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Watson, Katherine D. "Legislating to Ensure 'Impartial' Justice: Palmer's Act of 1856." *Fair and Unfair Trials in the British Isles, 1800–1940: Microhistories of Justice and Injustice*. Ed. David Nash and Anne-Marie Kilday. London: Bloomsbury academic, 2020. 35–53. *Bloomsbury Collections*. Web. 21 May 2021. <<http://dx.doi.org/10.5040/9781350050976.ch-002>>.

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Legislating to Ensure ‘Impartial’ Justice: Palmer’s Act of 1856

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Introduction

On the morning of Wednesday the 14th of May 1856, a trial unparalleled in English legal history opened at London’s Central Criminal Court. Its exceptional nature is revealed in the formal record of the trial, which first noted the presence of *four* judges. Then the indictment was read: ‘Indicted at a session of oyer and terminer holden for County of Stafford. Ind[ictmen]t removed here under 19th Vict cap 16.’ The charge itself was then set out: ‘Staffordshire* William Palmer, wilful murder of John Parsons Cook. The like on a coroner’s inquisition removed under some Act. Two coroner’s inquisitions and one other indictment not tried.’¹

This was the first-ever occasion on which an indictment found in a county outside the jurisdiction of the Central Criminal Court was tried before a London jury. The Attorney General, the lead prosecutor in the case, revealed the reason for this unprecedented event at the start of his four-hour opening address:

The peculiar circumstances of this case have given it a profound and painful interest throughout the whole country. There is scarcely a man, perhaps, who has not come to some conclusion on the issue which you are now to decide. All the details have been seized on with eager avidity, and there is, perhaps, no one who is not more or less acquainted with those details. Standing here as a minister of justice, with no interest and no desire save that justice shall be done impartially, I feel it incumbent on me to warn you not to allow any preconceived opinion to operate on your judgment this day. Your duty – your bounden duty – is to try this case according to the evidence which shall be brought before you, and according to that alone. You must discard from your minds anything that you may have read or heard, or any opinion that you may have formed.²

¹ The National Archives (hereafter TNA), Central Criminal Court: Court Books, CRIM 6/8, 14th of May 1856, n. p. Quotations from Crown copyright documents held in TNA are acknowledged with thanks.

² Anon (1856) *Illustrated and Unabridged Edition of The Times Report of the Trial of William Palmer, for Poisoning John Parsons Cook, at Rugeley; from the Short-hand Notes Taken in the Central Criminal Court from Day to Day* (London: Ward & Lock), p. 6.

The ‘peculiar circumstances’ alluded to – William Palmer had been accused of committing three murders in the market town of Rugeley, and was suspected of others – gave rise to such fervent media interest and local feeling that Palmer and his solicitor realized there could be little hope of a fair trial at the Staffordshire assizes, where pre-trial publicity would preclude the selection of an unbiased jury. In recognition of this problem, Parliament rushed a new law onto the statute books: the Central Criminal Court Act 1856 (19 & 20 Vict c.16), originally known as the Trial of Offences Act and popularly known as Palmer’s Act, allowed a crime committed outside London to be tried at the Central Criminal Court, rather than locally, if doing so appeared to be ‘expedient to the ends of justice.’³ Building on David Bentley’s brief analysis of the role the case played in challenging pre-trial publicity,⁴ this chapter investigates the genesis of the Act in more detail, to show why Palmer’s trial proved to be both a forensic and a legal turning point.

The intense press coverage of the case was due in part to its uncommon toxicological characteristics: Palmer was alleged to have poisoned his gambling companion J.P. Cook with strychnine, a little-known substance which posed scientific difficulties that led eventually to a courtroom battle of apparently partisan expert witnesses.⁵ While the tenor of this forensic clash was a major focus of interest both before and after the trial, it was also an inherent source of unfairness to Palmer, as he had to secure the testimony of a sufficient number of expert witnesses to refute the evidence of the most highly reputed toxicologist in England, Alfred Swaine Taylor (1806–1880), who served as an unofficial advisor to the Crown, helped to attract other experts of similar intellectual stature to the prosecution’s cause, and wrote a long letter to the press about the case whilst Palmer was awaiting trial.⁶ Nor was the press sensationalism fed solely by scientific controversy, for a series of associated accusations and incidents served to keep Palmer’s story in the public eye. However, the voluminous case files in The National Archives reveal the existence of a further set of problematic issues intrinsic to the case. These range from the financial to the legal, particularly the decision as to which charge to focus on, and the related production of evidence, both of which were delayed to a degree that hindered the ability of Palmer’s solicitor to marshal the necessary counter evidence. The key legal personnel also proved important: Palmer’s

³ An Act to empower the Court of Queen’s Bench to order certain Offenders to be tried at the Central Criminal Court, 19 Vict c.16 s.1. See also H.D. Roome and R.E. Ross (1922) (eds) *Archbold’s Pleading, Evidence and Practice in Criminal Cases*, by Sir John Jervis, 26th edition (London: Sweet and Maxwell), pp. 118–19.

⁴ D. Bentley (1998) *English Criminal Justice in the Nineteenth Century* (London: Hambledon Press), p. 47.

⁵ T. Golan (2004) *Laws of Med and Laws of Nature: The History of Scientific Expert Testimony in England and America* (Cambridge, MA: Harvard University Press), pp. 97–100; T. Ward (2005) ‘A Mania for Suspicion: Poisoning, Science, and the Law’ in J. Rowbotham and K. Stevenson (eds) *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press), pp. 40–56 and I.A. Burney (2006) *Poison, Detection, and the Victorian Imagination* (Manchester: Manchester University Press). There had only been about fifteen recorded cases of strychnine poisoning prior to the Palmer trial (see Burney, *Poison, Detection, and the Victorian Imagination*, p. 140), of which only three had proved fatal (see Golan, *Laws of Med and Laws of Nature*, p. 98).

⁶ A.S. Taylor and G. Owen Rees (1856) ‘The Rugeley Suspected Secret Poisoning Cases’, *The Lancet*, 67, 2nd February, pp. 134–5 reprinted in *The Cheshire Observer*, 9th February 1856, p. 4. See also Anon. (1856) ‘Our Interview with Dr Alfred Taylor’, *Illustrated Times*, 2nd February 1856, pp. 91–3. During the trial Taylor received a judicial rebuke for this (now utterly unacceptable) conduct: see *The Times Report*, p. 175.

team, though able, was not of the calibre needed to defend against a formidable prosecution quintet and an apparently hostile judge.

