

**CRIMINAL LAWYERS ASSOCIATION
OF THE NORTHERN TERRITORY**

In conjunction with the

**CRIMINAL LAW SECTION OF THE LAW
INSTITUTE OF VICTORIA**

**A MATTER OF PROFOUND REGRET
DEREK WILLIAM BENTLEY'S BIRTHRIGHT
TO A FAIR TRIAL**

**REGINA v DEREK WILLIAM BENTLEY
&
CHRISTOPHER CRAIG**

To the play-readers:

Thank you for agreeing to take part in the play (reading) to be presented at the Conference on the Tuesday morning. I confirm that little acting skill is necessary (although some of you profess to have some) and little in the way of props; costumes, etc will be required. I will talk to each of you individually in due course about that. I suggest a *stylistic* approach (Tom Pauling tells me that's what it is called).

Those who are the judge and lawyers might like to wear a black T-shirt or shirt of some kind perhaps with your bands and a white handkerchief (knotted at the corners in navvy-style) as your wig. The judge's associate would be similarly attired except without the wig. You can see that not a lot is required. Wear otherwise what you think. It is 1952!

Detectives wear plain clothes. The PC's might wear something blue.

I have provided you with a copy of the transcript of the play itself, together with the introductory paper (which will be distributed at the Conference) which includes the *dramatis personae*. You will see from that the part that your reputation, or prior experience at Bali, has earned for you.

Thank you again for accepting and I look forward to talking with you shortly and then seeing you at the Conference.

Yours sincerely

REX WILD
16 June 2003

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CENTRAL CRIMINAL COURT

Old Bailey E.C.4

London

Tuesday 9 December 1952

Before:-

THE LORD CHIEF JUSTICE GODDARD

REGINA

v

DEREK WILLIAM BENTLEY

and

CHRISTOPHER CRAIG

CHRISTMAS HUMPHREYS & J BASS appeared for the Prosecution

F CASSELS appeared for the prisoner Bentley

J PARRIS appeared for the prisoner Craig

**REGINA v DEREK WILLIAM BENTLEY
&
CHRISTOPHER CRAIG**

TUESDAY 9 DECEMBER 1952

**The Old Bailey, London. Present Counsel,
jury, the prisoners and the public**

Enter the Chief Justice , Lord Goddard

CLERK OF THE COURT: All rise (**judge takes his seat**) please be seated.

THE LORD CHIEF JUSTICE: Yes, Mr Clerk of the Court, read the indictment.

CLERK OF THE COURT: Christopher Craig, and Derek William Bentley, you are charged. that on the 2nd. day of November last you murdered Sidney George Miles. Christopher Craig, are you guilty or not guilty?

PRISONER CRAIG: Not guilty.

CLERK OF THE COURT: Derek William Bentley, are you guilty or not guilty?

PRISONER BENTLEY: Not guilty.

THE LORD CHIEF JUSTICE: Craig you may sit down.

CLERK OF THE COURT: Members of the Jury, the prisoners at the Bar; Christopher Craig and Derek William Bentley, are charged with the murder of Sidney George Miles on the- 2nd. November last. To this indictment they have severally pleaded. not guilty, and it is your charge to say, having heard. the evidence, whether they or either of them be guilty or not. Mr Prosecutor, the jury are in charge.

MR HUMPHREYS: May it please you, my Lord. Gentlemen of the Jury, in this case I am instructed. for the Crown with my friend. Ms Bass. The accused.

Christopher Craig, who is aged. 16½, is represented by my friend Mr. Parris; the accused. Derek Bentley, further from you, who is 19½, is represented by my friend. Ms Cassels.

The charge against these two youths is that on the night of November 2nd last they together murdered a police officer, Sidney George Miles.

You may have read something of this case in the Press; you may have read how these two young men were found on the roof of a building in Croydon, that there was what was described as a gun battle, as a result of which one police constable was killed and another wounded, and of a spectacular jump or dive by the boy Craig from the roof of that building as a result of which he was injured and had to appear at the Magistrate's court on a stretcher, and of alleged confessions by Bentley that he knew Craig had a gun. On behalf of the prosecution I ask you to forget everything you have read about this case up to the moment. This case will be tried, as cases are in every English court, upon the evidence before you and on that alone.

The case for the prosecution is this: that Craig deliberately and wilfully murdered that police constable, and thereafter gloried in the murder; that Bentley incited Craig to begin the shooting and, although technically under arrest at the actual time of the killing of Miles, was party to that murder and equally responsible in law.

Now, the story is this..

NARRATOR:

The Prosecution then outlined the Crown case, and concluded.

Members of the Jury, that is the case for the Crown. Any criminal charge made in any English court of law must be proved to the satisfaction of the Jury. If you fail to find the charge proved against either man you will acquit. It is only if you are satisfied that the prosecution do prove that charge that you will convict. Now with the assistance of my friend we will call the evidence before you.

MS BASS

Call Niven Craig

Niven Matthews CRAIG was sworn.

Examined by Ms Bass

- Q. Is your name Niven Matthew Craig? And do you live in Norbury and you are a bank official? **A. I am, M'am.**
- Q. Is the accused man Christopher Craig your son? **A. He is my son.**
- Q. Do you produce a certified copy of the entry of birth relating to him? **A. I do, M'am.**
- Q. Does that show he was born on the 19th day of May 1936? **A. Yes.**

MS CASSELS: No questions

Cross-examined by Mr PARRIS

- Q. Mr Craig, I think you are the chief cashier of a bank where you have been employed for many years? **A. I am, Sir.**
- Q. And is Christopher your son the youngest of a family of eight, is it? **A. He is, Sir.**
- Q. I think he went to Norbury Secondary Modern School, did he not? **A. Yes.**
- Q. But in spite of that he never managed to read or write? **A. No; he suffered from what, I believe, is known as word blindness.**
- Q. As a result of that the only reading matter he is familiar with are what are called comics? **A. Yes; just small words.**
- Q. Mr Craig, I believe that during the 1914/18 war you served with distinction in the Army? You were a captain, were you not? **A. Yes, I was a captain, Sir.**
- Q. And thereafter you have always taken a great interest yourself in firearms? **A. that is so.**
- Q. And did your son start playing with these weapons at a very young age? **A. Not to my knowledge, Sir; he should not have been handling that revolver at all.**

THE LORD CHIEF JUSTICE: To what issue is this going?

MR PARRIS: There is an issue if your Lordship will allow me.

THE LORD CHIEF JUSTICE: Well, we must keep within some bounds.

MR PARRIS: At any rate, the boy had from an early age taken a great interest in firearms? **A. Oh, he had indeed, yes.**

Q. And until the events of this night he had never been in trouble except for the fact that last year he was fined for being in unlawful possession of a weapon?
A. That is right.

Q. Not having a licence for it? **A. Yes.**

THE LORD CHIEF JUSTICE: Was the weapon confiscated? **A. It was; by the Hove Police**

Q. He was fined for being in possession of a revolver - was it a revolver? **A. A revolver, my Lord.**

Mr PARRIS

Q. Was Christopher ever to your knowledge a violent boy? **A. Never; he was in fact quite the opposite.**

Q. Gentle? **A. Very gentle.**

Q. I think until 18 months or 2 years ago he went regularly to a Bible Class at a church in Streatham? **A. He did; but unfortunately, he did not wish to continue that, because he was very nervous of being asked to read a lesson, and as he could not read that would have been a very embarrassing experience for him. For that reason he said he did not wish to continue to go to this Bible Class.**

Re-examined by Mr HUMPHREYS

Q. Mr Craig, Christopher's conviction in respect of the firearm was at Hove Borough Juvenile Court in November 1951; is that right? **A. It was, Sir.**

THE LORD CHIEF JUSTICE: What was this boy doing at Hove at the time he was arrested? **Well, it is rather a long story, my Lord. If I may --**

Q. I only want to know. Was he on holiday, or not? **A. No; he had just left school at that time and had started work in an engineering firm at Croydon, and he asked to leave this work. We asked to carry on for a little longer, but instead of carrying on he left home with his pay on a Friday night with a view to going over to France by boat from Brighton.**

Q. Well, he went off on a sort of frolic of his own? **A. that is why he was in Brighton.**

Mr HUMPHREYS: Did you know he had sawn off the barrel of this revolver? **A I certainly did not.**

Q. Did you know he had hidden the sawn off piece in the attic of your house? **A. I did not.**

Mrs Edith Alice WARE, Sworn.
Examined by Ms BASS

- Q. Is your name Edith Alice Ware? **A. Yes.**
- Q. Do you live at No. 74, Tamworth Road, Croydon? **A. Yes.**
- Q. Are you a married woman? **A. Yes, M'am.**
- Q. Living at that address with your husband and your daughter Edith? **A. Yes.**
- Q. On the 2nd November of this year did you look out of the window of the front bedroom of your house? **A. Yes, M'am.**
- Q. About what time in the evening would that be? **A. About 9.15.**
- Q. Is your house opposite to the entrance to Messrs. Barlow & Parker's warehouse? **A. Yes, M'am.**
- Q. When you looked out did you see something? **A. I saw two men.**
- Q. Whereabouts were they when you saw them? **A. Well, they, were just walking to the kerb.**
- Q. On which side of the road? **A. The opposite side, outside Barlow's.**
- Q. Outside Barlow's on the opposite side of the road. They would be somewhere near Barlow & Parker's warehouse, would they? **A. -Near the side entrance, M'am.**
- Q. What did you see either or both of them do? **A. Well, they were just standing there talking for a few minutes and pulling their hats over their eyes. Every time a bus came along they pulled their hats down and stood there talking, and then -all of a sudden the shorter one of the two jumped right over the fence at the side on the left.**
- Q. The shorter one got over that gate? **A. Yes.**
- Q. What about the second man? **A. He waited for a few more minutes, and then a motor came round the corner and he waited for that to go by, and when there was no one in sight he jumped over.**
- Q. Did you lose sight of them after they had gone over the gate? **A. Oh, yes; completely, M'am.**
- Q. Did you then send for the police? **A. Yes, M'am.**
- Q. Did they arrive very soon after? **A. Oh, about four minutes, I should think.**

MR. PARRIS:

No questions.

MS CASSELS:

No questions.

Det. Sgt. Frederick FAIRFAX, Sworn.
Examined by Mr Humphreys.

- Q. Are you Frederick Fairfax, Detective Sergeant "C" Division and on the 2nd November last were you a Detective Constable stationed at Croydon? **A. Yes, Sir.**
- Q. At 9.25 p.m. on the 2nd November did you go with P.C. Harrison and other officers in a police van to the premises of Messrs Barlow & Parker at Tamworth Road, Croydon? **A. Yes, Sir.**
- Q. But were you the first officer, so far as you knew, to enter the building? **A. Yes, Sir.**
- Q. Did you do so by climbing over the gate and climb up on to the flat roof by one of the drainpipes? **A. Yes, Sir.**
- Q. Having climbed up the drainpipe to the roof, did you find that you were on a flat roof? **A. Yes, Sir.**
- Q. What did you do when you got on the roof? **A. I saw two fellows --**
- Q. What did you do? **A. I walked towards them and as I walked towards them they backed away and went behind the stack.**
- Q. Did you get close to them? **A. I got to within about six feet of the stack and I shouted --**
- Q. Loud enough for them to hear? **A. Yes; I shouted out to them I am a police officer. Come out from behind that stack." One of them shouted back --**
- Q. Just a moment. Do you now know having heard them speak which that was? **A. Yes, Sir.**
- Q. Who? **A. Craig, Sir.**
- Q. What did Craig say? **A. He shouted back "If you want us, fucking well come and get us." I said "All right." I rushed behind the stack and got hold of the accused Bentley. I pulled him out into the open and I then pushed him round the side of the stack of which Craig had just previously gone out of; I pushed Bentley round with a view to closing in on Craig. As we got to the --**

THE LORD CHIEF JUSTICE: Do you mean pushed him round to the right of the stack? **A. No, Sir; I was to the right.**

Q. The other way? A. Yes, Sir; and I pushed him round to the left as Craig had previously gone out to the left.

THE LORD CHIEF JUSTICE: You follow that, Gentlemen?

THE FOREMAN OF THE JURY: Yes.

MR. HUMPHREYS: So with one man in your grasp you pursued the other? A. Yes, Sir, I pursued the other.

Q. What happened? A. As we got to the corner of the stack, Bentley broke away from me, and as he did so he shouted, "Let him have it, Chris. There was then a flash and a loud report and I felt something strike-my right shoulder, which caused me to spin round and fall to the ground.

Q. Just indicate to the Jury on your body how the bullet went? A. The bullet went through there.

Q. To get it clear: as a result of your being shot and knocked down, Bentley had got out of your grasp? A. Yes, Sir.

Q. What did you do when you saw one going left and one right? A. I made a grab at the fellow on my right and found that I had again got hold of the defendant Bentley. I struck him with my fist and he fell to the ground. As he did so there was a second loud report.

THE LORD CHIEF JUSTICE: Wait a moment; do not go too fast. "I struck him with my fist and he fell to the ground." As he fell, you say? A. As he fell, Sir, there was a second loud report and I then pulled Bentley up in front of me as a shield.

Q. Yes. A. When we were behind there I felt over the defendant's clothing to see if he was carrying a gun. He was not carrying a gun, but in his right hand coat pocket was a knuckleduster.

