

The jury convicted the prisoner, recommending her to mercy on account of her age.

Mr. Justice Kennedy said he had no doubt that this poor lunatic creature had suffered considerably for some time before her death. His only difficulty was in dealing with the prisoner. Gross and criminal as her neglect had been, he must take her age and the recommendation of the jury into consideration, and he would therefore sentence her two months' imprisonment in the second division, she having already been in custody for some time. The grand jury had at the end of their duties made a presentment to the effect that this case ought to be brought to the notice of the lunacy authorities, and he (the learned Judge) regretted that more care had not been taken with regard to this poor demented creature. He trusted, however, that the Commissioners would be more strict in the future. (Lewes Assizes, February 13th, 1906, Mr. Justice Kennedy. *Times*, February 14th.)

The case is a commentary upon the prejudice that still exists against institutions for the insane. There can be little doubt that the motive on which the unfortunate patient was originally placed in private care, rather than in an institution, was this same prejudice. The case also furnishes a grim commentary upon the neglect of the Government to pay regard to the repeated appeals of the Commissioners for an increase in their number. It is manifest, if we read between the lines, that the guardianship of the prisoner would never have been allowed to continue if the Commissioners had been aware of the circumstances, and had had their full attention directed to the case. When the number of Commissioners was fixed, it was fixed in proportion to the work they had to do. This work is now increased fifteen times, and the number of Commissioners remains the same!

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*Rex v. Watt.*

Hugh Watt was indicted for unlawfully proposing to, and endeavouring to persuade, Thomas Worley, James Shuttle, and Herbert Marshall to kill and murder Julia Watt, his wife. Another indictment charged the defendant with unlawfully

proposing to Thomas Worley to kill and murder Sir Reginald Beauchamp.

The defendant, a man of ample means, and a former Member of Parliament, was married in 1880. In November, 1896, Mrs. Watt presented a petition for a divorce, and obtained a decree of judicial separation. Then there was a reconciliation. In 1900, Mrs. Watt presented a second petition for a judicial separation on account of the adultery of her husband with Lady Violet Beauchamp, wife of Sir Reginald Beauchamp. That petition was followed by a petition by Sir Reginald for divorce from his wife on account of her misconduct with Mr. Watt. In January, 1901, even after these petitions, there was a reconciliation between Mr. and Mrs. Watt, and at this time an important deed of settlement was executed, in which each party brought considerable property into the trust, and by which, if Mrs. Watt predeceased her husband, he would inherit the property she had brought into the trust, and release to his own benefit the property he had himself brought in, while if he predeceased her, she would benefit. Mr. Watt seems to have repented the execution of the deed, and had made many efforts to induce his wife to consent to have it set aside, for this could not be done without her consent. Mrs. Watt had persistently refused to do so, and the settlement still existed at the time of the trial of Mr. Watt. The second reconciliation was not of long duration. Mrs. Watt presented a third petition in the Divorce Court, and a *decree nisi* was granted to her. Sir Reginald Beauchamp obtained a *decree nisi* in his suit against his wife and Mr. Watt, and his decree was made absolute, so that Lady Violet Beauchamp was free to marry Mr. Watt, and did, in fact, live with him as his wife, taking by deed poll the name of Lady Violet Watt. But Mrs. Watt never proceeded to have her *decree nisi* made absolute, so that Mr. Watt was not free to marry Lady Violet, and the marriage could not take place. In 1901 Lady Violet and Mrs. Watt came to such loggerheads that a writ of libel was issued by Mrs. Watt, and she obtained damages from Lady Violet to the tune of £5000. Under these circumstances the prosecution alleged that Mr. Watt had strong reason to desire the death of Mrs. Watt.

Then followed a series of most extraordinary actions, which were proved to the satisfaction of the jury to have been done by Mr. Watt; and, although the plea of insanity was not raised, it

was alleged repeatedly by the defence that no one but a madman could possibly have been guilty of the acts charged against the defendant, the inference implied being that, as he was not mad he could not be guilty. Guilty, however, the jury found him, and the current opinion of the day was very much in agreement with his counsel. At any rate, I have been asked by so many people whether he must not have been mad, that it is worth while to examine the problem.

