rent, and to this Burke readily agreed, as he was glad to see the man out of the way. Broggan, however, spoiled this plot by going away with the money, and, as Burke said in his second confession, "the rent is not paid yet." But Burke was victimised all the same, as he was afterwards at the trial, by his more astute colleague who should have accompanied him to the gallows.

The relatives of Ann M'Dougal made inquiries about her, but they could find no trace; though it is recorded that on

seeking her at the house of Burke's brother, in the Canongate, Helen M'Dougal, under the influence of drink, no doubt, told them they need not trouble themselves about her, as she was murdered and sold long before. They did not seem to have taken much notice of the remark, or if they did they must have concluded that the disappearance of Ann was due to the workings of the band of resurrectionists, to whose existence the people of Edinburgh were gradually being awakened by the numerous and frequent disappearances. But suspicion had not yet alighted on Burke and his associates.

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### CHAPTER XIII.

*James Wilson, "Daft Jamie"—Some Anecdotes concerning him  
—Daft Jamie and Bobby Awl.*

PERHAPS none of the murders committed by Burke and Hare caused so much popular regret as that of James Wilson, known as "Daft Jamie." He was one of those wandering naturals known to everybody, and being a lad who, while deficient in intellect, was kind at heart, he was a universal favourite, only the very small and the very impudent boys troubling him. Here is a quotation from a small publication issued shortly after the mystery of his death was cleared up, which gives us some knowledge of his manners:—"He was a quiet, harmless being, and gave no person the smallest offence whatever; he was such a simpleton that he would not fight to defend himself, though he were ever so ill-used, even by the smallest boy. Little boys, about the age of five and six, have frequently been observed by the citizens of Edinburgh going before him holding up their fists, squaring, and saying they would fight him; Jamie would have stood up like a knotless thread, and said, with tears in his eyes, that he would not fight, for it was only bad boys who fought; the boys would then give him a blow, and Jamie would have run off, saying, 'That wiz 'nae sair, man, ye canna catch me.' Then about a thousan' gets (young brats of children), hardly out o' the egg-shell, would have taken flight after him, bauling out, 'Jamie, Jamie, Daft

Jamie.' Sometimes he would have stopped and turned round to them, banging his brow, squinting his eyes, shooting out his lips (which was a sigh of his being angry), saying, 'What way dae ye ca' me daft?' 'Ye *ir*,' the little gets would have bauld out. 'I'm no, though,' said Jamie, 'as sure's death; devil tak me, I'm no daft at a'.' 'Ye *ir*, ye *ir*,' the gets would have bauld out. He then would have held up his large fist, which was like a Dorby's (mason's) mell, saying, 'If ye say I'm daft, I'll knock ye down.' He would then have whirled round on his heel and ran off again, acting the race-horse."

Such was Daft Jamie Wilson. He was born on the 27th November, 1809, in Edinburgh. His father died when he was about twelve years of age; and his mother being a hawker, he was left, during her absence, pretty much to his own devices. He generally wandered about the streets, getting a meal here and a few pence there, eking out a livelihood by the good-will of the people, who as a rule were very kind to him. Many stories are told of him, and a few are well worth repeating.

One afternoon in the summer of 1820, Jamie set off with a number of boys in search of birds' nests. He stayed so long that his mother became alarmed, and went out to look for him. During her absence Jamie arrived at the house, ravenous with hunger, and he was so impatient that he could not wait until his mother returned, so he broke open the door. Once in, he sought every corner of the house for food. In a moveable wooden cupboard he found a loaf, and when reaching up to lay hold of it he overbalanced himself, bringing cupboard and its contents to the floor. The dishes were all broken, and a great amount of damage was done. When the mother came in and saw what Jamie had been about, she was so angry that she attacked him with a long leather strap, and gave him such a beating that he left the house, and would not reside in it afterwards. He preferred to sleep on stairs, or behind walls, except when some one offered him accommodation for the night.

Jamie, like other people, had his likes and dislikes. He was very fond of some of the students attending the University, and to them he would talk readily, even offering them a pinch out of his "sneeshing mill." This article was a curiosity, and

along with it he carried a brass snuff-spoon in which were seven holes, the middle hole being Sunday, and the others round it the days of the week. He was of a statistical turn of mind, and could tell how many lamps there were in the city, how many days in the year, and such like. Many little conundrums he considered his own particular property, and he was highly offended if any one anticipated him in their answer. He liked best when they replied, "I gie it up," and left him to supply the solution himself. What a pleasure it gave Daft Jamie to be asked—"In what month of the year do the ladies talk least?" for he could say—"The month o' February, because there wiz least days in it." When he was asked—"Why is a jailer like a musician?" he replied, "Because he maun tak' care o' his key;" and the question, "What is the cleanest meat a dirty cook can make ready?" gave him the opportunity of saying, "A hen's egg is cleanest, for she canna get her fingers in't, t' tak' a slake o't."

"I can tell ye a' a guess," Jamie would have said to a crowd of idlers who might have gathered round him, "I can tell ye a' a guess, that nae body kens, nor nae body can guess't." "What is't, Jamie?" would be the eager question, and highly pleased, the poor fellow would repeat, what most of his audience had often heard before:—

" Tho' I black an' dirty am,  
 An black, as black can be ;  
 There's many a lady that will come,  
 An' by the haun tak me."

"Now," he would continue, "no nane o' ye guess canna that." "Ah no, Jamie," some one would reply, "we canna guess that fickly ane, wha learned ye a' thae fickly guesses?" "It wiz my half step-mither," he usually answered, "for she's a canty body, for she's aye as canty as a kitten when we're a' sittin' beside her round the fire-side, she tells us heaps o' funny stories, but I dinna mind them a'." "Ah! I ken your guess, Jamie," some tantalising bystander would remark, "its a tea kettle." Jamie was fairly discomfited, and he would run away crying, "Becuz ye ken, becuz somebody telt ye."

Half-witted and all as he was, Jamie was wonderfully

ready at repartee. A gentleman once said to him—"Jamie, I hear you have got siller in the bank; why do ye keep it there?" "Because I'm keepin it," replied Jamie, "till I be an aul' man; for maybe I'll hae sair legs, and no can gang about t' get ony thing frae my nineteen friends." Another person asked him, "Why do the ladies in general not carry Bibles to church?" "Because," said Jamie, "they are ashamed o' themsel's, for they canna fin' out the text." "That is very true," said an old schoolmaster, "for I observed twa governesses sitting in a front seat in a church that I was in last Sabbath, and the text was in Ecclesiastes, and neither of them could find it out." Jamie was in the habit of frequenting the house of an old lady in George Street, Edinburgh, where the flunkey and the cook were very good to him. The man often shaved him, and on one occasion, when the flunkey was about to lather his customer he remarked:—"I dinna think I'll shave ye ony mair, Jamie, unless ye gie Peggy a kiss." "But maybe mem wad be angry," said Jamie. "No, no," said the flunkey, "she'll no be angry, for hoo can she ken? She'll no see." Laughingly, Jamie turned round to Peggy, and made to kiss her, but she stopped him and said, "A twell a wat no, Jamie, ye'll no kiss me wi' that lang beard, it wid jag a' my lips." With this repulse Jamie resumed his seat, and when the shaving process was finished he looked at himself in the glass. Peggy now claimed her kiss, but Jamie clapped his hands over his mouth, and replied, "Ye're no a bonny lass, ye're no bonny eneuch for me, and since ye was proud, I'll be saucy, I'm a dandy now." "Weel, then," said Peggy, "let me see how the dandies walk," and Jamie walked through the kitchen with as proud a gait as that of a Highland pipe-major. On another occasion, when Jamie was a little touched with the whisky he had imbibed, he met a woman whose eye had been blackened in some brawl. "Oh! fy, fy, Jamie, it is a great shame to see you, or ony such as you, tak' drink," was her greeting. "A weel," answered Jamie, "what I hae in me, you, nor nane like ye, can tak' out; an' what way hae ye got that blue eye? Hae ye faun on the tub, nae, when ye was washin'?" The woman explained that she got it by coming against "the sneck of the door last night." "Ou aye," said Jamie, "ye ken ye maun

tell the best story ye can, but I ken ye hae been fou when ye got it, an' by yer impudent tongue t' yer gudeman, he had ta'en ye through the heckle pins; I saw ye yesterday whare ye sid nae ha'e been." This was enough for his reprovor, and she left him.

An instance of Jamie's carefulness has already been given in the reply he gave to the gentleman who asked him why he put his "siller" in the bank, but two others bearing on the same point have also been preserved. He was on very friendly terms with the porters on Adam's Square stance, and one of them asked him why he did not wear an article of dress which had been given him by one of his friends. "It was owre guid for me to wear," replied Jamie, "for when I hae guid claes the fouk dinna gie me onything." Once a gentleman accosted him in George Street with the remark, "Come along with me, Jamie, and I will give you an old coat." "I thank ye, I thank ye," said Jamie, "but I've got plenty o' auld yins at hame." The gentleman passed on, but he was not far away when Jamie ran up to him and said, "Is it a guid ane?" The reply was favourable, and Jamie accompanied his friend to his house, where he was given a coat, a hat, and a pair of shoes. Jamie never wore a hat or shoes, and although the day was very cold and dirty, he could not be persuaded to don the articles given him by the gentleman, and he explained that he did not want to wear them in "sic hard times."

Like many of his poor brethren in misfortune, Jamie was a regular attender at church, and he was never known to be absent from a sermon in Mr. Aikman's chapel. He was very fond of the singing, and lilted away in his own peculiar fashion. An attempt was made to induce him to go to the Gaelic Chapel, next door to Mr. Aikman's, but he said he "wad gang to nae body's kirk but his ain." He had a preference for Sundays, as on that day he was in the habit of visiting a kind friend who gave him "meat and kail." Jamie's fondness for singing, such as it was, supplied a coachman in Hunter's Square with an opportunity of playing a practical joke on him. The man asked him to sing King David's anthem, and he would give him his coach and horses, and make him provost. Jamie said the people would hear him, but the facetious Jehu

said he would shut him in the coach. Having been snugly ensconced in the vehicle, Jamie began the singing, and roared so loudly that the whole neighbourhood was alarmed. Among those attracted to the spot was Robert Kirkwood, another half-wit, a great friend of Jamie, familiarly known as Bobby Awl. Bobby saw his companion through the window of the coach, and cried out, "Eh! it's Daft Jamie, I ken him, I see him." Jamie came out, and shook hands with Bobby, who asked, "Did ye get a ride, Jamie?" "Ay," said Jamie, "but no far." The coachman then induced the pair to dance on the street, but the crowd became so great that a policeman had to put a stop to the performance.

Jamie and Bobby were fast friends, and no one could get them to fight, though frequent attempts were made to do so. They seemed to have a fellow-feeling for each other, and each of them firmly believed that his companion, and not himself, was "daft." In the Grassmarket, on one occasion, they joined together to purchase a dram. On their meeting, Jamie accosted his friend with, "It's a cauld day, Bobby." "Aye is't, Jamie," was the reply; "wadna we be the better of a dram? Hae ye ony siller, man?—I hae tippence." "An' I hae fourpence," said Jamie. "That'll get a hale mutchkin," answered Bobby; and the pair adjourned to a public-house, where their liquor was served over the counter. Bobby, on the pretence that Jamie should go to the door to witness a dog-fight that he said was going on when they came in, got his companion out of the way, and drank up the whole of the whisky himself. When Jamie came back he said he saw no dog-fight, but when he noticed the empty measure he said to Bobby, "What's cum o' the whisky?—ha'e ye drunk it a', ye daft beast, and left me nane?" "Ou aye," said the delinquent; "ye see I was dry, and couldna wait." When Jamie was afterwards asked why he did not revenge himself on Bobby for this piece of treachery, he answered, "Ou, what could ye say to puir Bobby? He's daft, ye ken." Once, and only once, did these two lads come to blows, and it was then through the mischievous workings of an Edinburgh cadie, or errand-boy. They were together in the slaughter-house, when Wag Fell, the cadie, gave Bobby a putrified sheep's head. He then induced him to turn his attention



to something else, and slipped the head to Jamie, with the remark that he was to run away home and boil it. Jamie started on his mission, but he was not far gone when Bobby, who had been told by Fell that Jamie had stolen his sheep's head, made up to him, crying, "Daft Jamie, gie's my heid." They both claimed it, and in the struggle Bobby struck Jamie so violently on the nose that it bled profusely. Jamie, however, did not retaliate, though he retained possession of his "heid."

It is a strange fact that these two lads both met with a violent end. Bobby Awl was killed by the kick of a donkey, and his body was disposed of in Dr. Monro's dissecting-room. The circumstances of Jamie's death, as being connected more directly with the narrative of this book, had better be told in another chapter.

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#### CHAPTER XIV.

*Daft Jamie Trapped into Hare's House—The Murder—The Body Recognised on the Dissecting Table—Popular Feeling.*

THE murder of so well-known a character as James Wilson, by Burke and Hare, can only be regarded, from their point of view, as an act of the most egregious folly, and, like that of Mary Paterson, it courted discovery. So long as they confined their attention to tramps and others who were strangers in the city, or to persons regarding whom there was no probability of much inquiry being made, they were comparatively safe; but now they were treading on absolutely dangerous ground. It may have been, as Burke asserted in his confession, that so far as he could remember he had never seen Daft Jamie before he met him in Hare's house. But that is in no wise probable. During his residence of many years in Edinburgh he must frequently have come across the poor half-witted lad, who was known by sight to almost every resident of the city, especially as the Grassmarket was a favourite haunt of both of them. But though Burke might plead ignorance, some of his accomplices

could not, for it was owing to their very acquaintance with Jamie that he fell into their hands. That they should have made such a supreme error is something more than remarkable.

On a day late in September, or early in October, 1828, Daft Jamie was wandering about the Grassmarket, asking all he knew if they had seen his mother. What set him upon this tack it would be difficult to say. His mother, perhaps, had been away from home, and the poor lad had taken a sudden longing to see her; or perhaps it was simply one of those strange vagaries that poor mortals like Jamie occasionally take. During his search he was met by Mrs. Hare, who asked him what he was about. "My mother," he replied, "hae ye seen her ony gait?" Mrs. Hare was ready with her answer, for she had quickly formed a plan. Yes, she had seen his mother, and if Jamie went with her he would find her in her house in Tanner's Close. Jamie, in all innocence—and what could he suspect?—followed the woman to Log's lodgings, where Hare was himself sitting idle. Of course the visitor was welcomed in the most kindly fashion, asked to sit down until his mother should appear, and to keep him from wearying he was invited to partake of the contents of the whisky bottle. Jamie was chary about this, for although he was fond of an occasional dram he had a great fear of "gettin' fou." At last he was induced to taste, and he sat down on the edge of the bed with a cup containing some liquor in his hand. In the meantime, Mrs. Hare went down to Mr. Rymer's shop near at hand, to purchase some provisions. She there found Burke standing at the counter talking to the shopkeeper, and, taking advantage of the opportunity, she asked her old lodger to treat her to a dram. This he did, and while she was drinking it off she pressed his foot. Burke understood the signal—as he said himself, "he knew immediately what he was wanted for, and he went after her." When he arrived at the house, Mrs. Hare told him he had come too late, for the drink was all done, but that defect was soon remedied by another supply being brought in. Jamie was again offered more whisky, and was prevailed upon to take it. Then they managed to get him into the little room where so many tragedies had been enacted. The drink began

to take Jamie's weakly brain, and he lay down on the bed in a half-dazed state. Hare crept beside him, and the two men watched his every movement to see when it would be safe for them to attempt to carry out their diabolical design. Mrs. Hare, meanwhile, had been acting with her usual caution. She knew it was not for her to stay in the house when "business" was being transacted, so she went out, carefully locking the door behind her, and placing the key in an opening below the door. The two men were eagerly watching their victim in the back-room, but they felt that this case would not be as easy as most of the others in which they had been engaged. Jamie was young and physically strong, and he had not taken enough of their liquor to render him absolutely helpless, even in the hands of two robust, desperate men. Burke at last was tired of waiting, and he furiously threw himself on the prostrate body of the sleeping lad. Jamie was no sooner touched than the natural instinct of self-preservation made him endeavour to defend himself. He closed with his assailant, and after a furious effort threw him off. He was now standing on the floor ready for another onslaught. Burke's blood was up, and he renewed the attack, but Jamie was likely to be more than a match for him. Hare, in the meantime, was standing aside, idly watching the contest, and it was only when Burke threatened to "put a knife in him" that he roused himself and threw his strength in the scale against the man who was fighting for his life. Jamie had nearly overcome Burke when Hare entered the lists and tripped him up. The poor lad fell heavily on the floor, and before he had time to recover himself the two men were upon him—Hare, as usual, holding his mouth and nose, and Burke lying over his body keeping down his legs and arms. Still Jamie struggled, but to no advantage. His murderers had him too securely beneath them, and gradually his strength waned, until at last the tragedy was completed. Burke and Hare, when they saw the end coming, watched him anxiously, for even yet they were afraid their prey might escape them. But they had done their work too thoroughly. They had not, however, come off unhurt. It was reported at the time of the trial that during the struggle Jamie bit Burke so severely on

the leg that, if the laws of the country had not promised to hang him by the neck, he would likely have died from the cancered wounds received in the conflict. This was found not to be the case, but there is no doubt that the two murderers received several painful bruises from the dying man.

When it was certain that Daft Jamie was dead, Hare searched his pockets, and found in them the snuff-box and spoon that were about as well known as the simpleton himself. To Burke he gave the spoon, retaining the box himself. A box was libelled among the productions at the trial, but Burke in his confession says that the one in the possession of the authorities was not Daft Jamie's, which had been thrown away, but was his own. Before it was taken to Surgeon's Square the body was stripped of its clothing, and here another fatal blunder was made. In all the other murders the clothes of the victims were destroyed to prevent detection, but in this case Burke gave Daft Jamie's clothes to his brother Constantine's children, who were then going about almost naked, and it is said that a baker who had given the murdered lad the pair of trousers he wore at the time of his death, recognised them on one of Burke's nephews. When stripped, the body was put into Hare's chest, and in the course of the afternoon it was conveyed to Dr. Knox's rooms, when the sum of ten pounds was obtained for it. No questions seem to have been asked as to how Burke and Hare became possessed of the body of Daft Jamie, though there can be little doubt that the students recognised it. The public then wondered at the matter, and it may be wondered at still. In a popular work, published at the time, there was this very pertinent sentence:—"Certainly, those scientific individuals who attend the class in which he was dissected, must be very hardened men, when they saw Jamie lying on the dissecting-table for anatomy; for they could not but know, when they saw him, that he had been murdered; and not only that, the report of his being amissing went through the whole town on the following day; there could not be any one of them but must know him by sight." That some of them did know him by sight is certain, for shortly after he was missed the statement was commonly circulated that one of Dr. Knox's students had

affirmed that he saw Jamie on the dissecting-table. Mrs. Wilson and her friends went here and there looking for the poor lad, but no trace could they find of him, and there seemed to be a tendency to treat the statement of the body having been seen on a table in the rooms in Surgeon's Square as a mere idle rumour, arising out of the uneasiness and suspicion which the quiet and unknown operations of Burke and Hare were causing among the inhabitants of the country in general and Edinburgh in particular. A sense of insecurity had gone abroad, and it was not dispelled until the final clearing up in the trial of Burke and Helen M'Dougal.

The mysterious fate of Daft Jamie, as we have said, took a most remarkable hold on the public mind. It was the talk all over the country, and when the mystery was solved the murder of the poor natural bulked larger than all the other crimes put together. The hawkers and pedlars, and patterers of the time carried about with them all over the country coarsely-printed chap books containing accounts of the crimes of the greatest murderers of the age, or biographies of Daft Jamie, to which in some cases were added the efforts of sympathising poetasters. The poetry as a rule was execrable, but the feeling displayed in them was but a reflex of the public mind. One aspiring genius spoke of

“ The ruffian dogs—the hellish pair—  
The villain Burke—the meagre Hare,”—

while another composed the following acrostic :—

“ Join with me, friends, whilst I bewail  
A while the subject of this tale ;  
Many a mind has often been  
Engaged with Jamie's awkward mien ;  
Such pranks will ne'er again be seen.

We may bewail, but 'tis in vain,  
It will not bring him back again :  
Lost he is now—this thought imparts  
Sad comfort to our wounded hearts ;  
Oh ! may such crimes nowhere remain,  
Nor ever more our nation stain.”

## CHAPTER XV.

*The End Approaches—Proposed Extension of Business—Mrs. Docherty claimed as Burke's Relative—The Lodgers Dismissed—The Murder of Mrs. Docherty.*

BUT the end was near. This wholesale slaughter of human beings in the metropolis of a civilised country was almost finished. The only marvel was that it had lasted so long.

The work had been conducted with so much impunity, however, that the prime movers in this dreadful conspiracy against human life had made arrangements for the extension of their operations. They found a ready market for their goods, and when they took a body to Surgeon's Square they were always encouraged to bring more. Their efforts in the cause of science were thus appreciated by the scientists themselves, and it matters little whether these scientists were aware of the diabolical means their favourite merchants used to obtain possession of the bodies they brought for their use. To rob a churchyard of its ghastly contents was as much a crime, though it was certainly not so serious, against the laws of the country and the public sense of morality, as the murder of a fellow-creature for his mortal remains. And then Burke and Hare found their work comparatively easy, and very remunerative, though perhaps a little risky. It was much easier than the cobbling of boots and shoes, or travelling about the country as a pedlar. They enjoyed themselves looking for victims, and the process of getting one into a fit state for "disposal" was quite suited to their tastes. When it came to the point—when the person to whom so much attention was paid was stupid and helpless—there was, as a rule, little to be done. Burke described the method very simply in his *Courant* confession:—"When they kept the mouth and the nose shut a very few minutes, they [the victims] could make no resistance, but would convulse and make a rumbling noise in their bellies for some time; after they ceased crying and making resistance, they [the murderers] left them to die by themselves; but their bodies would often move afterwards, and for some

time they would have long breathings before life went away." And every one can re-echo the sentiment of the remark by Burke, made almost in presence of that death he had so often invoked on others:—"It was God's providence that put a stop to their murdering career, or he did not know how far they might have gone with it, even to attack people on the streets." All these circumstances, then, added to the freedom from suspicion which Burke and Hare hitherto enjoyed, render it not at all surprising that these desperate men should have laid their plans for an extension of their business. Burke and another man, with whom they had arranged, were to go to Glasgow or Ireland, and "try the same there," forwarding the subjects to Hare in Edinburgh, who was to dispose of them to Dr. Knox. The "other man" was popularly believed to be David Paterson, Dr. Knox's porter, and he was openly charged in the public prints of the time with being in complicity with Burke and Hare, although he strenuously denied it. But more of that at the proper time. The contract with Dr. Knox, also, was highly satisfactory. They were to receive ten pounds in winter and eight pounds in summer for as many subjects as they could supply. This scheme, however, was not carried into effect, for the end came suddenly.

The last of the West Port tragedies was the murder of Mary Campbell or Docherty, an old Irishwoman who had come to Edinburgh to look for her son. On the morning of the 31st October—the Friday of the Sacrament week—Burke was in Rymer's grocery store near his own close-mouth, talking to the shop-boy while he sipped a tumbler of liquor. As he was doing this an old woman entered the shop, and asked for assistance. Burke, ever on the outlook, saw the poor beggar was in every way suitable for his purpose—she was an old and frail stranger who would never be missed because she was not known, and her very frailty would make her a sure and easy victim. He soon got into conversation with her, asked her name, and what part of Ireland she came from. She answered him readily, and he, having thus got the cue, said she must be some relation of his mother, whose name was also Docherty, and out of what appeared to be pure friendliness—out of a feeling of patriotism

or kinship—he invited her to his house to partake of breakfast with him. The poor woman was thus offered what she most needed, and delighted to find she had met a friend, she accompanied him to the house once occupied by Broggan, but which, since that person had left the city, had been tenanted by Burke and Helen M'Dougal. Mrs. Docherty was made welcome by M'Dougal, who seemed to understand everything. Burke set the breakfast, but the stranger would not touch it until noon, as it was Friday. Leaving Helen M'Dougal to look to the comfort of their guest, Burke went in search of Hare, whom he found in Rymer's public house. They had a gill of whisky together, and Burke then told his colleague that he had at home "a good shot to take to the doctors." Hare, of course, was ready to participate in the work, and went with his colleague. By the time they arrived at the house they found that M'Dougal and the old woman had, after their breakfast, set about cleaning up the room, and had everything as neat and tidy as the ill-furnished, tumble-down structure could well be. Burke again visited Rymer's for some provisions, and preparations were made for a night's junketting, to be followed by the usual tragedy.

But there was a serious difficulty in the way, and that must be got rid of before anything further was done. At that time there were lodging with Burke an old soldier named James Gray and his wife. The man was a native of the Grassmarket, who, after an attempt to learn his trade as a jeweller, had enlisted in the Elgin Fencibles, transferring afterwards to the 72nd Regiment, and who had returned with his wife to Edinburgh after an absence of about seventeen years. He met Burke in the High Street about a fortnight before the affair with Mrs. Docherty, and had lodged with him for nearly a week. The difficulty, therefore, was to get this couple out of the house without creating suspicion, for they could not be trusted. Burke explained to them that he had discovered the old woman was a relation of his mother, and certainly the animated conversation carried on in Irish by him and the woman seemed to confirm the statement that some relationship, however distant, existed between them. Of course it would not do for Mrs. Docherty to seek accommodation any-



where else than in her relation's house, and it would be a matter of obligation if Mr. and Mrs. Gray would find quarters in some other place for a night or two. Gray and his wife readily acquiesced in the suggestion, and Burke went out to look after lodgings for them. These were easily obtained in Hare's house, and the unwelcome couple, towards evening, left for their new abode. Thus far the arrangements had worked admirably, and now that the way was clear the tragedy could begin at once.

In the evening Mrs. Hare joined the company, and the fun began. The whisky circulated rapidly, Burke indulged his musical tastes by singing his favourite songs, and the old woman crooned over some of the Irish ballads she had learned in her youth. Dancing, too, was engaged in; and once or twice visits were paid to the house of a neighbour, where the revelry was continued, and where Docherty hurt her foot when endeavouring to emulate the sprightliness of her more youthful companions. As the night wore on they kept more to their own house. The neighbours, between ten and eleven o'clock, heard a great disturbance proceeding from Burke's dwelling, and some of them, though used to the sounds of drunken riot from that quarter, had the curiosity to look through the key-hole of the door to see what was going on. One of them, a woman, saw—or thought she saw—Helen M'Dougal holding a bottle to the mouth of Docherty, pouring the whisky down her throat. After a while the disturbance ceased, but not for long. About eleven o'clock Hare quarrelled with Burke, and the dispute could only be settled by an appeal to blows. Whether this was a real quarrel or not it would be difficult to say, for, though Burke himself declared "it was a real scuffle," it has been pointed out as a suspicious circumstance that this "quarrel" is in a sense the counterpart of the one that took place between Burke and M'Dougal immediately before the murder of Mary Paterson. While the two men were fighting, Mrs. Docherty, tipsy though she was, tried to interfere. She rose from the stool on which she had been sitting by the fire-side, and asked Burke to sit down, as she did not wish to see him abused. The fight, however, still continued, and Hare, whether by design or not, knocked the old woman over a stool,

She fell heavily, and, owing to the amount of drink she had taken, was unable to rise. Whenever this had been done the fighting ceased, Mrs. Hare and Helen M'Dougal slipped out of the house, and Burke and Hare set to work on the prostrate, helpless woman. It was after the old method, but a fatal mistake was made. One of them grasped her violently by the throat, leaving the mark of the undue pressure. Soon the woman was dead. Burke undressed the body, doubled it up, and laid it among a quantity of straw beside the bed. The women then returned to the room, and Burke went to see Paterson, Dr. Knox's porter, brought him to the house, and, pointing to the place where the body lay, told him that there was a subject which would be ready for him in the morning. When Paterson left, the four human fiends resumed their debauch, and for the last time together they spent a riotous night. The murder was committed between eleven and twelve o'clock on Hallowe'en night; and they brought in the month of November with heavy drinking. About midnight they were joined in their cups by a young fellow named Broggan, a son of the man to whom the house had once belonged, and who, as we have seen, was bought off when the first murder—that of M'Dougal's cousin, was committed in it. At last, when the morning was far advanced, they were all overcome by sleep, and the party lay down to rest, with the body of the murdered woman beside them.

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## CHAPTER XVI.

*An Ill Excuse—Strange Behaviour—Discovery—The Threat—Unavailing Arguments—The Last Bargain.*

ABOUT nine o'clock on the morning of Saturday, the 1st of November, Burke went round at Hare's house to see about his lodgers, who had been forced to change their quarters for the night. He was anxious to know how they had rested, and having offered Gray a "dram of spirits," he invited the family along to his own home to have breakfast. This they were not loath to do, as there was no prospect of them readily

obtaining their food in their temporary lodgings. When they entered Burke's house they found there Mrs. Law and Mrs. Connaway, two neighbours, Broggan, and Helen M'Dougal. They naturally missed the woman for whom they had been shifted, and Mrs. Gray asked M'Dougal where the "little old woman" had gone. The reply was that Mrs. Docherty had grown very impudent to Burke, perhaps through having taken too much liquor, and they had found it necessary to put her out. Breakfast was served without further ado, and then Mrs. Gray set about the dressing of her child. Burke was behaving in a very curious manner, for he had the whisky bottle in his hand, and was throwing some of the contents under the bed, on the bed, and up to the roof of the apartment, at times put a little on his breast, and occasionally took a sip internally. His explanation of this remarkable proceeding was that he wished the bottle "toom," that he might again have it filled. Mrs. Gray, it would seem, was taking a smoke, and had a pipe in her mouth when she was looking for her child's stocking. In the course of her search she went to the corner of the room where the body of Docherty was lying covered with straw, but Burke called to her to keep out of there; and when she made to go beneath the bed to get some potatoes he asked her what she was doing there with a lighted pipe. He offered to look after them himself, but Mrs. Gray dispensed with his help, and collected the potatoes without having disturbed anything. All these circumstances created a suspicion in the woman's mind that something was wrong; but later in the day that surmise was strengthened by Burke, when about to go out, telling Broggan to sit on a chair which was near the straw, until he returned. Broggan either did not know of the mystery underneath the straw, or did not care, for Burke was not long away until he went out also. M'Dougal left the house too, and Mrs. Gray had then an opportunity of clearing up the suspicions she had formed. The straw in the corner had appeared to be the great object of attention, and she went direct there. She lifted the straw, and the first thing she caught hold of was the arm of a dead woman. Gray himself went over, and there they saw the naked body of the old Irish-woman who had been brought into the house by Burke the

day before. The man lifted the head by the hair, and saw there was blood about the mouth and the ears. The horrified couple hastily threw the straw over the corpse, and collected what property they had in the house in order to leave it immediately. Gray went out first, leaving his wife to complete their packing arrangements. On the stair he met Helen M'Dougal, and asked her what that was she had in the house. The woman made a feeble pretence at ignorance, but when Gray said to her, "I suppose you know very well what it is," she dropped on her knees, and implored him not to say anything of what she had seen, and offered him five or six shillings to put him over till Monday. She urged that the woman's death had been caused by her having taken an overdose of drink—alcoholic poisoning is now the respectable name for it—and tried to make the man believe that the incident was such as might occur in anybody's house. Finding this line of explanation thrown away upon him, she tried another which she seemed to think more powerful. In her intense anxiety for concealment, she told him there never would be a week after that but what he might be worth ten pounds. It seemed to suggest itself to her that Gray, by such promises, might be induced to join their murdering gang. He, however, replied that his conscience would not allow him to remain silent. Just as M'Dougal left Gray to enter the house, Mrs. Gray came out, and the two women met. Mrs. Gray turned back, and asked M'Dougal about the body among the straw; but the reply was similar to that given to Gray himself. The unfortunate creature offered the same inducements, but all to no effect, as Mrs. Gray exclaimed with unction—"God forbid that I should be worth money with dead people!" M'Dougal, seeing the end was near, cried out, "My God, I cannot help it!" to which Mrs. Gray replied, "You surely can help it, or you would not stay in the house." The husband and wife then left the place together, followed by M'Dougal, and when in the street they were met by Mrs. Hare, who asked them what they were making a noise about, and told them to go into the house and settle their disputes there. The two women invited Gray and his wife into a neighbouring public house, and there, over a round of liquor, they plied them

with arguments and entreaties to keep silence as to what they had seen, and the benefit would be ultimately theirs. But all to no purpose. Gray was obdurate, and his wife supported him in his intention to inform the authorities of what they had reason to believe was a foul murder. Finding they were simply wasting their time, Mrs. Hare and M'Dougal, in a state of great anxiety, hurriedly left the place, as if to prepare for flight; and Gray made his way to the police office to lodge the information.

In the meantime, Burke and Hare were busy making arrangements for the removal of the body to Dr. Knox's premises. They applied at the rooms in Surgeon's Square for a box in which to put it for safe conveyance, but they could not be supplied with one; and later on, between five and six o'clock in the evening, Burke purchased an empty tea-chest in Rymer's shop. He had engaged John M'Culloch, a street porter, to call at the house for a box, and before this man arrived the two colleagues had wrapped the body of Docherty in a sheet, placed it in the box among some straw, and roped down the lid. Whether they knew of the discovery by Gray, and his subsequent threat, is uncertain: that they did not is probable from the manner in which they went about the work of removing the corpse. When everything was ready, M'Culloch was called in, and told to carry it to the place to which they would take him. As the porter was raising the box on to his back he saw some long hair hanging out of a crevice in the lid, and, having probably been in the service of resurrectionists before, he endeavoured to press it inside. This done, he went on his way with his burden, the two men who employed him walking by his side. Mrs. Hare and Helen M'Dougal, apparently beside themselves with excitement, had been near all the time, and followed some distance behind. It was now well on in the evening, and after the box and its contents were placed in the cellar at Surgeon's Square, Burke, Hare, and M'Culloch, accompanied by Paterson, "the keeper of Knox's museum," and still followed by the women, walked to Newington, where Paterson received from the doctor five pounds in part payment for the body. In a public-house in the vicinity the division was made. Knox's man handed M'Culloch

five shillings for his services as porter, and Burke and Hare each received two pounds seven shillings and sixpence; but on Monday, it was understood, when the doctor would have had time to examine the body, they were to receive other five pounds, making ten pounds in all.

