

DR. THORNDYKE  
HIS FAMOUS CASES  
AS DESCRIBED BY  
R. AUSTIN FREEMAN

Number Twenty Seven

Rex v. Burnaby

## **\* A Distributed Proofreaders Canada eBook \***

This ebook is made available at no cost and with very few restrictions. These restrictions apply only if (1) you make a change in the ebook (other than alteration for different display devices), or (2) you are making commercial use of the ebook. If either of these conditions applies, please contact a FP administrator before proceeding.

This work is in the Canadian public domain, but may be under copyright in some countries. If you live outside Canada, check your country's copyright laws. IF THE BOOK IS UNDER COPYRIGHT IN YOUR COUNTRY, DO NOT DOWNLOAD OR REDISTRIBUTE THIS FILE.

*Title:* Rex v. Burnaby

*Date of first publication:* 1929

*Author:* Richard Austin Freeman (1862-1943)

*Date first posted:* Oct. 2, 2018

*Date last updated:* Oct. 2, 2018

Faded Page eBook #20181003

This ebook was produced by: Delphine Lettau, Mark Akrigg, Jen Haines & the online Distributed Proofreaders Canada team at <http://www.pgdpCanada.net>

It is a normal incident in general medical practice that the family doctor soon drifts into the position of a family friend. The Burnabys had been among my earliest patients, and mutual sympathies had quickly brought about the more intimate relationship. It was a pleasant household, pervaded by a quiet geniality and a particularly attractive homely, unaffected culture. It was an interesting household, too, for the disparity in age between the husband and wife made the domestic conditions a little unusual and invited speculative observation. And there were other matters, to be referred to presently.

Frank Burnaby was a somewhat delicate man of about fifty: quiet, rather shy, gentle, kindly, and singularly innocent and trustful. He held a post at the Record Office, and was full of quaint and curious lore derived from the ancient documents on which he worked: selections from which he would retail in the family circle with a picturesque imagination and a fund of quiet, dry humour that made them delightful to listen to. I have never met a more attractive man, or one whom I liked better or respected more.

Equally attractive, in an entirely different way, was his wife: an extremely charming and really beautiful woman of under thirty—little more than a girl, in fact: amiable, high-spirited and full of fun and frolic, but nevertheless an accomplished, cultivated woman with a strong interest in her husband's pursuits. They appeared to me an exceedingly happy and united couple, deeply attached to one another and in perfect sympathy. There were four children—three boys and a girl—of Burnaby's by his first wife; and their devotion to their young stepmother spoke volumes for her care of them.

But there was a fly in the domestic ointment: at least, that was what I felt. There was another family friend, a youngish man named Cyril Parker. Not that I had anything against him, personally, but I was not quite happy about the relationship. He was a markedly good-looking man, pleasant, witty, and extremely well informed; for he was a partner in a publishing house and acted as reader for the firm; whence it happened that he, like Mr. Burnaby, gathered stores of interesting matter from his professional reading. But I could not disguise from myself that his admiration and affection for Mrs. Burnaby were definitely inside the danger zone, and that the intimacy—on his side, at any rate—was growing rather ominously. On her side there seemed nothing more than frank, though very pronounced, friendship. But I looked at the relationship askance. She was a woman whom any man might have fallen in

love with, and I did not like the expression that I sometimes detected in Parker's eyes when he was looking at her. Still, there was nothing in the conduct of either to which the slightest exception could have been taken or which in any way foreshadowed the terrible disaster which was so shortly to befall.

The starting-point of the tragedy was a comparatively trivial event. By much poring over crabbed manuscripts, Mr. Burnaby developed symptoms of eye-strain, which caused me to send him to an oculist for an opinion and a prescription for suitable spectacles. On the evening of the day on which he had consulted the oculist, I received an urgent summons from Mrs. Burnaby, and, on arriving at the house, found her husband somewhat seriously ill. His symptoms were rather puzzling, for they corresponded to no known disease. His face was flushed, his temperature slightly raised, his pulse rapid, though the breathing was slow, his throat was excessively dry, and his pupils widely dilated. It was an extraordinary condition, resembling nothing within my knowledge excepting atropine poisoning.

"Has he been taking medicine of any kind?" I asked.

Mrs. Burnaby shook her head. "He never takes any drugs or medicine but what you prescribe; and it couldn't be anything that he has taken, because the attack came on quite soon after he came home, before he had either food or drink."

It was very mysterious, and the patient himself could throw no light on the origin of the attack. While I was reflecting on the matter, I happened to glance at the mantelpiece, on which I noticed a drop-bottle labelled "The Eye Drops" and a prescription envelope. Opening the latter I found the oculist's prescription for the drops—a very weak solution of atropine sulphate.

"Has he had any of these drops?" I asked.

"Yes," replied Mrs. Burnaby. "I dropped some into his eyes as soon as he came in; two drops in each eye, according to the directions."

It was very odd. The amount of atropine in those four drops was less than a hundredth of a grain; an impossibly small dose to produce the symptoms. Yet he had all the appearance of having taken a poisonous dose, which he obviously had not, since the drop-bottle was nearly full. I could make nothing of it. However, I treated it as a case of atropine poisoning; and as the treatment produced marked improvement, I went home, more mystified than ever.

When I called on the following morning, I learned that he was practically well, and had gone to his office. But that evening I had another urgent

message, and on hurrying round to Burnaby's house, found him suffering from an attack similar to, but even more severe than, the one on the previous day. I immediately administered an injection of pilocarpine and other appropriate remedies, and had the satisfaction of seeing a rapid improvement in his condition. But whereas the efficacy of the treatment proved that the symptoms were really due to atropine, no atropine appeared to have been taken excepting the minute quantity contained in the eye-drops.

