Philadelphia’s Great Drood Trial

On April 30, 1914, the front pages of American newspapers were announcing such momentous happenings as the truce with Pancho Villa in Mexico, the army’s war with striking miners in Colorado, and President Wilson’s troubles with William Jennings Bryan, his obstreperous Secretary of State. Alongside these and other news stories of national and world-wide significance, Philadelphia papers of that date carried an account of a remarkable event which had occurred at the Academy of Music the previous evening, one unrivalled in its uniqueness and the special excitement it had generated throughout Philadelphia society.


The celebrated Drood murder trial was noteworthy not only for its place of venue—the Academy of Music—but also for its distinguished roster of participants, drawn from the highest echelons of Philadelphia’s social and professional life—lawyers, doctors, clergy-men, poets, newspaper publishers, literary men, captains of industry, two former governors and the then-mayor of Philadelphia.

Not surprisingly, the names of many of those participants are still familiar. No less a personage than Pennsylvania Supreme Court Justice John P. Elkin upheld the majesty of the law as presiding judge. Counsel for the prosecution was Attorney General John C. Bell, with Judge John M. Patterson as co-counsel. The defense had retained the leading criminal lawyer of the city, John R. K. Scott, who was assisted by Percival S. Woodin, also a prominent member of the bar at that time. Among the witnesses were Dr. Wilmer Krusen, professor of medicine and director of health for the city of Philadelphia; Assistant District Attorney Joseph P. Rogers; John G. Scorer, educator; and lawyers John Kent Kane and Paxson Deeter.
The jury—"twelve good men and true"—were no less prestigious. They were:

John Bach MacMaster, Professor of American History at the University of Pennsylvania, who served as foreman
George W. Elkins, traction magnate
James W. King, lawyer and literary critic
Albert G. Hetherington, art collector
William Findlay Brown, lawyer
Rudolph Blankenburg, Mayor of Philadelphia
Edgar Fahs Smith, Provost of the University of Pennsylvania
George Wharton Pepper, lawyer
Samuel W. Pennypacker, former Governor of Pennsylvania
J. Parker Norris, lawyer and Shakespearean authority
Charlemagne Tower, former Ambassador to Germany
J. William White, surgeon and professor of medicine

The remainder of the illustrious fifty-two-man panel were seated on the stage before the court as official observers of the trial. Among this group were Philadelphia greats Charles Custis Harrison, the Rt. Rev. Monsgr. Charles F. Kavanagh, Ellis Paxson Oberholtzer, A. S. W. Rosenbach, Charles Sessler and Solomon Solis-Cohen, to name just a few.

The "trial of John Jasper for the murder of Edwin Drood," as it was presented that evening of April 29, 1914, in the Academy of Music, was not really a trial; nor was it a play or book dramatization. It was a simulated trial based on Charles Dickens' *The Mystery of Edwin Drood*, and conducted in faithful accordance to standard trial procedures. Dickens had died in the midst of writing this novel, and though he had completed the groundwork of the plot, generously furnishing it with titillating clues and likely solutions, whatever denouement he actually had in mind was a secret that went with him to the grave.

The story had progressed up to the disappearance of a certain Edwin Drood under a strange set of circumstances and among much anxiety and misgiving for all concerned. It was presumed that Drood

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2 Ibid., 40, 41, 42.
had been murdered, but who did it, and how, and even if there had actually been a murder, were points that themselves were to be subjects for spirited debate among armchair detectives even up to the present time.

The mock trial of the chief suspect, John Jasper, rival in love to Edwin Drood, was staged by the Dickens Fellowship of Philadelphia in an effort to get a consensus from the legal and literary community of just what Dickens’ ultimate intentions might have been as to the outcome of the mystery. For its 1979–1980 season, the Fellowship, completing a fifteen-year cycle of studying the major works of Charles Dickens, came around again to this last one, and in so doing revived memories of that famous Academy affair of sixty-five years ago.

Few real murder trials have attracted such attention. For several weeks before it took place, it was a subject of much lively discussion in college halls as well as in gentlemen’s clubs and wherever else the literati and legal types gathered. Libraries and bookstores couldn’t keep up with the demand for Dickens’ book. The pre-trial excitement gained ever increasing momentum as one dignitary after another announced that he would take part in the affair. The newspapers enthusiastically publicized the cause célèbre. “Dickens lovers await trial with confidence,” asserted one a few days before the trial.3 Even the New York Nation carried news of the impending event.4

Naturally, the Academy of Music was sold out. The audience of some 3,000 persons filled the seats “to its very roof,”5 as one report had it. Seldom had the old auditorium, noted for its great assemblies, witnessed such a unique and absorbing spectacle. From 7:45 P.M. until well after midnight, the spectators sat entranced, caught up in the intense drama unfolding before them.