The end had now come; the murdering career of these terrible beings was closed. They seemed to feel that it could last no longer; their whole manner of working on that Saturday indicated impending discovery, and helped towards it.

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## CHAPTER XVII.

*The Arrest of Burke and M'Dougal—Discovery of the Body—Hare and his Wife Apprehended—Public Intimation of the Tragedy—Burke and M'Dougal give their Version of the Transaction.*

GRAY, according to his threat, went to the Police Office to give information of what he had seen. When he arrived there no one was present who could act upon his statement. After waiting some time he saw Sergeant-Major John Fisher, who entered the place about seven o'clock, and to this officer he described all he had witnessed and what he suspected. Fisher inclined to the opinion that his informant wished rather to do his old landlord an ill-turn than to benefit the public, but, notwithstanding, he, along with a constable named Finlay, accompanied Gray to Burke's house in the West Port. What took place there can best be told in Fisher's own words:—  
“I asked Burke what had become of his lodgers, and he replied that there was one of them—pointing to Gray—and that he had turned him and his wife out for bad conduct. I then asked what had become of the little woman who had been there the day before, and he said she left the house about seven o'clock that morning. He said William Hare saw her go away, and added, in an insolent tone, that any number more saw her away. I then looked round to see if there were any marks in the bed, and I saw

marks of blood on a number of things there. I asked Mrs. Burke [Helen M'Dougal] how they came there, and she replied that a woman had lain in there about a fortnight before, and the bed had not been washed since. As for the old woman, she added that she knew her very well, they all lived in the Pleasance, and that she had seen her that very night in the Vennel, when she had apologised for her bad conduct on that previous night. I asked her then, what time the woman had left the house, and she said, seven o'clock at night. When I found them to vary, I thought the best way was to take them to the Police Office." Fisher, while he considered it his duty to apprehend Burke and M'Dougal, in view of the contradiction as to the time when the woman left the house, and also of the fact that the bedclothes were spattered with blood, seems still to have had the idea that the whole matter had arisen out of personal spite between Gray and Burke, and that the former wished to injure the latter. However, he took the wisest and the safest course by apprehending the two persons he found in the house. Later in the evening, the officer, accompanied by his superintendent and Dr. Black, the police surgeon, again visited Burke's den in Portsburgh, and made a thorough search through it. They saw a quantity of blood among the straw under the bed, and on the bed they found a striped bed-gown which had apparently belonged to the murdered woman.

This was all very well for one night, and certainly the case had, to the official mind, assumed a more serious aspect than one having only a foundation on mere personal ill-will. Next morning, Sabbath, the 2nd November, Fisher went to the premises of Dr. Knox in Surgeon's Square, and having obtained the key of the cellar from Paterson he entered, and found there a box containing the body of a woman. Gray was immediately sent for, and he at once recognised the corpse as that of the old woman he had seen in Burke's house. The authorities then thought it was time they had Hare and his wife in custody, and they were immediately arrested. This was done about eight o'clock on the Sunday morning. They were then both in bed. When Mrs. Hare was informed that Captain Stewart wished to speak to her husband

about the body that had been found in Burke's house, she laughingly said that the captain and police had surely very little to do now to look after a drunken spree like this. Hare answered her that he was at Burke's house the day before, and had had a dram or two with him, and possibly the police might be inclined to attach blame to them; but as he had no fear of anything Captain Stewart could do to him, they had better rise and see what he had to say. This conversation between Hare and his wife seemed to be intended to "blind" the police, who were within hearing, but it did not save them from apprehension. They were taken to the Police Office, and lodged in separate cells.

The news of the tragedy and the apprehensions was quickly mooted abroad, and the public mind was agitated by the rumours that were afloat. But little satisfaction was gained from the following brief and guarded paragraph which appeared in the *Edinburgh Evening Courant* of Monday, 3rd November, two days after the murder:—

“EXTRAORDINARY OCCURRENCE.—An old woman of the name of Campbell, from Ireland, came to Edinburgh some days ago, in search of a son, whom she found, and she afterwards went out of town in search of work. She took up her lodging on Friday in the house of a man named Burt or Burke, in the West Port. It appears that there had been a merry-making in Burke's that night; at least the noise of music and dancing was heard, and it is believed the glass circulated pretty freely among the party. The old woman, it is said, with reluctance joined in the mirth, and also partook of the liquor; and was to sleep on straw alongside of Burke's bed. During the night shrieks were heard; but the neighbours paid no attention, as such sounds were not unusual in the house. In the morning, however, a female, on going into Burke's, observed the old woman lying as if dead, some of the straw being above her. She did not say anything, or raise any alarm; but, in the evening, circumstances transpired which led to the belief that all was not right, for by this time the body had been removed out of the house, and it was suspected it had been sold to a public lecturer. Information was conveyed to the police, and the whole parties were taken into custody. After a search, the body was found yesterday morning in the lecture-room of a respectable practitioner, who, the instant he was informed of the circumstances, not only gave it up, but offered every information in his power. The body is now in the Police Office, and will be examined by medical gentlemen in the course of this day. There were some very strong and singular circumstances connected with the case, which have given rise to the suspicions.”



This information, though substantially correct, was too meagre to satisfy the public craving, and the most extraordinary rumours were afloat as to the discoveries that had been made by the police. Meanwhile, the authorities were busy making inquiries into the case, and in the first instance they had Docherty's body examined by Drs. Black and Christison, and Mr. Newbigging. The result of these examinations conclusively pointed to the fact that the woman must have suffered a violent death by suffocation, and the case for the Crown was strengthened by this testimony. On the 3rd of November, the day of the first public announcement of the "extraordinary occurrence," Burke and M'Dougal emitted declarations before Sheriff Tait. Burke's account of the affair was that on the morning of the previous Friday he rose about seven o'clock, and immediately began his work by mending a pair of shoes. Gray and his wife were up before him, and M'Dougal rose about nine o'clock. After he had gone out for a few minutes for tobacco, all the four of them breakfasted together about ten o'clock. Burke resumed his employment, Gray left the house, and the women began to wash and dress, and tidy up the apartment. In the evening he told Gray that he and his wife must look out for other lodgings, as he could not afford to support them longer, they having not even paid for the provisions they used. He recommended them to Hare's house, and accompanied them there. About six o'clock he was standing at the mouth of the entry leading to his dwelling, when a man whom he never saw before, and whose name he did not know, came up and asked if he could get a pair of shoes mended. This man was dressed in a greatcoat, the cape of which was turned up about his face. Burke offered to perform the work, and the stranger went with him into the house. While he was busy mending the shoes the man walked about, remarked on the quietness of the place, and said he had a box which he wished could be left there for a short time. Burke consented to give it accommodation, and the stranger went out, returning shortly with a box, which he placed upon the floor near the foot of the bed. Burke was then sitting with his back to the bed. He heard his customer unroping the box, and then make a sound as if he were covering something with straw. The

shoes were soon mended, Burke received a sixpence for his work, and the stranger went away. Burke immediately rose to see what was in the box, but finding it was empty he looked among the straw beneath the bed, where he saw a corpse, though whether it was that of a man or a woman he could not say. The man called later on, and Burke remonstrated with him for bringing such an article into his house. The stranger promised to take the body away in a little, but this he did not do until six o'clock on the following (Saturday) evening. This was Burke's account of what transpired on the Friday, the day when the murder was actually committed. In itself it was a stupidly told story, and one having not a single feature of truth in it to give it the slightest support from outside testimony. But his record of the Saturday was even more blundering. He admitted that about ten o'clock on the Saturday, while he was in Rymer's shop, an old woman came in to beg. He discovered by her dialect that she came from Ireland, and after questioning her he found that she belonged to Inesomen, in the north of Ireland, and that her name was Docherty. As his mother bore the same name, and came from the same place, he concluded that the woman might perhaps be a distant relation, and he invited her to breakfast. After sitting by the fireside smoking till about three o'clock in the afternoon, Mrs. Docherty went out, saying she would go to the New Town to beg some provisions for herself. When he was alone in the house about six o'clock, the man who visited him the previous evening, and who, on special inquiry by the sheriff, he now declared to be William Hare, came for the purpose of removing the body. Hare was accompanied by John M'Culloch, a street porter. These two carried the body away in the box, as they said, to dispose of it to any person in Surgeon's Square who would take it. After the body was delivered, Paterson, Dr. Knox's curator, paid "the man" some pounds, and gave two pounds ten shillings to Burke "for the trouble he had in keeping the body." The woman Docherty never returned to the house, and he did not know what had become of her. Some of the neighbours had told him, when he returned after being paid the storage money, that a policeman had been searching his house for a body, and he, having gone

out to look for the policeman, met Fisher and Finlay in the passage. As for the body found in Dr. Knox's rooms, and which he had seen the day before, he thought it was the one which was below his bed, but it had no likeness to Mary Docherty, who was not so tall. Then the blood on the pillow-slip he accounted for by saying that it was occasioned by his having struck M'Dougal on the nose with it, as Mr. and Mrs. Gray could testify. Such an inconsistent story was of itself enough to condemn Burke, to say nothing of the identification of the man he had never seen before, and whose name he did not know, as William Hare.

Helen M'Dougal, in her declaration, emitted on the same day, was equally wide of the truth, though she did not make such a stupid mistake as to mix up the transactions of Friday and Saturday. According to her, Mary Docherty entered their house about ten o'clock on the Friday morning, just as they were about to begin their breakfast, and asked to be allowed to light her pipe at the fire. This privilege was accorded her, after which she was asked to take some breakfast along with them. In the course of a conversation, Burke arrived at the conclusion that the old woman was a relative of his mother, and on the strength of this he went out for whisky and gave them a glass all round, "it being the custom of Irish people to observe Hallowe'en in that manner." About two o'clock Docherty left to go to St. Mary's Wynd to inquire for her son, and she never returned. The rest of the day and night was spent in drinking with Hare and his wife, and Mr. and Mrs. Gray. On the Saturday evening she quarrelled with Mrs. Gray about having stolen her gown, and the Grays had apparently vented their spleen by raising a story and bringing the police down upon them. For her part she knew nothing about a body being in the house, and certainly the body shown her in the Police Office was not that of the old woman, as Docherty had dark hair, and the body of the dead woman had gray hair. Such, in brief, was her account of the events of the two days, and the only point on which her declaration could be said to agree with that of Burke was as to the cause of the bloodstains on the bedclothes.

## CHAPTER XVIII.

*Public Excitement at the West Port Murder—The Newspapers—Doubts as to the Disappearance of Daft Jamie and Mary Paterson—The Resurrectionists still at Work.*

OF course the public knew nothing of what the authorities were doing or had discovered, the examination of the prisoners before the sheriff being, as is still the custom in Scotland, strictly private. The newspapers, as we have seen, did little to satisfy the natural curiosity of the people, but that was due probably to the fact that the police, finding themselves on the eve of making a great discovery, chose rather to keep silent, and deny the press information, than run the risk of having their movements made known to parties whom it might be better should not be aware of them. The *Edinburgh Evening Courant*, of 6th November, had, however, a very circumstantial account of the murder of Mrs. Docherty, but it was hid away among items of little importance. It was as follows:—

“EXTRAORDINARY OCCURRENCE.—FURTHER PARTICULARS.—We have used every endeavour to collect the facts connected with this singular story. The medical gentlemen who examined the body have not reported, so far as we have heard, that death was occasioned by violence. There are several contusions on the body, particularly one on the upper lip, which was swollen and cut, a severe one on the back, one on the scapula, and one or two on the limbs; none of these, however, are of a nature sufficient to cause immediate death. The parties in custody, two men and two women (their wives), and a young lad, give a very contradictory account of the manner in which the old woman lost her life. One of the men, not Burke, states that it was the lad who struck her in the passage, and killed her. Burke, however, acknowledges being a party to the disposing of the corpse. The lad's account of the story is different from that of the others. He says he was in Burke's house about seven o'clock on Friday evening, when the old woman was represented to him as a fortune-teller, who for threepence would give him some glimpse into futurity, and with this sum she was to pay for her lodgings; but not having the money, his fortune was not told, and he went away. The parties at this time were seemingly sober. He went to the house about two o'clock on Saturday morning, when he found Burke, his wife, and two other persons, in the house, seemingly the worse of liquor. He sent for sixpence worth of whisky, which was drunk; and

soon after the whole party fell asleep. The old woman was not present, but the lad thought nothing of that, believing she had left the house. At a later hour in the morning a neighbour came in, who had been in the house on the previous evening, and asked, what had become of the fortune-teller? To this Burke's wife replied, that the old woman had been behaving improperly, and she (Mrs. Burke) had kicked her down stairs. Another neighbour saw the old woman joining in the mirth, as late as eleven o'clock on the Friday night. The above are the outlines of the statements that have reached us; we must, however, admit that, from the secret manner in which the investigations are conducted, it is impossible to obtain accurate information. A great number of rumours have gone abroad of individuals having of late disappeared in an unaccountable manner, but one of them, however, a sort of half-witted lad, called 'Daft Jamie,' was seen on Monday, not far from Lasswade, with a basket, selling small-wares."

This notice makes one or two interesting discoveries, notably what professes to be the drift of Hare's declaration, and that of the young man, Broggan, who had also been arrested on a charge of complicity in the murder. Another point is the manner in which Mrs. Docherty was presented to Broggan, and some of the neighbours. But if the newspapers did not devote much space to the "extraordinary occurrence," it was a topic which moved the very heart of the people, and was on everybody's tongue. The journals were too busy discussing the siege of Silistria, the proceedings of politicians in London, or the state of Ireland; but the inhabitants of Edinburgh, and, indeed, of broad Scotland, thought and talked of little else but Burke and Hare and the resurrectionists. Before the time fixed for the trial the newspapers discovered they had made a mistake, and at last gave some degree of satisfaction to their readers by supplying a full report of the case. It is somewhat amusing, however, to find the *Glasgow Courier* of 27th December, with this apologetic notice:—"In the absence of any political news of importance we have devoted a considerable portion of our paper of to-day in giving a full report of the trial, before the High Court of Justiciary, of Burke and his wife for murder."

The public were strongly of opinion that to the machinations of Burke and Hare could be traced the disappearance of Daft Jamie and Mary Paterson, the latter especially, as she had been seen in Burke's company. The authorities, also, pursued their

inquiries in the same direction. On the 10th of November the two men and their wives were committed by the Sheriff to stand their trial for the murder of Docherty, but Broggan was liberated, his innocence being apparent. The doubt as to the disappearance of Daft Jamie was deepened by a statement in an Edinburgh newspaper that he had been seen in the Grass-market after the apprehension of the accused parties. This was repeated by several other prints, and the public mind remained in suspense, though there was a suspicion, amounting almost to a certainty, that Jamie had been the victim of foul play. At last the *Observer* and the *Weekly Chronicle*, who had been the most strenuous advocates of the safety of the lad, were forced to admit that he was amissing. Possibly the rumour that he had been identified in the dissecting-room by some of the students had something to do with the change. The *Observer* announced that it had been "credibly informed that this poor pauper," Daft Jamie, had really disappeared in a mysterious manner, and that circumstances of a suspicious nature had transpired. The *Chronicle* was more elaborate in its explanation, stating that there were two Daft Jamies, but that there was no doubt one of them had been made away with.

While all this was going on there were other events connected with the resurrectionist movement coming to the front. One of these was a terrible contest which took place in a churchyard near Dublin. A woman of the name of Ryan died, and was decently interred. Her relatives were afraid that her remains would not be allowed to lie in the grave, as the body-snatchers were then busy with the Irish burying-places. They therefore joined to keep a watch for a time over her tomb. One night, between eight and nine o'clock, two of the men were left sentry at the grave, while the others went into a cabin in the vicinity, erected for the use of watchers. These latter were not long seated when a knock was heard at the door, and when it was opened they saw nearly a dozen armed men, who declared their mission to be body-lifting, but who, with all courtesy, stated that if the watchers would kindly point out where the body in which they were specially interested lay, it would be passed over. The watchers, however, intimated that they would resist the uplifting of any

body. A desperate contest then took place, but the resurrectionists were at last driven off. About two o'clock in the morning they returned, but again they were defeated, it was thought, with loss of life, for more than one of them was seen to fall.

It would be difficult to say whether it was this incident, or the general plundering of Scotch churchyards, that led the *Edinburgh Weekly Chronicle* at this time to devote a leader to the question of the importation of corpses for anatomical purposes to Scotland from Ireland. This journal very soberly discussed the resurrectionist system, "its advantages and the indispensability of it in the present state of the law." The writer seriously objected to the "noodles of functionaries on the banks of the Clyde," interfering with subjects when they were *in transitu*, and pointed out that "for every Irish subject they seize they insure the rifling of some Scotch grave." Very fine sentiment—the resurrectionist system was good enough in Ireland, but immediately it touched Scotland it was evil.

Two cases—one of them not without a touch of grim humour—came to light in Edinburgh at this time, and furnished material for additional commentary on the West Port tragedy. A resurrectionist, wishing to raise the wind, waited on an Edinburgh lecturer, and stated that he had a "subject" to dispose of, but he required two pounds ten shillings to meet some immediate demands. The money was given him, and in a short time a box was sent to the lecturer's rooms. To the infinite surprise of the gentleman and his assistants, the trunk was found to be filled with rubbish. Such tricks, it was said, were often played on anatomists; but for all that, four individuals were apprehended in connection with this fraud, and were sentenced by the police magistrate each to imprisonment for two months. The other case illustrates the extraordinary boldness of the resurrectionists, even at a time when the popular feeling was strong against the miscreants apprehended for the murder of Docherty. A mulatto of the name of Masareen, who kept a public house in the Grassmarket, died on the autumn of 1828, and a month or so later his wife became unwell and was taken to the Edinburgh Royal Infirmary, where she died in the end of November. On the

day of her death her body was claimed by two men who represented themselves as her relatives. It was given them, and they took it away ostensibly for interment. Next morning her real relations appeared, and the greatest consternation was caused by the discovery that the Infirmary authorities had been duped by some very clever rogues. A search was made, and after some trouble the body was found in a dissecting room. It was taken back to the Infirmary, and was decently buried on the 1st of December.

In the newspapers at this time, also, there were stories about events occurring outside the city, which helped to increase the general excitement. In the *Courant* for Monday, the 13th November, there was a report of a case tried before the Middlesex Sessions on the Thursday previous. Three men were then charged with having on the 13th of September unlawfully broken open a vault in the church of Hendon, in which were some dead bodies, and with having severed the head from one of them. The object was rather strange. One of the prisoners was a surgeon, and the body which had been mutilated was that of his mother. There was in his family a hereditary disease, the causes and nature of which he wished to investigate, in order to prevent its attacks on himself, and he was under the impression that if he could obtain his mother's head for dissection, he would be able to find out the information he desired. All the prisoners were found guilty, and were severely punished. Another incident of a more amusing kind was recorded at this time in the *Stirling Advertiser*. At Doune Fair several special constables were on duty, and had the village school-room assigned to them as a watch-house. While they were sitting quietly talking to one another, a big burly Irishman, heavily laden with whisky, fell in through the open door-way, and lay prone on the floor. He was a most undesirable visitor, and it was evident that to attempt to remove him by force might have rather serious results. Still he could not be allowed to remain. One of the constables was a bit of a wag, and he whispered to his companions that the man on the floor would make an excellent subject for the doctors. They quickly entered into the spirit of the jest, and the conversation turned on the question of how the prospective



subject was to be "despatched." Some recommended suffocation, others stabbing. Meanwhile, the Irishman, who was not so tipsy as he seemed, had overheard the discussion, carried on in a stage whisper, and began to feel exceedingly uncomfortable. As the conspirators gradually came to an agreement as to the method to be adopted, the intruder, who had been carefully pulling himself together, suddenly jumped up, and went out of the place, faster, if anything, than he entered, amid shouts of laughter from the constables.

Under all the exciting circumstances of the time, it is not surprising that the people should break out into riot at a very small matter. Between nine and ten o'clock of the forenoon of Thursday the 11th of December, a gig, occupied by two men of notoriously bad character, was driven at a furious pace along the North Bridge of Edinburgh. Some one suggested that the vehicle contained a corpse, and the story speedily gathered an immense crowd. An attempt was made to seize the men, and the tumult became so great that when the city watch interfered two of them and an old woman were seriously injured. It was found, however, that the rumour as to the contents of the gig was totally unfounded.

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## CHAPTER XIX.

*Burke and M'Dougal amend their Account of the Murder—The Prosecution in a Difficulty—Hare turns King's Evidence—The Indictment against Burke and M'Dougal.*

WHILE these events were transpiring outside, the authorities were labouring anxiously in the preparation of the case against the accused parties. This was no easy matter. It was beset with technical difficulties which it was not likely the public, in its then excited and unreasoning state, would take into its consideration, and the Crown officials sought, if possible, to avoid any miscarriage of justice.

On the 10th of November Burke was again examined in private before Sheriff Tait, and emitted a second declaration,

His statement of a week before having been read over to him, he declared it to be incorrect in several particulars. He then proceeded to point out that the events he had previously described as having taken place on the Saturday really took place on the Friday. As to what occurred in the evening he was, however, a little more truthful, even at the expense of absolutely contradicting himself. In the evening they had some dram-drinking, "because it was Hallowe'en," and pretty late in the night he and Hare differed, and rose to fight. When they were separated by M'Dougal and Mrs. Hare they sat down by the fire together to have another dram, and then they missed Mary Docherty. They asked the two women what had become of her, but they did not know. Burke and Hare searched for her through the house. They looked among the straw of the shake-down bed on the floor, at the bottom of the standing bed, thinking she might have crept there during the struggle, and then they found her among the straw, lying against the wall, partly on her back and partly on her side. Her face was turned up, and there was something of the nature of vomiting, but not bloody, coming from her mouth. After waiting for a few minutes they concluded, though the body was warm, that the woman was dead. M'Dougal and Hare's wife immediately left the house without saying anything, and Burke supposed they did this "because they did not wish to see the dead body." After a while the men stripped the corpse, and laid it among the straw, and it was then proposed that it should be sold to the surgeons. The rest of the declaration was taken up with an account of what actually took place on the Saturday, for Burke, having furnished an account of how the woman met her death, seemed to think that he was free after that to tell the truth as to the subsequent events. He denied having caused Docherty's death, and gave it as his opinion that she had been suffocated by laying herself down among the straw in a state of intoxication. "No violence," he continued, "was done to the woman when she was in life, but a good deal of force was necessary to get the body into the chest, as it was stiff; and in particular, they had to bend the head forward, and to one side, which may have hurt the neck a little; but he thinks that no force was used, such as could have hurt any

part of the back at all." The one redeeming feature of the declaration is that Burke stated "that a young man named John Broggan had no concern in the matter; that Broggan came into the house on Saturday forenoon, as he thinks, while the body was in the house, but did not know of its being there."

On the same day—the 10th of November—Helen M'Dougal was subjected to a further examination by the Sheriff. She adhered to her former declaration, and in answer to a question she stated that between three and four o'clock on Friday afternoon the old woman insisted on having salt to wash herself with, and became otherwise very troublesome, calling for tea different times. At last M'Dougal told her she would not be tormented with her any longer, and thrust her out at the door by the shoulders, and she never saw her afterwards.

These were the declarations, and although they were sufficiently contradictory in themselves, and were in many respects directly opposed to the stories told in the ones made on the 3rd November, the Lord Advocate was still in a difficulty. There was, of course, the evidence of the Grays and of the neighbours, but it was entirely circumstantial, and might fail to convict. Hare, ever wily and cunning, as we have seen, at last saw how matters stood, and responded to an offer to turn King's evidence, on the condition of being given an assurance that his wife and himself would be safe from any prosecution. This was a way out of the difficulty which the Lord Advocate, after consideration, was glad to accept, as the only one possible; and the *Evening Courant* of the 29th November was able to announce to the public that one of the parties implicated in the West Port murder had given such information as would lead to the apprehension of three or four other individuals. This, of course, was scarcely correct; but the *Observer* put it right by stating that Hare had agreed to turn King's evidence. In its issue of the 6th December the *Courant* stated that Burke and M'Dougal—"his wife" she is called—had been committed for trial for the murder of Mrs. Campbell or Docherty, Daft Jamie, and Mary Paterson. "The manner in which the murders were committed," says this enterprising journal, "has been described to us, and some statements have also been communicated as to other individuals supposed to have shared a similar

fate ; but as the whole will probably be laid before the public in the course of the trials that will take place, we decline, for the present, to publish further particulars."

On the 8th of December—two days later—a citation was served on Burke and M'Dougal, "charging them to appear before the High Court of Justiciary, to be held at Edinburgh, on Wednesday, the 24th of December, at ten o'clock forenoon, to underlie the law for the crime of murder." As the form and matter of the indictment are interesting in themselves, and as they gave rise to a long and important discussion at the trial, it is proper that it should be quoted :—

" WILLIAM BURKE and HELEN M'DOUGAL, both present prisoners in the tolbooth of Edinburgh, you are both and each of you indicted and accused at the instance of Sir William Rae of St. Catherine's, Baronet, his Majesty's Advocate for his Majesty's interest : that *albeit* by the laws of this and of every other well-governed realm, MURDER is a crime of an heinous nature, and severely punishable, *yet true it is and of verity* that you the said William Burke and Helen M'Dougal are both and each, or one or other of you, guilty of the said crime, actors or actor, or art and part : *In so far as*, on one or other of the days between the 7th and the 16th days of April, 1828, or on one or other of the days of that month, or of March immediately preceding, or of May immediately following, within the house in Gibb's Close, Canongate, Edinburgh, then and now or lately in the occupation of Constantine Burke, then and now or lately scavenger in the employment of the Edinburgh Police Establishment, you the said William Burke did wickedly and feloniously place or lay your body or person, or part thereof, over or upon the breast, or person, and face of Mary Paterson or Mitchell, then, or recently before that time, or formerly, residing with Isabella Burnet or Worthington, then and now or lately residing in Leith Street, in or near Edinburgh, when she, the said Mary Paterson or Mitchell was lying in the said house in a state of intoxication, and did, by the pressure thereof, and by covering her mouth and nose with your body or person, and forcibly compressing her throat with your hands, and forcibly keeping her down, notwithstanding her resistance, or in some other way to the prosecutor unknown, preventing her from breathing, suffocate or strangle her ; and the said Mary Paterson or Mitchell was thus by the said means, or part thereof, or by some other means or violence, the particulars of which are to the prosecutor unknown, wickedly bereaved of life, and murdered by you the said William Burke ; and this you did with the wicked aforethought intent of disposing of, or selling the body of the said Mary Paterson or Mitchell, when so murdered, to a physician or surgeon, or some person in the employment of a physician or surgeon, as a subject for dissection, or with some other wicked and felonious intent or purpose

to the prosecutor unknown. (2.) FURTHER, on one or other of the days between the 5th and 26th days of October 1828, or on one or other of the days of that month, or of September immediately preceding, or of November immediately following, within the house situated in Tanner's Close, Portsburgh, or Wester Portsburgh, in or near Edinburgh, then or now or lately in the occupation of William Haire or Hare, then or now or lately labourer, you the said William Burke did wickedly and feloniously attack and assault James Wilson, commonly called or known by the name of Daft Jamie, then or lately residing in the house of James Downie, then and now or lately residing in Stevenlaw's Close, High Street, Edinburgh, and did leap or throw yourself upon him, when the said James Wilson was lying in the said house, and he having sprung up you did struggle with him and did bring him to the ground, and you did place or lay your body or person or part thereof, over or upon the person or body and face of the said James Wilson, and did, by the pressure thereof, and by covering his mouth and nose with your person or body, and forcibly keeping him down, and compressing his mouth, nose, and throat, notwithstanding every resistance on his part, and thereby, or in some other manner to the prosecutor unknown, preventing him from breathing, suffocate or strangle him; and the said James Wilson was thus, by the said means, or part thereof, or by some other means or violence, the particulars of which are to the prosecutor unknown, wickedly bereaved of life and murdered by you the said William Burke; and this you did with the wicked aforethought intent—[the intent specified in the same language as under the first minor charge]. (3.) FURTHER, on Friday the 31st day of October, 1828, or on one or other of the days of that month, or of September immediately preceding, or of November immediately following, within the house then or lately occupied by you the said William Burke, situated in that street of Portsburgh or Wester Portsburgh, in or near Edinburgh, which runs from the Grassmarket of Edinburgh to Main Point, in or near Edinburgh, and on the north side of the said street, and having an access thereto by a trance or passage entering from the street last above libelled, and having also an entrance from a court or back court on the north thereof, the name of which is to the prosecutor unknown, you the said William Burke and Helen M'Dougal did, both and each, or one or other of you, wickedly and feloniously place or lay your bodies or persons, or part thereof, or the body or person, or part thereof, of one or other of you, over or upon the person or body and face of Madgy or Margery, or Mary M'Gonegal or Duffie, or Campbell, or Docherty, then or lately residing in the house of Roderick Stewart or Steuart, then and now or lately labourer, and then and now or lately residing in the Pleasance, in or near Edinburgh, when she the said Madgy or Margery, or Mary M'Gonegal or Duffie, or Campbell, or Docherty, was lying on the ground, and did, by the pressure thereof, and by covering her mouth and the rest of her face with your bodies or persons, or the body or person of one or other of you, and by grasping her by the throat, and keeping her mouth and nostrils shut with your hands, and

thereby, in some other way to the prosecutor unknown, preventing her from breathing, suffocate or strangle her ; and the said Madgy or Margery, or Mary M'Gonegal or Duffie, or Campbell, or Docherty, was thus by the said means, or part thereof, or by some other means or violence, the particulars of which are to the prosecutor unknown, wickedly bereaved of life, and murdered by you the said William Burke and you the said Helen M'Dougal, or one or other of you, and this you both and each, or one or other of you, did with the wicked aforethought intent—[the intent specified in the same language as under the first and second minor charges]. And you the said William Burke, having been taken before George Tait, Esq., sheriff-substitute of the shire of Edinburgh, you did, in his presence, emit and subscribe five several declarations, of the dates respectively following, viz. :—the 3rd, 10th, 19th, and 29th days of November, and 4th day of December, 1828 ; and you the said Helen M'Dougal having been taken before the said sheriff-substitute, you did, in his presence, at Edinburgh, emit two several declarations, one upon the 3rd, and another upon the 10th days of November, 1828 ; which declarations were each of them respectively subscribed in your presence by the said sheriff-substitute, you having declared you could not write : which declarations having to be used in evidence against each of you by whom the same were respectively emitted ; as also the skirt of a gown, as also a petticoat, as also a snuff-box, and a snuff-spoon ; a black coat, a black waistcoat, a pair of moleskin trowsers, and a cotton handkerchief or neckcloth, to all of which sealed labels are now attached, being to be used in evidence against you the said William Burke ; as also a coarse linen sheet, a coarse pillow-case, a dark printed cotton gown, a red striped bed-gown, to which a sealed label is now attached ; as also a wooden box ; as also a plan entitled ' Plan of Houses in Wester Portsburgh and places adjacent,' and bearing to be dated ' Edinburgh, 20th November 1828,' and to be signed by James Braidwood, 22, Society ; being all to be used in evidence against both and each of you the said William Burke and Helen M'Dougal, at your trial, will, for that purpose, be in due time lodged in the hands of the Clerk of the High Court of Justiciary, before which you are to be tried, that you may have an opportunity of seeing the same ; *all which*, or part thereof, being found proven by the verdict of an assize, or admitted by the respective judicial confessions of the said William Burke and Helen M'Dougal, before the Lord Justice-General, Lord Justice-Clerk, and Lords Commissioners of Justiciary—you, the said William Burke and Helen M'Dougal *ought* to be punished with the pains of law, to deter others from committing the like crimes in all time coming."

The list of witnesses attached to this very formidable document showed the names of fifty-five persons ; and there was, also, a list of forty-five persons called for the jury from the city of Edinburgh, town of Leith, and counties of Edinburgh, Linlithgow and Haddington.

## CHAPTER XX.

*Public Anticipation of the Trial—Appearance of Burke and M'Dougal in the Dock—Opening of the Court—The Debate on the Relevancy of the Indictment.*

As the day fixed for the trial drew near, the public excitement became more and more intense. The feeling against the culprits was very strong, and while the statement that Hare and his wife were to be accepted as informers was received with a notion of displeasure, it was thought that the revelations they would make would fully compensate for the loss to justice by their escape from punishment. This displeasure was not as yet very definite, for the people were unaware of the real facts of the case, and had only a very hazy and general idea of what was likely to be brought out in court. The public feeling, however, ran so high that the authorities deemed it necessary to take every precaution to prevent a disturbance, and on the evening before the trial the High Constables of Edinburgh were ordered to muster; the police were reinforced by upwards of three hundred men; and the infantry in the Castle and the cavalry at Piershill were held in readiness for any emergency. The trial and its possible outcome was all the talk, and the revelations about to be made were eagerly anticipated.

