

REX v. WHEELDON.

A Report of the famous Agent-Provocateur Trial.

CENTRAL CRIMINAL COURT.

Sessions House, Old Bailey, E.C.

Tuesday, 6th March 1917.

Before:

Mr. Justice Low.

Rex

V

Alice Wheelton, Harriet Ann Wheelton, Winnie Mason & Alfred George Mason.

Counsel for the Prosecution:-

The Attorney-General (The Right Hon. Sir Frederick E. Smith, K.C., M.P.
Mr. Hugo Young, K.C., Sir Archibald Rodkin, and Mr. Meddocks,
instructed by the Director of Public Prosecutions.

Counsel for the Defence:-

Mr. S. H. Riga, instructed by Mr. Jacob Prag.

The Indictment.

At half past ten on the 6th of March 1917, at the Old Bailey, the Clerk of the Court addressed the Jury, saying:

"Gentlemen of the Jury, the prisoners at the bar, Alice Wheelton, Harriet Ann Wheelton, Winnie Mason and Alfred George Mason are charged on Indictment with the offence of conspiring together to murder The Right Honourable David Lloyd George, and the Right Hon. Arthur Henderson and other persons unknown, and also with soliciting (and also with proposing to him to commit that offence). Herbert Walsh Booth to commit that offence, To this indictment they have severally pleaded Not Guilty, and it is your charge to say, having heard the evidence whether they or either of them be Guilty or Not."

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THE EVIDENCE FOR THE PROSECUTION

In the absence of Gordon, the principal secret agent in the Case, the ^{case} rests for the prosecution rests entirely on (1) the evidence of the other secret agent, Herbert John Walsh Booth, and (2) the documentary evidence, and (3) the admissions made by the prisoners themselves. A perusal of the documentary evidence (see appendix) with its complete absence of any allusion to the alleged plot, reveals the fact that the conviction, as the Manchester Guardian said in commenting on the case, rests on the evidence of the single witness, Booth. Who is this man on the strength of whose word sentences of 10. 7. and 5. years penal servitude have been imposed on three people without a previous stain on their characters?

In the verbatim report of the trial at the Old Bailey, under Booth's cross-examination by Mr. Riza, we read;-

Q. When did you join the Secret Service, Mr. Booth?

A. The 15th. September of 1916.

Q. What was your employment before that date, Sir?

A. I was a barrister's clerk.

After stating that for 17. years he had been clerk to the late Mr. Purcell, who had a large practice in criminal defence and that he had been in and out of the Courts almost every day for 24. years, during which time he had learned "as much as a clerk can gather during the time he is in the Court",—

Q. So that if you wanted a man to be convicted of a particular thing you would know exactly what to say?

A. I have never tried it before.

Q. Well, you have tried it now.

(Continuing) We learn from Mr. Booth the circumstances under which he took up his present employment.

A. Well, you see, I was an attested man, and on the 7th. September

I received a notification to join up with my Group. I never asked for any extension of time. I went to my employer and said, "Well, I am going to join up". He seemed surprised, and then I went to somebody; he gave me a letter of introduction to a Major; that Major gave me an introduction to my present Major, Major Melville Lee. I secured characters, persons who had known me for a very large number of years, and Major Melville Lee on the strength of these characters and my knowledge, engaged me to be with him in this particular department, to make certain secret enquiries."

Thus, we see that those enquiries were set on foot and carried through by the Military, and not by the Police.

Q. I see. Is this particular department of Secret Service entirely different from the ordinary Secret Service of the Police in London?

A. I do not know how different it is because I have not been in the Police.

Q. You have not been in the Police?

A. No.

Q. But you think it is a different department altogether?

A. I should think so, but whether it is better or as good I cannot tell you.

Q. Did you have any practice in this line (making secret enquiries) before?

A. No.

Q. So that on the 16th. September 1916. it was the first time in your life that you went into the Secret Service?

A. Yes.

Whether the deficiencies in his evidence must be put down to his inexperience as a secret agent we do not know, but the fact remains that throughout the trial Booth read his replies from notes. At the very outset of his evidence this fact was noted by the Judge.

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(Examined by Mr. Hugo Young)

Q. Mr. Booth, are you employed in the Ministry of Munitions?

A. I am.

Mr. Justice Low What are the papers you have there?

A. These are my notes; these are the original notes; and these are the copies.

Mr. Riza; My Lord, I should like to see those notes. *

Mr. Justice Low; We will see presently.

Mr. Hugo Young; What are those notes you have got there, exactly?

A. These are the notes I took at the first convenient opportunity; some written in bed and otherwise, and these are an exact copy of them.

Q. Are they notes that were taken shortly after interviews which you have had?

Mr. Hugo Young; Then, my Lord, he can look at them, I think, to refresh his memory?

Mr. Justice Low; Yes.

Later on we shall see how necessary to this witness's evidence was this refresher to his memory. We shall find him admitting that he is unable to swear to anything which is not in his notes, unable to say that the notes recording a conversation were made immediately after the conversation took place, and unable to give other than evasive and non-committal answers to questions, the answers to which could not be supplied from his notes. What sort of an answer, for instance, is this to an important and definite question;-

Was this the first time that she talked about killing Lloyd George to you?