It was very mysterious. The most exhaustive inquiries failed to suggest any possible source of the poison excepting the drops; and as each attack had occurred a short time after the use of them, it was impossible to ignore the apparent connection, in spite of the absurdly minute dose.

"I can only suppose," said I, addressing Mrs. Burnaby and Mr. Parker, who had called to make inquiries, "that Burnaby is the subject of an idiosyncrasy—that he is abnormally sensitive to this drug."

"Is that a known condition?" asked Parker.

"Oh, yes," I replied. "People vary enormously in the way in which they react to drugs. Some are so intolerant of particular drugs—iodine, for instance—that ordinary medicinal doses produce poisonous effects, while others have the most extraordinary tolerance. Christison, in his *Treatise on Poisons*, gives a case of a man, unaccustomed to opium, who took nearly an ounce of laudanum without any effect—a dose that would have killed an ordinary man. These drug-idiosyncrasies are terrible pitfalls for the doctor who doesn't know his patient. Just think what might have happened to Burnaby if someone had given him a full medicinal dose of belladonna."

"Does belladonna have the same effect as atropine?" asked Mrs. Burnaby.

"It is the same," I replied. "Atropine is the active principle of belladonna."

"What a mercy," she exclaimed, "that we discovered this idiosyncrasy in time. I suppose he had better discontinue the drops?"

"Yes," I answered, "most emphatically; and I will write to Mr. Haines and let him know that the atropine is impracticable."

I accordingly wrote to the oculist, who was politely sceptical as to the connection between the drops and the attacks. However, Burnaby settled the matter by refusing point-blank to have any further dealings with atropine; and his decision was so far justified that, for the time being, the attacks did not recur.

A couple of months passed. The incident had, to a great extent, faded from

my mind. But then it was revived in a way that not only filled me with astonishment but caused me very grave anxiety. I was just about to set out on my morning round when Burnaby's housemaid met me at my door, breathing quickly and carrying a note. It was from Mrs. Burnaby, begging me to call at once and telling me that her husband had been seized by an attack similar to the previous ones. I ran back for my emergency bag and then hurried round to the house, where I found Burnaby lying on a sofa, very flushed, rather alarmed, and exhibiting well-marked symptoms of atropine poisoning. The attack, however, was not a very severe one, and the application of the appropriate remedies soon produced a change for the better.

"Now, Burnaby," I said, as he sat up with a sigh of relief, "what have you been up to? Haven't been tinkering with those drops again?"

"No," he replied. "Why should I? Haines has finished with my eyes."

"Well, you've been taking something with atropine in it."

"I suppose I have, but I can't imagine what. I have had no medicine of any kind."

"No pills, lozenges, liniment, plaster, or ointment?"

"Nothing medicinal of any sort," he replied. "In fact, I have swallowed nothing to-day but my breakfast; and the attack came on directly after, though it was a simple enough meal, goodness knows—just a couple of pigeon's eggs and some toast and tea."

"Pigeon's eggs," said I, with a grin, "why not sparrow's?"

"Cyril sent them—as a joke, I think," Mrs. Burnaby explained (Cyril, of course, was Mr. Parker), "but I must say Frank enjoyed them. You see, Cyril has taken lately to keeping pigeons and rabbits and other edible beasts, and I think he has done it principally for Frank's sake, as you have ordered him a special diet. We are constantly getting things from Cyril now—pigeons and rabbits especially; and much younger than we can buy them at the shops."

"Yes," said Burnaby, "he is most generous. I should think he supplies more than half my diet. I hardly like to accept so much from him."

"It gives him pleasure to send these gifts," said Mrs. Burnaby; "but I wish it gave him pleasure to slaughter the creatures first. He always brings or sends them alive, and the cook hates killing them. As to me, I couldn't do it, though I deal with the corpses afterwards. I prepare nearly all Frank's food myself."

"Yes," said Burnaby, with a glance of deep affection at his wife, "Margaret is an artist in kickshaws; and I consume the works of art. I can tell you, doctor,

I live like a fighting cock.”

This was all very interesting, but it was beside the question; which was, where did the atropine come from? If Burnaby had swallowed nothing but his breakfast, it would seem that the atropine must have been in that. I pointed this out.

“But you know, doctor,” said Burnaby, “that isn’t possible. We can write the eggs off. You can’t get poison into an egg without making a hole in the shell, and these eggs were intact. And as to the bread and butter, and the tea, we all had the same, and none of the others seem any the worse.”

“That isn’t very conclusive,” said I. “A dose of atropine that would be poisonous to you would probably have no appreciable effect on the others. But, of course, the real mystery is how on earth atropine could have got into any of the food.”

“It couldn’t,” said Burnaby; and that really was my own conviction. But it was an unsatisfactory conclusion, for it left the mystery unexplained; and when at length I took my leave, to continue my rounds of visits, it was with the uncomfortable feeling that I had failed to trace the origin of the danger or to secure my patient against its recurrence.

Nor was my uneasiness unjustified. Little more than a week had passed when a fresh summons brought me to Burnaby’s house, full of bewilderment and apprehension. And indeed there was good cause for apprehension; for when I arrived, to find Burnaby lying speechless and sightless, his blue eyes turned to blank discs of black, glittering with the unnatural “belladonna sparkle,”—when I felt his racing pulse and watched his vain efforts to swallow a sip of water,—I began to ask myself whether he was not beyond recall. The same question was asked mutely by the terrified eyes of his wife, who rose like a ghost from his bedside as I entered the room. But once more he responded to the remedies, though more slowly this time, and at the end of an hour I was relieved to see that the urgent danger was past, although he still remained very ill.

