

Leading Dates in the Peasenhall Case.

1901.

- 1st May. Alleged meeting of Gardiner and Rose Harsent in the "Doctor's Chapel."
- 8th May. Interview between Gardiner and Skinner as to the alleged meeting.
- 11th May. Inquiry at Sibton Chapel.
- 15th May. Letter of Gardiner's solicitors threatening proceedings for slander.

1902.

- 14th April. Letter from Rouse to Gardiner regarding his conduct towards Rose Harsent.
- 30th May. Letter in buff envelope posted to Rose Harsent.
- 31st May
or
1st June } Murder of Rose Harsent.
- 3rd June. Arrest of William Gardiner.
- November. First trial of William Gardiner for murder.

1903.

- 21st, 22nd,
23rd, and
24th January. } Second trial of William Gardiner for murder.
- 29th January. *Nolle prosequi* lodged by the Treasury.

THE TRIAL

AT

THE SUFFOLK ASSIZES, IPSWICH,

ON

WEDNESDAY, 21ST JANUARY, 1903.

Judge presiding—

MR. JUSTICE LAWRENCE

Counsel for the Crown—

MR. H. F. DICKENS, K.C.

HON. JOHN DE GREY.

(Instructed by Mr. E. P. Ridley, on behalf
of the Treasury.)

Counsel for the Accused—

MR. ERNEST E. WILD.

MR. H. CLAUGHTON SCOTT.

(Instructed by Messrs. Leighton & Aldons.)

First Day—Wednesday, 21st January, 1903.

Opening Speech for the Prosecution.

Mr. DICKENS—May it please you, my lord; gentlemen of the jury, you have been sworn to try the question as to whether the prisoner at the Bar is guilty of the murder of Rose Harsent, who met with her death on the night of the 31st of May or the early morning of the 1st of June, in last year. The inquiry, I need hardly point out, is one of the utmost importance. To the prisoner at the Bar, of course, it is of the greatest gravity, but in the interests of public justice it is imperative, if this man killed that unfortunate girl on the night of the 31st of May, that he should not be allowed to escape. You will try this without fear, without sympathy, without prejudice. If this man is guilty of the crime of which he stands charged, the crime is of so diabolical a nature, so cold-blooded, so premeditated, that no sympathy should be extended towards him. If, on the contrary, the Crown do not satisfy you of his guilt, he needs no sympathy at your hands. It is an unfortunate consequence of all crime that the criminal brings sorrow upon those who are nearest and dearest to him, and I must warn you that you must not, because you sympathise with this man's wife, allow your better judgment to be warped.

It is impossible to suppose that you are not aware that this has been tried before. Having regard to the interest which the case aroused at the time of the first trial, widely advertised, read by members of the public, it would be idle for me to suppose you are not aware of that fact. With that trial we have nothing to do. You are sworn upon your oath to give your verdict according to the evidence which comes before you. We have no

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right to inquire, we have no means of inquiry, as to what took place in the jury-room when the jury retired to consider their verdict. What you have to do—and you will excuse my reminding you of that fact—is narrowly to watch the evidence, and see if the Crown prove their case; and when once that case is proved to your satisfaction no man has a right, when once he has taken the oath as a jurymen to decide according to the evidence, to allow any kind of feelings of his own, whether he is opposed to capital punishment or anything of that kind, to interfere with his judgment. May I also suggest to you that it would be well—it is absolutely necessary—that, whatever you may have read about this case, you must entirely remove any impression of what you read from your minds. However good a report in a public newspaper may be, you know as well as I do that the effect of evidence when you read it is very different from the impression the evidence makes on your mind when you hear it. Let us start with an absolutely clean slate, with no impressions formed either for or against the prisoner at the Bar. I direct your attention to the evidence, and upon that evidence this case must be decided. The Crown have to satisfy you of this man's guilt; they have to satisfy you of his guilt beyond any reasonable doubt. What I mean to say by a reasonable doubt is a doubt created in your minds by the effect of the evidence which is laid before you. If there is any reasonable doubt arising from that evidence, and out of that evidence, then the Crown have not fulfilled their duty, and have not satisfied the burden which is upon the Crown to prove this man's guilt. My learned friend, Mr. de Grey, and I are charged with the prosecution in this case on behalf of the Treasury, and I hope to conduct the case temperately, with the utmost fairness to the prisoner at the Bar, but at the same time to carry out my duty—my undoubted duty—which is to see that justice is done, and, when you have heard this evidence,

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we shall ask you to say that the case has been made out, and that the man who dealt those deadly blows upon this girl is the man who stands before you. That is the issue before you.

The prisoner at the Bar is a married man with children, something like forty-five years of age. He lives at Peasehall; he is a foreman carpenter at the Peasehall Drill Works, and has been, I think, for some time; and he lives with his wife and family in the main street of Peasehall village. Rose Harsent, at the time of her death, was twenty-three years old, and she was in service with a Mrs. Crisp, in Providence House, also situate in Peasehall.

