

**Christchurch's Sensational
Styche Case of 1900:
A Notable New Zealand Appeals Precedent**

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Christchurch's Sensational Styche Case of 1900: A Notable New Zealand Appeals Precedent

By far the most talked-about case in Christchurch in 1900, and probably throughout New Zealand, was that of Harry Styche, a respectable law clerk who was charged with attempting to procure the murder of his ailing wife by offering to bribe a doctor with a mere £200. The details of the case were bizarre and puzzling, and though the judge warned the jury that Harry's guilt had not been proved beyond reasonable doubt, the jury found him guilty and he was sentenced to seven years' imprisonment. His appeal failed, and the judges' reasoning made this an important precedent in the New Zealand legal system, making appeal courts ever since extremely reluctant to overturn jury decisions. This is also a sad story about the impact of a scandal on a respectable middle class family, so it makes sense to begin with the Styche family.

Henry Vincent Styche was born in Christchurch in 1865, the second son in a large family of seven sons and seven daughters. His father William Arnsby Styche (1836-88) was a carpenter from Middlesex who had married Mary Ann Alexander. They came to New Zealand in the *Strathallan* in January 1859. She was aged 20 and he was 23. William was the first publican of the newly-built Provincial Hotel on the corner of Barbadoes and Cashel streets, but was bankrupt by 1868. Later that year, however, he took over the Spreydon Hotel and combined with a group of local farmers to start the Spreydon cattle fair. He provided the yards and the dinner, for which he kept the entry fees. Someone grumbled that he had promoted the cattle fair just so that he could sell more beer, but the initiative had come from the farmers. In 1869 he was appointed postmaster for the Spreydon district and was closely involved in the establishment of the Addington School and the Addington Public Library. The family were parishioners of St Mary's Anglican Church, Addington, where his namesake son William sang in the choir. At a meeting of householders in 1873 William declared his support for daily Bible readings in schools.

William gave up the hotel in 1874 and became a builder, using his savings to build a six-room cottage in 1878, on a quarter-acre riverside section below the Stanmore Bridge in Avonside, next to the home of Cowlshaw the lawyer. Here his first four sons joined the Union Rowing Club, and the names (or initials) of William junior, Arthur, Henry and Charles appear frequently in the newspapers across the 1880s, which was a golden era for rowing and aquatic sports in Christchurch. Their younger brothers Walter and Alfred later followed in their footsteps at the same club. Harry was small for his age and was usually cox, while his elder brothers were oarsmen. At the Union Club's annual dinner in 1881 Harry won a prize for best average attendance, and in 1883 the Styche brothers rowed for the Union Club in the Lyttelton Regatta.

The Styches were a musical family, and Harry's name often appears along with that of 'Miss Styche' (probably his elder sister Lilla Marion) as a singer at school and church concerts in the 1880s. Their younger brother Charles Joseph had a fine treble voice and in 1881 was enrolled as a first-day pupil at the Cathedral Grammar School, which provided choristers for the Cathedral. His father donated a cup to the school in 1883 for an open quarter-mile running race.

In 1883 Harry Styche joined the Canterbury Amateur Athletic Club, and about the same time the East Christchurch Football Club. A prominent committee member of both clubs was the wealthy young lawyer Arthur Rhodes, recently returned from completing his Cambridge law degree. In 1885 Arthur offered Harry a start as an office boy with his law firm. That year Arthur introduced polo to New Zealand, forming the Christchurch Polo Club. When Arthur's equally wealthy cousin Heaton Rhodes returned from Brasenose College, Oxford, in 1888 he too joined the Polo Club and the Athletics Club. Harry's rowing exploits would have recommended him to Heaton, who was an Oxford rowing blue and a member of the famous Leander Club at Henley on Thames. But polo now took over Heaton's spare time and the Rhodes cousins formed half of the Christchurch polo team that won the first Savile Cup in 1890. In September that year Arthur Rhodes and Harry Styche were on the same Athletics Club committee to decide the course for a cross-country race. By June 1890 Harry Styche was treasurer of the Canterbury Amateur Athletic Club, and accompanied the club's team to a tournament in Australia.

By 1891 Harry was one of Arthur Rhodes's law clerks and in 1892 his brother Charles became a law clerk in Philip Kippenberger's law firm. Harry had been a witness to Heaton Rhodes's marriage settlement in 1891. In December that year Harry became a husband himself at the age of 26, marrying Elizabeth Wooding, the daughter of a Rangiora farmer. She was 23. It is perhaps significant that in February 1891 Harry had been the delegate to the Canterbury Rugby Union for the Rangiora Football Club. With a mortgage from Rhodes and Company, Harry bought a house in Hawford Road, Opawa. Neighbours later said that he and Elizabeth were a devoted couple, very affectionate, with never a cross word between them. But there were no children, and Elizabeth always seemed to be delicate and unwell.

When Arthur Rhodes made a trip to England in 1897, Harry Styche was named as one of the four clerks in his office given power of attorney to run the office in his absence. By then Harry was heavily involved on the committee of the New Zealand Polo Association. Though he does not appear to have been a player, he often acted as a proxy for other clubs at the annual general meetings. He was still involved with rugby and in 1897 was a delegate to the Canterbury Rugby Union for North Canterbury. That year he was elected a vestryman at St Mark's Anglican Church in Opawa, along with H. P.

Murray-Aynsley. Harry was now on first-name terms with several members of Christchurch's social elite besides the Rhodes cousins.

In March 1898 Arthur Rhodes hosted a visit to Christchurch by the chief manager of the Commercial Bank of Australasia, Henry G. Turner, and took him to visit Akaroa, the French-founded port town of Banks Peninsula. Unfortunately, as they returned in heavy rain, their coach went over a bank and both Arthur and his distinguished Australian visitor were injured. Arthur managed to get himself to Little River and took a train back to Christchurch, where he arranged for the St John Ambulance van to be sent by train to collect Turner. His own injuries prevented Arthur from accompanying the ambulance, so he sent Harry Styche in his place.

Harry was now becoming a well-known and respected citizen of Christchurch, and was invited to join various organisations. In 1898 he was invited to become a steward of the Lancaster Park Trotting Club, and found himself on the same committee as the now-notorious Captain Popham, former licensee of Coker's Hotel. He also encouraged his wife Elizabeth to join in public events, and in the Floral Fête of December 1899 she won a prize for a decorated two-wheeled pony trap. Two months before that Harry had been asked to respond to one of the toasts at a large farewell gathering for James Burnett, the retiring Railways District Engineer, at the Provincial Council Buildings, and was one of a group of vocalists who had entertained the crowd with 'excellent songs'.

* * * *

Harry's world fell apart on Saturday 4 August 1900. He was leaving Lancaster Park with his wife after a football match when he was arrested by Inspector John Ellison and Detective Marsack. They put him in a cab to take him to the police station, and his wife insisted on going with him. There he was charged with attempting to procure the services of a medical practitioner to commit the crime of murder, and the intended victim was his wife.

The news of Harry Styche's arrest spread rapidly. That night, according to one newspaper, 'Quite a number of influential people visited the police station' offering to bail him out, but the police said the charge was too serious and refused to release him. He stayed in the cells on Sunday, and on Monday appeared in the Magistrate's Court, where he was charged with attempting to procure Geoffrey Sherbourne Clayton, medical practitioner, to murder one Elizabeth Styche. He was remanded until the following Thursday, and was allowed bail, himself in £500 with two other sureties of £500 each.

