

Strange Studies from Life.

BY A. CONAN DOYLE.

[The cases dealt with in this series of studies of criminal psychology—studies of which the moral is more full of warning than that of many sermons—are taken from the actual history of crime, though occasionally names have been changed where their retention might cause pain to surviving relatives.]

III.—THE DEBATABLE CASE OF MRS. EMSLEY.

IN the fierce popular indignation which is excited by a sanguinary crime there is a tendency, in which judges and juries share, to brush aside or to treat as irrelevant those doubts the benefit of which is supposed to be one of the privileges of the accused. Lord Tenterden has whittled down the theory of doubt by declaring that a jury is justified in giving its verdict upon such evidence as it would accept to be final in any of the issues of life. But when one looks back and remembers how often one has been very sure and yet has erred in the issues of life, how often what has seemed certain has failed us, and that which appeared impossible has come to pass, we feel that if the criminal law has been conducted upon such principles it is probably itself the giant murderer of England. Far wiser is the contention that it is better that ninety-nine guilty should escape than that one innocent man should suffer, and that, therefore, if it can be claimed that there is one chance in a hundred in favour of the prisoner he is entitled to his acquittal. It cannot be doubted that if the Scotch verdict of "Not proven," which neither condemns nor acquits, had been permissible in England it would have been the outcome of many a case which, under our sterner law, has ended upon the scaffold. Such a verdict would, I fancy, have been hailed as a welcome compromise by the judge and the jury who investigated the singular circumstances which attended the case of Mrs. Mary Emsley.

The stranger in London who wanders away from the beaten paths and strays into the quarters in which the workers dwell is

astounded by their widespread monotony, by the endless rows of uniform brick houses broken only by the corner public-houses and more infrequent chapels which are scattered amongst them. The expansion of the great city has been largely caused by the covering of district after district with these long lines of humble dwellings, and the years between the end of the Crimean War and 1860 saw great activity in this direction. Many small builders by continually mortgaging what they had done, and using the capital thus acquired to start fresh works which were themselves in turn mortgaged, contrived to erect street after street, and eventually on account of the general rise of property to make considerable fortunes. Amongst these astute speculators there was one John Emsley, who, dying, left his numerous houses and various interests to his widow Mary.

Mary Emsley, now an old woman, had

Original from
MRS. MARY EMSLEY.

lived too long in a humble fashion to change her way of life. She was childless, and all the activities of her nature were centred upon the economical management of her property, and the collection of the weekly rents from the humble tenants who occupied them. A grim, stern, eccentric woman, she was an object of mingled dislike and curiosity among the inhabitants of Grove Road, Stepney, in which her house was situated. Her possessions extended over Stratford, Bow, and Bethnal Green, and in spite of her age she made long journeys, collecting, evicting, and managing, always showing a great capacity for the driving of a hard bargain. One of her small economies was that when she needed help in managing these widespread properties she preferred to employ irregular agents to engaging a salaried representative. There were many who did odd jobs for her, and among them were two men whose names were destined to become familiar to the public. The one was John Emms, a cobbler; the other George Mullins, a plasterer.

Mary Emsley, in spite of her wealth, lived entirely alone, save that on Saturdays a char-woman called to clean up the house. She showed also that extreme timidity and caution which are often characteristic of those who afterwards perish by violence—as if there lies in human nature some vague instinctive power of prophecy. It was with reluctance that she ever opened her door, and each visitor who approached her was reconnoitred from the window of her area. Her fortune would have permitted her to indulge herself with every luxury, but the house was a small one, consisting of two stories and a basement, with a neglected back garden, and her mode of life was even simpler than her dwelling. It was a singular and most unnatural old age.

Mrs. Emsley was last seen alive upon the evening of Monday, August 13th, 1860. Upon that date, at seven o'clock, two neighbours perceived her sitting at her bedroom window. Next morning, shortly after ten, one of her irregular retainers called upon some matter of brass taps, but was unable to get any answer to his repeated knockings. During that Tuesday many visitors had the same experience, and the Wednesday and Thursday passed without any sign of life within the house. One would have thought that this would have aroused instant suspicions, but the neighbours were so accustomed to the widow's eccentricities that they were slow to be alarmed. It was only upon the Friday, when John Emms, the cobbler,

found the same sinister silence prevailing in the house, that a fear of foul play came suddenly upon him. He ran round to Mr. Rose, her attorney, and Mr. Faith, who was a distant relation, and the three men returned to the house. On their way they picked up Police-constable Dillon, who accompanied them.

