

**LEVEL 2 AWARD**

**THINKING AND REASONING SKILLS**

Unit 2 Thinking and Reasoning Skills Case Study

**B902/RB**

**PRE-RELEASE MATERIAL**

**JUNE 2010**

**To be opened on receipt**



**INSTRUCTIONS TO CANDIDATES**

- This Resource Booklet is for examination preparation. You will be given a clean copy in the examination.

**INFORMATION FOR CANDIDATES**

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**INSTRUCTION TO EXAMS OFFICER/INVIGILATOR**

- Do not send this Resource Booklet for marking; it should be retained in the centre or destroyed.

## DOCUMENT 1

### The Trial of Eliza Fenning

In April 1815 the trial took place at the Old Bailey of Eliza Fenning.

Eliza was an attractive 21 year old girl who worked as the cook in the household of Robert and Charlotte Turner in London's Chancery Lane. Robert Turner worked in a law firm and employed a housemaid, Sarah Peer, and two male apprentices, all of whom "lived in".

On the 21st of March 1815, when Eliza had been working for the Turner family for about seven weeks, Eliza prepared a meal of rump steak, potatoes and dumplings for lunch. Robert Turner's father, Haldebart, had come to dine with his son and daughter in law that day. Soon after eating the meal, the whole family was suffering from severe stomach pains and vomiting. Eliza and Roger Gadsden, one of the apprentices, were in similar condition in the kitchen having eaten some of the dumplings. They were all attended by the doctor and made full recoveries.

Robert's father, Haldebart, suspected that they had been poisoned because a packet of arsenic kept in his desk drawer had recently gone missing. Arsenic and other poisons were freely available in those days and were often bought for killing vermin. He asked the doctor to examine the contents of the pan in which Eliza had cooked the dumplings. The doctor concluded that it contained arsenic and Eliza was arrested on the 23rd of March and charged with attempted murder.

The trial took place on 5<sup>th</sup> April 1815. At this time witnesses could not be cross-examined by the defence. Eliza was allowed only to make a short statement to the court herself and to call four witnesses to swear to her previous good character. After all the evidence had been heard and the judge had summed up the case, the jury took just a few minutes to return a verdict of guilty for the crime of attempted murder.

Although other punishments such as imprisonment or transportation to Australia could have been imposed, the judge chose to sentence Eliza to be hanged. On the 26<sup>th</sup> July 1815 she was executed on a gallows outside Newgate prison.

**DOCUMENT 2a****Transcript of the evidence of Mrs Charlotte Turner**

The following is a transcript of the evidence given at the Old Bailey Trial of Eliza Fenning by Mrs Charlotte Turner

---

CHARLOTTE TURNER. I am the wife of Robert Turner; he works in a law firm in Chancery Lane; his father, Mr. Haldebart Turner, is his partner and he lives at Lambeth. The prisoner came into my service as cook about seven weeks before the accident.

- Q. In the short time after she came into your service did you have any complaints about her behaviour? 5
- A. I had – about three weeks after she came.
- Q. What was the reason for your complaint?
- A. One night, I observed her go into the young apprentices' bedroom partly undressed. I said it was very indecent of her to go into the young men's room thus undressed.
- Q. What age were the young men? 10
- A. I suppose seventeen or eighteen years old.
- Q. How many of them were there?
- A. Two; I told her off very severely the next morning for her conduct. I threatened to dismiss her, but she said she was sorry for it. I forgave her and kept her on. That passed over.
- Q. What was her attitude after that for the remaining month? 15
- A. I observed that she no longer gave me the respect that she did before this and appeared extremely sullen.
- Q. Did she, after this, say anything to you upon the subject of yeast dumplings?
- A. She did. A fortnight before the incident she asked me to let her make some yeast dumplings, saying she was very good at making them. She repeated this request frequently. On Monday, the 20th of March, she came into the dining-room and said the brewer had brought some yeast. 20
- Q. Had you given any order to the brewer to bring any yeast?
- A. Oh, no. I told her I did not wish to trouble the man as that was not the way I had them made. I generally got the dough straight from the baker as that saved the cook a good deal of trouble and was always considered best. However as the man had brought a little yeast I told Eliza that she could make some dumplings the next day. On Tuesday morning the 21st I, as usual, went into the kitchen. I told her again that she could make the dumplings but that before she started to make them she had to first make a beefsteak pie for the apprentices' dinner. This was because she needed to leave the kitchen to get the steaks, but that I did not wish her to leave the kitchen after she had started making the dumplings. I told her I wished them to be mixed with milk and water. She said she would do them as I wanted. I gave directions about making the dough. I said, "I suppose there is no reason for me to stay." She agreed, saying that she knew very well how to do it. Then I went upstairs. 30