To make the trial scene as authentic as possible, the stage had been converted to resemble an English courtroom of Dickens’ day. The judge, dressed in a scarlet and ermine robe, sat in solemn dignity on an elevated bench, his long judicial wig falling over his shoulders. The barristers, also in long, white wigs, were gowned in black. On

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4 “Another Drood Trial,” New York Nation, Apr. 9, 1914.
either side of the judge's bench stood the tipstaves—guardians of the court's decorum—who carried brass-topped staves as symbols of their office and were resplendent in cocked hats and red coats with gold braid. In the prisoner's dock sat the melancholy accused, suitably brooding and intent.

From the crier's opening "Oyez, oyez, oyez," until the judge's gavel fell marking the court's adjournment, the unusual proceedings were conducted in a remarkably realistic atmosphere. Dickens' partially written book was the only evidence entered into the record, and many times its pages were perused to determine the "legality" of a question of counsel or an answer of a witness. Sharp clashes between the barristers occurred, and even the witnesses were not above hurling sarcastic remarks during the questioning, according to published accounts.6

"So bitter was the battle of legal minds," wrote one reporter, "that Justice Elkin was frequently moved to censure the attorneys for transgressing the bounds of their jurisdiction."7 Argument and rebuttal, summing up and charge to jury, all were in finest courtroom tradition. Around midnight the jury retired to determine the verdict.

Strictly speaking, since there was no corpus delicti, this case could not have been tried in a Pennsylvania court.8 However, the jurors had been instructed to determine Dickens' intention: whether from the evidence set forth in the book, as far as it had been written, a viable extrapolation could be made as to the outcome.

"The guilt or innocence of the accused is the question submitted for your decision," instructed Judge Elkin in his charge to the jury, "but this fact is to be established upon the basis of what the author intended. . . . This intention depends upon the inferences to be drawn from the facts and circumstances recorded in the book which has been offered in evidence."9 The requirement of unanimity had been waived in the preset ground rules; a simple majority vote would bring the case to a satisfactory conclusion.

8 Patterson, 37–38.
9 Ibid., 141.
The verdict was eleven to one for "not guilty." But scarcely had the decision been announced and the prisoner discharged than yet another controversy arose. "Many persons," solemnly averred the *Evening Bulletin* in reporting the outcome of the trial, "had it firmly fixed in their minds that Jasper was a double-dyed villain and had killed his nephew; and these rather resented his getting a coat of whitewash at the hands of such a distinguished jury."\(^{10}\) To settle the dust of this new contention, many of the jurors were asked in follow-up interviews to explain how they came to vote as they did. Two of them, John Bach McMaster and Charlemagne Tower, maintained that "Dickens was too clever a craftsman to kill off his hero in the first part of the book."\(^{11}\)

In a rebuttal, the lone dissenter on the jury to the majority opinion, Dr. J. William White, said he was convinced "by an exhaustive survey of the peripheral writings of Dickens while he was writing Drood—conversations and letters to friends—" that Jasper was indeed a murderer. White ended his statement rather grumpily: "Some of my fellow jurors should give prayerful consideration to the story itself," he advised, "before undertaking to improve upon it or to enlighten the public regarding it."\(^{12}\)

In due time, a transcript of the trial written by Judge Patterson, president of the Dickens Fellowship, was made public. Then, following the best Pickwickian tradition, the secretary of the fellowship forwarded an abstract of the proceedings to the London *Dickensian*, the society's official journal.\(^{13}\) Publication of the account of the trial opened anew the whole Drood controversy. Ardent Droodians polarized into unshakeable positions. For months *The Dickensian* was inundated with theories, articles, new editions of the book with all varieties of endings tacked on, and letters to the editor which at times were shrill and denunciatory toward holders of rival theories. When after several months the mania showed no sign of lessening,


\(^{11}\) Ibid.

\(^{12}\) "Jasper was Guilty, Dr. White Insists," *Philadelphia Evening Bulletin*, May 2, 1914, p. 3.

\(^{13}\) J. K. T(hompson), "American Trial of John Jasper," *The Dickensian*, X, No. 6 (June 1914), 148–150.
the weary editor in desperation called for a moratorium, refusing to publish anything more "for the time being"\textsuperscript{14} on the Drood enigma. Although Philadelphia's "Trial of John Jasper" did not "settle for all time the whole controversy,"\textsuperscript{15} as Judge Patterson had stoutly maintained it would, it did create quite a stir and added an interesting footnote to the social history of the city.

\textit{Upper Darby, Pa.} \hspace{1cm} \textit{Martha Rosso}

\textsuperscript{14} \textit{The Dickensian}, XI, No. 4 (1915), 107.
\textsuperscript{15} "When Found," \textit{ibid.}, X, No. 6 (June 1914), 143.