The front door was fastened and the windows snibbed, so the party made their way over the garden wall and so reached the back entrance, which they seem to have opened without difficulty. John Emms led the way, for he was intimately acquainted with the house. On the ground floor there was no sign of the old woman. The creak of their boots and the subdued whisper of their voices were the only sounds which broke the silence. They ascended the stair with a feeling of reassurance. Perhaps it was all right after all. It was quite probable that the eccentric widow might have gone on a visit. And then as they came upon the landing John Emms stood staring, and the others, peering past him, saw that which struck the hope from their hearts.

It was the footprint of a man dimly outlined in blood upon the wooden floor. The door of the front room was nearly closed, and this dreadful portent lay in front of it with the toes pointing away. The police-constable pushed at the door, but something which lay behind it prevented it from opening. At last by their united efforts they effected an entrance. There lay the unfortunate old woman, her lank limbs all asprawl upon the floor, with two rolls of wall-paper under her arm and several others scattered in front of her. It was evident that the frightful blows which had crushed in her head had fallen upon her unforeseen, and had struck her senseless in an instant. She had none of that anticipation which is the only horror of death.

The news of the murder of so well known an inhabitant caused the utmost excitement in the neighbourhood, and every effort was made to detect the assassin. A Government reward of £100 was soon raised to £300, but without avail. A careful examination of the house failed to reveal anything which might serve as a reliable clue. It was difficult to determine the hour of the murder, for there was reason to think that the dead woman occasionally neglected to make her bed, so that the fact that the bed was unmade did not prove that it had been slept in. She was fully dressed, as she would be in the evening, and it was unlikely that

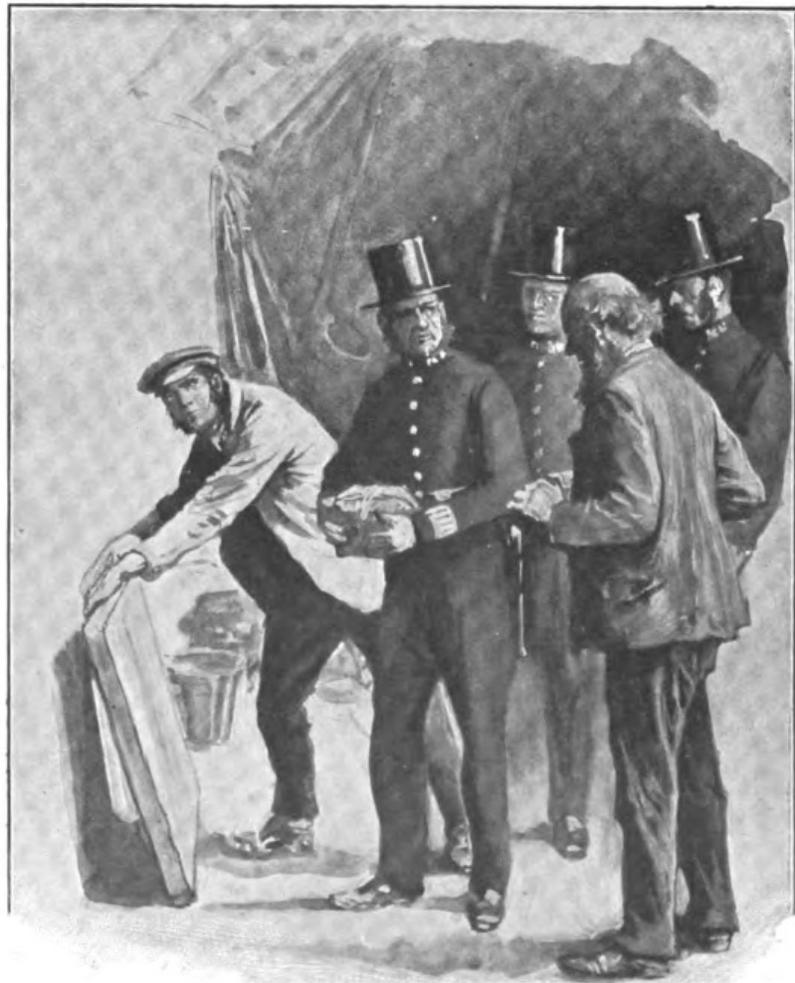
she would be doing business with wall-papers in the early morning. On the whole, then, the evidence seemed to point to the crime having been committed upon the Monday evening some time after seven. There had been no forcing of doors or windows, and therefore the murderer had been admitted by Mrs. Emsley. It was not consistent with her habits that she should admit anyone whom she did not know at such an hour, and the presence of the wall-papers showed that it was someone with whom she had business to transact. So far the police could hardly go wrong. The murderer appeared to have gained little by his crime, for the only money in the house, £48, was found concealed in the cellar, and nothing was missing save a few articles of no value. For weeks the public waited impatiently for an arrest, and for weeks the police remained silent though not inactive. Then an arrest was at last effected, and in a curiously dramatic fashion.