Meanwhile, inquiries failed utterly to elicit any explanation of the attack. The symptoms had set in shortly after dinner; a simple meal, consisting of a pigeon cooked *en casserole* by Mrs. Burnaby herself, vegetables, and a light pudding which had been shared by the rest of the family, and a little Chablis from a bottle that had been unsealed and opened in the dining-room. Nothing else had been taken and no medicaments of any kind used. On the other hand, any doubts as to the nature of the attack were set at rest by a chemical test made by me and confirmed by the Clinical Research Association. Atropine

was demonstrably present, though the amount was comparatively small. But its source remained an impenetrable mystery.

It was a profoundly disturbing state of affairs. This last attack had narrowly missed a fatal termination, and the poison was still untraced. From the same unknown source a fresh charge might be delivered at any moment, and who could say what the result might be? Poor Burnaby was in a state of chronic terror and his wife began to look haggard and worn with constant anxiety and apprehension. Nor was I in much better case myself, for, whatever should befall, the responsibility was mine. I racked my brains for some possible explanation, but could think of none, though there were times when a horrible thought would creep into my mind, only to be indignantly cast out.

One evening a few days after the last attack, I received a visit from Burnaby's brother, a pathologist attached to one of the London hospitals, but not in practice. Very different was Dr. Burnaby from his gentle, amiable brother; a strong, resolute, energetic man and none too suave in manner. We were already acquainted, so no introductions were necessary, and he came to the point with characteristic directness.

"You can guess what I have come about, Jardine—this atropine business. What is being done in the matter?"

"I don't know that anything is being done," I answered lamely. "I can make nothing of it."

"Waiting for the next attack and the inquest, h'm! Well, that won't do, you know. This affair has got to be stopped before it is too late. If you don't know where the poison comes from, somebody does. H'm! And it is time to find out who that somebody is. There aren't many to choose from. I am going there now to have a look round and make a few inquiries. You'd better come with me."

"Are they expecting you?" I asked.

"No," he answered gruffly; "but I'm not a stranger and neither are you."

I decided to go round with him, though I didn't much like his manner. This was evidently meant to be a surprise visit, and I had no great difficulty in guessing at what was in his mind. On the other hand, I was not sorry to share the responsibility with a man of his position and a relative of the patient. Accordingly, I set forth with him willingly enough; and it is significant of my state of mind at this time, that I took my emergency bag with me.

When we arrived Burnaby and his wife were just sitting down to dinner—the children took their evening meal by themselves—and they welcomed us

with the ready hospitality that made this such a pleasant household. Dr. Burnaby's place was laid opposite mine, and I was faintly amused to note his eye furtively travelling over the table, evidently assessing each article of food as a possible vehicle of atropine.

"If you had only let us know you were coming, Jim," said Mrs. Burnaby when the joint made its appearance, "we would have had something better than saddle of mutton. As it is, you must take pot-luck."

"Saddle of mutton is good enough for me," replied Dr. Burnaby. "But what on earth is that stuff that Frank has got?" he added, as Burnaby lifted the lid from a little casserole.

"That," she answered, "is a fricassee of rabbit. Such a tiny creature it was; a mere infant. Cook nearly wept at having to kill it."

"Kill it!" exclaimed the doctor; "do you buy your rabbits alive?"

"We didn't buy this one," she replied. "It was brought by Cyril—Mr. Parker, you know," she added hastily and with a slight flush, as she caught a grim glance of interrogation. "He sends quite a lot of poultry and rabbits and things for Frank from his little farm."

"Ha!" said the doctor with a reflective eye on the casserole. "H'm! Breeds them himself, hey? Whereabouts is his farm?"

"At Eltham. But it isn't really a farm. He just keeps rabbits and fowls and pigeons in a place at the back of his garden."

"Is your cook English?" Dr. Burnaby asked, glancing again at the casserole. "That affair of Frank's has rather a French look."

"Bless you, Jim," said Burnaby, "I am not dependent on mere cooks. I am a pampered gourmet. Margaret prepares most of my food with her own sacred hands. Cooks can't do this sort of thing"; and he helped himself afresh from the casserole.

Dr. Burnaby seemed to reflect profoundly upon this explanation. Then he abruptly changed the subject from cookery to the Lindisfarne Gospels and thereby set his brother's chin wagging to a new tune. For Burnaby's affections as a scholar were set on seventh- and eighth-century manuscripts and his knowledge of them was as great as his enthusiasm.

"Oh, get on with your dinner, Frank, you old windbag," exclaimed Mrs. Burnaby. "You are letting everything get cold."

"So I am, dear," he admitted, "but—I won't be a minute. I just want Jim to

see those collotypes of the Durham Book. Excuse me.”

He sprang up from the table and darted into the adjoining library, whence he returned almost immediately carrying a small portfolio.

“These are the plates,” he said, handing the portfolio to his brother. “Have a look at them while I dispose of the arrears.”

He took up his knife and fork and made as if to resume his meal. Then he laid them down and leaned back in his chair.

“I don’t think I want any more, after all,” he said.

The tone in which he spoke caused me to look at him critically; for my talk with his brother had made me a little nervous and apprehensive of further trouble. What I now saw was by no means reassuring. A slight flush and a trace of anxiety in his expression made me ask, with outward composure but inward alarm:

“You are feeling quite fit, I hope, Burnaby?”

“Well, not so very,” he replied. “My eyes are going a bit misty and my throat——” Here he worked his lips and swallowed as if with some effort.