Early on the morning of Wednesday the 24th December, Burke and M'Dougal were conveyed from the Calton Hill Jail, where they had been confined, and were placed in the cells beneath the High Court of Justiciary in Parliament Square until the time for the hearing of the case should come. The inhabitants of the city were also early afoot, and crowded to the square anxious to gain admittance to the court-room. "No trial," said the *Edinburgh Evening Courant* of the following day, "that has taken place for a number of years past has excited such an unusual and intense interest; all the doors and passages to the court were accordingly besieged at an early hour, even before daylight; and it was with the utmost difficulty, and by the utmost exertions of a large body of

police, that admission could be procured for those who were connected with the proceedings. At nine o'clock the courtroom was completely filled by members of the faculty and by the jury. Lord Macdonald and another noble lord were seated on the bench." At twenty minutes to ten o'clock the prisoners were placed in the dock, and this is the description of them given by the *Courant*:—"Burke is of a short and rather stout figure, and was dressed in a shabby blue surtout. There is nothing in his physiognomy, except perhaps the dark lowering of the brow, to indicate any peculiar harshness or cruelty of disposition. His features appeared to be firm and determined; yet in his haggard and wandering eye, there was at times a deep expression of trouble, as he unconsciously surveyed the preparations which were going forward. The female prisoner appeared to be more disturbed; every now and then her breast heaved with a deep-drawn sigh, and her looks were desponding. She was dressed in a dark gown, checked apron, cotton shawl, and a much worn brown silk bonnet." The audience eagerly scanned the features of the prisoners, and watched their every movement, during the half-hour that elapsed between their being placed in the dock and the judges ascending the bench. At ten minutes past ten o'clock their lordships took their seats. These were—the Right Hon. David Boyle, Lord Justice-Clerk; and Lords Pitmelly, Meadowbank, and MacKenzie. The Crown was represented by Sir William Rae, Bart., Lord Advocate; and Messrs. Archibald Alison, Robert Dundas, and Alexander Wood, Advocates-depute; with Mr. James Tytler, W.S., agent; while the counsel for Burke were the Dean of Faculty, and Messrs. Patrick Robertson, Duncan M'Neill, and David Milne; and for M'Dougal, Messrs. Henry Cockburn, Mark Napier, Hugh Bruce, and George Paton, with Mr. James Beveridge, W.S., one of the agents for the poor. There were thus the best men of the Scottish bar engaged in the trial. The defence, of course, had been undertaken gratuitously by these eminent counsel, but the sequel showed that it suffered nothing at their hands on that account.

The court was fenced in the usual form, and the Lord Justice-Clerk, as the presiding judge, called upon the prisoners



to pay attention to the indictment to be read against them. Mr. Robertson, however, interposed by stating that there was an objection to the relevancy of the libel, and he submitted it was proper to make such an objection at this stage of the proceedings. The Lord Justice-Clerk did not see that this was the proper time, but Mr. Cockburn urged that the reading of the document would prejudice the prisoners in respect of certain particulars which he was certain the court would ultimately find were no legal part of the libel. On Lord Meadowbank hinting that an objection at that stage was interfering with the discretion of the court, Mr. Robertson intimated he would not press the matter further, and the indictment was accordingly read.

When this was done, the following special defences were submitted to the court:—For Burke—“The pannel pleads that he is not bound to plead to, or to be tried upon, a libel which not only charges him with three unconnected murders, committed each at a different time, and at a different place, but also combines his trial with that of another pannel, who is not even alleged to have had any concern with two of the offences with which he is accused. Such an accumulation of offences and pannels is contrary to the general and better practice of the court; it is inconsistent with the right principle; and, indeed, so far as the pannel can discover, is altogether unprecedented; it is totally unnecessary for the ends of public justice, and greatly distracts and prejudices the accused in their defence. It is therefore submitted, that the libel is completely vitiated by this accumulation, and cannot be maintained as containing a proper criminal charge. On the merits of the case, the pannel has only to state, that he is not guilty, and that he rests his defence on a denial of the facts set forth in the libel.” For M'Dougal the defence was—“If it shall be decided that the prisoner is obliged to answer to this indictment at all, her answer to it is, that she is not guilty, and that the Prosecutor cannot prove the facts on which his charge rests. But she humbly submits that she is not bound to plead to it. She is accused of one murder committed in October 1828, in a house in Portsburgh, and of no other offence. Yet she is placed in an indictment along with a different person,

who is accused of other two murders, each of them committed at a different time, and at a different place,—it not being alleged that she had any connection with either of these crimes. This accumulation of pannels and of offences is not necessary for public justice, and exposes the accused to intolerable prejudice, and is not warranted, so far as can be ascertained, even by a single precedent.”

Mr. Robertson then went into a long and learned argument in support of these defences. He submitted that both prisoners were prejudiced by being charged together in the same indictment, for they were both put off their guard as to the evidence and productions to be brought against them, and he further pointed out that in respect of the choice of a jury the accused were deprived of advantages given them by the law. If the charges had been separated they would have been able to make a more complete defence, and they would have had twenty challenges at the calling of the jury; but as it was, by the accumulation of pannels and offences, their defence was hampered and their number of challenges limited. He quoted in his favour both Scotch and English authorities—apologising, however, for bringing forward the latter—and in concluding said—“When your lordships look, then, at this case, in all the aspects I have set before you—when you see that there are accumulated and combined charges against different prisoners—when you see the atrocious nature of these charges, the number of the witnesses, the declarations, and the number of the articles libelled—and when you see the humane and salutary principles of our law, and the practice of this court,—your lordships will not be inclined to form a precedent, which, in the *first* place, would be injurious to the law of the country; and, in the *next* place, would be injurious to the unhappy persons now brought to this bar.”

This speech caused a feeling of admiration in the court, for the advocate had put forward his arguments in a most able manner; but there was also something akin to dismay in the minds of many present lest the culprits should escape because of any flaw in the indictment.

The Lord Advocate had a difficult task before him, but he confidently rose up to reply to the arguments adduced from the

other side of the bar, and attacked them in a most spirited manner. He thought he could completely defend his method of bringing the prisoners to trial, and show that it was not only sanctioned by the law of the country, but also by numerous precedents, even by those quoted by his learned friend. But his object in placing the female prisoner in this indictment was that she might derive benefit rather than prejudice. Had he tried the man first, and afterwards the woman, adducing against her the same, or nearly the same, evidence brought against Burke, she would have had good reason to complain of prejudice. However, since the objection had been raised he would not then proceed against her, but would do so ten days hence. "But if she should suffer prejudice," said he, "from the evidence in Burke's trial going abroad, let it be remembered it is not my fault. She and her counsel must look to that—it is their proceeding, not mine." Turning to the objections in Burke's case, he said:—"As to the second objection, whether or not I am entitled now to go to proof on the three charges here exhibited, or shall proceed *seriatim*, I am aware that this is matter of discretion with the court. In so far, however, as depends upon me, I declare that I will not consent to this being dealt with in the last of these modes. No motive will induce me, for one moment, to listen to any attempt to smother this case; to tie me down to try one single charge, instead of all the three. If I had confined myself to one of those charges; if I had served the prisoner with three indictments, and put the pannel to the hardship of appearing three times at that bar, I would have done one of the severest acts that the annals of this court can show. I am told that the mind of the public is excited; if so, are they not entitled to know, from the first to the last of this case; and is it not my duty to go through the whole of these charges? I would be condemned by the country if I did not, and what to me is worse, I should deserve it." His lordship then went over the authorities cited by Mr. Robertson, and contended that they all bore against the arguments brought forward by the counsel for the defence.

Replying for the defence, the Dean of Faculty very learnedly examined the authorities quoted, with the object of showing

that the action of the public prosecutor, in framing the libel as he had done, was illegal, and without precedent.

The pleadings finished, Lord Pitmilley delivered the leading judgment. He reviewed the arguments urged from both sides of the bar, and signified his approval of the course the Lord Advocate intimated he would take with M'Dougal. As for Burke, he had stated through his counsel that he would suffer prejudice by going to trial on an indictment which charged him with three acts of murder, unconnected with each other, and his lordship therefore thought the prisoner should be tried for each of the acts separately. Lords Meadowbank and Mackenzie, and the Lord Justice Clerk, concurred in the opinion given expression to by Lord Pitmilley, and supported it by elaborate reasonings.

The Lord Advocate, thus tied down, intimated that he would proceed with the third charge libelled—the murder of Docherty—and that he would also proceed against M'Dougal as well as Burke, for she could suffer no prejudice in being brought to trial for this single act, on which she was charged as act and part guilty along with Burke. This decision rather surprised the Dean of Faculty, who thought the diet against the woman had been deserted *pro loco et tempore*, but the prosecutor claimed to proceed as he had indicated. Their lordships then pronounced an interlocutor of relevancy:—"Find the indictment relevant to infer the pains of law; but are of opinion, that in the circumstances of this case, and in consequence of the motion of the pannel's counsel, the charges ought to be separately proceeded in: and that the Lord Advocate is entitled to select which charge shall be first brought to trial, and His Majesty's Advocate having thereupon stated that he means to proceed at present with the third charge in the indictment against both pannels—therefore remit the pannels with that charge, as found relevant, to the knowledge of an assize, and allow the pannels, and each of them, a proof in exculpation and alleviation," &c.

The prisoners were then asked to plead to the indictment as amended, and they both offered the plea of "Not Guilty." A jury was empanelled—fifteen men, as required by the law of Scotland. The preliminary objections were thus got over,

and the trial could be proceeded with; but the result of the discussion was that the public were deprived of the satisfaction of knowing in an authoritative manner the mystery connected with the deaths of Mary Paterson and Daft Jamie.

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## CHAPTER XXI.

*The Trial of Burke and M'Dougal—Circumstantial Evidence—Hare's Account of the Murder of Docherty—What he Declined to Answer—Mrs. Hare and her Child.*

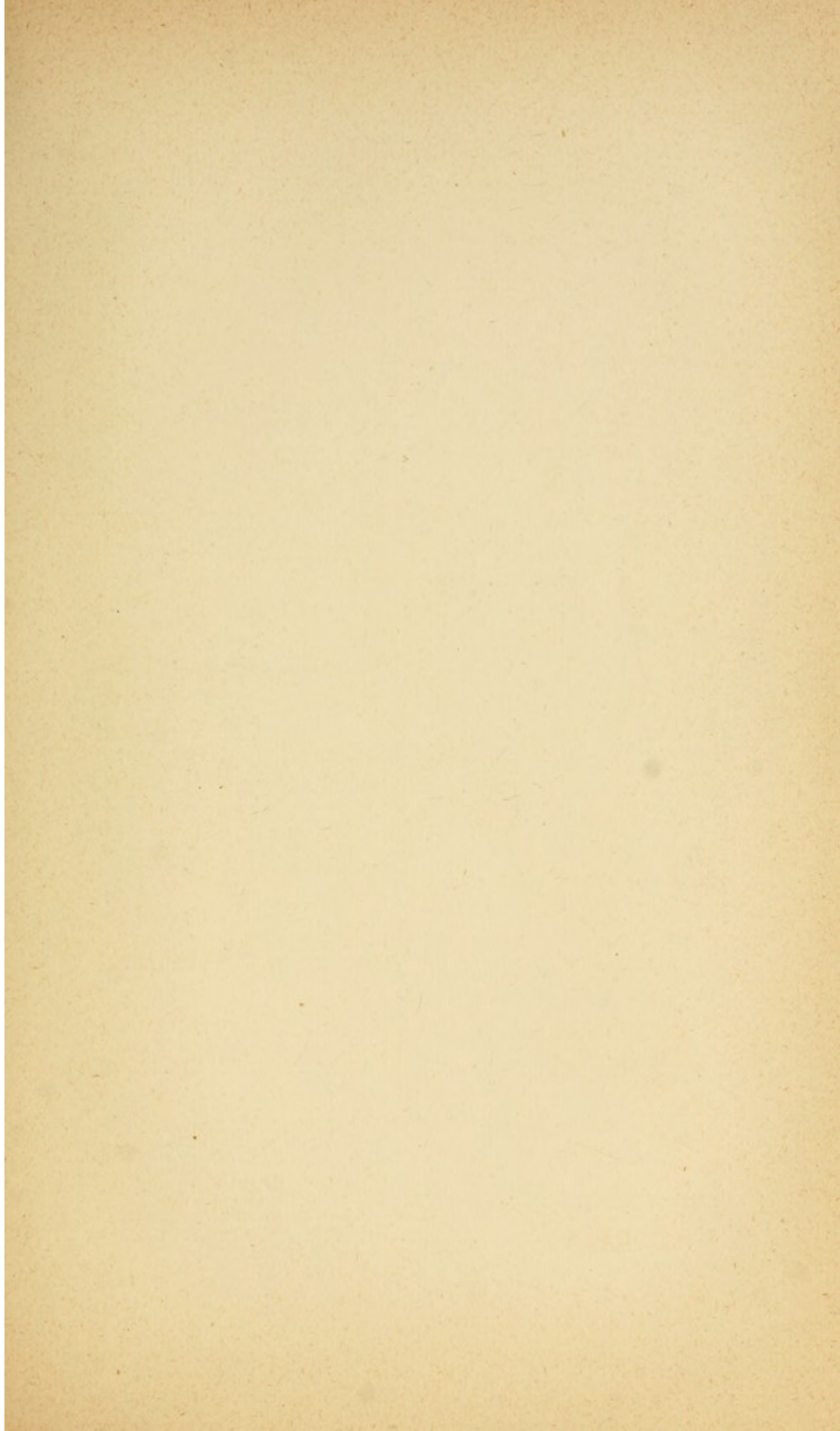
THE first witness called for the Crown was James Braidwood, a builder, and master of the Edinburgh fire brigade, who attested the correctness of the plan of the houses in Wester Portsburgh prepared for use in the trial, and which has been reproduced in this volume. He was followed by Mary Stewart, in whose house, in the Pleasance, Mrs. Docherty's son resided, and in which that unfortunate woman had slept the night before the murder. She remembered the circumstances well. The old woman was in good health when she last saw her in life, but she had no difficulty in recognising the body in the Police Office on the Sunday following. Further, she identified the clothing found in Burke's house, and produced in court, as having belonged to the deceased. Charles M'Lachlan, a lodger, corroborated this testimony. The shop-boy of Rymer, the grocer in the West Port, in whose premises Burke met Docherty, described what took place between them on the memorable Friday morning, and also mentioned the purchase by Burke on the Saturday of a tea-chest similar to the one in which the body had been conveyed to Knox's rooms. But the relationship between the prisoners and Docherty was brought out by a neighbour, Mrs. Connaway, who related that she had seen the old woman in their house during the day, and that it had been explained to her by M'Dougal that the stranger was a friend

of Burke. Later in the evening the old woman was in her house, when they were joined by Hare and his wife and the two prisoners. A dram was going round, and they began to be merry, until at last some of them took to dancing. In the course of this Docherty hurt her feet. The company afterwards returned to Burke's house, and Mrs. Connaway went to bed, but heard no noise or disturbance during the night. Next day she went in to see M'Dougal, and, missing the stranger, she asked what had become of her, when she was told that "Burke and her had been *over* friendly together, and she [M'Dougal] had turned her out of doors: that she had kicked her out of the house." The evidence of Mrs. Law, another neighbour, was similar in effect, with the addition that in the course of the night she had heard the noise of "shuffling or fighting" proceed from the house of the prisoners. More to the point, however, was the testimony of Hugh Alston, a grocer, residing in the same property. Between eleven and twelve o'clock on the night of Friday, the 31st October, while going along the passage that led from his house to the street, he heard a noise proceeding from Burke's house. The sound was as if two men were quarrelling, but what most attracted his attention was a woman's voice calling "murder." He went towards the door and listened, and he heard the two men making a great noise as if wrangling or quarreling. This continued for a few minutes, and then he heard something give a cry—a sound which seemed to proceed from a person or animal being strangled. After this remarkable sound had ceased he again heard a female voice cry "murder," and there was a knocking on the floor of the house. As he was afraid of fire, Alston went to look for a policeman. Not finding one he returned to his old stance, but the noise by this time had ceased. When he heard next night of the body having been found in the house the whole incident of the previous evening came back to him.

Interesting as all this evidence was, the testimony of David Paterson, "keeper of the museum belonging to Dr. Knox," as bearing on what was termed "the complicity of the doctors," attracted more attention. This witness gave an account of

how, about midnight, Burke called on him and took him to his house in Portsburgh, to point out that he had a subject for him. He identified Burke, M'Dougal, and Hare and his wife as being in the house while he was there, and he further stated that he had seen them the night after, when he paid the two men an instalment of the price of the body. He was examined at some length as to the appearance of the body when he gave it up to the police, and said the marks and the look of the face indicated that death had been caused by suffocation or strangulation, while the general appearance showed that the corpse had never been interred. He knew Burke and Hare, and had often had dealings with them for bodies. There were, he knew, people in the town who sold bodies that had never been interred; and he had known gentlemen who had attended poor patients, and who, on their death, gave a note of their place of abode, and this in turn was handed to men such as he supposed Burke and Hare to be, to get the bodies. This was startling information to the bulk of the people of Scotland, but, as has been shown in some of the early chapters of this work, it was nothing new to a certain class of the population of Edinburgh and other towns. The succeeding witnesses were Broggan, Mr. and Mrs. Gray, and Fisher the detective, but as their evidence has been embodied in the account of the murder itself, it need not be repeated here.

William Hare was next brought forward, and his appearance caused quite a sensation in court. It was known that on his evidence and that of his wife the case for the Crown principally rested, and "expectation stood on tiptoe" to hear the account he would give of the foul transaction in which he was a prominent actor. His position as an informer was peculiar, and Lord Meadowbank cautioned him "that whatever share you may have had in the transaction, if you now speak the truth, you can never afterwards be questioned in a court of justice," but if he should prevaricate he might be assured that the result would be condign punishment. The Lord Justice Clerk further informed him that he was called as a witness regarding the death of Docherty, and in reply to this he asked—"T'ould woman, sir?" He was then put on oath, being sworn on a New







Testament having on it a representation of the cross, a mode only adopted in Scotland when the witness belongs to the Roman Catholic Church. In answer to the Lord Advocate he said he had known Burke for about a year. On the 31st October he had a gill with Burke, and the latter then told him that in his house there was an old woman whom he had taken off the street, and who would be a good *shot* to take to the doctors. From this word *shot* he understood that Burke intended murdering her. His evidence of the events up to the time of the quarrel about eleven o'clock was quite consistent with all that has already been related, but his account of the actual murder is worthy of reproduction. Having described the fight, during which the woman tumbled over the stool, he said, in answer to the Lord Advocate :—

He [Burke] stood on the floor;—he then got stride-legs on the top of the woman on the floor, and she cried out a little, and he kept in her breath.

Did he lay himself down upon her? Yes; he pressed down her head with his breast.

She gave a kind of a cry, did she? Yes.

Did she give that more than once? She moaned a little after the first cry.

How did he apply his hand towards her? He put one hand under the nose, and the other under her chin, under her mouth.

He stopped her breath, do you mean? Yes.

Did he continue this for any length of time? I could not exactly say the time; ten or fifteen minutes.

Did he say anything to you when this was going on? No, he said nothing.

Did he then come off her? Yes; he got up off her.

Did she appear dead then? Yes; she appeared dead *a wee*.

Did she appear to be quite dead? She was not moving; I could not say whether she was dead or not.

What did he do then? He put his hand across her mouth.

Did he keep it there for any length of time? He kept it two or three minutes.

What were you doing all this time? I was sitting on the chair.

What did he do with the body? He stripped off the clothes,

He took it and threw it at the foot of the bed, doubled her up, and threw a sheet over her; he tied her head to her feet.

While this was going on, Hare continued, the two women had run into the passage, and they did not return until all was over. He then detailed the proceedings of the Saturday, as already described.

Hare's cross-examination, however, gave rise to an animated discussion. Mr. Cockburn, senior counsel for M'Dougal, asked him—"Have you been connected in supplying the doctors with subjects upon other occasions than those you have not spoken to yet?" The answer was—"No,—than what I have mentioned"; but the Lord Advocate objected to this line of examination. Mr. Cockburn appealed to the bench, and the witness was withdrawn while the question was being discussed. He insisted he was within his right in putting such a question, though the witness might answer it or not as he chose, but it would be for the jury to judge of the credit due to his evidence after it was seen how he treated the question. The Lord Advocate, on the other hand, contended that the caution given the witness when he entered the box precluded examination on any subject other than what was involved in the case they were trying. Authorities were again cited by both sides, and after considerable discussion, the judges pronounced an interlocutor declaring that the question might be put, but that the witness must be warned by the court that he was not bound to answer any question that might criminate himself.

Hare was recalled, and Mr. Cockburn resumed his cross-examination.

"Were you," said the counsel, "ever concerned in carrying any other body to any surgeon?"

"I never was concerned about any but the one that I have mentioned," replied Hare.

"Now, were you concerned in furnishing that one?" asked Mr. Cockburn.

"No," responded the witness, "but I saw them doing it."

"It is now my duty," interposed the Lord Justice Clerk, addressing Hare, "to state to you, in reference to a question in writing, to be put to you, that you are not bound to make any answer to it so as to criminate yourself. If you do answer

it, and if you criminate yourself, you are not under the protection of the court. If you have been concerned in raising dead bodies, it is illegal; and you are not bound to answer that question."

"Now, Hare," said Mr. Cockburn, after he had repeated the judge's warning, "you told me a little ago that you had been concerned in furnishing one subject to the doctors, and you had seen them doing it—how often have you seen them doing it?"

The witness thought a moment, and then declined to answer the question.

"Was this of the old woman the first murder that you had been concerned in? Do you choose to answer or not?"

"Not to answer," replied Hare, after a minute's consideration.

"Was there murder committed in your house in the last October?" persisted Mr. Cockburn.

"Not to answer that," was all the reply Hare would give.

The rest of the cross-examination was confined chiefly to the murder of Docherty, but Hare's original evidence was in no way shaken by it, and he was removed from court still in custody.

If Hare's appearance created interest in court, that of his wife caused quite as much. She was ushered into the witness-box carrying her infant child in her arms. The poor creature was suffering from whooping-cough, and every now and then its "kinks" interrupted the examination, sometimes very opportunely, when the questions put required a little consideration on the part of the witness. Mrs. Hare's evidence contained only one point calling for special notice. That was when, after relating how she ran out of the house when she saw Burke get upon Docherty, and returned to the house and did not see the woman, she was asked—"Seeing nothing of her, what did you suppose?" Her answer was—"I had a supposition that she had been murdered. *I have seen such tricks before.*" This hint was not followed up. But the remarkable fact about her whole testimony was that it corroborated, with exception of one or two points, that of her husband. There can be no doubt that they had conned their story together

before they were apprehended—for it was not likely they would have an opportunity of making it up while they were in custody. Be that as it may, their evidence was wonderfully alike.

The evidence of the police surgeon and of the medical men who made an examination of the body, was next taken up, and it all tended to show that death had been caused by suffocation or strangulation, the result of violence and not of intoxication. The reading of the prisoners' declarations concluded the case for the prosecution, and no evidence was brought forward for the defence.

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## CHAPTER XXII.

*The Trial—Speeches of Counsel—Mr. Cockburn's Opinion of Hare—The Verdict of the Jury.*

WITHOUT any delay, on the reading of the declarations, the Lord Advocate at once commenced his address to the jury, and the public feeling is fully reflected in the following remarks made by him at the outset:—"This is one of the most extraordinary and novel subjects of trial that has ever been brought before this or any other court, and has created in the public mind the greatest anxiety and alarm. I am not surprised at this excitement, because the offences charged are of so atrocious a description, that human nature shudders and revolts at it; and the belief that such crimes as are here charged have been committed among us, even in a single instance, is calculated to produce terror and dismay. This excitement naturally arises from the detestation of the assassins' deeds, and from veneration of the ashes of the dead. But I am bound to say, that whatever may have occasioned this general excitement, or raised it to the degree which exists, it has not originated in any improper disclosures, on the part of those

official persons, who have been entrusted with the investigations connected with these crimes; for there never was a case in which the public officers to whom such inquiries are confided, displayed greater secrecy, circumspection, and ability. It is my duty to endeavour to remove that alarm which prevails out of doors, and to afford all the protection which the law can give to the community against the perpetration of such crimes, by bringing the parties implicated to trial; and I trust it will tend to tranquilize the public mind, when I declare I am determined to do so. I cannot allow any collateral considerations, connected with the promotion of science, to influence me in this course; and I am fully determined that everything in my power shall be done to bring to light and punishment those deeds of darkness which have so deeply affected the public mind." Having reviewed the evidence in the case, his lordship turned to the question of the admissibility and reliability of the testimony given by Hare. He pointed out that it would have been impossible to make out a case against the accused without the assistance of some of the individuals connected with the crimes; and argued that an acquittal, after a trial on the evidence brought before the magisterial inquiry, would probably have sent the accused parties back to their former practices, whatever they were, with increased encouragement and confidence. The public would have remained entirely ignorant of the extent to which such crimes had been carried by these persons; whether these four individuals comprehended the whole gang, or if there were others connected with them, or whether similar gangs did not exist in other places. Such a state of ignorance appeared to him altogether inconsistent with the security of the public; and he considered a knowledge of these matters indispensable, and as being of infinitely more public importance than any punishment which could be inflicted on the offenders. He did not think that such information was too dearly purchased by admitting some of these individuals to give evidence, and he was persuaded the country, when this matter came to be calmly considered, would support him in the propriety of the choice he had made. He admitted that by availing himself of such information he

necessarily excluded the possibility of bringing these witnesses to trial for any offence in which they had so acknowledged a participation. This, in the then state of excited feeling, might be regarded as unjust, but on that account the exercise of sound judgment was all the more required of him. The testimony given by these witnesses, his lordship contended, was thoroughly credible. Hare especially appeared to speak the truth; but he also pointed out that there was independent evidence which corroborated in part the statements made by these persons. He concluded his task by demanding at the hands of the jury, "in name of the country, a verdict of guilty against both these prisoners at the bar." The speech for the Crown was listened to with intense interest, and no wonder, for in addition to the importance of the issues at stake, it was acknowledged to be one of the best and most eloquent ever delivered by Sir William Rae.

The speech by the Dean of Faculty was more laboured and less spontaneous than that of the Lord Advocate. He felt himself beset with difficulties, especially the prejudice against his client, Burke, which was raised by the motive alleged in the indictment. "The motive for committing the offence which is here ascribed to the prisoner," he said, "involves in it a peculiar practice or employment which may be in itself a crime, though it is not necessarily criminal; but whether it implies public criminality or not, it involves in it a purpose which is revolting to the feelings of the generality of mankind, and calculated, almost above every other thing, to produce a prejudice in the minds of those who come to consider the case itself. For need I say that, when it is imputed to the prisoner that his object was to procure what they are pleased to call subjects for dissection, the very statement of such an occupation, stamps a degree of infamy on the individual engaged in it, and you are apt to set it down in the very commencement of the inquiry, that he is a person capable of any turpitude, and to imagine that to prove him guilty of any crime, however enormous, requires less evidence than that which you would consider indispensable to the conviction of any other person." He implored the jury to cast any such prejudice aside, and to consider the case solely upon the merits of

the evidence adduced. This he proceeded to analyse, making, as a matter of course, the most of the discrepancies and inconsistencies, and he sought to impress upon the jury that the whole of the case for the prosecution depended on the evidence of *socii criminis*—the alleged accomplices in the deed charged. He asked them if they could put the smallest faith in the testimony of Hare and his wife, who had nothing to restrain them from telling the most deliberate series of falsehoods for the purpose of fixing the guilt of the murder on the prisoners, and extricating themselves from the condition in which they stood. Hare, when asked if he had ever committed other murders, had declined to answer the question, yet this was the person who gave evidence before them, not with a paltry money motive, but with the tremendous motive of securing himself from an ignominious death. Let them change the position of parties, and suppose that Hare was at the bar, and Burke in the witness-box. He did not know what case they might get from Burke and M'Dougal, but nothing could hinder them, as witnesses, from making out as clear a case against Hare and his wife, totally transposing the facts, and exhibiting the transaction as altogether the reverse of what Hare said it was. "What," exclaimed the learned Dean, "if that ruffian who comes before you, according to his own account, with his hands steeped in the blood of his fellow creatures, breathing nothing but death and slaughter; what if that cold-blooded, acknowledged villain, should have determined to consummate his villany, by making the prisoners at the bar the last victims to his selfishness and cruelty? Do you think that he is incapable of it?"

Mr. Henry Cockburn, for M'Dougal, confined himself almost entirely to the credibility of Hare and his wife. "Hare," he said, "not only acknowledged his participation in this offence, but he admitted circumstances which aggravated even the guilt of murder. He confessed that he had sat coolly within two feet of the body of this wretched old woman while she was expiring under the slow and brutal suffering to which his associate was subjecting her. He sat there, according to his own account, about ten minutes, during which her dying agonies lasted, without raising a hand or a cry to save her,



We who only hear this told, shudder, and yet we are asked to believe the man who could sit by and see it. Nor was this the only scene of the kind in which they had been engaged. The woman acknowledged that she '*had seen other tricks of this kind before.*' The man was asked about his accession on other occasions, but at every question he availed himself of his privilege, and virtually confessed *by declining to answer.*" "The prosecutor," continued the learned counsel, "seemed to think that they gave their evidence in a credible manner, and that there was nothing in their appearance beyond what was to be expected in any great criminal, to impair the probability of their story. I entirely differ from this; and I am perfectly satisfied that so do you. A couple of such witnesses, in point of mere external manner and appearance, never did my eyes behold. Hare was a squalid wretch, in whom the habits of his disgusting trade, want, and profligacy, seem to have been long operating in order to produce a monster whose will as well as his poverty will consent to the perpetration of the direst crimes. The Lord Advocate's back was to the woman, else he would not have professed to have seen nothing revolting in her appearance. I never saw a face in which the lines of profligacy were more distinctly marked. Even the miserable child in her arms, instead of casting one ray of maternal softness into her countenance, seemed at every attack [of hooping-cough] to fire her with intense anger and impatience, till at length the infant was plainly used merely as an instrument of delaying or evading whatever question it was inconvenient for her to answer." Having dealt with the question of corroboration, Mr. Cockburn remarked:—"The simple and rational view for a jury to take is that these indispensable witnesses are deserving of *no* faith in any case; and that the idea is shocking of believing them, to the effect of convicting in a case that is capital. The prosecutor talks of their being sworn! What is perjury to a murderer! The breaking of an oath to him who has broken into the '*bloody house of life!*'" In concluding, he called for a verdict of not proven:—"Let the public rage as it pleases. It is the privilege and the glory of juries always to hold the balance the more steadily, the more that the storm of

prejudice is up. The time will come when these prejudices will die away."

The Lord Justice-Clerk then summed up, carefully going over the evidence to the jury, and emphasising those points which he thought deserving of their attention.

The jury retired to consider their verdict at half-past eight o'clock on the morning of Thursday, 25th December—Christmas day—the trial having continued from ten o'clock the previous forenoon. Burke seemed to consider a conviction certain not only in his own case but also in that of M'Dougal, for he is said to have given her directions how to conduct herself, and told her to observe how he behaved when sentence was being pronounced. After an absence of fifty minutes the jury returned to court, and the chancellor or foreman, Mr. John M'Fie, a Leith merchant, gave, *viva voce*, the following as the verdict:—

"The jury find the pannel, William Burke, guilty of the third charge in the indictment; and find the indictment not proven against the pannel, Helen M'Dougal."

The audience applauded the finding of the jury, and the news was quickly conveyed to the enormous crowd outside in Parliament Square, who cheered to the echo. Burke remained cool, and turning to his companion he remarked,—“Nellie, you're out of the scrape.” The Lord Justice-Clerk then thanked the jury for the unwearied pains and attention they had bestowed on the case, and said it must be satisfactory to them to know that in the opinion of the court their verdict appeared to be well founded. It was afterwards reported that the jury had considerable difficulty in coming to a decision, and that the verdict they gave in was something of the nature of a compromise. An old legal maxim has it that a wife acts under the constraint of her husband, and it was believed to be in view of this that the jury found the charge against M'Dougal not proven.

## CHAPTER XXIII.

*The Last Stage of the Trial—Burke Sentenced to Death—The Scene in Court—M'Dougal Discharged—Duration of the Trial.*

THE last stage of a long trial had now been reached. After the verdict against Burke there was only one course open to the judges, but still the attention of the audience was given most earnestly to the proceedings. Burke seemed callous, for he had felt certain of the doom that was about to be pronounced upon him. The Lord Advocate moved for the judgment of the court, and the Lord Justice-Clerk called upon Lord Meadowbank to propose the sentence.

Having briefly reviewed the facts of the case, as brought out in the evidence, Lord Meadowbank proceeded:—"Your lordships will, I believe, in vain search through both the real and the fabulous histories of crime for anything at all approaching this cold, hypocritical, calculating, and bloody murder. Be assured, however, that I do not state this either for exciting prejudices against the individual at the bar, or for harrowing up the feelings with which, I trust, he is now impressed. But really, when a system of such a nature is thus developed, and when the actors in this system are thus exhibited, it appears to me that your lordships are bound, for the sake of public justice, to express the feelings which you entertain of one of the most terrific and one of the most monstrous delineations of human depravity that has ever been brought under your consideration. Nor can your lordships forget the glowing observations which were made from the bar in one of the addresses on behalf of the prisoners, upon the causes, which, it is said, have in some measure led to the establishment of this atrocious system. These alone, in my humble opinion, seem to require that your lordships should state roundly that with such matters, and with matters of science, we, sitting in such places, and deciding on such questions as that before us, have nothing to do. It is our duty to administer the law as handed down to us by our ancestors,

and enacted by the legislature. But God forbid that it should ever be conceived that the claims of speculation, or the claims of science, should ever give countenance, to such awful atrocities as the present, or should lead your lordships, or the people of this country, to contemplate such crimes with apathy or indifference. With respect to the case before us, your lordships are aware that the only sentence we can pronounce is the sentence of death. The highest law has said—‘Thou shalt not kill,—thou shalt do no murder;’ and in like manner, the law of Scotland has declared, that the man guilty of deliberate and premeditated murder shall suffer death. The conscience of the prisoner must have told him, when he perpetrated this foul and deliberate murder, and alike violating the law of God, and the law of man, he thereby forfeited his life to the laws of his country. Now that detection has followed, therefore, the result cannot be by him unexpected; and I have therefore only further to suggest to your lordships, that the prisoner be detained in the tolbooth of Edinburgh, till the 28th day of January next, when he shall suffer death on a gibbet by the hands of the common executioner, and his body thereafter given for dissection.”