Following an overview of the case and the stages by which it was removed from Staffordshire to the Old Bailey, as the Central Criminal Court is known, this chapter covers new historical ground: it goes beyond the scientific disagreements and pre-trial reporting that have hitherto been suggested as key sources of bias in the Palmer case, to query its fairness as a legal process. However, notwithstanding a persuasive recent claim that the removal of Palmer's trial to London served to facilitate a 'show trial' where 'official resources and public opinion could be more effectively mustered against him',⁷ there is little evidence to support an opposing view, that had the trial been held in Stafford 'no county jury would have convicted him'.⁸ Thus, although it is by no means certain that Palmer's best hope of acquittal really did lie in London, the plain fact is that, in common with many trials for criminal poisoning, the weight of circumstantial evidence against him was likely to be convincing.⁹

Mysterious deaths at Rugeley: The Palmer case in brief

The main facts of the Palmer case have been recounted in several secondary sources,¹⁰ and can also be found in digitized versions of the numerous verbatim accounts of the trial that were published in its immediate aftermath.¹¹ Online repositories of historical newspapers offer additional avenues for exploring the investigation, trial and public reception of Palmer's alleged crimes. In brief, William Palmer (the fourth son in a well-to-do Staffordshire family of five sons and two daughters) was a general practitioner who gave up medical practice to pursue his love of gambling and horseracing; by the

⁷ R. Davenport-Hines (2009) 'Palmer, William [called the Rugeley Poisoner] (1824–1856), Poisoner and Physician', *Oxford Dictionary of National Biography*, <https://doi.org/10.1093/ref:odnb/21222> (accessed 15 October 2019).

⁸ G. Fletcher (1925) *The Life & Career of Dr William Palmer of Rugeley* (London: T. Fisher Unwin), p. 131. This view is attributed to the son of one of Palmer's counsel, writing in the 1920s.

⁹ K.D. Watson (2006) 'Medical and Chemical Expertise in English Trials for Criminal Poisoning, 1750–1914', *Medical History*, 50, pp. 373–90 at p. 382 and Roome and Ross, *Archbold's Pleading*, pp. 357–9.

¹⁰ In addition to the work of Burney, Golan and Ward cited in note 5 above, and that of Fletcher (see note 8), see also Anon (1856) *Illustrated Life and Career of William Palmer of Rugeley* (London: Ward and Lock); G. Lathom Browne and C.G. Stewart (1883) (eds) *Reports of Trials for Murder by Poisoning* (London: Stevens and Sons), pp. 85–232; L.A. Parry (1976 edition) *Some Famous Medical Trials* (Fairfield, NJ: Augustus M. Kelley), pp. 235–58; G. St Aubyn (1971) *Infamous Victorians: Palmer and Lamson, Two Notorious Poisoners* (London: Constable), pp. 3–152; T. Boyle (1989) *Black Swine in the Sewers of Hampstead: Beneath the Surface of Victorian Sensationalism* (New York: Viking), pp. 61–92.

¹¹ In addition to *The Times Report* cited in note 2 above, see also Anon (1856) *The Trial of William Palmer for the Alleged Rugeley Poisonings* (London: Henry Lea); Anon (1856) *The Queen v. Palmer. Verbatim report of the trial of William Palmer at the Central Criminal Court, Old Bailey, London, May 14, and following days, 1856, before Lord Campbell, Mr Justice Cresswell, and Mr Baron Alderson. Transcribed from the short-hand notes of Mr Angelo Bennett* (London: J. Allen); and G.H. Knott (1912) (ed.) *Trial of William Palmer* (Calcutta: Butterworth & Co. (India)). The trial report published online at *The Proceedings of the Old Bailey, 1674–1913*, www.oldbaileyonline.org, ref. t18560514-490, is incomplete: it does not include the opening addresses made by the prosecution and defence counsel, the closing speech for the prosecution, or the judge's summing up and sentencing.

early 1850s, he had acquired a stable of racehorses but had incurred significant debt and turned to moneylenders; he had begun to swindle his widowed mother by forging her signature on bills of credit. He had married, in 1848 at the age of twenty-three, the illegitimate daughter of an army officer; they had five children, only one of whom survived, before his wife died in 1854, insured for the enormous sum of £13,000. He then insured his older brother Walter Palmer, an alcoholic and ‘all-round loafer’,¹² for another £13,000 (having sought a total of £80,000 from six different companies) – but when Walter died soon after, the company refused to pay.¹³ With hindsight, it became clear that theirs were not the first sudden deaths associated with Palmer: his mother-in-law died within a fortnight of arriving at his house for a visit early in 1849, and he acquired property by her death; in 1850 a racing companion to whom Palmer owed £800, Leonard Bladen, died in circumstances that were to be repeated in the case of John Parsons Cook; and an illegitimate child that Palmer fathered with his housemaid died suddenly after spending time in his company.¹⁴



Figure 2.1 William Palmer at ‘The Oaks’, 1854. With permission from the WS Society.¹⁵

¹² Fletcher, *Life & Career of Dr William Palmer*, p. 31.

¹³ For a summary of the insurance on Anne and Walter Palmer’s lives, see TNA, Treasury Solicitor and HM Procurator General Papers, Regina v William Palmer, Central Criminal Court, Tabular Statement of William Palmer’s Insurances: Effected and Proposed, TS 11/433.

¹⁴ Knott, *Trial of William Palmer*, pp. 16–17.

¹⁵ Fletcher, *Life & Career of Dr William Palmer*, frontispiece; photograph taken from the copy held in the William Roughhead Collection, Signet Library, Edinburgh. The Oaks Stakes is a thoroughbred flat race run annually since 1779 at Epsom Downs, Surrey.