In reporting the arrest *The Press* remarked that Styche was 'widely known in the city' and occupied a responsible position in the office of A. E. G. Rhodes. Everyone knew who

Arthur Rhodes was, and the mere thought that one of his confidential clerks had been arrested on a charge of attempted murder was enough to get the whole town talking and speculating. Though the police revealed very little about the case to reporters, Tuesday's *Star* offered a few more details. Dr Clayton had received an unsigned typed letter offering him £200 if he was prepared to put a certain lady 'out of the way', and he had immediately informed the police, who thought it must be some sort of hoax. Dr Clayton was to insert a certain advertisement as a sign that he was agreeable to the proposal, and the police inserted the advertisement in *The Press* on 16 June. Dr Clayton received other letters, evidently from the same source, and finally a postcard complaining of the delay in carrying out the arrangement. Then a certain lady presented herself to Dr Clayton complaining of biliousness, and he had treated her for that complaint for some time. The police had watched the case closely and then saw fit to connect the letters to Harry Styche.

On the morning of Saturday 4 August, in Arthur Rhodes's newly-completed office block, Gravenor Buildings, on the corner of Hereford and Manchester streets, staff heard a crash and Styche calmly told his colleagues that he had caught his sleeve in an old typewriter and it had fallen to the floor. He told them to send it for repair. But someone must have told the police, for that afternoon, while Harry and his wife were watching the football match, they took an expert to check the damaged typewriter, and he repaired it enough to enable some specimens to be typed which seemed to match the letters received by Dr Clayton. The machine was 'one of the few old No.3 Remingtons' in Christchurch. Magistrate Beetham issued a warrant for Styche's arrest and Inspector Ellison took Detective Marsack with him to arrest Harry as soon as the game was over. Several people had witnessed the arrest, and had seen the Styches get into the cab with the police officers.

A large crowd gathered outside the Magistrate's Court on the morning of Thursday 9 August, waiting for the doors to be unlocked. But the police took Harry Styche to the nearby Police Court instead, and though the crowd of sight-seers rushed across to the other court they were denied entrance. A few cases of drunkenness were dealt with first, then the rest of the morning was taken up with the police evidence against Styche. He was allowed to sit beside his lawyer, Thomas Joynt, without handcuffs. A full account of the proceedings appeared in the *Star* that evening.

Thomas Stringer opened the crown's case by saying that as it presented some peculiar features he would be speaking at rather greater length than was usual in a preliminary hearing. He reminded the Bench that their duty was simply to ascertain whether there was a prima facie case to go to the Supreme Court. He then read the letter received by Dr Clayton on 4 June:

Dear Doctor, The writer of this letter will not give you her name, but simply tell you that she is a woman. What I am going to write to you I depend on your keeping a secret to the end of your days, and I will do the same. I know a woman who is continually ailing off and on, but she hates doctors, and consequently has not consulted one for a very long time, and I know that her husband has often wanted to call one in, but she objects, and I once advised him to call you in, and I think I could persuade him to do so if I go carefully and cautiously to work, as he told me once that his wife told him that she would just as soon die as be continually ailing as she is.

What I wish to tell you is this: -- If you are called in to attend this woman, and she doesn't recover, I will pay you two hundred pounds. Bear in mind, you will never know who I am, so you will not be able to get me into trouble over this, if you wish to, and it is not likely that I would ever peach on you, as, if I did, I should get myself into trouble as well; so you quite understand that you have only to play your cards well, and be able to give a certificate of death to make the £200 your own, and if the woman dies I will post you the money in banknotes, but not before she has been dead (say) three months, as I shall have to sell some of my property to raise that sum, but I will be true to my word, and do it, and you must be true to yours, or have nothing to do with it. I might tell you that the woman has no children dependent on her. Of course, I must make myself secure, so will not give you the chance of finding out who I am by writing to me, so if you are ready to make £200 easily, put an advertisement in the 'Press' as follows: -- 'Wanted to buy, a good dog-cart. Apply Medico, "Press" office'. You will be able to call at the 'Press' office and get the replies without any fear of detection, or you can leave them there uncalled for. I will give you ____ weeks to think this matter over, so if you agree, put the advertisement in the paper either on Saturday, June 9, or on June 16 or June 23. If it is not in on any of those Saturdays I will conclude that you do not wish to easily make £200. Mind, it will not pay you to advertise if you do not mean to be faithful to me, but if you simply advertise in the hopes of bringing me to book you will not only fail, but you may have to pay for it.

If you advertise as above, I will the write to you again, telling you who the woman is, and how I propose you should win your money. Remember, you can depend on me being secret, and you can depend on getting the money, I swear it, so don't be a fool. I know the money will be useful tlo you. As I said before, I am to you, forever, UNKNOWN'.

The police regarded this letter as a hoax, and took no action. But Dr Clayton received a second letter on 12 June, which noted his lack of response, repeated the offer, and added these lines:

I know that the woman's husband thinks she will not recover from her present illness, so he would not think that anything was wrong when it happens. I have had a little experience in nursing, and my idea of how you should act is to tell the woman she must go to bed for a week or two; you can then give her medicine that will not make her improve, and then call one evening and give her something that includes the power to send her to sleep for ever. You may, of course, know a better way than this, but in any case you may rely on me for secrecy for life, and to be true to my word.

Perhaps you will think I am terrible, but I am desperate, so for God's sake do what I ask. If you do not advertise between now and June 23 I will conclude you do not want to make the money, so I will then sell up and clear out of the country.

Dr Clayton handed this letter to the police, and on 16 June the advertisement was inserted in *The Press* as requested. On 18 June Dr Clayton received a letter signed 'Henry V. Styche' from his workplace at 139 Hereford Street:

Dear Doctor, There is nothing like a tradesman for knowing everybody's business. Our baker told Mrs Styche that you want buy a horse for your gig. If that is correct, I have one that might suit you better. He is a piebald gelding, aged, and not quite fifteen hands high; very strong and quiet. He is very showy, but not as fast as I like them. I drive him nearly every day in my gig; price £12. Mrs Styche said you were coming in to have a 'yarn' with me some time, and she daily asks me when I go home if you have been in. I should very much like to have a talk with you, as I could perhaps tell you things about her that she does not like to. If you will ring me up some time and make an appointment, either at your house, the office, or at my house (some evening), I will be glad, as I must say that Mrs Styche is still far from well, and it is very likely that she will call and see you tomorrow evening. In haste, yours sincerely, Henry V. Styche.

The second letter signed by Henry V. Styche was dated a month later, 17 July:

My Dear Doctor, Miss Hammond says that she cannot take Mrs Styche again for a few days, so it will be useless you calling there to see her until I let you know when she starts again. Mrs Styche has been a little better at times, but yesterday and last night she was as bad as ever she has been, but seems better to-day. I may be wrong, but I think that it will be a long time before she is right, and on this

point I have always had a doubt, as she seems to me to be getting worse in her health, and no constitution can go on for ever standing what hers has to stand; but I have given up worrying as much as I can, as it would never do for me to get bad as well. I expect Mrs Styche will come and see you shortly, or, if not, I will get you to come down again. Yours sincerely, Henry V. Styche.

Dr Clayton received a third anonymous letter after the police had inserted the advertisement, in which the writer claimed to have been out of town a few days, and had only just seen the advertisement. The writer wondered if he had consulted a solicitor, but confidently asserted that he or she had taken the greatest precautions to avoid being found out: 'I consider myself too smart for any of them'. The writer said he or she was using an old typewriter, bought two months before, and had practised on it daily to avoid using handwriting. Even the paper being used was impossible to trace. However, the writer had had a change of heart, and now asked Dr Clayton to ignore the previous letters:

I must ask you to take no notice of my previous letters, as I wish to withdraw them, but all I wish to tell you is this, there is a young woman that has been married several years, and who lives in a south-east suburb of Christchurch, that may possibly be consulting you about her health, and for all I know she may already have done so. If she does and she recovers, all well and good, but if she does not recover, someone will send you £200. I am for ever and ever to all,
UNKNOWN.