Lord Mackenzie concurred, saying that the punishment proposed by Lord Meadowbank was the only one that could be pronounced.

The Lord Justice-Clerk then assumed the black cap, and addressing Burke, who had risen from his seat to receive sentence, said:—“William Burke, you now stand convicted, by the verdict of a most respectable jury of your country, of the atrocious murder charged against you in this indictment, upon evidence which carried conviction to the mind of every man that heard it, in establishing your guilt in that offence. I agree so completely with my brother on my right hand, who has so fully and eloquently described the nature of your offence, that I will not occupy the time of the court in commenting any further than by saying that one of a blacker description, more atrocious in point of cool-blooded deliberation and systematic arrangement, and where the motives were so comparatively base, never was exhibited in the annals of this or of any other court of justice. I have no intention of

detaining this audience by repeating what has been so well expressed by my brother; my duty is of a different nature, for if ever it was clear beyond the possibility of a doubt that the sentence of a criminal court will be carried into execution in any case, yours is that one, and you may rest assured that you have now no other duty to perform on earth but to prepare in the most suitable manner to appear before the throne of Almighty God to answer for this crime, and for every other you have been guilty of during your life. The necessity of repressing offences of this most extraordinary and alarming description, precludes the possibility of your entertaining the slightest hope that there will be any alteration upon your sentence. In regard to your case, the only doubt which the court entertains of your offence, and which the violated laws of the country entertain respecting it, is whether your body should not be exhibited in chains, in order to deter others from the like crimes in time coming. But taking into consideration that the public eye would be offended by so dismal an exhibition, I am disposed to agree that your sentence shall be put into execution in the usual way, but unaccompanied by the statutory attendant of the punishment of the crime of murder—viz., that your body should be publicly dissected and anatomised, and I trust that if it ever is customary to preserve skeletons, yours will be preserved, in order that posterity may keep in remembrance your atrocious crimes. I would entreat you to betake yourself immediately to a thorough repentance, and to humble yourself in the sight of Almighty God. Call instantly to your aid the ministers of religion of whatever persuasion you are; avail yourself from this hour forward of their instructions, so that you may be brought in a suitable manner urgently to implore pardon from an offended God. I need not allude to any other case than that which has occupied your attention these many hours. You are conscious in your own mind whether the other charges which were exhibited against you yesterday were such as might be established against you or not. I refer to them merely for the purpose of again recommending you to devote the few days that you are on the earth, to imploring forgiveness from Almighty God."

The sentence was formally recorded in the books of the court, with the addition that the place of execution was specified as in the Lawnmarket of Edinburgh, and the body of the deceased was ordered to be delivered to Dr. Alexander Monro, Professor of Anatomy in the University of Edinburgh, to be by him publicly dissected and anatomised.

The Lord Justice-Clerk then turned to Helen M'Dougal and said:—"The jury have found the libel against you *not proven*; they have not pronounced you *not guilty* of the crime of murder charged against you in this indictment. You know whether you have been in the commission of this atrocious crime. I leave it to your own conscience to draw the proper conclusion. I hope and trust that you will betake yourself to a new line of life, diametrically opposite from that which you have led for a number of years." An interlocutor of dismissal was pronounced, and M'Dougal was free from the pains of the law, though she had still to fear the fury of an unappeased public.

The *Edinburgh Evening Courant* of Saturday, 27th December, thus described the appearance of the prisoners when the Lord Justice-Clerk addressed them:—"The scene was altogether awful and impressive. The prisoner stood up with unshaken firmness. Not a muscle of his features was discomposed during the solemn address of the Lord Justice-Clerk consigning him to his doom. The female prisoner was much agitated, and was drowned in tears during the whole course of the melancholy procedure."

The trial was thus concluded, the court having sat, with certain intervals for refreshment, from ten o'clock in the forenoon of Wednesday, the 24th of January, until nearly ten o'clock next morning. Burke, it has been seen, was cool and collected, his mind having been made up before the judicial proceedings began as to how they were likely to end. About four o'clock on Wednesday afternoon he asked one of the jailors near him when dinner would be provided, and on being informed that the court would not adjourn for that meal until about six o'clock, he begged to be given a biscuit or two, as he was afraid he would lose his appetite before the dinner hour. M'Dougal, however, was not so calm, and during the

whole course of the trial manifested an amount of anxiety as to her position not shown by her companion.

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## CHAPTER XXIV.

*The Interest in the Trial—Public Feeling as to the Result—Press Opinions—Attack on Dr. Knox's House.*

THE news of the result of the trial spread rapidly. All the Edinburgh newspapers gave lengthened reports of the proceedings—putting the “affairs of State” to a side for once—and in those cases where the usual publication day of a journal was on the Thursday, the day on which the trial closed, second editions containing the verdict and sentence were issued. The *Evening Courant* was at the pains to obtain statistics of the circulation of the newspapers. Between the Thursday morning and Saturday night it was calculated that not fewer than 8000 extra copies were sold, representing a money value of nearly £240. This was certainly surprising when the high price charged for the journals is taken into account, and is a testimony to the intense interest taken in the trial by the people at large.

The result of the trial was received with mingled feelings. The liveliest satisfaction was felt at the conviction of Burke; but the dismissal of M'Dougal, and the probable escape of Hare and his wife through having become informers, caused a great amount of discontent. The evidence given by the two principal witnesses showed that they were as much guilty of the offence as Burke himself, and an impression began to get abroad that Hare was after all the leading spirit in the conspiracy, and that he had, as the counsel for the defence had suggested, made Burke his last victim. This strong dislike, or rather detestation, to Hare did not, however, have a compensating effect by producing sympathy for Burke—the popular

mind was too deeply convinced of his guilt to think that he other than fully deserved the doom that had been pronounced upon him. And the peculiar feature of the matter was this, that while there was no need for the Lord Advocate proceeding further against Burke in respect of the first and second charges on the indictment, since he had been condemned on the third, the great mass of the people pronounced an unmistakable verdict of guilty against him for the murder of Daft Jamie; and the *Courant* shortly after the trial deepened the impression by stating that it was Burke himself who enticed the poor natural into his den, though there is every reason to believe that this was a mistake. The disappearance and cruel fate of that unfortunate lad had perhaps more to do with the "prejudice," as it was called at the trial, against the two prisoners and their accomplices than any other item in the case.

The *Caledonian Mercury* of Thursday, the 25th December, the day on which sentence was passed, had the following among other comments on the proceedings of the previous twenty-four hours:—

"No trial in the memory of any man now living has excited so deep, universal and (we may also add) appalling an interest as that of William Burke and his female associate. By the statements which have from time appeared in the newspapers, public feeling has been worked up to its highest pitch of excitement, and the case, in so far as the miserable pannels were concerned, prejudiced by the natural abhorrence which the account of a new and unparalleled crime is calculated to excite. . . . At the same time, it is not so much to the accounts published in the newspapers which merely embodied and gave greater currency to the statements circulating in Society, as to the extraordinary, nay, unparalleled circumstances of the case, that the strong excitement of the public mind must be ascribed. These are without any precedent in the records of our criminal practice, and, in fact, amount to the realization of a nursery tale. The recent deplorable increase of crime has made us familiar with several new atrocities: poisoning is now, it seems, rendered subsidiary to the commission of theft: stabbing, and attempts at assassination, are matters of almost everyday



occurrence; and murder has grown so familiar to us, that it has almost ceased to be viewed with that instinctive and inexpressible dread which the commission of the greatest crime against the laws of God and society used to excite. But the present is the first instance of murder alleged to have been perpetrated with aforethought purpose and intent of selling the murdered body as a subject of dissection to anatomists; it is a new species of assassination, or murder for hire; and as such, no less than from the general horror felt by the people of this country at the process, from ministering to which the reward was expected, it was certainly calculated to make a deep impression on the public mind, and to awaken feelings of strong and appalling interest in the time of the trial. Of the extent to which this had taken place, it was easy to judge from what was everywhere observable on Monday and Tuesday. The approaching trial formed the universal topic of conversation, and all sorts of speculations and conjectures were afloat as to the circumstances likely to be disclosed in the course of it, and the various results to which it would eventually lead. As the day drew near, the interest deepened; and it was easy to see that the common people shared strongly in the general excitement. The coming trial they expected to disclose something which they had often dreamed of or imagined, or heard recounted around an evening's fire, like a raw-head-and-bloody-bones story, but which they never, in their sober judgment, either feared or believed to be possible; and they looked forward to it with corresponding but indescribable emotions. In short, all classes participated more or less in a common feeling respecting the case of this unhappy man and his associate; all expected fearful disclosures; none, we are convinced, wished for anything but justice."

This was the expectation of the public, but it was, unfortunately, not altogether realised. True, the mystery attending the murder of Mrs. Docherty had been cleared up, but owing to the legal objections nothing had been said as to how Mary Paterson and Daft Jamie met their death. This had operated against a proper disclosure in more ways than one. The limitation of the indictment confined the informer's evidence, one-sided though it undoubtedly was, to one crime, and

prevented it being given in the case of the others; and, further, that limitation did away with the necessity of calling Dr. Knox and the other medical men whose names were on the list of witnesses, and who were supposed to be mixed up in the transaction. "Where are the Doctors?" was the question when the trial closed without any appearance of them; and it was repeated out of court with threatening emphasis. In the case which went to trial, and on which Burke was condemned, there was really no need for them. The body had been recovered and identified; there was no doubt as to the murder; the whole subject of inquiry was—By whom was it committed? Had the other charges in the indictment gone to the knowledge of an assize, the evidence of the doctors and their assistants would have been required, for they, and they only, could have spoken to the appearance and probable identity of subjects supplied to them about certain dates, and supposed to be the bodies of the unfortunate victims of the persons placed at the bar. Then, they would have been indispensable; as it was, they were not needed, with the result that public curiosity had only been whetted, not satisfied. And a circumstance that helped to make this feeling all the more intense was that the indictment, in so far as it related to the first two charges, seemed to have been framed on information supplied by Hare; while the fact that the Lord Advocate made them part of the libel, and intimated the production of certain articles belonging to the two victims, gave more than reasonable ground for the assumption that he was convinced he had a good case, otherwise he would not have sought to lay it before a jury. This fact, combined with the natural thirst for legal vengeance, gave the public hope that the officers for the Crown would be able to put Hare and his wife upon their trial for some crime other than any that were mentioned in the indictment, but in the same series, and that by this means the whole plot, with all relating to it, would be laid bare.

All these circumstances caused a strong feeling of discontent among every class of the community, but especially among the lower orders, who seemed to think their lives menaced by criminals of the stamp of Burke and Hare. Much excitement

consequently prevailed, but though disturbances were feared by the authorities, no serious breach of the public peace occurred until Sunday, 28th December. On that day a band of young men attacked Dr. Knox's house in Minto Street, and they were only driven off by a strong force of police after they had broken a great quantity of window-glass.

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## CHAPTER XXV.

*Burke's Behaviour in Prison—Liberation of M'Dougal, and the Consequent Riot—Visitors at Burke's House in the West Port—Burke's Idea of the Obligations of Dr. Knox—His Confessions.*

ALL through the trial Burke had seemed callous and indifferent, but when he was removed from the court-room to the lock-up he was considerably agitated. He threw himself on his knees on the floor of his cell and prayed to God, to whom he had long been a stranger, and to whose mercy the judge had so earnestly commended him. After this he appeared to be considerably relieved, and during the rest of the day he was comparatively cheerful. He spoke a good deal to the policeman who was beside him, and said he was pleased at the acquittal of M'Dougal. Without any hesitation he conversed freely about the murder of Docherty, who, he said, was not murdered by him in the way described by Hare. That individual was himself the murderer, though, he admitted, he had held the unfortunate woman's hands to prevent her from struggling. The policeman was a fair type of the public, as a question he put to Burke amply proved. He told Burke that he wondered above all things how he could imbrue his hands in the blood of Daft Jamie. That Burke was in a state of semi-delirium is shown by his answer—as he hoped to meet with mercy at the throne of grace, his hand was not concerned

in that murder; Hare and his wife were the sole perpetrators of it, though he had decoyed the poor simpleton into their house. That his mind was in a strange state he admitted by adding, that after he was more composed he would make disclosures that would implicate several others besides Hare and his wife in crimes similar to that for which he was condemned; and if he could make sure of the hanging of Hare, he would die happy. How did he feel when pursuing his horrible vocation? was the next query of the constable. In his waking moments he had no feeling, for he drank to deaden conscience, but when he slept he had frightful dreams. He also expressed a wish that one of his counsel should call on him that he might furnish him with notes of his life and adventures, as he desired his history to be published, whether for notoriety or as a warning to others, he did not say. In the course of that evening he read two chapters of the Bible, and afterwards retired to rest. His sleep, however, was not peaceful. He awoke in a frantic state every now and then; but after a short time he became more composed, and fell asleep again.

At two o'clock on Friday morning he was removed quietly in a coach to the Calton Hill Prison, and placed in the condemned cell. Here the frenzy under which he had been labouring since his condemnation took another turn. He threw aside the semi-religious feeling which seemed to sway his mind the day before, and turned fiercely to the jailor—for there was always one beside him, as, before his trial, he had threatened self-destruction—and said: "This is a d——d cold place you have brought me till." The thirst for vengeance against Hare was still strong in him. He sat thinking over their connection, and broke out every now and again into curses against his one-time associate. Hare, he declared, was more guilty than he was. "Hare," he said, "murdered the first woman. He persuaded me to join him, and now he has murdered me; and I will regret to the last hour of my existence that he did not share the same fate." An officer said to him, "I think I could never wish to see that man forgiven who could murder that poor, harmless, good-natured idiot, Daft Jamie." Burke replied with fierce earnestness:—"My days are numbered. I am soon to die by the hands of man. I have no more to fear, and

can have no interest in telling a lie, and I declare that I am as innocent of Daft Jamie's blood as you are. He was taken into Hare's house and murdered by him and his wife. To be sure I was guilty so far, as I assisted to carry his body to Dr. Knox, and got a share of the money." Later in the day, he dropped into the frame of mind in which he was after his sentence, and willingly acknowledged to his jailors that he was guilty, though beyond that he declined to satisfy their curiosity. As the evening advanced he asked if he would be allowed to pray. There was, of course, no objection, and again he petitioned the Almighty for forgiveness, and specially mentioned Helen M'Dougal, that her heart might be touched and turned from evil.

This was the night on which M'Dougal was liberated. It was feared that the infuriated mob that paced the streets of the city after the close of the trial would tear her to pieces, and she had, as a matter of safety, been detained in the lock-up. Immediately on her liberation, she returned to her house in the West Port, and remained there unmolested until the next night. Then she went out to a shop in the neighbourhood for the purpose of purchasing some whisky—Burke's prayer had not yet been answered. The shop-keeper refused to supply her, and on her way home she was noticed by a number of boys, who, recognising her, raised the cry—"There's M'Dougal." Speedily a crowd assembled—a rough, tumultuous crowd, strongly under the sway of Judge Lynch. Fortunately for her, the police came to her rescue, and, again for safety, took her to the watch-house in Wester Portsburgh. The infuriated mob endeavoured to prevent this, and sought to tear the woman from the grasp of the officers in order that they might execute summary justice upon her; but her guardians drew their staves, and by laying about them in a determined manner, attained their purpose. At last the watch-house was reached, but still M'Dougal was not safe. The crowd, which had grown to huge dimensions, attacked the place from every side, smashed the windows, and seemed so determined to gain admittance and work their will upon the unfortunate woman, that the officers, judging themselves unable to make sufficient stand, had her dressed in men's clothes, and she escaped by a

back window unobserved. A show of resistance was made for a short time to allow M'Dougal to reach a place of safety, and then it was announced to the mob that she was being detained in order to give evidence against Hare. This pacified the passions of the people, for they were willing she should escape in the meantime if there was any chance of making sure that Hare would be punished, and they quietly dispersed. M'Dougal, though out of the office, was still under police protection, and on Sunday, 28th December, she was accompanied outside the city, on her way to Stirlingshire, with, it was stated, between ten and twelve pounds in her possession.

Up till the Friday night following the trial, the house occupied by Burke and M'Dougal, in the West Port, was visited by great crowds of people, who wished, out of curiosity, to see the place where such foul crimes had been perpetrated. On that night, however, the person who had the key gave it up to the landlord, as he wished to escape the imputation cast upon him by some, that he had been making money by showing it off. On the following Sunday, also, the street was crowded by well-dressed people, all attracted to the scene by its evil reputation. Here is the description given by one of the Edinburgh newspapers of that period, of the houses occupied by Burke and his accomplice:—"The immediate entrance to it [Burke's house] is appropriate—namely, through a dark passage, where the women stood while the murder of the Irish woman was being perpetrated. The dwelling is one small room, an oblong square, which presents the exact appearance it had when the culprits were apprehended. There is still the straw at the foot of the bed, in which the murdered woman was concealed. Altogether, it has an air of the most squalid poverty and want of arrangement. On the floor is a quantity of wretched old shoes, of all sizes, meant by Burke, perhaps, to indicate his being a cobbler; but they are so wretchedly worn, that we cannot suppose they were left with him to be mended, or that he designed to improve their appearance, for the purpose of selling them. We incline to think that they belonged to some of his victims. The dwelling is most conveniently situate for the murderous trade he pursued—there being many obscure approaches to it from different directions. Hare's

dwelling, also, has attracted many visitors. Its appearance is equally deplorable with that of Burke. It is on the ground-floor, consists of two apartments, and overlooks a gloomy close. Beside it is a sort of stable, used by Hare as a pig-stye, and secured with a large padlock. In this it is believed Hare and Burke committed many of their butcheries; and here, we are inclined to think, Daft Jamie encountered his fate."

But to return to Burke in the condemned cell. As the time passed on, his mind appeared to be agitated for brief intervals, though in general he seemed resigned to the fate his crimes so richly deserved. On one occasion he broke out in a curious manner. He had been sitting quietly, apparently thinking over his past life, and of the near approach of its end, when he startled his attendant by saying—

"I think I am entitled, and ought to get that five pounds from Dr. Knox which is still unpaid on the body of Docherty."

"Why, Dr. Knox lost by the transaction, as the body was taken from him," was the reply of the amazed warder.

"That was not my business," said Burke. "I delivered the subject, and he ought to have kept it."

"But you forget that were the money paid, Hare would have the right to the half of it," argued the other.

"I have got a tolerable pair of trousers," explained Burke, musingly, "and since I am to appear before the public, I should like to be respectable. I have not a coat and waistcoat that I can appear in, and if I got that five pounds I could buy them."

As the time went on Burke was induced to make a confession of his crimes. On the 3rd of January, 1829, he dictated a confession before Sheriff Tait, the Procurator-Fiscal, and the assistant Sheriff-Clerk; and on the 22nd of the same month he supplemented it by a short statement, made in the presence of the same parties, with the addition of the Rev. Wm. Reid, a Roman Catholic priest. Application was made to the Lord Advocate by an Edinburgh gentleman to obtain admission to Burke's cell to receive a confession from the criminal, but this was refused; and on an appeal being made to the Home Secretary the refusal was confirmed. On the 21st of January, however, the condemned man made another and fuller

confession, but this time unofficial, and this document had such a curious history that an account of it must be reserved until the proper time. Between his condemnation and execution Burke was visited by Protestant and Roman Catholic clergymen, and he received the ministrations of both without preference.

## CHAPTER XXVI.

*“The Complicity of the Doctors”—Numerous Disappearances—  
Dr. Knox and David Paterson—Paterson Defends Himself  
—“The Echo of Surgeon’s Square”—The Scapegoat.*

As time went on the excitement among the public increased, and the newspapers, thoroughly roused to the importance of the West Port murders, and freed from restraint by the decision of the court, spoke out fearlessly. “The complicity of the doctors,” as it was called, came in for a large share of attention and severe comment; while rumours as to the action the authorities intended to take regarding Hare and his wife were eagerly canvassed. It was stated that Hare, after the trial, made important disclosures, confessing to having been concerned in no less than twelve different acts of murder, in some of which he was the principal, in others an accessory; and that he knew of another, though he was not in any way a party to the commission of it. Then it was said that Burke had confessed to having sold some thirty or thirty-five uninterred bodies during the previous two years, and it was argued that these could only have been obtained by murder, notably the murder of unfortunate women, large numbers of whom had mysteriously disappeared in that time, no one knew how. Natural deaths had become very rare among that class, and for some time the interment of one of them was a thing almost unknown. This, it was argued, showed that a gigantic



conspiracy to murder, for the purpose of obtaining subjects for dissection, had been going on in Edinburgh, and it was suspected that the gang was larger than it really was. A medical man informed a journalist that in the autumn of 1828 the body of a woman was offered for sale by some miscreants—"probably of Burke's gang," was the opinion hazarded—to the assistant of an eminent teacher of anatomy in Edinburgh. The assistant did not know them, for they were not regular resurrectionists—he knew *them* well enough—but as he required a subject, he told them to bring the body, and if it were suitable he would purchase it. The body was conveyed to the dissecting-room the same evening, and on being turned out of the sack the assistant was startled to see it was that of a woman of the town, with her clothes and shoes and stockings on. He carefully examined the body, and found there was an enormous fracture on the back of the head, and a large portion of the skull driven in, as if by the blow of a hammer. With an oath he asked them where and how they got the body, and one of them coolly replied that it was the body of an unfortunate who had been *popped* in a brawl in Halkerston's Wynd. The "subject" was refused, and the merchants had to take it elsewhere.

This and many similar stories naturally gave rise to a demand for a searching investigation alike in the public interest and in the interests of the teachers of anatomy themselves. It was advocated that all the anatomical teachers, and others who used *cadavera* for their classes, both in and out of the university, ought to be examined as to the manner in which they were accustomed to receive their subjects. In particular, the assistants and students of Dr. Knox during the two previous sessions ought to undergo an examination as to the quarter whence bodies were procured, the state in which they were received, and the manner in which they were dissected. Without such a complete and thorough examination, it was argued, the public could have no guarantee that every anatomical teacher in Edinburgh had not a Burke in his pay; for it seemed to be the impression in the minds of the people "that one gentleman stands in the same relation to Burke that the murderer of Banquo did to Macbeth."

The *Edinburgh Weekly Chronicle* was especially outspoken in respect to Dr. Knox. "With regard to Dr. Knox," this journal said, "too much delicacy and reserve have been maintained by a part of the press. When the atrocities in question first transpired, it was stated that Knox conducted himself with the utmost civility towards the police officers who went to his house in search of the body, when the fact is, he swore at them from his window, and threatened to blow their brains out; and it was only upon their proceeding to force the door of his lecture-room, that it was opened by one of the keepers." From Knox, the *Chronicle* passed on to Paterson, his curator or porter, who, that journal asserted, "actually offered Docherty for sale to a respectable gentleman in the profession before she was despatched; he saw her in Burke's house immediately after the spark of life had been extinguished; and he then again offered her for fifteen pounds to the same gentleman, who indignantly ordered him out of his house." The *Caledonian Mercury* was equally plain, and would give no countenance to the idea that Knox and his assistants had been imposed upon by Burke and Hare, and gave all its weight in favour of the "complicity" idea. It also repeated the story of the supposed negotiations between Paterson and "the most respectable teacher of anatomy" as to the sale of Docherty's body for fifteen pounds, with this addition that he stated to the gentleman in question, on his second visit, "that the body he wished to dispose of was the body of a woman; and that he had 'a desperate gang' in his pay, through whom he could procure as many subjects as he wished for."

Knox remained silent under all these charges, but Paterson could not, and he wrote a letter on the 15th January to the editor of the *Caledonian Mercury*. He contended that he had been shamefully wronged by "the many false and cruel accusations made against him," and stated that he had "only kept silence by advice of Dr. Knox, as he was, according to promise, to espouse my cause, and clear my innocence; but which I now find he has cruelly failed to perform. And I now most solemnly protest, and can prove, that throughout all the services rendered by me to Dr. Knox, I acted entirely under his own guidance and direction." He also denied

a statement to the effect that he had absconded, and had been dismissed from Dr. Knox's service; and he called upon the authorities, if they conceived him in any way guilty in the transaction, to bring him to a public trial, and either let him be found guilty or have the benefit of an honourable acquittal. To this letter the editor of the *Mercury* appended some questions, but these will be best explained by a quotation from a letter from Paterson, dated 17th January, 1829, in reply to them. He says:—"After the publication of my letter to you in this day's paper, I observe you have inserted the following queries:—First, whether it be true or the reverse, that about one o'clock on the morning of 1st November last, I, in conjunction with another individual whom I well know, offered the body of a woman for sale to a highly-respectable lecturer on anatomy? My answer is simply, No. Secondly, whether or not I asked fifteen pounds for the subject, stating at the same time, that Dr. Knox would give only twelve?—Answer, No. Thirdly, whether I did not say, that I wished to have no further dealings with the Doctor, because he had handed us over to his (the Dr.'s) assistants? My answer is, No. And lastly, whether the body so offered was or was not the body of the woman Docherty? To this I answer, that having no body to offer, the transaction could not take place." Paterson proceeded to explain, however, that about three weeks before the murder of Docherty a friend of the "most respectable anatomist," referred to by the *Mercury*, called on him and asked where the individuals lived that were in the habit of supplying Dr. Knox with subjects. He did not know, so he could not give any information, but as the sum of fifteen pounds was offered for a subject he promised that the next time he saw the resurrectionists he would mention the matter to them, provided, always, that Dr. Knox was supplied. Paterson again gave a most emphatic denial to the statement of his dismissal, which the *Mercury* had reported upon the authority of Dr. Knox himself, and he enclosed a copy of a letter from that gentleman, dated the 11th January, asking him to return to his employment.

Again the *Mercury* returned to the charge, and said:—"Now this is not a question of probability but of *fact*;

and we again ask him (Paterson), *whose* was the corpse he confessedly offered for sale an hour or an hour and a-half *after* Burke had, according to his own evidence in the witness-box, told him he had 'something for the doctor, which would be ready in the morning.' Paterson replied to this on the 23rd January, and complained that he was being made "the scape-goat for a personage in higher life." As his letter is not only interesting in itself, but also because there is introduced in it an account of a transaction with Andrew Merrilees—the Merry Andrew of an early chapter of this work—it is worth quoting pretty fully.

"I will now give you," says Paterson, "what I trust the public will consider a *satisfactory* explanation of the transaction alluded to in your paper of the 22nd, which will at the same time answer the queries in the *Caledonian Mercury* of the 17th. About three weeks before the murder of Docherty, a Mr. ——— called upon me, who was very intimate (or appeared to be so) with Dr. ———. During the conversation, in a walk along the Bridges, the topic turned upon the scarcity of subjects amongst the lecturers. I was asked how Dr. ——— was supplied; and after informing him to the best of my knowledge, he, Mr. ———, said he understood that Dr. ——— could not get one, and that he had offered him fifteen pounds if he could get one for him. My answer was, that I thought there was nothing more easy, as there were plenty of resurrection men came about Dr. ———'s rooms, who might procure one for him. He then requested me to accompany him to Dr. ———'s house, and he would ascertain if Dr. ——— had got one. I did so. Dr. ——— and Mr. ——— talked for some time on various matters, when the discourse turned upon the matter in question. I heard Dr. ——— offer fifteen pounds for a subject, as he was in great straits. *I took no part in the conversation, nor made any remark*; but after we had left Dr. ———, Mr. ——— strongly urged me to allow a subject to go to Dr. ———'s rooms, when any should arrive, without the knowledge of Dr. ———, for which no doubt *I was to receive a remuneration for my trouble*. Dr. ——— about that time had fifteen subjects, and I did resolve to allow one to Dr. ——— at the first opportunity. Shortly after this time,

Burke and Hare brought a subject, but not having an opportunity of speaking to them that night, resolved to do so when I next saw them, or any *other* of the resurrectionists. A few days after a notorious resurrectionist called at the rooms and informed me that he was going to the country upon business, and inquired if the Dr. was in want of goods. I replied that possibly he might, but that I wanted one for a friend, and would pay him when he returned. The bargain was struck, and he received earnest and a trunk, saying he had two customers before me, and it might be eight or ten days before he could supply me, as the grounds were strictly watched. This passed over, and on Friday evening, the 31st October, a person brought a letter addressed to Mr. ———, Surgeon's Square. This turned out to be from Andrew M——s (or Merry Andrew, as he was styled). The following is a literal copy:—

“ ‘ Oct. 29.

“ ‘ Doctor am in the east, and has been doin little busnis, an short of siller send out abot aught and twenty shilins way the carer the thing will bee in abot 4 on Saturday mornin its a shusa, hae the plase open.

“ ‘ AND. M——s.’

Just after I received this letter I went with Mr. ——— to spend the evening, and returned home about twelve o'clock. I found Burke knocking at the door of my lodgings. . . . After my return from Burke's, which was only a few minutes past twelve o'clock, I went to bed: the letter had escaped my memory. I slept none: the suspicions I had entertained of Burke and Hare, and the determination I had come to *to examine the body of the subject they were to send*, and a retrospective view of their late conduct, passed before me. The letter now came into my mind; it was between *three and four o'clock*: I went to Dr. ———; did say I expected a subject from his friend: *did not say what place*. The Doctor desired it to be sent to his lecture-rooms, as his assistants were or would be in waiting. He did not refuse it, as has been alleged. The Doctor did not receive it, however, as Mr. Andrew M——s thought proper to address it to another quarter—a very common trick with him, especially if he received part in advance. . . . I confess that the circumstance of the subject coming from the

east at the nick of time Docherty was murdered looks rather suspicious. But when I inform you that I have seen three subjects at the same time of day sent to the lecture-room from different quarters, your suspicions will cease." For the third time he denied that he had been dismissed by Dr. Knox, and said that since his last letter the Doctor had sent for him, expressing the most friendly intentions towards him.

But a more serious charge than that was made against David Paterson in a communication from Dr. Knox's principal assistants, also published in the *Caledonian Mercury*. These gentlemen, after declaring that Paterson was not "keeper of the museum belonging to Dr. Knox," though he was cited and gave his evidence at the trial of Burke as such, said:—"With regard to his connexion with Burke and Hare, he was so far associated with them, that he was on the eve of entering into an agreement with one of these miscreants to accompany him to Ireland, that they might (as he said) procure a greater supply of subjects, and at less price, the people being poorer there." Whether this was the case or not was never made clear; but it was certainly stated by Burke in his *Courant* confessions that such a project was on foot, though he did not state who the other party was. Popular belief was that it was Paterson.

Paterson had taken another method of repelling the allegations brought against him. This was a pamphlet, in the form of a letter to the Lord Advocate, under the title of "An Echo from Surgeon's Square." The *Courant* of Thursday, 22nd January, gave an account of this document, and taking it all in all, after making allowance for the prejudice the paper exhibited in common with the great mass of the public against the man, it is a fair indication of its contents. The statement, it said, had for its object the vindication of Mr. D. Paterson, the late assistant of Dr. Knox, and of course threw the blame on others. The pamphlet contained a good deal of irrelevant matter, and sundry details as to the means of procuring subjects for the anatomical schools which were not of great interest, and rather calculated to do injury. It contained, however, "information of greater importance, if it can be depended on, which we have no doubt will be eagerly sought

after in the present general excitement." The document stated that D—— P—— was first in the employment of Dr. —— in the year 1824 or 1825, for about one year, and, on his return from the army at the close of 1827, he applied to Dr. —— for his former situation, and was engaged in the beginning of February, 1828, as museum keeper; his salary was very small, but from the fees paid him by the students, he contrived to make a very comfortable livelihood. He had nothing whatever to do with the subjects (or bodies) brought to the lecture room; his sole duty was to keep the museum. At that time he did not know how the doctor obtained his subjects. Shortly after he saw Burke and Hare (Burke was called John, and Hare, William), and understood from a conversation that passed between them and one of the assistants that they had been in the habit of supplying subjects previous to that time. He threw the blame of negotiating with these two men on one of Dr. Knox's assistants, and said that once, after he began to be suspicious of the true nature of the calling of these two men, he asked Burke where he got the body he was then offering. The man replied sternly—"If I am to be catechised by you where and how I get subjects, I will inform the doctor of it, and if he allows you to do so, I will bring no more to him, mind that." In other respects the "Echo" was very similar to the letter by Paterson already quoted.

But before concluding this part of the subject it will be proper to give Leighton's opinion of Paterson's position in the dispute. Writing in 1860 on the complicity of the doctors, he gives this calm testimony in Paterson's favour:—"As for the curator, who is still a respectable inhabitant of Edinburgh, and upon whom the short-lived blind fury of some newspapers of the time fell, with much surprise to himself, and much indignation elsewhere, he was, of all the parties concerned, the most free from blame; nor did any one but himself come forward and assist the authorities in the prosecution. Nay, it is understood that, under a passing reflection that the number of apparently unexhumed bodies brought by these men required explanation; he mentioned the circumstance to his principal, and that gentleman silenced him at once by the statement that they had long known of the practice of sale and purchase, and

so the suspicion passed away." Viewing the whole matter after the lapse of fully half a century, there seems no reason to doubt that Paterson, though certain of his acts were, to say the least of it, shady, and morally reprehensible, if not legally punishable, was made, as he himself said, "the scape-goat for a personage in higher life."

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## CHAPTER XXVII.