The death that brought William Palmer to the attention of the authorities occurred in November 1855 when J.P. Cook died. Palmer was then in dire financial straits: he was unable to collect on the insurance policy on his brother's life as the company had launched an investigation (the state of Walter's health had been misrepresented to them), and there was '... a court case pending against him and his mother for the recovery of money advanced on a forged bill of exchange'.¹⁵ Palmer needed money, fast. Cook was a wealthy racing aficionado with whom Palmer co-owned some horses and attended race meetings. On the 13th of November Cook's mare, *Polestar*, won the Shrewsbury Handicap; he was to collect £1000 in London the following week on presentation of his betting book; two days later Palmer's horse, *Chicken*, was beaten and Palmer lost heavily. Cook became suddenly ill on the evening of the 13th of November in Palmer's company and again on the 16th of November after dining with him, and the following day 'took to his sick-bed', where he remained until his death in the early hours of the 21st of November, having taken pills administered by Palmer at 10.30 pm. Within two days Palmer's actions and the disappearance of Cook's betting book had raised the suspicions of William Vernon Stephens, Cook's stepfather, who contacted a solicitor in Rugeley (James Gardner), and pressed for a post-mortem examination and an inquest. The post-mortem was carried out on the 26th of November: Palmer was present and attempted to disrupt the proceedings, but samples were removed and taken to London for analysis by Alfred Swaine Taylor at Guy's Hospital.¹⁷ The toxicological controversies that consequently emerged have been discussed in detail elsewhere and need not concern us here, but it is important to note that Taylor decided, upon learning of the pills given to Cook, that death was due to strychnine even though his analysis had not detected any in the body.¹⁸

Cook's mysterious and sudden demise raised questions about those of Palmer's wife and brother, and the Home Secretary ordered the exhumation of their bodies. Taylor attributed Anne Palmer's death to antimony, which was found in her body; and suspected Walter Palmer's death was due to prussic acid, although none was found in his body. By the end of January 1856, the nature of the case against William Palmer was well known and encompassed a mixture of legal fact (three inquest verdicts and verbatim reports of the inquest testimony printed in newspapers throughout the country) and moral indignation, with a strong suggestion that three deaths made for a difficult case to answer.¹⁹ The key elements were succinctly summarized in *The Worcestershire Chronicle*:

Wife, brother, children, mother-in-law, a couple of intimate friends, die suddenly, all but unaccountably, as regards natural causes, under his treatment – all but two of the dismal catalogue actually under his roof. He gains, through an insurance, by his wife's death. He attempts, by the same plan, to gain by his brother's death. The

¹⁶ Burney, *Poison, Detection and the Victorian Imagination*, p. 118.

¹⁷ For a detailed timeline of these events, see Knott, *Trial of William Palmer*, pp. 18–20.

¹⁸ Burney, *Poison, Detection and the Victorian Imagination*, pp. 119–21 (quotation on p. 119).

¹⁹ See, for example, *The Westmorland Gazette and Kendal Advertiser*, 26th January 1856, p. 8 reprinting an editorial from *The Times*.

insurance offices refuse transactions with him because of the suspicious nature of his proceeding. Of the bottles he keeps in his surgery few are at all full, and of those kept replenished, they are bottles marked ‘poison.’ He seduces his maid servant. He asks a postmaster to open letters. He asks the coroner to direct a favourable verdict. He induces a stable-help to attempt a fraud on an insurance-office. Lastly, he either induces his wife to a commit forgery, or benefits, silently, by that forgery committed.²⁰

It was at this point that public discussion about Palmer’s ability to get a fair trial began. An appendix at the end of this chapter summarizes the main facts of the case as they developed: each, following the death of Cook, was a point upon which the media pounced. Stories were printed in one part of the country and reprinted elsewhere a day or two later, as was typical of the Victorian press,²¹ and this case became a *cause célèbre* among British newspaper readers: journalistic accounts merged investigation with human interest in what the *Illustrated Times* described as ‘the crime of the age.’²² At a time when serial murder by poison seemed frighteningly frequent,²³ the three accusations of murder, together with a catalogue of other mysterious deaths in Palmer’s house, ignited a media storm. He was rarely out of the newspapers in the months between his committal to gaol in Stafford and the start of his trial in London.

The Trial of Offences Act

Public discussion of whether or not Palmer could expect to receive a fair trial began in early January 1856, following an article published in *The Globe* which claimed that:

Certainly Palmer will have a fair trial. No ‘discussion can injure him; to avoid allusion to his case would be the cant of forbearance; for the suspicious facts have themselves accumulated a weight of ‘prejudice’ which discussion can only qualify, not increase.’²⁴

The negative tone adopted here is unmistakable, and the subsequent verdicts in the inquests on Palmer’s wife and brother, together with the sale of his stable and earlier sale of his furniture and household possessions (during which a bundle of papers and an old diary were discovered in a desk and handed over to the police),²⁵ served only to heighten the public fascination. His appearance at the civil suit brought by a creditor

²⁰ *The Worcestershire Chronicle*, 30th January 1856, p. 4.

²¹ A. Hobbs (2009) ‘When the Provincial Press Was the National Press (c.1836–c.1900)’, *International Journal of Regional and Local History*, 5, pp. 16–43.

²² J.H. Wiener (2011) *The Americanization of the British Press, 1830s–1914* (Basingstoke: Palgrave Macmillan), pp. 73–4. and *Illustrated Times*, 2nd February 1856, pp. 1–2 – speaking of serial poisoning for money.

²³ K. Watson (2004) *Poisoned Lives: English Poisoners and Their Victims* (London: Hambledon and London) and V.M. Nagy (2014) ‘Narratives in the Courtroom: Female Poisoners in Mid-Nineteenth Century England’, *European Journal of Criminology*, 11, pp. 213–27.

²⁴ *The Globe*, 7th January 1856, p. 2.

²⁵ *Oxford Chronicle and Reading Gazette*, 12th January 1856, p. 6.

against his mother, on the 21st of January at Westminster Hall in London, led to another black mark against his name: Palmer, who did not seem to feel 'the perilous position in which he stood,' caused a sensation when he admitted that he had asked his dead wife to forge his mother's signature on a bill of exchange.²⁶ By the 25th of January some newspapers had recognized that the local populace was hopelessly divided in opinion:

There is excitement enough throughout the country upon the subject of Mr William Palmer and his proceedings at Rugeley, but, as may well be supposed, this excitement is at its height in the town of Rugeley itself and the immediate neighbourhood. The population is divided into Palmerites and Anti-Palmerites; – some persons are resolved that nothing shall convince them of Mr Palmer's guilt – others are equally fixed in their opinion of his culpability. It is the same thing at Stafford; the inhabitants of that town have prejudged the case, and it is therefore impossible that justice should be done there between the Crown and the prisoner. Under these circumstances, and presuming that on either side the only anxiety is to obtain a fair trial, would it not be advisable to remove the case to some other assize town on the same circuit, where a jury might be empanelled who would consider the weight of the evidence for the prosecution and the defence without favour or prejudice?²⁷

The reports suggested that while 'a man's life must not be sacrificed to local prejudice,' the Crown was entitled to have the indictments removed to another venue if it seemed 'the inhabitants of Stafford looked too favourably upon [Palmer's] case.'²⁸ In addition, the seriousness of the charges was believed to merit the oversight of one of the two highest judicial authorities in the land, the Lord Chief Justice of the Court of Queen's Bench or the Chief Justice of the Common Pleas, rather than one of the puisne (ordinary) judges who typically travelled the Oxford Circuit.²⁹ The obvious solution seemed to be to move the trial to another county on the same assize circuit.