A. Pretty well.

How easy is the path of the Crown Prosecution witness when he is not expected to show any knowledge of his case beyond what he has got in writing! There ought not to be too much room for dis-

crepancies when the answers he will give have been so carefully prepared beforehand, and that, too, by your barrister's clerk! Yet, although Mr. Booth displayed this unfortunate lapse of memory, he is not apparently conscious of any deficiency in this respect, and with reference to a conversation of which he could remember nothing, which was not in his notes, he said, "It is according to the talk. If a man is talking to you of a plot, or a woman, to murder a man, well, every word that he or she utters pretty well burns in your brain, and you can get back and you can put it down on paper. If a man is merely telling you an ordinary incident, you do not remember it, because there is no cause, but it is not every day you come across persons wanting to murder Mr. Lloyd George and Mr. Arthur Henderson, is it?"

In addition to this faculty of forgetting even words that had "pretty well burned in your brain", unless they had been committed to writing, there must be added, when estimating the trustworthiness of the witness's evidence, the faculty of romance.

Mr. Riza; Did Mrs. Wheeldon ask anything about yourself?

A. Yes, I was introduced to her as, "Comrade Bert", and we shook hands, and I sat down, and she said, "How have you been getting on?" so I said, "Oh, hounded from pillar to post".

Q. Was it a fact?

A. Oh, no.

Q. So that you were making an untrue statement?

A. I was telling her a lie.

Q. A deliberate lie, if I may so put it?

A. Certainly.

Q. What was it you told her?

A. I told her that I had been on the run since September, that means that I had been running away from the Police and the Military, but that I had beaten them. I also told her that I was in the raid at the I.W.W.

Q. What is that?

A. That is the International World Workers of Great Tongue Yard. I told her the story about how Gordon got out at the back, and I got out at the front.

Mr. Justice Low:- That was all a fairy tale?

A. Yes. I also told her stories of how I did the Police when they were after me. I told her the story of the chicken farm, that I saw a Police Officer -----

Q. We don't want the story, unless Mr. Riza wants it.

A. I thought he was asking me for it.

Mr. Justice Low:- Do ^{you} want it, Mr. Riza?

Mr. Riza:- No, my Lord, I do not.

What then is the story unfolded by Herbert John ^{Walsh} Booth?

After describing that a man, who went by the name of Alec Gordon, was employed by him, and reported to him, and that he (Booth) passed on the reports to Major Melville Lee and Mr. Labouchere, he said how Gordon first went to Derby ^{by} about 21st. December ("the 20th. or the 21st. December, but I am not clear about it"). At Derby he said, "about the 23rd. December". Then he went away for the Christmas holidays and returned "about the 26th. December".

On Thursday, December 28th., Booth received a telegram from Gordon, which he shewed to Major Labouchere, and it was decided that Booth should go to Derby. He arrived in Derby the same evening, (December 28th.) at 7.p.m., and Gordon met him at the station, and, according to his own account to Mr. Riza, "told me the whole story".

Q. I want you to tell me what he said.

A. I said, "Well, what do you want?" He said, "There are some people here who want to poison Lloyd George and Arther Henderson". So I said, "Only two?" He said, "Yes, it's all right". I said, "Well, how did you first get in touch with ~~them~~ ^{clothes}, and who are they?" He said, Well, a Mrs. Wheeldon keeps a secondhand/shop in the Pear

tree Road near a pub called "The Normanton Arms". I said, "What sort of poison is this?" He said, "I think it is curar or curari". I said, "I don't know it. How did she get it?" He said, "She got it from a young fellow who stole it from Guy's Hospital at the time when they were holding the inquest on Crippen and discovered about the *cin* poison ~~Hyacin.~~" So I said, "What sort of a woman is she; who is she?" He said, "She swears like a trooper". I said, "Well, she will do me." Now, look here, Gordon, the best thing you can do is this; are you going to see the old lady to-night?" He said, "Yes". So I said, "Well, when you go in to see her, tell her - "I have come across my comrade Bert. I know he is pretty well bound to follow me. When he knows I am safe he comes along, but if I am not safe he hops it". I said, "You tell her that I am a very shy and reserved young person and that she has got to sit and pull me out". He said, "All right!" I said, "You can say I have got some money, so I am all right and don't want to borrow any". So he said, "All right". I said, "Get to work". So he did."

Q. Did he tell you that Mrs. Wheeldon had a poison in her possession?

A. Yes.

Q. He said so?

A. Yes. The reason why she got rid of the poison was because she was frightened of doing her old man in.

Mr. Justice Low; Did he tell you that?

A. Yes.

Mr. Riza; Did you see him again some time afterwards?

A. I will tell you something else. I said, "You say that she is sending away for the poison?" He said, "Yes". I said, "Who is it to?" He said, "I can't quite tell at all; she has not told me who it is, but it is evidently this young fellow who used to be at Guy's". I said, "Oh, all right, we will soon find out

about him. Has she sent off for it yet?" He said, "Yes, she has sent off a parcel with four mince pies in it, and one of the mince pies has got a request in it for the poison, and there is another letter, and that is a general letter, but it commences, "Dear A." and finishes "Z". So I said, "All right, I will go and see the railway company, and see if I can get a stop on."