To summarise the case which we shall lay before you, before I detail the evidence upon which we base our case, I may tell you that the case for the Crown is this: that this man, the prisoner at the Bar, was not only a married man, but held a very prominent position in his church, which is a church of the Primitive Methodists, at Sibton, close by, being school superintendent, choir-master, assistant society steward of the trust and school fund, and therefore he was a man, both as regards his position in the church, with regard to his friends, and with regard to his wife, to whom it was imperative that no kind of suggestion of shame should be successfully imputed against him. The case which we shall lay before you is that he had an immoral connexion with the girl; that his conduct raised a scandal in the church; that there was an inquiry with regard to his conduct; that having regard to the fact that he denied it and the girl denied it—there were two witnesses on the other side—there was impasse, and no real result obtainable either one way or the other; and that after this, and although he promised Mr. Guy, the minister of the church, not to have anything more to do with Rose Harsent, he continued the intercourse with her, that letters passed between them, until at last the girl became

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enceinte. She was six months *enceinte* at the time of her death, and our case is that he then wrote a letter, saying he would come and see her in her room at twelve o'clock on that night; that at some time that night he did visit her; that he killed her; and that he afterwards tried to burn the body. I will tell you shortly the chain of evidence we shall lay before you to support that theory. It is a chain of circumstances which we say all lead up from one another and weld all these links into one strong and unbreakable chain, which leads to the inevitable conclusion that this man, and this man only, committed that crime.

Gentlemen, it will be necessary at the outset to give you an explanation of the situation of the house where the accused lived, and the situation of Providence House, where the girl lived; also to describe to you the interior of Providence House, because it is important you should know where the girl slept, and what was the access to the room in which she slept.

Mr. WILD—I am sorry to interrupt my learned friend, but really all his witnesses must be out of Court.

Mr. DICKENS—Of course, all witnesses for the Crown must leave the Court, but surely you have no objection to the doctors remaining?

Mr. WILD—Mrs. Crisp is at the back.

Mr. DICKENS—Oh, she must be out.

Mr. JUSTICE LAWRENCE—Do you want all witnesses out of Court?

Mr. WILD—No, my lord, not the expert witnesses.

Mr. JUSTICE LAWRENCE—The others must go, of course.

[Mrs. Crisp, Mr. J. Guy, Supt. Andrews, and other witnesses thereupon left the Court.]

(After handing the jury a plan, Mr. Dickens continued.) You see a red building at the corner of two roads, the Hackney Road, and the other not named on the plan, the Rendham Road. At the corner of these

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two roads—in fact, they are four cross-roads—is Providence House. If you go down the main street of Peasenhall, you will find a building coloured blue. That is the accused's house, and the distance from that house to Providence House is something like 200 yards—208, I think, to be exact. It is important to know that if you go out of the accused's house into the middle of the road, or go a little to the right or left, you will be able to see a light shining in the window of the room in which Rose Harsent slept. I will show you that window by a photograph later on, and the importance of that you will see presently. Looking at the bottom of the plan, you will see a green portion marked "Chapel." That is the chapel called the "Doctor's Chapel," and has nothing to do with the accused's Methodist church, which is an entirely different persuasion. That chapel you will see stands back some little distance from the road. Opposite to it are the ironworks in which accused was engaged as foreman carpenter. Will you be good enough now, before I go to the inside of the house, to look at some photographs which are important? (Photographs were then handed up.) One is the east front of Providence House, and looking at that you see three windows. The top window of all, just under the roof, is the window of the room in which Rose Harsent slept. That window looks right down Peasenhall Street, and, as I said, from opposite accused's door a light could be seen without difficulty shining in the window. The door to the left under the tree is one entrance into the house, the main entrance is on the north side, which you can just see, and this I will now show you a photograph of. The north side is on the Hackney Road; you see there is a gate with some stone pavements, leading up to the steps. But if you don't go to the door, there is an ill-defined pathway alongside the house by which you can go round to the back of the house. Now I will show you the back of the house, and this, of course, is a very

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important view. Supposing you have not got into the door at the north front but went round this pathway, you come to a door by which you enter the vinery or small greenhouse. Immediately on is the entrance to the kitchen. Take the plan again. I want to explain to you the interior of the house. I do so for the reason of showing you that access to the girl Rose Harsent's room was by a flight of stairs leading directly into the kitchen. If you go into the back and into the vinery, you would go straight into the kitchen, and from the kitchen into her bedroom, without going into any other part of the house. The main staircase of the house used by Mr. and Mrs. Crisp is quite independent of that leading to Rose Harsent's room; therefore, the girl, in the room where she slept, was practically isolated from the other part of the house. Let me show you that by this plan. Here, if you will be good enough to follow me, is the opening into the conservatory. It is shown on the plan here. Supposing you come in from the back and go into the conservatory door, immediately you come in on the left is the door leading into the kitchen. Let me explain the kitchen before I go anywhere else. At the other side of the kitchen you will see the stairs, and these stairs lead to Rose Harsent's bedroom, and to her bedroom alone, and nowhere else. There is a scullery to the kitchen, and the door of the stairs opens inwards into the kitchen. There is a window, you see, from the kitchen looking into the conservatory, just close to the door, and if you come through the conservatory instead of turning into the kitchen you come to another door leading into the hall. Out of that hall you will see the stairs leading up into Mr. and Mrs. Crisp's rooms upstairs, and which have no reference whatever to the floor on which Rose Harsent sleeps. From that hall you get into the parlour, and there are steps going down to the cellar. The lobby on the other side, leading into the dining-room, leads up to these steps, leading up to

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the north front, which I showed you where the gate was, and where I pointed out to you the stone pavement. So that not only is this house within 200 yards of the house of the accused, but you can see the light from the girl's window, and if any one wanted to get to the girl's room, he could do so without being seen and without going into any part of the house except by the back door, and through the vinery and into the kitchen. I hope I have explained clearly the situation of the house, because it is important you should bear it in mind.

There is one more thing I must draw your attention to, and that is the chapel. This chapel is called the "Green Chapel"; I forget what distance it is from the road, but you will see it stands back, and there are no houses near to it. It is an old chapel which has been in existence for some years; it has an old thatched roof with rubble wall. There is a plan of that chapel at the side of the map you have there. The elevation shows a door, a window to the left of the door, and two ventilators—one close to the door, and another close to the window—and there are open ventilators. If you look into the interior of the plan, you will see there are seats, and there is a reading-desk. You see the window and door, and you see the ventilator close by the window. Although it is very much reduced in size by reason of the perspective of the picture, you see the other ventilator at the further end of the chapel.

