This file contains pages 10, 178-89, 211-2, 218 from *Easing the Passing: The trial of Doctor John Bodkin Adams* by Patrick Devlin, published by Faber & Faber, London, (1986).

Scroll down to read.

always afford a consultant. What they appreciate is sympathy, care and attention and these they got from Dr Adams in abundance. So, it is fair to say, did the National Health patients of whom Dr Adams had his quota. Indeed, Dr Adams at the time of trial and to the end retained the loyalty and devotion of many of his patients of all sorts.

But there were two things about his style that aroused comment, at first perhaps only among doctors and nurses but for some time before 1957 in wider circles. The first was his lavish use of what are called the drugs of addiction, heroin and morphia. The second was his interest in his patients' wills. With many of them he was on friendly, or at least sociable, terms; as a bachelor he had no family life. It is not unnatural that wealthy patients should think of a remembrance in their wills to a doctor who was not only a friend but who had looked after them with special care. Dr Adams did not leave such a thought unnourished. He was not content, metaphorically speaking, to have a box at the surgery into which legacies could be dropped; he carried round the plate. As an alternative to cash the deceased's Rolls-Royce was welcome.

His interest in wills first attracted attention with a court case in 1935. An elderly lady, who had been his patient for six years, made him her executor and left him £3,000. The family unsuccessfully contested the will. The flow of bequests was not stemmed. The police estimated that they were worth £3,000 a year in the decade preceding the trial. This seems to be rather high; it must have included gifts in kind as well as in cash. A detailed list of legacies between 1944 and 1955 shows fourteen bequests totalling £21,600, but this excludes, for example, Mrs Morrell's elderly Rolls-Royce (a 1929 model) and the chest of silver. There was an estate in 1954 of £7,000 out of which Adams got £5,200. But generally the legacies were in the hundreds of pounds and not sizeable proportions of the estate; the testators were usually around eighty when they died.

These two manifestations of his professional life as the dispenser of drugs and the persuasive legatee were not, it was said, disconnected activities. A supplier of heroin can acquire a dominating influence over those dependent on it. A sensible man would have thought of this. But an even more sensible man would have thought first of the impropriety and folly of a doctor's pestering his patients for a legacy. Dr Adams was not a sensible man; he was on the contrary a stupid, obstinate and self-righteous man. He was also an indiscreet and incessant talker. If

disregard it. But it should, I think, be exceptional. It is not that there is much danger now of a jury being overawed. But it could tempt them to shirk their responsibility.

The third unusual thing I did was to say that Adams had not been wrongly prosecuted. Although in the early stages the conduct of the prosecution had been reckless, the decision to prosecute was not unjustified. It was hardly my business to say so, but I had a feeling that, if there was an acquittal, Reggie might be in for a bit of trouble.

I had no other case in the list and so was left to occupy myself until the jury returned. Two things could usefully be done. The first was to obtain confirmation of the Attorney's intention to proceed with the second indictment. The ordinary course would be to begin the second trial as soon as the first was over. If the first trial ended in a conviction, I proposed to say that I would not pass sentence until after the second verdict.

When this was settled, my second task would be to read the depositions on the second indictment.

A third and more delicate matter had to be handled some time. Towards the end of the preceding week I had had a telephone call from Rayner. The ostensible object was to ask how the case was going and when I expected to be back at the Strand. Normally this would be dealt with by the judges' clerks whose business it is to ensure that not a moment of judicial time is unoccupied.

I thought it unlikely that Rayner had rung up merely about this. So I was not surprised when he asked me whether I thought there would be an acquittal. I said that I thought there would. I learnt later that this was the general opinion of those who had been following the reports in *The Times*. Rayner then said that he understood that the Attorney was still determined to proceed with the second indictment. In that event, Rayner said, if an application for bail was made to him, he would grant it.

I was extremely surprised. I knew that Rayner was never deterred by lack of precedent, but I had never even heard of bail being granted in a murder case. I doubt if I should have thought of the idea myself. But I now saw no reason why I should not entertain an application. It would be necessary, I thought, to indicate that I was willing to hear an application; otherwise, the defence might not have the temerity to make it.