However, Palmer had already decided that this would not suffice: on the following day, the 26th of January, he and his solicitor, John Smith of Birmingham, submitted affidavits to the Court of Queen's Bench, setting out the grounds on which they had come to believe that a fair trial could not be held anywhere in the Midlands. While Palmer focused on his innocence and lack of financial wherewithal to contest the testimony of A.S. Taylor, Smith referred more particularly to the widespread local prejudice caused by exaggerated and unfounded statements printed in local newspapers. It is worth reproducing these documents in full, as they formed the basis for the subsequent change to the law of England:³⁰

²⁶ *Devizes and Wiltshire Gazette*, 24th January 1856, p. 2.

²⁷ *Evening Mail*, 25th January 1856, p. 6 and *The Times*, 25th January 1856, p. 7.

²⁸ *Ibid.*

²⁹ Staffordshire was one of the counties of the Oxford assize circuit, which included other Midland counties such as Shropshire; but not Warwickshire, which was part of the Midland Circuit.

³⁰ TNA, Treasury Solicitor and HM Procurator General Papers, *Regina v William Palmer*, Central Criminal Court, copies of affidavits by W. Palmer and J. Smith, 26th of January 1856, TS 11/433. These were published in full in *The Morning Advertiser*, 30th January 1856, p. 6.

Affidavit of William Palmer

I William Palmer late of Rugeley in the County of Stafford surgeon but now a prisoner confined in Her Majesty's Gaol at Stafford charged upon the coroner's inquisition with the wilful murder of the late John Parsons Cook make oath and say,

1. That for ten years I have been residing at Rugeley aforesaid occasionally practising as a surgeon.
2. The paper writing hereto annexed marked (A) is a copy of the warrant upon which I was arrested and am now detained in the [said] Gaol.
3. I am informed and believe that I cannot have a fair and impartial trial in the county of Stafford, or in fact elsewhere in the Midland Counties inasmuch as the prejudice against me is so great that I do not believe amongst an ordinary panel of jurymen any twelve men could be found unbiased and unprejudiced.
4. I say that in addition to the charge of murder of the said John Parsons Cook I am also charged on coroner's inquisitions with the murder of my late wife Ann Palmer and my late brother Walter Palmer all the said murders being alleged to have been committed by means of poison.
5. I am informed and verily believe that in and about the neighbourhood of Stafford (Rugeley being only nine miles distant from Stafford) I am also accused of having murdered several other persons which rumour is very generally believed to be true.
6. In each of the cases with which I am charged and upon which I am now in Gaol the same being charges of murder by poisoning Alfred Swaine Taylor of Guy's Hospital London doctor of medicine is the principal witness and in order to rebut the evidence given by him it will be necessary that I should have a sufficient number of scientific persons to give evidence upon my trial most of whom are resident in London.
7. I say the expense of such witnesses will as I am informed and believe be 1000 pounds or thereabouts if I am tried at Stafford.
8. I say of myself I have no funds wherewith to meet such expense and am consequently entirely dependent on my friends and relations and owing to my dependent position I fear I shall not be so well or properly defended unless I can be tried where the expence [*sic*] of such witnesses will be much less.
9. I am informed and verily believe that the Solicitor who is acting against me in the prosecution upon the charge of the wilful murder of my said late wife and said late brother has admitted to my solicitor that he does not believe it would be possible for me to have an impartial trial in the county of Stafford or its neighbourhood.
10. I say that I am innocent of having committed the said alleged murders or any or either of them.

Affidavit of John Smith

I John Smith of Birmingham in the county of Warwick attorney for William Palmer hereinafter mentioned make oath and say,

1. That the said William Palmer is and stands charged upon coroners inquisitions in the county of Stafford with three murders by poisoning, that is to say with the murder of Ann Palmer his late wife, Walter Palmer his late brother and one John Parsons Cook two of such murders being alleged to have been committed at Rugeley in the said county of Stafford and one of them at Stafford in the said county of Stafford.
2. That I appeared to watch the proceedings upon the inquisitions held on the bodies of Ann Palmer the wife of the said William Palmer and Walter Palmer the brother of the said William Palmer for and on behalf of the said William Palmer.
3. I say that by reason of my having so acted I am enabled to judge of the feeling of the inhabitants of Rugeley and the neighbourhood.
4. I say that upon the said inquisitions so held as aforesaid there were upwards of thirty newspapers represented by various reporters.
5. That the jury impanelled upon such inquisitions appeared to me to be greatly prejudiced against the said William Palmer.
6. I have been informed and believe that one of the jurymen who sat upon the said inquisitions assisted in getting up evidence against the said William Palmer.
7. That the evidence given upon the aforesaid inquisitions before the coroner has been published in the various newspapers published in Staffordshire Warwickshire and the neighbouring counties, and that numerous paragraphs have appeared in the newspapers unfavourable to the said William Palmer and in many instances assuming his guilt and that the effect has been that the bulk of the inhabitants of the counties of Stafford Warwick and other neighbouring counties are greatly prejudiced against the said William Palmer and eager for his conviction and punishment as I verily believe passing by the consideration of the question whether he can by evidence be proved to be guilty of the crimes with the commission of which he is charged and I verily believe that such prejudiced feeling has been raised to such an extent as to incapacitate the persons under its influence from fairly and properly doing the duty of jurors in the cases in which the said William Palmer is charged as aforesaid.
8. I say that many of the paragraphs which have so appeared in the said papers as aforesaid are false and have contained gross misrepresentations and have as I verily believe been written for the purpose of prejudging the case and abusing the public mind.
9. I believe amongst a very great number of persons in the county of Stafford Warwick and neighbouring counties the public generally are kept in a state of excitement and prejudice against the said William Palmer by the various articles which have from time to time appeared in the newspapers.
10. I do not believe that the said William Palmer could have a fair and impartial trial at Stafford Warwick or in any of the Midland counties owing to the prejudice which exists as before stated.
11. I say that Mr Deane the solicitor for the insurance offices and who conducted the inquiry before the coroner on behalf of the Crown in the cases of Ann (sic) Palmer and Walter Palmer informed me that he thought there was great prejudice in the minds of the inhabitants of Staffordshire, and surrounding counties, and he believed an impartial trial could not be had in the county of Stafford or any surrounding county.