I think the best way to deal with this case is to deal with it directly in chronological order. It is very much easier to follow, and makes the facts very much clearer than they would otherwise be. The story opens in May, 1901. In that month an episode takes place which raised a scandal with regard to the accused's conduct with Rose Harsent. There are two witnesses—one named Skinner, a labourer, and the other, Wright, a wheelwright—who will tell you a story which I venture to think, so far as Skinner is concerned, it is impossible

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could have been invented. At about a quarter to eight on the 1st of May, 1901, they saw Rose Harsent go into the chapel, it being her duty to clean the chapel. She had nothing to do with it, for it was not her church; she was a member of the Sibton Primitive Methodist Church. She cleaned the chapel every week. She had not gone in very long before the accused followed her, and these two young men naturally thought it was a very odd thing that this man, at a quarter to eight, who had nothing to do with the church, should follow this girl into the chapel, and after they were in for a time they heard rustling, and the woman cried out, "Oh, oh." Wright then left, but Skinner heard the conversation. "Did you notice," said the girl, "my reading my Bible last Sunday?" "Yes," said the man. "What do you think I was reading about?" The girl then remarked, "I was reading about what we have been doing to-night. You will find it in ——." [Counsel quoted the verses in the Bible the girl had spoken of.]

Gentlemen of the jury, you must form your own conclusions as to what happened between the man and the woman on that occasion. It was a most extraordinary story to invent. I suggest to you on the part of the Crown it is an impossible story to invent, and it is almost incredible that two young men without any feeling of antagonism to this man in the dock should have invented a story like this, which might imperil the life of a man. After this it happened that they heard the girl say she must go; she would meet him again. They went away—the woman first, and then the man. Wright had by this time come back, and he saw them come, and I think there was some conversation either by Skinner or Wright. Of course, that is not in one sense an issue in this case, but it is a very important element in considering as to whether or not there would be a gross scandal between this woman and man on the 1st May, 1901. Knowing

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what has passed, the suggestion may be that outside these boys could not hear what was said inside, but it depends entirely on how and where you speak. That occurrence was on the 1st May, and of course it became a topic of conversation in the neighbourhood.

On the 8th May, Gardiner invited Skinner to come to his room, and then asked him, "What is it that you have set afloat about me?" Skinner told him what he had seen; the man denied it, and demanded an apology, which Skinner would not give. Mr. John Guy, at Halesworth, is superintendent minister of the Wangford Circuit of the Primitive Methodist Church of which Sibton formed part, and on the 11th May there was an inquiry at Sibton Chapel with regard to the circumstances of that night. Wright and Skinner both gave evidence. The accused strenuously denied the story. The girl Rose Harsent was not present, but she also later denied it to Mr. Guy, and, of course, it is a point in their favour—and it is fair you should consider it—that when charged with this offence both denied it. On the other hand, looking at this as men of the world, one knows perfectly well it was to the interest of the accused and Rose Harsent to deny their guilt of the charge of immorality—a charge of serious consequence to this man, having regard to his position in the church, and a charge of grave consequence to the girl, in regard to her position towards the world. Mr. Guy will give you evidence of what took place. The young men were cross-examined and stuck to their story; but having regard to the fact that there were two witnesses on one side, and on the other side both the accused parties denied it, nothing further could be done and no report was made. And I think Mr. Guy will tell you that as no charge was formulated against accused, nothing more was done with regard to it. About that time Gardiner appears to have written to the girl herself, for two letters were

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subsequently found in her possession. The first was this:

“ Dear Rose,—I was very much surprised this morning to hear that there’s some scandal going the round about you and me going into the Doctor’s Chapel for immoral Purposes so that I shall put it into other hands at once as I have found out who it was that started it. Bill Wright and Skinner say they saw us there but I shall summons them for defamation of character unless they withdraw what they have said and give me a written apology. I shall see Bob to-night and we will come and see you together if possible. I shall at the same time see your father and tell him.—Yours, &c.,

“ WILLIAM GARDINER.”

“ Both Wright and Skinner say they saw us there, but I shall summons them for defamation.” Gentlemen, it is entirely for you to say whether Gardiner was not putting Rose Harsent upon her guard, and suggesting that they were not in the chapel at all. The next letter was as follows:—

“ Dear Rose,—I have broke the news to Mrs. Gardiner this morning, she is awfully upset but she say she know it is wrong, for I was at home from $\frac{1}{2}$ past 9 o’clock so I could not possibly be with you an hour so she wont believe anything about it. I have asked Mr. Burgess to ask those too Chaps to come to Chapel to-night and have it out there however they stand by such a tale I dont know but I dont think God will forsake me now and if we put our trust in Him it will end right but its awfully hard work to have to face people when they are all suspicious of you but by Gods help whether they believe me or not I shall try and live it down and prove by my future conduct that its all false, I only wish I could take it to Court but I dont see a shadow of a chance to get the case as I dont think you would be

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strong enough to face a trial. Trusting that God will direct us and make the way clear—I remains, yours in trouble,
“ W. GARDINER.”

His solicitor then writes both to Wright and Skinner on the 15th May—

“ Halesworth,

“ Suffolk, 15th May, 1901.

“ Sir,—Mr. William George Gardiner of Peasehall has consulted me in reference to certain slanderous statements which he alleges you have uttered and circulated concerning him and a young woman. I have to inform you that unless you tender my Client an ample written apology within seven days from this date legal process will be forthwith commenced against you without further notice to yourself.—Yours faithfully,

“ HAROLD A. MULLEN.