I invited the Attorney-General, Mr Lawrence and the Clerk of the Court to come to my room. I asked counsel whether they would like the second trial to proceed immediately upon the conclusion of the first or to be postponed until the next day.

Reggie looked glum and said nothing. Lawrence said that he had found the trial a great strain and did not feel that he could face another one at once.

I said that that might mean sending the case over until the next session: had Mr Attorney any objection? He looked glum and said no. I said that if the jury returned a verdict of guilty on the first indictment, Dr Adams would of course be kept in custody; but that, if they acquitted, I would entertain an application for bail. Mr Attorney continued to look glum, as well he might. Either he would have to oppose bail or by implication to concede that Dr Adams was no longer to be regarded as a common murderer.

I then settled down to read the depositions in the Hullett case. I did not need to read much to see how weak they were and to appreciate that an acquittal on the first indictment would make an acquittal on the second virtually certain.

The jury deliberated for forty-six minutes, at the end of which they returned a verdict of Not Guilty.

The Clerk: You find him Not Guilty and that is the verdict of you all?
The Foreman: It is.
The Judge: Mr Attorney, there is another indictment, is there not?
A-G: Yes, my lord. I have most anxiously considered what course the Crown should pursue . . . enter a *nolle prosequi* in relation to that indictment.
[*A paper is produced. Flourish. Laid on the Table before the Clerk.*]
The Judge: Then, Mr Attorney, all further proceedings on the indictment are stayed and no further action is taken in this court. Accordingly, John Bodkin Adams, you are now discharged.

[*Exeunt all.*]

The mention of a *nolle prosequi* startled the lawyers present and bewildered the public almost as much as it will now startle and bewilder the reader. Before I say what it means, I shall explain what normally happens when an indictment is abandoned. Counsel cannot just say that he is dropping the case. The public interest is involved and prosecutions cannot just be settled in the way that suits between private persons can. Counsel must obtain the leave of the judge for taking one or other of two courses.

The course that is appropriate when the prosecution is likely to

fail is for the accused to plead not guilty and for the prosecution to offer no evidence. Then, since the prosecution has not discharged the burden of proof, the judge directs the jury to return a verdict of Not Guilty. The other quite common situation is when the two or more indictments that the prosecution has filed are really alternatives, that is to say, when a conviction on the first to be tried is followed by a sentence that settles the matter. Sentence of death or of life imprisonment does that; or of any term of imprisonment that would be so long that a consecutive term would be inappropriate. There would then be no point in trying the second indictment unless the first conviction was quashed on appeal. The prosecution can ask the judge to order that the second indictment should remain on the file, marked 'Not to be proceeded with without the leave of the Court'. Such an order would never be made to stifle an acquittal.

So had, let us say, Mr Stevenson been leading for the Crown, the only method of abandonment open to him would have been by the acceptance of an acquittal. But the Attorney-General was not only the leading counsel for the Crown in this case but also a minister of the Crown. All indictments are laid in the name of the Crown; it is the Queen versus the accused. The Queen's consent to bringing the prosecution is assumed. But she can at any time withdraw consent. She does so by her statement made through the appropriate minister, who is the Attorney-General, that she does not wish to prosecute. This is what *nolle prosequi* means. It finishes the case.

A *nolle prosequi* is not designed for use in court. It has to be in writing and it is usually issued out of the Law Officers' Department in response to an application by an interested party. It does not determine guilt or innocence. That is for the courts and is not a question for the Attorney-General. It is used mostly for the protection of the guilty on the rare occasions when it is not in the public interest that justice should be done. A common example of this is when none in a gang of criminals could be successfully prosecuted unless one of them was willing to purchase immunity by turning Queen's Evidence. Another example is when justice could be done only by the sacrifice of lives. Thus the lives of those threatened by a gang of whom only one has been arrested have been purchased by the grant of immunity to the one in custody. The *nolle prosequi* may be used also out of compassion, as in the case of an ailing or elderly person who, whether guilty or innocent, could not face a long trial. In the first and second of these examples the application would be made by the Director of

Public Prosecutions; in the third, it would be made by the solicitor for the accused.