In about half an hour I went into the kitchen again; I then found the dough made; it was set before the fire to rise. 35

Q. Do you have any other servants?

A. Yes, another maid; her name is Sarah Peer. At the time that the dough was made, I had given Sarah Peer orders to go into the bedroom to repair a bed cover. I am certain that during the time the dough was made only Eliza was in the kitchen. This was about half past twelve; we dine at three, the apprentices at two. From half past twelve to three I was in the kitchen two or three times, until the dough was made up into dumplings. 40

Q. Where was the dough?

A. It remained in a pan in front of the fire to rise; I observed that it never did rise. I took off the cloth and looked at it. My observation was it had not risen and it looked quite unusual. It stayed that way until it was divided into dumplings. 45

Q. How many dumplings were there?

A. Six; the prisoner had divided it into six dumplings. About three o'clock I sat down to dinner and the dumplings were brought to the table. I told the other servant that they were black and heavy, instead of white and light. 50

Q. Who sat down to dinner with you?

A. Mr. Haldebart Turner, myself, and my husband. I helped Mr. Haldebart Turner and my husband to some dumpling and took a small piece myself. Within a few minutes I started to feel a pain in my stomach. I only ate a quarter of a dumpling. I felt very faint and an extreme burning pain, which increased every minute. It became so bad I was obliged to leave the table. I went up stairs. 55

Q. You ate nothing else?

A. I ate a bit of beef steak that the prisoner had cooked. When I went up stairs my sickness had increased and my head was extremely sore. I retched very violently. I was alone for half an hour. I wondered why none of the family came up to my assistance. When I came down I found both my husband and my husband's father very sick. I was ill from half past three till nine, sick and retching. At nine it eased, but did not cease. My chest was swollen. We called in Mr. Marshall, the doctor. 60

**DOCUMENT 2b****Transcript of the evidence of Mr Haldebart Turner**

The following is a transcript of the evidence given at the Old Bailey Trial of Eliza Fenning by Mr Haldebart Turner.

---

Q. You are the father of Robert Turner?

A. Yes. On Tuesday the 21st of March I was at my son's house for dinner. Our dinner consisted of yeast dumplings, rump steaks, and potatoes.

Q. Did you eat any of the dumplings?

A. I did. After some time Mrs. Charlotte Turner left the room indisposed. She went up stairs but we did not know then that she was very ill. Some time afterwards my son left the room and went down stairs. I followed him shortly afterwards and went into the parlour below. Coming out I met my son at the foot of the stairs; he told me had been very sick, and had brought up his dinner. His eyes were extremely swollen. I said, I thought it very extraordinary. I was taken ill myself less than three minutes afterwards. The effect was so violent, that I had hardly time to get into the yard before my dinner came up. I felt considerable heat across my stomach and chest, and pain as well.

Q. Was the vomiting of a common kind?

A. I never experienced any thing before like it for violence. I was terribly irritated. About a quarter of an hour later, my apprentice Roger Gadsell was taken very ill in a similar way to myself.

Q. Did the prisoner give any of you any assistance while you were sick?

A. None in the least.

Q. Did you see whether the prisoner ate any dumplings?

A. I did not. I had suspicion of arsenic. I made a search the next morning and I found a brown dish or a pan that the dumplings had been mixed in. There appeared to be the remains of the dumplings in it. I put some water into the pan and stirred it up with a spoon to form a liquid. I put the pan down for half a minute and when I picked it up slowly and tilted it, I discovered a white powder at the bottom. I showed it to several persons in the house. I kept it and showed it to Mr. Marshall when he came. No other person had access to it.