Amongst the numerous people who made small sums of money by helping the murdered woman there was one respectable-looking man, named George Mullins—rather over fifty years of age, with the straight back of a man who has at some period been well drilled. As a matter of fact, he had served in the Irish Constabulary, and had undergone many other curious experiences before he had settled down as a plasterer in the East-end of London. This man it was who called upon Sergeant Tanner, of the police, and laid before him a statement which promised to solve the whole mystery.

According to this account, Mullins had from the first been suspicious of Emms, the cobbler, and had taken steps to verify his suspicions, impelled partly by his love of justice and even more by his hope of the reward. The £300 bulked largely

before his eyes. "If this only goes right I'll take care of you," said he, on his first interview with the police, and added, in allusion to his own former connection with the force, that he "was clever at these matters." So clever was he that his account of what he had seen and done gave the police an excellent clue upon which to act.

It appears that the cobbler dwelt in a small cottage at the edge of an old brickfield. On this brickfield, and about fifty yards from the cottage, there stood a crumbling outhouse which had been abandoned. Mullins, it seems, had for some time back been keeping a watchful eye upon Emms, and he had observed him carrying a paper parcel from his cottage and concealing it somewhere in the shed. "Very likely," said the astute Mullins, "he is concealing some of the plunder which he has stolen." To the police also the theory seemed not impossible, and so, on the following morning, three of them,



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"THEY CAME ON A PAPER PARCEL OF A VERY CURIOUS NATURE."

with Mullins hanging at their heels, appeared at Emms's cottage, and searched both it and the shed. Their efforts, however, were in vain, and nothing was found.

This result was by no means satisfactory to the observant Mullins, who rated them soundly for not having half-searched the shed, and persuaded them to try again. They did so under his supervision, and this time with the best results. Behind a slab in the outhouse they came on a paper parcel of a very curious nature. It was tied up with coarse tape, and when opened disclosed another parcel tied with waxed string. Within were found three small spoons and one large one, two lenses, and a cheque drawn in favour of Mrs. Emsley, and known to have been paid to her upon the day of the murder. There was no doubt that the other articles had also belonged to the dead woman. The discovery was of the first importance then, and the whole party set off for the police-station, Emms covered with confusion and dismay, while Mullins swelled with all the pride of the successful amateur detective. But his triumph did not last long. At the police-station the inspector charged him with being himself concerned in the death of Mrs. Emsley.

"Is this the way that I am treated after giving you information?" he cried.

"If you are innocent no harm will befall you," said the inspector, and he was duly committed for trial.

This dramatic turning of the tables caused the deepest public excitement, and the utmost abhorrence was everywhere expressed against the man who was charged not only with a very cold-blooded murder, but with a deliberate attempt to saddle another man with the guilt in the hope of receiving the reward. It was very soon seen that Emms at least was innocent, as he could prove the most convincing *alibi*. But if Emms was innocent who was guilty save the man who had placed the stolen articles in the outhouse—and who could this be save Mullins, who had informed the police that they were there? The case was prejudged by the public before ever the prisoner had appeared in the dock, and the evidence which the police had prepared against him was not such as to cause them to change their opinion. A damning series of facts were arraigned in proof of their theory of the case, and they were laid before the jury by Serjeant Parry at the Central Criminal Court upon the 25th of October, about ten weeks after the murder.