I rose hastily, and, catching a terrified glance from his wife, went to him and looked into his eyes. And thereupon my heart sank. For already his pupils were twice their natural size and the darkened eyes exhibited the too-familiar sparkle. I was sensible of a thrill of terror, and, as I looked into Burnaby’s now distinctly alarmed face, his brother’s ominous words echoed in my ears. Had I waited “for the next attack and the inquest”?

The symptoms, once started, developed apace. From moment to moment he grew worse, and the rapid enlargement of the pupils gave an alarming hint as to the intensity of the poisoning. I darted out into the hall for my bag, and as I re-entered, I saw him rise, groping blindly with his hands, until his wife, ashen-faced and trembling, took his arm and led him to the door.

“I had better give him a dose of pilocarpine at once,” I said, getting out my hypodermic syringe and glancing at Dr. Burnaby, who watched me with stony composure.

“Yes,” he agreed, “and a little morphine, too; and he will probably need some stimulant presently. I won’t come up; only be in the way.”

I followed the patient up to the bedroom and administered the antidotes forthwith. Then, while he was getting partially undressed with his wife’s help, I went downstairs in search of brandy and hot water. I was about to enter the

dining-room when, through the partly-open door, I saw Dr. Burnaby standing by the fireplace with his open hand-bag—which he had fetched in from the hall—on the table before him, and in his hand a little Bohemian glass jar from the mantelpiece. Involuntarily, I halted for a moment; and as I did so, he carefully deposited the little ornament in the bag and closed the latter, locking it with a small key which he then put in his pocket.

It was an excessively odd proceeding, but, of course, it was no concern of mine. Nevertheless, instead of entering the dining-room, I stole softly towards the kitchen and fetched the hot water myself. When I returned, the bag was back on the hall table and I found Dr. Burnaby grimly pacing up and down the dining-room. He asked me a few questions while I was looking for the brandy, and then, somewhat to my surprise, proposed to come up and lend a hand with the patient.

On entering the bedroom, we found poor Burnaby lying half-undressed on the bed and in a very pitiable state; terrified, physically distressed and inclined to ramble mentally. His wife knelt by the bed, white-faced, red-eyed and evidently panic-stricken, though she was quite quiet and self-restrained. As we entered, she rose to make way for us, and while we were examining the patient's pulse and listening to his racing heart, she silently busied herself with the preparations for administering the stimulants.

"You don't think he is going to die, do you?" she whispered, as Dr. Burnaby handed me back my stethoscope.

"It is no use thinking," he replied dryly—and I thought rather callously—"we shall see"; and with this he turned his back to her and looked at his brother with a gloomy frown.

For more than an hour that question was an open one. From moment to moment I expected to feel the wildly-racing pulse flicker out; to hear the troubled breathing die away in an expiring rattle. From time to time we cautiously increased the antidotes and administered restoratives, but I must confess that I had little hope. Dr. Burnaby was undisguisedly pessimistic. And as the weary minutes dragged on, and I looked momentarily for the arrival of the dread messenger, there would keep stealing into my mind a question that I hardly dared to entertain. What was the meaning of it all? Whence had the poison come? And why, in this household, had it found its way to Burnaby alone—the one inmate to whom it was specially deadly?

At last—at long last—there came a change; hardly perceptible at first, and viewed with little confidence. But after a time it became more pronounced; and then, quite rapidly, the symptoms began to clear up. The patient swallowed

with ease, and great relish, a cup of coffee; the heart slowed down, the breathing became natural, and presently, as the morphine began to take effect, he sank into a doze which passed by degrees into a quiet sleep.

“I think he will do now,” said Dr. Burnaby, “so I won’t stay any longer. But it was a near thing, Jardine; most uncomfortably near.”

He walked to the door, where, as he went out, he turned and bowed stiffly to his sister-in-law. I followed him down the stairs, rather expecting him to revert to the subject of his visit to me. But he made no reference to it, nor, indeed, did he say anything until he stood on the doorstep with his bag in his hand. Then he made a somewhat cryptic remark:

“Well, Jardine,” he said, “the Durham Book saved him. But for those collotypes, he would be a dead man”; and with that he walked away, leaving me to interpret as best I could this decidedly obscure remark.

A quarter of an hour later, as Burnaby was now peacefully asleep and apparently out of all danger, I took my own departure, and as soon as I was outside the house, I proceeded to put into execution a plan that had been forming in my mind during the last hour. There was some mystery in this case that was evidently beyond my powers to solve. But solved it had to be, if Burnaby’s life was to be saved, to say nothing of my own reputation; so I had decided to put the facts before my friend and former teacher, Dr. Thorndyke, and seek his advice, and if necessary, his assistance.

It was now past ten o’clock, but I determined to take my chance of finding him at his chambers, and accordingly, having found a taxi, I directed the driver to set me down at the gate of Inner Temple Lane. My former experience of Thorndyke’s habits led me to be hopeful, and my hopes were not unjustified on this occasion, for when I had mounted to the first pair landing of No. 5A King’s Bench Walk, and assaulted the knocker of the inner door, I was relieved to find him not only at home, but alone and disengaged.

“It’s a deuce of a time to come knocking you up,” I said, as he shook my hand, “but I am in rather a hole, and the matter is urgent, so——”

“So you paid me the compliment of treating me as a friend,” said he. “Very proper of you. What is the nature of your difficulty?”

“Why, I’ve got a case of recurrent atropine poisoning and I can make absolutely nothing of it.”

Here I began to give a brief outline sketch of the facts, but after a minute or two he stopped me.