“ Mr. Wm. Wright, care of Mr. Redgrift,
“ Peasehall, Saxmundham.”

No apology at all was given. These young men would not apologise, for what they said was the absolute truth, and no steps were taken against them. I don't lay much stress upon that, for these young men are working men, and no proceedings against them would have resulted in any good to the accused, except this—that he would clear his character, and to do this he would have to put himself to expense. Therefore, I don't think you would place very much stress upon the fact that this threat was not carried out. I don't think it will be disputed that the young men's story is true up to a certain point. I don't think it will be disputed that the man was there, nor that he went to the door; but, as I understand, the suggestion will be that he remained outside talking about the hymns for next Sunday, and never entered the chapel at all. That episode ended, but the evidence we shall lay before you is that the intercourse between Gardiner and the girl

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did not end there. But before I leave the episode I must give you one bit of evidence of great importance. Mr. Guy, after this inquiry had been held, saw the accused at his private house, and he said to him in a kindly way, "Let this be a lesson to you for life," and accused said, "It will." He added, "I will have nothing more to do with Rose Harsent." "Be careful in all your proceedings," said Mr. Guy, "with the young people, so as to be above suspicion," and they parted with a promise on the part of the accused that he would have nothing more to do with Rose Harsent. Mr. Guy was a friend of theirs, a minister of the church, carrying on the same church work as the accused carried on, and Mr. Guy could have no motive at all for exaggerating in the slightest degree what was said by the accused, or for in the slightest degree giving any kind of colour or colourable exaggeration to the meaning of his words.

That episode ended, we come to that of the following year. Now we come to a bit of evidence of the greatest importance, more especially having regard to the character of the gentleman who is the witness—Mr. Henry Rouse, an elderly gentleman of position in the church, of equal position with the accused; a man who had never had a quarrel with the accused; who had never been on bad terms with the accused, against whom, as far as I know, nothing can be fairly imputed; and he will tell you that on a Sunday night in February, 1902, when he was going home from Yoxford, at about nine o'clock in the evening, he saw the accused and Rose Harsent walking together away from home. I think the man passed "Good night," or something of that kind, and no answer was made. But Henry Rouse, I think, knowing the charge which had previously been made against him in connexion with this girl, believing from what he saw, as any one naturally would believe, that this connexion was still continuing between them, shortly afterwards spoke to him on the subject, and pointed out

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to him that he was not carrying out his promise. The accused said this: "I do acknowledge being with Rose on Sunday night, but I will never repeat it again." If this is true, it is cogent evidence to show that his intercourse with the girl was continued. You will hear Mr. Rouse's evidence, and you will see, and you will have to ask yourselves the question, whether there is anything in that gentleman's demeanour which would point to the fact that he is deceiving you, or whether there is any motive for his being so wicked as to invent a story of that kind to you as against the accused on his trial for murder. Mr. Rouse preaches in this chapel, and on one occasion when he was preaching he noticed some acts—the girl sitting next the accused during the service while he was preaching—which he would describe, and which were of an indelicate character. Instead of doing what he might have done—bringing this before the church, and adding to the scandal, or blasting this man's character to his church by telling the church that he had seen this man with this girl on that night—he acted in a way which I think you will now regard as being charitable; but when once he had got a promise from this man that he would not be with Rose Harsent again, he said no more about it; and on this occasion when he saw what he thought was an act of indelicacy between the man and the woman in church-time, instead of denouncing him, he wrote him a letter. The letter was an anonymous one, written by his wife, and under the circumstances I venture to think that his writing anonymously does not cast any discredit upon him. He did not want to pose as being a man putting himself forward, as accusing a fellow-member of his church. He wanted, if he could, to get this man to stop this intercourse, as he promised to do, but he saw them on February of that year, and he wrote this letter, which I venture to think is a fair and proper letter, and dictated

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by the best feeling and the best kind of feeling which one man can bear to another. In it the writer warned the accused as to his conduct with the girl Harsent as being likely to drive many people from the chapel. He did not, he said, wish Gardiner to leave God's house, but there must be a difference in his conduct before God's cause could prosper, as people could not hear when the enemy of souls brought this thing before them. The letter concluded: "I write as one that loves your soul, and hopes you will have her sit in some other place." That letter was written on 14th April, 1902. After this, Harry Harsent, who is a brother of the girl, will tell you that he has carried letters from the accused to the deceased. (Here two envelopes were produced.) These envelopes are of the same colour and kind as those which are used in Smyth's works. One is a blue and the other is a buff envelope. Harry Harsent will tell you that he carried letters in blue envelopes of this kind from the accused to his sister in June of the previous year, and also some this year, and you will also have evidence by the postman and by Mrs. Crisp that letters in that sort of blue envelope were delivered to the girl at Providence House; and the boy will also tell you that he carried, I think, this year two letters from his sister to the accused himself.