At first sight the case against Mullins appeared to be irresistible. An examination of his rooms immediately after his arrest enabled the police to discover some tape upon his mantelpiece which corresponded very closely with the tape with which the parcel had been secured. There were thirty-two strands in each. There was also found a piece of cobbler's wax, such as would be needed to wax the string of the inner parcel. Cobbler's wax was not a substance which Mullins needed in his business, so that the theory of the prosecution was that he had simply procured it in order to throw suspicion upon the unfortunate cobbler. A plasterer's hammer, which might have inflicted the injuries, was also discovered upon the premises, and so was a spoon which corresponded closely to the spoons which Mrs. Emsley had lost. It was shown also that Mrs. Mullins had recently sold a small gold pencil-case to a neighbouring barman, and two witnesses were found to swear that this pencil-case belonged to Mrs. Emsley and had been in her possession a short time before her death. There was also discovered a pair of boots, one of which appeared to fit the impression upon the floor, and medical evidence attested that there was some human hair upon the sole of it. The same medical evidence swore to a blood mark upon the gold pencil which had been sold by Mrs. Mullins. It was proved by the charwoman, who came upon Saturdays, that when she had been in the house two days before the murder Mullins had called, bringing with him some rolls of wall-paper, and that he had been directed by Mrs. Emsley to carry it up to the room in which the tragedy afterwards occurred. Now, it was clear that Mrs. Emsley had been discussing wall-papers at the time that she was struck down, and what more natural than that it should have been with the person who had originally brought them? Again, it had been shown that during the day Mrs. Emsley had handed to Mullins a certain key. This key was found lying in the same room as the dead body, and the prosecution asked how it could have come there if Mullins did not bring it.

So far the police had undoubtedly a very strong case, and they endeavoured to make it more convincing still by producing evidence to show that Mullins had been seen both going to the crime and coming away from it. One, Raymond, was ready to swear that at eight o'clock that evening he had caught a glimpse of him in the street near Mrs. Emsley's. He was wearing a black billy-

cock hat. A sailor was produced who testified that he had seen him at Stepney Green a little after five next morning. According to the sailor's account his attention was attracted by the nervous manner and excited appearance of the man whom he had met, and also by the fact that his pockets were very bulging. He was wearing a brown hat. When he heard of the murder he had of his own accord given information to the police, and he would swear that Mullins was the man whom he had seen.

This was the case as presented against the accused, and it was fortified by many smaller points of suspicion. One of them was that when he was giving the police information about Emms he had remarked that Emms was about the only man to whom Mrs. Emsley would open her door.

"Wouldn't she open it for you, Mullins?" asked the policeman.

"No," said he. "She would have called to me from the window of the area."

This answer of his—which was shown to be untrue—told very heavily against him at the trial.

It was a grave task which Mr. Best had to perform when he rose to answer this complicated and widely-reaching indictment. He first of all endeavoured to establish an *alibi* by calling Mullins's children, who were ready to testify that he came home particularly early upon that particular Monday. Their evidence, however, was not very conclusive, and was shaken by the laundress, who showed that they were confusing one day with another. As regards the

boot, the counsel pointed out that human hair was used by plasterers in their work, and he commented upon the failure of the prosecution to prove that there was blood upon the very boot which was supposed to have produced the blood-print. He also showed as regards the bloodstain upon the pencil-case that the barman upon buying the pencil had carefully cleaned and polished it, so that if there was any blood upon it it was certainly not that of Mrs. Emsley. He also commented upon the discrepancy of the evidence between Raymond, who saw the accused at eight in the evening in a black hat, and the sailor who met him at five in the morning in a brown one. If the theory of the prosecution was that the accused had spent the night in the house of the murdered woman, how came his hat to be changed? One or other or both the witnesses must be worthless. Besides, the sailor had met his mysterious stranger at Stepney Green, which was quite out of the line between the scene of the crime and Mullins's lodgings.

As to the bulging pockets, only a few small articles had been taken from the house, and they would certainly not cause the robber's pockets to bulge. There was no evidence either from Raymond or from the sailor that the prisoner was carrying the plasterer's hammer with which the deed was supposed to have been done.

And now he produced two new and very important witnesses, whose evidence furnished another of those sudden surprises with which the case had abounded. Mrs. Barnes,



"HE HAD SEEN ONE ROWLAND, ALSO A BUILDER, COME OUT OF SOME HOUSE,"

who lived in Grove Road, opposite to the scene of the murder, was prepared to swear that at twenty minutes to ten on Tuesday morning—twelve hours after the time of the commission of the crime according to the police theory—she saw someone moving paper-hangings in the top room, and that she also saw the right-hand window open a little way. Now, in either of these points she might be the victim of a delusion, but it is difficult to think that she was mistaken in them both. If there was really someone in the room at that hour, whether it was Mrs. Emsley or her assassin, in either case it proved the theory of the prosecution to be entirely mistaken.

