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Judge Hogate Discusses the Dr. Crippen Case

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JUDGE HOGATE DISCUSSES THE DR. CRIPPEN CASE

Says British Courts Generally Cut Through Veneer to Facts.

The speed with which Dr. H. H. Crippen was a few days ago convicted of murder in England has caused newspapers all over the United States to comment on the contrast with delays in similar trials in the United States. Enoch G. Hogate, dean of the law department, returned this fall from England, where he observed and admired some of the methods of civil courts though he was not present at any criminal trial. Discussing the Crippen case for The Daily Student he said:

"This trial occupied but a scant five days. Its importance or rather the atrocity of the crime charged engaged the attention of two continents. But because that trial was brief and we do not get to the end so rapidly, we must not forget ourselves and go to the other extreme. There is quite as much danger in too much haste as there is in being proverbially slow and I am not saying the English courts are indecently hasty; far from it. My observation has been that the British courts are dignified, able, cut through the outside veneer and go to the facts of a case speedily. This is as it should be, but an undue agitation against our courts may result in too much haste and bring forth ill-considered verdicts and half-baked opinions. It is better that the agitation be too little than too much.

"There have been some rash and exaggerated newspaper statements about the delay in administering law in America, provoked by speed of the Crippen trial. So far as criticism of the administration of justice here is level headed aimed to correct abuses and not to unseemingly agitate, the articles are to be commended; but if the tendency is to stir up the people until a trial is as dangerous as the thing aimed at, then the articles would better not have been written.

"Hardly any reasonable man doubts

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JUDGE HOGATE ON CRIPPEN CASE.

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but Crippen caused the death of his wife and dismembered the body and secreted it in the cellar of his house; but popular belief, founded on newspaper reports and gossip of the people is very far from a judicial ascertainment of the fact of his crime as prescribed by the criminal code of the country or the criminal practice of England.

"I am inclined to think that when the crown rested a case had not been made against the defendant either in England or America. There were fragments of a human body found. The crown expert could not say whether the fragments were parts of a male or a female body. The cause of death could not be determined although traces of hyoscin, a deadly drug, was discovered. The crown showed that Crippen fled with another woman and was apprehended, but strenuously denied his guilt. On a part of the body found was a mark, apparently or actually the evidence of a former surgical operation and there was some evidence that Crippen's wife had a scar in practically the same place. On the other hand an expert was introduced by the defense who stated positively that it was not a scar at all, but the result of a folding over of the skin. Outside of this the flight of Crippen and his apprehension were the only criminative facts shown, when the crown rested its case, so far as we have a report of the evidence. It seems that if the things above spoken of were the only facts in evidence there would rest in the minds of all persons who are disposed calmly to examine the evidence, that there was large room for the reasonable doubt.

"I am inclined to believe that the mistake of the part of the defense, was in putting Crippen on the witness stand. His demeanor was not good, if the reports are to be relied on. His admission of buying hyoscin and being unable to tell what he did with it; his admission of the life he led with Miss La-Neve after the disappearance of his wife were all calculated to impress the jury unfavorably. If he had not put himself in the role of a witness he would not be bound to account for the presence of a dismembered human body in his cellar; (for by the criminal law the defendant is not bound to explain anything; it is for the prosecution to make a case beyond a reasonable doubt), but when he became a witness he subjected himself to all the ordeals of any witness, and could be asked to explain how a human body could be buried in his cellar and he not know of it.

"No doubt the conviction is just, but has it been judicially ascertained as required by law? On this people will differ. It having been submitted by a jurist of the highest character to a jury regularly made up, and the jury having so found we conclude the verdict and judgment are right."