Brewer, who was postman at Yoxford, on the 31st May, which was a Saturday, delivered a letter in a buff envelope of that kind addressed to "Miss Harsent, Providence House, Peasenhall, Saxmundham." That letter he delivered at 3.15 on the Saturday. It must have been posted between 6.30 on the Friday, the 30th, and 10.55 on the morning of the Saturday, and it would go through to Yoxford from Peasenhall, and be delivered at Peasenhall at 3.15 on that Saturday afternoon, and the postman will tell you on other occasions he has delivered letters in the same buff-coloured envelopes. We now come to the critical day, the 31st May. Mrs. Crisp,

D P

I will try to see you tonight
at 12 o'clock at your place if you
put a light in your window at
10 o'clock for about 10 minutes then
you can take it out again.
don't have a light in your room at
12 as I will come round to the
back

Miss Harisent
Providence House
Peasenhall
Laxmundaam



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who was Rose Harsent's mistress, took in this, which was addressed to the girl in this buff envelope, and put it on the kitchen table. She took it in at a quarter-past three, and in the ordinary course put it on the kitchen table, where the girl could see it. It was found in the girl's room after she was dead, and it is a letter which we shall ask you to say, when you compare it with letters in the accused's handwriting, is undoubtedly in the accused's hand. It is a letter of the greatest consequence, and you will appreciate how important it is when I read it to you. It is as follows:—

“ Dear R,—I will try to see you to-night at twelve o'clock at your Place if you Put a light in your window at ten o'clock for about ten minutes. Then you can take it out again. Dont have a light in your Room at twelve, as I will come round to the back.”

You will now appreciate the importance which I attached to the position of the two houses, and to the fact that going outside the accused's house in the middle of the road you can see a light burning in Rose Harsent's room. I am not going to stop at the present to give any comparisons of handwriting; that will come later. This is a carefully written letter. It is a letter written very straight, very carefully spaced, and the only real difference between that and letters which the accused wrote on business from Paris is that he wrote the latter with a fine pen, and apparently hurriedly in a sloping style. When you compare that letter with these written from Paris, and also with a letter which was written from prison, and which was asked for on the last occasion for further comparison, we shall ask you to come to the conclusion that you have no doubt that this letter is in the accused's hand. It has a very great peculiarity. There is a very peculiar thing about it—that he puts capital letters in the middle of sentences, especially his “P's.” “I will try to see you to-night at your Place”

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—capital “P.” “If you Put a light in your window”
—capital “P” at “put” “Dont have a light in your Room at twelve”—capital “R.” I will say no more of the letter at the present time, except that the case for the Crown is that that letter is in the accused’s hand. Mrs. Crisp went to bed about a quarter-past ten. Her husband is a very deaf man, and when she went to bed, she, I think, saw the girl in the kitchen. A candlestick was used for the purpose of going up to her bedroom, and a lamp with an ordinary well for paraffin oil was kept for use in the kitchen. During the night a storm arose—a very violent storm, and Mrs. Crisp was awakened by the storm, and went downstairs. She saw the door leading into the kitchen was open, that is to say, from the lobby. There was no light; no one was stirring; and she went to bed again. She was awakened very suddenly, hearing a suppressed scream and a thud as of something falling. She made some observations to her husband, who seemed to think it was nothing, and she did not go downstairs again. She first of all, before the Coroner, said that she thought she went downstairs the first time between twelve and one, and that she heard the thud between one and two, but it is clear that she had no reason for knowing what the time was. She did not see the clock, and heard no clock strike, and what the time was she will not be able to give you any evidence about. The question is whether the accused at any time during that night went into the house and killed the woman. It is impossible for the Crown to satisfy you as to any particular time of the night at which this murder was committed.

Harry Burgess, a bricklayer, is the next witness, and carries the case a little further. Remember the letter, “Put a light in your window at ten o’clock and leave it there ten minutes”—that was to be the signal that she would expect him at twelve; and it is a remarkable thing that about that time the accused was in front of

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his house, and I do not think it will be disputed that he walked out of the front of the house, as we suggest—having regard to the terms of the letter, and having regard to the time—for the purpose of seeing whether that light was burning or not. Burgess will tell you that, walking on as he did after leaving the house, he noticed that a light was burning in the top window of Providence House, looking down the street. It appears that in consequence of the storm, a neighbour of theirs of the name of Mrs. Dickenson, who was a nervous woman, and who was apparently frightened by the storm, asked the accused and his wife to go in and keep her company; and, according to her, the wife came in somewhere about half-past eleven; that the accused came somewhere about midnight, or some little time afterwards; and that they stopped in the house until half-past one.

We now come to a very important bit of evidence, which is given by a man named James Morriss. James Morriss is an assistant gamekeeper, and James Morriss will tell you that on that Sunday morning of the 1st of June he was out at five o'clock in the morning. Of course, he knew of the scandal which had taken place with regard to the girl and the man, and he saw leading from the accused's house right away up to the gate of Providence House footmarks, not of ordinary boots, but of india-rubber shoes, with bars across; and before he knew of the murder, having regard to his suspicions with respect to them, he made some observations to his assistant gamekeeper about it. Of course, he did not know of the murder till much later, and he saw not only those footmarks leading to Providence House, but footmarks returning to the accused's house. You will find there is a very remarkable thing about this. The police did not know of this fact until about the 6th of June, when they received some information, and then they spoke to this man with regard to what he had seen; and although they had had certain articles of clothing

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handed to them by the accused's wife, at that time no one knew for a moment that the accused had such shoes in his possession. But after this story had been told they found that the accused had shoes exactly corresponding to the marks seen on that night, and when this man was examined before the Coroner, I think it was the foreman of the jury who drew the sole of a foot, and asked him to mark upon the paper what kind of bars they were. The witness then marked the paper with broad lines across, corresponding to the soles of the accused's shoes. Therefore, you have on that night, if Morriss is telling you the truth—and there is no reason why he should not—some person, who must have had some very strong object in going to that house with shoes somewhat unusual to wear at that hour of the night, exactly corresponding with the accused's, and leading directly from the accused's house to Providence House, stopping there and returning in the opposite direction.

