



Dunecht Mystery - Slides Transcript

1. Hi, I'm Jennifer Findlay and I work for the Scottish Courts and Tribunals Service. Welcome to this presentation from the Supreme Courts of Scotland for Doors Open Day 2021. I'm going to talk to you today about a criminal case which was heard in the High Court of Justiciary in Edinburgh in 1882. The case was known at the time as the Dunecht Mystery.

2. These photos show Dunecht House as it is now, a stately home in Aberdeenshire. It was built in 1820 for the Earl of Crawford and Balcarres. Some very unusual events took place here at Dunecht House in the 1880s, and they gave rise to the legal case which we will explore today.

3. This gentleman is Alexander William Crawford, the 25th Earl of Crawford and 8th Earl of Balcarres, also called Lord Lindsay. This photograph, in the collection of the National Portrait Gallery, was taken on the 17th February 1863, when the Earl was fifty one years old. The items around him such as the bust the book reflect some of his interests.

4. The Earl was a well-travelled, well-educated and highly accomplished man. He was an art lover and art collector, an astronomer, and a passionate collector of books, amassing an impressive private library, the Bibliotheca Lindesiana. He was also the author of multiple books, writing on art and the history of art, genealogy (particularly the history of his own family) and he published a book about his tour of Egypt and the Holy Land. In his later years his health declined, and he tried to relieve his problems by staying in warmer climates abroad. Sadly, these attempts to improve his health were unsuccessful, and the Earl died in his villa in Florence on the 13th of December 1880 at the age of 68.

5. After his death the Earl was embalmed and placed in a complicated arrangement of multiple coffins, starting with an inner coffin of "soft Italian wood", then a lead coffin which was soldered closed, an oak external coffin, and finally, a walnut wood box to enclose all of the coffins in. Altogether, the coffin collection weighed around half a ton. He was then shipped home at great trouble and through terrible winter weather, finally arriving back here at the family estate in Dunecht on the 24th December 1880.

6. The Earl was interred five days later in the newly-built crypt under the family chapel on the estate. The chapel was to the north of the main house, and attached to it, allowing access via both the library of the main building, or directly from outside. The crypt was only accessible via the external entrance to the side of the chapel building itself. Due to the continuing bad weather the 4-ton Caithness stone slabs were laid in place at the entrance of the crypt after the funeral but not mortared closed, as it was too cold to allow the mortar to set. In May of the following year sweet smells were noticed coming from the crypt entrance, now that spring had come and the winter snow had melted. Estate staff believed this was the smell of the flower arrangements placed on the coffin during the interment the previous December decaying. This smell was taken as a sign to finally seal up the crypt and cover the entrance with soil, as had been planned after the Earl's interment, and this was quickly done. And normally, the Earl's story would end here.

7. However, in September 1881 the family solicitor William Yeats received this letter:

“Sir,

The remains of the late Earl of Crawford are not beneath the chaple [sic] at Dunecht as you believe, but were removed hence last spring and the smell of decayed flowers ascending from the vault since that time will on investigation, be found to proceed from another cause than the flowers.

Nabob”

The agent had been at the Earl’s funeral himself and after checking with the mason who’d built the crypt he was confident in the security of the resting place. So the solicitor dismissed Nabob’s letter as a hoax, and nothing was done.

8. Then, three months later in December 1881, a labourer on the estate noticed disturbed earth at the mouth of the tomb, and police were called. Along with the Earl’s agent William Yeats they discovered that soil had been removed from the entrance, and a slab had been raised 15-18 inches and propped up with wood (although it was not opened high enough to admit a person - apparently this was done primarily to draw people’s attention to the crypt). Within the railings at the entrance were a pick and two iron shovels, which had been left in an adjacent workmen’s shed the previous night. This did not bode well...

9. When the police made their way down into the crypt, they found the scene you see here. The wooden plaque covering the niche where the coffin rested had been removed, the Earl’s coffin had been taken out, and all those nested coffins had been unscrewed (in the case of the wood coffins), or cut open (in the case of the lead coffin). There was packing sawdust from the coffins scattered over the floor, mixed with embalming fluid from the body, but the Earl himself was gone. There were wild rumours that a switch had taken place in Italy, with the Earl’s body replaced with a dummy before his journey home, but this was disproved by the evidence in the tomb, and it was believed that the Earl had been removed soon after his interment.

10. Searches for the body of the Earl began at once. Shoeprints of three different heavy, hobnail boots like those manual labourers wore were found around the entrance, and casts were taken. Teams of people worked their way around the estate, probing with wooden stakes into the ground in the hope of finding a hidden body. As time went on, approaches to searching became more unorthodox: clairvoyants were used, and a famous bloodhound called Morgan was brought up from Lancashire, but all of them met with no success. Just like when the Earl was originally buried, the winter weather was severe, with temperatures so low that the ground was frozen, and it remained that way until the following spring. This, and the passage of twelve months since the Earl was believed to been removed, hampered the searches.