MR HUMPHREYS: What else did you find on him? A. In his right hand breast pocket I found this knife.

Q. Was it then open? Oh, it is -- A. It is a dagger type of knife, Sir.

MR HUMPHREYS: When you found those two did he make any comment? A. He said "That's all I've got, guv'nor; I haven't got a gun."

Q. Did you then shout to Craig? A. Yes, Sir.

Q. What did you shout? A. I shouted to Craig "Drop your gun.

Q. What did he say? A. He replied, "Come and get it."

THE LORD CHIEF JUSTICE: Were either of you holding Bentley at this time?
A. We were both holding Bentley then, Sir. P.C. McDonald was on the roof by then.

MR. HUMPHREYS: While you were both holding Bentley did McDonald ask you a question? **A. Yes, Sir.**

Q. What was it? **A. He said, "What sort of a gun has he got, Fairy?"**

Q. That is his name for you? **A. Yes, Sir.**

Q. Did Bentley intervene and reply before you could? **A. Yes, Sir.**

Q. What did he say? **A He said, "He's got .a .45 Colt and plenty of bloody ammunition too."**

Q. What happened? **A. The door burst open and officers called to me and I shouted back to them that I was round to their right, and that the fellow with the gun was round to their left.**

Q. What happened then? **A. An officer then jumped from the doorway.**

Q. Who was it? **A. P.C. Miles, Sir; and as he did so there was a loud report and he fell to the ground.**

Q. Did you examine him and find he had been shot between the eyes and was dead? **A. Yes, Sir.**

Q. Then did P.C. Harrison come up the stairs and take the offensive, so to speak? **A. Yes., Sir; P.C. Harrison arrived and jumped out of the doorway and rushed round to where I was.**

Q. Did you decide to take Bentley downstairs? **A. Yes, Sir.**

Q. What did he say while you were doing that? **A. As he was pulled into the entrance of the doorway he shouted "They're taking me down, Chris."**

Q. You went down with Bentley? **A. Yes, Sir.**

Q. Were you given something at the bottom of the stairs? **A. Yes, Sir; I was given a pistol.**

Q. Did you hand over Bentley to some other officer and return to the roof? **A. Yes Sir.**

THE LORD CHIEF JUSTICE: You mean you were given a pistol by one of the police officers, a police pistol? **A. Yes, Sir.**

Q. What happened when you got back to the roof? **A. I shouted to Craig "Drop your gun; I also have a gun," and he shouted back "Come on then, copper, let's have it out." I jumped out of the doorway on to the flat roof, and as I**

did so there was another flash and a loud report- and I rushed at Craig in a semi-circular direction and I fired two shots as I went. Before I reached Craig he vanished over the roof.

MR HUMPHREYS: Were you then taken to Croydon General Hospital to have your own wound attended to? **A. Yes.**

Q. Did you then go down the stairs and round to the back where Craig had fallen?
A Yes.

Cross-examined by Mr PARRIS

Q. Let us start at the beginning of your story. To start with you were very near Craig indeed, within a matter of feet of him? **A. When he fired the gun, sir?**

Q. No; when you first got on to the roof and went to the stack you were then very near Craig? **A. I should think somewhere between 30 and 35 feet, Sir, approximately.**

Q. Just follow me, Officer. You went round the back of this stack, did you not?
A. Yes, Sir.

Q. Chasing these youths? **A. Yes, Sir.**

Q. At that time you were within a matter of feet of Christopher Craig? **A. About three feet, yes, Sir.**

Q. Yes; that is what I want.

THE LORD CHIEF JUSTICE: You asked him about when he first got up there. When he first got up there they were some distance from him and he chased them.

MR. PARRIS: And again later you were within a matter of a few feet of Craig? **A. Again? Is that when he fired the gun, Sir?**

Q. Well, at any rate, some stage later? **A. When Bentley broke away from me, Sir?**

Q. Yes. **A. Yes; he was within about six feet of me, Sir.**

Q. Now let me see if I understand your story correctly. You say it was the third shot that was fired that was the fatal shot; is that right? **A. The shot that hit P.C. Miles, Sir? Oh, no; to my recollection there were several other shots; but I don't know what he was firing at.**

Q. You see, you have not mentioned that hitherto, have you? **A. No, Sir.**

- Q. You said there was one shot which struck you first of all, then another shot and the third shot you mentioned was the shot which hit P.C. Miles? **A. That is the shot which hit P.C. Miles; but it certainly was not the third shot, Sir.**
- Q. What other shots were there? **A. I should say there were somewhere like six or seven other shots, Sir.**
- Q. Before the fatal shot? **A. Before the fatal shot, yes.**
- Q. Do I understand you correctly: are there six or seven other shots in addition to the ones you told my Lord and the Jury about? **A. That is so, yes, Sir.**
- Q. You had not said a word about those shots until a few moments ago, had you, Officer? **A. No, Sir.**
- Q. Officer, I suggest to you that the first time a shot was fired was when you had Bentley already in your custody and you had brought him round to somewhere near the vent pipe? **A. Bentley had already been arrested, but at the time of the first shot he was not in my grasp.- he had already broken away from me.**

Cross-examined by Ms CASSELS

- Q. Now, are you saying, Sgt. Fairfax, that Bentley broke away before the shot was fired or after? **A. Definitely before the shot, M'am.**

MS CASSELS:

What I suggest, Sgt. Fairfax, is this: that up until the shot was fired Bentley had not said a word? **A. No, M'am.**

- Q. You say that is wrong? **A. No; that is quite right. Bentley had not said a word until he broke away from me.**
- Q. That was not my question~ Sgt. Fairfax. My question was: Until the shot was fired Bentley did not say a word? **A. Yes, M'am, he did**
- Q. I am suggesting that he never said 'Let him have it, Chris,' or any words to that effect? **A. He did, M'am.**
- Q. Let us just see what he did afterwards. You were hit and you went down? **A. Yes, M'am.**
- Q. When you scrambled to your feet these two were still separated, were they not? **A. Yes, M'am.**
- Q. And again, you having grabbed him, he did nothing? **A. When I grabbed him I struck him, M'am.**
- Q. When you were upon the ground he made no attack upon you? **A. No.**

Q. Now I want to ask you about other conversations on the roof, Sgt. Fairfax. You told us that up until the time the first shots were fired you heard nobody else speak apart from Craig and Bentley? **A. Nobody else on the roof, no, M'am.**

Q. And you did not speak to anybody else?

THE LORD CHIEF JUSTICE: Who was there to speak to? I do not understand.

MS. CASSELS: Perhaps your Lordship will understand when the evidence of another police officer is given. I am trying to check what this officer's recollection is of what took place, after you had got behind the staircase head was it not Craig that shouted out "I've got a .45 Colt"? **A. No, M'am.**

Q. You see, I am suggesting it was Craig on the roof who said he had got a .45 Colt and not Bentley? **A. No, Sir; it was definitely Bentley. Whether Craig said it as well I did not hear.**

THE LORD CHIEF JUSTICE: Was the word you heard "he" or "I"? **A. I heard Bentley say it.**

Q. What did he say? **A. He has got a .45 Colt and plenty"—**

Q. If Craig said it it would be "I have got a .45 'Colt." That is why I asked whether the word was "he" or "I"? **A. "He", Sir.**

P.C. James Christie McDONALD~Sworn.
Examined by Ms BASS

Q. Is your name James Christie McDonald? **A. Yes.**

Q. Are you a police constable of the "Z" Division, Metropolitan Police? **A. Yes, M'am.**

Q. About 9.25 p.m. on the 2nd November of this year did you go in a police car with P.C. Sidney Miles to Barlow & Parker's warehouse in Tamworth Road? **A. Yes, M'am.**

Q. Did you follow Fairfax up the drainpipe? **A. Yes, M'am.**

Q. On the way up, did you hear somebody shout something? **A. I did, M'am.**

Q. What did you hear? **A. I heard someone shout, "Let him have it, Chris."**

MS BASS: You heard someone shout, "Let him have it, Chris"?
A. Yes.

Q. Did you hear some shots and then got onto the roof? **A. I did, M'am.**

Q. Then at that time did you hear somebody else call out? **A. Yes, M'am.**

- Q. What was that? **A. I heard a man who was on the sloping roof further back on the building shout "Come and get it."**
- Q. Did you hear anything else after the shout of "Come and get it"? **A. Yes, M'am.**
- Q. What was that? **A. A shot was fired.**
- Q. And did Fairfax say something to you? **A. Yes.**
- Q. What? **A. Fairfax said "He got me in the shoulder."**
- Q. Did you hear anybody else say anything? **A. Bentley said, "I told the silly bugger not to use it."**
- Q. Did you see another man on the roof? **A. Yes, M'am.**
- Q. What roof was that? **A. I saw P.C. Harrison on the same sloping roof as I had seen this other man, but on the righthand side behind a chimneystack, sir.**
- Q. What did this other man do? **A. I saw him fire two shots with the gun raised towards P.C. Harrison.**
- Q. Was Harrison then somewhere near the chimneystack? **A. Yes, sir.**
- Q. Did you then make some remark to Fairfax? **A. Yes, I remarked to Fairfax "What kind of a gun has he got?"**
- Q. And who replied? **A. Bentley replied: "It's a .45 Colt and he has plenty of ammunition for it"**
- THE LORD CHIEF JUSTICE: Bentley said: "It's a .45 Colt"? **A. Yes., my Lord.**
- MS BASS: And what else? **A. "And he has plenty of ammunition for it."**
- Q. Did you hear voices inside the staircase head? **A. Yes, M'am**
- Q. Did the door burst open? **A. Yes, M'am.**
- Q. What happened then? **A. I saw the man with the gun on the sloping roof raise his gun, a shot was fired and P.C. Miles fell out almost at our feet, M'am.**
- Q. Was the weapon pointing in that direction when the shot was fired? **A. Yes, M'am.**
- Q. Was it obvious to you that Police Constable Miles was wounded in the head? **A. Yes, I saw he had a serious wound in the face.**

Q. Did you help to pull him round? A. Yes, M'am.

Q. Did you then find that he was dead? A. Yes, M'am.

MS BASS: Was there any more firing? A. Yes, M'am; several more shots were fired then) M'am.

Q. Did Police Constable Jaggs come up on the roof? A. Yes, he came up on to the roof from the drainpipe.

Q. What happened to Bentley? What was done with him? A. P.C. Fairfax then went inside the stair and the three of us, Harrison, Jaggs and I, forced Bentley down the stairs.

Q. Did he say anything as he went? A. Yes, M'am; he said "Look out, Chris; they're taking me down."

Cross-examined by Mr PARRIS

Q. Officer, I think you told the magistrates that that night it was dark and there were clouds? A. That is correct.

Q. Officer, what I suggest to you shout that is that he fired two shots over the rooftop. A. I would not know exactly where the shots went, sir, but they were pointing towards the right of the building where P.C.. Harrison was.

Q. I am much obliged. Then what you are saying is you would not be dogmatic as to where the shots were aimed?

THE LORD CHIEF JUSTICE: He says they were aimed at Harrison but he does not know where they went. (To the witness) Is that what you mean? A. Yes.

MR. PARRIS: Is this the position you saw a shot fired roughly in that direction but you could not say it was aimed at Harrison? A. That is correct.

THE LORD CHIEF JUSTICE: You saw him point the gun at Harrison? A. I saw him point the gun at Harrison and he fired the shot.

Q. How many shots in all do you say there were? A. Ten or eleven.

THE LORD CHIEF JUSTICE: I wonder how anybody could be expected to be accurate on a matter like this, on a night like this when these men are being fired at, in fear of their lives, and now they are being asked weeks afterwards to count how many shots were fired.

MR PARRIS:

(To the witness) As his Lordship says, it is rather unnerving to hear shots on a rooftop. **A. It is, sir.**

Q. It rather disturbs one's recollection of what happened? **A. I do not, know about that, sir.**

Cross-examined by Ms CASSELS

Q. Officer, I want to get from you just this; where do you say you were when you heard; "Let him have it, Chris"? **A. I was just below the roof. M'am. I had been trying to struggle up the last six feet of the pipe and I was then just trying to get down again.**

Q. Did you hear anything else said on the roof apart from this remark? **A. I could not make out any more of the conversation, sir; there was conversation but I could not make out what it was.**

Q. You just did hear this particular remark? **A. Yes.**

Q. I am suggesting you never heard that remark used by Bentley if it was used-by anybody else. **A. I could not say whether it was Bentley who used it or not, M'am.**

THE LORD CHIEF JUSTICE Well did you hear the word "Chris" used? **A. I did, my Lord.**

Q. So far as you know, there were three people on the, roof? **A. Yes, my Lord.**

Q. There was Sergeant Fairfax and the two men? **A. Yes, my Lord.**

Q. And you heard: "Let him have it, Chris;" is that right? **A. That is right, my Lord.**

THE LORD CHIEF JUSTICE: Very good.