The next morning a man named Herbert Stammers will tell you at half-past seven he saw the accused in his backyard go to the shed at the back, where there was a fire in the copper. He will tell you that it was unusually early for a fire to be lit. Of course, what was done with that fire we don't know. At about eight o'clock on the Sunday morning William Harsent, the father of the girl, who was in the habit of taking her clean clothes on the Sunday morning, went as usual and found the vinery door open, and the girl lying dead in the kitchen in her nightdress. The floor was covered with blood almost entirely, curiously enough, on one side, the left side of her, and she was dead. Her feet were lying out into the room, and her head against the stairs. The door had evidently been violently opened, because a bracket behind it was broken by the door being slammed against it. The poor father, of course, at once raised an alarm, and Eli Nunn, a police constable, came in about a quarter to nine. Nunn will

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describe to you exactly what he saw, and it is of very great importance you should have this picture well in your mind. Against the window near the part looking out into the conservatory he found on the inside, pinned up with a fork, a wrapper belonging to Mrs. Crisp, which she had seen herself on the previous day. This was hung up obviously to prevent anybody seeing a light in the window. Nunn found the girl dead, and found—which is an important element to bear in mind—that the man, whoever it was, had committed the murder with such care that there was not the slightest appearance of any trampling in the blood. Whether the man who committed the murder took his shoes off we don't know, but, however he did it, he left no trace of his footmarks, either in the blood, or bloody footmarks on the kitchen floor, or outside. An attempt had been made to burn the body, and it is remarkable that the burning should be about the abdomen and buttocks, for there was no doubt the girl was *enceinte*.

Now we come to a very remarkable part of this case. By the body on the floor, first of all, was the candle used by the girl to take her to her bedroom, having burned itself out. On the floor, close to the body, was a paraffin-oil lamp. Nearest her head was the foot or stand of the lamp; next to that was the glass of the lamp unbroken; and next to that was the oil well, half-filled with paraffin oil. If you know these oil lamps, you will realise that if you pour out the oil with the wick in it, it only comes out drop by drop. That an attempt was made to burn the body by paraffin was beyond all question, for there was paraffin mixed with the blood and about her nightdress and body. On the floor, too, was found a broken bottle, and by the fireplace, where it must have rolled, was found the neck of a bottle with a cork tightly jammed in. So tight was it that you could not get it out, but on that part of the bottle was found a label giving instruc-

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tions as to the doses to be given to Mrs. Gardiner's children. The doctor will tell you that that was a bottle which he gave to Mrs. Gardiner for her children some little time before, and what we suggest took place was this—that the murderer, whoever he was, with that cold-blooded, brutal premeditation, had gone there with the object of meeting the girl and getting rid if he could of all trace of her shame by burning the body. For that purpose, we suggest, he took with him the bottle filled with paraffin oil, but in putting the cork in, with a view of putting it in in such a way that it was not likely to come out, he put it in so tightly that when the murderer took the bottle from his pocket he could not move the cork. He thereupon tried to get the oil out of the lamp, as was suggested by the way the lamp was found taken to pieces, but not being able to get the top off he broke the bottle in order to obtain the paraffin. In breaking the bottle the accused forgot he was leaving behind the label, and which we suggest is damning proof against him. It is for you, gentlemen of the jury, to say whether the man who murdered that woman brought the bottle or not. If that is your view, then the label shows that that bottle must have been brought with the oil in it by the accused.

Upstairs we find in the girl's room (holding a letter) this letter making an appointment. It was enclosed in a buff envelope. There were also found two letters which were written by the accused to the girl upon the occasion of the scandal of May, 1901. There were also found letters and poems of a grossly indecent character, which were not written by the accused. Of course it was obvious that it was necessary to trace the writer of those letters, to see whether the writer had anything to do with the murder. The writer was a young man named Davis, who must be heartily ashamed of the beastly letters and poems he gave to this young girl. But it will not be suggested that the young man Davis had

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anything to do with, or took any part or share in, the murder of this unfortunate girl. If that be so, it still remains that some one had a motive to get rid of the girl. Some one came there that night with shoes like the accused's; and some one was brought into contact with the medicine bottle, which must have come at some time or other from the accused's house. Some one came there that night who had written that letter, which we suggest was the accused's, and it is certain the some one who came there had a direct object in getting rid of the girl and her body. It is unfortunate that any one should have entertained the astounding idea that the girl had committed suicide. She had two wounds in her throat, either of which would have been fatal—the jugular vein was severed and the windpipe was severed. Either of them would have been fatal, and if one had been inflicted there would have been no possibility for the person to inflict another upon herself. No weapon was found near the body nor in the room, and the result of that was, that in consequence of this astounding theory that it was a case of suicide, the accused was not arrested till Tuesday, the 3rd of June. So from Saturday till Tuesday morning the police had taken no steps whatever, and the accused was not arrested till that day.

The superintendent of police at the time when there was the suggestion of suicide, saw the accused, and I think he saw him on the Monday, the 2nd of June. The accused then said that "last Saturday I left the house at 2.30, and got home at 9.30. I had my supper and, because of the storm, was looking out of the front door. I went to Mrs. Dickenson's and stopped there till 1.30." The superintendent then pointed out to the accused the extraordinary resemblance of the handwriting. The accused admitted the resemblance, but denied the letter was his.