Q. Had you any arsenic in the house?

A. Yes. I kept it in a drawer in the office: any person might have access to it.

Q. Did you keep this arsenic to poison the mice that infested the office?

A. Yes, it was only to be used in the office.

Q. Do you happen to know whether the prisoner can read?

A. I believe she can read and write.

Q. Was that drawer locked or open?

A. It has always remained open.

Q. Who lit the fire in that office, do you know?

A. It was the prisoner's duty to do so. Waste paper was kept in that drawer and she could go to it for paper to light the fire. I saw the arsenic in that drawer on the 7th of March; never after that time. I heard of it going missing about a fortnight before the 21st of March. I observed that the knives and the forks that we ate the dumplings with were black but there was no vinegar used in the sauce at all. I have two of them in my pocket to show (*the witness produced two of the knives*). I saw them with this black upon them the next day. The day after that I asked the prisoner how she came to put any ingredients into the dumplings that were so damaging to us. She replied that it was not in the dumplings, but it was in the milk that Sarah Peer brought in. I had several conversations with her on this subject the day after the incident. During the whole of those conversations she insisted that it was the milk that Sarah Peer brought in which caused the illness. However, that milk had been used for the sauce only. The prisoner made the dumplings with the remains of some *other* milk that had been left at breakfast. I asked the prisoner if any person but herself had mixed or had any thing to do with the dumplings. She expressly said no.

**DOCUMENT 2c****Transcript of the evidence of Roger Gadsdell, one of apprentices.**

The following is a transcript of the evidence given at the Old Bailey Trial of Eliza Fenning by Roger Gadsdell.

---

ROGER GADSDELL. I am an apprentice to Mr. Turner.

Q. Do you remember seeing in the office anything with "Arsenic: Deadly Poison" written upon it?

A. I do sir. It was Tuesday, the 7th of March, the day I last saw it. A day or two after that I noticed it was missing. I mentioned this in the office. On the day of the incident, Tuesday the 21st of March, I went into the kitchen between three and four in the afternoon; I had already dined at two. I observed there a plate on the table with a dumpling and a half. I picked up a knife and fork and was going to cut it to eat it when the prisoner exclaimed, "*Gadsdell, do not eat that, it is cold and heavy, it will do you no good.*" I ate a piece about as big as a walnut. There was a small quantity of sauce in the bowl so I put a bit of bread in it and mopped it up and ate it. This was about twenty minutes after three. Mr. Robert Turner came into the office soon after and said he was very ill. I was taken ill about ten minutes after that but not so ill as to vomit. In consequence of the distress the family was in, I was sent off to Mrs. Turner, the mother. I was very sick going and coming back. I thought I might die.

Q. Had the prisoner made you any yeast dumplings the night before?

A. She had. I ate some of them with the other maid. They were light and white; quite different from these dumplings.

Q. Who made the fire in the office?

A. The prisoner, Eliza. Nobody could get into the office until I did. Any person could go into the office in the day but at night it was locked. Loose paper to help start the fire was also kept in the drawer where the arsenic was kept. I often saw the prisoner going to that drawer; it would not strike me as anything extraordinary. I would not bother to watch to see what she did there.

**DOCUMENT 2d****Transcript of the evidence of other witnesses at the trial**

The following is a transcript of the evidence given at the Old Bailey Trial of Eliza Fenning by a number of further witnesses.

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**MARGARET TURNER** – wife of Haldebart and mother of Robert Turner

Upon this melancholy occasion I was sent for. When I arrived, I found my husband, son and daughter-in-law, extremely ill and soon after I came, the prisoner was sick and vomiting. I exclaimed, "oh, these devilish dumplings", believing they had caused the mischief. She said, "Not the dumplings, but the milk, ma'm." I asked her what milk she meant and she said the halfpenny worth of milk that Sarah had fetched to make the sauce.

Q. Did she say who had made the sauce?

A. My daughter-in-law. But I said "It could not be the sauce that caused the illness." However, Eliza replied, "But Gadsdell only had a very little bit of the dumpling, not bigger than a nut, but he had licked up three parts of a bowl of sauce with a bit of bread."