MS CASSELS

Q. I have only one other- thing to ask you and that is about the remark that was made with regard to the type of weapon. 'Do you say that remark was made by Bentley? **A. Yes, M'am.**

Q. I am suggesting to you it was made by Craig. **A. No, M'am.**

Q. Let me just see what you say. You say he said; "It's a .45 Colt"? **A. That is right, M'am. -**

Q. Not "He has"? **A. "It's a .45 Colt."**

Re-examined by Ms BASS

Q. Can you give me some idea as to how long it took you to get down? the drainpipe after you had heard the remark; "Let him have it, Chris" before you heard the shot? **A Not very long, M'am. The top foothold of the drainpipe was sloping down; the two pipes coming out of the main pipe were sloping away, and once I get my foot in that I was down very quickly.**

Q. Was it minutes or seconds? **A. Minutes.**

THE LORD CHIEF JUSTICE: We will take the luncheon adjournment.

CLERK OF THE COURT: All rise.

NARRATOR: **THE COURT THEN ADJOURNED FOR LUNCH. WE FIND THE JUDGE AT HIS CLUB.**

[The Judges' Club. Present: Lord Chief Justice and Sir Charles Hardie]

LORD CHIEF JUSTICE: Ah, Charles. I see you have been in Court this morning. What do you think?

SIR CHARLES: Hello, Rayner. It's certainly a terrible thing a tragedy.

LORD CHIEF JUSTICE: Oh! It's more than that.

These young villains have murdered an innocent policeman in the course of his duty and must be found guilty at all costs.

SIR CHARLES: I don't know about that.

LORD CHIEF JUSTICE: Well, back to Court for me.

[After the luncheon adjournment, the Court continues]

CLERK OF THE COURT: All rise (judge takes his seat) be seated, please.

LORD CHIEF JUSTICE: Let's continue, ladies and gentlemen.

P.C. Norman HARRISON, Sworn.
Examined by Ms BASS

Q. Is your name Norman Harrison? **A. It is, M'am.**

Q. Are you a police constable of the "Z" Division, Metropolitan Police? **A. Yes M'am.**

- Q. On the 2nd November of this year at about 9.25 p.m., did you go in a police van with Detective Sergeant Fairfax and other police officers to Barlow & Parker's warehouse at Tamworth Road? **A. I did.**
- Q. Did you go into Upper Drayton Place and over a fence on to the roof of the factory at No.25 Tanworth Road? **A. Yes.**
- Q. Did you then make your way on to the sloping roof of the despatch building of Barlow & Parker's warehouse? **A. Yes.**
- Q. Could you see anybody on the roof when you got up there? **A. Not at first, sir; but I saw Detective Sergeant Fairfax come up the stack pipe and on to the flat roof.**
- Q. He had then detained somebody? **A. He had already detained, a person, yes.**
- Q. Do you know now who that person was? **A. It was Bentley, sir.**
- Q. What happened then? **A. Well, he walked his prisoner or the person in custody away towards the doorway which led out on to the roof and, as he did so, so the prisoner pulled away from him, broke away, and I heard him call out: "Let him have it, Chris."**
- Q. Who was it who called that out? **A. That was Bentley.**
- Q. What happened after that? **A. Immediately afterwards I heard two shots fired from the direction of the lift shaft and I saw Detective Sergeant Fairfax spin and drop on to the roof.**
- Q. Did you see somebody else then? **A. I did.**
- Q. Who was that? **A. I saw the prisoner Craig come from the lift shaft. He walked across to the corner and to the edge where the railings are on the flat roof.**
- Q. That was the corner nearest to you? **A. Nearest to me, yes. He looked down into the garden and then he looked up and saw me lying on this sloping roof. He raised the revolver in his right hand and said something about a copper and fired one shot.**
- Q. In what direction did he fire? **A. In my direction.**
- Q. Did you hear -----
- THE LORD CHIEF JUSTICE: Just one moment, please. (To the witness) He raised his hand? **A. His right hand, my Lord.**
- Q. Said something about a copper? **A. Yes, my Lord.**
- Q. And fired? **A. A shot, yes.**

Q. One shot or more? **A. One shot.**

THE LORD CHIEF JUSTICE: "One shot in my direction."

MS BASS

Q. Did you get to the end of -the roof? **A. I did.**

Q. Back on -to the roof of No.25 and then back into the garden of No.26? **A. Yes, M'am.**

Q. Did you then go with other officers into the front door of the warehouse and up the staircase leading to the roof? **A. I did.**

Q. Were any other officers in front of you when you arrived at the top?
A. P.C. Miles.

Q. Were you immediately behind him? **A. I was, M'am.**

Q. What did Miles do when he got to the top of the stairs? **A. Well, he went straight at the door, he pushed the bar and he kicked the door open and stepped out and as he stepped out a shot was fired from the direction of the lift shaft and he dropped.**

Q. When he had dropped did you see somebody? **A. I did.**

Q. When was that? **A. I saw the prisoner Craig come from behind the lift shaft. He was still holding the revolver in his two hands.**

Q. What did he do? **A. Well, it was then that I threw my truncheon at him, a bottle of milk and a block of wood.**

Q. When you threw the various articles at Craig did he say anything? **A. He did, M'am.**

Q. What? **A. He said to me: "I am Craig. You've just given my brother twelve years. Come on, you coppers. I'm only sixteen."**

Q. Did you then assist in getting Bentley down the stairs? **A. I did.**

Q. Did you hear anything said as he was going down? **A. As we took hold of him he called out "Chris, they're taking me down," and it was then that Craig replied: "Are they hurting you, Derek?"**

Q. When Bentley called out; "Chris, they're taking me down," did anything else happen? **A. Another shot was fired.**

Q. Then were you on the staircase when Detective Sergeant Fairfax went out through the door again? **A. I was, M'am.**

Q. When he had a pistol with him? **A. Yes.**

- Q. Did you see what he did? **A. Well, he left the doorway and fired two shots in the direction of Craig.**
- Q. Did you hear Craig say anything? **A. I did.**
- Q. What was that? **A. He said; "You're going to make a shooting match of it, are you? Come on then, copper; let's have it out."**
- Q. Did you then follow Detective Sergeant Fairfax on to the roof? **A. I did.**
- Q. In time to see Craig disappear over the side of the building? **A. I did,**

Cross-examined by Mr PARRIS

- Q. When you were on the roof near the chimneystack, how many shots in all were fired at you then? **A. Only one when I rested with my back to the chimney stack; the other was fired while I was lying on the roof.**
- Q. Only two shots and no more than two? **A. Yes.**
- Q. And you say that Craig was then quite near you on that east side of the roof? **A. I do.**
- Q. If the officer McDonald says that at that time Craig was the other side of the stack, is that right or wrong? **A. Well, from what I saw----**

THE LORD CHIEF JUSTICE: You need not tell us whether one man is right or wrong; you tell us what you remember and what you saw. There can be a comment afterwards if you differ from Police Constable McDonald, if it is material.

MR. PARRIS: I suggest that McDonald is right about that and Craig was all the time to the west of the stack. **A. Well, he walked over to that railing because he looked down into the garden to see where I was, I believe.**

- Q. I suggest he was never there at anytime when any shots were fired at all. **A. Well, he was, sir.**

Cross-examined by Ms CASSELS

- Q. Did you hear anything said by either of the two defendants before, as you say, one of them said "Let him have it, Chris"? **A. Nothing at all.**
- Q. Now, are you sure that you heard that said? **A. Absolutely positive.**

- Q. You see, what I am suggesting is this: that the shot was not fired until Sergeant Fairfax and Bentley were walking towards the staircase head and well on their way to getting there. **A. Well, as I say M'am, I heard Bentley call upon Craig to fire as he walked away and two shots were fired immediately afterwards.**

P.C. ROBERT JAGGS, Sworn
Examined by Mr HUMPHREYS

- Q. Police Constable Robert Jaggs on the 2nd November last did you go with other officers to Barlow & Parker's? **A. Yes.**
- Q. Did you proceed to climb up on to the flat roof by means of one of those drainpipes? **A, I did.**
- Q. What happened when you got there? **A. I heard shots fired each time, sir.**
- Q. Did you hear the man who was doing the shooting say something? **A. Yes.**
- Q. Shots were being fired and something was said? **A. Shots were fired at me, yes. You wish to hear what was said by the person who I know to be Craig, sir?**
- Q. Yes that is right: we know now it was Craig. **A. "Come on you brave coppers; think of your wives."**
- Q. Did Bentley, who was with you, make any comment on that? **A. Bentley said "You want to look out; he'll blow your head s off."**
- Q. Did you then assist to take Bentley downstairs? **A. I did.**
- Q. When you began taking him down did you hear him say something? **A. Yes, sir; he said "Look out, Chris; they're taking me down."**
- Q. Then did you return to insid6 the doorway when Detective Sergeant Fairfax returned with a pistol? **A. Yes sir.**
- Q. Did you hear him shout to the man with the pistol outside? **A. Yes, sir.**
- Q. What did he say? **A. "Drop your gun."**
- Q. Did you hear what Craig replied? **A Craig then said: "Come on, copper; let's have it out,"**
- Q. What happened then? **A. Sergeant Fairfax then fired his revolver twice and Craig fired his revolver and the hammer clicked as though the gun appeared to be empty.**

MR. HUMPHREY: What did Craig then do? **A. Craig then dived from the roof.**

- Q. How did he go? **A. He dived off the roof head first.**

Q. Later did you go down and see him lying in the garden below? **A. I saw him lying in the garden below from the roof.**

MR. PARRIS: No questions. My Lord.

MS CASSELS: No questions, My Lord.

Police Sergeant Edward ROBERTS Sworn.
Examined by Mr HUMPHREYS

Q. Edward Roberts, Police Sergeant of the "Z" Division. On the 2nd November did you go with other officers to Barlow & Parker's warehouse in Tamworth Road? **A. Yes, sir.**

Q. At the front of the building, after the shooting was over was the accused Bentley handed over to your custody by Inspector Bodley? **A. Yes, sir.**

Q. Did you caution him? **A. Yes.**

Q. Just tell the jury what that means? **A. I told him that he was not obliged to say anything unless he wished to do so but anything he did say would be taken down in writing and may be given in evidence.**

Q. What did you then say to him? **A. I told him I was taking him to Croydon police station where he would be detained in connection with the shooting of P.C. Miles.**

THE LORD CHIEF JUSTICE: Do not you remember without your notes, Officer?
A. No, my Lord. "I didn't have the gun; Chris shot him."

MR. HUMPHREYS: Did you put him into a police car and begin to take him to Croydon police station? **A. Yes, sir.**

Q. On the way, did he say something further? **A. Yes.**

Q. What was that? **A. "I knew he had a gun but I didn't think he'd use it. He has done one of your blokes in."**

Q. Did you go round to the greenhouse in a yard below the flat roof where Craig had fallen? **A. Yes, sir.**

Q. And in the greenhouse did you see another officer, Police Constable Wells, pick up the revolver which is Exhibit 6? **A. Yes, sir.**

Q. Was the revolver, as it was found, beneath the hole in the roof which shows in photograph 4? **A. Yes, sir.**

THE LORD CHIEF JUSTICE: Just pass me the revolver. It appears to have been sawn off, Yes.

MR PARRIS:

No questions.

Cross-examined by Ms CASSELS

Q. Did he say anything else while you were driving apart from this one remark?
A. **Nothing.**

Q. Nothing else? A. **No.**

Q. Did any of the other officers or yourself say anything during the course of the drive? A. **Nothing.**

Q. Just out of the blue he volunteered this information? A. **As we slowed down approaching the traffic lights the car was going very slowly. He then made that remark, sir.**

Q. I suggest that on the Journey you or one of the other officers asked Bentley what was the name of the other person on the roof and what was the type of gun. A. **There was nothing said by me.**

Q. And nothing said by either of the other officers? A. **I do not think there was.**

Q. And I suggest to you that this remark which you have attributed to Bentley, coming out of the blue, never in fact was said. A. **Yes, it was, certainly.**

Re-examined by Mr. HUMPHREYS

Q. Was the other officer with you in the car James Leslie Alderson, also a police constable of the "Z" Division? A. **Yes, sir.**

Q. And he is available if he is wanted, so far as you know, is he? A. **Yes, sir.**

MS BASS:

My Lord, the next witness, Dr. Nicholas Jazwon, on page 3, was conditionally bound over. May his evidence be read?

THE LORD CHIEF JUSTICE: Yes. This is formal evidence by the doctor, members of the jury, so there is no need to call him before you. You will hear the evidence given before the Magistrate.

MR PARRIS:

I did ask for him to be here, my Lord, and I understand he is here, and I would like to ask him some questions.

THE LORD CHIEF JUSTICE: Certainly. I had no notification that you had applied for him to be called.

NICHOLAS JAZWON Sworn
Examined by Mr HUMPHREYS

Q Is your name Nicholas Jazwon? **A Yes, sir.**

Q Are you a registered medical practitioner, and are you an officer of Croydon General Hospital? **A. I was at the time I am now working at Crumpsall Hospital.**

THE LORD CHIEF JUSTICE: In Manchester? **A yes, my Lord.**

MR HUMPHREYS: On the 2nd November were you Casualty Officer, or something of that sort? **A Yes, sir.**

Q Were you at the hospital on the 2nd November at about 10.30 p.m. when Detective Sergeant Fairfax was brought to the hospital? **A Yes, sir.**

Q Did you examine him? **A. Yes, sir**

Q Did you find he had a wound? **A. Yes, sir.**

Q Where was it? **A. On his right side over his collarbone.**

THE LORD CHIEF JUSTICE: Just point, will you? **A Over his collarbone *here*, my Lord.**

Q You are pointing to the left. **A Over his right collarbone, *here*.**

MR HUMPHREYS: Was there any fracture? **A No, sir. We had him X rayed, and there was no fracture of the bone.**

Q Was he suffering from a certain degree of shock? **A Yes.**

Q In your opinion, was the wound consistent with having been caused by a bullet? **A Yes, sir.**

Cross-examined by MR PARRIS

Q That is what I think you describe, doctor, as a searing wound. **A Yes, sir.**

Q Indicating that the bullet had passed over the surface of the skin and not penetrated it? **A Yes, sir.**

Q Am I right in thinking that it shows signs of going upwards and over? **A Yes, sir.**

Q It goes up and over the shoulder? **A Yes, I suppose you could put it like that.**

Q. That would indicate to you, doctor, that the bullet had come from a low level?

A Yes, it would appear to be like that.