“It is of no use being sketchy, Jardine,” said he. “The night is young. Let us have a complete history of the case, with particulars of all the persons concerned and their mutual relations. And don’t spare detail.”

He seated himself with a notebook on his knee, and when he had lighted his pipe, I plunged into the narrative of the case, beginning with the eye-drop incident and finishing with the alarming events of the present evening. He listened with close attention, refraining from interrupting me excepting occasionally to ask for a date, which he jotted down with a few other notes. When I had finished, he laid aside his notebook, and, as he knocked out his pipe, observed:

“A very remarkable case, Jardine, and interesting by reason of the unusual nature of the poison.”

“Oh, hang the interest!” I exclaimed. “I am not a toxicologist. I am a general practitioner; and I want to know what the deuce I ought to do.”

“I think,” said he, “that your duty is perfectly obvious. You ought to communicate with the police, either alone or in conjunction with some member of the family.”

I looked at him in dismay. “But,” I faltered, “what have I got to tell the police?”

“What you have told me,” he replied; “which, put in a nutshell, amounts to this: Frank Burnaby has had three attacks of atropine poisoning, disregarding the eye-drops. Each attack has appeared to be associated with some article of food prepared by Mrs. Burnaby and supplied by Mr. Cyril Parker.”

“But, good God!” I exclaimed, “you don’t suspect Mrs. Burnaby?”

“I suspect nobody,” he replied. “It may not be criminal poisoning at all. But Mr. Burnaby has to be protected, and the case certainly needs investigation.”

“You don’t think I could make a few inquiries myself first?” I suggested.

He shook his head. “The risk is too great,” he replied. “The man might die before you reached a conclusion; whereas a few inquiries made by the police would probably put a stop to the affair, unless the poisoning is in some inconceivable way inadvertent.”

That was what his advice amounted to, and I felt that he was right. But it put on me a horribly unpleasant duty; and as I wended homewards I tried to devise some means of mitigating its unpleasantness. Finally I decided to try to persuade Mrs. Burnaby to make a joint communication with me.

But the necessity never arose. When I made my morning visit, I found a taxicab drawn up opposite the door and the housemaid who admitted me looked as if she had seen a ghost.

“Why, what is the matter, Mabel?” I asked, as she ushered me funereally into the drawing-room.

She shook her head. “I don’t know, sir. Something awful, I’m afraid. I’ll tell them you are here.” With this she shut the door and departed.

The housemaid’s manner and the unusually formal reception filled me with vague forebodings. But even as I was wondering what could have happened, the question was answered by the entry of a tall man who looked like a guardsman in mufti.

“Dr. Jardine?” he asked; and as I nodded, he explained, presenting his card:

“I am Detective-sergeant Lane. I have been instructed to make some inquiries in respect of certain information which we have received. It is stated that Mr. Frank Burnaby is suffering from the effects of poison. So far as you know, is that true?”

“I hope he is recovered now,” I replied, “but he was suffering last night from what appeared to be atropine poisoning.”

“Have there been any previous attacks of the same kind?” the sergeant asked.

“Yes,” I answered. “This was the fifth attack; but the first two were evidently due to some eye-drops that he had used.”

“And in the case of the other three; have you any idea as to how the poison came to be taken? Whether it was in the food, for instance?”

“I have no idea, sergeant. I know nothing more than what I have told you; and, of course, I am not going to make any guesses. Is it admissible to ask who gave the information?”

“I am afraid not, sir,” he replied. “But you will soon know. There is a definite charge against Mrs. Burnaby—I have just made the arrest—and we shall want your evidence for the prosecution.”

I stared at him in utter consternation. “Do you mean,” I gasped, “that you have arrested Mrs. Burnaby?”

“Yes,” he replied; “on a charge of having administered poison to her husband.”

I was absolutely thunderstruck. And yet, when I remembered Thorndyke’s

words and recalled my own dim and hastily-dismissed surmises, there was nothing so very surprising in this shocking turn of events.

“Could I have a few words with Mrs. Burnaby?” I asked.

“Not alone,” he replied, “and better not at all. Still, if you have any business——”

“I have,” said I; whereupon he led the way to the dining-room, where I found Mrs. Burnaby seated rigidly in a chair, pale as death, but quite calm though rather dazed. Opposite her a military-looking man sat stiffly by the table with an air of being unconscious of her presence, and he took no notice as I walked over to his prisoner and silently pressed her hand.

“I’ve come, Mrs. Burnaby,” said I, “to ask if there is anything that you want me to do. Does Burnaby know about this horrible affair?”

“No,” she answered. “You will have to tell him, if he is fit to hear it; and if not, I want you to let my father know as soon as you can. That is all; and you had better go now, as we mustn’t detain these gentlemen. Good-bye.”

She shook my hand unemotionally, and when I had faltered a few words of vague encouragement and sympathy, I went out of the room, but waited in the hall to see the last of her.

The police officers were most polite and considerate. When she came out, they attended her in quite a deferential manner. As the sergeant was in the act of opening the street door, the bell rang; and when the door opened it disclosed Mr. Parker standing on the threshold. He was about to address Mrs. Burnaby, but she passed him with a slight bow, and descended the steps, preceded by the sergeant and followed by the detective. The former held the door of the cab open while she entered, when he entered also and shut the door. The detective took his seat beside the driver and the cab moved off.

“What is in the wind, Jardine?” Parker asked, looking at me with a distinctly alarmed expression. “Those fellows look like plain-clothes policemen.”

“They are,” said I. “They have just arrested Mrs. Burnaby on a charge of having attempted to poison her husband.”

I thought Parker would have fallen. As it was, he staggered to a hall chair and dropped on it in a state of collapse.