So that on Thursday, Dec. 28th., according to Booth's evidence, this was all there was to be told about a daring and dastardly conspiracy to murder! If there was a plot in existence, can any reasonable person imagine that Gordon, who was supposed to be one of the chief actors in it, could supply no more definite information than that contained in this rambling statement? The remark, "Well, she will do me", (does he mean do for me?) does suggest a mind which was on the look-out for a case; and the information supplied, "swears like a trooper", "had some poison in the house", "was afraid of doing her old man in", "is sending for more poison", fits in with the hypothesis that here was a man explaining to his fellow-spy how likely a prey he had got in the net he was spreading.

Friday, December 29th. (From the depositions at Derby County Assizes, February 5th. 1917.)

Herbert John Walsh Booth on his oath saith - The next morning, Friday, December 29th. 1916. I saw him (Gordon) again about 10. o'clock to half past. He made a further communication to me. I made an arrangement to meet him later in the day about 8. o'clock. In consequence of what he told me that morning I went to the Midland Railway Station. I there saw Mr. Shannon, the stationmaster, who then and always gave me every possible assistance. I made certain diligent enquiries and also kept observation till about half past five, when Major Lee arrived at the station. I was waiting for a parcel. I was expecting Hetty Wheeldon to bring a parcel to the station. I was looking for a parcel about 18. inches box shaped. From half past five till close on seven o'clock I was at the station. I did not see Hetty Wheeldon or the

parcel up to the time I left the station".

(From the Old Bailey trial evidence)

Mr. Hugo Young: What did you do at the station?

A. Well, I communicated with two or three persons, and then I myself kept observation on the cloak room at the Midland Railway, upon the trains going south, and upon the guards of trains going south.

This was the fatal parcel, containing, along with dainties, the request for poison. Gordon had seen this parcel and described it to his chief. Can any reasonable person doubt that he had also given particulars of the address? Yet, although Booth admits that he expected the parcel to be going south, he said in cross-examination -

Mr. Riza; - Did you know that a parcel had been sent by Mrs. Wheeldon to the Masons at Southampton?

A. I knew after.

Q. When did you know it first?

A. On Saturday, the 30th. December.

Q. Do you mean to say that you knew nothing about the parcel on the 29th?

A. I knew that there was a parcel in existence, but who it was going to I had no knowledge of at all.

Q. Did you hear that the parcel was going from the Wheeldons?

A. I did, and I knew what the parcel contained.

Q. Did you know it on the 29th?

A. I did.

Q. Did you take any steps to find out what the parcel was?

A. I did.

Q. Did you go the station?

A. I did. The parcel beat me.

Mr. Justice Low:- You did not succeed in securing it?

A. I did not, my Lord. It was not for lack of trying..

As a matter of fact the parcel was delivered at the station by the carman at 6.30.p.m., according to the Prosecution's own witness carman Cook. Booth said he was looking for the parcel till close on 7. o'clock, and he had the assistance of Major Lee and Gordon, to mention the stationmaster, Mr. Shannon. Yet the parcel beat them all.

After leaving the station Gordon took Booth to Mrs. Wheeloan's, where one of the first things she said to Gordon was, "Hettie took it by the 7.15." Here, then, was another chance.

Mr. Riza:- When you received this information, did you go back to the station at all?

A. That night.

Q. Yes?

A. No, I did not.

Q. You did not?

A. No.

Q. Why did you not?

A. I thought I would go back another time and find out how the parcel beat me.

Q. Did you not expect that the parcel would have gone if you were too late to go to the station?

A. That is a natural conclusion, but I didn't think anything about it. I knew the parcel had gone, and I wasn't going to trouble any more that night about it.

Q. Was it not part of your duty to ascertain what the communication was from the Wheeloans?

A. The whole of my duty was that.

Q. And yet when you heard of this parcel you did not go to the station that night?

Mr. Justice Low:- He has told you that he knew it had already

Mr. Riza:- Gone from the house; he does not say from the station, or the town.

A. I thought that Hettie went down to the train, and gave that parcel to a guard at 7.15.

Yet, surely it ought to have occurred to a detective who had all the railway officials at his beck and call that, although the parcel might have left Derby, he might have had it stopped, opened, and the letter it contained, photographed, before being delivered at the other end. This letter, remember, a letter asking for poison, was the very heart of the plot, the most incriminating document he could hope to obtain. But we find that Booth, not only takes no more trouble that night about it, but it is only in the evening of the following day, Saturday the 30th., after his second visit to Mrs. Wheel-
gen's, that he continues his search.

Mr. Riza:- After leaving her did you go to the station?

A. I went to the Midland Station.

Q. What happened there?

A. I asked for certain sheets to be produced to me, carmen's sheets, and in the carmen's sheets of a man named, Cooke, I found that a parcel was collected, it says from 4, Peartree Road but it was No. 12. Peartree Road, addressed Mason, Southampton, and was dispatched by the 7.45.

So that he had no difficulty in identifying the parcel on the sheet, address, destination, and all! What prevented him from inspecting this sheet on Saturday morning, communicating with Mr. Shannon, and getting a wire sent through to Southampton to stop the box before delivery, and inspect the contents?

What would a Scotland Yard man have done? Here is displayed the "new spirit" in the methods adopted for the detection of crime.