Charles Wilkins, who had appeared for Sarah Palmer in the civil suit a week earlier, was counsel for William Palmer at the hearing held before the four judges of the Court of Queen's Bench, including the Lord Chief Justice, John Baron Campbell (1779–1861), beginning Campbell's close association with this case. The argument that Wilkins made was straightforward:

It was shown by William Palmer and his solicitor, and even by the solicitor for the prosecution, that there was such an amount of excitement and prejudice in Staffordshire that it was impossible for the prisoner to have a fair trial if the inquisitions were not removed. ... it would cost about [£1,000] to procure the attendance of witnesses of scientific skill to meet the case on the other side; whereas, if the trial were to take place in London, their attendance could be obtained at a comparatively small expense.³¹

Thus, Palmer's goal was a trial at the Central Criminal Court, considered the preeminent criminal court of England. It did not take the judges long to agree to remove the indictments and inquisitions into Queen's Bench from the Staffordshire assizes, and thence to the Old Bailey, but there was a technical difficulty: Queen's Bench had the power to try cases from anywhere in England (a trial at bar, an option the judges resisted), or to order their removal to any other county, but the jurisdiction of the Central Criminal Court was limited by statute to cases occurring within certain counties adjacent to the metropolis.³² Thus, a new statute was required, one that would enable the judges to transmit from provincial counties to the Central Criminal Court serious criminal cases supposed to be exposed to local prejudices. Within days of the ruling, the Lord Chancellor introduced the necessary bill in the House of Lords, where it was championed by Lord Campbell, met with little resistance and soon passed to the House of Commons.³³ There, a handful of MPs argued against it in two debates, concerned that individuals charged with treason (clearly a reference to Ireland) might be forced to undergo trial in London, or that prisoners might be tried in London against their will. Two Staffordshire MPs denied that Palmer could not get a fair trial in the county, whereas an Irish MP felt certain there could be no fair trial for Palmer in Staffordshire. One by one, objections to the bill were withdrawn, as the Attorney General skilfully undermined them,³⁴ and the bill was passed without amendment on the 10th of March 1856. It received royal assent a month later. William Palmer had got his London trial.

³¹ *Evening Mail*, 30th January 1856, p. 5.

³² 4 & 5 Will IV c.36, An Act for establishing a New Court for the Trial of Offences committed in the Metropolis and Parts adjoining (Central Criminal Court Act, 1834) established the Old Bailey, renamed the Central Criminal Court, as the assize court for London, Middlesex and parts of Essex, Kent and Surrey. It also authorized this court to try offences committed on the high seas, but not elsewhere in England.

³³ *The Morning Advertiser*, 6th February 1856, p. 2 and *Aberdeen Press and Journal*, 6th February 1856, p. 5.

³⁴ *Hansard: House of Commons Debates*, 3 March 1856, Vol. 140, cc1768-70 and 10 March 1856, Vol. 140, cc2194-200.

A fair and impartial trial?

Palmer succeeded in having his case removed from Staffordshire, but distinct elements of unfairness remained in the prosecution, most especially in the preparation of the case, and potentially also in the trial itself. During the course of debate in the House of Commons, MPs had made two important observations: whereas in every other court Palmer would be tried by one judge, at the Old Bailey he would be tried by three judges; and, in relation to the even more important jury, an Oxfordshire MP had suggested that 'ninety-nine men out of every hundred, if asked the question, would rather stand before a county than an Old Bailey jury'.³⁵ With hindsight these appear prescient words, indeed. The jury had to rely on the judges in order to pick their way through the mass of evidence. Palmer's case 'was regarded as presenting so many unprecedented difficulties that three judges were appointed to try it'.³⁶ Lord Campbell, Baron Alderson and Mr Justice Cresswell, two of whom, Campbell and Alderson, were later accused of unfair bias.³⁷ As we have seen, however, Lord Campbell did much to ensure that Palmer got his wish for an Old Bailey trial, and was clearly persuaded by the evidence presented by the prosecution, much of which relied on the efforts of the Attorney General (noted orator Sir Alexander Cockburn (1802–1880)), Alfred Swaine Taylor,³⁸ the detailed investigations of the Treasury Solicitor (Henry Reynolds) and the Rugeley solicitor James Gardner, and the preparations of four junior counsel – all of whom were notable legal figures in their own right and one of whom, John Huddleston, had previously acted for Samuel Cheshire (see Appendix), Palmer and his mother.

The immense amount of time and effort that the prosecution put into this case is suggested by the huge cost of the trial to the state: £7532.³⁹ By contrast, Palmer lost the services of his preferred barrister when Charles Wilkins became seriously ill; his replacement, William Shee, had never before defended in a murder trial and breached legal etiquette in proclaiming his belief in his client's innocence;⁴⁰ the expert witnesses for the defence were criticized and undermined both in and out of court; and it is likely that Palmer's family had only about £2000 to pay for his defence.⁴¹

Palmer was well defended but his team was always working under serious impediments: the constant flow of newspaper articles about the case, which circulated

³⁵ Ibid. One of the key legal differences between the Old Bailey and assize courts was that two judges sat upon trials in London, and three might do so. When Palmer's trial opened the three judges who were to preside were present, along with the Recorder of London.

³⁶ St Aubyn, *Infamous Victorians*, p. 39.

³⁷ Knott, *Trial of William Palmer*, p. 316.

³⁸ See TNA, Treasury Solicitor and HM Procurator General Papers, Regina v William Palmer, Central Criminal Court, TS 11/432 for Taylor's report and answers to queries from the prosecution about Anne Palmer's case, 3 April 1856 and in TS 11/431, a letter from A. S. Taylor to John Greenwood (Treasury), 9th of May 1856, recommending a possible witness.

³⁹ Judicial Statistics (1857), *Part I, England and Wales, Police – Criminal Proceedings – Prisons; Returns for the Year 1856* (London: HMSO), p. xv. This sum included costs in Staffordshire of £3504 and costs to the Crown Solicitor of £4028 12s. 7d. By contrast, the Dove case cost £1176 and other murders from £112 to £428. The average cost of a trial at the Old Bailey was 103s.