**ROBERT TURNER** – head of the household

Q. Did you eat any of the dumplings?

A. Yes, I did.

Q. Did you eat any of the sauce?

A. None whatever. I was taken ill soon after dinner. I first felt I was going to be sick; I then felt a strong heat across my chest; I was extremely sick.

Q. Did it produce any swelling in you?

A. I was exactly like my father and wife. I was sick and had stronger symptoms as well. I had eaten a dumpling and a half.

Q. Were your symptoms such as would be produced by poison?

A. I should presume so. We were all taken ill in the same way and pretty near the same time.

**SARAH PEER**

I am house-maid to Mrs. Turner. I have lived in the family nearly eleven months.

Q. Do you remember when Eliza was threatened with dismissal some time after she started work in the house?

A. I do sir. After that I heard her say she did not like Mr. and Mrs. Robert Turner.

Q. On the morning of the 21st of March, did you go for any milk?

A. Yes. That was after two, after I had had my dinner. I ate beef steak pie for my dinner. I never ate any of the dumplings. The same flour was used for the crust of the pie as for the dumplings.

Q. Were you involved in any way whatever in making the dough for the dumplings?

A. No, sir, nor the sauce. I was not in the kitchen when the dough was made. Then I had permission from my mistress to go out that afternoon, after three 'o' clock, once I had served the dumplings.

**MR. JOHN MARSHALL**

I am a doctor. On the evening of the 21st of March, I was summoned urgently to Mr. Turner's house. I got there at quarter to nine and I found Mr. Turner and Mrs. Turner very ill. The symptoms were those produced by arsenic. From the symptoms, I am sure it was arsenic poisoning. The prisoner also was ill and that was caused by the same thing.

Q. Did Mr. Haldebart Turner show you a dish or pan the next morning?

A. He did. I examined the dish and I washed it with a kettle of warm water. I first let it stand and then poured the water out. I found half a tea spoon of white powder. I washed it a second time. I am certain that the powder was arsenic.

Q. Will arsenic, if it is cut with a knife, produce on the knife the colour of blackness?

A. I have no doubt of it. I examined the remains of the yeast and there was no arsenic in that.

**ELIZA, THE PRISONER**

My lord, I am truly innocent of all the charge, as God is my witness. I am innocent, indeed I am. I liked my job; I was very comfortable. As to my master saying I did not assist him, I was too ill. I had no concern with the drawer at all. When I wanted a piece of paper to light the fire, I always asked for it.

**COURT**

Q. To Roger Gadsdell. You say the prisoner used to light the office fire?

A. She did. I and my fellow apprentice have seen her go to that drawer many times.

The prisoner called four witnesses, who gave her a good character reference.

**DOCUMENT 2e****The judge's summing up to the jury at the trial**

The following is a transcript of the judge's summing up to the jury at the Old Bailey Trial of Eliza Fenning.

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Gentlemen, you have now heard the evidence given in this trial. There are just two questions for your consideration, and these are, whether poison was administered to four persons, and by whose hand such poison was given.

That these persons were poisoned appears certain from the evidence of Mrs Charlotte Turner, Haldebart Turner, Roger Gadsdell, and Robert Turner; for each of these persons ate the dumplings, and were all more or less affected – that is, all of them were poisoned.

That the poison was in the dough of which these dumplings were composed has been fully proved, I think, by the testimony of the doctor who examined the remains of the dough left in the dish in which the dumplings had been mixed and divided. The doctor testifies that the powder which had remained at the bottom of the dish was arsenic. That the arsenic was not in the flour I think appears plain, from the evidence that the crust of a pie had been made that very morning with some of the same flour of which the dumplings were made and the persons who ate the pie did not fall ill. That it was neither in the yeast nor in the milk has been also proved; neither could it be in the sauce, for two of the persons who were ill never touched a part of the sauce and yet were violently affected with retching and sickness. From all these circumstances it must follow that the poisonous ingredient was in the dough alone. Quite apart from the fact that the people who ate the dumplings at dinner were all more or less affected by what they had eaten, it was observed by one of the witnesses that the dough retained the same shape it had when first put into the dish to rise and that it appeared dark and heavy and in fact never did rise.