The Prosecution has declared that the version - such as could be re-

called from memory - of the letter contained in this parcel, furnished by the Defence, is untrue. If that version could have been proved, the Prosecution's case would have fallen to the ground. On the other hand, the Prosecution implied that the letter contained a request for poison to murder Lloyd George and Arthur Henderson, or, at least, a repetition of ^a previous request for the same thing, but it was in response to this particular request that the poison was dispatched. The Prosecution is satisfied that the Masons knew of this plot, and despatched the poison with that definite purpose. How did they get that knowledge of what was being plotted at Derby, if not from this letter?

Scotland Yard, if they had had this matter in hand, that is, assuming that the Prosecution's argument was true, that Mrs. Wheeldon was engaged at that time in plotting with Gordon for this purpose - would have taken steps to arrest the plot at this stage, would have stopped the first really incriminating evidence, and arrested the person implicated, before she had had time to implicate others, and those others young and inexperienced, as in this case.

But there are discrepancies in Booth's versions of this affair. Compare this version, and what happened on Friday the 29th. as given in his depositions at Derby (quoted above) with this - Cross-examination at the Old Bailey, 1st. hearing -

Mr. Riza:- Did he (Gordon) tell you that a parcel was coming to the station from the Wheeldons?

A. No.

Q. He did not tell you on the 29th?

A. No.

Q. Did you in the evening of the 29th. go to the station at all?

A. Yes.

Q. What did you go there for?

A. It was not the evening, was it?

- Q. Tell me when it was.
- A. It was in the morning.
- Q. It was in the morning that you went to the station?
- A. Yes.
- Q. What did you go there for?
- A. I went there to get a parcel.
- Q. What parcel was it?
- A. A parcel containing the mince pies.
- Q. Did you get that parcel?
- A. No, I did not.
- Q. You could not get it?
- A. No, I was a little out that time.
- Mr. Justice Low:- You missed it?
- A. I missed it.

What are we to make of this? At Derby "from half past five to close on seven o'clock I was at the station". At the Old Bailey "It was not the evening, it was the morning."

The inference is just this - Booth did not want that letter as evidence. It did not fit in with his plot. But there was one piece of evidence he did want, he wanted the poisons to be sent from Southampton. Therefore, he wanted that parcel to have a safe journey to its destination. Did he, in fact, go to the station to see that it went without falling into the hands of some kindly detective, such as Major Lee?

Now let Booth introduce us into the conspirator's den, and let us hear how this dastardly plot was contrived and planned. We are still on Friday December 29th. It is 8.20 p.m. when Gordon introduces Comrade Bert at 12, Peartree Road.

- Mr. Hugo Young:- Who lives there?
- A. Mrs. Wheeldon.
- Q. Where was she when you got in?

- A. In the shop.
- Q. What did she do?
- A. Motioned us through the shop into the back parlour.
-
- Q. Did Mrs. Wheeldon come in after a time?
- A. Yes.
- Q. How long would it be before she came in?
- A. Quite a few minutes - five or six minutes.
- Q. Were you introduced to her?
- A. Yes.
- Q. By whom?
- A. By Gordon.
- Q. What did he say?
- A. He said, "This is Comrade Bert", and we shook hands.
- Q. Do you remember any particular remark that you heard Mrs. Wheeldon make to Gordon?
- A. Yes, I heard her say to Gordon, "Hettie took it by the 715."
Were you standing or sitting?
- A. I was sitting.
- Q. Did Mrs. Wheeldon ask Gordon to do anything?
- A. Yes.
- Q. What was that?
- A. She said to Gordon, "You might write that letter to McManus introducing Macdonald and my son and another man."
- Q. Was anything said as to who McManus was?
- A. No, but, of course, we knew.
- Q. You knew, did you?
- A. Yes, and so did she.
- Q. You did not hear her say anything about McManus?
- A. Oh yes, I did.

Q. After that, did Mrs. Wheeldon ask you anything about yourself?

A. Yes. She said, "How have you been getting on?" I said, "All right, I have had one or two near squeaks though". She said, "Oh!" I said, "I have been on the run ever since September", and then I told her one or two stories of how cleverly I had outwitted the Police. We all laughed most heartily over it.

----- I told her I was in the raid at the I.W.W. - the Industrial Workers of the World, in Great Tongue Yard, Whitechapel, but I said, "I bluffed them," that is, the Police. I said, "He got out of the back", that is, Gordon, but I said, "I saw them there", in I walked. I could see something was up, so I turned back quietly and said, "It's all right", and out I walked, and the Police did not get me on that occasion."

Q. Did she show you anything?

A. Yes, she showed me a snake skin. She took it out of a cabinet at the side.

Q. What did she say about that snake skin?

A. She said, "It's a poisonous one. I wish I had a hundred of them".

Q. It is shaped in some way, is it not?

A. Yes, it is shaped into a bracelet. ----- I said, "Oh, it is a baby adder". She said, "Yes, I think so".

Q. Do you remember any other matter she mentioned to you specially on that occasion?

A. She was showing me her son's photograph, and all at once she said, "You know about the Breadsall job; we were nearly copped but we bloody well beat them.

Q. Q. Do you remember any directions she gave to Gordon?

A. Yes. All at once she turned to Gordon and said, "You are dead from tonight; do not come here till eight o'clock on Monday.

