

= Eastbourne manslaughter =

The Eastbourne manslaughter was an 1860 legal case in Eastbourne , England , concerning the death of 15 @-@ year @-@ old Reginald Cancellor (some sources give his name as Chancellor and his age as 13 or 14) at the hands of his teacher , Thomas Hopley . Hopley used corporal punishment with the stated intention of overcoming what he perceived as stubbornness on Cancellor 's part , but instead beat the boy to death .

An inquest into Cancellor 's death began when his brother requested an autopsy . As a result of the inquest Hopley was arrested and charged with manslaughter . He was found guilty at trial and sentenced to four years in prison , although he insisted that his actions were justifiable and that he was not guilty of any crime . The trial was sensationalised by the Victorian press and incited debate over the use of corporal punishment in schools . After Hopley 's release and subsequent divorce trial , he largely disappeared from the public record . The case became an important legal precedent in the United Kingdom for discussions of corporal punishment in schools and reasonable limits on discipline .

= = Background = =

Thomas Hopley , aged 41 at the time of the incident , was a schoolmaster in Eastbourne who ran a private boarding school out of his home at 22 Grand @-@ parade . He was well educated and from a middle @-@ class family , the son of a Royal Navy surgeon and brother of artist Edward Hopley . His household was fairly well off , and he and his wife kept several servants . Hopley was described by Algernon Charles Swinburne as " a person of high attainments and irreproachable character " . He expressed " utopian " educational ideals shared by many Victorian educational theorists . He wrote pamphlets on education topics which included " Lectures on the Education of Man " , " Help towards the physical , intellectual and moral elevation of all classes of society " , and " Wrongs which cry out for redress " advocating the abolition of child labour .

In October 1859 , he was offered £ 180 a year (compared to an average annual salary of £ 94 for a male public elementary school teacher in 1860) to teach Reginald Channell Cancellor , a " robust " boy who had been " given up as ineducable " . Reginald was the son of John Henry Cancellor (1799 ? 1860) , a court master and a " man of fair position " from Barnes , Surrey . The boy had previously been a student at a private school in St. Leonards and under a private tutor . He was not a good student , with contemporary sources suggesting he " had water on the brain " and describing him as " stolid and stupid " . Hopley attributed Cancellor 's failure to learn to stubbornness . On 18 April 1860 he asked the boy 's father for permission to use " severe corporal punishment " to obtain compliance , with permission being granted two days later . Hopley did not possess the cane traditionally used to administer corporal punishment to students , so instead he used a skipping rope and a walking stick .

= = Death = =

Cancellor was found dead in his bedroom on the morning of 22 April . His body was covered , with long stockings over his legs and kidskin gloves on his hands . The only visible part of the body was his face . A medical man of Hopley 's acquaintance named Roberts pronounced that the boy had died of natural causes . When questioned , Hopley suggested that Cancellor died of heart disease and argued that he should be buried immediately . He wrote to the boy 's father requesting the body 's immediate removal and interment . After viewing his son 's dressed body , Cancellor 's father accepted Roberts ' assertion for cause of death and agreed to the burial .

Rumours began to circulate among the Hopleys ' servants , suggesting that Hopley 's wife had spent the night prior to the body 's discovery cleaning up evidence of her husband 's murder of the boy . Reginald 's older brother , Reverend John Henry Cancellor , Jr . (1834 ? 1900) , arrived in Eastbourne from Send , Surrey , on 25 April . He noticed discrepancies in the reports of his brother 's death and requested an autopsy . Hopley asked prominent physician Sir Charles Locock , an

acquaintance of the Cancellor family and an obstetrician to the Queen , to examine the body and verify death by natural causes ; Locock believed that Hopley was responsible for the death .

A complete inquest into Cancellor 's death was initiated . His body was taken for autopsy on 28 April and was found to be covered in blood under the gloves and stockings . His thighs were " reduced to a perfect jelly " and his body was covered in bruises and cuts , including two inch @-@ deep holes in his right leg , deep enough to allow the medical examiner , Robert Willis , to touch the bone underneath . Willis reported that other than these injuries , the boy was healthy and his internal organs (including the heart) were free of disease . He thus concluded that Cancellor had not died of natural causes , as Hopley had suggested , and noted that the boy had obviously been beaten shortly before his death . A female servant named Ellen Fowler , when questioned by investigators , reported that she had heard Cancellor screaming and being beaten from 10 pm until midnight and that , shortly thereafter , he abruptly fell silent . She also noted traces of blood in the house and on Hopley 's candlestick , which was left outside Cancellor 's bedroom , and evidence that Cancellor 's and Hopley 's clothes had been washed soon before the former was pronounced dead . Two other servants testified in the inquiry and gave similar accounts .