Finally Dr Clayton received a postcard, also unsigned, which clearly indicated that Mrs Styche was the woman being referred to, as she was the only patient he was attending in Opawa:

Dear Dr Clayton, I saw Mrs S. at Opawa the other day, and she looks none too well. I know Rome was not built in a day, so I must have patience. Although a very close friend of yours, I must for the present, at any rate, again sign myself,
UNKNOWN.

On 3 August Dr Clayton showed the letters to Harry Styche, and he agreed that the postcard must refer to his wife. Harry asked if he could take the letters away and put them for safety under lock and key, but Dr Clayton had refused.

Stringer continued with the Crown's case against Harry Styche, describing a strange letter that Styche had sent to Dr Clayton on the morning of 4 August, about not sleeping well and having odd dreams about winning the Tattersall's sweepstake. In it Styche had said:

I did not think of this till the wife referred to it this morning, and I suggested that we should get some more tickets, and perhaps get the fortune she fancies will some day come to her. Yours sincerely, in haste (Saturday morning), Henry V. Styche.

Stringer suggested that this letter seemed to indicate some alarm, and when the police heard about the damaged typewriter in Styche's office they felt obliged to get a search warrant and take a typewriter expert with them to examine the machine. The prosecution case was that the letters sent to Dr Clayton had been typed on the machine in Styche's office.

Similarities of style between the anonymous letters and the ones sent to Dr Clayton and signed by Henry V. Styche, and certain defects peculiar to this machine (which had been dropped and damaged when Arthur Rhodes moved into his new building), combined to raise suspicion that he was the author of the anonymous letters. Another theory was that some other malicious person had written them to cast suspicion on Harry Styche and cause him trouble. However, the author of the letters had to have an intimate knowledge of Styche's family affairs and his wife's illness.

Dr Clayton was then questioned about Mrs Styche. She had consulted him on 11 June and he had treated her for dyspepsia caused by the state of her liver, but there was nothing to cause alarm. He could not recall when Styche had first spoken to him about his wife's condition, but thought it was before he received the postcard referring to 'Mrs S. At Opawa'. On the evening of Friday 3 August Styche had come to Dr Clayton's house, where he showed him the letters in the order in which he had received them. Styche had agreed that the postcard seemed to refer to his wife. When Dr Clayton suggested that they call in the best private detective they could find, Styche was reluctant, and said they should wait a few days and see how things developed. After reading the letters, Styche had said once or twice, 'The writer, whoever he is, is a coward'. Styche initialled the letters to show that he had read them, and suggested letting one of the clerks at his office copy them, but then corrected himself and said it would not do to let the clerks to see such letters.

Dr Clayton recalled that Mrs Styche had told him that her husband had dreamed she was dead, and had told her about the dream. Not long after that Styche had had a conversation about dreams with him in the garden, and Dr Clayton had warned him that it was 'very injudicious to tell a nervous woman that he had dreamed she was dead'.

Styche's lawyer, Thomas Joynt, declined to cross-examine Dr Clayton, so the prosecution proceeded with the technical evidence of the typewriter expert, Francis Burdett Sapsford. He said he looked after nearly all of the Remington machines used in Christchurch, and had repaired the old No.3 Remington 5042 now in court back in February, when it had been dropped down a flight of stairs. Then the iron fender had

been broken in pieces, and the space bar broken, but the damage he saw on the morning of 4 August could not have been caused by a fall. He thought someone had inserted a lever or screwdriver to bend the space-bar levers and connecting wires. The right-hand carriage release lever had been broken beyond repair, and the capital shift-key was broken.

After repairing the machine, Sapsford had typed enough words to make use of all of the letters and figures, and had examined the paper carefully. It was a well-used machine, and some of the letters had slight chips. There was a vertical line over the figure 3 which no other Remington in Christchurch produced. Several letters were off their feet, pressing more heavily on one side of a letter than the other. All these peculiarities produced characteristic results, which were all present in the letters produced by Dr Clayton.

Charles Horace Gilbey, teacher of typewriting, told the court that he had had eight or nine years' experience with typewriters, mainly with Remingtons. He agreed with Sapsford that the letters had undoubtedly been produced by the machine now in court. Whoever had typed the letters was self-taught, because in every case where the figure 1 was required the capital I had been used. Typists were instructed to use the lower case l. He had examined the pages carefully using a magnifying glass, especially on the reverse side, and had never before noticed a figure 3 with the vertical stroke, 'though scores of Remingtons had passed through his hands'.

James Peacock was a clerk in Arthur Rhodes's office, who knew the No.3 Remington machine. When they had moved into the new building earlier in the year, one of the carrier's men had lifted it without locking the cover, and had dropped it down the stairs. Mr Sapsford had repaired it. On the morning of 4 August, just after 10 am, he had heard a crash from Styche's room as if something had fallen. A few minutes later Styche called him in. The typewriter was sitting on the table in its usual place, but Styche said he had caught it with the sleeve of his coat and it had fallen to the floor. He told Peacock to take it to Bruce and Bean's to see if they would allow anything on it, and order a new one, as he thought it was broken beyond repair.

Inspector Ellison then recounted Dr Clayton's reporting of the various letters, and the police action in putting the advertisement in *The Press* on 16 June. He did not say who had informed the police about the damaged typewriter. That closed the case for the Crown.

Joynt addressed the court, pointing out that apart from Sapsford's opinion concerning the damage to the typewriter, there was no evidence to link Styche with the writing of the letters. There were several other people in the office with access to the machine who

could have written the letters, motivated by malice, to cause trouble for Styche. At present there was only a suspicion that Styche might have written the letters. As for motive, even the prosecution had to admit that the couple had lived happily together for a number of years, and that in his conversations with Dr Clayton Styche had expressed a wish to see his wife restored to good health. Joynt concluded robustly that 'a more frivolous and incoherent case' had never been put before the court. Unless the Bench could see some antipathy on the part of Styche towards his wife, or some good reason, they should not put him to the expense of sending the case for trial.

Styche was then cautioned in the usual way, but said he had nothing to say. The justices, however, agreed that this was undoubtedly a case for the Supreme Court. Joynt asked for bail to be renewed, and Stringer said he had no objection, so bail was renewed, with Styche's brother Alfred and his friend H. R. Walker each standing surety for £500.

According to the *Star*, there was 'a very large crowd' waiting outside the court for Styche to appear, but they were disappointed, as the accused and his sureties left the building by a side door and walked quickly to Joynt's office, 'where a crowd soon gathered'.

* * * * *

A week later the *Star* carried sensational headlines about the Styche case: 'Serious Condition of Mrs Styche'; 'Driven Out of her Mind'; 'The Effect of Worry and Shock'; 'Unswerving Faith in Her Husband'; 'A Better Husband Never Walked'; and 'A Protest against Street Gossip'. There was a rumour circulating in the city that Mrs Styche had suddenly lost her mind. A reporter discovered that while Mrs Styche had seemed to 'feel the trouble very keenly', she had stayed calm, being perfectly confident of her husband's innocence. But at the weekend she had suffered a fresh shock when news of her uncle's death reached her. On the Monday morning Styche had taken his wife to see Dr Jennings, but he thought her condition 'no worse than a semi-confused state'. That evening she woke up and said 'I have been out of my senses, and only just come to'. But later, at midnight, the previous symptoms of anxiety and confusion returned.

On Tuesday 14 August Styche took his wife in a cab to see Dr Jennings, who prescribed a sedative, and she remained calm that day. Friends of the family kept her company. That night, however, she became very restless, 'wandering very much in her talk', and constantly asking for something to drink. About midnight she took a pencil and paper and wrote a letter, presumably intended for the papers, under the num-de-plume 'Topsy'. Her sentences were vague and incoherent, but generally in defence of her husband, of whom she wrote, 'I know a better husband never walked'. The letter protested strongly against 'street gossip', which she claimed had been the cause of bringing terrible trouble on what had been a happy home for nine years.