*The Legal Position of Hare and his Wife—Gossip about Burke—Mrs. Hare and her Child—Constantine Burke—Anatomical Instruction—Mrs. Docherty's Antecedents.*

BUT in addition to this outcry against Paterson, the public mind was, as has already been indicated, agitated by the rumours that no further action was to be taken against Hare, and that he and his wife were to be liberated. The *Caledonian Mercury* was greatly exercised over the following passage in the charge given to the jury at the trial by the Lord Justice-Clerk:—"They (the jury) had been told of the Hares being concerned in the murders. With what murders they might be chargeable, he did not know; but to a certainty they could not be libelled on either of the charges contained in the indictment now under trial, and which had not been sent to the jury." The *Mercury* argued, and quoted legal authorities, too, that Hare and his wife were liable to be tried for the murders of Mary Paterson and Daft Jamie, regarding which they had not given evidence; and that the protection of the court only extended to any self-crimination in the case in which they had given evidence. "The public prosecutor," it was contended, "has discharged all title to molest them in regard to the murder of Docherty, the only part of the libel against Burke which went to trial, because they gave evidence and criminated themselves in regard to the crime; but he has not discharged



this title to pursue them for the murder of Paterson or Daft Jamie; and, accordingly, when Mr. Cockburn proposed to interrogate Hare in his cross-examination, concerning his connection with the latter crime, the Court interposed, by telling the witness that he was entitled to decline answering such a question as tending to criminate himself, and as beyond the reach of the protection afforded him for his evidence in the case of Docherty. It was frequently stated from the bench, that his answering the question put by Mr. Cockburn would implicate himself in the crime. And how else could he have been entitled to decline answering it? As a protected *socius*, he was bound to answer every question that should be asked him within the compass of that protection; and if it had extended to and included the murder of Jamie, which was included in the same charge, the obligation to answer would, of course, have been co-extensive with the protection." The *Edinburgh Weekly Chronicle* lamented "the acquittal of the fiend M'Dougal," and said there had been some very painful suspicions that the investigation of these murders was not to be further prosecuted. "We happen to know," they said, "that a certain public functionary (not the Lord Advocate, whose zeal in forwarding the late trial is beyond all praise) remarked the other day that *they* were perfectly sick of the business, and were resolved to stir no further in it, lest it should bring shame on the city! . . . In the present state of the public mind, no Lord Advocate will dare to say, 'Thus far—to the death of Burke)—shall the tide of public vengeance flow, and no farther.' . . . It is satisfactory to reflect, however, that our law has wisely restricted the Lord Advocate's prerogative, so that, even were he disposed, he cannot screen a murderer from justice, if the deceased's relations incline to prosecute him. The law says that murder shall not go unavenged, if either the public, represented by the Lord Advocate, or those who have been deprived by it of a near relative, insist for punishment. Will not, then, the friends of some of the butchered individuals, whose blood calls to Heaven for retribution, be roused to prosecute the butchers? No one can

doubt that money would be liberally provided by the inhabitants to defray all expenses."

The rumours which so alarmed these newspapers, and, it must also be said, a large portion of the public, had foundation in fact. After Hare and his wife had given evidence against Burke, they were recommitted to jail under a warrant of the Sheriff. This was done, probably, to allow the Lord Advocate time to consider in what relationship he stood towards them—whether he could try them on the first two charges in the indictment, or whether he was bound to release them, they having turned King's evidence. He seems to have come to the conclusion that he must liberate them, and, accordingly, on the 19th of January, the commitment was withdrawn. This was a wise decision, notwithstanding all that was said to the contrary at the time in the public prints and elsewhere. If the Crown could not gain a conviction against Burke of the murder of Docherty without the aid of two of his accomplices, it was not at all likely that it would be able to convict Hare and his wife without similar evidence. Thus, so far as the public prosecutor was concerned, the two informers were free; but proceedings of another kind were taken against Hare, who was detained in prison pending their settlement, though his wife was liberated on the 19th of January.

Other matters were also attracting the attention of the people, for every issue of the newspapers gave circulation to gossip stories about Burke or his accomplices, or relating to circumstances bearing in some way or other upon the subject which was causing such universal interest. It was stated, for instance, that at one time Burke made considerable sums of money among the unlettered inhabitants of the West Port by writing begging petitions, and that while working at the construction of the Union Canal he for the first time engaged in the trade of a resurrectionist. Whatever truth there may have been in the first part of this statement, there is good reason to believe that the latter part was founded upon mere idle rumour. It was also alleged that in the course of the preceding summer Burke made an attack upon an unfortunate girl in St. Cuthbert's Entry, at the head of the West Port, evidently with murderous intent. She escaped from his grasp, and ran

to the watch-house, where she gave a particular description of her assailant to the police, who would certainly have been able to apprehend him had he not judiciously left the city for a time until the hue and cry was given up. It is difficult to believe that Burke would have acted so incautiously—that he should have sought to dispense with that drugging with whisky which so often did half his work for him. His friendly relationship with certain members of the police force was emphasised by a statement that he was in the habit of going home at any hour of the night or morning, always accompanied by the constable on the beat, to whom he gave a glass or two of whisky out of a bottle he carried with him, and it was urged that an inquiry should be made into this breach of discipline.

Such were the items of gossip about Burke, to which publicity was given by the newspapers, but a charge of a serious kind was made against Mrs. Hare in the issue of the *Courant* published on the 1st January, 1829. It was stated that Mrs. Hare, after Log's death, and at the beginning of her relationship with Hare, bore a child, which the people of the neighbourhood asserted was murdered by her. So confidently was this allegation put forward that it was added that there would be no difficulty in obtaining sufficient evidence to establish a case against her for destroying the life of the infant. A singular fact was mentioned in the same paper in connection with Hare. His mother and sister from Ireland arrived in Edinburgh a day or two before, purposing to visit him, and it was not until they were within two miles of the city that they were apprised of the fact that he was involved in a series of the most shocking murders. Another statement was that Hare, in the course of the summer of 1828, had murdered a young woman who was a servant to one of the city clergymen. This, if true, would point to the identity of the body over the proceeds from the sale of which Burke quarrelled with his colleague.

Another person who came in for a share of public attention was Constantine Burke, the brother of the condemned man, in whose house in the Canongate, it has been seen, Mary Paterson was murdered. After the trial he was continually in danger of being maltreated by the mob, and at last the Sheriff gave him a

small sum of money to enable him and his family to leave the city. According to the *Courant*, Constantine had always been a sober, industrious, poverty-pressed man. He admitted having once taken a chest to Surgeon's Square, being conducted to the place by his brother and Hare, although he was not aware of its contents or its destination. Receiving ten shillings for his trouble, he suspected his employers were resurrectionists, and he then declared he would do no work for them again.

While all these stories were in circulation, thoughtful persons were considering the revelations in their most practical bearing. They admitted the necessity for teachers of anatomy being supplied with a sufficient number of subjects for dissection, for it was apparent that had the legitimate supply been adequate, there would have been little temptation to any one to enter upon a career of crime. Theories were started as to how the evident defect was to be remedied, letters on all aspects of the subject were sent to the newspapers, and a wordy battle was fought out. Amid all this clamour, on the 5th of January, 1829, several of the anatomical teachers in Edinburgh had an interview with the Lord Advocate; and on the 7th of the same month the Royal College of Physicians and Surgeons held a meeting at which they passed resolutions expressing regret that anatomical instruction, which they conscientiously believed to be an essential part in the education of medical men, should ever have furnished a temptation to such unexampled atrocities, and calling upon the Legislature to remove the restrictions under which such instruction was then given.

This, however, was only one side of the question, and the resolutions, right and proper in themselves, only served to inflame the public mind, for they showed that bodies obtained at least in a surreptitious manner were being used. Other incidents added to the general excitement. Several boys, belonging to respectable families, disappeared suddenly, and the conclusion at once jumped at by their despairing relatives was that they had been stolen away to supply the dissecting tables of the teachers of anatomy. No other explanation seemed at all tenable, until the missing lads were discovered, some days later, in a village some miles from Edinburgh, whither they had gone to hawk broadside or pamphlet accounts of the trial

of Burke and M'Dougal. Another matter which gave additional cause for anxiety was an attempt to steal the body of a man from a house in Edinburgh. Early on the morning of Tuesday, the 20th January, some passers-by observed a curious-looking package being lowered by means of a rope from the upper window of the house. On examination, it was found to be the body of a man named M'Donald, better known locally as "Nosey," on account of the size of his nasal organ, who had died the day before. The thieves had broken into the house, where the corpse was lying unattended, and were in the act of removing it when the discovery was made. They managed to escape by the back of the house and were never captured.

This desultory chapter may be brought to a close by an interesting item regarding Mrs. Docherty, the last victim of the West Port murderers, to which publicity was given by the *Glasgow Herald* shortly after the conclusion of the trial. "The poor woman Sally Docherty or Campbell," it was stated, "was well known amongst the inhabitants of the Old Wynd, Glasgow, about two years ago, where she kept a lodging-house for indigent people. She was a thin-faced woman, generally wore a red duffle-cloak, and had, of course, experienced a great deal of hardships in the station of life to which she was habituated. At the period alluded to, she had a son, a shoemaker, and a young man for a husband, of the name of Campbell. The last time she appeared in the Glasgow police office was as the complainer against this fellow, who is still living, for demolishing all the crockery, and pulling down her grate from the fire-place." It was in search of the son mentioned in this notice that Mrs. Docherty went to Edinburgh, where she met with a death the violent nature of which was not inconsistent with the sad life she had lived. But it is a remarkable fact that while the murder of this poor woman was the crime which led to the discovery of the dreadful conspiracy in which Burke and Hare were engaged, and to the execution of the former, the popular mind speedily lost hold of the fact, and oral tradition in many parts of the country—in the city of Edinburgh itself—even to this day, has it that Burke suffered the last penalty of the law on the scaffold for the murder of Daft Jamie,

## CHAPTER XXVIII.

*Burke's Spiritual Condition—The Erection of the Scaffold—The Criminal's Last Hours—Scene at the Execution—Behaviour of the People.*

THE hour for the closing scene of the Burke and Hare tragedy was now almost come, and Burke, to all appearance, seemed to regard his approaching fate with composure. He is even reported to have declared that had a pardon been offered him he would have refused it; but, if the story is true, it is more likely that the firm conviction that a pardon would not be granted had as much to do with the remark as any sentiment of resignation. It was simply a case of bowing before the inevitable. And so far as the outward affairs of religion were concerned the condemned man was very attentive, though it could not be said that he looked forward to eternity with hope, or, if he did, he kept his feelings very much to himself. A large section of the people, always inclined for dogmatic discussion on religious matters, found full scope for their critical powers in the consideration of Burke's spiritual state. The rank and unbending Calvinists argued that a new spiritual birth was, under the circumstances, if possible—and on that point they were doubtful—not at all probable; while the Armenians, with a wider theology, thought in the words of the Paraphrase:—

“ As long as life its term extends,  
Hope's blest dominion never ends ;  
For while the lamp holds on to burn,  
The greatest sinner may return.”

Theologians, however, could discuss as much as they liked, but it was never certain whether Burke's spiritual state was such as to give reason for hope.

The execution, it has already been seen, was fixed to take place on Wednesday, the 28th January, 1829, and to this event the people had looked forward with a ghastly satisfac-

tion. Indeed, so high did public feeling run that the authorities deemed it prudent to remove Burke from Calton Hill Jail to the lock-up in Liberton's Wynd at four o'clock on the morning of Tuesday, the 27th January, the day before the execution. This was absolutely necessary, as, had the removal taken place at a time when the people were about, or were expecting it, the probability was that, instead of undergoing a judicial execution, Burke would have been torn to pieces by an infuriated mob. The long confinement in prison had not changed his appearance much. He was given a black suit in which to appear on the scaffold, and this afforded him some consolation. Shortly after noon on the same day, preparations were begun at the place of execution in the Lawnmarket. Strong poles were fixed in the street, to support the chain by which the crowd was to be kept back, and on this occasion the space was considerably larger than usual. The work progressed, witnessed by a large crowd, which gradually swelled in size, as the excited people came to see the erection of the structure that was to work legal vengeance on a hated murderer. As the night went on, and the work approached completion, the rain fell heavily, but the crowd, notwithstanding, showed no diminution; and whenever any important part of the erection was finished they raised an approving cheer. About half-past ten o'clock the frame of the gibbet was brought to the spot, and its appearance was the signal for a tremendous shout. It was quickly put in its place, for the men did their work with a grim satisfaction, and when all was completed, the crowd, as a contemporary newspaper put it, "evinced their abhorrence of the monster Burke, and all concerned in the West Port murders, by three tremendous cheers; and these were heard as far away as Princes Street." This was about two o'clock in the morning, and, wet and dismal though it was, those anxious to see Burke suffer for his crimes were beginning to take up their places. Closes and stairs were quickly packed by intending sight-seers, who preferred to remain outside all morning than run the risk of being disappointed by arriving late. By seven o'clock the vicinity of the scaffold was occupied by one of the densest crowds until that time witnessed on the streets of Edinburgh—from

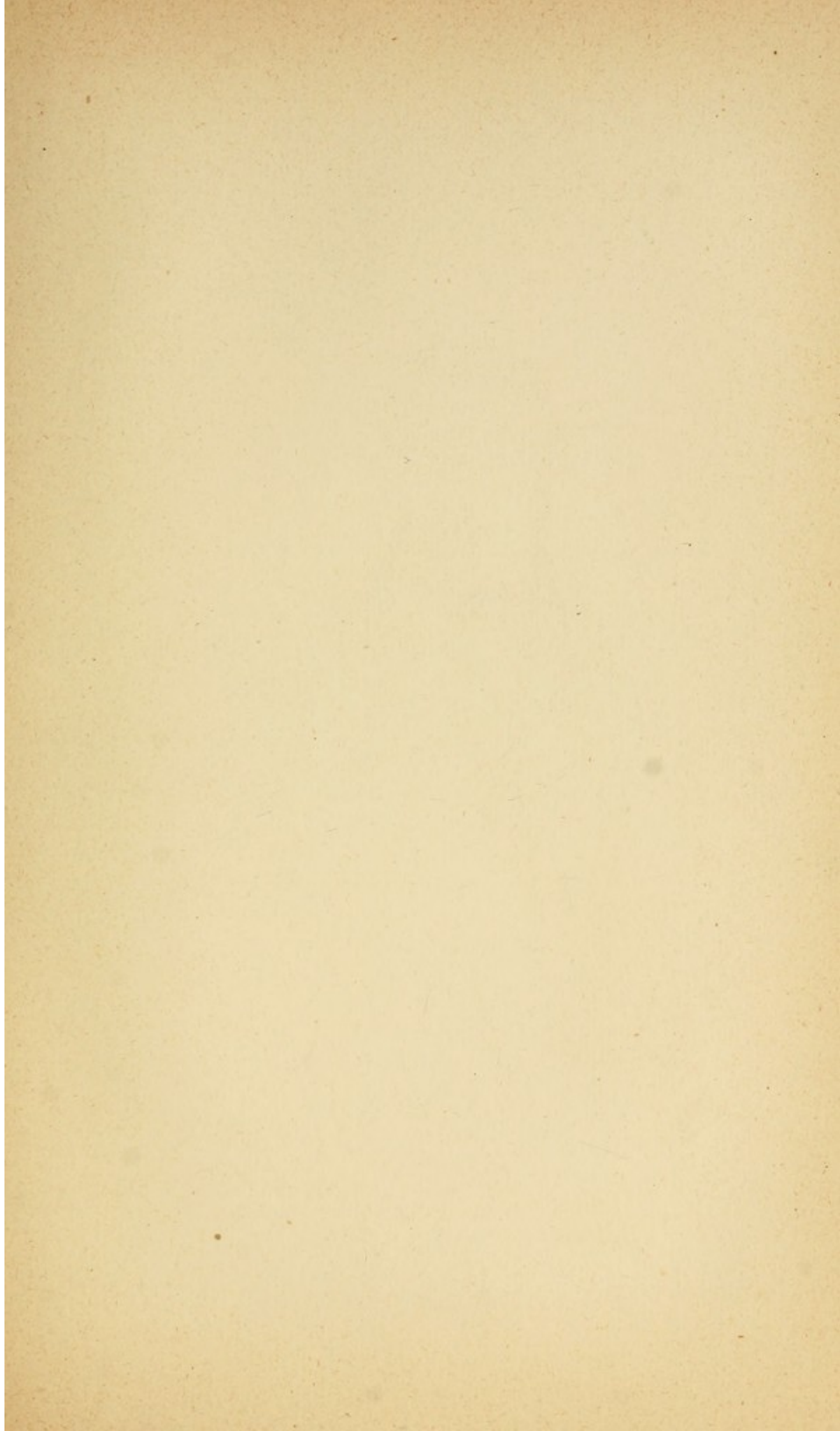
20,000 to 25,000 persons were calculated to be present—many of the best people in the city being among them. Every window giving a view of the place of execution had been bought up some days previous, the price paid varying, according to the excellence of the view, from five to twenty shillings. “The scene at this time,” said the writer already quoted, “was deeply impressive. No person could without emotion survey such a vast assemblage, so closely wedged together, gazing on the fatal apparatus, and waiting in anxious and solemn silence the arrival of the worst of murderers.”

Matters, meanwhile, had been going on quietly inside the prison. Burke had, during the day, been visited by the Rev. Messrs. Reid and Stewart, two priests of the Roman Catholic Church, and the Rev. Messrs. Porteous and Marshall, Protestant ministers, and he received their spiritual consolations calmly, but without much apparent benefit, though he lamented his connection with the murders to which he had confessed. He slept soundly the greater part of that night, and rose about five o'clock on the Wednesday morning. Shortly after wakening he held up his hands, and remarked, with an earnestness that struck his attendants, “Oh, that the hour was come which shall separate me from this world!” This was thoroughly dramatic, but whether it proceeded from a weariness of this life and a hope for a better, can never be known. An incident even more dramatic, but similar in character, occurred shortly afterwards. He had been placed in irons shortly after his condemnation, and he now expressed a desire to be freed from them. The men proceeded to knock them off, and the fetters fell with a “clank” on the floor of the cell. “So may all my earthly chains fall!” exclaimed Burke. These remarks, whatever his spiritual condition, showed that he was a man, however debased by a terrible course of wickedness, of considerable education and natural refinement. About half past six o'clock the two Catholic clergymen who had been so attentive to him arrived at the lock-up, and for half an hour he was closeted with Mr. Reid. Then he entered the keeper's room, and sat down for a short time in an arm-chair by the side of the fire, deeply immersed in thought—that his meditations were saddening was apparent by



the heavy sighs that came now and then from his breast. He was at last fairly in the presence of death; but the law was more merciful to him than he had been to his victims—he was given time to prepare for the awful change, but they were hurled in the midst of their sins, drunken and unrepentant, into eternity. Bailies Small and Crichton had meantime entered the jail, and the two priests commenced the last religious exercises. The condemned man joined in the devotions with apparent fervour, and he seemed much affected by the exhortation to “confide in the mercy of God.” After that he retired to an adjoining apartment, but on the way he was met by Williams, the executioner, who accosted him in an unceremonious manner. Burke waved him away, remarking, “I am not just ready for you yet,” but Williams followed him, and set about the work of pinioning. The criminal submitted to the operation without a movement, and simply remarked that his handkerchief was tied behind. When this was done he accepted a glass of wine which was offered him, and on putting it to his lips he looked around, and gave his last toast—“Farewell to all my friends!” For a few minutes he talked with the Protestant ministers, and then the magistrates, dressed in their official robes, re-entered the room, with their rods in their hands. Burke, seeing the end had now come, expressed his gratitude to the magistrates, and especially to Bailie Small, for their kindness to him, and also to the prison and lock-up officials. The solemn procession then formed, and marched out of the jail to the scaffold.

Burke was supported on either side, as he walked up Liberton’s Wynd towards the Lawnmarket, by the Catholic priests, and he leaned on the arm of Mr. Reid. The two bailies headed the procession, and whenever they made their appearance the enormous crowd sent up one loud and simultaneous shout. The condemned man was affected by this outburst of popular feeling, and, as if afraid the mob might break through the barriers and tear him to pieces, he made haste to ascend the scaffold. His appearance there was the signal for another yell of execration from the multitude. Shouts of “Burke him,” “choke him,” “No mercy, hangie,” came from all sides; but otherwise the crowd showed no signs of interfering. They





WILLIAM HARE,  
(From a Sketch taken in Court)

wished to see the hangman do his duty properly—if he did so, they had no particular desire to take part in the work. Burke looked round somewhat defiantly, and then quietly kneeled down by the side of one of the priests, and engaged in devotional exercises for a few minutes; after which the Rev. Mr. Marshall offered up a short prayer. This solemn ceremony, however, found small favour with the spectators—they wished to see the culprit, and the kneeling kept him out of their view, so they cried out to the persons on the scaffold, “Stand out of the way,” “Turn him round;” and though the magistrates intimated by signs as well as they could the nature of the ceremony that was going on, the clamour still continued, and there were frequent shouts of “Hare, Hare, bring out Hare! Hang Knox, he’s a *noxious morsel!*” and others of a similar kind. About ten minutes had now gone, and the crowd was becoming impatient. After he had completed his devotions, Burke lifted the silk handkerchief upon which he had been kneeling, and put it in his pocket. He gave a glance up to the gallows, and then stepped on the drop with a firm step. The executioner proceeded to adjust the rope round his neck, and his confessor said to him, “Now say your creed; and when you come to the words, ‘Lord Jesus Christ,’ give the signal, and die with his blessed name on your lips.” The shouts from the crowd still continued, and the people, out of their better reason by the excitement, cried out, “Burke him; give him no rope;” “Do the same for Hare;” “Weigh them together;” “Wash the blood from the land;” and “You’ll see Daft Jamie in a minute.” Williams then tried to loosen Burke’s neckerchief, but he found some difficulty in doing so, and the condemned man said, “The knot’s behind.” These were the only words Burke uttered on the scaffold. The rope was then adjusted, a white cotton night-cap was put on his head and pulled over his face, and Burke, with an air of firmness, began the recitation of the creed. When he came to the holy name he gave the signal, the bolt was drawn, and the greatest murderer of his time—except, perhaps, his associate Hare—was swinging on the gallows. The multitude set up a fearful yell, and every time the body of the dying man gave a convulsive twitch the

crowd cheered to the echo. An eye witness said—"He struggled a good deal, and put out his legs as if to catch something with his feet; but some of the undertaker's men, who were beneath the drop, took him by the feet, and sent him spinning round—a motion which was continued until he was drawn up above the level of the scaffold." It was now fully a quarter past eight o'clock, and Burke had been "separated from this world." The body was allowed to hang until five minutes to nine o'clock, when the executioner cut it down amid the gloating yells of the people. They made a rush forward to the scaffold as if to lay hold of the corpse of the murderer, but they were kept back by the strong force of policemen who lined the barriers. The assistants at the scaffold, too, seemed to be affected by the general frenzy, and a scramble took place among them for portions of the rope, or shavings from the coffin, or any thing that would serve as a relic of the closing scene of the West Port murders—the great Burke and Hare tragedies. The body was conveyed to the lock-up, and the large crowd dispersed, without a single mishap having occurred, though the people still laboured under intense excitement, which even an accident might divert in a dangerous direction.

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## CHAPTER XXIX.

*Lecture on Burke's Body—Riot among the Students—Excitement in Edinburgh—The Public Exhibition—Dissection of the Body of the Murderer—Phrenological Developments of Burke and Hare.*

It was certainly a strange conclusion to the West Port tragedies that the man who had been so active a participant in them, and who had assisted in supplying so many "subjects" for dissection, should himself, after death—a death also by strangulation—become a "subject" of more than

ordinary interest. Not only was that the case, but the public exhibition of the body, while it may be regarded as being in a sense an act of retributive justice, displays a certain amount of barbarity of feeling and sentiment which it is difficult to believe could have existed in this country so short a time ago as fifty years. The rapid advance made by all classes during that period is generally admitted, but it should be borne in mind, in reference to the events now about to be described, that only a few years ago public executions were common, and that the change in the manner caused among certain classes some little irritation. The propriety of having executions in private is now fully and freely acknowledged, but having regard to the comparatively recent change we should not look upon our respected fathers and grandfathers as altogether barbarous.

But passing from the line of thought suggested by the events that followed Burke's execution, the thread of the narrative may be continued. The body, as already stated, was conveyed from the scaffold to the lock-up, and there it remained until the next morning. It was expected it would be taken to the College during the day, and a large crowd surrounded the building. The motive of the people may have been simple curiosity, but the authorities, being afraid the rougher part of the crowd, if they obtained an opportunity, might seize the body and treat it with scant respect, deemed it proper to delay the removal until such time as it could be done with safety. This was done early on Thursday morning, when the excited populace was asleep. The body was laid out on a table, and several eminent scientists—among them Mr. Liston, Mr. George Combe, Sir William Hamilton, and Mr. Joseph, the sculptor—who took a cast for a bust—examined it before the students began to gather.

Leighton, who seems to have seen the body, says it was "that of a thick-set muscular man, with a bull-neck, great development about the upper parts, with immense thighs and calves, so full as to have the appearance of globular masses. The countenance, as we saw it, was very far from being placid, as commonly represented, if you could not have perceived easily that there remained upon it the bitter expression

of the very scorn with which he had looked upon that world which pushed him out of it, as having in his person defaced the image of his Maker." He supplements this by a sentence from the notes of another eye-witness:—"He (Burke) was one of the most symmetrical men I ever saw, finely-developed muscles, and finely-formed, of the athlete class."

Dr. Munro, in the afternoon of the day the body was removed to the College, gave a lecture upon it, and for this purpose the upper part of the head was sawn off, and the brain exposed. The brain was described as being unusually soft, but it was pointed out that a peculiar softness was by no means uncommon in criminals who had suffered the last penalty of the law. While this lecture was going on a large number of students had assembled in the quadrangle of the College, and clamoured for admission. Those who were entitled to be present at the class, opening at one o'clock in the afternoon, were provided with tickets, but owing to the greatness of the crowd it was with the utmost difficulty that these could be made available, even with the assistance of the police. At last all the ticket-holders were admitted, and then the doors were thrown open to as many of the other students as the room would accommodate. Many, however, were left outside. The lecture began at the regular hour, but the nature of the subject caused it to extend over two hours, instead of the usual time. Meanwhile, the crowd in the quadrangle had grown so unruly that a strong body of police had to be called to preserve order. Instead of keeping the youths in awe, this display of force rather exasperated them, and they made several attempts to overpower the constables. In the course of the struggle the glass in the windows of the dissecting room was destroyed. The police had to use their staves, and many of the combatants on both sides were injured, some of them rather seriously. The Lord Provost and Bailie Small, the college bailie, put in an appearance, thinking their presence would have a salutary effect, but they were glad to retire with whole bones under the abuse that was showered upon them. The disturbance continued until four o'clock, when Professor Christison came to the rescue. He intimated that he had arranged for the admission of the young men in bands of fifty at a time, and

had given his own personal guarantee for their good behaviour. This was an appeal to their honour, which is always found to be effectual with a crowd of students, however riotously inclined, and in the present instance the youths cheered the professor lustily. The tumult ceased, and some of the ring-leaders, who had been apprehended by the police, were liberated on their parole by the magistrates.

The students were thus pacified, but it was far otherwise with the city mob. There had been a restlessness throughout Edinburgh all day, and it was threatened that unless the public were admitted to view the corpse an attack would be made on the college, and the remains of the murderer taken out and torn to pieces. The manner in which the students had gained their end was quite after the mind of the discontents, and in their case it was, owing to greater numbers, likely to be more quickly successful. The magistrates were in a quandary, but they came to the conclusion that it would be better to have a public view, and in this way endeavour to allay the tumultuous spirit that was abroad. Accordingly, they sent out scouts among the crowds that thronged the streets to intimate their decision, and by this means the people were induced to return home.

Those who witnessed the scene at the College of Edinburgh on Friday, the 30th January, 1829, would never readily forget it. The magistrates and the university authorities had made the most elaborate preparations for exhibiting the body of Burke. It was placed naked on a black marble table in the anatomical theatre, and a through passage was arranged for the accommodation of the visitors. The upper part of the skull, which had been sawn off for the purposes of the lecturer on the preceding day, was replaced, and to the uninitiated it was unlikely that what was apparently a slight scar would be much noticed. "The spectacle," says Leighton, who saw it, "was sufficiently ghastly to gratify the most epicurean appetite for horrors. There was as yet no sign of corruption, so that the death pallor, as it contrasted with the black marble table, showed strongly to the inquiring and often revolting eye; but the face had become more blue, and the shaved head, with marks of blood not entirely wiped off, rather gave effect to the



grin into which the features had settled at the moment of death. However inviting to lovers of this kind of the picturesque the broad chest that had lain with deadly pressure on so many victims—the large thighs and round calves, indicating so much power—it was the face, embodying a petrified scowl, and the wide-staring eyes, so fixed and spectre-like, to which the attention was chiefly directed.” It was to see this sight that the people crowded the streets of the Old Town of Edinburgh, and made it appear as if the occasion were one of general holiday. The doors of the anatomy theatre were thrown open at ten o'clock in the forenoon, and from that hour until dusk the crowd streamed through the narrow passage in front of the body at the rate, it was calculated, of sixty per minute, so that the total number who viewed it in this way was about twenty-five thousand. The crowd was composed for the most part of men, though some seven or eight women pressed in among the rest, but they were roughly handled by the male spectators, and had their clothing torn. Notwithstanding this extraordinary number there were still many who did not obtain admittance, and in the hope that the exhibition would be continued on the Saturday, many returned to the college next day, but to their great disappointment they were refused admission. This was Burke's last appearance.

An informant of Leighton gives the following interesting notice of the subsequent treatment of the body of the murderer:—“After this exhibition Burke was cut up and put in pickle for the lecture-table. He was cut up in quarters, or rather portions, and salted, and, with a strange aptness of poetical justice, put into barrels. At that time an early acquaintance and school-fellow was assistant to the professor, and with him I frequently visited the dissecting-room, when calling on him at his apartments in the College. He is now a physician in the Carse of Gowrie. He shewed me Burke's remains, and gave me the skin of his *neck* and of the right arm. These I had *tanned*—the neck brown, and the arm white. The white was as pure as white kid, but as thick as white sheepskin; and the brown was like brown tanned sheepskin. It was curious that the mark of the rope remained on the leather after being tanned. Of that neck-leather I had a tobacco-doss made;

and on the white leather of the right arm I got Johnston to print the portraits of Burke and his wife, and Hare, which I gave to the noted antiquarian and collector of curiosities, Mr. Fraser, jeweller, and it was in one of his cases for many years, may be still, if he is alive."

Burke's body was thus destroyed, but the qualities which were denoted by the developments of his head gave rise to an excited discussion between phrenologists and their opponents. Combe, the apostle of phrenology, and Sir William Hamilton, the metaphysician, with their followers, waged a terrible war of words over the conclusions to be drawn from the measurements of Burke's head. This is not the place to renew the discussion, but in view of the importance of the question, an estimate of the phrenological development of Burke, published at the time, may be quoted. The account reads thus:—

## PHRENOLOGICAL DEVELOPMENT OF BURKE.

*Measurement.*

	INCHES.
Circumference of the Head, - - -	22·1
From the occipital spine to lower Individuality, -	7·7
From the ear to lower Individuality, - - -	5·
From ditto to the centre of Philoprogenitiveness, -	4·8
From ditto to Firmness, - - - -	5·4
From ditto to Benevolence, - - - -	5·7
From ditto to Veneration, - - - -	5·5
From ditto to Conscientiousness, - - - -	5·
From Destructiveness to Destructiveness, - - -	6·125
From Cautiousness to Cautiousness, - - -	5·3
From Ideality to Ideality, - - - -	4·6
From Acquisitiveness to Acquisitiveness, - - -	5·8
From Secretiveness to Secretiveness, - - -	5·7
From Combativeness to Combativeness, - - -	5·5

*Development.*

"Amativeness, very large. Philoprogenitiveness, full. Concentrativeness, deficient. Adhesiveness, full. Combativeness, large. Destructiveness, very large. Constructiveness, moderate. Acquisitiveness, large. Secretiveness, large. Self-esteem,

rather large. Love of approbation, rather large. Cautiousness, rather large. Benevolence, large. Veneration, large. Hope, small. Ideality, small. Conscientiousness, rather large. Firmness, large. Individuality, upper, moderate. Do., lower, full. Form, full. Size, do. Weight, do. Colour, do. Locality, do. Order, do. Time, deficient. Number, full. Tune, moderate. Language, full. Comparison, full. Causality, rather large. Wit, deficient. Imitation, full.

“The above report, it may be necessary to observe, was taken a few hours after the execution. In consequence of the body having been thrown on its back, the integuments, not only at the back of the head and neck, but at the posterial lateral parts of the head, were at the time extremely congested; for in all cases of death by hanging, the blood remaining uncoagulated, invariably gravitates to those parts which are in the most depending position. Hence, there was a distension in this case over many of the most important organs, which gave, for example, *Amativeness*, *Combativeness*, *Destructiveness*, &c., an appearance of size which never existed during life, and, on the other hand, made many of the moral and intellectual organs seem in contrast relatively less than they would otherwise have appeared. In this state, a cast of the head was taken by Mr. Joseph; but although for phrenological purposes it may do very well, yet no measurement, either from the head itself in that condition, or a cast taken from it, can afford us any fair criterion of the development of the brain itself. We know that this objection applies to the busts of all the murderers which adorn the chief pillars of the phrenological system; and in no case is it more obvious than in the present.

“Our able professor, Dr. Monro, gave a demonstration of the brain to a crowded audience on Thursday morning [the day before the public exhibition of the body]; and we have, from the best authority, been given to understand it presented nothing unusual in its appearance. We have heard it asserted that the lateral lobes were enormously developed, but having made enquiry on this subject, we do not find they were more developed than is usual. As no measurement of the brain itself was taken, all reports on this subject must be unsatisfactory; nor could the evidence of a eye-witness in such a matter

prove sufficient to be admitted as proof either in favour of or against phrenology.