THE LORD CHIEF JUSTICE: It is a self-evident proposition, is not it? **A Yes, My Lord.**

THE LORD CHIEF JUSTICE: I do not know why the doctor has been brought from Manchester to say that.

MR PARRIS: I thought the jury might like to appreciate it. Now, doctor, I want you to draw some inferences from this. That officer found a bullet somewhere round his back braces. Is what you found in your examination consistent with a bullet ricocheting off the floor going up, searing the shoulder, and going down behind?

THE LORD CHIEF JUSTICE: Well, are you competent to answer such a question? **A No, I think not, really.**

MR PARRIS: You prefer not? **A I prefer not.**

THE LORD CHIEF JUSTICE: The doctor is here to give medical evidence, not to speculate on the flight of bullets.

MR PARRIS: I was asking whether what he found is consistent with that theory - the wound.

THE LORD CHIEF JUSTICE: That is a matter you can address the jury on. It is not a matter for the doctor.

MR PARRIS: If your Lordship will not allow me to ask the question, that is all.

THE LORD CHIEF JUSTICE: I very much regret that you have been brought all the way down from Manchester. The procedure of binding over was introduced for the purpose of saving the time of people who have been conditionally bound over. The wound you have given evidence about and the passing across the skin could have been perfectly well read, and I regret that you have been brought. You are now at liberty to go.

Dr DOUGLAS (Dorothy) FREEBODY. Sworn.
Examined by MR HUMPHREYS

Q. Dr Dorothy Freebody, are you a registered medical practitioner? **A. Yes.**

- Q. On the night of the 2nd November we know that Craig was received in the Croydon General Hospital. Had you then any position in the hospital? **A. I did not see him then.**
- Q. You were called in as a specialist to examine him, were you? **A. On the Wednesday.**
- Q. On the Wednesday? **A. Yes, the 5th.**
- Q. Will you briefly describe the injuries from which he was then suffering? **A. He had a fracture of the seventh dorsal vertebra and a fractured dislocation of the manubrium sternum (which is the breastbone in front of the chest), and also a fracture of the left wrist. The fracture of the wrist had been put in plaster.**

Cross-examined by Mr PARRIS

- Q. That means, does it not, that he had a fractured spine? **A. Yes.**
- Q. A broken breastbone? **A. Yes.**
- Q. And a fractured left forearm? **A. Yes.**
- Q. He must have been in considerable pain when he suffered those injuries? **A. Yes.**
- Q. You have, heard how he got them, have you not, doctor - by falling? **A. Yes.**
- Q. It is very probable that he was concussed at the same time, is it not? **A. It is possible.**
- Q. That means, of course, that there was some bruising of the brain, does it not? **A. There was no evidence of that, so far as was stated.**

THE LORD CHIEF JUSTICE: Did you see any signs of concussion? **A. I did not see him first, my Lord.**

MR PARRIS: You saw him some days after?

THE LORD CHIEF JUSTICE: You saw him on which day? **A. Wednesday the 5th, my Lord.**

MS CASSELS: No questions, my Lord.

Re-examined by MR HUMPHREYS

- Q. It has been put to you that he was possibly concussed. You were called in as an expert to examine what his injuries were. Is that right? **A. Yes.**
- Q. And you found precisely three? **A. Yes.**

Q Did you find any evidence in the patient as you saw him, or, indeed, in the clinical report that was given to you, that he was in the least concussed? **A No.**

THE LORD CHIEF JUSTICE: There was no injury to his head, was there? **A No, My Lord.**

Detective Sergeant STANLEY SHEPHERD. Sworn
Examined by MR HUMPHREYS

Q. Stanley Shepherd, Detective Sergeant, "Z" Division. At 11 pm on the 2nd November did you go to Croydon General Hospital and there see the prisoner Craig? **A Yes, sir.**

Q. Was he lying on a couch in the hospital? **A Yes, sir.**

Q. Did you tell him who you were? **A Yes, sir.**

Q. Did you ask him something? **A Yes, sir.**

Q. What did you ask him? **A I said: "How do you feel?"**

Q. What did he say? **A He replied: "It's my back. It hurts".**

Q. Later did he say something? **A Yes, sir.**

Q. What did he say? **A He said: "I had six in the gun. I fired it at a policeman. I had six tommy-gun bullets".**

THE LORD CHIEF JUSTICE: "I had six in the gun. I fired it at a policeman"? **A Yes, my Lord.**

Q Yes? **A "I had six tommy-gun bullets".**

MR HUMPHREYS: Did you at once caution him? **A I did, sir.**

Q. Did he say anything more? **A Yes, sir, he said: "Is the copper dead? How about the others? We ought to have shot them all."**

Q. At 4 a.m. the same day - that is, a few hours later - were you present when Detective Police Inspector Smith saw Bentley at Croydon Police Station? **A yes, sir.**

Q. Did you hear Bentley say something? **A Yes, sir.**

Q. What did he say? **A He said: "Are you in charge of this case, guvnor? Mr Smith replied, "Yes", and Bentley then said: "I didn't kill him, guv. Chris did it". Mr Smith then cautioned him.**

Q Did Bentley say: "Let me tell you"? **A Yes.**

- Q Did he then make a statement under caution? A **Yes, sir.**
- Q And do you produce that statement, Exhibit 15? A **Yes, sir.**
- Q Who took it down? A **I wrote it down, sir.**
- Q And is it as signed by Bentley? A **Yes, sir.**
- Q Did he begin by signing the caution at the top of it? A **Yes, sir.**
- Q And at the end is there the line: "This statement has been read to me and is true"? A **Yes, sir.**
- Q And is there then an attempt by Bentley to sign his signature? A **Yes, sir.**
- Q What do you say about that? A **The signature, sir?**
- Q Yes. A **He attempted to write his name, and he asked how to spell it, and eventually he wrote "Dirk W. Bentley".**

THE LORD CHIEF JUSTICE "D-e-r-k"? A **Yes, my Lord.**

THE LORD CHIEF JUSTICE: Let me see it. You shall have the statement by and by, members of the jury. [**Looks at Statement.**] Well, it might be anything.

THE LORD CHIEF JUSTICE: Will you read out the statement after the caution.

NARRATOR: [**The statement is read out.**]

MR HUMPHREYS: At about 5.30 am were you present when Chief Inspector Smith told Bentley that he was going to be charged with being concerned in the murder of Police Constable Miles? A **Yes, sir.**

- Q Was he cautioned? A **Yes, sir.**
- Q What did he say? A **He said: "Chris shot him. I hadn't a gun.. He was with me on the roof and shot him between the eyes.**
- Q Later was he formally charged with the murder? A **Yes, sir.**

Cross-examined by Mr PARRIS

- Q Of course, when you saw Craig at 11 o'clock on that Sunday evening; he was distraught with pain, was he not? A **I could not say, sir. He appeared -quite calm.**
- Q Asking for his mother? A **I did not hear him, sir.**

Cross-examined by Ms CASSELS

- Q. Sgt. Shepherd, I just want to ask you about this statement. First of all, it is right, is it not, that Bentley is illiterate? He cannot read and he cannot write? **A So he says, M'am.**
- Q. Well, can he write, do you think from what is said, anything apart from his own signature? **A He appeared to have difficulty in writing his name, M'am.**
- Q. From the inquiries that have been made in the case is it right that he is close to being a feeble minded person? Do you know that? **A. No, I do not know of that.**
- Q. Were any questions of any sort asked by either you or Inspector Smith? **A I asked no questions at all. Mr Smith did say something about the date, and I wrote that date down - the 2nd November.**
- Q Did Inspector Smith ask any questions whilst this statement was being taken? **A No, M'am.**
- Q. Did you or Inspector Smith at certain stages ask questions of him? **A. No, M'am.**
- Q. I also suggest that the phrase which appears at the bottom of the second page of the original statement, "I did not know he was going to use the gun", was also in answer to a question asked by one of you. **A No, M'am.**
- Q. Is not this what happened: After he said "We were there waiting for about ten minutes", and. you wrote that down, then somebody said "Did you know he was going to use the gun?" and he replied "No". **A No, there were no questions put to him at all with regard to the statement.**
- Q With regard to that statement, did you tell my Lord and the jury just now that when he signed his name at the end he did not appear to know how to sign the word "Derek"? **A He did not appear to know how to spell the word "Derek", M'am.**
- Q Apparently he signed "Derek", or made an attempt at signing there twice. **A Yes, M'am.**
- Q Yet when it came to the end of the statement, when he was asked to sign again, according to you he asked you how to spell "Derek", as he apparently did not know. **A Yes, M'am.**
- Q. I am not making any complaint about the way in which the statement was taken. I am merely suggesting that occasionally during the course of it you asked questions, or Inspector Smith did, to jog the memory of this rather illiterate young man. **A No, M'am.**

MR HUMPHREYS:

No re-examination, My Lord.

THE LORD CHIEF JUSTICE: I think we had better adjourn now. members of the jury, will you be back here tomorrow morning rather before half-past 10.

NARRATOR: [The Court then adjourned to 10.30 am the next morning.]

WEDNESDAY 10 DECEMBER 1952

LORD CHIEF JUSTICE: Your next witness, please, Mr Humphreys.

MS BASS: Call John Leslie Smith.

Detective Chief Inspector JOHN LESLIE SMITH. Sworn
Examined by Ms BASS

Q. Is your name John Leslie Smith, and are you Detective Chief Inspector "Z" Division, Metropolitan Police? A Yes, M'am.

Q. Then on the 3rd November 1952 at about 4 a.m. did you see the accused Bentley at Croydon Police Station? A Yes, M'am.

Q. Did he speak to you? A He did, M'am.

Q. What did he say? A He said: "Are you in charge of this, guvnor?". I said: "Yes". He said: "I didn't kill him, guv. Chris did it". I cautioned him then, and he said: "Let me tell you.". I said: "Very well, if you wish", and I then took him to my office, and with Detective Sergeant Shepherd he was again cautioned, and he signed the caution. Then he told me the story he wished to tell me.

Q. Did he make a statement which was reduced into writing by Sgt. Shepherd? A Yes, M'am.

NARRATOR: We will not trouble you with Mr Parris' cross-examination.

Cross-examined by Ms CASSELS

Q. Mr Smith, you have made enquiries, no doubt, with regard to the accused Bentley? A Yes, M'am.

Q. Do you agree with me that he is below average intelligence for his age? A Oh yes, M'am.

Q. Well below it? A Below, M'am. I cannot say well below.

Q. So far as you can ascertain, is he capable of reading and writing anything else but his own name? A He can. His schoolmaster said that he could, but with difficulty.

LOUISE NICKOLLS. Sworn
Examined by Mr HUMPHREYS

- Q. Louise Nickolls, you are a Master of Science, a Fellow of the Royal Institute of Chemistry, and Director of the Metropolitan Police Laboratory, New Scotland Yard? **A. Yes.**
- Q. On the 13th November did you receive from Chief Inspector Smith a .45 Colt revolver? **A Yes.**
- Q. Did you also receive Exhibit 7, which is part of a revolver barrel? **A I did.**
- Q. Have you examined those two exhibits together, and do you say that that part of the barrel has been sawn off the revolver? **A Yes.**
- Q. Is that revolver in good working order? **A It is.**

Cross-examined by Mr PARRIS

- Q. Turning to the revolver, one of the effects of sawing the barrel off is, of course, that you remove the sight. **A You do.**
- Q. The second thing is this, that when rifling is removed the weapon becomes wholly inaccurate? **A It becomes less accurate.**
- Q. Well, how inaccurate would you say that would make it? **A I should say that this weapon certainly in the hands of a person unaccustomed to firing it was quite an inaccurate weapon.**
- Q. Then you agree with me that it would be wholly inaccurate? **A Not quite, no, sir. I think a person could train himself to use it.**
- Q. May I put it to you that it would be inaccurate to the degree of six feet at a range of 39 feet? **A Oh, yes.**
- Q. Quite as much as that? **A I think it would be of that order, yes.**
- Q. The truth is that you are not really a ballistics expert. **A I have not fired enough guns which have been sawn off. That is what it boils down to.**

MS CASSELLS: No questions.

Re-examined by MR HUMPHREYS

- Q. Would that revolver, even with the undersized ammunition, be reasonably accurate if fired at a human being' at 6 feet? **A. Yes, sir; I think if one aimed at the centre of a human being one could, more or less guarantee to hit him at 6 feet.**

THE LORD CHIEF JUSTICE: This revolver, if it is fired off, and even if it is fired indiscriminately, is quite capable of killing people?
A. Yes, it is capable of being lethal.