Dr. Charles Lay saw the body at 8.40, and he will describe the wounds. As far as one could judge, there

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was a kind of upward wound which showed that the instrument with which the deed was done was sharp in blade and at the point. There were signs of injuries on the hand also. Apparently what must have happened was this: whoever murdered the girl came into the room ready to kill her. The poor creature opened the door leading into the room, and the person must have at once rushed at her, slammed the door against the bracket, and then got behind her, cutting her throat in this way. Of course, as the doctor will tell you, it is very difficult to say, symptoms of rigor mortis having begun to appear, the exact hour that life ceased to exist. That she had been dead some hours when found was undoubted. You will also have described to you the nature of the charring of the body, and of the attempted burning. There is another small matter on which I do not place too much reliance, and that is that a copy of the *East Anglian Daily Times* was found underneath the body, also charred. Mrs. Crisp never took that paper in, but young Harsent, the brother of the murdered girl, used to take it to the accused every day, and he took it to him on the previous Friday. The contents of the charred paper, when compared with other copies, showed that it was of Friday's issue. You must not pay too much attention to this one small matter: there are many others of greater importance.

Dr. Stevenson, the well-known analyst, analysed those things which were given up, and, with regard to the man's clothes, no blood was found on any of them. They were given up from time to time. Whether all were given up, it is impossible for the prosecution to say. Time elapsed between Saturday and Tuesday before the accused was arrested. A double-bladed penknife was found belonging to the accused, and the blades were of such a character that they could have inflicted the wounds found upon the woman's body. Dr. Stevenson will tell you that undoubtedly the knife had been

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recently cleaned, and not only recently cleaned but recently scraped and scraped inside. Although it had been scraped—I think Dr. Stevenson saw it on the 9th June—he found inside the knife traces of recent mammalian blood, which could not have been more than a month old. Mammalian blood may be of human creatures or of animals. That there were traces of recent blood, and that the knife had been recently scraped and cleaned, is beyond all question. He discovered nothing else except a tiny piece of cloth, and no stress can be laid on that, either on one side or the other—it was such a very tiny little piece of fluffy stuff, on which the Crown place no reliance.

On Tuesday, 3rd June, Gardiner was arrested, and certain clothes were given up from time to time, but no blood was found on them. It was on the 6th June that they first learned the story of Morriss about the marking of the shoes. The police then went to the house again—they had had a pair of boots given them before—and then these shoes were produced, and there were no traces of blood on them. That, of course, you must take with this consideration, that whoever committed the murder had been careful not to trample in the blood, and did not, in fact, trample in it. Therefore, he must either have taken his shoes off, or have been so careful in what he was doing as not to trample in the blood at all. As to there being no blood upon the clothes, it is a curious thing that this blood must have all spurted out from the jugular vein on the left-hand side. Of course, to that extent you must take it as in favour of the accused that no blood was found on the clothes given up, and none on his shoes; but if the rest of the evidence is overwhelmingly strong, and points to the one conclusion, that the accused committed this deed, then the fact of no blood being found should not have undue weight with you against the rest of the evidence, if you believe it conclusively shows the accused's guilt.

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That is the evidence we shall call before you, and I merely wish before calling that evidence to summarise it again. First, there is the scandal between the girl and the man in May, 1901. Then the inquiry held and the conversation between Mr. Guy and the accused, in which Gardiner said he would have nothing more to do with the girl. Then in February, 1902, he is seen at nine o'clock at night, walking with the girl away from home in the dark. Next, the expostulation by Mr. Rouse, the acknowledgment that he had been with the girl, and the promise that he would never do it again. Again, no action taken. Then the indelicacy observed in the chapel, and the letter written by Mr. Rouse. Some other letters passed between the girl and the man. Then there is the girl in the family-way—six months gone. Some one in Peasenhall must have had an interest in getting rid of the girl, because no one can suggest that this murder was committed for gain or for robbery or for jealousy. It was for the object of getting rid of the girl, and if possible of destroying the body. Then there is the letter written: "Put your light in the window at ten o'clock." The accused is outside his door about that time, and the light is burning. A storm takes place in the night. It is impossible for him to go home at the time, he said, in consequence of having to keep Mrs. Dickenson company. But that night some one in india-rubber shoes, barred in the way already described, walked from the accused's house to Providence House and back again. On that night some one committed the murder, with an instrument such as you might expect to be represented by a knife such as the accused had. By the body is found this medicine bottle, under the circumstances I have detailed, and with the label on it, "Mrs. Gardiner's children—two or three doses," and in the woman's possession is found the letter making the assignation, showing that whoever wrote that letter knew well the character of the house, and knew well that the

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girl was, as it were, isolated in that house, and that the writer was some one who was going in by the back door. That letter, as we suggest, was written by the accused.

Gentlemen, you will have narrowly to watch the evidence, and say whether it is of such a character that you can thoroughly rely upon it, and whether the suggestions made by the prosecution are well founded. If not, then dismiss any suggestion I have made from your minds. If there is a real doubt in the case, the point is not merely that the accused is entitled to the benefit of it. That is not a fair way of putting it. If there is a real doubt in this case, the accused is entitled to acquittal, because the Crown have to prove to your satisfaction that the accused is guilty. We only ask for justice; we are bound to see that it is done; and it is your duty to bring home to your minds reasonable conviction. If you are reasonably convinced, taking the evidence as a whole, then according to your oaths, and according to the duty you owe to society, you are bound to say that he is guilty. If we have not proved it, you also owe it not only to the oaths you have taken, but in your duty to the accused, to acquit him upon this most grave and serious charge.

Evidence for the Prosecution.

W. H. BROWN, examined by the Hon. JOHN DE GREY—I am an architect at Ipswich, and I produce plans of Providence House, and also of the street in which accused resided. The distance from the Doctor's Chapel to Providence House is about 195 yards. The chapel stands about 30 yards back from the road.

Have you looked from the road in front of the house in which the accused lived to see whether the top window of Providence House is visible from that point?—Yes.

And could you see it?—Quite easily.

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[Witness gave further details with regard to the plan of the house, and the examination continued.]

There is a path from the gate on the north of the lobby to the house?—Yes.