⁴⁰ Knott, *Trial of William Palmer*, p. 319 and Fletcher, *Life & Career of Dr William Palmer*, pp. 132–5

⁴¹ *The Worcestershire Chronicle*, 30th January 1856, p. 4.

as freely in London as in Staffordshire; the need to prepare to defend three murder charges; and the complicated medico-scientific evidence that had to be countered with persuasive expert evidence. In March the trial of Palmer's close friend, Rugeley deputy postmaster Samuel Cheshire, brought renewed attention to Palmer's alleged suspicious actions, and further embedded Taylor in the prosecution: he appeared as a witness and explained how easy it was to open a letter deliberately.⁴² Meanwhile, the death in Leeds of Harriet Dove, who was alleged to have been poisoned with strychnine by her husband,⁴³ provided the prosecution with renewed scientific focus.⁴⁴ When barrister George Knott edited the trial for publication in 1912 he believed that:

had it not been for one or two definitely known cases of strychnia poisoning in the human subject, the prosecution would have failed, in spite of all the experiments on animals from which analogies as to Cook's symptoms were attempted to be drawn. There had been no trial for poisoning by strychnia before Palmer's. But it happened that while the Palmer case was pending Dr Dove, of Leeds, was accused of poisoning his wife by strychnia, and the symptoms of poison were more certainly ascertained. Yet Dr Nunneley, of Leeds, who made a report on this case, was called for the defence, not for the prosecution.⁴⁵

The indictment for the murder of J.P. Cook was the main charge, but we should not forget that Palmer had been formally accused of two other murders and could be tried for both, although in the case of his brother a trial solely on a coroner's inquisition would be likely to fail. But clearly he had to be prepared, and on the 19th of April 1856 his solicitor wrote to the Treasury seeking clarification: 'Would you oblige me by saying whether it is the intention of the Crown to proceed with Walter Palmer's case? And also whether any further evidence is intended to be adduced in any of the cases other than that contained in the depositions?'⁴⁶ Three days later, he wrote again:

I suppose the Crown will give some information respecting the additional evidence to be adduced on the trial of Wm Palmer, in order that he may be prepared to meet it. I should be glad to know what course the Crown intends adopting in reference to this point at your earliest convenience, as until I know briefs for defence cannot be delivered.⁴⁷

⁴² *The Derby Mercury*, 19th March 1856, p. 2.

⁴³ On the Dove case, see O. Davies (2005) *Murder, Magic, Madness: The Victorian Trials of Dove and the Wizard* (Harlow: Pearson Education) and Lathom Browne and Stewart, *Reports of Trials for Murder by Poisoning*, pp. 233–68.

⁴⁴ TNA, Treasury Solicitor and HM Procurator General Papers, Regina v William Palmer, Central Criminal Court, Dove's Case, TS 11/434/1370; at TS 11/434/1369, Additional evidence re strychnine and Medical Evidence in the case of Mrs Dove, Leeds 7 May 1856; at TS 11/433, Copy of Evidence on cases of poisoning by strychnine and at TS 11/431, Depositions in inquest on Harriet Dove, 4 March 1856.

⁴⁵ Knott, *Trial of William Palmer*, p. 2.

⁴⁶ TNA, Treasury Solicitor and HM Procurator General Papers, Regina v William Palmer, Central Criminal Court, Letter from John Smith to H.R. Reynolds, 19th April 1856, TS 11/434/1369.

⁴⁷ *Ibid* at TS 11/434/1369, Letter from John Smith to H.R. Reynolds, 22nd April 1856.

Smith was still awaiting a firm answer in early May, when in fact the prosecution had obtained important new scientific witnesses, including Professors Robert Christison and William Brande.⁴⁸ Smith wrote to Reynolds to complain that he had been informed of thirteen more witnesses at a late period, as he had been promised that any additional evidence would be furnished fourteen days before trial: 'It is impossible to get up the case properly unless the whole evidence is complete, as the facts stated in the new depositions cannot be enquired into, owing to distance and shortness of time. Need I mention that this is a case of life and death?'⁴⁹ The prosecution kept a list of the evidence sent to Smith in relation to the deaths of Cook and Anne Palmer, indicating that new issues were arising between the 1st and 12th of May, just two days before the trial began.⁵⁰ Smith was by then installed at Bacon's Hotel in London, so had the added inconvenience of working far from his client in Stafford Gaol and his office in Birmingham. The fact that the prosecution was nervous about its ability to prove both Palmer's motive and that Cook had died from strychnine is obvious: much of the new evidence concerned financial matters, Palmer's behaviour, the Dove case and other known deaths from strychnine. In early April the Attorney General had been asked to advise about 'whether too much detail on the question of motive may not tend to complicate and confuse the case on the part of the prosecution.'⁵¹

In 1925 George Fletcher, a doctor and magistrate who made a detailed study of the case, identified the key planks in the prosecution of William Palmer: (1) his poor financial circumstances, which spoke to motive; (2) the extensive and ultimately unrefuted circumstantial evidence against him, which occupied three-quarters of the trial and reinforced the argument that Palmer had means, motive and opportunity to poison Cook and then attempted to cover his tracks; (3) the medical evidence that Cook was poisoned by strychnine, for which the defence proposed a variety of hesitant alternatives. In short, Cook's symptoms – tetanic convulsions – were not in question, but their cause was. The seventeen medico-scientific witnesses for the Crown all agreed that death was from strychnine even though it was not detected by toxicological analysis, but their fifteen counterparts for the defence proposed half a dozen possible causes for the observed symptoms.⁵² The prodigious mass of evidence, especially after the Dove inquest, as well as the need to defend against three different murder charges, proved a difficult, if not impossible task. And it seems clear that even had the prosecution for the murder of Cook failed, the Crown was ready to proceed against Palmer for the murder of his wife. Although he did not yet realize it, William Palmer was trapped in a vice from which there would be no escape.

⁴⁸ Ibid at TS 11/434/1369, Opinion of Professor Christison on the case of John Parsons Cook, copy, 21st April 1856; at TS 11/430, Opinion of Professor Christison in Anne Palmer's case, 23rd April 1856 and at TS 11/434/1370, Letter from W.H. Brande to H.R. Reynolds, 5th May 1856.

⁴⁹ Ibid at TS 11/434/1369, Letter from John Smith to H.R. Reynolds n.d. but probably after 7th of May 1856.

⁵⁰ Ibid at TS 11/434/1369, Listing of evidence sent to Smith re Cook and Anne Palmer, 1st May to 12th May 1856.

⁵¹ Ibid at TS 11/433, Attorney General requested to advise as to course to be taken with regard to certain doubts, 3rd April 1856.

⁵² Fletcher, *Life & Career of Dr William Palmer*, pp. 144–50, 161–76.

