

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.

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 unctiousness—"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.

CHAPTER XVII.

The Arrest of Burke and M^r Dougal—Discovery of the Body—Hare and his Wife Apprehended—Public Intimation of the Tragedy—Burke and M^r 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 McCulloch, 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.

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.

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