Q. Anything else?

A. It was agreed that I should come there between Gordon and Mrs. Wheeldon, and see if there was any message at all, either from her to Gordon, or from Gordon to her.

Booth's account of Mrs. Wheeldon's language varies with each time he gave his evidence. First, at Derby, "Ordinarily Mrs. Wheeldon's language was normal, but if soldiers, or the names of prominent people were mentioned she used bad language".

At the Old Bailey apparently he is anxious to impress the Court.

Q. When she was talking to you, as a rule, what sort of language did she use?

A. She swore pretty hard.

At the second hearing he is anxious to deepen the impression.

Q. What sort of language did she use in your presence commonly?

A. Oh, very hot.

Saturday Dec. 30th.

On Saturday evening Booth called again at Mrs. Wheeldon's and took with him, according to his statement, a letter from Gordon, but written at his dictation, of which he kept no copy, but which he said was a letter to Mrs. Wheeldon, "telling her to trust me implicitly, because he trusted me, and I must run straight with him, because he knew something about me".

Q. Did the letter ask any question?

A. Yes, as to whether the poison had come.

Q. Just tell me what the words were as far as you can remember.

A. As far as my memory serves me, "Has the poison come yet?"

Then follows a resume of the conversation with Mrs. Wheel-

"She was talking a great deal about her son, that is, William Marshall Wheeldon, and she told me his history, and how clever he was, and the speech that he made in front of the Tribunal; and she also shewed me a summons which he had received. She talked a great deal about her son, and I commiserated with her.

Q Did you talk about any other subjects besides her son?

A. Yes, after that, I said to her, "What is the best way to get a parcel through to London? She answered that the best way was either to go to the station, or, as she had done, get the Midland Railway van to call, and ask the carman to put it on the train; it was safer than the bloody post office. She knew from her past experience as Postmistress. ----- She said, "I usually know where the carman will be at six o'clock, and either went there with the parcel, or left word for the carman to call for it". There was more conversation about her son, and at five minutes past nine, just as Nellie Wheeldon came in, and was very pleased to see me, I said to Mrs. Wheeldon and to Nellie Wheeldon, "Could I call again", and they both replied, "Any time you like".

Monday, Jan. 1st.

The Prosecution's witnesses had a hard day's work on Monday, but the result, in spite of the time taken up in describing the process and proving the accuracy of every detail, is on a par with the proverbial mouse.

*Similar expressed
to H.W.'s letters*

A parcel sent by the Masons from Southampton to Mrs. Wheeldon was intercepted at Derby, taken to the parcels' Office, opened in the presence of the Station-master, the parcels clerk, and Booth, and inventory made of its contents, and the letter accompanying them, opened and read. But, although The Prosecution spends a considerable amount of time in proving this incident, describing the contents, which are produced as exhibits (found by the detectives in Mrs. Wheeldon's house) they failed to take a copy of the letter. W

When cross-examined on this incident by Mr. Riza -

Q. Did you take down a copy of the letter?

A. No.

Q. Why not?

A. It was no good to me.

Q. Did you read that letter?

A. I think I did, but I think from recollection that it was from - no, I cannot remember. There was nothing with regard to poison in it.

Mr. Justice Low It was not material?

A. And no bad language, so it was in no way material.

Q. You say that it had no reference at all to these matters?

A. No, my Lord.

Why, then, did the Prosecution waste the time of the Court * over this immaterial incident? Is it an evidence of the legal mind, faced with the necessity of concocting an imposing case out of mere tissue, a case on which four learned Counsel were employed, resorting to the introduction of immaterial matter in order to give padding and bulk to its case, perhaps thereby also to confuse the issue? One thing is plain from this evidence, given gratuitously by the Prosecution - the Masons and Mrs. Wheelton did not always write letters containing bad language. How many perfectly innocent letters * passed between them during these fateful days and weeks when their letters were being read in the post, is not disclosed. If it were, it might ^{correct} ~~connect~~ the impression gained from those produced. But this particular innocent letter was received in Derby on Jan. 1st. According to the Prosecution's case, the Masons had received information about the plot on Dec. 30th., and the presumption is that they knew earlier. The box containing the request for poison was proved by the Prosecution to have been delivered at the Masons at South-
ampton on Dec. 30th., and Gordon told Booth on Derby Station on

Dec. 28th. that Mrs. Wheeldon had already sent a request "in a mince-pie". Yet, on Jan. 1st. a letter is received at Derby, which contains no word of the plot.

Again we are introduced to the Conspirators' den - the conspiracy is fairly set on foot now, and we ought to hear some interesting details of the steps to be taken to execute it, as well as of the "soliciting Herbert Walsh Booth to commit that offence", and also with proposing to him to commit that offence, mentioned in the indictment -

Q. Did you later on the same day go to Mrs. Wheeldon's house?

A. Yes.

Q. Whom did you see there?

A. Nellie Wheeldon and Hettie Wheeldon.

Mr. Justice Low Did you see Mrs. Wheeldon?

A. Yes.

Mr. Hugo Young Did you, while Mrs. Wheeldon and Hettie were there, ask any questions?