After finishing her letter, Mrs Styche's symptoms had become more alarming, and her husband found that the only way he could quieten her was by agreeing with whatever she said, as she became very excited when he disagreed. He then heated some milk and water for her to drink, after which she gradually dropped off to sleep, 'murmuring all the time that she must keep quiet and let him go to sleep, as he needed rest'.

About 6 am on the morning of 15 August Mrs Styche awoke 'in a very excited condition' and, jumping out of bed, started to sing a popular song, 'Because I love you'. Harry called for the maid, who slept in a room opposite, and together they tried to hold her and get her back to bed, but she jumped onto a couch beneath a large double window, jerked up the venetian blinds, and opened the top window, saying 'Let all the world hear me sing!' Then she suddenly kicked out the glass in the lower window and punched through the upper pane with her fist. Luckily, apart from a few small cuts, she suffered no serious injury. As Harry and the maid tried to get her back to bed she struck and bruised their faces.

Dr Jennings arrived at 8 am and administered a sedative, which kept her quiet, but she would not sleep. At 10 am he gave her another injection, and this time she went to sleep. Dr Jennings recommended her removal to a private asylum in Linwood, run by a Mrs Mason. The doctor said that it was impossible to ascertain her exact condition, but agreed that recent worry and strain had 'probably temporarily deranged her mind'. Harry told the reporter that as she had been very weak, he had been offering her sips of champagne at intervals. This was a standard remedy at that time for raising the spirits of convalescents.

Next morning Harry's bail was renewed at the Supreme Court and his trial was formally set down for 12 November. This time the two sureties were offered by Harry's two brothers, Charles and Albert.

In fact it was 19 November 1900 when the Styche case finally commenced in the Christchurch Supreme Court. Mr Justice Denniston was on leave, so the case was heard by Acting Justice Martin. Styche was defended by Thomas Joynt and George Harper, while Thomas Stringer appeared for the Crown.

The jury comprised Messrs D.R. Lanyon (foreman), T. Malet, G.P. Kissel, G. Ross, W.J. Schollar, S.L. Bull, J.A. Killick, Thomas Smith, C. Snelling, E. F. Jesson jnr, A. Wright and C.H. Vigers. Only one of these cannot be identified. Lanyon was a prominent member of the Sydenham Gospel Temperance Mission, and a Methodist lay-preacher; Arthur Wright was another Methodist preacher, and a retired farmer; T. Malet and C. H. Vigers of Belfast were almost certainly sons of former Registrars of the Christchurch Supreme Court. (F. De C. Malet was one of the city's best-known citizens and chair of the

Canterbury College Board of Governors.) Kissel was a storekeeper at Templeton; George Ross was the Canterbury Inspector of Works; Schollar was a vestryman at St Saviour's West, Lyttelton; Bull was an elderly land-owner in St Albans who died in 1901; Killick was a general carrier in Woolston, whose house burned down in 1904; Snelling was an officer of the Anchor Lodge of Druids in Woolston.

This was a jury of local worthies, with no obvious bias for or against a respectable Anglican vestryman, though we may assume that the Methodist lay-preachers were highly moral characters. T. Malet was a rugby player, and must have known of Harry Styche's youthful sporting exploits, but we cannot assume that the sons of court registrars were necessarily as able and astute as their fathers. It is more significant that the defence did not challenge any of them.

Once again, Stringer read out all of the letters that had been made public in the lower court hearing, and made it clear to the jury that the evidence against Styche was all circumstantial; there was no direct evidence at all, and no clear motive. Why should a man like Styche want to get rid of his wife? By all accounts he had a most affectionate marriage. Stringer warned the jury that they should not convict a man on mere suspicion, and must be satisfied beyond all reasonable doubt that Harry Styche was the author of the anonymous letters received by Dr Clayton.

Witnesses were called by the prosecution, as in the lower court hearing, but this time Joynt subjected Dr Clayton to a rigorous cross-examination. Clayton said that as far as he could observe, the Styches were an affectionate couple, and the husband was concerned about his wife's health, often asking the doctor to explain her various symptoms. Styche had shown him a letter from his mother-in-law, suggesting that he call in another doctor, and Dr Ovenden's name had come up. But his suspicions were finally aroused when he received the postcard, and he then began to wonder if Styche had written the previous letters. He found that Inspector Ellison was thinking along the same lines, and that was why they had arranged the meeting with Styche with a detective hidden behind a curtain.

This revelation caused something of a sensation, just before the lunch adjournment. Nowadays this would be regarded as a species of entrapment, as the accused had not been cautioned, and indeed had no idea that he was about to be charged with a serious offence.

Resuming his cross-examination, Joynt asked Dr Clayton to tell the court more about that Friday interview with Styche. Clayton said that it had been agreed with the police that Styche should be allowed to read the letters, while the doctor carefully observed Styche's demeanour. Clayton had also told Styche a story that he was badly in need of

money, and had tried to raise £100 but had failed: could Styche help him get such a sum? Styche had replied that his own money was invested, but he would speak to Mr Heaton Rhodes (who was well-known as a respectable money-lender) on Clayton's behalf. They had talked about other matters for about an hour before Dr Clayton mentioned the letters, and gave them one by one to Styche to read. Clayton said that Styche's manner had 'suggested agitation rather than indignation'. He had suggested calling in a detective, knowing full well that there was a detective listening to the conversation, but he did not tell Styche that.

The typewriter experts then repeated their evidence, which carried over to the second day of the trial. George Harper questioned Charles Gilbey at length, getting him to admit that he was not a typewriter technician. The machine in court was a very old one, from fifteen to twenty years old, the same model as the typewriter at Canterbury College. He thought there must be about a hundred Remington typewriters in Christchurch, as it was by far the most popular brand. Harper got Gilbey to admit that it was almost impossible to distinguish the writing of one machine from another, especially new machines, though it might be possible with an old or well-used one. Gilbey was shown specimens of work from several different machines, and the copies that had been made of the letters using the No.3 Remington. Gilbey admitted that there was a great deal of variation, and it was hard to decide which machine had produced which letters.

James Peacock, the clerk in Arthur Rhodes's office (was it he who had informed the police of the damaged typewriter?) claimed that he was on friendly terms with the accused, and had frequently used the old machine himself. It was usually on the table in Styche's room, but he had seen it in other positions around the office, depending on who was using it at the time.

Inspector Ellison repeated his previous evidence, but this time added that in searching Styche's home and his papers, the police had found an AMP life insurance policy taken out in April 1893 on the lives of the accused and his wife, for £300. Stringer then closed the case for the Crown. Joynt told the court that he had received a note from Stringer which rather embarrassed him. This was to tell Joynt that he had decided not to call certain other evidence. Joynt said he had called a dozen witnesses to rebut that very point. Stringer replied that after careful consideration he had come to the conclusion that he would not be justified in called evidence on that point.

At this, Justice Martin remarked that if Stringer did not call evidence on this particular point 'it showed that he could prove nothing against the accused'. He then asked Harper to open the case for the defence.

Harper told the jury that his task was to tell them the nature of the evidence for the defence, while Joynt would comment on the evidence brought by the Crown. The defence had been fortunate enough to obtain the assistance of a typewriter manufacturer with years of experience in England, and he would tell them that it was 'utterly impossible' for anyone to say with certainty that these letters had been written by any particular machine. The variations of individual letters depended on the delicacy of touch of the operator. Unlike Mr Sapsford, who was self-taught, this witness was a well-trained expert. The defence would also call two other witnesses who were mechanical engineers to rebut the Crown's allegations about the damage to the No.3 Remington.