The other question for your consideration is, by whose hand the poison was administered; and although we have nothing before us but circumstantial evidence, yet it often happens that circumstances are more conclusive than the most positive testimony. The prisoner, when accused with poisoning the dumplings, threw the blame first on the milk, next on the yeast, and then on the sauce; but it has been proved, most satisfactorily, that none of these contained it and that it was in the dumplings alone, which no person but the prisoner had made. Gentlemen, if poison had been given even to a dog, one would suppose that common humanity would have prompted us to assist it in its agonies. Here is the case of a master and a mistress being both poisoned, and no assistance was offered. Gentlemen, I have now stated all the facts as they have arisen, and I leave the case in your hands, being fully persuaded that, whatever your verdict may be, you will conscientiously discharge your duty both to your God and to your country.

**DOCUMENT 3****Eliza's guilt**

A review of the case of Eliza Fenning, written by John Paget, a London barrister, was published in *Blackwood's Magazine* in 1859-60. After providing details of the evidence given at the trial, Paget arrives at the conclusion that Eliza was guilty. He gives a number of reasons for this.

- It was not possible that any person other than Eliza could have put arsenic into the dumplings because she was the only person in the kitchen throughout the time they were being made.
- She kept changing her story. On the day of the meal she claimed that it was the milk which caused the sickness. The next day, after she was taken into custody, she told the constable that the poison was in the yeast. At her trial she claimed neither of these things and simply made a general claim of her innocence.
- She gave a strong warning to Roger Gadsdell not to eat any of the remaining dumplings when he came into the kitchen. She did this because she didn't want him to be poisoned.
- Many horrific crimes have been committed by people for the most trivial of reasons.
- Eliza ate the dumplings herself only after the family had started to suffer ill effects and after Gadsdell had ignored her warning. She did this either to divert suspicion away from her or to try to kill herself.

**DOCUMENT 4****A miscarriage of justice**

In a modern book about poisoning cases in Britain, Katherine Watson argues that Eliza did not get a fair trial.

The following extract is taken from Katherine Watson's book.

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The case of Eliza Fenning was one of the most infamous miscarriages of justice in early nineteenth century England.

At the trial, a doctor, John Marshall, confirmed that the symptoms were those of arsenic poisoning; that the powder from the pan given to him by Turner was arsenic; and that the poison could have turned the dinner knives black.

In actual fact, arsenic will not turn metal black. There was also no real evidence that what had made the family ill was arsenic, only that it was something which prevented the dumplings from rising.

The fact that Haldebart Turner worked within the legal community meant that the family could rely on support for the prosecution. Although Eliza's parents sold their possessions to pay for legal advice, her lawyers seem not to have considered that someone else might have put poison in the food or that what made the family ill was not arsenic. As the defence could not sum up the case or cross-examine witnesses, the jury simply failed to notice the weaknesses of the prosecution case and brought in a guilty verdict.

**DOCUMENT 5****Prejudice against servants**

In her book about poisoning cases in Britain, Katherine Watson goes on to argue that the statistics suggest that there was a prejudice against servants.

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Among the 540 poisoning cases in the period for which the trials have been looked at, there are 56 in which the accused prisoner was employed by the victim as a servant. Of these, 20 committed poisoning crimes in pursuit of revenge. Eleven had a financial motive or wanted to hide an earlier misdeed. Many of the others were obviously due to accidents.

Guilty verdicts were given in 26 of the 56 cases involving servants. The fact that so many faced charges which did not stand up in court can be seen as a sign of the prejudice of the employers of servants when something went wrong. Blame was cast immediately on the servant, regardless of whether there was actually any evidence against them.

It was exactly this sort of attitude which led to Eliza Fenning being brought to trial in 1815.

## DOCUMENT 6

**Can the death penalty be justified?**

At Northmouth College, a group of drama students are producing a play about the trial of Eliza Fenning. Two of the students have a discussion about the issues raised by the case and whether they have any relevance to possible miscarriages of justice and the continuing debate about the use of the death penalty.

---

Pawel You have to feel sorry for Eliza. Even the judge admitted that the evidence was just circumstantial.

Alice What do you mean?