11. So he was missing, but why was the Earl stolen in the first place? The first thought was that his body would be held to ransom by the thieves, but his son refused to consider paying any potential ransom, as if “the relatives were to have any dealings with the offenders and compromise the matter, this would assuredly soon lead to further desecration of the resting places of the beloved dead.” The late Earl’s wife published a statement to a similar effect in the newspaper, and the family presented a united front against any prospect of paying a ransom for the missing Earl. Instead, the family offered £500 “to any person, other than a person belonging to a police force in the United Kingdom, who should first give such information as would lead to the discovery and detection of the perpetrator or perpetrators of the offence.” Together with an initial £50 reward from the Government, later raised to £100, this gave a total possible reward of £600 for information on the theft, a value of around £50,000 in current times. A pardon for any accomplice was also on offer, as a further lure to anyone involved to reveal where the Earl was hidden.

12. Despite the family's refusal to pay a ransom, it appears that the Earl and his agents still received letters demanding money for information on the location of the body, along with letters from those hoping to get the reward for information on the theft. At one point this meant that the Earl's agent had received 800 letters. This further alleged letter from Nabob was within this number, received by the agent on 23rd December 1881. It is offering information on the location of the body in exchange for protection for the writer from other parties, apparently the resurrectionists they blame for the theft of the body. However, none of the demands of any letter writers for either money or protection were met, and the Earl remained missing.

13. So were there suspects? Not at first, but it appears that there were letters were sent to the family demanding payment for information on the body, effectively asking for the ransom the family had said they would never pay. They threatened to damage the body if they weren't paid £6,000 (equivalent to around half a million pounds in 2021), increasing to £20,000 (or one and a half million pound in 2021 values) if the ransom wasn't paid quickly, and if the ransom wasn't paid at all the body would be destroyed. These two men here had connections with the Dunecht estate, one being employed there at the time, and the other having previously been a drill instructor for the militia volunteers on the estate before recently leaving for work in Aberdeen. They were arrested on suspicion of having written these letters, with Thomas Kirkwood being sent down to London on a pretext by the new Earl, interviewed by the Metropolitan Police, and then escorted back to Scotland to be arrested in Scottish jurisdiction. It was believed by the prosecution that John Philip was the author of the Nabob letters, two of which had been sent to the Earl's agent. They were held in the prison and questioned for many hours by the sheriff and crown agents, but they were released without charge after five days. And there things rested, for five months.

14. The next development was dramatic – as a result of new searches of the grounds of Dunecht, on Tuesday 18th July 1882 the Earls body, undamaged and wrapped in a woollen shroud, was found buried only two feet down in a shallow trench in the woods 500 yards from the house. The Earl was carried on a stretcher back to the house and placed in the chapel, where his body was well guarded. As the woods were seven miles long and four miles wide, it seemed that the police must have received some information to help narrow down their search and result in this success.

15. And the event that had led to the police being able to make this discovery had been the questioning and subsequent arrest of Charles Soutar on Monday 17th July 1882. Soutar had previously been employed for five or six years as a rat-catcher on the Dunecht estate but had been dismissed some years before for poaching, and it was said that “he was so much of a poacher that he was rather a dangerous man to have about the place.” Poaching seemed to have been a regular habit of his, resulting in various convictions for the offence, and poaching was seen at that time as clear evidence of a person's bad character, resulting in them having a low social status and being regarded as untrustworthy and predisposed to other criminal behaviour. Soutar had told an acquaintance, gamekeeper George Machray, to contact Mr Cassells, an agent engaged to investigate the case. When the agent couldn't be found the acquaintance went to the police, who promptly arrested Soutar. After his arrest and sharing of information on the Earl's hiding place, he was released on the 25th July for a bail of £60, the maximum possible. This is equivalent to almost £5,000 in modern money.

16. So what was Soutar's explanation for knowing where the body was? According to him, he'd been in Dumbreck Woods late at night in April 1881, almost certainly for poaching, and he'd come across a dead body on the ground, lying beside a shallow grave. Two men were near it, and when he tried to run away he tripped and was caught. Two of them men had local, Aberdeen accents and their faces were blackened, presumably to be less visible in the dark night. They were joined by two other men who spoke with English accents, implying they weren't local. With a pistol at his head he was sworn to secrecy and threatened with death if he ever told anything about what he'd seen. This threat didn't stop him from going back three months later, in September 1881, to check the location of the body.

It was this location, or the approximate location within the woods, that he gave to the police on his arrest.