Further evidence would be called to show that the doors giving access to the Rhodes offices were often left unlocked, and the inner door leading to Styche's room had on occasion been forced open. Therefore anyone could have had access to the typewriter when the clerks were away. Witnesses would be called to show that Harry Styche was a well-known and popular citizen, who occupied the responsible position of confidential clerk to Mr Rhodes.

As for the Styches' marriage, the evidence of their servants would demonstrate that they were an affectionate couple, and that nobody had observed any disagreement between them. Servants were in a position to know a great deal about a married couple. No motive whatever had been set out that would point to the accused as the author of the letters.

Joynt then proceeded to call witnesses for the defence. The leading typewriter expert, Thomas Joy, pointed out that the damage to the No.3 Remington could have been caused by its falling on a corner of the chair which stood beside the table. The other damage was all consistent with a fall from the table. He declared that it was impossible to prove that the letters had been typed on this machine and this machine alone. After an hour of technicalities about letters and their defects and impressions, the jury no doubt welcomed the lunch adjournment.

After lunch, Joynt asked the leading expert if he could produce a figure 3 with a vertical bar over it on the courtroom typewriter, and he proceeded to demonstrate how it could be done. When he admitted that he had not had time to examine the original letters closely, the judge thought that he ought to do this, while the court proceeded with other witnesses.

Joynt then called Minnie Allsopp and Esther Maxwell, former servants of the Styches, and several of their close neighbours in Opawa. The servants both said that they were a

devoted couple, with never any quarrels or disagreements, and that Styche was a very kind and considerate man to everybody.

James Burnett, Inspecting Engineer in the Railways Department, had lived next door to the Srtyches for five years, and confirmed the servants' testimony. Mrs Styche was delicate and often unwell, and Styche used to warn her against over-exerting herself. Burnett recalled that Styche had been especially anxious last June when she was ill, wondering if her condition was more serious than she said it was. He declared that Styche was 'a humane, healthy-minded man, with strong ideas as to right and wrong'.

Emma Hassall, a widow, had lived next door on the other side for six years, and had been constantly in and out of the Styche house. She considered them a most amiable couple, and had never heard an angry word between them. Styche never went out at night without his wife. He was a very straightforward man who would not put on an act just for visitors. He was very protective of his wife's health, and had been anxious during her last illness in June. She had been present on one occasion when a doctor examined Mrs Styche and said he could not find anything wrong with her, and yet she seemed to get weaker and weaker.

George H. Mason, an accountant at Canterbury College, said he had known Harry Styche for some years before his marriage, and had known Mrs Styche since then. He had stayed with them on two occasions, and often visited them. He thought they were a well-suited couple, and were just as fond of each other as when they married. Two friends of the Styches echoed the testimony of the servants and nearest neighbours.

Arthur Rhodes, solicitor, testified that Styche had been in his employ since about July 1885 and had occupied many positions until reaching the head of his department. Rhodes said that he had 'complete confidence' in Styche, and that Styche had always justified that confidence. As far as he knew, Styche had 'always acted honourably and straight-forwardly'. Styche and his wife had visited him at home, and they had seemed very fond of one another. Until this case, he had never heard anything against the accused's moral character.

This was an array of character witnesses with a consistency of testimony that would have been the envy of a bishop in the dock, yet the next brief exchange between the judge and the lawyers must have quietened the court to a hush. Joynt said he would ask permission to call evidence to prove Mrs Styche's insanity. It was obvious that they would have called her, if at all possible, but she was not able to give evidence. Stringer said that he would admit the fact, and his learned friend did not need to call evidence upon the point. The judge observed that if the Crown Prosecutor admitted Mrs Styche's insanity there was no need for Joynt to call any medical evidence.

The next two witnesses explained the arrangements in Arthur Rhodes's office for locking doors and securing the building at night. Mrs Tidyman, a cleaner, said she had often found the side entrance unlocked first thing in the morning, and the large glass door leading to Mr Rhodes's office also unlocked. There was nothing to stop anyone getting into the building from going through to Mr Rhodes's office. After the glass doors had been found forced open, Rhodes had asked her to sleep on the premises, but she had not done so. All of the clerks had keys to the front door. The typewriter in Styche's room was always at the end of the table, next to a wooden chair with arms. Alexander Johnston, carpenter and joiner, had worked in the Rhodes offices from January to the end of March, fitting up counters, shelves, etc. He had often started work at 6 am and never found the glass doors upstairs locked. Styche had been working in his room while it was being fitted out, and had often moved the typewriter from the table to the floor, in case he (Johnston) knocked it over while moving timber about.

Joynt said he could not proceed without the evidence of the typewriter experts, so the judge adjourned proceedings for the day at 3.45 pm. Next day, 21 November, Thomas Joy embarked on a detailed and technical explanation of his close study of the original letters. In brief, he noted that the appearance of the same letters differed between the originals and the police copies. The specific defect in the letter 'B' that had been made much of by the prosecution's expert witnesses was not necessarily an indication of the machine that had produced the letters. He thought it would be possible to produce a perfect 'B' on the No.3 Remington now in court. A spare carriage was brought into the court by the police, and fitted to the machine by Joy, who proceeded to strike a number of 'B' letters. Stringer agreed that there was one which appeared to be perfect.

Stringer then asked the witness to type a range of other letters on the machine, and they proceeded to discuss the results in detail, while the jury looked on, no doubt in some bemusement, as Stringer so often agreed with the defence's expert. The defence's other two witnesses, Herbert Cunnington and Alfred Smith, agreed that the damage sustained by the No.3 Remington was consistent with a fall from the table onto the arm of a chair. They added yet more technical detail about individual letters, but Smith admitted that he did not claim to be a typewriter expert.

At long last Harry Styche was called to the witness box. He described his employment in Arthur Rhodes's office, and said that he was in no financial difficulties, indeed, he was now in a better position than he had been in 1891 when he married. He had lived in Fendalton for three or four years before moving to Opawa. Styche then recounted his meetings with Dr Clayton. Towards the end of June he had seen Dr Clayton in Manchester Street and offered him a lift home. Styche had detailed his wife's symptoms, and Clayton had asked if they made any difference to their happiness, and Styche said

he had replied that there could be no happier couple. Clayton had responded, 'So I've been told'. On another occasion he had met Dr Clayton returning from Opawa as he was on his way home. Clayton said he had examined Mrs Styche and could find nothing physically wrong with her. He asked if she would consent to taking 'electric and steam baths, and massage treatment', to get her over her present ailment. Styche agreed, and arrangements were made by Dr Clayton. In all of these conversations, Styche claimed that he and Clayton had had 'a friendly chat'. Early in August there had been some conversation with Mrs Styche about a possible operation, and she had mentioned that her mother had suggested calling in another doctor.

Stringer at this point objected that he could not see the relevance of this testimony. Joynt said it was desired to show the relations existing between the accused and his wife. The judge said he did not think he could shut such evidence out, and Styche continued with his testimony. He now described his meeting with Dr Clayton on Friday 3 August, at Clayton's request. After discussing money matters, Clayton had said that someone had offered him £200 to put a patient 'out of the world' with a little extra morphine, and showed Styche the letters he had received. The light was bad and Styche said he could not make out part of one of the letters, so Dr Clayton asked him to read it out aloud.

As he handed the letter back, Dr Clayton had said, 'Now, don't you think this refers to Mrs Styche?' Styche said he had replied that it was certainly very suggestive. Clayton then said that he thought the use of the word 'terrible' indicated that a woman had written them. Styche read the letter again, and said that the writer was a coward, using no pronoun. Styche told the doctor that he thought the letters were a hoax, and Clayton had said the proposal was absurd: the job was worth more like £2,000 than £200.