“Good God!” he gasped. “What a frightful thing! But there can’t possibly be any evidence—any real grounds for suspecting her. It must be just a wild guess. I wonder who started it.”

On this subject I had pretty strong suspicions, but I did not mention them; and when I had seen Parker into the dining-room and explained matters a little further I went upstairs, bracing myself for my very disagreeable task.

Burnaby was quite recovered, though rather torpid from the effects of the morphine. But my news roused him most effectually. In a moment he was out of bed, hurriedly preparing to dress; and though his pale, set face told how deeply the catastrophe had shocked him, he was quite collected and had all his wits about him.

“It’s of no use letting our emotions loose, doctor,” said he, in reply to my expressions of sympathy. “Margaret is in a very dangerous position. You have only to consider what she is—a young, beautiful woman—and what I am, to realise that. We must act promptly. I shall go and see her father; he is a very capable lawyer; and we must get a first-class counsel.”

This seemed to be an opportunity for mentioning Thorndyke’s peculiar qualifications in a case of this kind, and I did so. Burnaby listened attentively, apparently not unimpressed; but he replied cautiously:

“We shall have to leave the choice of the counsel to Harratt; but if you care, meanwhile, to consult with Dr. Thorndyke, you have my authority. I will tell Harratt.”

On this I took my departure, not a little relieved at the way he had taken the evil tidings; and as soon as I had disposed of the more urgent part of my work, I betook myself to Thorndyke’s chambers, just in time to catch him on his return from the Courts.

“Well, Jardine,” he said, when I had brought the history up to date, “what is it that you want me to do?”

“I want you to do what you can to establish Mrs. Burnaby’s innocence,” I replied.

He looked at me reflectively for a few moments; then he said, quietly but rather significantly:

“It is not my practice to give *ex parte* evidence. An expert witness cannot act as an advocate. If I investigate the evidence in this case, it will have to be at your risk, as representing the accused, since any fact, no matter how damaging, which is in the possession of the witness must be disclosed in accordance with the terms of the oath, to say nothing of the obvious duty of every person to further the ends of justice. Speaking as a lawyer, and taking the known facts at their face value, I do not advise you to employ me to investigate the case at large. You might find that you had merely strengthened the hand of the

prosecution.

“But I will make a suggestion. There seems to me to be in this case a very curious and interesting possibility. Let me investigate that independently. If my inquiries yield a positive result, I will let you know and you can call me as a witness. If they yield a negative result, you had better leave me out of the case.”

To this suggestion I necessarily agreed; but when I took my leave of Thorndyke I went away with a sense of discouragement and failure. His reference to “the face value of the known facts” clearly implied that those facts were adverse to the accused; while the “curious possibility” suggested nothing but a forlorn hope from which he had no great expectations.

I need not follow the weary business in detail. At the first hearing before the magistrate the police merely stated the charge and gave evidence of arrest, both they and the defence asking for a remand and neither apparently desiring to show their hand. Accordingly the case was adjourned for seven days, and as bail was refused, the prisoner was detained in custody.

During those seven dreary days I spent as much time as I could with Burnaby, and though I was filled with admiration of his fortitude and self-control, his drawn and pallid face wrung my heart. In those few days he seemed to have changed into an old man. At his house I also met Mr. Harratt, Mrs. Burnaby’s father, a fine, dignified man and a typical old-fashioned lawyer; and it was unspeakably pathetic to see the father and the husband of the accused woman each trying to support the courage of the other while both were torn with anxiety and apprehension. On one occasion Mr. Parker was present and looked more haggard and depressed than either. But Mr. Harratt’s manner towards him was so frigid and forbidding that he did not repeat his visit. At these meetings we discussed the case freely, which was a further affliction to me. For even I could not fail to see that any evidence that I could give directly supported the case for the prosecution.

So six of the seven days ran out, and all the time there was no word from Thorndyke. But on the evening of the sixth day I received a letter from him, curt and dry, but still giving out a ray of hope. This was the brief message:

“I have gone into the question of which I spoke to you and consider that the point is worth raising. I have accordingly written to Mr. Harratt advising him to that effect.”

It was a somewhat colourless communication. But I knew Thorndyke well enough to realise that his promises usually understated his intentions. And when, on the following morning, I met Mr. Harratt and Burnaby at the court,

something in their manner—a new vivacity and expectancy—suggested that Thorndyke had been more explicit in his communication to the lawyer. But, all the same, their anxiety, for all their outward courage, was enough to have touched a heart of stone.

The spectacle that that court presented when the case was called forms a tableau that is painted on my memory in indelible colours. The mingling of squalor and tragedy, of frivolity and dread solemnity—the grave magistrate on the bench, the stolid policemen, the busy, preoccupied lawyers, and the gibbering crowd of spectators, greedy for sensation, with eager eyes riveted on the figure in the dock,—offered such a medley of contrasts as I hope never to look upon again.

As to the prisoner herself, her appearance brought my heart into my mouth. Rigid as a marble statue and nearly as void of colour, she stood in the dock, guarded by two constables, looking with stony bewilderment on the motley scene, outwardly calm, but with the calm of one who looks death in the face; and when the prosecuting counsel rose to open the case for the police, she looked at him as a victim on the scaffold might look upon the executioner.

As I listened to the brief opening address, my heart sank, though the counsel, Sir Harold Layton, K.C., presented his case with that scrupulous fairness to the accused that makes an English court of justice a thing without parallel in the world. But the mere facts, baldly stated without comment, were appalling. No persuasive rhetoric was needed to show that they led direct to the damning conclusion.