17. Unsurprisingly this information on the location of the body was viewed as fairly incriminating, despite his unusual explanation of how he came to know it. Soutar was indicted in the High Court of Justiciary in Edinburgh on 23rd October 1882, and tried before Lord Craighill. He was charged with "violating the sepulchres of the dead, and the raising and carrying away dead bodies out of their graves", specifically the acts you see here in the formal charge against him.

18. The items listed here were lodged as evidence against Souter. The range of items would probably be thought of as pretty unusual at any time- I can't imagine even now that coffins would be a regular item brought into the courts. A parade of witnesses came through court, including Thomas Kirkwood and John Philip, attesting to Soutar having been in the vicinity of Dunecht when he had no reason to be, that he had conversations asking if anybody had disappeared from the neighbourhood (before the Earl was known to be missing) and saying that he knew what had happened to the Earl's body. Soutar's defence was he was there that night in the woods to poach, saw the men with the body, was threatened, and that was all the involvement he had. There were regular joking references to the items such as the planks, and general opinion in the courtroom was that the case was tenuous and not well made, with the public expectation being that Soutar would be acquitted.

19. In the end though, Soutar was found guilty unanimously after only thirty five minutes of jury deliberations, but as such a crime had never been committed before, there was some difficulty in deciding on the appropriate sentence. Previous body-snatching cases had been for the purposes of using the bodies for dissection, or for sale, rather than reward or ransom. Soutar had apparently stolen the body, and rather than claim the reward or ransom, had wanted protection from the people he said had actually stolen it. Of course, it's likely that he also wanted the ransom! The judge felt that the "continuous heartlessness" of the case, and its "cold-blooded and mercenary character" merited a strong punishment. Soutar was sentenced to five years penal servitude, although in the newspaper report at the time of his indictment a maximum sentence of two years imprisonment was expected, and the public opinion pieces in the newspapers wondered why the penalty was so harsh, effectively equating the removal of a peer's body to attempted murder of a commoner.

20. And here's a quick timeline of what was going on from the time the Earl died in Florence in December 1880, to the time that Soutar was released from prison. Unusually, rather than being sent to a Scottish prison he was sent to England to serve his sentence, first to Pentonville and then to Dartmoor Prison. Along with his more severe than expected punishment term, it seems like Charles Souter may have been being made an example of, to ensure no further body theft for ransom cases happened. His petition for clemency was refused in January 1883 and he served four of his five year sentence (with a reduction from the full term for good behaviour). The general belief that Soutar was involved in the body snatching, but that he couldn't have done it alone due to the weight of the slabs, and the lack of damage to the niche in the crypt and the coffins themselves (which were unscrewed and cut, not smashed) however nobody else was ever arrested. George Machray, the gamekeeper who had told the police about Charles Soutar and ended up getting him arrested claimed the £500 reward money from the Earl's family, and the £100 reward from the government, although the government money was reduced to £50 as the belief was that the other perpetrators were still at large. Soutar was released in 1886, and soon after gave an interview to a newspaper, continuing to deny any involvement, and naming another man (whose name was censored by the newspaper) as a person with knowledge of the crime. Soutar is shown in census records of 1871 to have had a wife, Ann, although no mention is made of a wife in newspaper or court reports. After his newspaper interview in 1886 Soutar disappears from the records, and nothing more is known about him.

21. The Earl's wife later erected a stone cross on the site where her husband's body had been found in the woods, with these inscriptions on the cross on top, and the supporting column, giving thanks for the safe recovery of her husband's body.

22. And there ends the known story of Charles Soutar, rat-catcher, poacher and apparently body snatcher. So why am I telling you this story?

23. Well, in a strange turn of events, it seems like a few of the previously mentioned pieces of evidence never made it out of the courts, whether through an oversight or because the family did not want them returned due to their unpleasant associations. In one of our storage rooms we have this, which is the outer coffin from the Earl's burial in the crypt, and a pickaxe and shovel, as mentioned in the list of evidence earlier.

24. The Aberdeen County Police wax evidence seals are still fixed to the pickaxe, and the evidence production card on the coffin. The card is number 17 in the evidence inventory, and explains how the coffin was found in a "burying vault" at Dunecht on the 1st of December, and removed from it six days later. It was this information that allowed us to identify it as a leftover production from this unusual case.

25. We were initially slightly confused how this shabby, quite basic pine coffin with some old sawdust still in the corners could match the description of the grand assemblage of coffins the Earl was sent home from Florence in, but reading of newspapers of the time and the trial reports show that the original outer coffin was too large for the carriage sent to bring it from the train station to Dunecht, so a local undertaker made a closer-fitting one for the installation in the crypt, and that would be the one we have here. It's a bit rough and ready but as it was enclosing two other coffins it didn't need to be much more than a simple cover, and it wasn't intended to ever be seen again.

26. And that's the story of the Crawford Coffin, still safely stored in a basement room in Parliament House. It's been here for almost a hundred and forty years now, and who knows, it might still be here in another hundred and forty years...