A. Not in front of Hettie and Nellie.

Q. In front of Mrs. Wheeldon only, was it?

A. Yes.

Q. What did you ask?

A. I asked her if it had arrived. She said nothing had arrived. She lent me two books.

Q. Again that evening did you go to Mrs. Wheeldon's house?

A. Yes.

Q. At what time?

A. 8.20.

Q. Were you and Gordon and Mrs. Wheeldon left alone after some little time?

A. Yes.

Q. What did she say to you and Gordon?

A. She said, "The poison hasn't arrived, but I have no doubt it will, if the young fellow is alive. I heard of him, or saw him two weeks ago.

Q. I want you to tell me the conversation. I don't want to lead you.

A. Then she started cursing Mr. Lloyd George and Mr. Arthur Henderson.

Q. Tell me what she said.

A. She said, "I hope the buggers will soon be dead."

Q. Did she mention their names before she said that?

A. Yes.

Mr. Justice Low. He said she was talking about Mr. Lloyd George and Mr. Arthur Henderson.

A. Yes.

Q. Those were the words she used?

A. Yes.

Mr. Hugo Young. Anything else? You can refer to your notes.

A. I am referring to them. Then I turned the conversation on to sabotage. There was some more conversation, and suddenly Gordon said, "I cannot understand how the Suffis burn churches down". I said, "Oh, with petrol". Mrs. Wheldon said, "We did it with petrol", then suddenly, as if she had admitted something, she said, "That is how they did it". Immediately she turned the conversation to Mr. Lloyd George and Mr. Arthur Henderson.

Mr. Justice Low Again?

A. Yes.

Mr. Hugo Young What did she say ~~this~~ ^{this}?

A. She said, "Lloyd George has been the cause of millions of innocent lives being sacrificed; the bugger should be killed to stop it; and as for the other bugger, Henderson, he is a traitor to his people, but Asquith is the bloody brains of the business. He has not gone so far as Lloyd George; he is neither

fit for Heaven or bloody hell!

Mr. Justice Low, Who was this with reference to?

A I think it was Mr Lloyd George. Another bugger that ought to be done in is George at Buckingham Palace. He has always pounced (Derby depositions - pounced) on the people, and is no bloody good. I said to her: 'What in your opinion would be the best way to poison Lloyd George?'

Q Did you say poison?

A Yes. She said: 'We had a plan before when we—that is the Suffragettes—spent £300 in trying to poison him. It was to get a ^{positio} hotel where he stayed, and drive a nail through his boot that had been dipped in the poison. But he went to France, the bugger. We did intend to go ^{in a} ~~Mc~~ Kenna in, and when we sent the skull I was going to stick a poisoned needle through it. It was argued an innocent person might touch it and die.' Then difficulties of travel and permits were talked about, and then later on Mrs. Wheeldon said to Gordon, 'You know what you are doing, you are ridding the ^{world} country of a bloody murderer, and will be a saviour to the country!' I said, 'How is this poison used?' She replied, 'It is a crystal, and you drop two drops of water on it, dip your article in, and when the water evaporates it leaves the poison.' We rose to say good-night about 9.20. We shook hands, and she said, 'Now look here, when I hand over the poison to you, I wash my Hands of it, and will deny on my word of honour that I ever gave it to you.' We needed acquiescence. I said 'How much poison did the phial contain when you last saw it?' She replied, 'Enough to kill 500.' I said that I would still act as go-between her and Gordon.

Tuesday Jan 2nd. Q On the next day, Tuesday the 2nd of January did you go again to Mrs. Wheeldon's house? A Yes.

Q Were you alone, or was anybody with you?

A I was by myself.

Q Did you see Mrs. Wheeldon? A Yes, in the shop. She said:

'I have not received the poison yet.' I said 'Oh! do you think it will be very long?' She replied, 'I hope not, it has to go in a roundabout way. The young fellow may be called up, but I shall get it if he is alive. I am just sending off another parcel with a letter inside, explaining more; it will go to-night.' I saw behind the counter a fish basket which she said she was packing. (The letter contained in the fish-basket was produced as evidence, see appendix exhibit 27)

Jan. 4th Q Now later that same day, did you go again to Mrs. Wheeldon's shop? A Yes.

Q What time of the day would that be? A 5.15.

Q When you saw her just tell me what took place.

A I saw Mrs. Wheeldon in the shop. She said, 'How are you?' I said 'Very well any news?' Mrs. Wheeldon said, 'Something has happened; it was sent by post and addressed to Edie; her husband is an erector at Leys, and he went to London; she has been away four days, I suppose to London to be with him. It could not be delivered there, so I expect it has gone to the head letter office and will be opened.

It is terrible. It has all the incriminating evidence in it. We have telegraphed, and have had a reply from Win -- that is Winnie. I said

"I expect it will be all right; the post is upside down nowadays." She replied, 'That's so.' I said 'Cheer up, it might be quite all right, and I said 'I will be back at about 7.45."

Mr. Justice Lee. That would be about a quarter past four in the afternoon?

A. 5.15, my Lord. I said I would be back about 7.45. Hattie came into the shop, and said to Mrs. Wheeldon, 'I am just going down the hill.' I said to Mrs. Wheeldon, 'Where is Edie?' Mrs. Wheeldon replied, 'Just down the hill; Hattie is going to see if Edie has come home.' I said 'Buck up old girl', and left.