The *nolle prosequi* has not, I think, ever before been used to prevent an accused committed for trial from being acquitted. This one must suppose for reasons of *amour propre* Reggie did not want to have recorded. The ground he gave for its use in this case was the difficulty of securing a fair trial. If he meant by that that the Crown might not get a fair trial, there was something in the point. A second jury would know of the speedy acquittal in the first trial, would suppose that the Crown had brought first to trial the stronger case and would wonder why it was now proceeding with the weaker. But this apparently was not at all what was in the Attorney's mind. His expressed concern was for Dr Adams.

> My learned friend has referred more than once to the difficulty, owing to the reports and rumours that were current, of securing a fair trial for the case that has now terminated. . . . The publicity which has attended this trial would make it even more difficult to secure a fair trial of this further indictment. . . . The length of this trial, the ordeal that Dr Adams has already undergone, the fact that the case for the prosecution on this further indictment . . . depends in part on the evidence of Dr Ashby and very greatly upon the inference, not supported as in Mrs Morrell's case, of any admissions . . .'

It would be complimentary to call this specious. The danger that a second jury would be subject to the prejudice which the prosecution had themselves done so much to create could only be diminished by the knowledge that one jury had already successfully resisted it. Even with an almost unlimited capacity for ignoring what fell outside his beliefs, Reggie could not have supposed that there was any longer the slightest prospect of his getting a verdict. If I had been the judge, the case would not have been allowed to get to the jury.

The use of the *nolle prosequi* to conceal the deficiency of the prosecution was an abuse of process which left an innocent man under the suspicion that there might well have been something in the talk of mass murder after all. It is charitable to suppose that it was a last-minute decision (stimulated perhaps by the probable grant of bail) which the Attorney-General had not fully thought out. If it was what he had had in mind when we were discussing the future of the second indictment, it would have been childish of him to have kept quiet about his intentions.

Anyway, it hardly mattered. Technically Dr Adams was

charged with and never tried for the murder of Mrs Hullett. But for the wide world outside a court of law the fact was that the Attorney-General, defeated on one indictment, had thrown in his hand on the other.

21

Aftermath

It was a curious chance that had brought two of the most self-righteous men in England into silent confrontation for three weeks. During that time each struck a glancing blow at the other's destiny. Dr Adams's life was dented but not ruined. Reggie's ambition was knocked off course but not in the end frustrated. The tribulations of Reggie came first.

The squall blew up within a week of the verdict and is recorded in Hansard.

DR ADAMS (TRIAL)

Mr Wigg asked the Attorney-General whether he will institute an independent inquiry into the preparation, organisation, and conduct of the prosecution's case against Dr Adams, who was recently acquitted at the Old Bailey on a charge of murder, excepting the proceedings in court.

The Attorney-General: No.

A fortnight later on 1 May 1957 Mr Wigg, Labour MP for Dudley, returned to the attack by raising the matter on the adjournment of the House. Criticism of the Attorney-General in the Commons is rare. It must nearly always be personal since he has not really a department to be criticized. His situation is delicate. He is a member of the government and so is answerable to the House. But he is also a minister of justice and as such must be above politics. It is not wrong for him to be questioned in the House about a prosecution. What he does in initiating it and in the course of it is an administrative act over which the courts can exercise only a limited control. It is in a region where the abuse of power could be very oppressive and Parliament is the forum at which overweaning or incompetent or just errant ministers can be called to account.

The calling to account of an attorney-general should be outside party politics. It is, however, an unfortunate result of the party system that the duty of seeing that ministers behave properly beckons more imperatively to members of the Opposition than to Government supporters. Unfortunately, too, Reggie was not a warmly popular figure even in his own party and was actively disliked by many of the Opposition.