The inquest was unable to determine Cancellor 's exact cause of death , but noted several inconsistencies in Hopley 's explanation of events . He had failed to summon a doctor immediately and , upon questioning , had given outlandish excuses for his failure to do so . Hopley attempted to explain away the blood on the candlestick by attributing it to a broken blister on his hand , but did not offer an explanation for Cancellor 's injuries . Hopley aroused further suspicion when he asked journalists present at the inquest not to include details of the corporal punishment in their stories , " in order to spare the feelings of the deceased family as of my own " . Cancellor 's family was deeply affected by the case , as they had been " disinclined " to see Cancellor beaten ; his father died shortly after the inquest of a " broken heart " .

= = Trial = =

Hopley was arrested in early May and , after a seven @-@ hour preliminary hearing , was released on 16 June on a £ 2 @,@ 000 bail . He and his then @-@ pregnant wife spent the period between the initial hearing and the trial at Uckfield . Hopley was confident that he would be found not guilty . He began composing a pamphlet titled Facts Bearing on the Death of Reginald Channell Cancellor , to be published after the trial ; it was published by an associate of Hopley 's after his conviction and detailed Hopley 's explanation of Cancellor 's death and his justification for his treatment of the boy . The press was extremely hostile , calling for a murder charge to be laid against him . He received a large amount of hate mail from anonymous members of the public .

Hopley 's trial took place at Lewes Assizes on 23 July 1860 . The prosecutors were Parry and Knapp ; Hopley was defended by the serjeant @-@ at @-@ law William Ballantine , who subsequently described Hopley as " distorted " . Throughout his trial , Hopley described himself as reluctant to use corporal punishment . In describing the events preceding Cancellor 's death , Hopley stated that he started crying while beating Cancellor , after which Cancellor presented his lesson and " Hopley took his head on his breast and prayed with him " . Hopley presented testimonials from past students who described him as " kindly " and who noted an infrequent use of violence . Hopley claimed to be a paedagogical follower of John Locke , who had decried the use of corporal punishment except in cases of extreme obstinacy on the part of the student . He argued that , through the application of this theory , the beating that killed Cancellor had been a necessary one .

Robert Willis testified at the trial that there was no possibility that Cancellor 's death had been a result of natural causes . He presented a detailed description of the boy 's injuries , suggesting that they had been sustained over several hours . He also revealed that Cancellor 's skull cavity contained six to eight ounces of fluid , attributing to this fluid the boy 's seeming inability to learn as described by Hopley , but rejected any suggestions that it may have contributed to Cancellor 's death . Cancellor 's brother , Fowler , and Locock all testified against Hopley ; Locock 's testimony was particularly hostile , suggesting that Hopley 's incompetent response to interviews was "

tantamount to an admission of guilt ". Other witnesses included the Hopleys ' laundress , Roberts , three members of the coastguard who had seen lights on in the house late at night , a local constable , and the town registrar .

Ballantine 's conduct during the trial was flawed , and he believed Hopley to be insane . Although he promoted the testimonials of former students and argued that a schoolmaster was unlikely to " so lightly jeopardize his ambitions " , he congratulated Locock on the accuracy of his testimony in open court . Ballantine did not call key witnesses like Edward Philpott , another student of Hopley 's who had been at the house that night . Philpott slept in the bedroom beside Cancellor 's and had reported hearing no unusual noises or screams from Cancellor 's room on the night of his death . Neither did Ballantine call Professor John Eric Erichsen of University College Hospital , who had conducted a second autopsy on Cancellor on 11 May and had suggested that " the misleading appearance of the body was attributable to an undiagnosed blood condition akin to haemophilia " . In his memoir *Some experiences of a barrister 's life* , published in 1883 , Ballantine offered a highly sensationalised account of Cancellor 's death : " the wretched half @-@ witted victim of a lunatic 's system of education was deliberately mangled to death " .

Hopley was convicted of manslaughter , not murder , because of his position as a schoolteacher " endowed with parental authority " . Sir Alexander Cockburn , the Chief Justice of the Court of King 's Bench , presented a summary of the decision :

By the law of England , a parent or a schoolmaster (who for this purpose represents the parent and has the parental authority delegated to him) , may for the purpose of correcting what is evil in the child , inflict moderate and reasonable corporal punishment , always , however , with the condition , that it is moderate and reasonable . If it be administered for the gratification of passion or of rage , or if it be immoderate or excessive in its nature or degree , or if it be protracted beyond the child 's powers of endurance , or with an instrument unfitted for the purpose and calculated to produce danger to life and limb : in all such cases the punishment is excessive , the violence unlawful , and if evil consequences to life or limb ensue , then the person inflicting it is answerable to the law , and if death ensues it will be manslaughter .