Frank Burnaby, an elderly man, married to a young and beautiful woman, had on three separate occasions had administered to him a certain deadly poison, to wit, atropine. It would be proved that he had suffered from the effects of that poison; that the symptoms followed the taking of certain articles of food of which he alone had partaken; that the said food did actually contain the said poison; and that the food which contained the poison was specially prepared for his sole consumption by his wife, the accused, with her own hands. No evidence was at present available as to how the accused obtained the poison or that she had any such poison in her possession, nor would any suggestion be offered as to the motive of the crime. But, on the evidence of the actual administration of the poison, he would ask that the prisoner be committed for trial. He then proceeded to call the witnesses, of whom I was naturally the first. When I had been sworn and given my description, the counsel asked a few questions which elicited the history of the case and which I need not repeat. He then continued:

“Have you any doubt as to the cause of Mr. Burnaby’s symptoms?”

“No. They were certainly due to atropine poisoning.”

“Has Mr. Burnaby any constitutional peculiarity in respect of atropine?”

“Yes. He is abnormally susceptible to the effects of atropine.”

“Was this peculiar susceptibility known to the accused?”

“Yes. It was communicated to her by me.”

“Was it known, so far as you are aware, to any other persons?”

“Mr. Parker was present when I told her, and Mr. Burnaby and his brother, Dr. Burnaby, were also informed.”

“Is there any way, so far as you know, in which the accused could have obtained possession of atropine?”

“Only by having the oculist’s prescription for the eye-drops made up.”

“Do you know of any medium, other than the food, by which atropine might have been taken by Mr. Burnaby?”

“I do not,” I replied; and this concluded my evidence. But as I stepped out of the witness-box, I reflected gloomily that every word that I had spoken was a rivet in the fetters of the silent figure in the dock.

The next witness was the cook. She testified that she had killed and skinned the rabbit and had then handed it to the accused, who made it into a fricassee and prepared it for the table. Witness took no part in the preparation and she was absent from the kitchen on one occasion for several minutes, leaving the accused there alone.

When the cook had concluded her evidence, the name of James Burnaby was called, and the doctor entered the witness-box, looking distinctly uncomfortable, but grim and resolute. The first few questions elicited the circumstances of his visit to his brother’s house and of the sudden attack of illness. That illness he had at once recognised as acute atropine poisoning, and had assumed that the poison was in the specially prepared food.

“Did you take any measures to verify this opinion?” counsel asked.

“Yes. As soon as I was alone, I took part of the remainder of the rabbit and put it in a glass jar which I found on the mantelpiece and which I first rinsed out with water. Later, I carried the sample of food to Professor Berry, who analysed it in my presence and found it to contain atropine. He obtained from it a thirtieth of a grain of atropine sulphate.”

“Is that a poisonous dose?”

“Not to an ordinary person, though it is considerably beyond the medicinal dose. But it would have been a poisonous dose to Frank Burnaby. If he had swallowed this, in addition to what he had already taken, I feel no doubt that it would have killed him.”

This concluded the case for the prosecution, and a black case it undoubtedly looked. There was no cross-examination; and as Thorndyke had arrived some time previously and conferred with Mr. Harratt and his counsel, I concluded that the defence would take the form of a counter-attack by the raising of a fresh issue. And so it turned out. When Thorndyke entered the witness-box and had disposed of the preliminaries, the counsel for the defence “gave him his head.”

“You have made certain investigations in regard to this case, I believe?” Thorndyke assented, and the counsel continued: “I will not ask you specific questions, but will request you to describe your investigations and their result, and tell us what caused you to make them.”

“This case,” Thorndyke began, “was brought to my notice by Dr. Jardine, who gave me all the facts known to him. These facts were very remarkable, and, taken together, they suggested a possible explanation of the poisoning. There were four striking points in the case. First, there was the very unusual nature of the poison. Second, the abnormal susceptibility of Mr. Burnaby to this particular poison. Third, the fact that all the food in which the poison appeared to have been conveyed came from the same source: it was sent by Mr. Cyril Parker. Fourth, that food consisted of pigeon’s eggs, pigeon’s flesh, and rabbit’s flesh.”

“What is there remarkable about that?” the counsel asked.

“The remarkable point is that the pigeon and the rabbit have an extraordinary immunity to atropine. Most vegetable-feeding birds and animals are more or less immune to vegetable poisons. Many birds and animals are largely immune to atropine; but among birds the pigeon is exceptionally immune, while the rabbit is the most extreme instance among animals. A single rabbit can take without the slightest harm more than a hundred times the quantity of atropine that would kill a man; and rabbits habitually feed freely on the leaves and berries of the belladonna or deadly nightshade.”

“Does the deadly nightshade contain atropine?” the counsel asked.

“Yes. Atropine is the active principle of the belladonna plant and gives to it its poisonous properties.”

“And if an animal, such as a rabbit, were to feed on the nightshade plant,

would its flesh be poisonous?”

“Yes. Cases of belladonna poisoning from eating rabbit have been recorded—by Firth and Bentley, for instance.”

“And you suspected that the poison in this case had been contained in the pigeon and the rabbit themselves?”

“Yes. It was a striking coincidence that the poisoning should follow the consumption of these two specially immune animals. But there was a further reason for connecting them. The symptoms were strictly proportionate to the probable amount of poison in each case. Thus the symptoms were only slight after eating the pigeon’s eggs. But the eggs of a poisoned pigeon could contain only a minute quantity of the poison. After eating the pigeon the symptoms were much more severe; and the body of a pigeon which had fed on belladonna would contain much more atropine than could be contained in an egg. Finally, after eating the rabbit, the symptoms were extremely violent; but a rabbit has the greatest immunity and is the most likely to have eaten large quantities of belladonna leaves.”