There is another path leading from the house. Have you marked that?—There is another path leading from the front path to that gate.

I do not think you have marked that?—It is not marked here, but there is a footpath.

Leading to the west?—Yes.

What sort of a path is that leading to the west?—An ordinary gravel path.

And does that go right round the house?—It comes into the backyard, a continuation of the gravel path.

Round by the door of what is called the conservatory?—Yes; it leads round it.

By Mr. JUSTICE LAWRENCE—It goes round two sides of the house?—Yes, on the north side and on the west side.

Examination continued—It is a pebbled path there?—Partly pebbled and partly gravelled.

Where you come into the conservatory, is there a door leading into the kitchen?—From the conservatory.

And in the corner of the kitchen is there another door leading into some stairs?—At the bottom of the staircase.

And does that staircase go up to the room where Rose Harsent slept?—It leads up to her bedroom.

And except for that communication from that point, is there any other communication with the rest of the house?—No communication.

You have also made a drawing of the Doctor's Chapel?—Yes.

Is that also drawn to scale?—Yes.

I see you have marked two ventilators?—Two ventilators on the south side, and two also on the north on the plan.

On the south side, is that where the fence is?—The south side is against the path which leads into the road.

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And these ventilators, what are they?—Composed of perforated zinc with wood casing inside.

You mean covering the zinc inside?—Wood casing with the flaps to open and shut, as required.

That is the ground plan of the inside?—That is so.

Showing the reading-desk?—Yes.

The fence that was in front of the chapel on the south side, how far away from the chapel does that stand?—Between 8 ft. and 9 ft. from the centre.

Eight or nine ft. from the chapel?—From the chapel to the centre of the fence.

I see you have marked it as being 2 ft. 9 in. high. Is that correct?—Yes.

Do I understand you, the fence is 2 ft. 9 in.?—2 ft. 9 in. from the top of the bank. The fence is on the top of the bank.

What is the total height from the ground?—About 6 ft. from the path to the top of the fence.

Cross-examined by Mr. WILD—Dealing first with the Doctor's Chapel, the ventilator is what is known as the "Hopper" ventilator?—Yes.

That is a boxed-up ventilator?—Yes.

The sound would have to pass round two corners to get to the ears of anybody outside; it would go through the casing and over the box, and round that way?—Not necessarily. In this case the flap is on the top.

I suggest it opens in the ordinary way?—Yes.

The ordinary Hopper ventilator?—Yes.

It would be more difficult to hear from that ventilator than from an ordinary open ventilator?—Certainly.

I suppose you did not make any acoustic experiments in the Doctor's Chapel?—I did not try.

With regard to the fence, you have told us the fence is on a bank about 6 ft. high?—That is the top of the fence.

By Mr. JUSTICE LAWRENCE—There is a path in front of the chapel?—That is on the south side of the chapel.

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Are you speaking of the fence there?—Of the fence on the south side.

Cross-examination continued—Do you go down the path to get to the chapel?—Yes.

And does this hedge you pointed out run alongside the chapel?—In front of it.

If you go opposite the south-west window to the chapel, can you see into it?—Yes.

Against that window, inside, there is what is called the rostrum, is not there?—A reading-desk, I think.

There is a bench which goes round the rostrum and runs underneath the window?—Yes, it is a moveable bench.

But that bench under the window is fixed, surely?—Fixed to the wall, I think.

The casement is firmly fixed, is it not?—It is an ordinary three-light window.

It is a well-built window?—It is an old-fashioned window, with lead glazed panes.

It doesn't open?—No.

The ventilator is shown in the photograph against the side of the window?—Yes.

You have shown in your plan Smyth's works practically opposite the entrance to the chapel?—Some portion of it is.

Do you know where Smyth's stables are?—At the back of the ironworks, farther from the road.

And if you went from Providence House to the stables, you would have to pass the chapel to do so?—Yes.

And are there a number of houses on the other side?—Yes, between the ironworks and Providence House.

What is the length of Peasenhall Street? Nearly a mile?—Or more, it is a very long street.

And between Providence House and Gardiner's house there are a considerable number of houses on both sides?—Several private houses.

Take Gardiner's side, is not there a whole line of houses?—Yes, from the corner.

Evidence for Prosecution.

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MR. JUSTICE LAWRENCE—Nine different buildings on the plan.

MR. WILD—I think some of those buildings on the plan represent rows of cottages. Gardiner's house is under the same roof as Mrs. Pepper's, and that is only marked as one building. (To witness) I want to ask you a question about Gardiner's house. Did you go into it?—I did not.

So you can't tell us about the staircase?—No.

Did you go to the wash-house?—I did not.

Who was with you when you made that plan?—I took a friend of mine with me.

Are there houses alongside the open yard of the wash-house, shown in grey on the plan?—Yes.

Supposing you were walking from accused's house to Providence House, you would walk along a hard road?—Fairly hard road.

Does the north gate to Providence House open inwards?—It opens inwards.

Is there from that gate to the door ordinary white York pavement?—Part of the width.

Is there a large step in front of Gardiner's house?—A white stone step with a scraper.

Can you tell me the dimensions of the kitchen at Providence House?—About 10 ft. 6 in. by 8 ft. 6 in.

You were shown the broken bracket?—Yes.

That is just behind the staircase?—Yes; the staircase door would open on to it.

There is no other way up to the girl's bedroom except through the kitchen?—Except through the kitchen.

It is not a very large house?—It is a fair-sized house.

The house is semi-detached?—It is semi-detached.

Do not Davis's people live in the other part of the house?—I could not tell you the name of the occupiers.

There is an entrance from the backway of Davis's house to Providence House?—There is an ordinary gateway in the fence.