Cockburn further suggested that Hopley should have realised Cancellor 's cognitive deficiencies and taken these into account in his treatment of the boy .

Hopley was sentenced to four years of penal servitude at Millbank Prison . After being indicted , he wrote : " while anguish shook the frame , the conscience suffered not one pang . I searched and searched among the deepest secrets of my soul , and could not blame myself ... I could look up tranquilly into the face of heaven who knew me to be Not Guilty . " He believed that his actions were justifiable because he had undertaken them in his duty as schoolteacher . He portrayed himself as a victim of public opinion , claiming that " a mournful accident was swelled up into a bloody midnight murder , and how it has been brought about that my unfortunate name has been branded , not simply through the United Kingdom , but through the civilised world , as one of the most execrable monsters or of madmen . " He published a pamphlet arguing that Locock had perjured himself and had conspired with Fowler to influence the outcome of the trial .

= = Reaction and aftermath = =

The trial was sensationalised by contemporary media . The press derided Hopley as " monstrous " , and criticised schoolteachers in general and private schoolteachers in particular . Newspapers published graphic accounts of Cancellor 's injuries and autopsy and further exaggerated the early rumours surrounding his death . Cancellor 's was the first death by corporal punishment to have received broad public interest . To prevent overcrowding , the court issued tickets for admission to the public gallery during the trial ; the courtroom was full an hour before the trial began . After Hopley 's conviction , he issued at least two pamphlets on model education from gaol , which were poorly received by the public . Hopley 's immediate fame was short @-@ lived ; a mere month after his conviction , the press was focused on another case of corporal punishment , that of Caroline Lefevre , whose arms were allegedly burnt by her teacher .

Following Hopley 's release from prison , he became immediately embroiled in a sensationalised

divorce trial . His wife , Fanny , had petitioned for divorce on the grounds that he was " unloving " and had mistreated her . She claimed that Hopley had married her as an " educational experiment " , presenting Hopley 's educational theories as evidence of his " lunacy " . She had been 18 years old to Hopley 's 36 at the time of their marriage in 1855 . According to her statements during the trial , Hopley frequently criticised her writing and insisted that the couple 's three children should be raised as " second Christs " . She accused him of physically abusing her from the time of her first pregnancy , beating his first child only days after its birth (the child was later found to be " brain @-@ damaged ") , and suggesting that during his prison sentence she should be confined to a workhouse . Hopley responded by claiming that he set rules only to ensure the maintenance of his household and the well @-@ being of his family , and produced a set of romantic letters he had received from Fanny during his incarceration as evidence of her unforced affection for him .

The jury found Hopley guilty of cruelty , but suggested that Fanny had condoned his treatment of her . The judge therefore ruled that her case was insufficient to grant a divorce . The verdict sparked outrage among the public , who believed that " a great injustice had been done " , and that Fanny should not be forced to remain married to an abusive convicted killer . Fanny left England shortly afterwards , allegedly to avoid having to continue living with Hopley .

Hopley largely withdrew from the public eye after the trial , becoming a private tutor in London and publishing pamphlets on spiritualism in the late 1860s . He died at University College Hospital on 24 June 1876 . A retrospective editorial published in The Times in 1960 concluded that Hopley was not " the villain which some persons pictured him to be " ; it noted that at the time of his arrest Hopley had been planning the construction of a " model school " in Brighton and that he had examined architect 's drawings of the school after beating Cancellor .

In 1865 , Cancellor 's death was used in a medical journal article discussing adult hydrocephalus . Despite Willis ' statement that Cancellor had no pre @-@ existing medical condition that would have caused or contributed to his death , author Samuel Wilks suggested not only that Cancellor had hydrocephalus , but that he was consequently more susceptible to physical injury as a result . He pointed to the autopsy finding of fluid in Cancellor 's brain to support his assertions and argued that this effusion would have caused physical weakness .

R v Hopley was used as an archetypal case for legal commentaries about corporal punishment until physical discipline was officially banned in British schools well over a century later . According to education professor Marie Parker @-@ Jenkins , R v Hopley is " the most quoted case of the 19th century involving the issue of corporal punishment " . The case is credited with prompting outcry against corporal punishment among the general public , although contemporary education journals rejected the possibility of abolishing corporal punishment . Hopley 's defence , known as " reasonable chastisement " , became a frequently used response to charges of corporal punishment and was incorporated into the Children and Young Persons Act 1933 . Cockburn 's requirement for " moderate and reasonable " punishment was established as a legal limit to corporal punishment and is still employed in modern legal scholarship .