“The question which naturally arises is, whether the above developments correspond with the character of Burke? It is not our intention to enter into any controversy on this subject; yet we cannot help remarking, that it may be interpreted, like all developments of a similar kind, either favourably or unfavourably for phrenology, as the ingenuity or prejudices of any individual may influence him. We have the moral organs more developed certainly than they ought to have been; but to this it is replied, that Burke, under the benign influences of these better faculties, lived upwards of thirty years, without committing any of those tremendous atrocities which have so paralyzed the public mind. He is neither so deficient in benevolence nor conscientiousness as he ought to have been, phrenologically speaking, and these organs, which modified and gave respectability to his character for as many as thirty years, all of a sudden cease to exercise any influence, and acquisitiveness and destructiveness, arising like two arch fiends on both sides, leave the state of inactivity in which they had reposed for so long a period, and gain a most unaccountable control over the physical powers under which they had for so many years succumbed. But, is the size of the organ of destructiveness in Burke larger than it is found in the generality of heads?—and are his organs of benevolence and conscientiousness less developed than usual?”

While dealing with this question of phrenology, it will be interesting to give the

PHRENOLOGICAL DEVELOPMENT OF HARE,

taken the night before his release from prison :—

*Measurement.*

	INCHES.
From the Occipital Spine to lower Individuality,	7·17-20ths
From the Ear to lower Individuality, - -	4·8
From ditto to the Occipital Spine, - -	4·3
From ditto to Philoprogenitiveness, - -	5·0
From ditto to Firmness, - - - -	5·7
From ditto to Benevolence, - - - -	5·4

From ditto to Causality, -	-	-	-	5·0
From ditto to Comparison, -	-	-	-	5·4
Destructiveness to Destructiveness, -	-	-	-	5·19-20ths
Secretiveness to Secretiveness, -	-	-	-	5·8
Acquisitiveness to Acquisitiveness, -	-	-	-	5·11-20ths
Combativeness to Combativeness, -	-	-	-	5·7
Ear to Conscientiousness, -	-	-	-	4·5
Ideality to Ideality, -	-	-	-	5·4

*Development.*

The organ of destructiveness is large in Hare, but certainly rather below than above the average size. The organ of acquisitiveness is also large, but its true development cannot be ascertained in consequence of the size of the temporal muscle, under which it lies. Secretiveness is large. Benevolence is well developed, in proportion to the size of the head. Conscientiousness is full. Cautiousness is large. Combativeness is large. Ideality is very large. Causality is large. Wit is full.

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CHAPTER XXX.

*Hare's Position after the Trial—Warrant for his Commitment Withdrawn—Daft Jamie's Relatives seek to Prosecute—The Case before the Sheriff and the Lords of Justiciary—Burke's Confessions and the "Courant"—The Lord Advocate's Reasons for Declining to Proceed against Hare—Pleadings for the Parties.*

FROM the conclusion of the trial until some time after the execution of Burke, the position of Hare was one of great danger, notwithstanding the protection which his evidence was supposed to have afforded him. After the conviction of his accomplice he was, it has been seen, recommitted to prison, and for a time it was believed the Lord Advocate was conducting investigations in order to see if he could by any means

proceed against the informer. The press and the public clamoured for the indictment of Hare, for all parties were now convinced that Burke, though undoubtedly guilty of the crime for which he had been condemned, had in many respects been but an instrument in the hands of his wily and more vicious confederate. Some incidents occurred which gave colour to the impression that a criminal indictment would be laid against Hare. On the 1st of January, 1829, the *Courant* informed its readers that towards the end of December a girl, who had at one time acted as a servant to Hare, had been apprehended in Glasgow, whither she had fled on being cited as a witness in Burke's trial, and that her evidence would now probably be used against Hare. This was Elizabeth Main, who is mentioned in one of Burke's confessions as Elizabeth M'Guier or Mair.

But in addition to the general public there were two parties who may be said to have had a kind of personal interest in seeing Hare brought to justice. These were Burke and Helen M'Dougal. The condemned criminal, it was stated by the *Courant*, made his first confession before the Sheriff, more for the purpose of inculpating Hare, than with any idea of giving a general view of his crimes. So eager was he to see his late colleague suffer the same punishment as himself, that he offered to give information of circumstances connected with the murder of a woman by Hare in the course of the preceding summer. This was the old matter over which the quarrel occurred. M'Dougal, also, waited on the Sheriff on the 27th and 29th of December for the same purpose. Besides these, if the *Courant* is to be trusted, other witnesses were precognosced, notably several persons who were known to have been in the habit of frequenting Hare's house, but as the police officials had become even more circumspect than ever, not a hint as to the drift of their information was allowed to reach the public.

These circumstances show that in addition to considering the legal aspect involved by Hare's protection as an informer, the Lord Advocate had fully inquired into the possibility of putting him on his trial for a crime to which that protection did not apply. His conclusion was that he could do nothing, and it was definitely ascertained by the 15th of January that the

commitment obtained by the Crown after the trial would be instantly withdrawn. Every precaution had been taken by the public in view of this contingency, and a subscription had been made to enable the relatives of James Wilson (Daft Jamie) to take up the case as private prosecutors.

On the 16th of January, then, a petition was presented to the Sheriff, charging Hare with the murder of "Daft Jamie," and his lordship granted permission to take precognitions. When Hare was visited by the agent and counsel employed by Mrs. Wilson (the mother of the murdered lad), he refused to answer any questions, and when leaving the room to which he had been taken to be examined, he remarked, with a sardonic laugh, to a person standing near, "They want to hang me, I suppose." This was not, however, sufficient, and Mr. Duncan M'Neill, as counsel for Hare, on the 20th of January, presented to the Sheriff a petition for liberation and for the interdict of the precognitions instituted by the private prosecutors. On the following day the counsel for both parties were heard, and the Sheriff pronounced a decision, in which he said:—"In respect that there is no decision, finding that the right of the private party to prosecute is barred by any guarantee, or promise of indemnity given by the public prosecutor, refuses the desire of the petition; but in respect of the novelty of the case, supersedes further proceeding in the precognition before the Sheriff, at the instance of the respondents [the private prosecutors]; till Friday next, at seven o'clock, in order that William Hare may have an opportunity of applying to the Court of Justiciary." There was accordingly presented to the High Court of Justiciary, on behalf of Hare, a bill of advocacy, suspension and liberation. This was an exceeding long document, setting forth all the circumstances of the case, in which it was pleaded that the case by Mrs. Wilson against the petitioner—who had given evidence against Burke on the assurance that if he made a full disclosure of all he knew relative to the several murders which formed the subject of inquiry, no criminal proceedings would be instituted against him for any participation or guiltiness appearing against him—was incompetent, irregular, oppressive, and illegal, and that he was entitled to liberation.

The review of the court was asked on the Sheriff's judgment. This petition was presented to the court on the 23rd January, and it was ordered to be served on the agent for the private prosecutors, while the parties to the case were ordained to appear before the court on Monday, 26th January. On this same day, Hare presented another petition to the Sheriff craving to be released from close confinement, and to be allowed to communicate with his counsel and agent. The Sheriff pronounced an interlocutor to that effect.

In accordance with the liberty granted by the Sheriff to the private prosecutors to take a precognition as to the murder of Daft Jamie, a visit was, on the 23rd January, paid to Burke in the condemned cell by the Sheriff-substitute, one of the city magistrates, and Mr. Monro, S.S.C., the agent for Mrs. Wilson and her daughter. The criminal spoke out fully as to the circumstances attending the murder of the unfortunate lad, and thus far satisfactory progress had been made.

But an incident occurred which diverted public attention to a certain extent in a different direction. This was an announcement in the *Courant* of Monday, 26th January, that in the issue of the following Thursday there would be published a full account of the execution of Burke and of his conduct during his last moments; together with an important document which had been in their possession for some time—a full confession or declaration by Burke, “which declaration was dictated and partly written by him, and was afterwards read by him, and corrected by his own hand, and his signature affixed to attest its accuracy.” This announcement raised the hopes of the public to a high pitch, for the information that had reached them before was only to be gained from a trial, the scope of which was confined solely to one event, and from vague rumours and uncertain statements. Now, it was expected, the whole conspiracy would be made patent. But the announcement was somewhat injudicious and premature, as the case against Hare was pending in the High Court of Justiciary, and it was plainly evident that until a decision was pronounced in it, any confession by Burke would have a prejudicial effect upon him. Accordingly, when the High Court that morning had heard the counsel for parties, Mr. Duncan M'Neill, on



behalf of Hare, called attention to the threatened contempt of Court by the *Edinburgh Evening Courant*, in promising to publish the confessions of Burke, and he asked that such publication be interdicted, especially in so far as related to the murder of James Wilson. The Lords of Justiciary concurred in the propriety of the application, granted interdict of the publication in the *Courant* of the document which would likely prejudice Hare, and "recommend all other newspapers to abstain in like manner from so doing." This was highly disappointing to the public. There was, however, no help for it but to wait, and on the Thursday the *Courant* was under the necessity of intimating to its readers:—"We regret to state that owing to an interdict issued on Monday last by the Court of Justiciary, to which we are bound to yield the most respectful obedience, we are prevented for the present from laying before our readers the confessions of Burke. But so soon as it is removed, we shall lay this document before our readers, as formerly promised."

When the Bill of Advocation came before the High Court of Justiciary on Monday, the 26th January, the counsel for the parties were heard at length, after which an order was made that the bill be intimated to the Lord Advocate to make such answer to it as he should think necessary; and also that the counsel for the parties should lodge informations upon the subject matter of the bill by the following Saturday. The Lord Advocate's answer was interesting in more ways than one, for in addition to bringing into prominence the question of whether the private prosecutor was superseded by the public prosecutor, he detailed the difficulties by which he had been beset in the preparation of the case against Burke. Having briefly touched on the question as to whether the court had the power to require, in this shape, a disclosure of the grounds on which he, as public prosecutor, had been guided in the exercise of his official discretion, he pointed out that the four persons arrested for the murder of Mrs. Docherty, denied all accession to the crime. The evidence he had been able to gain was, he found, defective, and was not sufficient to ensure a conviction from a Scottish jury, which was uniformly scrupulous in finding a verdict of guilty where a capital punishment was to

follow. The only mode by which the information essentially wanting could be procured was by admitting some of the accused persons as witnesses against the others, and as he had reason to suspect that at least another case of a similar description had occurred, he felt it to be his imperative duty not to rest satisfied until he had probed the matter to the bottom. For the public interest it was necessary to have it ascertained what crimes of this revolting description had really been committed, who were concerned in them, whether all the persons engaged in such transactions had been taken into custody, or if other gangs remained whose practices might continue to endanger human life. A conviction of all the four persons might lead to their punishment, but it could not secure such a disclosure, which was manifestly of more importance. The question then arose as to what one of the four should be selected as a witness. M'Dougal positively refused to give any information, and as the Lord Advocate deemed Burke to be the principal party, Hare was chosen, and his wife was taken with him, because he could not bear evidence against her. Hare was, in consequence, brought before the Sheriff on the 1st of December for examination, and then, by authority of the Lord Advocate, he was informed by the Procurator-Fiscal that "if he would disclose the facts relative to the case of Docherty, and to such other crimes of a similar nature, committed by Burke, of which he was cognisant, he should not be brought to trial on account of his accession to any of these crimes." "This assurance," continued the Lord Advocate in his answer, "had no reference to one case more than another. It was intended for the purpose of receiving the whole information which Hare could give, in order that the respondent might put Burke and all others concerned on trial, for all the charges which might be substantiated. In giving it the respondent acted under the impression, and on the understanding, that when offences are to be brought to light, in the course of a criminal investigation carried on at the public interest, such assurance altogether excluded trial at the instance of any private party. In its nature, this assurance was thus of an unqualified description, and was calculated to lead the party to

believe that the *possibility* of future trial or punishment was thereby entirely excluded. The assurance was so meant to be understood." Having briefly alluded to the circumstances attending the trial, when he was prevented from examining Hare and his wife as to each of the three murders set forth on the indictment, his Lordship said it was from the information obtained from Hare, on the assurance of immunity, that he conceived he was enabled to secure a conviction. He proceeded:—"The warrant of imprisonment against Hare and his wife, at the public instance, has since been withdrawn, in consequence of its having turned out, after the most anxious inquiry, that no crime could be brought to light in which Hare had been concerned, excepting those to which the disclosures made by him under the above assurance related." After he had given the assurance, and obtained the results he had, the Lord Advocate said he would not make any attempt to prosecute Hare, indeed, he "should strongly feel such a proceeding, upon his part, dishonourable in itself, unworthy of his office, and highly injurious to the administration of justice."

After having given so fully the Lord Advocate's reasons for declining to proceed against Hare, it will not be necessary to do much more than refer to the information lodged by Hare himself, especially as it goes over to a great extent much the same ground. It was maintained that on account of the promise and compact with the public prosecutor he could not now be tried in order to punishment for the murder of James Wilson; and on the question of his position as between public and private prosecutors, it was stated:—"When an offence is committed, the duty of the public prosecutor is to proceed in the matter with a view to the interests of the community in relation to the wrong done, without regard to the effect his proceedings may have upon the power or right, if such exists, of a private party to come forward and prosecute for punishment. The interest of the community, in the matter of punishment, is the paramount interest, and the only ultimate interest which the law can regard; although different persons may, under certain circumstances, be permitted by the law to vindicate that interest. The public prosecutor, as being the person entrusted with the interest of

the community, and as representing the community, has the primary right to take up the matter; and, having commenced proceedings for behoof of the community, he cannot be stayed or hindered, or impeded in his prosecution for punishment, by any right or any interest which any private party can claim; and he may do, and daily does, many things which exclude the private party from demanding punishment. . . . On the other hand, none of these proceedings on the part of the public prosecutor, acting for behoof of the community, can exclude or infringe upon the inherent personal right and interest of the private party to prosecute for *assythment* or *satisfaction*. That right belongs to him as an individual, not as a member of the community at large. He claims *that*, not to deter others from committing the like crimes, but to solace *his own* wrongs. That is not a matter of *punishment*, but of *satisfaction*."

Some more attention must, however, be paid to the "Information for Janet Wilson, Senior, and Janet Wilson, Junior, Mother and Sister of the late James Wilson, generally known by the name of Daft Jamie," the private prosecutors, prepared by Mr. E. Douglas Sandford, under the direction of Mr. Francis (afterwards Lord) Jeffrey. After the usual review of the proceedings up to that time, the private prosecutors set forth their intention thus:—"The prosecutors are, in the *first* place, obliged to support their title in the present prosecution, and to show the constitutional right which, according to the law of Scotland, they possess, of bringing the individual to justice, whom they conceive guilty of the atrocious crime by which they have been injured. But, *2ndly*, the prosecutors are anxious to contest the doctrine of indemnity upon which the prisoner has founded, and to show that he is stretching, far beyond its legal limits, the indulgence granted by the Court of Justiciary to those who are examined before it as *socii criminis*." As to the right of the private party to prosecute, this, it was contended, was a fundamental and constitutional principle in the criminal jurisprudence of Scotland—not an antiquated right, but one that was recognised by the latest authorities. Having quoted Burnet and Hume, the private prosecutors went on to say, that, legally speaking, there

were only two situations in which a prisoner could plead indemnity in bar of trial—previous acquittal, by a jury, of the crime of which he was charged, or remission by the Crown. But the point which the prosecutors were anxious to establish was “that whatever may be the nature of the private arrangement between the public prosecutor and the criminal, and whatever may have been his inducement to give up the right of calling upon the criminal to answer at the bar of justice, for the crime of which he is guilty, that arrangement cannot deprive the private party of his right to insist for the full pains of the law. If the law contemplated the power of the public prosecutor to deprive the private party of his right to prosecute by arrangements to which the latter is no party, it had better declare at once that the private instance shall be at an end, because it virtually would be so. In every case where the public prosecutor wished to protect a criminal, and shield him from the effects of crime, an arrangement, under the pretence of a precognition and searching for evidence against a third party, might at once be made; and if the doctrine maintained on the part of the prisoner be correct, that would prevent all prosecution at the instance of the individual injured.” The assertion of the prosecutors was that their legal right to investigate the circumstances attending the death of their near relation, and to indict the accused party if they should find sufficient ground to do so, could not be interfered with by the proceedings of the public prosecutor, in circumstances over which they had no control. In point of form, it was required by the law that the Lord Advocate should grant his concurrence to a prosecution before the High Court of Justiciary, and he had no right to refuse this concurrence, but if he should so refuse it he could be compelled to grant it, for the reason that it was not *in arbitrio* of him to deprive a party of his right. In support of the contention for the private prosecutors various cases were cited, particular stress was laid upon the warnings addressed by the Lord Justice-Clerk and the counsel for Burke and M'Dougal to Hare when he was in the witness box, that the protection of the Court only extended to the case under trial, and not to the other two charges in the indictment, which had been deserted *pro loco et tempore*.

Such, in brief, were the pleadings for the parties, and the decision of the Court was awaited by all with great interest—by the lawyers because it would establish an important legal precedent, and by the public because they hoped, through it, to see Hare put on his trial and convicted of the murder of Daft Jamie.

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## CHAPTER XXXI.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER XXXII.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## CHAPTER XXXIII.

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

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

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

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

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

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

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

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

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

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



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

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

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

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## CHAPTER XXXIV.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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#### CHAPTER XXXV.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



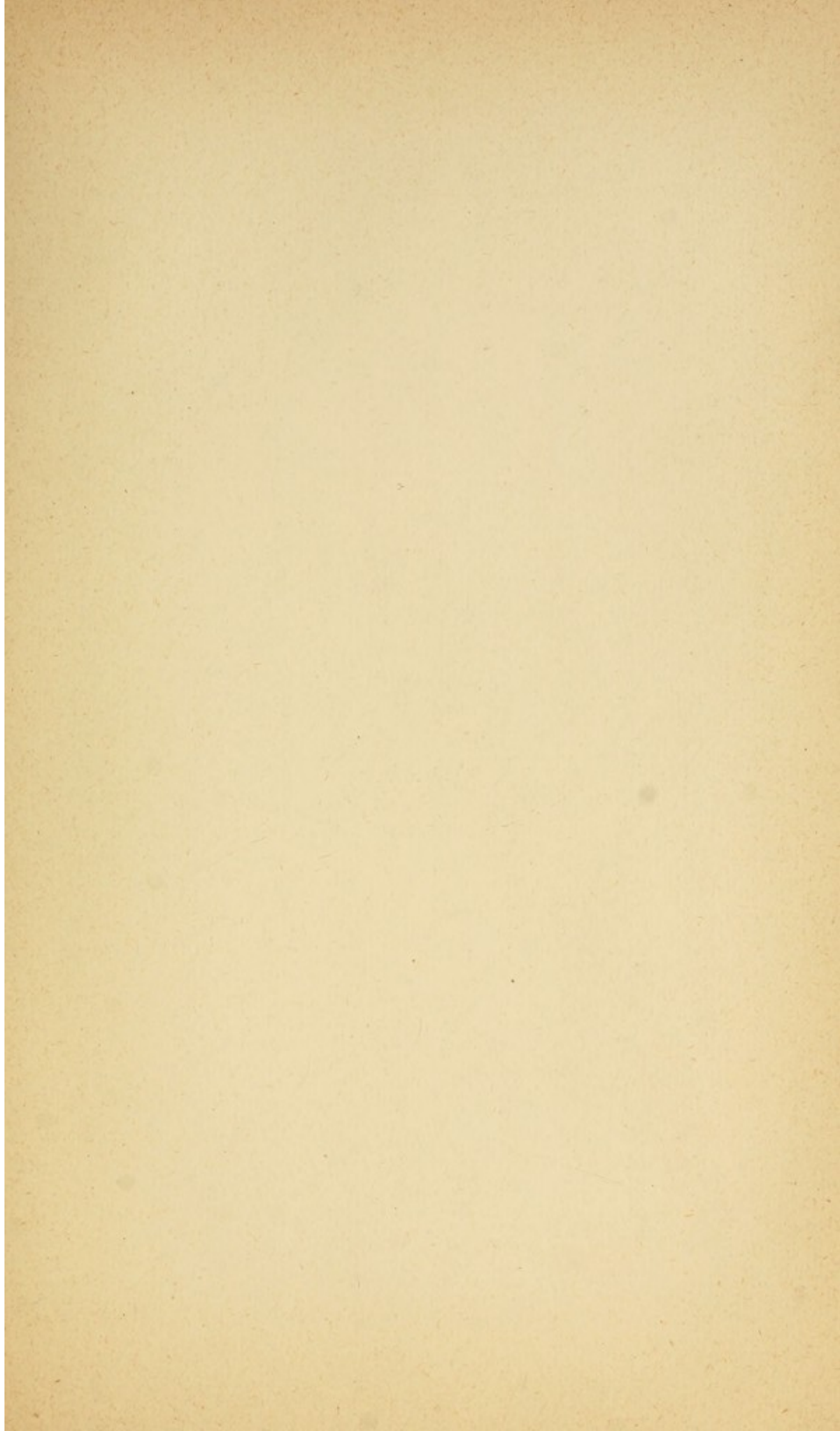
“That was the whole of them—sixteen in whole; nine were murdered in Hare’s house, and four in John Broggan’s; two in Hare’s stable, and one in Burke’s brother’s house in the Canon-gate. Burke declares that five of them were murdered in Hare’s room that has the iron bolt in the inside of it. Burke did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

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

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

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

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



— Burke declares that doctor  
Knox never incouraged him rather thought  
~~to~~ incouraged him to murder any  
person either any of his assistants that  
worthy gentlemen Mr. Ferguson was  
the only man that ever mentioned  
any thing about the bodies he  
frequented where we got that  
• of my woman palanor that  
dined William Burke prisoner

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

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

(Sined)

“WILLIAM BURK, prisner.”

“*Condemned Cell, January 21, 1829.*”

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## CHAPTER XXXVI.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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## CHAPTER XXXVII.

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

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

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

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

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

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

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

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

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

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

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

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



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

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#### CHAPTER XXXVIII.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## CHAPTER XXXIX.

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

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

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

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

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

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

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

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

“‘Further than his name,’ continues the Solar gentleman, ‘there is nothing to prove that Burke is an Irishman.’

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

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

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



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

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

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

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

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

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## CHAPTER XL.

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

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

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

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

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

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

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

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

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

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

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

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## CHAPTER XLI.

*“Burking” in London—Apprehension of Bishop, Williams, and May—Their Trial, Confession, and Execution—Re-introduction and Passing of the Anatomy Act.*

THIS other lesson, to which reference was made at the close of the last chapter, was given through the medium of a case which occurred in London. In many features the case was similar to that against the West Port murderers, with the notable difference that the Englishmen did not go about their desperate work with quite so much method and cunning as did their prototypes in Edinburgh. They used a brutal violence which, fortunately for the community, cut them short almost at the very outset of their murderous career.

Shortly after noon, on Saturday, the 5th of November, 1831, John Bishop and James May, both well-known body-snatchers, called on the porter of the Dissecting Room at King's College, London. May was the spokesman, and he informed the porter that he had a subject which he would give him for twelve guineas, and he then proceeded to declare its qualities, much in the same way as he would have spoken of an ordinary piece of merchandise—“it was very fresh, and was a male subject of about fourteen years of age.” Mr. Hill, the porter, said he was not particularly requiring it, but he would see the demonstrator, Mr. Partridge. There was some haggling about the price.

Bishop offered it for ten guineas, but was ultimately forced to abate the sum by another guinea, promising at last to send the body for nine. In the course of the afternoon the two men, accompanied by a colleague of the name of Thomas Williams, returned to the college, and with them was a street porter, who bore on his head a large hamper. Taken into a room, the hamper was found to contain the body of a young lad wrapped up in a sack. Hill saw there were some suspicious marks about the head, and, besides, it was not in such a form as bodies usually were when taken from a coffin, the left arm being bent and the fingers clenched. The porter asked them what the lad had died of, but May, who was in a drunken state, said that was neither his business or theirs. He then informed Mr. Partridge of what he had seen and suspected. That gentleman, without seeing the men, examined the body, and found there were about it some marks and circumstances of a suspicious nature. There were the swollen state of the jaw, the bloodshot eyes, the freshness of the body, and the rigidity of the limbs. There was also a cut over the left temple. Having made this examination, he sent for the police, and returning to the men he produced a fifty pound note, telling them he must get that changed before he could pay them. Bishop saw that Mr. Partridge had some gold in his purse, and he said to him: "Give me what money you have in your purse, and I will call for the rest on Monday." May, on his part, offered to go for the change, but Mr. Partridge declined both proposals, and left the room on the pretence of seeking the change himself. All this was but a blind to detain the men until a strong body of police had time to arrive, when all three were apprehended, and the body taken to the police office. A subsequent examination of the corpse by three surgeons, one of them being Mr. Partridge, showed that the lad must have met his death through violence. The only external mark—that on the temple—was superficial, and did not injure the bone; but between the scalp and the bone there was a patch of congealed blood about the size of a crown-piece, which, from its appearance, must have been caused by a blow given during life. On the removal of the skin from the back part of the neck, a considerable quantity—about four



ounces—of coagulated blood was found among the muscles, and this also, in the opinion of the surgeons, must have been effused when the subject was alive. A portion of the spine having been removed for the purpose of examining the spinal marrow, a quantity of coagulated blood was found lying in the canal, and this, it was stated, from its pressure on the spinal marrow, must have caused death. All these appearances, and death, would, in the opinion of the surgeons, have followed a blow from a blunt instrument of any kind. Subsequent inquiries by the police brought to light the fact that the body had been offered to the curator of Guy's Hospital and of Grainger's Anatomical Theatre, both of whom declined to purchase it. They also discovered that May had called upon a surgeon-dentist in Newington on the morning of the day he was apprehended, and had offered for sale, at the price of a guinea, twelve human teeth, which he said had belonged to a boy between fourteen and fifteen years of age, whose body had never been buried. Some of the flesh and pieces of the jaw adhered to the teeth, showing that great force had been used to wrench them out.

On the question of the identity of the body found in the possession of the three men, the authorities had what was apparently satisfactory evidence that it was that of Carlo Ferreer, who had arrived from Italy two years before, and who went about the streets of London with a cage, containing two white mice, slung from his neck by a string. On the night of Thursday, the 3rd of November, the boy and Bishop and Williams were all three seen in the vicinity of the Nova Scotia Gardens, where Bishop resided, but they were not in company. That same evening one of Bishop's neighbours heard sounds of a scuffle proceeding from his house in Nova Scotia Gardens, but paid little attention to it, as he considered it was simply a family quarrel. A search through this house by the police led to the discovery of two crooked chisels, a brad-awl, and a file. There appeared to be fresh marks of blood on the brad-awl. Then in May's house in Dorset Street, New Kent Road, there were found a vest and a pair of trousers, both marked with what were evidently fresh stains. Buried in Bishop's garden were found several articles

of men's clothing, all of which were stained with blood. Another incident that seemed to show that the body was that of the poor Italian boy was that on the 5th of November Bishop's boys were seen in the possession of a cage in which were two white mice. When the productions were taken to Bow Street Police Office, where the accused were confined, May said, when he saw the brad-awl, "That is the instrument with which I punched the teeth out;" and the dentist, in his evidence at the trial, said the teeth had been forced out, and he thought the brad-awl produced would afford great facility for doing so.

This, in brief, was the case upon which the prosecution rested for the conviction of the three men. The trial took place at the Old Bailey Sessions on the 1st of December, and created the most intense interest among all classes of the community. The court was crowded, and outside an immense multitude had assembled. After a long trial the jury found the three prisoners guilty of murder. The verdict was received in court with silence, but when the result was known outside the people cheered vociferously, and this they continued so long that the officers were obliged to close the windows of the court, that the voice of the judge might be heard in passing sentence of death. Only four days' grace was given to the unhappy men, for their execution was fixed for the 5th of December.

The day before their execution, on the 4th of December, Bishop and Williams made confessions before the under-sheriff. In these documents, which will be found at length in the appendix, they acknowledged to the murder of the lad whose body was found, but they stated that he came from Lincolnshire, and was not the Italian boy to whose identification so many witnesses had sworn. Subsequent investigation, however, led to the belief that the condemned men, and not the witnesses, had made the mistake. They also declared that they had been concerned in the murder of a woman and of a boy of about eleven years of age. Their method was to get their intended victims to drink beer or gin, which they had drugged with laudanum, and then, when they were in a stupified state, to lower them by a rope attached to the heels, head foremost into a well at the back of the Bishop's house. This act completed the work, and, it was

thought, allowed the drugged liquor to run out of the mouth. They thus acknowledged to three distinct acts of murder, but they both declared that May was wholly ignorant and innocent of all of them. Bishop had been a body-snatcher for twelve years, and he had during that time obtained and sold over five hundred bodies.

The evidence against May had all along been deemed defective, and this full and unequivocal statement that he was unconnected with the murder, procured a respite for him. When sentenced in court he turned to the jury and said: "I am a murdered man, gentlemen." The communication of the news that his life had been saved was itself almost the cause of his death. He fell to the ground in a fit, and while he was in contortions it took four of the prison officers to hold him; but he recovered in a quarter of an hour.

By one o'clock on the morning of Monday, the 5th December, a great crowd had assembled in front of the scaffold at Newgate, and by daybreak as many as 30,000 persons were present to witness the last act of the law. Bishop's appearance on the scaffold gave rise to a scene similar to that at the execution of Burke at Edinburgh. The people hooted and yelled in a terrible manner while the executioner put the rope round the murderer's neck, and fixed it to a chain depending from the beam; and the demonstration was renewed with vigour when Williams was brought out. When the drop fell Bishop died instantaneously, but Williams struggled in the death agonies for several minutes. The crowd then broke through the barriers, and a scene that baffles description ensued. Forgetting itself in the excitement of the moment, the mob rushed towards the scaffold, and in the struggle with the police large numbers were injured. Many were trampled under foot. By half-past seven o'clock that morning between twenty and thirty persons were carried to St. Bartholomew's Hospital, all seriously maimed. "Thus died," says a broadside published at the time, "the dreadful Burkers of 1831." The author of the production called "The Trial, Sentence, Full Confession and Execution of Bishop and Williams, the Burkers," furnishes a very pertinent comment on the whole transaction. "The month of November, 1831," he remarks, "will be recorded in the annals of crime and

cruelties as particularly pre-eminent, for it will prove to posterity that other wretches could be found base enough to follow the horrid example of Burke and his accomplice Hare, to entice the unprotected and friendless to the den of Death for sordid gain." In accordance with the terms of sentence, the bodies of the executed criminals were "delivered over for dissection and anatomization."

While this terrible example of the dangers to the community under the existing state of the law as to the study of anatomy was still fresh on the minds of the people, Mr. Warburton again introduced his bill, slightly altered in respect of details, into the House of Commons. On the 15th of December, 1831, he obtained leave to introduce the bill, and it was then read a first time. He moved the second reading on the 17th of January, 1832, but when the question was put that the bill be read a second time it was found there were not forty members present, and the House had to adjourn. However, on the 29th of the same month he was more successful, and gained the second reading. After it had passed through several stages in committee, Mr. Warburton, on the 11th of April, moved that it be re-committed, and stated that he had been waited upon by deputations from the College of Surgeons in Dublin, and another medical body, who desired that the provisions of the measure should be extended to Ireland, which he had not originally intended should be included within its scope. In committee it was agreed to extend the bill to Ireland. On the 18th of April, when it was again in committee, an amendment to the effect that the disposal of the bodies of executed murderers for dissection should be left to the discretion of the judges was negatived. The bill passed the House of Commons on the 11th of May, and shortly afterwards received the approval of the Upper House.

## CHAPTER XLII.

*The Passing of the Anatomy Act—Its Terms and Provisions.*

SUCH were the circumstances that led up to the passing of what was familiarly known as the Anatomy Act. In view of the long course of restriction to which it put an end, and of the fact that this measure is still operative as regards the matter of which it treats, it is proper that it should be reproduced here. It received the Royal assent on the 1st of August, 1832, and is technically known as 3 and 4 Geo. IV., c. 75, the short title being "An Act for regulating Schools of Anatomy." The following are its terms and provisions:—

"Whereas a knowledge of the causes and nature of sundry diseases which affect the body, and the best methods of treating and curing such diseases, and of healing and repairing divers wounds and injuries to which the human frame is liable, cannot be acquired without the aid of anatomical examination: And whereas the legal supply of human bodies for such anatomical examination is insufficient fully to provide the means of such knowledge: And whereas in order further to supply human bodies for such purposes, divers great and grievous crimes have been committed, and lately murder, for the single object of selling for such purposes the bodies of the persons so murdered: And whereas, therefore, it is highly expedient to give protection, under certain regulations, to the study and practice of anatomy, and to prevent, as far as may be, such great and grievous crimes and murder as aforesaid: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty's principal secretary of state for the time being for the home department in that part of the United Kingdom called Great Britain, and for the chief secretary for Ireland in that part of the United Kingdom called Ireland, immediately on the passing of this Act, or so soon thereafter as may be required, to

grant a license to practise anatomy to any fellow or member of any college of physicians or surgeons, or to any graduate or licentiate in medicine, or to any person lawfully qualified to practise medicine in any part of the United Kingdom, or to any professor or teacher of anatomy, medicine, or surgery, or to any student attending any school of anatomy, on application from such party for such purpose, countersigned by two of his Majesty's justices of the peace acting for the county, city, borough, or place wherein such party so applying is about to carry on the practice of anatomy.

“ 2. And be it enacted, that it shall be lawful for his Majesty's said principal secretary of state or chief secretary, as the case may be, immediately on the passing of this Act, or as soon thereafter as may be necessary, to appoint respectively not fewer than three persons to be inspectors of places where anatomy is carried on, and at any time after such first appointment to appoint, if they shall see fit, one or more other person or persons to be an inspector or inspectors as aforesaid; and every such inspector shall continue in office for one year, or until he be removed by the said secretary of state or chief secretary, as the case may be, or until some other person shall be appointed in his place; and as often as any inspector appointed as aforesaid shall die, or shall be removed from his said office, or shall refuse or become unable to act, it shall be lawful for the said secretary of state or chief secretary, as the case may be, to appoint another person to be inspector in his room.