Mr Wigg, who took the initiative, was of course a Socialist. He was not a lawyer but a tip-and-run raider, always on the look-out for a party point. He had made sure from the start that there would be no calm and impartial review. He had asked the Attorney-General whether he was 'quite unaware that, throughout the length and breadth of the British Isles, the recent case of Dr Adams has evoked discussion in terms which bring discredit upon the law and upon his office'. Sir Lionel Heald, Conservative MP for Chertsey, Reggie's predecessor, was more concerned to know whether his right honourable and learned friend realized 'that there is widespread indignation at the unfair personal attacks that had been made upon him'; he referred to a 'weekly publication which I will not dignify by naming', but which was generally understood to be the *Spectator*.

On the second occasion the Attorney was pressed more quietly and effectively by Sir Lynn Ungoed-Thomas, Labour MP for Leicester, a former Solicitor-General, and Mr Reginald Paget, Labour MP for Northampton and a distinguished QC. No Socialist befriended him and no Conservative criticized him. The discussion went on for two hours, after which Mr Chuter Ede, a former Socialist Home Secretary and a very respected member of the House, rose to ensure that everybody shook hands and made it up. Mr Wigg, he said, had fulfilled, not for the first time, a duty in bringing the matter before the House. The House was under a debt of gratitude to the Attorney-General for the full and frank etc. Mr Melford Stevenson, he added, was the son-in-law of a very old friend of his and would do nothing to prejudice the defence. The ritual cleansing did not include the press 'which was becoming Americanized and must be carefully watched'.

The criticisms had been scattered. An effusion of debaters hinders concentration. Was the prosecution improper? This was answered by what the judge had said. What about the failure of the police to unearth the notebooks and what about their leaks to the press? Nothing doing: the Attorney-General is not responsible for the police. Was the prosecution wise? Reggie denied the

rumours, 'maliciously circulated', that the Director of Public Prosecutions had disapproved of it.

The unwisdom of a prosecution, as distinct from its impropriety, is not a matter for parliamentary debate. The debatable point was whether the conduct of the prosecution had been such as to prejudice a fair trial. What Reggie really had to defend was his decision first to admit and then to exclude the two Hullett cases. His shield was that he was winding up the debate and that no one would speak after him.

On Mr Hullett's casè he was not quite candid. He explained the fiasco by saying that 'after the committal proceedings were over, facts came to light which satisfied me that the case did not support the allegation of system'. This contains two implications. The first is that a charge of murder was still viable, but that a 'striking similarity' to the Morrell case could no longer be shown. The second is that it was some unforeseeable development occurring after the Eastbourne proceedings were over that had destroyed the similarity. The truth is that, similar or not, the simplest investigation would have shown that it was not murder.

In the case of Mrs Hullett the Attorney began by endorsing a statement that Melford had made to the magistrates. He had said that the admissibility of the evidence 'could not be the subject of serious debate'. I too endorse it, but only in the letter and in the opposite sense to the spirit in which it was intended. I get not even a glimpse of striking similarity. I can only refer the puzzled inquirer to the textbooks: alternatively, invite him to assume the similarity and to ask why the admissible evidence was not used. Here is the Attorney's answer to that.

> I want to tell the House why it was that I decided, and it was my responsibility, not to call the evidence at the trial on that charge. It is the established practice that evidence of this kind—evidence of system—is excluded if, notwithstanding its admissibility, it is, *in relation to the weight it bears,** so prejudicial to the accused that its admission would operate to prevent his having a fair trial. It was on that ground, after the committal proceedings had ended, that I decided that the evidence relating to Mrs Hullett should not be called . . .

This statement needs to be elucidated. In the civil law evidence is either relevant or irrelevant and is admitted or excluded accordingly. Relevance is not the same as weight. It may be relevant to prove that the defendant committed a certain act but impossible

* The italics are mine.

to do so without revealing that he had also unpleasant but irrelevant characteristics which might prejudice a jury against him. It may then become material to consider the weight of the evidence, i.e. what it really proves, as against the prejudice which it incidentally creates. In the criminal trial the judge has a discretion (which he exercises as part of his duty to protect the accused from unfairness within the rules) to exclude relevant evidence if he thinks that the harm it would do the accused would be disproportionate to its weight as part of the proof of guilt.

This is the general rule.