Conclusion

On the 27th of May 1856 one of the most memorable criminal trials in English legal history drew to a close when the Lord Chief Justice donned the black cap and told the defendant: ‘William Palmer, after a long and impartial trial you have been convicted by a jury of your country of the crime of wilful murder. In that verdict my two learned brothers, who have so anxiously watched this trial, and myself entirely concur, and consider that verdict altogether satisfactory.’⁵³ But the verdict came as a surprise to Palmer and his solicitor, who avowed that ‘but for the charge of Lord Campbell, the result ‘might have been different.’⁵⁴ John Smith claimed that

The jury had no alternative but to return a verdict of ‘guilty’, for his Lordship left the question to them as to whether the death of Cook was consistent with poisoning by strychnia, without putting the alternative as to whether the death of the late J. P. Cook might not be consistent with natural, although unknown causes.⁵⁵

We do not have access to the jury’s deliberations or evidence that they had any prior bias against Palmer, but the fact that one juror recused himself on the grounds of prejudice suggests that the decision to seek a trial in London because it was the seat of medical and scientific expertise might have failed for reasons in addition to those hitherto stressed in studies of this case, the unseemly ‘battle of experts’ and judicial bias. The more usual practice would have been to move the trial to another county, where jurors might well have been less willing to bring in a capital conviction, but it is understandable why Palmer felt this would be unwise, given the volume and tenor of the media reports about him. But the Victorian newspaper press was a national phenomenon, and what jurors read in Stafford, they also read in London. The jurors in Palmer’s trial attended to their responsibility diligently, however: following the trial three of them submitted a memorial to the Treasury seeking financial compensation for the ‘very serious pecuniary loss and inconvenience, not to say injury to health’, that had arisen from their long confinement.⁵⁶ Their businesses had suffered whilst they were sequestered, but the

⁵³ Knott, *Trial of William Palmer*, p. 284.

⁵⁴ Thomas Palmer (1856) *A Letter to the Lord Chief Justice Campbell: Containing Remarks upon the Conduct of the Prosecution and the Judges, with Strictures on the Charge Delivered to the Jury, Illustrative of Its Dangerous Tendencies to the Long-Enjoyed Rights and Privileges of Englishmen* (London: T. Taylor), Appendix, p. vi, a copy of a letter to the Editor of *The Times*, 28th May 1856. Palmer remained remarkably calm throughout his trial and possibly thought he could not be convicted because if no poison was found in the body, there was no murder. This was the theory his defence team adopted, see Fletcher, *Life & Career of Dr William Palmer*, p. 173.

⁵⁵ Palmer, *A Letter to the Lord Chief Justice Campbell*, p. vi.

⁵⁶ TNA, Treasury Solicitor and HM Procurator General: Law Officers’ and Counsel’s Opinions, Regina v William Palmer, Application from certain of the jury on the trial of the above for remuneration for their services, 8 November 1856, TS 25/927. An analysis of this material appears in C. Watson (2019) ‘Very Serious Pecuniary Loss and Inconvenience: A Jury’s Plea’, *Legal History Miscellany*, found at <https://legalhistorymiscellany.com/2019/09/22/very-serious-pecuniary-loss-and-inconvenience-a-jurys-plea/> (accessed 15 October 2019).

law did not allow payments to jurors until 1949 and their polite request – the seeds of which had been planted by Lord Campbell⁵⁷ – was firmly refused.

Lingering doubts remain about Palmer's guilt. Did he murder Cook with strychnine, or with some other poison (brucine or morphine), or was he actually innocent?⁵⁸ But

Table 2.1 *Appendix: Significant Events in the Prosecution of William Palmer*

Date	Event
1824, 6 Aug	William Palmer born
1846, 10 Aug	Palmer qualifies MRCS
1847, 7 Oct	Palmer marries Anne Thornton; they soon move to Rugeley
1848, Oct	Birth of the Palmers' only surviving child, William Brookes Palmer
1849, 18 Jan	Death of Palmer's mother-in-law (age 50), twelve days after arriving at his house for a visit
1850, 13 May	Death of Leonard Bladen at Palmer's house in Rugeley; rumours of poisoning circulate locally ⁵⁹
1851–1854, Jan	Deaths of four Palmer infants (Elizabeth, Henry, Frank and John) from convulsions
1854, 29 Sep	Death of Anne Palmer (age 27)
1855	
13 Feb	Life insurance policy assigned from Walter Palmer to William Palmer
26 Jun	Eliza Tharm (housemaid) gives birth to Palmer's illegitimate son; the infant dies in convulsions five months later, after a visit from his father
16 Aug	Death of Walter Palmer (age 32)
20 Nov	Palmer purchases prussic acid, 6 grains of strychnine, and liquor of opium
21 Nov	Death of John Parsons Cook (age 28)
29 Nov	Inquest on J. P. Cook opened and adjourned
2 Dec	James Gardner writes to A. S. Taylor asking about the results of his examination of the contents of Cook's stomach
5 Dec	Samuel Cheshire, deputy postmaster of Rugeley, opens the reply from Taylor to Gardner and informs Palmer of the contents
15 Dec	Inquest on J. P. Cook returns a verdict of wilful murder against W. Palmer, who is arrested but, due to illness, not taken to Stafford Gaol until 17 Dec

Continued

⁵⁷ TNA, Treasury Solicitor and HM Procurator General: Law Officers' and Counsel's Opinions, Regina v William Palmer, Application from certain of the jury on the trial of the above for remuneration for their services, 8 November 1856, TS 25/927, pp. 2–3. See also Juries Act 1949 (12, 13 & 14 Geo VI c.27).

⁵⁸ For a summary of the main points suggestive of Palmer's innocence, see Reasons for Doubting the Safety of the Verdict, http://staffscc.net/wppalmer/?page_id=208 (accessed 29 September 2019); S. Bates (2014) *The Poisoner: The Life and Crimes of Victorian England's Most Notorious Doctor* (New York: Overlook Duckworth).

⁵⁹ Fletcher, *Life & Career of Dr William Palmer*, pp. 41–2.