Watt employed a private inquiry agent, named Marshall, to watch Mrs. Watt, and to try to get her to have the *decrea nisi* made absolute. Marshall's evidence was that Watt said he had given a man named Bernard Abrahams £2000 to murder Mrs. Watt, and that Bernard Abrahams and two other men went round, but at the last moment showed the white feather and stuck to the £2000. Watt then said he would do for her, and produced a bottle which he said contained chloroform. He then said to witness: "You get Mrs. Watt to come here and get her downstairs, where I have a room prepared; I will give her a push and chloroform her, and when it is all over you must go to Dr. Blake, of Putney, and he will certify death from heart disease." Witness told him he must be mad, and left the house. A week afterwards Watt called at Marshall's office and repeated the proposal, offering Marshall £5000. Marshall had concealed two men, Drummond and McKenna, in such a position that they could hear the conversation, and they corroborated Marshall's evidence.

Thomas Worley, a man who had a newspaper stall, at which Watt used to purchase papers, said that Watt had offered him £10 to give a woman a blow in the stomach, or run into her with a bicycle and knock her down; that Watt raised his terms to £50 if she was seriously hurt, and £100 "if anything else happened," and, finally, to £1 a week for life if he killed her. Watt spoke to him about chloroforming her, and asked him if he could get him a man who had done manslaughter, or something like that. He introduced Shuttle to Watt.

James Shuttle, a man who had been several times in prison for robbery and assault, said he had been taken by Worley to Watt, who asked him if he had done any time. He replied, "Yes, I have just come out from doing three years for killing a woman." Watt then told him there was a woman staying at the Howard Hotel, Norfolk Street, and that he wanted him to

“do her in.” He said, “Here is £5. Get some chloroform, buy a jemmy, go to the hotel and stay there; square the chambermaid, and get the number of the woman’s room.” He repeatedly met Watt, who gave him money from time to time and repeatedly urged him to murder Mrs. Watt, mentioning chloroform, and explaining how it was to be done. Shuttle went to Mrs. Watt and warned her.

The negotiations with Shuttle began in 1902, and went on until Watt discovered that Shuttle was merely playing with him and doing nothing for his money. In 1904, Worley again introduced Shuttle to Watt, who failed to recognise him as the man who had cheated him before, and re-employed him on the same job, suggesting chloroform and other details as before.

A very extraordinary incident in this extraordinary case was the evidence of a man named Lightfoot. He was brought up from prison, to which he had been sentenced for perjury in evidence given in this case in the police court. He had there stated that he had heard Marshall conspiring with another man to bring this charge against Watt. He now admitted that that evidence was false, and that he had been suborned to give it by the offer of £5000 from Watt.

The prisoner gave evidence at great length on his own behalf, and his counsel, Mr. Avory, put to the jury that unless they were convinced that Watt was a lunatic who was not safe to be at large, they must acquit him. The jury, however, found him guilty, and he was sentenced to five years penal servitude.

Central Criminal Court, December 14th and following days, Mr. Justice Phillimore. (*Times*, December 15th, etc.)

Astounding and *primâ facie* incredible as the acts alleged against the defendant were, and tainted as was the evidence of several of the witnesses, the corroboration of their evidence was so strong as to convince the jury, in spite of the efforts of very able counsel, that the prisoner was guilty; and a careful examination of the evidence must, I think, convince an impartial bystander that their verdict was right. Undoubtedly the defendant did do the acts with which he was charged, and the question now to be considered is whether these acts are compatible with sanity on the part of the actor.

That the defendant had ample reason to desire the death of his wife appears from the evidence. Not only would he benefit

pecuniarily, but by her death he would be set free to marry Lady Violet Watt, between whom and himself there was the gulf of his first marriage, still impassable, in spite of the half-bridge of the *decree nisi*. There was nothing unaccountable in the mere desire that his wife might die, though it is a desire that a right-minded man would not allow himself to entertain. Nor can we say that the determination to take steps to satisfy the desire is in any way characteristic of insanity, unless we are prepared to subscribe to the doctrine, which I regard as preposterous, that all crime is *per se* a proof of the insanity of the criminal. I think that persons who hold this doctrine misconceive the nature of insanity. Nor would the hypothesis of insanity need to be invoked if the man had actually gone about to compass the death of his wife by means less crude and stupid than those he actually employed. We need not search far in the annals of crime to find instances of murder and attempted murder by persons of good education, good social position, and ample means; but an attempt at murder to be compassed by methods so fatuous and doltish as those employed by Watt is altogether beyond the realm of experience. First he goes to a man of whom he knows nothing, except that he sells newspapers in the street, and, with no preliminary precaution, or inquiry, or acquaintance with the man, with no knowledge or probability that the man is the kind of man to answer his purpose, with no assurance that the man is scoundrel enough, or clever enough, or fool enough, to undertake the job, he coolly proposes to this gutter-snipe the murder of Mrs. Watt; and, when the newspaper seller declines, Watt asks him to find two or three rough chaps, and give them five shillings each to do the job! Worley did, in fact, find Shuttle, and introduced him to Watt as the kind of man required, and Shuttle, to humour Watt and get money from him, posed as a convict for manslaughter! By pretending, with every transparent pretence, to fall in with his plans, Shuttle kept Watt on the string, and repeatedly got money out of him. Failing to accomplish his purpose through Worley and Shuttle, Watt next made the same proposal to Marshall, a private inquiry agent, whom he had employed to watch Mrs. Watt. In this proposal, as in those to Worley and Shuttle, chloroform figured as a practicable means.