Dr Clayton had then asked if Styche would go halves in the cost of getting a detective to investigate the letters, but Styche had replied that it would be better to wait and see how things developed. Styche asked if he could take copies of the letters, if the doctor brought them to his office. Styche said he did not like to have them at home in case his wife saw them. Dr Clayton had replied that the shock would kill her.

After the lunch adjournment, Styche told the court that domestic relations between him and his wife were 'the happiest that could be imagined'. There had never been any friction between them, and he had always paid her every possible attention. He never went out without her, except to work, or to the occasional meeting. In 1893 he had taken out a joint life insurance policy for £300, to give her some security in the event of his death. He had been using typewriters for nearly nine years, and had a fair acquaintance with them.

He said he had never seen any of the original letters until Dr Clayton showed them to him at his house, nor had he written them or any part of them. He would never make such blunders as appeared in the letters, and he never went back to the office after business hours. He would swear that he had accidentally knocked the typewriter off the table in his office by catching his coat-sleeve in it as he was moving books to the counter at his back. He had not tampered with the machine in any way. Styche ended his statement by describing how he had been arrested at Lancaster Park after watching a football match with his wife.

Stringer said he had no questions to ask, and Joynt said that closed the case for the defence. The judge asked Joynt how long he would take to address the jury, and Joynt said he would try to be as brief as possible and might be finished within an hour. However, Stringer would then make his address, and the judge would sum-up. Justice Martin said he thought it was not fair to the jury in such a complicated case to ask them to consider their verdict at a late hour when they were tired and 'brain-weary'. He thought it would be better to adjourn and resume in the morning.

The fourth day of the Styche trial started with Joynt's address to the jury. He described this as a most unusual case, and a very extraordinary one. The accused was charged with attempting to commit a most diabolical offence, contriving to induce another person to murder his own wife. When a person is charged with a very serious offence, he suggested, we are more inclined to accept a presumption of guilt than of innocence. This had been the attitude adopted by the community in this case. He therefore urged the jury to put aside any kind of prejudice and any rumour that might affect their minds before they considered the whole case. Their first duty was to ask, what sort of a man is this? What sort of a life has he led? What is his record, how does he stand in the estimation of the world?

They had heard the testimony of his employer, Arthur Rhodes. Joynt did not suppose that anyone would doubt Mr Rhodes's integrity or his rightness of mind, or his judgement and ability. He carried on a very large business indeed, and the accused had served him faithfully from office boy to become his confidential clerk. This was someone in whom Rhodes had absolute trust. He had given the accused power of attorney to conduct his affairs when he went on an overseas trip. These actions spoke more loudly in favour of Styche's honesty, trustworthiness, ability and honourable conduct, than anything else.

As for the accused's domestic life and his marriage, the jury had heard from reliable and trustworthy witnesses, including former servants, that here was a good man, of sterling qualities, who was genuinely devoted to his wife: 'The jury could judge for themselves whether the accused had given his evidence in an outspoken manner, or whether he

had spoken like a designing, cunning character'. Joynt felt sure that the evidence had shown the accused as a good man, whose happy home had been absolutely wrecked by some evil charge. The unfortunate wife was in the madhouse, and there was the accused. Who was responsible? Who was the nefarious miscreant? Was it the accused?

Joynt argued that the weight of the evidence gave the lie in the most emphatic manner to any suggestion that the accused had written those letters. Yet by contrast the evidence for the prosecution had been very different, and consisted of 'a lot of little supposed peculiarities in a typewriter machine', which expert witnesses had comprehensively refuted.

As for the damage to the machine, which was what prompted the police to intervene and finally arrest him, he could not have done that deliberately, as he must have known that this would implicate him. The jury needed to remember that they were not dealing with a numbskull, but with an educated person of ability, a capable man of business. If indeed he had written those letters, damaging the typewriter was the very last thing he would want to do, as it would cast suspicion on himself. Instead, he calmly called in his colleague and ordered him to see if it could be repaired. 'Such was not the action of a guilty person. Styche had nothing to fear and acted accordingly'. The police-arranged interview with Dr Clayton, intended to implicate him, had had precisely the opposite effect, and showed that Styche had 'hands as clean as hands could be'. Some devilish-minded person had written those letters with a view to ruining him.

As for the idea that facts contained in the letter would only have been known to the accused, the probabilities all pointed in the opposite direction. Mrs Styche's ailments were 'distinctly feminine, uterine and ovarian troubles', and she had discussed them with her female friends, no doubt mentioning the name of the doctor attending her. They in turn may have told others, so that anyone with a grudge, wanting to harm Styche, had would have had no trouble finding out that Mrs Styche intended to call on Dr Clayton.

It was very peculiar that Dr Clayton, as he had said, suspected Styche of wanting to murder his wife as early as 17 July, yet did nothing about it until 3 August, when there was talk of bringing in another doctor. Styche said that Clayton had been angry at the suggestion: Clayton had said he was delighted at the prospect. Joynt expected the jury to understand how doctors would look at such a matter: 'they all knew that they loved each other like brothers'.

Joynt was scathing about the subterfuge of that meeting, with a detective concealed and able to hear all that was said: 'it was a beautifully laid scheme, and if Styche had been guilty it would probably have succeeded'. As it was, 'it only helped to prove his

innocence'. When Clayton asked for a loan, Styche did not offer him £200 in three months in return for certain services, but refused point blank.

Joynt was also critical of the way the police had taken Styche into custody, in full view of a crowd at Lancaster Park, and in the company of his wife. They could have waited until the crowd had thinned, or until the accused had left the vicinity of the park.

Stringer started his address for the prosecution by deploring the way in which Joynt had unfairly gone out of his way to cast aspersions on Dr Clayton. The doctor had been put in 'a peculiar and unfortunate position', and it was only natural that he would suspect Styche, and want to confirm or clear up his suspicions. Styche's conduct in the interview with Dr Clayton had been that of either a clever guilty man or a perfectly innocent man. Stringer defended the police, claiming that the arrest had to be made quickly to prevent the accused from destroying any documents in his possession.

As for the testimony of the typewriter experts, Stringer said he would be sorry to see the jury convict on the evidence of the experts alone, for the experts on either side would have a bias in favour of the proposition they had been called upon to support. Stringer himself favoured Sapsford's opinion, that the letters had very probably been written on the typewriter in Styche's office. The writer of the letters must have had access to Styche's office. But the defence had failed to suggest anyone else who might have had a motive for writing the letters. The jury had to consider not only possibilities but also probabilities.

Stringer acknowledged the force of Joynt's argument that if Styche was guilty then attempting to wreck the typewriter was a crazy thing to do, as it would tend to implicate him. Stringer admitted that Styche's explanation of the damage 'seemed a fairly reasonable one'. As for motive, it was not the prosecution's job to establish a motive. If the insurance policy had been for £3,000 rather than £300 the defence would not have had so much to say about it. He joined with his learned friend in asking the jury to put aside any rumours they had heard outside the court. In conclusion, Stringer said that in putting the facts before the jury he did not want to press them. His duty was not to secure a conviction but to make sure that the Crown's case was presented clearly and fairly.

Justice Martin summed up at great length. He began by observing that there was no dispute as to the meaning of the letters. Even if they had been written by 'some stupid, malicious and wicked person with a view to injuring Styche', their meaning was plain. It could not be suggested that they were a joke or a hoax, because 'it was impossible to imagine that any person would be guilty of such a perfectly senseless and idiotic thing'. The defence had not made more than a passing suggestion that the letters had been

written by someone wanting to injure Styche. (No other likely culprit had been named.) Yet it was true that if someone wanted to injure the accused in this way, then it was easy enough to gain access to the accused's typewriter for the purpose. Whoever wrote them must have had an intimate knowledge of the accused and his family affairs, because they were written to Dr Clayton before he was consulted by Mrs Styche.