THE LORD CHIEF JUSTICE: No matter whether it is accurate or inaccurate.

MR HUMPHREYS

Q. A bullet was fired by Craig and a police officer coming out of that lift shaft fell dead. with a bullet between the eyes. Now, we do not know exactly where Craig was standing, but give him the maximum distance of 40 feet away. If he fired at such people as are coming out of the staircase head, and fired. more than once with the correct ammunition, was there a reasonable chance of his hitting them, or one of them, or some of them? **A I think it would be an extremely dangerous thing to do.**

THE LORD CHIEF JUSTICE: Mr Humphreys, this is a case in which an officer of justice was murdered, shot.

MR HUMPHREYS: Yes, My Lord.

THE LORD CHIEF JUSTICE: Very different considerations, as you know, apply where an officer of justice in the course of the execution of his duty is killed.

MR HUMPHREYS: Yes, My lord; but, with great respect, I was following up with this witness what I imagine to be, I may be wrong, the beginning of a certain line of defence.

THE LORD CHIEF JUSTICE: Well, if that defence is run I shall tell the jury that that is no defence at all.

MR HUMPHREYS: If your Lordship pleases. My Lord, that is the case for the prosecution.

MR PARRIS: My Lord, I call Christopher Craig.

CHRISTOPHER CRAIG (Prisoner). Sworn
Examined by Mr PARRIS

THE LORD CHIEF JUSTICE: Let him sit down.

MR PARRIS: Christopher Craig, are you 16 years of age? **A Yes, sir.**

Q. Born on the 19th May, 1936? **A Yes, sir.**

Q. Until the events of this night, had you always lived at home with your parents?
A Yes, sir.

Q. Now, when did you first start taking an interest in firearms? A When I was about 11, sir.

Q. When you were about 11? A I liked them, though, when I was about 7.

Q. I think you said something about "7".

THE LORD CHIEF JUSTICE: I liked them when I was about '7".

MR PARRIS

Q. Between the age of 11 and your present age, how many weapons have you had?
A 40 or 50, sir.

Q. 40 or 50. Where did you get those from? A. Swapped them with boys at school, sir.

THE LORD CHIEF JUSTICE: What? A. Swapped them and bought them off boys at school.

MR PARRIS

Q. Were you interested in firing them? A. I did fire off a couple of them, sir.

Q. Were you ever a good shot? A. No, sir.

Q. Did you on one occasion go with your father to a shooting range? A. Yes, sir.

THE LORD CHIEF JUSTICE: Did you know that firearms could kill people? A. Yes, sir.

THE LORD CHIEF JUSTICE: Let us get on to something that matters.

MR PARRIS

Q. Now, the weapon in this case has the barrel sawn off? A Yes, sir.

Q. Why was the barrel sawn off? A So that I could carry it, sir - take it to work, sir.

THE LORD CHIEF JUSTICE: What? A. So that I could. carry it, sir, take it to work, sir.

Q. So that you could take it to work? A Yes, sir.

MR PARRIS

Q. Coming to this Sunday, you and Bentley were up on this rooftop. A. Yes, sir.

- Q. For what purpose of trying to git into this sweetshop? **A. Yes, sir.**
- Q. How long were you up there before any police officer arrived? **A. A couple of minutes, sir.**
- Q. Now, the Officer has said that some time at that stage of the proceedings Bentley said "Let him have it, Chris". Did. You hear any words like that? **A No, sir.**
- Q. When was the first shot fired? **A Sir, he was level with the first glass thing, had just come round it --**
- Q. Where did you fire the shot? **A. Down at the ground, sir.**
- Q. What happened to the officer when you fired that shot'? **A He ducked down to the ground, sir.**
- Q. Did you fire another shot'? **A Not then, sir; just a little while later, sir, he got up and rushed at Bentley, or something, and I tried to frighten him off, and I fired another one over this side.**

THE LORD CHIEF JUSTICE: You fired another to frighten him off, did you? **A Yes, sir.**

- Q. Had you any intention of hitting: that officer? **A No, sir; I only meant to frighten him away, sir.**

MR HUMPHREYS: "Meant to frighten him away", did he say?

THE LORD CHIEF JUSTICE: He said "I meant to frighten him away".

MR HUMPHREYS: Thank you, my Lord.

MR PARRIS: Had you any intention of doing any harm at all to him? **A No, sir.**

THE LORD CHIEF JUSTICE: How many times do you say you fired altogether? **A Nine, sir.**

- Q. Nine? **A Yes, sir.**

- Q. So you re-loaded the revolver? **A Yes, sir.**

THE LORD CHIEF JUSTICE: Re-loaded, it. [With emphasis, taking notes.]

MR PARRIS

- Q. Did you see the officer Miles come up on to the roof? **A I did not see him come up on to the roof, sir. The door flew open, and I thought someone was rushing at me, sir, or someone was coming out, sir, and. I fired another one to frighten them away.**

Q. You fired another shot to frighten them away. Where did you fire that shot? A **Towards this No.30 house, sir, over the roof, sir.**

Q. That is, over the parapet side, towards No.30? A **Yes, sir.**

THE LORD CHIEF JUSTICE: How did it come about that it hit Police Constable Miles coming out of the door? A. **It might have ricocheted. off, sir. I do not know, sir.**

Q. It might have ricocheted? A **Or anything, sir.**

MR PARRIS: Do you know how it came to hit him? A **No, sir.**

Q. Had you any intention at any time of killing that officer? A. **No, sir.**

Q. Had. you any intention at any time of doing any officer any harm? A **No, sir.**

Q. Did you want to use violence to them to stop them arresting you? A **I only wanted to frighten them away, sir.**

Q. Had you any intention of hurting any officer at all? A. **No, sir. I don't hurt people, sir.**

LORD CHIEF JUSTICE: Have you ever expressed any regret or sorrow that you killed that officer? A. **Yes, sir.**

Q. When? A. **When I am in the prison, sir.**

Q. What? A. **When I am in the prison, sir.**

Q. Who to? A **I don't to anyone, sir.**

MR PARRIS: Now we come to the stage when you dived off the roof. A. **Yes, sir. I wanted to kill myself.**

Q. Why did you do that? A **Because I knew I had hurt one of them, sir.**

Q. You wanted to kill yourself. From the moment when you dived off the roof, what was the next thing that you remember? A. **I was in hospital., sir, and**

woke up, sir, when someone hit me in the mouth and called me a murdering bastard, sir.

Q. Now those statements which you are alleged to have made in hospital: Can you recollect any of them? A **No, sir. I do not think I said them, sir.**

Q. What? A **I do not think I said them, sir.**

- Q At any rate, if you did say them, did they represent your true feelings and intentions on that night? **A No, sir. That is why I do not think I said them, sir.**

MS CASSELS:

No questions.

Cross-examined by Mr HUMPHREYS

- Q On this night you shot Police Constable Miles. Is that right? **A Yes, sir.**
- Q And he died? **A Yes, sir.**
- Q You meant to shoot him, did not you? **A No, sir.**
- Q You meant to shoot any police officer who tried to prevent your escaping from the felony you were committing? **A I did not, sir.**
- Q Did not you? **A No, sir.**
- Q Well, we will go into it, You knew Bentley? **A Yes, sir.**
- Q And on this night you were out to break and enter these premises and steal whatever you could get? **A Yes, sir.**
- Q You had a gun with you? **A Yes, sir.**
- Q And it was loaded? **A Yes, sir.**
- Q And you had extra ammunition in your pocket? **A Yes, sir.**
- Q And you were a practised shot? **A No, sir.**
- Q You practised shooting? **A I did not, sir. I have only ever been on a range once, sir.**
- Q Then early this year you stole this gun? **A No, sir.**
- Q You got it from a house in Purley, did not you? **A No, sir.**
- Q Where did you get it? **A I got it off another boy, sir.**

THE LORD CHIEF JUSTICE: Got it off another boy? **A Yes, sir.**

- Q Where? **A He lives in Purley, sir.**
- Q What? **A He lives in Purley, sir.**
- Q Give his name. **A Martin Vincent, sir.**
- Q Then you sawed off the barrel? **A Yes, sir..**

Q. I suggest that you got it on the 4th or 5th October from a house in Purley which was broken into.

[A SIGNIFICANT PAUSE HERE]

THE LORD CHIEF JUSTICE: Is that right? **A No, sir.**

MR HUMPHREYS: Then you had sawn off the barrel?

Q. So that it would go more easily into your pocket? **sir. A. Yes, sir.**

Q. If you were going out housebreaking with it? **A I do not housebreak, sir.**

THE LORD CHIEF JUSTICE: What? **A I do not housebreak, sir.**

Q Well, shopbreak. **A No, sir.**

Q You were going to break into a shop this night? **A Yes, sir, but I used to take it to work with me. I always carried it, sir.**

MR HUMPHREYS

Q. Now we will come to this night. You asked Bentley to go with you? **A No, sir.**

Q What? **A No, sir.**

Q. Did he ask you? **A He dared me, sir.**

Q. Dared you? **A Yes, sir.**

Q. He dared you to go with him and do what? **A Break into a butcher's shop, sir.**

Q. So on this night when Bentley dared you to break into a butcher's shop you were already armed with a loaded revolver and extra ammunition. Is that right? **A Yes sir.**

Q Bentley was armed with a knuckleduster which he says he got from you. Is that right? **A Yes, sir.**

Q. Where did you get the knuckleduster from? **A. I made it, sir.**

THE LORD CHIEF JUSTICE: What is that spike for? **A I just put it in it. There was a hole.**

Q. What is it for? **A I just put it there.**

Q. What is the knuckleduster for? **A To put it on your hand, sir.**

Q. You put it on your hand to hit anybody? **A Yes, sir.**

Q. What is this dreadful spike on it for? **A. That was in there, sir.**

Q. I know, but you say you made it. I want to know what you put this dreadful spike in for. **A I did not, sir. It was there that was just a block of steel, and I rounded off things and filed it a bit.**

Q. So if you have it on your knuckles, then you have got this as well? **A. Yes, sir.**

THE LORD CHIEF JUSTICE: A dreadful weapon.

MR HUMPHREYS

Q. And you had the gun, and he knew it? **A No, sir.**

Q. You discussed what you were going to do with it, did not you? **A No, sir.**

THE LORD CHIEF JUSTICE: Do you say Bentley did not know you had the gun?
A No, sir?

Q. Do you say you were out with Bentley that night to do this shopbreaking and you did not tell him you had got a gun? **A No, sir.**

THE LORD CHIEF JUSTICE: He did not tell you not to use it? **A No, sir.**

MR HUMPHREYS

Q. You told him when you were on the roof that you had a gun? **A Yes, sir, when I saw the police.**

Q. So before there was any shooting you told him in terms you had a gun? **A Yes, sir.**

Q. And it was loaded? **A Yes, sir.**

Q. Was there any discussion about it being used? **A No, sir.**

THE LORD CHIEF JUSTICE: Did you tell him you had a gun so as to make him feel safe up there with you - if the police came, you had. got a gun to keep the police off? **A No, sir.**

Q. Then why did you tell, him you had got it? **A I do not know, sir.**

THE LORD CHIEF JUSTICE: You do not know? **[With an expression of disbelief].** Or was it that you were getting ready for the gun battle which ensued? **A No, sir, because I did not know who it was. There was someone down below, sir.**

Q. Who did you think he was? **A When he grabbed Bentley he said I'm a police officer. Come with me.**

Q. Before any shot was fired he said "We are police officers? **A He said I am a police officer".**

THE LORD CHIEF JUSTICE: You heard him say that? **A Yes, sir.**

THE LORD CHIEF JUSTICE: Very well. *[Spoken with quiet triumph: MISSION ACCOMPLISHED]*

MR HUMPHREYS: Now I want to know something about your state of mind when you set out. Did you say in hospital that night: "I was out to kill because I had so much hate inside me for what they had; done to my brother"? **A Did I say that, sir?**

Yes. **A I do not remember, sir.**

THE LORD CHIEF JUSTICE: The police had arrested your brother, had not they? **A Yes, sir.**

Q. And he had been convicted? **A Yes, sir.**

Q. And he had a gun? **A Yes, sir.**

MR HUMPHREYS

Q. Do you remember saying a little later: "Did you see the gun I had? It was all on the wobble, so I took it to work and sawed off two inches off the barrel"? **A That is ridiculous, sir,**

Q. It may be ridiculous, but are you denying that you said it? **A If I did say it, sir, it shows that a person was not in his right mind, sir.**

Q. I see. I did not think it was in dispute. At any rate, you agree that on this night you were out to commit crime, to break into this house and get what you could? **A Yes, sir.**

Q. And, you intended to resist any person who tried to arrest you and prevent you committing that crime, did not you? **A No sir, I only wanted to frighten them, sir.**

THE LORD CHIEF JUSTICE: You wanted to frighten them away so that they would not arrest you. Is not that it? **A I just wanted to frighten them away so I could get away, sir.**

MR HUMPHREYS: Do you think that shooting a revolver in the air will stop a dozen policemen approaching; all round from coming closer to you? **A No, sir.**

Q. Having been incited to do so by Bentley saying "Let him have it, Chris". Are you saying, you did not hear that? **A Bentley did not say it, sir.**

Q. Three officers heard it in the darkness from different points of the compass. Are you saying he did not say it? **A I am saying I did not hear it, and, if they heard it they have better hearing than mine.**