The second piece of evidence was from Stephenson, a builder, who testified that upon that Tuesday morning he had seen one Rowland, also a builder, come out of some house with wall-papers in his hand. This was a little after ten o'clock. He could not swear to the house, but he thought that it was Mrs. Emsley's. Rowland was hurrying past him when he stopped him and asked him—they were acquaintances—whether he was in the paper line.

"Yes; didn't you know that?" said Rowland.

"No," said Stephenson, "else I should have given you a job or two."

"Oh, yes, I was bred up to it," said Rowland, and went on his way.

In answer to this Rowland appeared in the box and stated that he considered Stephenson to be half-witted. He acknowledged the meeting and the conversation, but asserted that it was several days before. As a matter of fact, he was engaged in papering the house next to Mrs. Emsley's, and it was from that that he had emerged.

So stood the issues when the Chief Baron entered upon the difficult task of summing up. Some of the evidence upon which the police had principally relied was brushed aside by him very lightly. As to the tape, most tape consisted of thirty-two strands, and it appeared to him that the two pieces were not exactly of one sort. Cobbler's wax was not an uncommon substance, and a plasterer could not be blamed for possessing a plasterer's hammer. The boot, too, was not so exactly like the blood-print that any conclusions could be drawn from it. The weak point of the defence was that it was almost certain that Mullins hid the things in the shed. If he did not commit the crime, why did he not volunteer a statement as to how the things came into his posses-

sion? His remark that Mrs. Emsley would not open the door to him, when it was certain that she would do so, was very much against him. On the other hand, the conflicting evidence of the sailor and of the other man who had seen Mullins near the scene of the crime was not very convincing, nor did he consider the incident of the key to be at all conclusive, since the key might have been returned in the course of the day. On the whole, everything might be got round except the hiding of the parcel in the shed, and that was so exceedingly damning that, even without anything else, it amounted to a formidable case.

The jury deliberated for three hours and then brought in a verdict of "Guilty," in which the judge concurred. Some of his words, however, in passing sentence were such as to show that his mind was by no means convinced upon the point.

"If you can even now make it manifest that you are innocent of the charge," said he, "I do not doubt that every attention will be paid to any cogent proof laid before those with whom it rests to carry out the finding of the law."

To allude to the possibility of a man's innocence and at the same time to condemn him to be hanged strikes the lay mind as being a rather barbarous and illogical proceeding. It is true that the cumulative force of the evidence against Mullins was very strong, and that investigation proved the man's antecedents to have been of the worst. But still, circumstantial evidence, even when it all points one way and there is nothing to be urged upon the other side, cannot be received with too great caution, for it is nearly always possible to twist it to some other meaning.

In this case, even allowing that the evidence for an *alibi* furnished by Mullins's children was worthless, and allowing also that Mr. Stephenson's evidence may be set aside, there remains the positive and absolutely disinterested testimony of Mrs. Barnes, which would seem to show that even if Mullins did the crime he did it in an entirely different way to that which the police imagined. Besides, is it not on the face of it most improbable that a man should commit a murder at eight o'clock or so in the evening, should remain all night in the house with the body of his victim, that he should do this in the dark—for a light moving about the house would have been certainly remarked by the neighbours—that he should not escape during the darkness, but that he should wait for the full

sunlight of an August morning before he emerged?

After reading the evidence one is left with an irresistible impression that, though

ing one that universal prejudice was excited against the accused. Mullins was hanged on the 19th of November, and he left a statement behind him reaffirming his own



"A VERDICT OF 'GUILTY.'"

Mullins was very likely guilty, the police were never able to establish the details of the crime, and that there was a risk of a miscarriage of justice when the death sentence was carried out.

There was much discussion among the legal profession at the time as to the sufficiency of the evidence, but the general public was quite satisfied, for the crime was such a shock-

innocence. He never attempted to explain the circumstances which cost him his life, but he declared in his last hours that he believed Enms to be innocent of the murder, which some have taken to be a confession that he had himself placed the incriminating articles in the shed. Forty years have served to throw no fresh light upon the matter.