The jury needed to remember that the positions of the accused and the Crown were very different. The accused did not have to prove that he did not write the letters, whereas the Crown had to prove 'beyond all reasonable doubt' that he had. Even if members of the jury felt 'almost certain' that the accused was probably guilty, if the Crown failed to prove his guilt 'beyond all reasonable doubt', then they would have to give a verdict of not guilty. (Justice Martin repeated this point in slightly different words, to make sure the jury heard it.)

The judge confirmed and almost repeated Stringer's warning about expert witnesses, and said bluntly that 'that class of evidence was always unsatisfactory', because the experts were expressing the opinions they had formed, rather than the facts within their knowledge. The real value of expert witnesses was in pointing out facts that ordinary people might not see for themselves, so that the jury could then form their own opinions on the facts. Experts often differed, especially when they failed to approach a question with a perfectly open mind. Mr Gilbey's evidence had been a striking example of this.

A major point to decide was whether or not it was likely that the accused had written these letters. The accused had a typewriter, the letters were typewritten, so it was possible that he had written them. Once this simple possibility had been accepted, people began to say that he might have written them. But the jury should ask themselves, why would the accused have picked out Dr Clayton? They were not on terms of intimacy, and there was nothing about Dr Clayton to suggest that he would lend himself to such a scheme. Why would the accused think that a medical man would be willing to commit murder for such a small sum of money? Why would the accused think that a medical man would readily lay himself open to subsequent blackmail?

The judge pointed out that Dr Clayton had made up his mind that Styche had written these letters, and this affected the way that Dr Clayton judged Styche's reactions in their interview, saying that Styche had not shown the sort of anxiety and distress that he would have expected. The jury needed to balance this testimony against that of other witnesses that Styche had displayed great anxiety about his wife's health.

As for the Friday interview in Dr Clayton's rooms, it was important for the jury to remember that Styche did not know why he had been summoned there. The conversation about money matters progressed in an entirely businesslike way. Then the

letters were suddenly produced: 'There was nothing in Styche's demeanour which was an indication of guilt'. They had to conclude therefore that if Styche was a guilty man he was not only a very good actor but had very great self-control. He was being watched by a detective, and it was a very striking fact that Styche neither said nor did anything to suggest guilt.

After further discussion of the typewriter evidence, and the apparent absence of motive, the judge concluded by asking the jury, firstly, whether it was likely that Styche expected Dr Clayton to do what he was asked to do; secondly, was it proved beyond reasonable doubt that the letters had been produced on Styche's typewriter; and thirdly, were they satisfied beyond all reasonable doubt, given that many other people had access to the typewriter, that Styche was the person who had written these letters? Finally he cautioned the jury again against being influenced by any outside rumours.

The jury then retired. The foreman returned at 2.50 pm to ask for the two copies of letters made by one of the typewriter experts. At 6 pm the judge sent to ask if there was any prospect of their reaching agreement, and the foreman said that some of them would like a little more time to consider. At 6.55 pm the jury returned and the foreman said they had agreed on a verdict of guilty.

The Registrar then called upon the prisoner to say whether or not the sentence of the court should not be pronounced upon him, and Styche said, 'I can only reiterate what I said at the first, that I am not guilty'.

Joynt then asked the judge to take into account the nature of the evidence, and the apparent preponderance of evidence in favour of the accused. He submitted that on the whole there must be 'the gravest possible doubt' as to his guilt in this matter, and pleaded for leniency in the sentencing.

After conferring with Harper, Joynt said he would like to be given the opportunity of considering the question of appealing to the Court of Appeal for a new trial, on the ground that the verdict was against the weight of the evidence. Justice Martin said he would give that opportunity, and would postpone passing sentence until Saturday morning. In the meantime the prisoner would have to remain in custody.

* * * *

When the court reconvened on 24 November, Joynt made his formal application to appeal for a new trial, citing section 416 of the Criminal Code. He added that it was not necessary for the defence to enter on a discussion of the case, nor to say that the verdict

of the jury was perverse, but they merely asked the court to consider whether the verdict was against the weight of the evidence.

Joynt submitted that the conclusion which the jury had arrived at was 'not reasonable, or satisfactory, and was not a proper or logical deduction for them to draw from the whole of the facts placed before them'. He submitted that the judge had laid down clear lines for the jury to follow in reaching their decision, but the verdict showed that they had not followed these lines. Of course there was excuse for the jury, as they were not men whose minds had been trained to marshal a lot of facts and draw conclusions from them; but he asked the judge whether he could say that the verdict was a satisfactory one, and that he agreed with it.

Justice Martin noted that this was a criminal appeal, and there was nothing quite like it in English law, or the Australian colonies. No Court of Appeal in New Zealand had ever had to consider such a matter. There was no set principle regarding appeals. Some courts adopted one method, others another. Joynt argued that for this reason alone it was desirable that a principle be laid down for the guidance of the courts.

Harper and Stringer both made lengthy comments on the matter, but Justice Martin wanted a little more time to think about it, and said he would give judgement at 12.30. When the court resumed, he observed that in civil cases the law about appeals was well-settled where the verdict of a jury went against the weight of the evidence, but whether or not the Court of Appeal would adopt the same principle for criminal cases had yet to be known. As this was a serious matter of principle, and not a frivolous application, he thought the appeal should be granted.

Joynt asked if the judge would defer sentencing until the decision of the Court of Appeal was known, but the judge said he could not do that. Joynt objected that if the court passed sentence it would in effect be convicting the accused, and if the Court of Appeal then allowed a new trial an anomaly would be created. The judge agreed that this was a rational and reasonable view, but the Act was a very extraordinary one. Joynt argued that the court might suspend the sentence until the Court of Appeal made its decision, for the difficulty was that if sentence was passed the accused would have to remain in custody until the decision, and would then be without hope of appeal.

Justice Martin said he thought the proper course would be to pass sentence and suspend it. Joynt admitted that he had no authorities to support his contention, and the judge agreed: 'That is so. We are on new ground, and must feel our way'. If the Court of Appeal did not grant a new trial, then the sentence of the judge who had tried the case would stand, and he was the proper person to do that.

Under the circumstances, the judge admitted, it was extremely difficult to know what was a just sentence. The Act defined the crime, but provided for heavy sentences in such cases as burglary, robbery and other offences. He could not accede to the suggestion that he disagreed with the jury's verdict. The jury had found the accused guilty, and even if he did disagree, he could not let his personal opinion affect the sentence. The jury had been satisfied that an educated man had made, not an isolated act, but a continued attempt to break the law over a period of time. The sentence would therefore be imprisonment with hard labour for seven years.

Joynt then asked if the sentence would be suspended until the next sitting of the Court of Appeal, and the judge said yes. The crowded court had been silent while the judge gave his decision, but now buzzed with excitement. Styche had heard the sentence with no sign of emotion, standing 'erect and firm'. He was escorted to the prisoner's room and the court quickly emptied. The crowd gathered around the prison van, standing outside the Magistrate's Court, but Styche was taken out by the back door into Durham Street and into a waiting cab, which took him off to the railway station. Some of the crowd followed on bicycles.

* * * *

Harry Styche had to wait until April 1901 for the decision of the Court of Appeal. Joynt had argued before the assembled judges (now including Mr Justice Denniston, returned from leave) that in a criminal case the balance between the parties is not even, as it is in a civil case. The jury has to start with a presumption of innocence, which the prosecution attempts to displace. He quoted from *Taylor on Evidence* that the presumption of innocence is 'so cogent that it cannot be repelled by any evidence short of what is sufficient to establish the fact of criminality with moral certainty'. Again on p.105 Taylor states that 'all imputations of crime must be strictly proved'. Joynt echoed the trial judge when he said that the Crown was bound to prove the guilt of the accused 'beyond all reasonable doubt'. The most that could be said of the evidence, he added, was that it showed a suspicious case, but there was no evidence that conclusively pointed to Styche as the guilty party.