Perhaps the most extraordinary incident in this extraordinary

case was that in which Lightfoot was concerned. Lightfoot, a Yorkshireman visiting London, was sitting on a seat in the park, when two strangers came up to him and asked him for a match. One of them, whom he afterwards knew to be Watt, offered him a cigar. They got into conversation, the upshot of which was that, in consideration of a promise of £5000 from Watt, Lightfoot was to volunteer a concocted story in the police court. He saw Watt repeatedly, dined with him, was introduced by him to "Lord Kinloch," whose identity was not disclosed, and to "Mr. Rufus Isaacs, K.C.," who subsequently turned out to be Mr. Bernard Abrahams. Lightfoot was told a cock-and-bull story about the King being mixed up in the case, and desiring to have it hushed up, was taken to a public-house, where Watt dictated to "Lord Kinloch" a letter to be posted by Lightfoot when he returned to Yorkshire. The letter was produced in court, and in it Lightfoot said that he had overheard a plot against Watt. Lightfoot appeared in the police court, testified as had been arranged with Watt, was prosecuted for perjury, pleaded guilty, and was sentenced to twelve months' hard labour.

Such a revelation of clumsy and stupid malignity on the part of Watt has influenced very many people to say, "Oh, he must have been mad!" His own counsel declared that, if the prisoner was guilty, he must be a lunatic who was not safe to be at large; but then counsel appealed to the sound intelligence and business capacity that the prisoner had shown in the witness box, as evidence that he was no lunatic, and therefore not guilty. Even the judge in his summing up alluded to the hypothesis, but warned the jury that they must not entertain it, since no evidence had been offered that Watt was other than sane. Again, in pronouncing sentence, Mr. Justice Phillimore treated the sanity of the prisoner as an open question. "Whether that [overmastering passion] has really upset the balance of your judgment, so that you ought to be treated as mad, I do not know: I am afraid not." My own opinion is that the judge was right. What I see in the history, that has been here repeated, is evidence, not of insanity, but of the warping of the judgment, and distortion and degradation of the moral sense, that are produced by perpetual brooding over a grievance, real or fancied, and by allowing the attention to be continually occupied about the misdeeds of any person, and

the injuries suffered from that person. Watt had treated his wife badly, and she had taken her revenge in the most effectual way by obtaining a *decree nisi*, and refraining from having it made absolute. He was aggrieved, too, at her pertinacity in clinging, as she had every right to do, to the settlement which he so ardently desired to set aside. His association with Lady Violet Beauchamp, or Watt, was a perpetual reminder to him of these grievances. It was a seton which kept the sore constantly open. When arrested, he exclaimed to the policeman, "She has ruined my life, and been a curse to me for years, and has cost me thousands of pounds." His mind thus boiling with indignation and resentment, in contemplating the desirability of the end, he lost sight of the inadequacy and inappropriateness of the means, while to their nefariousness he was indifferent. His acts seem to me the acts, not of an insane man, but of an unprincipled man, carried away, as the judge said, by overmastering passion.

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*Purves v. Carswell and Gilchrist.*

This was an action for damages laid at £10,000, by a person who had been certified as a lunatic, against the certifying doctors. The defence was that the certificates were granted in good faith, in the ordinary course of professional duty, without negligence, and that they were justified by the pursuer's mental condition at the time. The trial was a very long one, lasting for many days, and in the result verdict and judgment were given for the defenders. A perusal of the evidence points very directly to the conclusion that the action ought never to have been brought; that not only was the pursuer insane and unfit to be at large when certified, but also that the course taken by the defenders led directly to his recovery. If the case had been tried in England, the proceedings would have been very much abbreviated, and possibly it would never have been allowed to come into court at all. But in the Scotch law there are no safeguards against vindictive litigation by ex-lunatics, such as are provided by the English Lunacy Act, 1890, Sect. 330. That section provides that "a person who . . . signs . . . any report or certificate purporting to be a report or certificate under this Act . . . shall not be liable to any