Q. You say you fired nine times? **A Yes, sir.**

Q. Trying to frighten them away? **A Yes, sir.**

THE LORD CHIEF JUSTICE: And you knew they were police officers because you heard him say when he grabbed Bentley that he was a police officer. **A Yes, that one, sir, but he did not look like one, sir.**

MR HUMPHREYS

Q. Then Fairfax was shot, and you went on shooting from time to time, as you say in different terms, away from human beings. Is that what you are saying? **A Yes, sir.**

Q. You fired twice deliberately at Harrison, did not you, when he was helpless on the roof? **A I did not, sir.**

THE LORD CHIEF JUSTICE: Did you say: "Come on, you brave coppers. Think of your wives"? **A I am not sure, sir. I might have done.**

Q. "Come on, you brave coppers. Think of your wives". What did you mean by that? **A It was bluff, sir. I wanted to frighten them away, and was shouting out things.**

Q. Threatening to shoot them if they came on? **A No, sir, I did not threaten to shoot them.**

Q. Well, "Come on, you brave coppers. Think of your wives". In other words: "Think! Your wives will be widows if you do come on". That is what it means, is not it? **A I was trying to frighten them away.**

MR HUMPHREYS: "I'm Craig. You've just given my brother twelve years. Come on, you coppers. I'm only 16 What did that mean? **A I do not know, sir.**

THE LORD CHIEF JUSTICE: Did you say "I'm only 16"? **A I do not know, sir. I do not remember, sir.**

MR HUMPHREYS:

These are the words you used just now: "I saw the door fly open. I thought someone was coming out, so I fired again to frighten them away". Is that your version of the murder of P.C. Miles? **A I did not know he was dead, sir.**

Q. You shot towards the staircase from which police officers were coming out, did not you? **A No, sir.**

Q. What?

THE LORD CHIEF JUSTICE: You said you did; you heard them coming up the staircase and you said you fired. **A I said I fired over the glass to No.30, sir.**

After Police Constable Miles' body had been taken in, did not you fire again? **A Yes, sir, I fired in the air, sir.**

Q. You fired twice, did not you, after you had seen Police Constable Miles lying there and his body taken in? You fired again twice, did not you? **A No, sir; more than that, sir.**

Q. Only once? **A No, sir more.**

Q. More? **A Yes, sir.**

MR HUMPHREYS: You fired until the gun was empty? **A Yes, sir.**

Q. Now tell the jury again the answer to a question his lordship asked you: From the moment you killed P.C. Miles until you gave evidence in the witness box a few moments ago, have you ever shown the slightest word or sign of remorse or regret for killing him? **A Not to anyone, sir, but when I am --**

THE LORD CHIEF JUSTICE: Not to anyone? **A I might have done, sir, but --**

MR HUMPHREYS: Or was it only regret that you had not shot more of them? **A No, sir. I don't hurt people, sir.**

Re-examined by Mr PARRIS

Q. I think you were going to finish that remark, Christopher: "Not to anyone, but—" **A I do not know what I was asked, sir.**

Q. You said "Not to anyone, but". **A I do not remember what was asked, sir.**

THE LORD CHIEF JUSTICE: You were asked if you had ever shown any remorse or expressed any regret to anyone for having killed this young policeman. **A Well, it is all I think about in prison, sir.**

- Q. You may have thought about it. You are asked whether you ever expressed any regret to anybody. **A Who is there to express it to, air?**
- MR PARRIS: Have you said anything to your parents? **A. Yes, sir**
- THE LORD CHIEF JUSTICE: You saw plenty of policemen, because they were watching you at your bedside. **A I was not conscious. I was hardly conscious half the time, sir.**
- THE LORD CHIEF JUSTICE: Hardly conscious. Don't talk such nonsense.
- MR PARRIS: What state were you in while you were in hospital? **A I was only half conscious. I was crying for r my mother.**
- MR PARRIS: That is my case, My Lord.
- MS CASSELS: My Lord, I propose to call Bentley.
- DEREK WILLIAM BENTLEY (Prisoner). Sworn
Examined by Ms CASSELS
- Q Now, Bentley, is your name Derek William Bentley? **A Yes, M'am.**
- Q. Are you 19½ years of age? **A Yes, M'am.**
- Q. Up until the time of your arrest were you living with your parents at 1 Fairview Road, Norbury? **A Yes, M'am.**
- THE LORD CHIEF JUSTICE: What were you doing for a living? **A I have been a dustman, sir, and a removal--**
- MS CASSELS: When did you first know Craig? **A At school, sir. I did not know him; I just saw him, sir.**
- Q. Let us come straight to the 2nd November, the Sunday. Did you go that night by bus to West Croydon with Craig? **A Yes, M'am.**
- Q. Was that bus going to Croydon? **A Yes, a 109.**
- THE LORD CHIEF JUSTICE: What were you going to do at Croydon? **A. Just walk around, sir.**
- MS CASSELS: Had you and Craig up to that time made any arrangement to break in anywhere? **A. No, M'am.**
- Q. When you got off the bus at Croydon, where did you go? **A. We crossed over, M'am, and went down Tamworth Road.**

Q. That is the road in which this warehouse is situated? A. That is right, M'am.

MS CASSELS What happened next? A. I was still looking in the shop window, and Craig had got over the fence, over this ---

THE LORD CHIEF JUSTICE: I cannot hear. A Craig got over this iron fence, sir.

Q. Without ever saying anything to you? A No, sir. I was still looking into the window.

Q. I see. Craig got over the fence without saying anything to you, did he? A. Yes, sir.

MS CASSELS

Q. You followed him over the fence? A. Yes, M'am.

Q. Why was that? A. I could not answer that, M'am.

THE LORD CHIEF JUSTICE: What? A. I do not know, sir. I just went, sir.

Q Well, you were going to break in, were not you? A. I do not know why I went over the fence, though, sir.

Q. (With disbelief) You do not know why you went over the fence? A. No, sir.

MS CASSELS

Q Then where did you go? A. Up the drainpipe, M'am.

Q By that time you realised he was up to something? A. Yes, M'am.

Q. Well, after some difficulty did you then get on the roof and find Craig? A. Yes, I went on Craig's drainpipe and got up.

Q. Up to that time did you know that Craig had. a loaded revolver? A. No, sir.

Q. When you got on to the roof, what happened then? A. Some lights in the garden; someone shone a light in the garden, and so we got behind a stack, M'am, or a lift shaft.

Q. Did Craig say something to you at that time? A. Yes, M'am, he said "Get behind, here".

Q. Did you know at that time that he had. got a gun? A. No, M'am.

Q. What happened after you got behind the stack? A. **Sgt. Fairfax come and took me, M'am, because I could not see nothing where I was standing, M'am, and he come and took me, and walked me across the roof, M'am.**

Q. When Sgt. Fairfax came and took you, did he say anything? A. **He said "I'm a police officer, I've got the place surrounded".**

THE LORD CHIEF JUSTICE: What did he say? A. **"I'm a police officer. I've got the place surrounded".**

MS CASSELS: When Sgt. Fairfax took hold of you, did you make any effort to struggle? A. **No, M'am.**

Q. Or any attempt to strike him? A. **No, M'am.**

THE LORD CHIEF JUSTICE: Did you break away from him once? A. **No, sir.**

MS CASSELS: Did you say "let him have it, Chris"? A. **No, M'am.**

Q. Up until the time a shot was fired did you know that Craig had a gun? A. **No, M'am.**

Q. What happened when the shot was fired? A. **Sgt. Fairfax leaned on me and fell over like that, sir. He did not touch the floor; though, M'am.**

Q. Did you make any attempt to get away from him? A. **No, M'am.**

Q. Now, do you remember when the first police officer, apart from Sgt. Fairfax, came over the rail? A. **Yes, sir. I have forgotten his name now, M'am.**

THE LORD CHIEF JUSTICE: Macdonald, was it?

THE WITNESS: Yes, sir.

Q. Was any mention made by anyone of the gun? A. **I think Craig called it out, sir, but I did not say nothing, because I do not know one from another, M'am.**

Q. Did you say to the police officers "It's a 45 Colt, and he has plenty of ammunition for it"? A. **No, M'am, I never said that.**

Q. Did you hear anybody say it was a .45 Colt, or mention a .45 Colt? A. **Craig called, it out, M'am.**

Q. Did you at any time say to the police officers "I told, the silly bugger not to use it"? A. **No, M'am.**

Q. Did you, when you were being taken downstairs, say "They're taking me down, Chris"? A. **I said something of the sort, sir. I cannot remember what it was, M'am.**

- Q. Something to that effect? **A. Yes, M'am.**
- Q. Why did you say that? **A. Well, sir, I thought his mind was disturbed, sir, and he might shoot anybody, M'am.**
- Q. You mean you said it as a warning to Craig that you were going downstairs, so that he should not shoot? **A. Yes, M'am.**
- Q. It is alleged by two of the officers who were in the car that you said: "I knew he had got a gun, but I didn't think he would use it". **A. I did not say that, M'am.**
- Q. When you got to the police station, and after you had been there for something like six hours, did you make the statement which has been produced? **A. Yes, M'am.**
- Q. Now I just want you to tell the jury: that statement as it is written down? **A. No M'am.**
- Q. How was it taken from you? **A. In questions, M'am.**
- Q. I only want to ask you about one matter in the statement: It is recorded in the statement that you said: "I didn't know he was going to use the gun". **A I did not say that, M'am.**

THE LORD CHIEF JUSTICE: When did you first know you were going to break into the warehouse? - Because you have told the jury that you made no arrangement about breaking in, and that all you knew was that Craig got over the gate and you followed him; **A. Yes, that is right, sir; that is the first I knew of it.**

- Q. Had you not planned to break in? **A. No, sir.**
- Q. Then why did you follow him? **A. That I cannot answer, sir.**
- Q. You cannot answer it? **A. No, sir.**
- Q. But you intended to break in? **A. When I was over the gate, sir, we were already trespassing then.**

Cross-examined by Mr HUMPHREYS

- Q. You knew this night, before ever a shot was fired, that he had this gun upon him, did not you? **A. No, sir.**
- Q. Then what he has told the jury is a lie, is it? **A. I think so, sir.**
- Q. You heard him. did not you? **A. I did, sir.**

Q. That is untrue? **A. That is untrue, sir.**

Q. And all that the Police officers have said about your showing your knowledge of that gun is untrue? **A. All untrue, sir.**

Q. So that is three police officers whose evidence is untrue against your evidence which you say is true? **A. Yes, sir.**

THE LORD CHIEF JUSTICE: Four: Fairfax, Macdonald, Roberts, and Stephens.

MR HUMPHREYS: If your Lordship pleases. At any rate, on this night when you went to this warehouse you knew perfectly well you were going to break in? **A. Not until I got over the fence, sir.**

Q. Look at your statement, will you? **A. It is no good me looking at that, sir.**

THE LORD CHIEF JUSTICE: He cannot read it.

MR HUMPHREYS: Shall I read to you a few lines from the end?: "I knew we were going, to break into the place. I didn't know what we were going to get - just anything that was going". **A. That was an answer, sir, to a question.**

Q. I daresay it was in reply to a question. It was written down and read over to you? **A. Yes, sir.**

Q. Did you say it? **A. No, sir.**

Q. Then why did you sign the statement as true when it was read over to you? **A. Because. I did not know what I was signing.**

Q. That is not true. So that is another officer who is not telling the truth.

THE LORD CHIEF JUSTICE: What was the question he asked you? **A. I cannot remember, sir.**

Q. If you cannot remember, why do you say that what he has written down there is what an officer asked you? **A. Because I can remember it was something he asked me, sir.**

[RAISING EYEBROWS]

Q. What? **A. I can remember it was something he asked me, sir.**

MR HUMPHREYS

Q. When you got to this warehouse, are you saying you did not know you were going to break in? **A. No, sir.**

Q. You heard the evidence of Mrs Ware. You remember her evidence of how you seemed to be covering up. **A. She saw me walk to the end of the kerb, did not she?**

Q. Yes. **A. That is right. I did walk to the end of the kerb.**

Q. And she saw you covering up.

THE LORD CHIEF JUSTICE: Covering your face, pulling your hat down. **A. I was always messing around with my hat, sir.**

MR HUMPHREYS: From the moment you went over that gate you knew you were out to break into that place and get what you could? **A. When I was over the gate, sir.**

THE LORD CHIEF JUSTICE: What Mrs Ware said was that you and Craig pulled: your hats over your eyes every time a bus came along. **A. I do not know about that, sir.**

MR HUMPHREYS

Q. Mr Fairfax had hold of your arm and you broke away from him, did not you? **A No, sir.**

Q. And when he is no longer holding you, you call out "Let him have it, Chris". **A. No, sir.**

Q. So that all three officers who heard you say that are wrong, are they? **A Yes, sir, that is right.**

Q. And in fact Chris did let him have it? **A. He did shoot, sir.**

THE LORD CHIEF JUSTICE: Did you shout anything out to Chris when he was shooting? **A. Not as far as I can remember, sir.**

You did not shout out "Chris let him have it", and then you heard shots being fired, seven or eight? **A. I heard three, sir.**

Q. Did you shout out "for God's sake don't fire", or "Shut up doing that", at any one of those shots? **A. I cannot remember, sir.**

MR HUMPHREYS: You did not tell him to stop because the place was surrounded? **A. I did not say nothing, sir.**

Q. And you were still on the roof when the shooting was going on? **A. Yes, sir.**

Q. Your mind was still with Craig, was not it? **A. My mind, sir?**

Q. Yes. **A. No, sir.**

Q. You were doing nothing to stop him doing what you had come up to do together - break in? A. **We had come up to break in, not to kill, sir.**

Q. You did nothing to stop him from shooting? A. **No, sir.**

Q. In fact, you incited him to do something further; you shouted out: "Look out, Chris. They're taking me down". A. **That was in case he shot me, sir.**

THE LORD CHIEF JUSTICE: You were only thinking of your own skin, you mean? A. **If he shot me there were two other police officers with me.**

MR HUMPHREYS: You were frightened he might shoot at the police and hit you by mistake? A. **He might have hit anybody, sir.**

MS CASSELS: My Lord, that is the case for Bentley.