“ 3. And be it enacted, that it shall be lawful for the said secretary of state or chief secretary, as the case may be, to direct what district of town or country, or of both, and what places where anatomy is carried on, situate within such district, every such inspector shall be appointed to superintend, and in what manner every such inspector shall transact the duties of his office.

“ 4. And be it enacted, that every inspector to be appointed by virtue of this Act shall make a quarterly return to the said secretary of state or chief secretary, as the case may be, of every deceased person's body that during the preceding quarter has been removed for anatomical examination to every separate place in his district where anatomy is carried on

distinguishing the sex, and, as far as is known at the time, the name and age of each person whose body was so removed as aforesaid.

“5. And be it enacted, that it shall be lawful for every such inspector to visit and inspect at any time any place within his district, notice of which place has been given, as is hereinafter directed, that it is intended there to practise anatomy.

“6. And be it enacted, that it shall be lawful for his Majesty to grant to every such inspector such an annual salary not exceeding one hundred pounds for his trouble, and to allow such a sum of money for the expenses of his office as may appear reasonable, such salaries and allowances to be charged on the consolidated fund of the United Kingdom, and to be payable quarterly; and that an annual return of all such salaries and allowances shall be made to Parliament.

“7. And be it enacted, that it shall be lawful for any executor or other party having lawful possession of the body of any deceased person, and not being an undertaker or other party intrusted with the body for the purpose only of interment, to permit the body of such deceased person to undergo anatomical examination, unless, to the knowledge of such executor or other party, such person shall have expressed his desire, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife, or any known relation of the deceased person, shall require the body to be interred without such examination.

“8. And be it enacted, that if any person, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, shall direct that his body after death be examined anatomically, or shall nominate any party by this Act authorized to examine bodies anatomically to make such examination, and if, before the burial of the body of such person, such direction or nomination shall be made known to the party having lawful possession of the dead body, then such last mentioned party shall direct such examination to be made, and in case of any such nomination as aforesaid, shall request and permit any

party so authorised and nominated as aforesaid to make such examination, unless the deceased person's surviving husband or wife, or nearest known relative, or any one or more of such person's nearest known relatives, being of kin in the same degree, shall require the body to be interred without such examination.

“9. Provided always, and be it enacted, that in no case shall the body of any person be removed for anatomical examination from any place where such person may have died until after forty-eight hours from the time of such person's decease, nor until twenty-four hours notice, to be reckoned from the time of such decease, to the inspector of the district, of the intended removal of the body, or if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place of death, nor unless a certificate stating in what manner such person came by his death, shall previously to the removal of the body have been signed by the physician, surgeon, or apothecary who attended such person during the illness whereof he died, or if no such medical man attended such person during such illness, then by some physician, surgeon, or apothecary who shall be called in after the death of such person, to view his body, or who shall state the manner or cause of death according to the best of his knowledge and belief, but who shall not be concerned in examining the body after removal; and that in case of such removal such certificate shall be delivered, together with the body, to the party receiving the same for anatomical examination.

“10. And be it enacted, that it shall be lawful for any member or fellow of any college of physicians or surgeons, or any graduate or licentiate in medicine, or any person lawfully qualified to practice medicine in any part of the United Kingdom, or any professor, teacher, or student of anatomy, medicine, or surgery, having a license from his Majesty's principal secretary of state or chief secretary as aforesaid, to receive or possess for anatomical examination, or to examine anatomically, the body of any person deceased, if permitted or directed so to do by a party who had at the time of giving such permission or direction lawful possession of the body, and who had power, in pursuance of the provisions of this Act, to



permit or cause the body to be so examined, and provided such certificates as aforesaid were delivered by such party together with the body.

“11. And be it enacted, that every party so receiving a body for anatomical examination after removal shall demand and receive, together with the body, a certificate as aforesaid, and shall, within twenty-four hours next after such removal, transmit to the inspector of the district such certificate, and also a return stating at what day and hour and from whom the body was received, the date and place of death, the sex, and (as far as is known at the time) the christian and surname, age, and last place of abode of such person, or, if no such inspector have been appointed, to some physician, surgeon, or apothecary residing at or near the place to which the body is removed, and shall enter or cause to be entered the aforesaid particulars relating thereto, and a copy of the certificate be received therewith, in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by any inspector so appointed as aforesaid.

“12. And be it enacted, that it shall not be lawful for any party to carry on or teach anatomy at any place, or at any place to receive or possess for anatomical examination, or examine anatomically, any deceased person's body after removal of the same, unless such party, or the owner or occupier of such place, or some party by this Act authorised to examine bodies anatomically, shall, at least one week before the first receipt or possession of a body for such purpose at such place, have given notice to the said secretary of state or chief secretary, as the case may be, of the place where it is intended to practise anatomy.

“13. Provided always, and be it enacted, that every such body so removed as aforesaid for the purpose of examination shall, before such removal, be placed in a decent coffin or shell, and be removed therein; and that the party removing the same, or causing the same to be removed as aforesaid, shall make provision that such body, after undergoing anatomical examination, be decently interred in consecrated ground, or in some public burial-ground in use for persons of that religious persuasion to which the person whose body was so removed

belonged ; and that a certificate of the interment of such body shall be transmitted to the inspector of the district within six weeks after the day on which such body was received as aforesaid.

“ 14. And be it enacted, that no member or fellow of any college of physicians or surgeons, nor any graduate or licentiate in medicine, nor any person lawfully qualified to practise medicine in any part of the United Kingdom, nor any professor, teacher, or student of anatomy, medicine, or surgery, having a license from his Majesty's principal secretary of state or chief secretary as aforesaid, shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having in his possession for anatomical examination, or for examining anatomically, any dead human body, according to the provisions of this Act.

“ 15. And be it enacted, that nothing in this Act contained shall be construed to extend to or to prohibit any post-mortem examination of any human body required or directed to be made by any competent legal authority.

“ 16. And whereas an Act was passed in the ninth year of the reign of his late Majesty, for consolidating and amending the statutes in England relative to offences against the person, by which latter Act it is enacted, that the body of every person convicted of murder shall, after execution, either be dissected or hung in chains, as to the court which tried the offence shall seem meet, and that the sentence to be pronounced by the court shall express that the body of the offender shall be dissected or hung in chains, whichever of the two the court shall order. Be it enacted, that so much of the said last recited Act as authorises the court, if it shall see fit, to direct that the body of a person convicted of murder shall, after execution, be dissected, be and the same is hereby repealed ; and that in every case of conviction of any prisoner for murder the court before which such prisoner shall have been tried shall direct such prisoner either to be hung in chains, or to be buried within the precincts of the prison in which such prisoner shall have been confined after conviction, as to such court shall seem meet ; and that the sentence to be pronounced by the court shall express that the body of such prisoner shall

be hung in chains, or buried within the precincts of the prison, whichever of the two the court shall order.

“ 17. And be it enacted, that if any action or suit shall be commenced or brought against any person for anything done in pursuance of this Act, the same shall be commenced within six calendar months next after the cause of action accrued; and the defendant in every such action or suit may, at his election, plead the matter specially or the general issue Not Guilty, and give this Act and the special matter in evidence at any trial to be had thereupon.

“ 18. And be it enacted, that any person offending against the provisions of this Act in England or Ireland shall be deemed and taken to be guilty of a misdemeanour, and being duly convicted thereof, shall be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried; and any person offending against the provisions of this Act in Scotland shall, upon being duly convicted of such offence, be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding fifty pounds, at the discretion of the court before which he shall be tried.

“ 19. And in order to remove doubts as to the meaning of certain words in this Act, be it enacted, that the words ‘person and party’ shall be respectively deemed to include any number of persons, or any society, whether by charter or otherwise; and that the meaning of the aforesaid words shall not be restricted, although the same may be subsequently referred to in the singular number and masculine gender only.”

## CHAPTER XLIII.

*Conclusion—Review of the Effects Produced by the Resurrectionist Movement—The Houses in Portsburgh—The Popular Idea of the Method of Burke and Hare—Origin of the Words “Burker” and “Burking.”*

SUCH were the resurrectionist times in Scotland, and such the crimes committed by Burke and Hare, and their English imitators. Now-a-days it may seem strange that events like these were possible in a country professing a civilizing christianity, but no one with a knowledge of the depths to which humanity can descend will deny that even in our much boasted time, with all our social advancement, men could be found who would dare to put their consciences under the burden of such terrible iniquities, were the other circumstances and necessities still the same. There was little wonder that the public sense of security was alarmed, that the heart of the nation was touched, at the shocking disclosures made at each successive trial, and at the daily actions of men who seemed to be safe from the law. We have seen how the people of Scotland felt under the constant robbing of their churchyards; how they were awe-struck at the mysterious disappearance from among them of some unfortunate, whose whereabouts was never found out; and how they rose in righteous anger when the mystery was cleared up in the High Court of Justiciary. The wonder, indeed, is that considering the reverential regard for the dead which has always characterised them, that they bore the terrible pillage of their Golgothas so long; and that when the end came they did not work more mischief than they did. But the times, hard as they were at the best, and suffering under such a shocking blemish, were productive of real and lasting good to the nation, socially, scientifically, and even spiritually.

For a long time after the execution of Burke and the flight of his accomplices, the houses in Wester Portsburgh were objects of horror and detestation; and having acquired a

ghastly interest from the horrible crimes of which they were the scene, were among the best visited places in Edinburgh, until at last they were knocked down as eyesores to the community, and as perpetuating a series of crimes which were too deeply impressed on human memory to be easily forgotten. But the tradition clung long to the district, and even to this day the locality is pointed out to the stranger as being notable. The interest taken in these buildings and their internal arrangement was so great, that paintings of them on canvas were taken through the country, and shown at village fairs and markets.

But an annoying and reprehensible practice arose out of the actions of Burke and Hare, which while certainly not so serious, was not without its dangerous element. This was a habit which many young men dropped into of attempting to put pieces of sticking-plaster over the mouths of unsuspecting passengers on the streets. Most commonly this prank was played upon girls, many of whom were almost out of their wits, and who would not venture out of the door at nights. This practice obtained not only in Edinburgh but also in Glasgow and the other large towns in Scotland, and though examples were made by the miscreants being apprehended and punished by the police magistrates, it became after a time such an intolerable nuisance, that the strictest measures had to be taken for its repression. One case of this kind in Glasgow created an extraordinary commotion. A servant girl was attacked in the street, and a sticking-plaster of so strong an adhesive nature was placed over her mouth that it could not be removed without taking a great portion of the skin of her face with it. There was little wonder that the *Glasgow Chronicle*, in a comment on the occurrence, said that the "wretches who can behave thus at any time, and more especially in the present state of public feeling, are a disgrace to society." But it is curious to note how this silly imitation of the method of Burke and Hare came to be regarded as the actual mode in which these men had performed their manifold murders. The fact that so many terrible crimes had been committed by them kept a firm hold on the mind of the people, but, gradually, the method, which had been made so public through the medium of the news-

papers, was forgotten, and the impression as gradually gained ground that slipping up to their intended victims on the streets, Burke and his accomplice gave them their quietus by skilfully placing a piece of sticking-plaster over their mouths. Of course the preceding narrative, and the confessions of the condemned criminal, show that it was far otherwise, but the impression, amounting latterly to an absolute belief, became so fixed that even yet it still holds sway, though certainly in a less degree now than a generation ago.

Allusion has already been made to the remarkably strong hold the whole plot took upon the minds of the Scottish people, and to the fact that it has exercised an influence on the inner life of the Scottish mind down to the present. This is generally acknowledged, but perhaps a better idea of the original character of the impression made by the discoveries of 1829 may be gained when the great events and movements going on all around at and after the time are taken into consideration. In the year 1829 the country was agitated not only by stirring news from the Continent, where armies were marching to and fro, and there was a tendency to a general European conflagration, but also by the Catholic Emancipation movement, and parliamentary reform. Every one knows the interest the people of Scotland took in these matters, and especially in the Reform Bill, and how many suffered on the scaffold for over boldness in the struggle. These were events that might have absorbed all the attention the people could spare from their daily toil for the sustenance of life; but yet the Burke and Hare tragedies were always to be heard repeated by some fireside, and the tales of the resurrectionists were rehearsed to willing listeners. Such great events affected the rights of the people as citizens of the empire, as freemen in the state; but the violation of churchyards, the murder of poor human beings for the sale of their bodies, touched the heart, it related to the home-life of the man, independent of his citizenship. It was the same with the other great political movements of the early half of the century. The stories went from mouth to mouth, from father to son, from nurse to child, and the horrid memory of the foulest series of murders on the criminal calendar of Scotland was kept fresh, young minds

grew up in fear of a terrible unknown something of which the preceding generation had had a full realization, a something which happily was impossible, but which exercised a baneful and dwarfing influence all the same. The old bogles of superstitious times were thrown aside, the stern realities of human criminality were used in their stead. Many still remember their youthful impressions and shudder. It is well that these influences are losing their power, but it would be unfortunate if the lessons taught by these awful times were forgotten by the country.

Happily, however, the resurrectionist times were not without their good elements as well as their bad. Had such events not taken place two things would have been evident—first, that up to that time anatomical study and research had made little progress; and second, that the study would have continued in a state of stagnation under restrictions discreditable to the country and its rulers. But quite another state of matters existed and do exist. The scientific ardour which from an early period of its history had characterised the medical faculty in Scotland, and particularly in Edinburgh, may be said to have created the necessity for resurrectionists or body-snatchers, and the fact that the research so needful to the happiness and comfort of humanity was being conducted under such unfortunate auspices, and debasing restrictions, gradually awoke the community to a sense of what they owed to themselves and to those whose ultimate object was the general good. The churchyards were being robbed of their silent tenants, the poor were being surreptitiously bribed to part with the bodies of their dead relatives, and even the streets were being laid under contribution for their living wanderers. The exigencies of science had created a necessary evil; the natural and even justifiable prejudices of the nation, outraged and grieved, were against the seeking of a remedy. But the evil became so great, its worst and latest development was so shocking, that some steps had to be taken, even at the expense of human sentiment, to put matters on a right and proper footing. Men could not live without doctors who were thoroughly trained and experienced in all the intricacies and mysteries of the human frame; these doctors could not gain their experience

without "subjects," and "subjects" they must have by some means or other. Not, certainly, that the profession approved of murder to obtain their ends, but the result showed that the men upon whom the profession mainly depended had resorted to that terrible act to supply their patrons. The only feasible course open, therefore, was that made lawful by the Anatomy Act of 1832, which put upon a legal basis the purchase of bodies from relatives under certain wise and not too irksome conditions. It has been seen that notwithstanding the unhappy state of matters then existing, and the terrible scourge under which the country had so long suffered, there was a strong feeling against the passage of that measure; but on the other hand an interesting testimony was given in its favour when many of the highest in the land, amongst them the Duke of Sussex, the youngest son of King George III., and uncle of Queen Victoria, gave directions that if necessary their bodies should after death be anatomised. The science of anatomy, therefore, for the first time in its existence, made rapid progress, the art of healing and alleviating disease became more perfect, and although there is much still to be desired, research is unfettered, and the possibility of discoveries valuable to humanity are increased. It is curious, however, that in the last few years of these baneful restrictions, extraordinary results accrued from the researches of anatomists, and, strange though it may seem, the science was really put upon a scientific basis it had never occupied before.

But there was still another effect of the resurrectionist movement, and that was that it had a widening tendency on the religious beliefs of the people. The old idea is well expressed in the ballad written in 1711, and quoted in an early chapter in this volume, when the unknown author says:—

“Methink I hear the latter trumpet sound,  
When emptie graves into this place is found,  
Of young and old, which is most strange to me,  
What kind of resurrection this should be.”

The people preferred to think of a resurrection which would in one respect and to a certain extent be comprehensible to them.

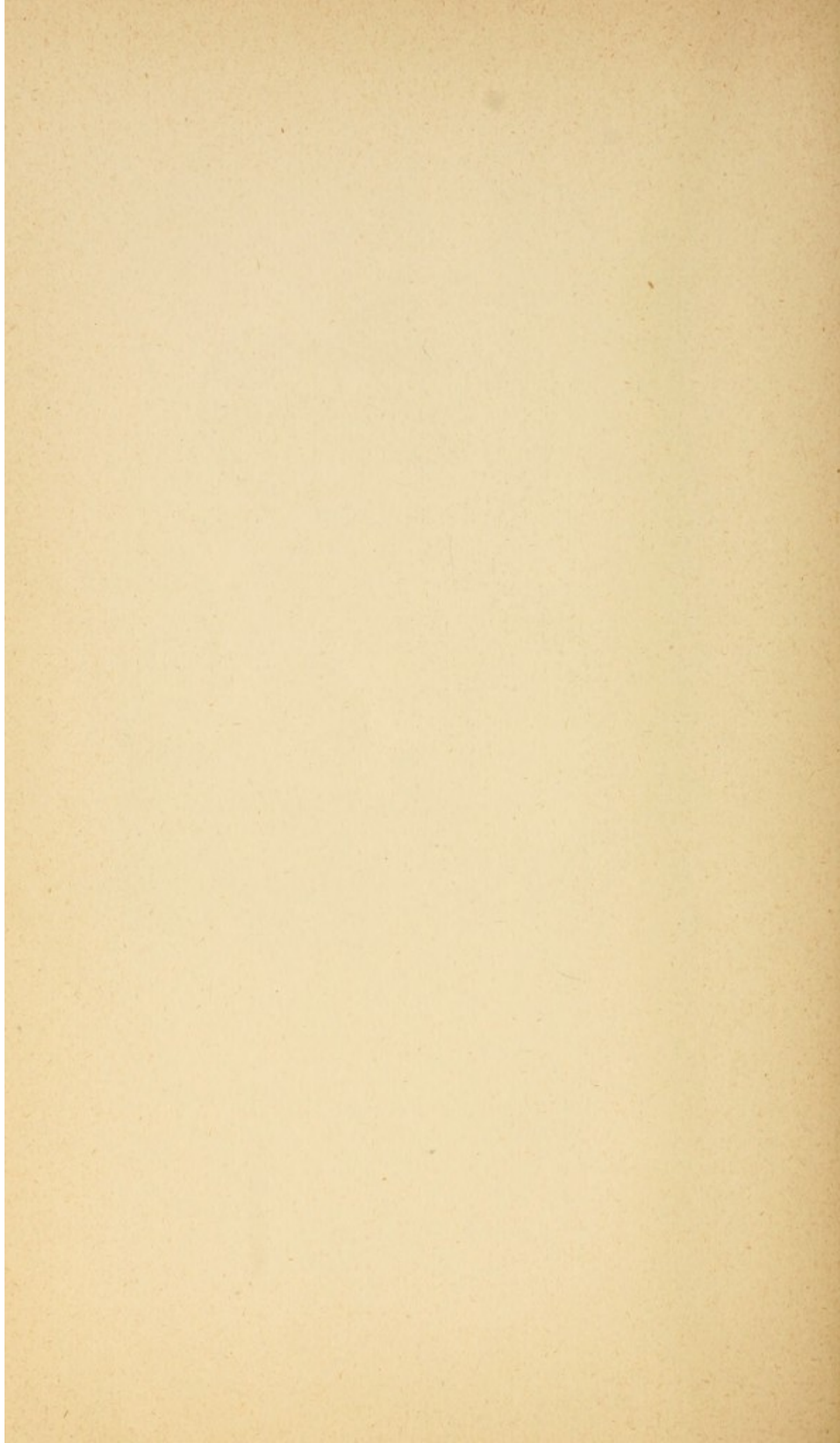


They thought they could understand the dead rising from the grave if their bodies were placed intact in the sepulchre, but they deemed that a body dissected and cut into pieces, probably portions buried in different places, was unlikely to be under the influence of the last call. In this they distrusted God in the belief of a doctrine which above all required a distinct act of faith in His almighty power. Their ideas, however, were widened, and they came to see that if it were possible for the Great Father of the human race to wake the dead on the judgment day when their dust lay peacefully beside the village church, it was also possible for Him to call them to Him though their particles lay far apart.

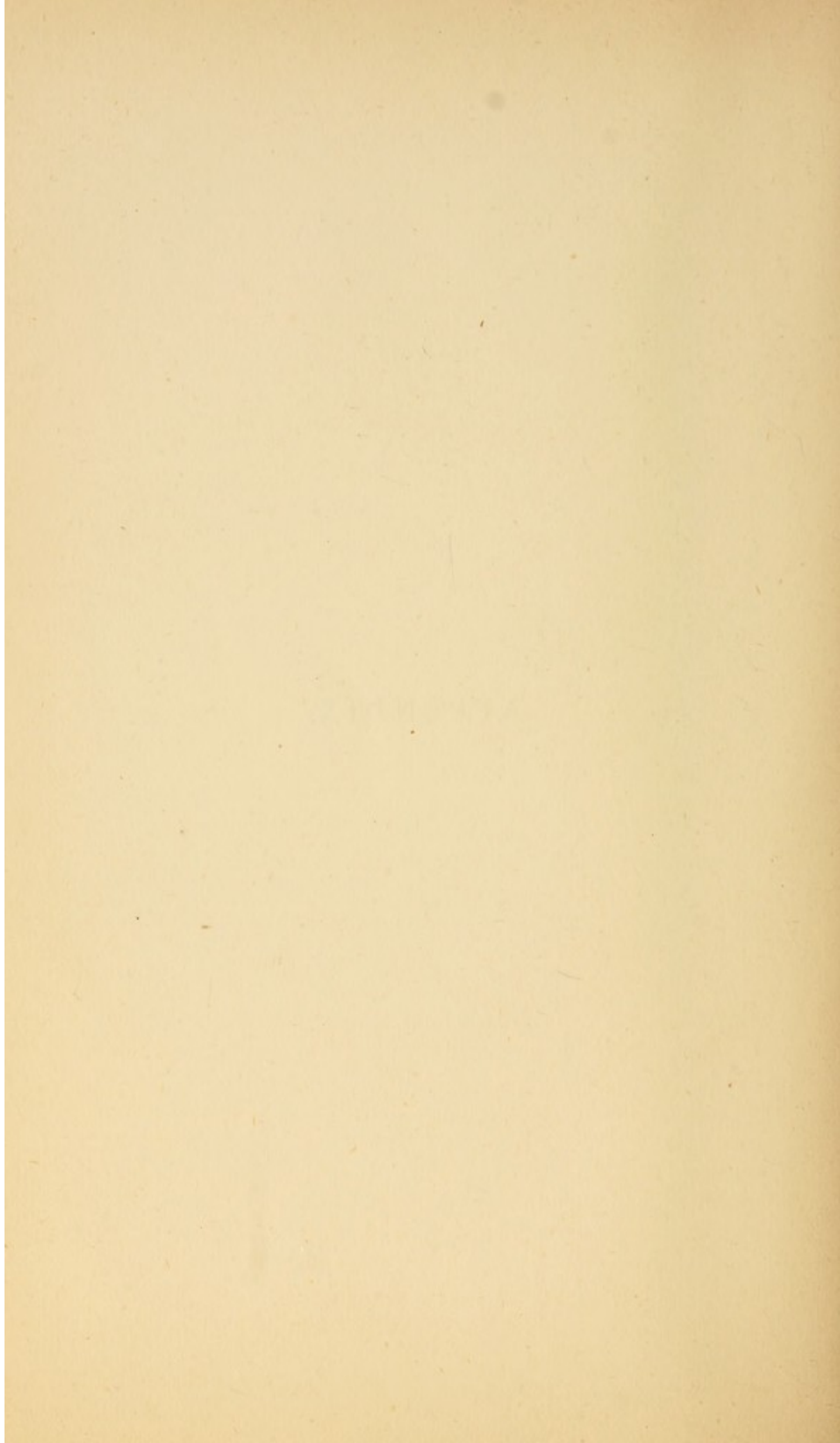
There is one other point which must not be omitted in a work of this kind. The transactions in the West Port of Edinburgh, in 1828, gave new words with a peculiar significance to the English language. A "burker" was unknown before the crimes of William Burke were made public; "burking" was an undiscovered art until he discovered it. This in itself is another testimony to the effect the crimes chronicled in this book had upon the minds of the men and women of the period. Many other words similarly derived have had a brief popularity, and dropped into oblivion, to be only hunted up by the philological antiquary, but these have retained their significance, and, by their aptitude to many actions in all phases of life, have attained to a classical position in the language to which their usefulness, rather than their origin, entitle them.



M<sup>RS</sup> HARE AND CHILD.  
(From a Sketch taken in Court.)



APPENDIX



## APPENDIX.

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### THE CASE AGAINST TORRENCE AND WALDIE.

AT page twenty-four *ante* a brief note is given of the case against Torrence and Waldie for the murder of a boy for the purpose of disposing of his body to the surgeons. The account there given is founded upon a brief jotting in the *Edinburgh Evening Courant*, and, as the case is one of considerable interest, the following more lengthy record is taken from the *Scots Magazine* for 1752:—

“Helen Torrence, residenter, and Jean Waldie, wife of a stabler’s servant in Edinburgh, were tried, at the instance of the King’s Advocate, before the Court of Justiciary, for stealing and murdering John Dallas, a boy of about eight or nine years of age, son of John Dallas, chairman in Edinburgh. The indictment bears, that in November last the pannels frequently promised two or three surgeon-apprentices to procure them a subject; that they pretended that they were to sit up with a dead child, and after the coffining, slip something else into the coffin, and secrete the body; but said afterwards that they were disappointed in this, the parent refusing to consent; that on the 3rd of December, Janet Johnston, mother to the deceased, having come to Torrence’s house, was desired by her to sit down; that Waldie, who was then with Torrence, soon left them, on pretence of being ill with the colic, and went up stairs to her own house, which was immediately above that of Torrence; that thereafter, on hearing a knock upon the floor above, Torrence went up stairs to Waldie, staid a short while with her, then returned to Janet Johnstone, and invited her to drink a pint of ale in a neighbouring house, which invitation she accepted of; that after they had drunk one pint

of ale, Torrence offered another; that this second pint being brought in, Torrence went out of the ale-house; that then both or either of the pannels went to the house of the above-mentioned John Dallas, chairman, stole away the poor innocent boy in the absence of its parents, and murdered it; that Waldie immediately after went and informed the surgeon apprentices that Torrence and she had now found a subject, desiring them to carry it instantly away; that on this the apprentices came to Waldie's house, and found the dead body stretched on a chest; that having asked what they should give for the subject? would not two shillings be enough? Both pannels declared they had been at more expense about it than that sum; but that upon their giving Torrence tenpence to buy a dram, she and Waldie accepted of the two shillings in part payment; that, at the desire of the apprentices, Torrence carried the body in her apron to one of their rooms, for which she received sixpence more; and that when the pannels were apprehended, some of the facts were confessed by them, by Torrence before one of the Bailies of Edinburgh, and by Waldie before the Lord Provost; Waldie in particular, having confessed that Torrence told her, that should this boy die, he would be a good one for the doctors; that, at Torrence's desire, she frequently went to see how the boy was; that thereafter, Torrence having asked her how he was? and she having answered, that he continued much in the same way, Torrence replied that it would be better to take him away alive, for he would be dead before he could be brought to her house; that accordingly, after the boy's mother had seen Waldie upstairs to her own house, 3rd December, Torrence came and told her that she and the mother were then drinking a pint of ale, and that it would be a proper time for Waldie to go for the boy; that Waldie accordingly went, found the boy looking over a window, took him up in her arms, and carried him directly to her own house, whither she was immediately followed by Torrence; that, before Torrence came in, Waldie had given the boy a drink of ale, but it would scarce go over, and he died six minutes thereafter; and that Waldie, at Torrence's desire, went for the surgeons, and sold the dead body to them, as above. On missing their child, the parents

made inquiry for him. In about four days, the body was found in a place of the town little frequented, but with evident marks of having been in the surgeons' hands. The parents were thereupon taken up, and likewise the pannels. The pannels were examined, the parents set at liberty, and the pannels kept in prison. Their trial came off on the 3rd February. After debates, the Lords found the libel relevant to infer the pains of law. A proof was taken on the same day. Among the witnesses were the boy's parents, and the surgeons' apprentices. Next day the jury returned the following verdict:— 'Found, that the pannels are both guilty, art and part, of stealing John Dallas, a living child, and son of John Dallas, chairman in Edinburgh, from his father's house, at the time and in the manner libelled; and of carrying him to the house of Jean Waldie, one of the pannels; and soon thereafter, on the evening of the day libelled, of selling and delivering his body, then dead, to some surgeons and students of physic.' Counsel were heard on the import of this verdict on the sixth, when all defences were over-ruled. Both pannels were sentenced to be hanged in the Grassmarket of Edinburgh, on the 18th March. They were executed accordingly. Waldie, in her last speech, says, that Torrence prevailed on her, when much intoxicated, to go and carry the child alive from its mother's house; that she carried it in her gown-tail to her own house; that when she arrived at home, she found the child was dead, having, as she believed, been smothered in her coats in carrying it off; that it really died in her hands; that she acknowledges her sentence to be just. Torrence declines saying anything about the crime."

On page 152 of MacLaurin's *Remarkable Cases*, under date February 3, 1752, there is a short account of the pleadings at the trial. The following is a note of the matter contained there, with the exception of the finding of the jury, which has already been given:—

*His Majesty's Advocate against Helen Torrence and Jean Waldie.*

"They were indicted for stealing and murdering John Dallas, a boy about eight or nine years of age, son of John Dallas, chairman, in Edinburgh, on the 3rd December, 1751.



“The counsel for the prisoners represented, that however the actual murder might be relevant to infer the pains of death, yet the stealing of the child could only infer an arbitrary punishment. And as to the selling of the dead body, it was no crime at all.

“*Ans.*—Though the stealing the child when alive, when disjoined from the selling of it when dead, might not go so far; yet, when taken together, they were undoubtedly relevant to infer a capital punishment.

“The court pronounced the usual interlocutor.”

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#### AN INTERVIEW WITH BURKE IN PRISON.

The following appeared in the *Caledonian Mercury* early in the month of January, 1829 :—

“The information from which the following article is drawn up we have received from a most respectable quarter, and its perfect correctness in all respects may be confidently relied on. In truth, it is as nearly as possible a strict report, rather than the substance, of what passed at an interview with Burke, in the course of which the unhappy man appears to have opened his mind without reserve, and to have given a distinct and explicit answer to every question which was put to him relative to his connection with the late murders.

After some conversation of a religious nature, in the course of which Burke stated that, while in Ireland, his mind was under the influence of religious impressions, and that he was accustomed to read his Catechism and Prayer-book, and to attend to his duties. He was asked, ‘How comes it then that you, who, by your own account, were once under the influence of religious impressions, ever formed the idea of such dreadful atrocities, of such cold-blooded, systematic murders as you admit you have been engaged in—how came such a conception to enter your mind?’ To this Burke replied, ‘that he did not exactly know; but that becoming addicted to drink, living in

open adultery, and associating continually with the most abandoned characters, he gradually became hardened and desperate; gave up attending chapel or any place of religious worship, shunned the face of the priest, and being constantly familiar with every species of wickedness, he at length grew indifferent as to what he did, and was ready to commit any crime.'

"He was then asked how long he had been engaged in this murderous traffic, to which he answered, 'From Christmas, 1827, till the murder of the woman Docherty in October last.' 'How many persons have you murdered, or been concerned in murdering, during the time? Were they 30 in all?' 'Not so many; not so many, I assure you.' 'How many?' He answered the question, but the answer was, for a reason perfectly satisfactory, not communicated to us, and reserved for a different quarter.

"'Had you any accomplices?' 'None but Hare. We always took care when we were going to commit a murder that no one else should be present; that no one could swear he saw the deed done. The women might suspect what we were about, but we always put them out of the way when we were going to do it. They never saw us commit any of the murders. One of the murders was done in Broggan's house while he was out, but before he returned the thing was finished and the body put into a box. Broggan evidently suspected something, for he appeared much agitated, and entreated us to take away the box, which we accordingly did. But he was not in any way concerned in it.'

"'You have already told me that you were engaged in these atrocities from Christmas, 1827, till the end of October, 1828. Were you associated with Hare during all that time?' 'Yes, we began with selling to Dr. ——— the body of a woman who had died a natural death in Hare's house. We got ten pounds for it. After this we began the murders, and all the rest of the bodies that we sold to him were murdered.'

"'In what place were these murders generally committed?' 'They were mostly committed in Hare's house, which was very convenient for the purpose, as it consisted of a room and kitchen. Daft Jamie was murdered there. The story told of

this murder is incorrect. Hare began the struggle with him, and they fell and rolled together on the floor; then I went to Hare's assistance, and we at length finished him, though with much difficulty. I committed one murder in the country by myself. It was in last harvest. All the rest were done in conjunction with Hare.'

"'By what means were these fearful atrocities perpetrated?' 'By suffocation. We made the persons drunk, and then suffocated them by holding the nostrils and mouth and getting on the body. Sometimes I held the mouth and nose, while Hare went upon the body; and sometimes Hare held the mouth and nose, while I placed myself on the body. Hare has perjured himself by what he said at the trial about the murder of Docherty. He did not sit by while I did it, as he says. He was on the body assisting me with all his might, while I held the nostrils and mouth with one hand, choked her under the throat with the other. We sometimes used a pillow, but did not in this case.'

"'Now, Burke, answer me this question:—Were you tutored and instructed, or did you receive hints from any one as to the mode of committing murder?' 'No, except from Hare. We often spoke about it, and we agreed that suffocation was the best way. Hare said so, and I agreed with him. We generally did it by suffocation.'

"'Did you receive any encouragement to commit or persevere in committing these atrocities?' 'Yes; we were frequently told by Paterson that he would take as many bodies as we could get for him. When we got one he always told us to get more. There was commonly another person with him of the name of ——. They generally pressed us to get more bodies for them.'