Date	Event
22 Dec	Bodies of Anne Palmer and Walter Palmer exhumed and inquests opened
31 Dec	A friend of Leonard Bladen writes to the Chief Constable of Staffordshire to suggest that his death was suspicious and that Palmer profited from it
1856	
10 Jan	Samuel Cheshire charged with illegally opening a letter on 5 Dec 1855
12 Jan	Inquest on Anne Palmer returns a verdict of wilful murder against W. Palmer
14 Jan	Palmer's stable put up for auction, attracting a large crowd ⁶⁰
21 Jan	Palmer is in London to give evidence in <i>Padwick v. Sarah Palmer</i> , a civil action brought against his mother in relation to a bill he had forged
23 Jan	Inquest on Walter Palmer returns a verdict of wilful murder against W. Palmer
26 Jan	Writ of certiorari submitted by W. Palmer to the Court of Queen's Bench, asserting he could not receive a fair trial in Staffordshire or anywhere in the Midlands
26 Jan	Sworn affidavit by John Smith, Palmer's solicitor, claiming his client could not receive a fair trial in the Midlands ⁶¹
29 Jan	Motion raised in Queen's Bench for a certiorari to allow Palmer's trial to be held in a county other than Staffordshire; the judges agree and issue a rule nisi ⁶²
31 Jan	The Court of Queen's Bench orders the removal of Palmer's trial from Stafford to the Central Criminal Court, London
1 Feb	The Home Secretary requests the Treasury Solicitor, Henry Revell Reynolds, to take charge of the several prosecutions of Palmer ⁶³
5 Feb	First reading of the Trial of Offenders Bill in the House of Lords ⁶⁴
11 Feb	The bill passes its second reading in the House of Lords ⁶⁵
12 Feb	W. H. Bodkin provides a formal opinion to the Treasury Solicitor as to the bills of indictment likely to be found by the Staffordshire grand jury: the murders of Cook and Anne Palmer
21 Feb	The amended bill is ordered for a third reading in the House of Lords ⁶⁶
25 Feb	The bill is sent to the House of Commons ⁶⁷

⁶⁰ *The Newry Examiner and Louth Advertiser*, 19th January 1856, p. 3.

⁶¹ The copy in TNA states the 29th of January but a report of the hearing in Queen's Bench, held on the 29th of January, proves that Smith swore his affidavit on the 26th of January 1856.

⁶² A rule nisi is a court order that will come into force at a future date unless a particular condition is met, whereupon the ruling becomes a decree (or rule) absolute and is binding. Typically, the condition is that an adversely affected party provide satisfactory evidence or argument that the decree should not take effect.

⁶³ TNA, Treasury Solicitor and HM Procurator General Papers, *Regina v William Palmer*, Central Criminal Court, Letter from H. Waddington to H.R. Reynolds, 1 February 1856, TS 11/434/1369.

⁶⁴ *The Morning Advertiser*, 6th February 1856, p. 2.

⁶⁵ This was widely reported in the Irish press, but not in English newspapers, according to searches of The British Newspaper Archive.

⁶⁶ *Berrow's Worcester Journal*, 23rd February 1856, p. 4.

⁶⁷ *The Times*, 29th February 1856, p. 9 and see also *Hansard: House of Commons Debates*, 25 February 1856, Vol. 140, c1311.

Date	Event
3 Mar	During a short debate on the bill, two Staffordshire MPs deny that Palmer could not obtain a fair trial in Stafford ⁶⁸
4 Mar	Inquest opens at Leeds on the body of Harriet Dove
10 Mar	After a short debate in the House of Commons, the Trial of Offences Bill is agreed ⁶⁹
14 Mar	The grand jury at Stafford assizes returns true bills for the murders of J. P. Cook and Anne Palmer; the bill in the case of Walter Palmer is ignored
14 Mar	Samuel Cheshire convicted at Stafford assizes of unlawfully opening a letter and sentenced to twelve months without hard labour
5 Apr	Letter from A. S. Taylor to H. R. Reynolds calls attention to misstatements published in the <i>Morning Advertiser</i> , a newspaper much read by 'the class of persons who are generally Old Bailey jurors' ⁷⁰
11 Apr	An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court (19 & 20 Vict c.16), receives royal assent and comes into effect the following day
16 Apr	Palmer ordered to show cause why the several indictments against him should not be tried at the Central Criminal Court
24 Apr	Rule absolute granted, appointing the trial date
14 May	Palmer's trial at the Central Criminal Court begins
14 May	Mr Mason, a jurymen, informs the Court that 'he felt so strong a prejudice in the case that he did not feel competent to act, and is excused' ⁷¹
27 May	Conclusion of Palmer's trial: conviction and death sentence
c. 7 June	Publication of Thomas Palmer (1856), <i>A Letter to the Lord Chief Justice Campbell: Containing Remarks upon the Conduct of the Prosecution and the Judges, with Strictures on the Charge Delivered to the Jury, Illustrative of Its dangerous Tendencies to the Long-enjoyed Rights and Privileges of Englishmen</i> (London: T. Taylor) ⁷²
7 June	Thomas Wakley writes to the press to deny authorship of <i>The Cries of the Condemned, or Proofs of the Unfair Trial and (if executed) the Legal Murder of William Palmer, &c, by Thomas Wakley, Esq, Coroner</i> ⁷³
14 June	W. Palmer executed at Stafford (age 31)

⁶⁸ *Hansard: House of Commons Debates*, 3th March 1856, Vol. 140, cc1768-70.

⁶⁹ *Hansard: House of Commons Debates*, 10th March 1856, Vol. 140, cc2194-200. The word 'offenders' in the title had been changed to 'offences' by the second reading on the 3rd of March.

⁷⁰ TNA, Treasury Solicitor and HM Procurator General Papers, Regina v William Palmer, Central Criminal Court, Letter from A.S. Taylor to H.R. Reynolds, 5th April 1856, TS 11/434/1370.

⁷¹ *Glasgow Sentinel*, 17th May 1856, p. 1.

⁷² Most probably this was actually written by one of Palmer's junior defence counsel, Edward Kenealey: St Aubyn, *Infamous Victorians*, p. 41.

⁷³ *The Morning Post*, 9th June 1856, p. 4 and *The Times*, 9th June 1856, p. 9,

that was not the question that those who championed his cause focused on, or that this chapter has sought to illuminate. Contemporary observers believed Palmer did not have a fair trial because of judicial bias on the part of Lord Campbell and Baron Alderson, unfair advantages given to Taylor and other medico-scientific witnesses for the prosecution and virulent newspaper reportage. But issues of organization and finance also merit consideration. How fair is a trial when the prosecution can afford to spend the princely sum of £7500, produces thirteen new witnesses four days before trial and leaves the defence unsure as to what role one of the alleged murders might play? The constant production of new evidence worked against Palmer, but it also reveals weaknesses that the prosecution perceived in its own case as to the motive for and cause of death of John Parsons Cook. Ultimately, the question of whether or not William Palmer received a fair trial cannot be disentangled from the complicated medico-chemical, legal and financial issues so central to this unique case, or how they were managed by a judicial system hastily responding to new circumstances and contexts.