Mr. Hugo Young; You knew who Win was? A. Oh! yes.

Q. Who was that? A. That is Mrs. Mason.

Q. Did you at about 7.45. go back again with Gordon? A. Yes.

Q And did you see Mrs. Wheeldon? A. Yes.

Q. And what did she say?

A We entered the shop, Gordon and I, and Mrs. Wheeldon entered from the back parlour, and smiling said, and holding a tin up. 'We have got it; Hettie went down and got it.' I said, 'Good!' Mrs. Wheeldon said, 'I have got the directions in the letter; now will you copy it.' I replied, 'Yes get me some paper.' Mrs. Wheeldon then went to the back parlour and secured a pad of blue paper, and on a sheet of the blue paper from the pad I took down from dictation, from a letter also written on blue paper--I think it is an Exhibit--(The witness here proves an exhibit of a pad of blue paper.)

Q Now will you look at Exhibit 40 (handed) does that look like a piece taken from that pad? (~~See Appendix~~)

A Yes it does.

Q And is that what you wrote down? A Yes it is.

Mr. Justice Low. You were telling us that you wrote this from Mrs. Wheeldon's dictation, was that right? A Yes my Lord.

(2nd cross-examination)

Mr. Riza. Did you see the paper upon which these instructions were written?

A I saw the colour of the paper but I never saw the hand-writing.

Q You did not see the hand-writing? A I did not.

Mr. Hugo Young. When Mrs Wheeldon said 'We have got it', did she produce anything? A Yes.

Q What? A A box- a tin box.

Q Will you look at the box Exhibit 28 (handed) is that the box she produced? A Yes.

Q It is a tobacco box, is it not? A Tobacco, yes.

Q Did she make any remark about that box- what she had done with it?

A Yes, she said, 'I have cleaned it'----of course I could see the tubes you know.

Q When she showed it to you was it open?

A No it was not; she opened it and put it at the side.

Q She put it there?

A Yes, disclosing the four tubes; and I took down the directions and the box was just there close to me on the counter.

Q Did she say she had done anything with the box?

A She said she had cleaned it of all finger marks, and also the tubes and told me to be very careful with them, and when I handled them to handle them with gloves so that I should not show any finger mark.

Q How many tubes were there in the box? A Four.

Mr. Justice Low. Did you see when you were taking down what you have told us that they were lettered A B. C. and D?

A No, my Lord.

Q You have seen that afterwards, have you? A Yes my Lord

Mr. Hugo Young. Later on what did she do with the box?

A She handed it to Gordon.

Q Did she make any remark at the time she handed him the box?

A No, she said other things before that.

Q What did she say?

A After finishing the Exhibit marked Z Mrs. Wheeldon said to me, 'I shall want you to help me with the three boys' I said 'All right' She said, 'Give me the London address will you', and I gave her an address on paper.

Q Did you give it to her on paper, or an envelope?

A On paper, and she wrote it herself on paper and said she would put it in her insurance book.

Q We will come to that later on, but I want to finish this interview first.

A

A. Then Mrs. Wheeldon said 'Now do not forget--'

Q. Whom did she say this to?

A. To me----- 'Now do not forget, if you want a microbe send to me' I said, 'I dont think we shall want one'. She said 'You never know' Mrs. Wheeldon said 'Now Walton Heath would be the best place to catch George with an air-gun.' I said 'Right' Mrs Wheeldon handed Gordon the box containing the four tubes. We all shook hands very heartily together and she wished us both the best of luck and said 'When you have done them in you can do the others.' I said 'Right O'

Q. Now did you leave with Gordon? A. Yes.

Q. And did Gordon do anything with the box?

A. Yes, 400 yards away from the premises he handed me the box. I said goodnight to him and then I went on to Major Melville Lee ~~in the~~ and ~~presence of~~ eventually found him at the residence of the Postmaster of Derby. I handed to Major Melville Lee in the presence of the Postmaster and a Lieutenant De Valca the box containing the four tubes as handed to me.

Q. Now I want to ask you there, did you hand over that box to Major Lee in exactly the same state in which you received it? A. Yes.

Mr. Justice Low. And in the same state as Gordon received it?

A. Yes, my Lord.

Mr. Hugo Young. And did you hand Major Lee also the copy of the instructions which you had written on blue paper? A. Yes.

Q. Now there is only one other thing I want to ask you and that is this. Did you later on receive a letter in an envelope? A. I did.

Q. Look at Exhibit 41 (handed) is that the envelope and the letter that you received from Mrs. Wheeldon? A. It is.

Q. It is addressed is it to Herbert Norton Esquire? A. Yes.

Q. I want to know this. You had been introduced as Comrade Bert?

A. Yes.
Q. And at any time had the name Herbert Norton been mentioned?

A Not in my presence, but I did hear the name myself of Herbert Norton.

Q Oh you did?

A That was from the Concluding interview when she asked me for an address.

Q You were introduced as Comrade Bert but you gave her the name of Mr Herbert Norton? A Yes.