THE LORD CHIEF JUSTICE: Members of the jury, I am just going to discuss with counsel one point of law before speeches and before summing-up; so if you go to your room now your lunch will be brought to you in due course. We shall be sitting again at two o'clock; it gives you a little longer for your lunch.

NARRATOR: **[THE JURY RETIRED TO THEIR ROOM]**

THE LORD CHIEF JUSTICE: Mr Parris, the murdered man in this case was a police officer. If, therefore, the Jury are of opinion (and I do not see how they can be otherwise in view of your own client's evidence) that Craig knew they were police and as he fired a revolver what does intention matter in the case of a police officer. It has been the law for centuries, has not it?

MR PARRIS: My Lord, with respect, I intend to adduce what was said by the Court of Criminal Appeal as an exposition of the law in the case of R. v. Appleby. It was a strong Court -

THE LORD CHIEF JUSTICE: Never mind whether it was a strong or weak court It is binding on me.

MR. PARRIS: Then there is the decision of Brett, J. in Porter --

THE LORD CHIEF JUSTICE: Call him Mr Justice Brett, please.

MR. PARRIS: In Porter, 1873.

THE LORD CHIEF JUSTICE: I am familiar with that decision. The questions for the Jury in that case was whether the prisoner

inflicted the kick wilfully, and intending to inflict grievous injury, or intending to resist arrest, or whether it was only accidental in the course of the scuffle. That is what I believe to be the law, and I shall direct this jury accordingly. We will resume after lunch with the jury.

NARRATOR:

[THE LUNCHEON ADJOURNMENT WAS THEN TAKEN AND FINAL ADDRESSES WERE PRESENTED]

MR HUMPHREYS:

The case for the Crown as it now stands is this, that this crime of housebreaking was planned, though it may be only a few moments before the police officers arrived, and reported the common purpose of the two young men, that they were both- armed, that they both had the common intent to resist arrest and to use such violence as they thought might be necessary successfully to resist arrest.

If you find as against Craig that he shot that officer with a lethal weapon, knowing he was a police officer, or that those around him on the roof were police officers, in the course of the commission of a felony, such as housebreaking is, and in the course of his resisting his lawful arrest for the offence he was then committing, I; ask you to say that that is murder. You will, of course, take all matters of law from his Lordship, and not from me, but that is how I put it to you.

It may be suggested here that you should find a lesser verdict than murder, that of manslaughter, unlawful killing but without the intent to kill. That could only arise if there was, in the course of the facts I have just set out to you, the element of accident or excusable mistake in the shooting by the accused man of the officer in question, and you, subject to his Lordship's ruling, can only find a verdict of manslaughter in this case if you are satisfied that the shooting of Police Constable Miles was an accident within those terms.

Bentley is quite a different proposition. Two men are charged together with being concerned in a common enterprise, as a result of which Police Constable Miles was killed. But you must find a verdict separately against each, because different considerations apply. It is right that in respect of Bentley he never had a gun in his hand, and he was, except in the case of Sgt. Fairfax, a substantial

distance away from Craig while he was firing, and was in fact, physically speaking, almost at the receiving end of Craig's line of fire at the time that Police Constable Miles was killed. You will bear that in mind. You will also bear in mind that to some extent - it is difficult to say now to what extent Bentley was under arrest.

The all-important matter for you to consider is the evidence that he knew that Craig had upon him a loaded gun. You will have to consider, on the one hand., the evidence of a number of police officers and Craig, and on the other hand Bentley's word; because Craig there has let him down: Craig says "We discussed the gun before it was ever fired for the first time. Of course, the most important is the deliberate incitement, which began the shooting: Did. he, or did he not, say right at the beginning of this incident to Craig while he is with Sgt. Fairfax "Let him have it, Chris"?

Bentley asks you to say Craig did not hear it and that it was not said. If it was said, what does it mean but that he knew that Craig had a gun, and he was urging him to use it? Why? - because he had been arrested: "Let him have it, Chris"; and what was the answer, showing that Craig understood that indictment, but a bullet, which hit Sgt. Fairfax? If you believe that, you need not look much further. Were those statements made, or have all these officers dreamed this evidence for the prosecution against this young man? If they were made, what does it mean except that he knew perfectly well that that gun was loaded?

You have sworn to return a verdict according to the evidence. What may or may not be the result of your verdict is no concern of yours or any other person in this court, and I must ask you, in accordance with the oath that you have taken, to return a verdict on this indictment of guilty of wilful murder against each of these two young men.

MR PARRIS:

The defence have only one opportunity, when they call the accused alone, to address you.

You swore before Almighty God to decide this case according to the evidence.

You should be absolutely fair and impartial in your judgment. You no not decide it on comments made by counsel.

My learned friend for the prosecution very properly and very fairly invited you to ignore all that you had read about it before you went into that box. Members of the jury, when you entered that jury box you probably carried with you a heavy burden of prejudice against Christopher Craig.

Christopher Craig has become a symbol of wayward youth; the nation's uneasiness and anxiety about the state of their youth has become focussed upon him.

"Let us treat people as we find them".

Then again, members of the jury, your oath means this, that you will not convict this boy out of passion and hatred.

Now, how do the defence put their case? We do not ask you to acquit him entirely, but we do ask you to say that he is not guilty of wilful murder with malice aforethought but that he is guilty of the crime of manslaughter.

This is how we put it in law - and I quote from *The King v. Appleby*, which is reported in Criminal Appeal Reports, 1940: "if in the course of a struggle he accidentally causes an injury it would be manslaughter". What the defence say to you here is that in the course of the events on that night this boy accidentally caused the injury to Constable Miles. Mark you, the court did not say it was the act which had to be accidental; the court did say if the accidentally caused an injury it would be manslaughter.

So I come last of all to a thing that is, perhaps, the most important. The prosecution invite you, from the circumstances of what happened on that night to say that he must have meant to kill Police Constable Miles.

You know, members of the jury, one of the striking things about this case is that every police officer seems to think that he was aimed at, and, of course, my learned friend for the prosecution adopts that as being the truth.

How did Police Constable Miles come to receive a bullet right through his forehead? You have heard what has been said about this revolver and the ammunition, and you may conclude that it was a tragic, unfortunate, million-to-one shot, because Miss Nickolls told you that at a range of 39 feet the weapon would be inaccurate by at least 6 feet.

Members of the jury, is not everything you know about the weapon and everything you know about the events of that night consistent with his story that it was an unhappy, miserable, tragic accident that Police Constable Miles was, even injured? I say, members of the jury, that the events of that night, looked at dispassionately and impartially, corroborate what Christopher Craig has told you.

He says: "I never intended any harm at all to those officers. I was banging away to frighten them".

THE LORD CHIEF JUSTICE: Mr Parris. I think it is only right I should tell the jury that what you are saying; to them now no doubt with the best intentions - is not the law. If all your hypotheses were right, the defence of accident is not open to him, for the reason I shall explain to the jury, and it would be murder.

MR PARRIS: My Lord, the defence base it on the case of Appleby.

THE LORD CHIEF JUSTICE: You have misread it.

MR PARRIS: In the moment of the struggle he accidentally caused an injury.

THE LORD CHIEF JUSTICE: A man does not accidentally cause an injury if he shoots. The act has got to be accidental.

MR PARRIS: As I understand it, it was the injury, which was accidental.

Members of the jury, it is said on behalf of the defence that this was an accident, a tragic accident and not a deliberate act of murder.

May I conclude with one final thing? If this boy had the intention to murder police officers, as is suggested, why did not he kill Sgt. Fairfax when Sgt. Fairfax was within 3 feet of him, or 6 feet, on two occasions? I ask you if possible, members of the jury, to return in this case a verdict of

manslaughter, which, in the submission of the defence, would be consistent with justice and law.

MS CASSELS:

May it please you, my Lord. Members of the jury, in this case, as you know, I appear on behalf of Bentley. Bentley is charged with Craig in the same indictment for the same offence, that of the wilful murder of Police Constable Miles; but in spite of the fact that they are charged together in the same indictment, as his Lordship will, no doubt tell you, it will be your duty in due course, and your responsibility, to return a separate verdict in relation to each one of them.

You have to be satisfied here of two things, first of all that Bentley knew that Craig carried a gun, - that is the first matter - and the second matter is: you have to be satisfied that Bentley, knowing that Craig carried a gun, incited him or counselled him, or inspired him - whatever word you like - to use violence; in other words, to use the gun to resist arrest.

You will remember that it is common ground in this case that never at any time at all on that roof did Bentley offer violence to any police officer. Now, you might have thought that if he was on that roof knowing that Craig was armed and having incited Craig to use violence in resisting arrest, his behaviour might have been a lot different from what the police agree was his behaviour at the time.

All three of them have said quite clearly that they heard Bentley say "Let him have it, Chris!" - and that, of course as my learned friend has told you, is the all-important remark in this case, because I venture to suggest to you that if you are not satisfied that that remark was made by Bentley, it will go a long, long way in helping you to come to a decision so far as Bentley is concerned. Now, those three police officers say that they heard that remark made. As against that, you have the evidence of Craig, who says: "I never heard it".

Members of the jury, is the conduct of Bentley after that incident consistent with his having made that remark?

"I told the silly bugger not to use it".

You heard Bentley give evidence this morning in the witness box, and you will have formed your opinion as to what sort of person he is. You heard him cross-examined by my learned friend and heard his answers to his questions. I am not going to comment upon his evidence, but you will remember this, members of the jury, in this case as in every other one: It is not for men who are charged to prove to the jury's satisfaction that they are innocent. So far as Bentley is concerned, it is for the prosecution to prove to your satisfaction, first of all, that Bentley knew that Craig had a gun before the first shot was fired, and then it is also for the prosecution to prove to your satisfaction that Bentley did something that indicates that he was in agreement with Craig using that gun or being violent towards the police officers in order to resist arrest.

In my submission to you, you can only convict Bentley if each one of you is satisfied, or sure, whichever word you like to use, that you are doing the right thing.

In my submission; considering fairly and squarely the whole of the evidence forming a picture in your own minds of what took place on that roof that night, it has not been proved with that satisfaction which you should have in a case such as this that Bentley is guilty, and I am asking you to say he is not guilty, of murder.

THE LORD CHIEF JUSTICE: Gentlemen of the jury, I never like, in so serious a case as this, to start a summing-up in the evening and then have to resume it in the morning, so we will adjourn now until tomorrow morning at 10.30.

NARRATOR: [The Court then adjourned until the next morning at 10.30 am] Thursday. 11th December. 1952, [when his Honour commended his summing-up]

SUMMING-UP

THE LORD CHIEF JUSTICE: Now, members of the jury, in many respects this is a very terrible case, and, it is one, therefore, that it is desirable you and I should approach in as calm a frame of mind as we can. Here are two lads, one of 16 and one of 19, admittedly out on a shopbreaking expedition at night, armed with a Service revolver, a dreadful weapon in the shape of a knuckleduster,

and two knives which may or may not be described as daggers, - one of them I should think certainly could be - and the result is that a young policeman is shot dead while in the execution of his duty. You may think it was almost a miracle that others were not shot too. One of them, we know, Sgt. Fairfax, was wounded, but fortunately only slightly.

Now let us put out of our minds in this case any question of films or comics, or literature of that sort. These things are always prayed in aid nowadays when young persons are in the dock, but they have really very little to do with the case. These two young men, or boys, whatever you like to call them, are both of an age, which makes them responsible to the law, - they are over 14.

Now there are one or two preliminaries to which I call your attention, though it is hardly necessary.

The first one is hardly necessary, because you know as well as I do that in all criminal cases it is for the prosecution to prove their case, and it is said correctly that it is not for the prisoners to prove their innocence. In this case the prosecution have given abundant evidence for a case calling for an answer, and although the prisoners do not have to prove their innocence, when once a case is established against them they can give evidence, and they can call witnesses, and then you have to take their evidence as part of the sum of the case. The effect of a prisoner's evidence may be to satisfy you that he is innocent, it may be it causes you to have such doubt that you feel the case is not proved, and it may, and very often does, have a third effect: it may strengthen the evidence for the prosecution.

The second thing that I have to remind you of is that you have to consider the case of both of these youths separately. Different considerations will apply, and do apply, in the case of Bentley and the case of Craig. I say different considerations apply - you have to apply different tests.