“Did you take any measures to put your theory to the test?”

“Yes. Last Monday I went to Eltham, where I had ascertained that Mr. Cyril Parker lives, and inspected his premises from the outside. At the end of his garden is a small paddock enclosed by a wall. Approaching this across a meadow and looking over the wall, I saw that the enclosure was provided with small fowl-houses, pigeon-cotes, and rabbit hutches. All these were open and their inmates were roaming about the paddock. On one side of the enclosure, by the wall, was a dense mass of deadly nightshade plants, extending the whole length of the wall and about a couple of yards in width. At one part of this was a ring fence of wire netting, and inside it were five half-grown rabbits. There was a basket containing a small quantity of cabbage leaves and other green stuff, but as I watched, I saw the young rabbits browsing freely on the nightshade plants in preference to the food provided for them.

“On the following day I went to Eltham again, taking with me an assistant who carried a young rabbit in a small hamper. We watched the paddock until the coast was clear. Then my assistant got over the wall and abstracted a young rabbit from inside the ring fence and handed it to me. He then took the rabbit from the hamper and dropped it inside the fence. As soon as we were clear of the meadow, we killed the captured rabbit—to prevent any possible elimination of any poison that it might have swallowed. On arriving in London, I at once took the dead rabbit to St. Margaret’s Hospital, where, in the chemical laboratory, and in the presence of Dr. Woodford, the Professor of

Chemistry, I skinned it and prepared it as if for cooking by removing the viscera. I then separated the flesh from the bones and handed the former to Dr. Woodford, who, in my presence, carried out an exhaustive chemical test for atropine. The result was that atropine was found to be present in all the muscles; and, on making a quantitative test, the muscles alone yielded no less than 1.93 grain.”

“Is that a poisonous dose?” the counsel asked.

“Yes; it is a poisonous dose for a normal man. In the case of an abnormally susceptible person like Mr. Burnaby it would certainly be a fatal dose.”

This completed Thorndyke’s evidence. There was no cross-examination, and the magistrate put no questions. When Dr. Woodford had been called and had given confirmatory evidence, Mrs. Burnaby’s counsel proceeded to address the bench. But the magistrate cut him short.

“There is really no case to argue,” said he. “The evidence of the expert witnesses makes it perfectly clear that the poison was already in the food when it came into the hands of the accused. Consequently the charge against her of introducing the poison falls to the ground and the case must be dismissed. I am sure everyone will sympathise with the unfortunate lady who has been the victim of these extraordinary circumstances, and will rejoice, as I do, at the clearing up of the mystery. The prisoner is discharged.”

It was a dramatic moment when, amidst the applause of the spectators, Mrs. Burnaby stepped down from the dock and clasped her husband’s outstretched hands. But, overwhelmed as they both were by the sudden relief, I thought it best not to linger, but, after brief congratulations, to take myself off with Thorndyke. But one pleasant incident I witnessed before I went. Dr. Burnaby had been standing apart, evidently somewhat embarrassed, when suddenly Mrs. Burnaby ran to him and held out her hand.

“I suppose, Margaret,” he said gruffly, “you think I’m an old beast?”

“Indeed I don’t,” she replied. “You acted quite properly, and I respect you for having the moral courage to do it. And don’t forget, Jim, that your action has saved Frank’s life. But for you, there would have been no Dr. Thorndyke; and but for Dr. Thorndyke, there would have been another poisoned rabbit.”

“What do you make of this case?” I asked, as Thorndyke and I walked away from the court. “Do you suppose the poisoning was accidental?”

He shook his head. “No, Jardine,” he replied. “There are too many coincidences. You notice that the poisoned animals did not appear until after Mr. Parker had learned from you that Burnaby was abnormally sensitive to

atropine and could consequently be poisoned by an ordinary medicinal dose. Then the sending of the animals alive looks like a precaution to divert suspicion from himself and confuse the issues. Again, that ring fence among the belladonna plants has a fishy look, and the plants themselves were not only abnormally numerous but many of them were young and looked as if they had been planted. Further, I happen to know that Parker's firm published, only last year, a book on toxicology in which the immunity of pigeons and rabbits was mentioned and which Parker probably read."

"Then do you believe that he intended to let Mrs. Burnaby—the woman with whom he was in love—bear the brunt of his crime? It seems incredibly villainous and cowardly."

"I do not," he replied. "I imagine that the rabbit that I captured, or one of the others, would have been sent to Burnaby in a few days' time. The cook would probably have prepared it for him and it would almost certainly have killed him; and his death would have been proof of Mrs. Burnaby's innocence. Suspicion would have been transferred to the cook. But I don't suppose any action will be taken against him, for it is practically certain that no jury would convict him on my evidence."

Thorndyke was right in his opinion. No proceedings were taken against Parker. But the house of the Burnabys knew him no more.

THE END

## TRANSCRIBER NOTES

This story is Number Twenty Seven from the book  
“The Famous Cases of Dr. Thorndyke  
Thirty-seven of his criminal  
investigations as set down by  
R. Austin Freeman.”

also known as

“Dr. Thorndyke His Famous Cases as  
Described by R. Austin Freeman”.

First published July 1929  
Hodder & Stoughton, London

Misspelled words and printer errors have been corrected. Where multiple spellings occur, majority use has been employed.

Punctuation has been maintained except where obvious printer errors occur.

Book name and author have been added to the original book cover, together with the name and number of this story. The resulting cover is placed in the public domain.

[The end of *Rex v. Burnaby* by Richard Austin Freeman]