It is, however, a special condition governing the admission of evidence of system that it must relate to a crime which is 'strikingly similar' to the crime charged. Proof of such another crime must of its nature be evidence of the greatest possible weight. It may well, as in the Brides in the Bath case, be damning. There is no room left for the idea that it might be of little weight as compared with the prejudice created. It would create prejudice rather than proof only if it were of no similarity. In short, by its requirement that the similarity must be striking, the 'system' rule on admissibility has its own built-in safeguard. Reggie's attempt to split the operation into two parts whereby the evidence is first allowed as being strikingly similar and then banned as preventing a fair trial, is, to adopt the politer of Lawrence's two comments on Dr Douthwaite's new idea, 'not founded upon sound premises'.

In any event, whether it was the general rule that was applicable or the special rule on 'system', all the circumstances were as well known to the Crown at the time when the evidence was noisily introduced and publicized as they were when it was quietly dropped.

The debate was inconclusive but not a waste of time. The House of Commons is a great and manifold institution and is no more to be judged by the reports in Hansard than a car is to be judged by its exhaust. I do not know in what terms the significance of the debate was conveyed to the Prime Minister Harold Macmillan, but they were such as to satisfy him that there was a turbulence in which it would be undesirable to settle Reggie's claim to the succession. He told Rayner that he felt it a difficult time at which to make a new appointment and asked him to stay on for another year. Rayner gladly agreed to do so. The request relieved his anxiety about staying on when the world might think that it was time for him to go. He did not really want to go.

I read an abbreviated account of the debate in the newspapers and disliked it. As it was treated in the press, there was too much in it of The Bloodhound (one of Mr Wigg's nicknames) leading the pack against an unpopular minister when he was down. I must, in June 1957, have written something of this sort to Reggie, for I have a letter from him then in which he thanked me and went on to regret that he failed to satisfy me by his final speech that Dr Adams's admission to Hannam that he had administered the drugs prescribed amounted to a *prima facie* case.

This surprised me. I had not thought it to be a point on which he seriously hoped to get a conviction. I had missed altogether his reference* to it after the verdict in which he had said that the Hullett case lacked the support, as in Mrs Morrell's case, of any admission. He carried the point as usual to Rayner who asked me directly about it; I replied that Reggie could not marry it with his case on the notebooks. When after getting Reggie's letter I read the report of the debate in Hansard, I found that Reggie had in the House, though with all due decorum, complained of my ruling. The defence never challenged, he said, and the judge did not deal with Dr Adams's admission that he had given Mrs Morrell all that was prescribed. This, followed by his letter, showed that, far from the point being a red herring as I had supposed, it was cardinal in Reggie's belief. Thereafter he laid it down in the cellar of his mind where age did not improve it. To his dying day he persisted in the belief that Dr Adams was acquitted by a judicial misdirection.

By the summer of 1958 it was plain that Lord Justice Parker would be the choice of Bench and Bar to succeed Rayner. He was, as has been confirmed by subsequent appointments, of just the appropriate age and status, an appellate judge of around sixty. He was very judicial, very able, and one of the sweetest characters I have known in the law; he never sought a place where he could show to advantage but always one where he could give most service. It was a momentous appointment, breaking cleanly away from the stranglehold of tradition.

Reggie behaved with fitting dignity when as the leader of the Bar he welcomed the new Chief Justice. But he was bitterly disappointed. He could have taken Parker's place in the Court of Appeal, but this was not what he wanted. Yet the future looked bleak. Of all the glittering prizes there once had been for lawyers

* See page 181.

only one was left. This was the office of Lord Chancellor which was now almost entirely political. But this was held by David Kilmuir, not yet sixty. Moreover, the Government was expected to go out at the next general election which could not now be long delayed. It had been in office for eight years and the odds were against it being returned for a third administration.

The election was held in October 1959. Before then, in July, when the sitting Parliament was at its last gasp, there occurred an incident with curious echoes of the past. Reggie undertook the 'prosecution' of another doctor for murder, a doctor who had been 'acquitted' by a Commission* over which I had presided, and found himself able, as he had not been in the Adams case, to 'appeal' from the acquittal. The terms 'prosecution, acquittal and appeal' are here used loosely; the murder, or massacre as it was called at the time, was supposedly contemplated and not enacted. After all, as I have said, history cannot be expected to repeat itself exactly.