"'To whom were the bodies so murdered sold?' 'To Dr. ——. We took the bodies to his rooms in ———, and then went to his house to receive the money for them. Sometimes he paid us himself; sometimes we were paid by his assistants. No questions were ever asked as to the mode in which we had come by the bodies. We had nothing to do but to leave a body at the rooms, and go and get money.'

"'Did you ever, upon any occasion, sell a body or bodies to

any other lecturer in this place?' 'Never. We knew no other.'

"'You have been a resurrectionist (as it is called) I understand?' 'No. Neither Hare nor myself ever got a body from a churchyard. All we sold were murdered, save the first one, which was that of the woman who died a natural death in Hare's house. We began with that: our crimes then commenced. The victims we selected were generally elderly persons; they could be more easily disposed of than persons in the vigour of health.'

"Such are the disclosures which this wretched man has made, under circumstances which can scarcely fail to give them weight with the public. Before a question were put to him concerning the crimes he had been engaged in, he was solemnly reminded of the duty incumbent upon him, situated as he is, to banish from his mind every feeling of animosity towards Hare, on account of the evidence which the latter gave at the trial; he was told that a dying man, covered with guilt, and without hope except in the infinite mercy of Almighty God, through our blessed Redeemer the Lord Jesus Christ, he, who stood so much in need of forgiveness, must prepare himself to seek it by forgiving from his heart all who had done him wrong; and he was emphatically adjured to speak the truth, and nothing but the truth, without any attempt either to palliate his own iniquities, or to implicate Hare more deeply than the facts warranted. Thus admonished, and thus warned, he answered the several interrogations in the terms above stated; declaring at the same time, upon the word of a dying man, that everything he had said was true, and that he had in no respect exaggerated or extenuated anything, either from a desire to inculcate Hare, or to spare anyone else."

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THE CONFESSIONS OF BISHOP AND WILLIAMS,  
THE LONDON "BURKERS."

The following are the confessions of Bishop and Williams, the London "Burkers," an account of whose case is given in

chapter XLI. They were emitted in presence of the Under-Sheriff on the 4th of December, 1831, the day before their execution:—

“ I, John Bishop, do hereby declare and confess, that the boy supposed to be the Italian boy was a Lincolnshire boy. I and Williams took him to my house about half-past ten o'clock on the Thursday night, the 3rd of November, from the Bell, in Smithfield. He walked home with us. Williams promised to give him some work. Williams went with him from the Bell to the Old Bailey watering-house, whilst I went to the Fortune of War. Williams came from the Old Bailey watering-house to the Fortune of War for me, leaving the boy standing at the corner of the court by the watering-house at the Old Bailey. I went directly with Williams to the boy, and we walked then all three to Nova Scotia Gardens, taking a pint of stout at a public-house near Holloway Lane, Shoreditch, on our way, of which we gave the boy a part. We only stayed just to drink it, and walked on to my house, where we arrived about eleven o'clock. My wife and children and Mrs. Williams were not gone to bed, so we put him in the privy, and told him to wait there for us. Williams went in and told them to go to bed, and I stayed in the garden. Williams came out directly, and we both walked out of the garden a little way, to give time for the family getting to bed: we returned in about ten minutes or a quarter of an hour, and listened outside the window to ascertain whether the family were gone to bed. All was quiet, and we then went to the boy in the privy, and took him into the house; we lighted a candle, and gave the boy some bread and cheese, and, after he had eaten, we gave him a cup full of rum, with about half a small phial of laudanum in it. (I had bought the rum the same evening at the Three Tuns, in Smithfield, and the laudanum also in small quantities at different shops). There was no water or other liquid put in the cup with the rum and laudanum. The boy drank the contents of the cup directly in two draughts, and afterwards a little beer. In about ten minutes he fell asleep on the chair on which he sat, and I removed him from the chair to the floor, and laid him on his side. We then went out and left him

there. We had a quartern of gin and a pint of beer at the Feathers, near Shoreditch Church, and then went home again, having been away from the boy about twenty minutes. We found him asleep as we had left him. We took him directly, asleep and insensible, into the garden, and tied a cord to his feet to enable us to put him up by, and I then took him in my arms, and let him slide from them headlong into the well in the garden, whilst Williams held the cord to prevent the body going altogether too low in the well. He was nearly wholly in the water in the well, his feet just above the surface. Williams fastened the other end of the cord round the paling, to prevent the body getting beyond our reach. The boy struggled a little with his arms and his legs in the water; the water bubbled for a minute. We waited till these symptoms were past, and then went in, and afterwards I think we went out, and walked down Shoreditch to occupy the time, and in about three-quarters of an hour we returned and took him out of the well, by pulling him by the cord attached to his feet. We undressed him in the paved yard, rolled his clothes up, and buried them where they were found by the witness who produced them. We carried the boy into the wash-house, laid him on the floor, and covered him over with a bag. We left him there, and went and had some coffee in Old Street Road, and then (a little before two on the morning of Friday) went back to my house. We immediately doubled the body up, and put it into a box, which we corded so that nobody might open it to see what was in it; and then went again and had some more coffee in the same place in Old Street Road, where we stayed a little while, and then went home to bed—both in the same house, and to our own beds as usual; we slept till about ten o'clock on Friday morning, when we got up, took breakfast together with the family, and then went both of us to Smithfield, to the Fortune of War—we had something to eat and drink there. In about half-an-hour May came in—I knew May—but had not seen him for about a fortnight before,—he had some rum with me at the bar, Williams remaining in the tap-room. [The condemned man then described the movements of himself and Williams, and May during that day, in course of which they

were principally occupied in visiting public houses, though they called upon two lecturers on anatomy and offered them the body, but were refused.] At the Fortune of War we drank something again, and then (about six o'clock) we all three went in the chariot to Nova Scotia Gardens; we went into the wash-house, where I uncorded the trunk, and shewed May the body. He asked, "how are the teeth?" I said I had not looked at them. Williams went and fetched a brad-awl from the house, and May took it and forced the teeth out; it is the constant practice to take the teeth out first, because, if the body be lost, the teeth are saved; after the teeth were taken out, we put the body in a bag, and took it to the chariot; May and I carried the body, and Williams got first into the coach, and then assisted in pulling the body in. . . ." [The rest of this part of the confession is simply a record of "having something to drink," and visiting lecturers, who refused to purchase the body. It concludes with an account of the apprehension of the men at St. Bartholomew's Hospital, with the body in their possession.]

In an addition to this confession of the murder of the boy, Bishop made this further statement:—

"I declare that this statement is all true, and that it contains all the facts so far as I can recollect. May knew nothing of the murder, and I do not believe he suspected that I had got the body except in the usual way, and after the death of it. I always told him I got it from the ground, and he never knew to the contrary until I confessed to Mr. Williams [a clergyman] since the trial. I have known May as a body-snatcher for four or five years, but I do not believe he ever obtained a body except in the common course of men in the calling—by stealing from the graves. I also confess that I and Williams were concerned in the murder of a female—whom I believe to have been since discovered as Fanny Pigburn—on or about the 9th of October last. I and Williams saw her sitting about eleven or twelve o'clock at night on the step of a door in Shoreditch, near the church. She had a child four or five years old on her lap. I asked her why she was sitting there. She said she had no home to go to, for her landlord had turned her out into the

street. I told her that she might go home with us, and sit by the fire all night. She said she would go with us, and she walked with us to my house, in Nova Scotia Gardens, carrying her child with her. When we got there we found the family abed, and we took the woman in and lighted a fire, by which we all sat down together. I went out for beer, and we all took beer and rum (I had brought the rum from Smithfield in my pocket); the woman and her child laid down on some dirty linen on the floor, and I and Williams went to bed. About six o'clock next morning I and Williams told her to go away, and to meet us at the London Apprentice in Old-Street Road, at one o'clock. This was before our families were up. She met us again at one o'clock at the London Apprentice, without her child. We gave her some half-pence and beer, and desired her to meet us again at ten o'clock at night at the same place. After this we bought rum and laudanum at different places, and at ten o'clock we met the woman again at the London Apprentice, she had no child with her. We drank three pints of beer between us there, and stayed there about an hour. We would have stayed there longer, but an old man came in whom the woman said she knew, and she said she did not like him to see her there with any body; we therefore all went out; it rained hard, and we took shelter under a door-way in the Hackney Road for about an hour. We then walked to Nova Scotia Gardens, and Williams and I led her into No. 2, an empty house adjoining my house. We had no light. Williams stepped into the garden with the rum and laudanum, which I had handed to him; he there mixed them together in a half-pint bottle, and came into the house to me and the woman, and gave her the bottle to drink; she drank the whole at two or three draughts; there was a quartern of rum, and about half a phial of laudanum; she sat down the step between two rooms in the house, and went off to sleep in about ten minutes. She was falling back; I caught her to save her fall, and she laid back on the floor. Then Williams and I went to a public-house, got something to drink, and in about half-an-hour came back to the woman; we took her cloak off, tied a cord to her feet, carried her to a well in the garden and thrust



her into it headlong; she struggled very little afterwards, and the water bubbled a little at the top. We fastened the end to the pailings to prevent her going down beyond our reach, and left her and took a walk to Shoreditch and back, in about half-an-hour; we left the woman in the well for this length of time, that the rum and laudanum might run out of the body at the mouth. On our return, we took her out of the well, cut her clothes off, put them down the privy of the empty house, carried the body into the wash-house of my own house, where we doubled it up and put it into a hair-box, which we corded and left there. We did not go to bed, but went to Shields' [a street porter] house in Eagle Street, Red Lion Square, and called him up; this was between four and five o'clock in the morning. We went with Shields to a public-house near the Sessions-house, Clerkenwell, and had some gin, and from thence to my house, where we went in and stayed a little while, to wait the change of the police. I told Shields he was to carry that trunk to St. Thomas's Hospital. He asked if there was a woman in the house who could walk alongside of him, so that people might not take any notice. Williams called his wife up, and asked her to walk with Shields, and to carry the hat-box which he gave her to carry. There was nothing in it, but it was tied up as if there were. We then put the box with the body on Shields' head, and went to the hospital, Shields and Mrs. Williams walking on one side of the street, and I and Williams on the other. At St. Thomas's Hospital I saw Mr. South's footman, and sent him up stairs to Mr. South to ask if he wanted a subject. The footman brought me word that his master wanted one, but could not give an answer till the next day, as he had not time to look at it. During this interview, Shields, Williams, and his wife, were waiting at a public-house. I then went alone to Mr. Appleton, at Mr. Grainger's [Anatomical Theatre], and agreed to sell it to him for eight guineas, and afterwards I fetched it from St. Thomas's Hospital, and took it to Mr. Appleton, who paid me £5 then, and the rest on the following Monday. After receiving the £5, I went to Shields and Williams and his wife, at the public-house, when I paid Shields 10s. for his trouble, and we then all went to the Flower Pot in Bishopsgate, where we had something

to drink, and then went home. I never saw the woman's child after the first time before mentioned. She said she had left the child with a person she had taken some of her things to, before her landlord took her goods. The woman murdered did not tell us her name; she said her age was thirty-five, I think, and that her husband, before he died, was a cabinetmaker. She was thin, rather tall, and very much marked with the small-pox. I also confess the murder of a boy who told us his name was Cunningham. It was a fortnight after the murder of the woman. I and Williams found him sleeping about eleven or twelve o'clock at night, on Friday, the 21st of October, as I think, under the pig-boards in the pig market in Smithfield. Williams woke him, and asked him to come along with him (Williams), and the boy walked with Williams and me to my house in Nova Scotia Gardens. We took him into my house, and gave him some warm beer, sweetened with sugar, with rum and laudanum in it. He drank two or three cups full, and then fell asleep in a little chair belonging to one of my children. We laid him on the floor and went out for a little while, and got something to drink and then returned, carried the boy to the well, and threw him into it, in the same way as we served the other boy and the woman. He died instantly in the well, and we left him there a little while, to give time for the mixture we had given him to run out of the body. We then took the body from the well, took off the clothes in the garden, and buried them there. The body we carried into the wash-house, and put it into the same box, and left it there till the next evening, when we got a porter to carry it with us to St. Bartholomew's Hospital, where I sold it to Mr. Smith for eight guineas. This boy was about ten or eleven years old, said his mother lived in Kent Street, and that he had not been home for a twelvemonth and better. I solemnly declare that these were all the murders in which I have been concerned, or that I know anything of; that I and Williams were alone concerned in these, and that no other person whatever knew anything about either of them, and that I do not know whether there are others who practise the same mode of obtaining bodies for sale. I know nothing of any Italian boy, and was never concerned in or

knew of the murder of such a boy. . . . Until the transactions before set forth, I never was concerned in obtaining a subject by the destruction of the living. I have followed the course of obtaining a livelihood as a body-snatcher for twelve years, and have obtained and sold, I think, from 500 to 1000 bodies; but I declare, before God, that they were all obtained after death, and that, with the above exceptions, I am ignorant of any murder for that or any other purpose."

Williams, whose proper name was Thomas Head, confirmed the confession given above as altogether true.

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## SONGS AND BALLADS.

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*The following songs and ballads were published at the time the news of the West Port tragedies was agitating the people of Scotland. They are rude and unpoetical for the most part, but they are fairly representative of a very extensive class, in which the feelings of the common people are not unfaithfully mirrored.*

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## RHYMES

*On reading the Trial of William Burke and Helen M'Dougal, for Murder, 24th December, 1828.*

### AN EXPOSTULATION.

*"Thou can'st not say I did it!!!"*

AH!—can'st thou, with cold indifference see  
The hand of execration point to thee?

Can'st thou, unmov'd, bear a whole nation's cry,  
 To cleanse thyself from the polluted sty  
 Of Burke, and Hare, and all that fiendish crew,  
 Who, for mere gain, their fellow-mortals slew,  
 And sold to thee, as thou hast not denied,  
 Such bodies as by students were descried  
 Ne'er to have been interred, nay, bore, some say,  
 Strong marks of life, by violence reft away?  
 And thou didst not attempt the truth to find,  
 Though oft it must have flash'd across thy mind;  
 But with a reckless carelessness, receiv'd  
 Whate'er was brought,\* and any lie believ'd,  
 Told by the gang, whose very forms do show  
 They would not tell thee aught thou did'st not know,  
 Or should'st have known, if true thy Science says,  
 That marks of death by *Murder* any ways  
 May well be seen, when the dissecting knife  
 Opens all the sure and secret seats of life.†  
 Art thou a Scotsman — ? then haste to prove  
 That patriotic feelings can thy bosom move;  
 Haste to wipe out the stain thy country shares,  
 While such a stigma fair Edina bears.  
 Art thou a son of Science? quickly, then,  
 Show she does not make brutes of *lect'ring* men.  
 Art thou a Father? then thy child may plead,  
 To cleanse thyself from this unholy deed.  
 Art thou a husband? ask thine honest wife,  
 If 'twere not better to descend in life,

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\* *Vide* the evidence produced on the trial of Burke, &c. It has been told as a fact, that this gang carried off to — one of their slaughtered victims in such a hurry, that the body actually *groaned* in the box on the porter's back. No doubt the half-strangled being would be dead enough after a night in the — cellar.—*Original Note.*

† The — is understood to be profoundly skilled in Anatomy; consequently, it is one of the bitterest satires that can be uttered against the utility of the Science, to say that he was *ignorant* that the bodies supplied by Burke and his gang had come to their death by violence.—*Original Note.*

Than traffic with the basest, vilest band,  
 And thus for —— soon's the deed is plann'd;  
 A ready market keep—and hide away  
 An *old tea-box*; that's all which you can say.  
 Art thou a Christian? think'st thou this avails  
 With Him on high, who, with unerring scales,  
 Weighs all the thoughts, and words, and deeds of men,  
 And searches through, ev'n the soul's inmost *ken*?  
 If this dread argument will not prevail,  
 Nought can thy cold obdurate heart assail.  
 Yes, time mispent, and surely worse than vain,  
 'Tis to attempt to rouse, by my poor strain,  
 The proud rich man, hedg'd round by many a friend,  
 Whose voice th' applause of hundred youths attend.  
 If his own conscience will not wake and cry,  
 Assert thine innocence, REPLY, REPLY,  
 To all the accusations lately rais'd  
 'Gainst thy fair fame, till ev'n —— has gaz'd,  
 And gaz'd in vain to see thee —— come forth,  
 Arm'd with thy —— thy —— and thy ——  
 \* \* \* \* *Cetera desunt.*

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WILLIAM BURKE.

O BURKE, cruel man, how detested thy name is!  
 Thy dark deeds of blood are a stain on our times.  
 O savage, relentless, forever infamous,  
 Long, long will the world remember thy crimes.

Thrice ten human beings, weep all you who hear it,  
 Were caught in his snares and caught in his den,  
 The shades of thy victims may elude thy vile spirit,  
 O Burke, cruel monster, thou basest of men,

The weary, the old, and the way-faring stranger,  
Were woo'd by his kindness and led to his door,  
But little knew they that the path led to danger,  
O little knew they that their wanderings were o'er.

Little knew they that the beams of the morning,  
To wake them to brightness, would shine all in vain,  
And little their friend knew, who watched their returning,  
That they were ne'er more to return back again.

O gather the bones of the murdered together,  
And give them a grave in some home of the dead,  
That their poor weeping friends with sad hearts may go thither,  
And shed tears of sorrow above their cold bed.

Ye great men of learning, ye friends of dissection,  
Who travell'd through blood to the temple of gain,  
And bright human life for your hateful inspection,  
O give the poor friends the white bones of the slain.

But woe to the riches and skill thus obtained,  
Woe to the wretch that would injure the dead,  
And woe to his portion whose fingers are stained  
With the red drops of life that he cruelly shed.

Tho' Burke has been doom'd to expire on the gallows,  
The vilest that ever dishonoured the tree,  
Yet some may survive him whose hearts are as callous,  
O, who will be safe if the tigers be free.

Let none e'er reside in the crime marked dwellings,  
For ever disgraced by Burke and by Hare,  
May the cold damp of horror lie dark in their ceilings,  
And their pale ghastly walls still be dismal and bare.

Let their guilt and their gloom speak of nothing but terror,  
 Some dark deeds of blood to the stranger declare,  
 And ages to come ever mark them with horror,  
 For the ghosts of the murdered will still gather there.

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ELEGIAIC LINES WRITTEN ON THE TRAGICAL  
 MURDER OF POOR DAFT JAMIE.

ATTENDANCE give, whilst I relate  
 How Poor Daft Jamie met his fate ;  
 'Twill make your hair stand on your head,  
 As I unfold the horrid deed ;—

That hellish monster, William Burke,  
 Like Reynard sneaking on the lurk,  
 Coy-duck'd his prey into his den,  
 And then the woeful work began ;—

“ Come, Jamie, drink a glass wi' me,  
 And I'll gang wi' ye in a wee,  
 To seek yer mither i' the toun—  
 Come drink, man, drink, an' sit ye doun.”

“ Nae, I'll no' drink wi' ye the nou,  
 For if I div 'twill make me fou ;”  
 “ Tush, man, a wee will do ye guid,  
 'Twill cheer yer heart, and warm yer bluid.”

At last he took the fatal glass,  
Not dreaming what would come to pass;  
When once he drank, he wanted more—  
Till drunk he fell upon the floor.

“Now,” said th’ assassin, “now we may  
Seize on him as our lawful prey.”  
“Wait, wait,” said Hare, “ye greedy ass;  
He’s yet too strong—let’s tak’ a glass.”

Like some unguarded gem he lies—  
The vulture wants to seize his prize;  
Nor does he dream he’s in his power,  
Till it has seized him to devour.

The ruffian dogs,—the hellish pair,—  
The villain Burke,—the meagre Hare,—  
Impatient were their prize to win,  
So to their smothering pranks begin:—

Burke cast himself on Jamie’s face,  
And clasp’d him in his foul embrace;  
But Jamie waking in surprise,  
Writhed in an agony to rise.

At last, with nerves unstrung before,  
He threw the monster on the floor;  
And though alarm’d, and weaken’d too,  
He would have soon o’ercome the foe;

But help was near—for it Burke cried,  
And soon his friend was at his side;  
Hare tripp’d up Jamie’s heels, and o’er  
He fell, alas! to rise no more!



Now both these blood-hounds him engage,  
 As hungry tygers fill'd with rage,  
 Nor did they handle axe or knife,  
 To take away Daft Jamie's life.

No sooner done, than in a chest  
 They cramm'd this lately-welcom'd guest,  
 And bore him into Surgeons' Square—  
 A subject fresh—a victim rare!

And soon he's on the table laid,  
 Expos'd to the dissecting blade ;  
 But where his members now may lay  
 Is not for me—or you—to say.

But this I'll say—some thoughts *did* rise,  
 It fill'd the students with surprise,  
 That so short time did intervene  
 Since Jamie on the streets was seen.

But though his body is destroy'd,  
 His soul can never be decoy'd  
 From that celestial state of rest,  
 Where he, I trust, is with the bless'd.

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MRS. WILSON'S LAMENTATION ON HEARING OF THE  
 CRUEL MURDER OF HER SON.

WHY didst thou wander from my side,  
 My joy, my treasure, and my pride ?  
 Though others little thought of thee,  
 Though wert a treasure dear to me,

I little thought when thee I left,  
So soon of thee to be bereft ;  
Or that when after me you sought  
You would by ruffian men be caught.

Thy playful manners fill'd with joy  
The aged sire and sportive boy ;  
Of real joy you had enough,  
When you could give or take a snuff.

The tricks you play'd with childish art,  
Bound you the closer to my heart ;  
Thy kindness to thy mother prov'd  
How dearly she by thee was lov'd.

What horrid monsters were these men  
Who lur'd thee to their fatal den ;  
That den, whose deeds as yet untold,  
Were done for sake of sordid gold.

But they alone were not to blame ;  
For when these dauntless monsters came  
With human creatures scarcely cold,  
The doctors took them, we were told.

Nor did they leave the doctor's door  
Without an order to bring more !  
But Justice stern aloud doth cry—  
“ Let all who wink at murder die ! ”

And justice shall to me be done,  
On all who murder'd my poor son ;—  
I'll make appeal to Britan's King,  
That one and all of them may swing.

But that will not restore my son,  
 Or remedy the mischief done ;  
 He murder'd is—no peace I have,  
 I shall go mourning to my grave.

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DAFT JAMIE.

The following is a chap-book version of the ballad quoted at pp. 205-6.

O ! dark was the midnight when Hare fled away,  
 Not a star in the sky gave him one cheering ray,  
 But still now and then, would the blue lightnings glare,  
 And some strange cries assail'd him, like shrieks of despair.

Over vale, over hill, I will watch thee for ill ;  
 I will haunt all thy wanderings and follow thee still.

But, lo ! as the savage ran down the wild glen,  
 For no place did he fear like the dwellings of men,  
 Where the heath lay before him all dismal and bare,  
 The ghost of Daft Jamie appeared to him there.

Over vale, &c.

I am come, said the shade, from the land of the dead,  
 Though there is for Jamie no grass covered bed,  
 Yet I'm come to remind you of deeds that are past,  
 And to tell you that justice will find you at last.

Over vale, &c.

O! Hare, thou hast been a dark demon of blood,  
But vengeance shall chase thee o'er field and o'er flood ;  
Though you fly away from the dwellings of men,  
The shades of thy victims shall rise in thy den.

Over vale, &c.

When night falls on the world, O! how can you sleep,  
In your dreams do you ne'er see my poor mother weep ?  
Sadly she wept; but, O! long shall she mourn,  
E'er poor wandering Jamie from the grave shall return.

Over vale, &c.

From the grave, did I say, and though calm is the bed  
Where slumber is dreamless, the home of the dead,  
Where friends may lament, there sorrow may be,  
Yet no grave rises as green as the world for me.

Over vale, &c.

O! Hare, go to shelter thy fugitive head,  
In some land that is not of the living or dead ;  
For the living against thee may justly combine,  
And the dead must despise such a spirit as thine.

Over vale, &c.

O! Hare fly away, but this world cannot be  
The place of abode to a demon like thee,  
There is gall in your heart—poison is in your breath,  
And the glare of your eyes is as fearful as death.

Over vale, &c.

When the blue lightnings flash'd through the glen, and it shone,  
 And there rose a wild cry, and there heaved a deep groan,  
 As the Ghost of the innocent boy disappear'd,  
 But his shrieks down the glen, in the night breeze were heard.

Over vale, &c.

### THE RESURRECTIONISTS.

In No. XXIX of *The Emmet*, an old Glasgow periodical, published on Saturday, 18th October, 1823, is the following:—

*“The Resurrectionists, a Tale (in Blind Alek verse) Humbly Inscribed to the Editor of the ‘Glasgow Chronicle.’ Printed for John Smith, 25, Gallowgate.*

#### “ ORIGINAL.

“This *elegant* poem was put into our hands as we were going to press, so we must be excused for passing it over more slightly than such a performance *deserves*. In fact we have only room for a single extract. It opens as follows, in a style which leaves Lewis, and Ratcliffe, and all our writers on the horrible, far in the rear. John Starke himself, with his ‘Thesaurus of Horror,’ never penned anything so deliciously frightful.

‘Twas a cold winter night, and dark *was* the clouds,  
 And the dead men lay quietly still in their shrouds;  
 The worms revelled sweetly their eyeholes among,—  
 It was a rout night, and there was a great throng:  
 Some fed upon brains, others fed upon liver,  
 Had we e’er such a feast, all cried out, O! no, never.’

“We suspect our readers will think we have given them enough of this feast; if they pant for more of it, let them turn to the work itself. More disgusting trash never emanated from the press. Blind Alek is a Milton compared with the blockhead who would sit down and pen such a mass of loathesomeness. . . . Lord preserve us from this imitator of Blind Alek.

‘Some heads replete with strange bombastic stuff,  
Think words when rhym’d poetical enough.’”

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### THE LAMENT.

“Whoso sheddeth man’s blood, by man shall his blood be shed.”—GENESIS, ix. 6.

“Bloody and deceitful men shall not live out half their days.”—PSALM, lv. 23.

“Depart from me therefore, ye bloody men.”—PSALM, cxxxix. 19.

“Now thou son of man, wilt thou judge, wilt thou judge the bloody city?”—EZEKIEL, xxii. 2.

“The voice of thy brother’s blood crieth unto me from the ground.”—GENESIS, iv. 10.

O WOE for bonny Scotland,  
For murder is abroad,  
And we must flee for refuge,  
To an avenging God.  
For we have seen that Law alone,  
Can do us little *gude*,  
As it has let three demons loose,  
To work *mair* deeds of *blude*.

Ye bloody fiends, ye hellish fiends,  
 Dare ye here yet be seen,  
 With the mark of blood upon your brows,  
 And murder in your *een* !  
 O woe for my *ain* Scotland,  
 For thou art now the land,  
 Chosen for such deeds of darkness,  
 As man before ne'er plann'd.

Alas for Mary Paterson,  
 Cut off in her young days,  
 Wi' a' her sins upon her,  
 And in her wicked ways ;  
 While steep'd in drunk stupidity,  
 And overcome by sleep,  
 On his devoted victim  
 Burke took the dreadful leap.

And alas for the old woman,  
 Entic'd to revelry,  
 Under the mask of country kindness,  
 By a Judas for his fee ;  
 That he might sell her body,  
 When he had done the deed,  
 And with the price of human blood,  
 His *loathsome* carcass feed.

O'hon for poor *Daft* Jamie,  
 Whom we shall miss away,  
 In his own happy *idiocy*,  
*Sae gude-natur'd* and gay !  
 O ! who shall cheer the mother  
 For the want of her poor boy,  
 By's simpleness the more endear'd  
 To her—her only joy.

But our all-gracious Maker  
 Will surely soon look down,  
 On this detested murder  
 With his all-powerful frown !

\* \* \* \* \*

In search of his dear mother,  
 Burke found him wand'ring then,  
 And for to see his parent,  
 Was lur'd to Hare's dread den ;  
 Where he was ply'd with liquor,  
 (And all by coaxings prest),  
 Till he was quite o'erpow'red,  
 And laid him down to rest.

The two fell fiends they watch'd then,  
 Until he soundly slept,  
 Then Hare upon his destin'd prey  
 With murderous purpose crept.  
 And having fastened on him,  
 Hare strove his life to take ;  
 Which recall'd his long lost reason,  
 And did his senses wake.

He shook the butcher from him,  
 And seeing no help there,  
 He fought with all the frenzy  
 Of madness and despair.  
 His cowardly assassin,  
 Did crouch beneath his blows,  
 And called on Burke his comrade  
 To give the murderous close.

They two, conjoin'd together,  
 Depriv'd him of his life ;



But not before he left them  
Marks of the desperate strife.  
In his tremendous struggle,  
Though weaken'd much by drink,  
He showed how men do fight for life,  
When on death's dreadful brink.

His body, it is said, (if true,  
Let those who bought beware)  
Was sold to an Anatomist ;  
And some one did declare,  
When it lay on his table  
For the dissecting knife,  
That it was poor *daft* Jamie,  
Whom he saw strong in life

But yesterday ; and more 'twas strange  
As all knew passing well,  
He was a stout and hearty youth,  
The rest I may not tell ;  
But loudly it's been whisper'd,  
That damning marks of strife  
Show'd clear that death by violence  
Had *twi*n'd him of his life.

'Tis told, that then the body  
Was laid in spirits strong,  
To remove all such suspicions,  
And hide the cruel wrong.  
If so ! O righteous Heaven,  
To thee we look for aid ;  
Nor will thy kindling anger  
Be longer much delay'd !

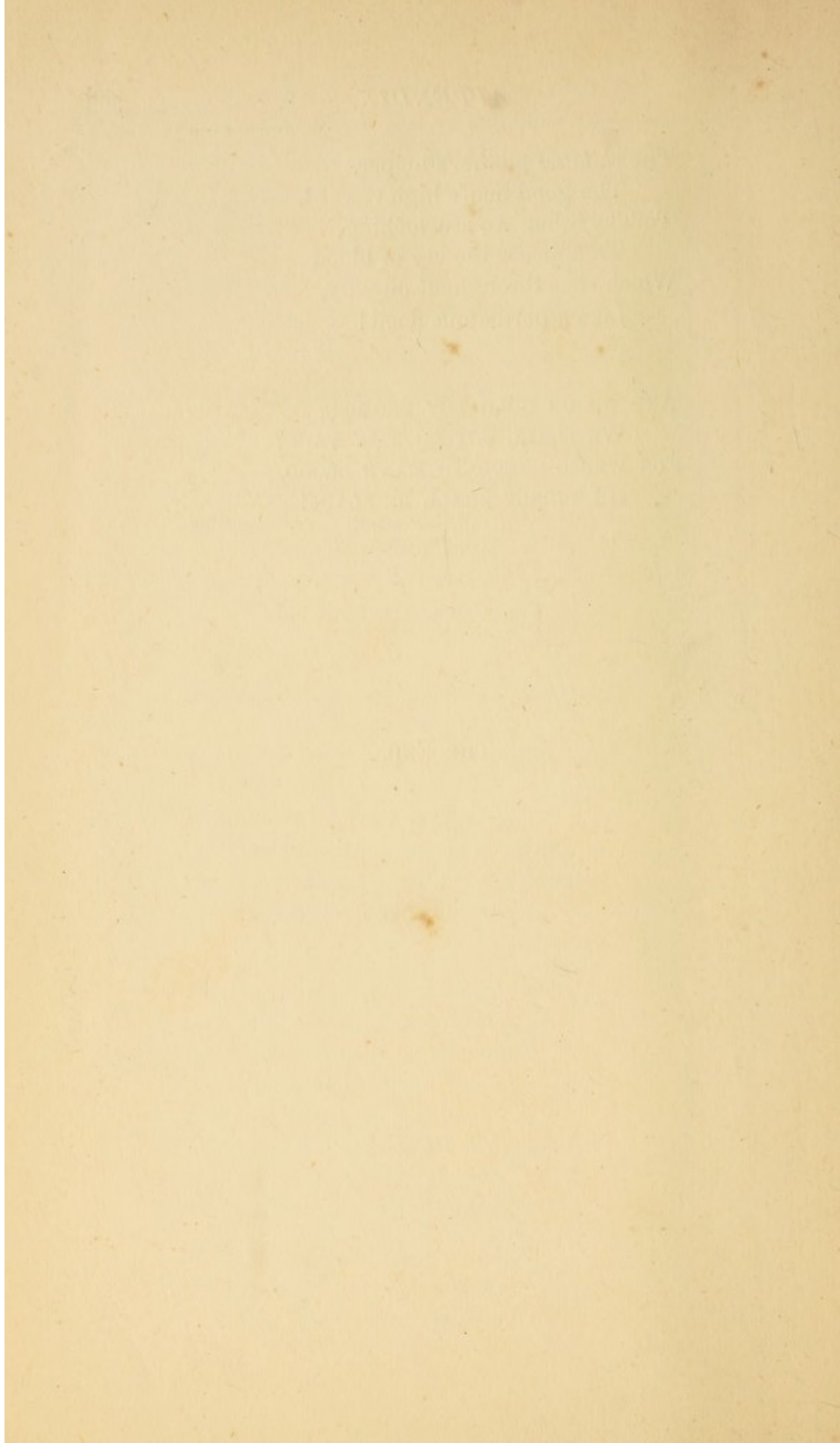
Thou art the *poor's* avenger,  
The *idiot's* only guard,

---

The *childless* mother's helper,  
The good man's high reward.  
To Thee then we are looking,  
To appease the cry of blood  
Which runs throughout our city,  
Like a portentous flood!

AND WE DO HOLD THY PROMISE,  
WE SHALL NOT LOOK IN VAIN ;  
FOR WHOSO SHEDDETH MAN'S BLOOD,  
HE SURELY SHALL BE SLAIN !

THE END.



Wm. Brewster  
July 1938

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