Pawel She was only convicted on the circumstances around the events – there was no hard evidence linking Eliza to the illnesses of the family. Anyway, whether she was guilty or not, I can't get over how unfair it was that Eliza Fenning was executed for what she did.

Alice I know – all that happened is that the family spent the evening being sick. It's not as if anybody died.

Pawel Even if one of them had died, it can never be right to sentence somebody to death – it's just wrong.

Alice I don't know about that. I think there are some crimes that should have the death penalty applied to them.

Pawel I'm really surprised at you, Alice; do you really believe that? What sort of crimes?

Alice Murder, terrorism, drug trafficking.

Pawel But there have been so many miscarriages of justice over the years for crimes like that. Have you seen that film, *'In the Name of the Father'* about the Guildford Four? They were all found guilty of bombing pubs for the IRA, but the police tampered with the evidence and they were innocent all along. They were in prison for 14 years before that was proved. If the death penalty had been around they would all have been hanged and they did nothing!

Alice Although there have been mistakes in the past and innocent people have been found guilty, DNA testing is so good these days that they can prove who was and wasn't at a crime scene and if the penalty is death then juries will only give a guilty verdict when they're absolutely certain anyway. So it's unlikely that there will be miscarriages of justice in the future. Therefore murderers, terrorists and drug dealers who have caused the death of others should be put to death themselves.

Pawel So are you saying it was right when those two 18 year-old girls last year were hanged in Singapore for drug trafficking? One of them had had a really hard life. She had been orphaned when she was 8 and sent to live with awful carers. She was exploited by people and had been living on the streets.

Alice I don't know about that, but I do know that since the death penalty was abolished in Britain in the 1960s the murder rate has more than doubled. It just goes to show that if you take away the deterrent of hanging then people are more likely to commit murder.

- Pawel If we bring back the death penalty for murder, it will then be extended to rape, then to GBH and next thing you know we'll be back in the nineteenth century and hanging people for stealing something worth a few quid and even for food poisoning with some dodgy dumplings!
- Alice Now you're just being ridiculous. That's the sort of thing Kate would say. She was arguing earlier that Eliza must have been guilty because there was no other explanation for the sickness, but there's no point paying any attention to what Kate says. She's so arrogant all the time and just exaggerates about everything.
- Pawel Speaking of Kate, here she comes. We should get back to the rehearsal.

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**DOCUMENT 7****Further evidence is found**

The students at Northmouth College have become very interested in finding more evidence. They wish to add a final scene onto their play which takes up the case many years later and they have found some interesting new material in their researches. A group of students have a discussion about this.

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- Mike      Ok, so what's all this excitement about new evidence?
- Nyati     Well, Kate has found out something about Robert Turner that didn't come out at the trial.
- Kate      Listen to this: apparently there were loads of rumours at the time that Robert Turner was mentally unstable and he went properly mad when he got older.
- Mike      So what does that prove?
- Nyati     When Kate told me about this I had another search on the internet and I found this website which reckons that just before the poisoning Robert tried to seduce Eliza and that she rejected his advances.
- Mike      What's that got to do with him being mad?
- Nyati     Nothing in itself, but this internet site suggested that he was so annoyed by this and so unstable that he decided to poison the family, including himself, so that he could frame Eliza and get her convicted.
- Kate      And the site also said that it was his guilt after she was executed that sent him completely out of his mind.
- Mike      What evidence do they come up with for all this?
- Nyati     Not a lot, but I thought it would be a really good idea to put a scene in at the end of the play with some sort of teasing hints that it might have been Robert who put some poison in the dumplings. We don't have to spell it out completely and prove everything.
- Kate      Wouldn't that be changing history?
- Mike      Not really, because we can't be absolutely sure what happened anyway can we, so there's no harm in putting a few suggestions in people's minds and letting them come up with their own ideas.
- Nyati     We should work on some dialogue. We can build in the motive that Eliza rejected him, so now we need to think about how he could have done it.
- Kate      I really don't like this you know. So far, most of the play uses the real transcripts of the trial. Putting in made-up dialogue which points the finger at Robert is just like somebody at the trial telling lies. We shouldn't do it.
- Nyati     Kate, you're just going over the top again, it will make a really good ending.