The doctor concerned was a Dr Banda, a contemporary of Dr Adams, who practised medicine in Britain from 1937 to 1953, finishing up in North London where his practice was as large as, though perhaps less remunerative than, Dr Adams's at Eastbourne. They never met. If they had and *if* the Attorney-General's suspicions were correct, they would have had much in common to talk about out of the hearing of the British Medical Association. For in Reggie's book they were both experimental massacrists, Adams with a tally of 400 Eastbourne veterans and Banda with the grandiose objective, even though it was entirely unfulfilled, of dispatching the whole of the European population of his native country.

In fact Dr Banda has probably never heard of Dr Adams. From 1953 to 1958 he was in Ghana. In the latter year he returned to Nyasaland, as Malawi then was, to lead the Congress Party in its struggle against federation with Southern Rhodesia. He was arrested on 3 March 1959, the most serious charge against him being complicity in an unsuccessful plot to assassinate the Governor, the Chief Secretary and all the top brass downwards in strict order of precedence, finishing up with the massacre of all Europeans, children to be mutilated, after which, according to the evidence of the police informer, the conspirators 'should retreat into the bush until such time as things had quietened

* Report of the Nyasaland Commission of Inquiry July 1959 under Mr Justice Devlin.

down'. The Commission found that, though violence of a sporadic sort was contemplated, the plot was an emanation of the overheated imagination which seems so easily to infect informers to the Special Branch. Quite why this verdict was displeasing to the Government I do not know; perhaps it was because the Government had proclaimed the plot and the Opposition had pooh-poohed it. Anyway Reggie was put up in the House to demolish the Commission's Report.

Treating the House, as he said, as a court of appeal, Reggie submitted that the acquittal was so far against the weight of the evidence as set out by the Commission itself as to override the Commission's disbelief of the police informers and their acceptance of Dr Banda's denials. The appeal succeeded. It was a remarkable result, even though it would not perhaps have been obtained without the aid of the party whips.

The Prime Minister was very pleased with Reggie. He recorded in his diary on 20 July 1959:

> The Attorney-General opened with a massive speech which greatly pleased our Party. He was given a great ovation when he finished.*

I question, while appreciating the singularity of Reggie's triumph, Mr Macmillan's use of the word 'massive'. The speech, when I read it in Hansard, had struck me as flimsy. Then I remembered that the Prime Minister had listened to it while I had only read it. There is no doubt that Reggie could put things across in a massive way.

Take, for example, his proposition that a Member of Parliament, who had at best read or half-read the Report, was in a better position than the four members of the Commission who had talked to Dr Banda and the informers, to say which of them was telling the truth. The four members, Reggie suggested, one a judge with whom by now the reader is tolerably well acquainted, another a colonial civil servant whose governorship of another African Protectorate had recently ended, a third an Oxford historian who as a brigadier had for four years served Field Marshal Montgomery as his chief of intelligence and was in 1959 Warden of Rhodes House, and the fourth a shrewd Scot, three times Lord Provost of Perth,† were manifestly so overcome by Dr

* Macmillan, Harold, *Riding the Storm*, London, Macmillan, 1971.

† The second, third and fourth were respectively Sir Percy Wyn-Harris, Sir Edgar Williams and Sir John Primrose.

23
The Right to Silence

'Murder?'

A pause.

'Can you prove it was murder?'

The Superintendent replied: 'You are now charged with murdering her.'

'I did not think you could prove murder. She was dying in any event.'

This was at the doctor's residence at 11.50 am on 19 December 1956. Forty minutes later, when he was formally charged at the police station, Adams at last heeded professional advice and said, 'It is better to say nothing.' And in fact he never did say anything more—nothing, that is, for publication—except that when called upon to plead, he said, 'I am not guilty, my lord.' Thereafter he stood upon the accused's right to silence.