Now let us take first of all the case of Craig: It is not disputed, and could not be disputed, that he fired the shot, which killed that Police Constable. You are asked to say that the killing was accidental, and that therefore the offence is reduced to manslaughter. Gentlemen of the jury, it is the prerogative of the

jury in any case where the charge is of murder to find a verdict of manslaughter, but they can only do it if the evidence satisfies them that the case is properly reducible to one of manslaughter - that is, not with regard to any consequence that may happen, but simply whether the facts show that the case ought to be regarded as one of manslaughter and not of murder; but when I have explained to you the considerations of law which apply in this case, it may be - and; indeed, I think it is - probable that you will see that there is no room for manslaughter in this case. However, it is a matter for you.

NARRATOR:

His Honour then explained that Law, which the Court of Appeal both in 1953 and 1998 found was accurate enough.]

Now that I have explained the law to you, it may be that you will have some difficulty, as I do not hesitate to say I have, in understanding what defence there can be in the case of the prisoner Craig.

Let me help you to come to a conclusion whether this man was deliberately firing at officers. The very first shot that he fired hit a police officer fortunately doing him very little harm. The second shot that was, fired, according to Sgt. Fairfax's evidence, was when Bentley was on the ground, because you will remember that what the police officer said was that the first shot caused him to spin round and fall to the ground, and he brought Bentley to the ground. Sgt. Fairfax got up, and while Bentley was on the ground he was trying to pull Bentley up, or get him as a shield, when the prisoner fired a second time. Then other police officers were heard, because the prisoner himself told you he heard police officers coming up the stairs, and then the third shot was fired in the direction of the stairs, and Police Constable Miles fell dead. The aiming does not seem to have been bad, does it, - three shots, two police officers hit, one fortunately slightly, the other hit between the eyes, so that blood gushed out and he fell dead instantaneously.

The next shooting that was spoken to was spoken to by another very gallant officer, Police Constable Harrison, who was working his way on his back along that sloping roof towards the prisoner, and if you accept Police Constable Harrison's evidence, -

it is a matter for you, but if you accept it- the prisoner fired at least twice in his direction, one of which shots he thinks he heard strike the brickwork.... Still, he fired at him.

Now I think the only other thing I need remind you about is what Craig said, according to the evidence of the police officers. "Come on, you coppers! Let's have it out". Police Constable Jaggs told you that he shouted "Come on, you brave coppers Think of your wives!", and to Police Constable Harrison he said "I'm Craig.. You've just given my brother 12 years.. Come on you coppers'. I'm only 16". You may wonder why he said "I'm only 16". Possibly you may know that the law does not allow a capital sentence to be passed on a boy of 16. Was it a boast? - "Aha! Come on! I've got a gun. I can't be hanged". You will think of that now, gentlemen of the jury, think of those facts together. Is it possible - if it is, you will always find a merciful verdict if you can - to say that that shooting was accidental? I have told you that you have got to find, before you can reduce this case to manslaughter, that the shooting was accidental, not that the result of the shooting was accidental - quite a different matter.

Now let us see what the evidence is with regard to Bentley. The first things that you have to consider is: Did Bentley know that Craig was armed? Now, you know, because I sit on the Bench and you sit in the jury box it is not necessary that we leave our common sense at home. The great virtue of trial by jury is that jurymen can exercise the common sense of ordinary people. Can you suppose for a moment, especially when you have heard Craig say that why he carried a revolver was for the purpose of boasting and making himself a big man, that he would not have told his pals he was out with that he had got a revolver? Is it not almost inconceivable that Craig would not have told him, and probably shown him the revolver which he had?

Then see what Bentley had. on him. Where is that knuckleduster? **[The LCJ here has handed to him by the Clerk the knuckle-duster.]** Apparently it was given to him by Craig, but Bentley was armed with this knuckleduster. Have you ever seen a more horrible sort of weapon, You know, this is to hit a person in the face with who comes at you. You grasp it here, your fingers go through, - I cannot quite ; get mine through, I think - and you have got a dreadful

heavy steel bar to strike anybody with; and you can kill a person with this, of course. Then did you ever see a more shocking thing than that? You have got a spike with which you can jab anybody who comes at you; if the blow with the steel is not enough, you have got this spike at the side to jab. You can have it to see, if you like, when you go to your room. It is a shocking weapon.

Can you believe it for a moment although Bentley had said he did not know Craig had the gun? You are not bound to believe Bentley if you think the inference and common sense of the matter is overwhelming that he must have known that he had it. Now, of course, the most serious piece of evidence against Bentley is that he called out, if you believe the evidence, to Craig "Let him have it, Chris!" and then the firing began, and the very first shot struck Sgt. Fairfax Gentlemen, those words are sworn to by three police officers - Sgt. Fairfax, Police Constable Macdonald, and Police Constable Harrison. They all swear that they heard Bentley call that out, and that then the firing started. There is one thing I am sure I can say with the assent of all you twelve gentlemen, that the police officers that night, and those three officers in particular, showed the highest gallantry and resolution; they were conspicuously brave. Are you going to say they are conspicuous liars? - because if their evidence is untrue that Bentley called out "Let him have it, Chris!", those three officers are doing their best to swear away the life of that boy. If it is true, it is, of course, the most deadly piece of evidence against him. Do you believe that those three officers have come into the box and sworn what is deliberately untrue - those three officers who on that night showed a devotion to duty for which they are entitled to the thanks of the community?

Members of the jury, that is the whole case. The prisoner's defence, as I told you, is, Craig asks you to reduce the offence to manslaughter. I have pointed out to you the difficulties that there are in accepting manslaughter. Manslaughter can only be accepted here if you think that the whole thing was accidental. How it can be said to be accidental I confess seems to me to be extraordinarily difficult. In the case of Bentley, Bentley's defence is: "I didn't know he had a gun, and I deny that I said 'Let him have it, Chris'. I never knew he was going to shoot, and I didn't think he would". Against that

denial (which, of course, is the denial of a man in grievous peril) you will consider the evidence of the three police officers who have sworn to you positively that those words were said. Gentlemen of the jury, I started by saying this was a terrible case. You have a duty to the prisoners. You will remember, I know, and realise, I know that you owe a duty to the community and if young people, but not so young - they are responsible in law - commit crimes of this sort, it is right, quite independent of any question of punishment, that they should be convicted, and if you find good ground for convicting them, it is your duty to do it if you are satisfied with the evidence for the prosecution.

I have reminded you of what the defence is, and I think I have sufficiently reminded you of what the prosecution's case is, and with those words I will ask you to go to the serious and solemn duty that you have of considering your verdict.

NARRATOR:

After a short discussion with counsel about some evidence, the Chief Justice continues.

CHIEF JUSTICE:

Would you like any of these exhibits? Would you like the statement? I ought to remind you, but it does not really matter, because Bentley has been in the witness-box and really repeated his evidence on oath, that strictly speaking the written statement made is not evidence against Craig, but the evidence he has given in the witness-box is all part of the evidence in the case. Will you tell me, gentlemen, if you would like any of the exhibits. Do you want any of the weapons?

FOREMAN OF THE JURY:

My Lord, I would like to see Sgt Fairfax's coat and waistcoat.

LORD CHIEF JUSTICE:

Yes. **[In some disappointment that they did not want the weapons.]** Not the weapons? You will remember, of course, gentlemen, you are not considering the wounding of Sgt Fairfax. You are considering the death of Police Constable Miles.

NARRATOR:

At 11.15 am the jury retired to consider their verdicts. The jury returned into Court at 12.50 pm.

CLERK OF THE COURT:

Members of the Jury, are you agreed upon your verdict?

FOREMAN OF THE JURY: We are.

CLERK OF THE COURT: Do you find the prisoner Christopher Craig guilty or not guilty of murder?

FOREMAN OF THE JURY: Guilty.

CLERK OF THE COURT: Do you find the prisoner Derek William Bentley guilty or not guilty of murder?

FOREMAN OF THE JURY: Guilty, with a recommendation to mercy.

CLERK OF THE COURT: You find both prisoners guilty, and that is the verdict of you all?

FOREMAN OF THE JURY: It is.

CLERK OF THE COURT: Christopher Craig, you stand convicted of murder, have you anything to say why sentence should not be passed according to law? Derek William Bentley, you stand convicted, of murder, have you anything to say why sentence of death should not be passed according to law?

NARRATOR: **The Judge proceeded to sentence.**

THE LORD CHIEF JUSTICE: **(Placing the symbolic black piece of cloth upon his wig).** Derek William Bentley, you are 19 years of age; it is my duty to pass upon you the only sentence which the law can pass for the crime of wilful murder. The sentence of the Court upon you is that you be taken from this place to a lawful prison, and thence to a place of execution, and there you suffer death by hanging, and that your body be buried within the precincts of the prison in which you shall have been last confined before your execution; and may the Lord have mercy on your soul. Take him down.

Christopher Craig; you are under 19, but in my judgment and evidently in the judgment of the Jury you are the more guilty of the two. Your heart was filled with hate, and you murdered a policeman without thought of his wife, his family, or himself; and never once have you expressed a word of sorrow for what you have done. I can only sentence you to be detained until Her Majesty's pleasure be known. I shall tell the Secretary of State when forwarding the recommendation of the Jury in

Bentley's case that in my opinion you are one of the most dangerous young criminals who has ever stood in that dock.

While the Jury were out considering their verdict in this case I had to deal with another case in which you were concerned with another boy who you led into it in holding up an elderly couple at the point of revolvers and stealing from them and it is quite obvious that the people in this country will not be safe if you are out of prison. I shall recommend the time which I suggest to the Secretary of State that you shall be kept in confinement. The sentence - upon you is that you be kept in strict custody until the pleasure of Her Majesty be known. Take him down.

Now let Det. Sgt. Fairfax, P.C. McDonald and P.C. Harrison stand forward. Will you stand with them, Chief Inspector Smith. **[Here Fairfax, McDonald, Harrison and Smith stand forward.]** The conduct of the men of the "Z" Division on this night in arresting these two desperate young criminals is worthy of the highest commendation and the thanks of the community to the police for their gallant conduct. They are all deserving of commendation; but I have asked these three officers in particular to stand forward as they showed such commendable courage on that night. It is no light thing to face a burglar or housebreaker in the dark when he is armed with a revolver and firing in the way he did. I doubt not that all your comrades who were there that night would have shown exactly the same courage that you did; it so happened that you three officers were exposed to the worst of it, and had, therefore, I suppose in one way one may say, more opportunity of showing the courage and resolution that you did. The thanks of all law-abiding citizens ought to be tendered to you.

Adjourn the Court.

CLERK OF THE COURT:

All stand: This Honourable Court now stands adjourned.

NARRATOR:

But his was not the end of the case.

Those of you who have seen the paper prepared to be read with this presentation will know that

appeals to the Court of Appeal were heard and dismissed in January 1953. Derek Bentley was executed at Wandsworth Prison on 28 January by hanging. He was 19. Christopher Craig was released from prison after serving 10 years. He settled in Buckinghamshire. Bentley's family pursued an appeal to the Court of Appeal through the Criminal Cases Review Commission. It was heard in July 1998. The unanimous judgment was delivered by the Lord Chief Justice, Lord Bingham. The following is a short excerpt composed from the judgment and headnote of the case report.

LORD BINGHAM:

We have discussed whether the fresh evidence put before this Court alters the position. Given the view we express about the nature of the learned trial judge's summing-up, it is not necessary to express final views. We have excluded some material. This included a statement made by Sir Charles Hardie that he had lunched with the judge on the first day of the trial. The judge had said *at all costs* Craig and Bentley were to be found guilty. This was inappropriate and injudicious. But what happened in Court was more important than the judge's personal view.

The judge's directions on constructive malice and joint enterprise was in accordance with the law as it stood in 1952. However, the learned trial should have given a direction on whether Bentley had done enough to demonstrate termination of that agreement. More significantly, there are three other major areas where the summing-up was deficient.

1. There was no direction on the standard which the prosecution evidence had to meet before the jury could properly convict. There was reference to a *good ground for convicting*. They were not even told they must be *satisfied* of the defendant's guilt before convicting. Expressions such as *beyond reasonable doubt* were never mentioned.
2. The judge's direction on the treatment of police evidence could not be supported because despite all his experience and authority he had fallen into the pitfall of inviting the jury to approach the evidence on the assumption that police officers, because they were police officers, were more likely to

be accurate and reliable witnesses, and that the defendants, because they were defendants, were likely to be inaccurate and unreliable.

3. The tone of the summing-up was highly rhetorical and a strongly worded denunciation of both defendants and of their defences. The language used was not that of a judge but of an advocate (and it contrasted strongly with the appropriately restrained language of prosecuting counsel). Such a summing-up by such a judge must in our view have driven the jury to conclude that they had little choice but to convict.

It is with genuine difference that the members of this Court direct criticism towards a trial judge widely recognised as one of the outstanding criminal judges of this century. But we cannot escape the duty of decision. In our judgment, the summing-up in this case was such as to deny the appellant that fair trial what is the birthright of every British citizen.

For these, and other reasons, we think that the conviction of the appellant was unsafe. We accordingly allow the appeal and quash his conviction. It must be a matter of profound and continuing regret that this mistrial occurred and that the defects we have found were not recognised at the time.

NARRATOR:

**A MATTER OF PROFOUND REGRET,
INDEED!**

***ALL MAN'S REGRET IS NO MORE
THAN ATILA WITH A COLD***