Stringer opposed the application, stressing that trial by jury was such an essential part of the British system of justice, especially its criminal jurisprudence, that the Court of Appeal should 'hesitate very much to interfere with the verdict of a jury which has seen and heard the witnesses'. He cited several cases to show that the Criminal Code of 1893 made provision for a new trial only in very extreme cases, where the jury had perversely persisted in convicting against the advice and direction of the judge.

Chief Justice Sir Robert Stout reviewed the facts of the case, and the precedents, noting what *Taylor on Evidence* said, but concluded that the Christchurch jury had taken a reasonable view of the evidence and believed that it pointed to only one person, namely the accused. His five brother judges concurred with his recommendation that the application be dismissed. Mr Justice Cooper noted that this was the first appeal of its kind under the 1893 Criminal Code, emphasising that the jury's decision could not be set aside if it was one that reasonable men might make. The Appeal Court could not usurp the function of the jury as the judge of the facts.

Harry Styche had lost his appeal, and started serving his sentence at the Waiotapu Prison Farm near Rotorua in the North Island, far away from his family and friends. Though he had no visitors, he was an exemplary prisoner and was released for good behaviour in May 1905. The *Police Gazette* described him as a male of sallow complexion, height 5' 9³/₄" (177.4 cm), with black hair and dark brown eyes, a small chin with a small scar on it, a long sharp nose, and three black dots on the back of his left hand.

The *Wise's Post Office Directory* for 1908 lists a Harry Vincent Styche, accountant, as living at 184 River Road, Avonside, the same address as his mother, Mary Ann Styche, but this is his last appearance in Wise's. There is no record of his death in New Zealand. He probably went to Australia, to make a fresh start. It would not be surprising if Arthur Rhodes gave him a job in his office on his release, though not of course as his confidential clerk. Arthur had done the same for George Harper in the aftermath of Leonard Harper's bankruptcy.

Harry's conviction must have been a matter of deep embarrassment for his respectable law-abiding siblings, and for his widowed mother. His brother Walter Ernest Styche was an accountant who had built a house at 173 River Road, Richmond, directly opposite his mother's house (which stood on the site of the present-day Avonside Girls' High School). Harry's younger brother Alfred was a clerk, whose marriage prospects were very likely blighted by his brother's conviction. He lived at home with his mother until as late as 1924. She died in 1926, when Harry would have been 61. Charlie Styche moved to Ashburton, where he made a name for himself as a stock agent, but by 1910 he was back in Christchurch, living in St Albans. His occupation is given as an accountant. Charlie's son Jack died in Rangiora in 1936. He had one son, Barclay Llewellyn Styche, who was only two when his father died. I interviewed his widow Ethel in 1993, as she was then the only Styche in the Christchurch Telephone Directory, but she had only hazy memories of a family scandal far in the past that nobody wanted to talk about.

I could not find an Elizabeth Styche or an Elizabeth Wooding in the NZ Deaths Index, and the records of Sunnyside Asylum are quite properly closed to casual enquiries, even from reputable historians. We simply do not know what became of Harry's wife.

The scandal apparently did no harm to Arthur Rhodes, who was elected Mayor of Christchurch in 1901. He offered his Merivale mansion, 'Te Koraha' (now part of Rangi Ruru Girls' High School), as a residence for the Duke and Duchess of Cornwall during their 1901 visit to Christchurch. (They were later to become King George V and Queen Mary.) A few years later, Arthur was one of the first wealthy men to import a motor car to Canterbury, and helped establish the Canterbury Automobile Association. He was already a prominent figure (alongside his cousin, Heaton Rhodes) in the St John Ambulance Association. During the First World War he set up the first branch of the British Red Cross Society in New Zealand, for which he was awarded an OBE in 1918. He died in 1922.

While most inhabitants of Christchurch have never heard of Harry Styche, lawyers know his name, for his failed appeal has become an important precedent in the New Zealand legal system. Appeal judges have ever since been very reluctant to overturn jury decisions. The first use of the Styche precedent was in the Bruges bankruptcy case of 1906.

In more recent times, the Styche precedent loomed large in the notorious Christchurch Civic Creche case. Peter Hugh Ellis was convicted and sent to prison in 1993 on 16 charges of child sexual abuse. His case went through two appeals, three petitions for pardon and two requests for a commission of inquiry, all of which failed. A ministerial inquiry in 2000 upheld the guilty verdicts, but its report was heavily criticised. In her book, *A City Possessed*, Lynley Hood argues that the Ellis case was a classic example of a moral panic. She shows how the evidence lawyers choose to present in court can be highly selective, and that once a person has been found guilty on a narrow range of evidence, it is almost impossible to obtain a retrial to take account of other evidence, or the wider social context of a highly controversial and emotive case. Ellis served his sentence and was released in 2000. He still insists that he was innocent.

Many doubts remain about the outcome of Harry Styche's trial. Though the jury finally decided that he was guilty, it had taken them a long afternoon to agree on their verdict, suggesting that some jurors had had doubts. The judge's direction had been abundantly clear, that the Crown had not proved its case 'beyond reasonable doubt', and no evidence had been produced to prove that Harry alone had written those letters. No motive had been established, other than the insurance money, which seemed a paltry reward for murder. How could anyone be so naive as to think that a medical practitioner would go along with such a foolish scheme?

What was there about Harry's demeanour in court that made the jury disbelieve his protestations of innocence? Or had they been influenced by the weight of public opinion, especially the female half of the population, which seems to have been convinced that he was guilty? Were they afraid of being berated by angry wives on their return home if they let him off?

What other explanations might there be for this strange case? Dr Clayton thought that the letter-writer had been a woman, and the long rambling sentences of the early letters certainly contrast strongly with the short business-like sentences of the letters signed by Harry Styche. Had they been written by one of his wife's friends, who felt sorry for him or had a crush on him, and wished Elizabeth was out of the way? For a woman lacking business experience, £200 would seem like a lot of money.

Or was Harry framed by a resentful junior clerk in his office, perhaps someone who had been rebuked by him, who knew enough about his affairs to concoct letters that would cause him trouble? If indeed the letters were typed on the machine in Harry's office, this narrows the field of suspects to those having access to it. The police do not appear to have interviewed anyone else from the office besides James Peacock. Nor did they ever reveal who had tipped them off about the damaged typewriter. That unknown person may well have been the culprit.

Joynt was quite right to be critical of the police handling of the investigation and arrest. Concealing a detective to listen to Harry's Friday interview with Dr Clayton was acceptable practice back then, but is now completely unacceptable. A judge today would rule that evidence inadmissible. Justice Martin warned the jury that Dr Clayton was a hostile witness, yet they appear to have accepted his testimony at face value. In 1900 a jury would be far more willing to believe a respectable medical practitioner, Oxford graduate and old Harrovian, than a mere law clerk.

Was there a hint of class resentment in the jury's decision? Or had the jury foreman let his prohibitionist principles get in the way of his objectivity? Styche was the confidential clerk of one of the city's richest men, to whom many people owed money on house mortgages. Styche may have been seen as a pawn of the capitalists, whose lawyers defended the breweries and frustrated the efforts of prohibitionists like Tommy Taylor and Leonard Isitt.

The Styche case remains a puzzle, and though we can only read the printed accounts of the proceedings, and cannot see the facial expressions or hear the tone of voice of the witnesses, as the jury did, our own experience of miscarriages of justice in recent years entitles us to wonder whether that jury in 1900 got it wrong.

SOURCES:

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