Jeremy Bentham, the great theorist and rationalizer, one of those who think that they can put the world to rights with a treatise and who get very angry with those who think otherwise, described the right to silence as 'one of the most pernicious and irrational rules that has ever found its way into the human mind.' 'Innocence,' he declared in an aphorism that his disciples have adopted as their slogan, 'never takes advantage of it; innocence claims the right of speaking as guilt invokes the privilege of silence.' Answers obtained under interrogation were, he said, the best form of evidence.

The slogan gives the English rule a loud whack but does not pierce it. It is off centre in two directions.

First, it does not distinguish between speaking and being interrogated. An English accused has for centuries had the right to speak from the dock. What he is claiming is not that, but the right not to be questioned until after the prosecution has

established in his presence that there is a case to answer. Surely that is a right which is as appropriate to innocence as to guilt. Second, innocence and guilt are not usually—at any rate in the characters of those who attract arrest—as separate as black and white. There is a large grey area which is the natural habitat of the Adamses and their sort.

But of course when a man, be his character white or grey, throws caution to the winds, convinced of his innocence, disdaining to shelter behind his privilege, he can do himself a power of good. Judges are prompt to point out to a jury the value to an accused of an instantaneous denial or explanation. Adams, not so much convinced of his innocence as impervious to the idea that he could possibly be accused, teetered volubly on the edge of catastrophe. His lavish admissions of his expectations from 'a very dear patient', of his falsification of cremation forms so that 'things might go smoothly', and of how he injected all or nearly all of the drugs himself, were carefully accumulated by the police. Without them it is hard to see how the prosecution could have got the case against him on its legs. But he had produced the antidote as well as the poison: he had registered his defence. The 'terrible agony', unconvincing if first revealed in cross-examination, had been mentioned as soon as the police queried the quantity prescribed.

This is written on the assumption that Dr Adams made all the statements that the police attributed to him. I have no doubt that in substance he did. I accept, of course, that there were in 1957 some policemen ready to concoct the 'verbals' they wrote into their notebooks. They were the rotten few. No one has ever suggested that chief constables run courses in verbalization. Yet an undetectable verbal requires the elimination of the language to which the police are habituated and the talent of a playwright to replace it with convincing dialogue. 'Poor soul', 'terrible agony', 'easing the passing', 'impossible to accuse a doctor', strike me as authentic Adams.

Nor did Hannam look like one of the rotten few. It is true that he was a believer in the Benthamite doctrine that answers obtained in interrogation are the best form of evidence, that he was himself a wily interrogator and that he hoped in that way to obtain a conviction. Or, as he would have put it, to crack the criminal. But there is a great difference between that and police perjury.

The good citizen may dislike what he perceives in this case of

paraldehyde. He must have had his suspicions about that, especially about the last injection, else he would not have recalled Mr Reid, the chemist, to demonstrate the unlikelihood of its being paraldehyde. But openly he accepted it as such and his final formulation was that 'her death was due to the morphia and heroin and accelerated by paraldehyde'. Perhaps subconsciously he realized that murder by No. 93 was not the sort of murder he wanted. It made nonsense of the legacy motive. Putting an old woman on her deathbed out of life would have been a feeble ending to the tale of the Eastbourne massacre.

Would the Hullett case have produced a stronger ending?

There is ample evidence that Mrs Hullett wished to take her own life. There is no evidence at all that Adams was present while she did so. The suggestion that he was there and in some way administering the drug is not even plausible.

But it is not implausible to suggest that the doctor helped Mrs Hullett to end her life. Did she hoard the dose of 115grs. of barbiturates or was it provided by the doctor? If the latter, what part, if any, did the cheque for £1,000, so speedily cashed, and perhaps the promise of the Rolls-Royce play in the transaction? Can it really be true that the cause of her coma did not occur to him? Was he not concealing it so that her intention, maybe their common intention, should not be frustrated? Did he genuinely want her to recover? Was he really misinformed about the megimide? These questions can be answered by suspicion but not by proof.

For some of these acts, if he was guilty of them, Dr Adams would win from some people sympathy, if not approval. As he would, also, for easing the passing of Mrs Morrell, even if he did not believe her to be in pain. If only his hands had been clean. But if he sold death for money or money's worth, he dishonoured a great profession.