Q Is this the letter? It is addressed to 'Herbert Norton Esquire, Thornton Heath, Surrey'. Postmark 'Derby 13th January 1917'. 'Dear Comrade. When we have discussed here emigration for the boys Mac, Will and Alf, she would like to know what is being done in this direction. Not on the trail of Mac and Alf, particularly Alf, who is a qualified chemist, and would take a berth as dispenser to and from if it could be arranged, and to pave the way for others. If this can be done, or you can fix him any other way shall be glad to hear from you all the news of things in general. Yours to a cinder, A. W.'

A Yes.

Q Tell me, had you discussed with her what she called emigration?

A Yes.

Q What was emigration?

A She wanted to get the boys out of the country.

Q The boy Mac, who was Mac? A Macdonald.

Q And who was Will? A Her son.

Q And who was Alf? A Alf Mason.

In these accounts by Booth of his interviews with Mrs Wheeler we have the main evidence of the 'plot' on the strength of which the jury convicted. *

Does this evidence bear investigation? The cross-examination reveals the utter impotence of the witness to give any definite information without the aid of his notes (a clear sign of a witness who is afraid of contradicting himself), and it shows that the notes were not made immediately after the conversation took place. *

January 1st. Mr. Riza. How was it that the conversation came to turn upon Mr. Lloyd George and Mr. Henderson?

A The turn of the conversation I cannot give you, but it actually ^{happened} Mrs. Wheeldon started Mr. Lloyd George, and Mr. Henderson.

Q Did you make any remarks?

A I merely sat and listened.

Q You never said anything at all?

A I just slipped in a question here and there when I wanted to know something.

Q Did Gordon take any part in this conversation?

A Of course he was interested the same as I was.

Q Did he say anything to excite the passions of Mrs. Wheeldon?

A Oh! you could not.

Q Of course you were sympathetic with Mrs. Wheeldon then?

A Very.

Q So that possibly you said a word or two encouraging her?

A Oh! no.

Q Did not Gordon say so? A Not in my presence.

Q How did you sympathise with her?

A You can sympathise with a woman in many ways.

Q I want you to tell me in what way on that particular occasion you sympathised with her views.

A I sat and listened, and I was a good listener.

Q Do you mean to say that all the time Mrs. Wheeldon was talking and you two people were sitting quiet?

A No, not sitting quiet. Now and then I would ask her something I wanted to know, and she would answer it.

Mr. Justice Low. Somebody has said that there is nothing so sympathetic as a good listener. X

Q Did Gordon also assume the same attitude, or was he speaking?

Q Gordon listened, and he watched me so that if I asked for something he listened.

Can you recall to your mind for a ~~short~~ minute one or two of the questions that you put to Mrs. Wheeldon?

A Yes.

Will you tell me what they were?

Q One was, Gordon said 'I wonder how the Suffis burn down churches' Is this the occasion when the reference was made to the Suffis or Suffragettes?

A It may not be.

Q You are just mixing it up a bit?

A No. You ask me a question and then you generalise and ask me another question.

Q I was on that particular ~~occasion~~ occasion.

Mr Justice Low. Which occasion?

Mr. Riza. On January 1st at 8.30. in the evening.

Mr. Justice Low. This is on the 1st of January. You had better turn to your notes.

Mr. Riza. I was upon the conversation about Lloyd George and Manders.

A Yes.

Q And you told me a minute ago that now and again you put in a remark or two?

A Yes.

Q I want you to tell me what was the nature of those remarks, and if you can possibly quote them, the exact words?

A I have given it to you.

Q I am sorry I do not remember it.

A I said to her 'What in your opinion is the Best possible way to put

Lloyd George?

Mr. Justice Low. He has told us that before.

Mr. Riza. Is that the only remark you made?

A There were only a few remarks that I remember.

Q You do not remember the rest of them?

A I only swear to that which I remember.

Q Yes, that is what I want you to tell me.

A That is what I have told you.

Q What I do not understand is this; do you say the conversation all of a sudden turned to Lloyd George and Henderson? Yes.

Q I want you first of all to tell me who was the person who introduced the names of Lloyd George and Henderson?

A Mrs. Wheelton.

Q Did she go on talking of them for some time?

A Yes.

Q Did you take any interest in the conversation?

A I did.

Q Did you put in any remarks?

A I do not remember any particular remarks.

Q Did Gordon say anything at all?

A She was having all the talk. It was her plan to murder Lloyd George, not mine.

Q Did Gordon make any remarks or did he say anything to Mrs. Wheelton at all?

A He merely sat and listened and I put a question or two, but merely a break in the conversation.

Q But could you tell me the nature of that question?

A I have told you.

Q Is that the only remark you made?

A I may have made others, but I only swear to that which I have got in my notes.

Were these invaluable notes made immediately after the interviews?

Q. When did you make this note, after you left Mrs. Wheeldon's?

A. I think the majority of these notes I made in bed.

Q. You made in bed? A. I think so.

Q. Say about 11. A. I could not tell you.

This is very vague.

Q. Do you say that you remember every word of those sentences that we have quoted? A. Anything that I have said-----

Q. Just answer my question; do not go to anything. I am asking you about this particular thing. Do you mean to say that you remember every word and every syllable of what you have written there?

A. Of course I do.

Q. Did not Mrs. Wheeldon say about Lloyd George that he must be killed?

A. Which date are you speaking of?

Q. I am still on the 1st of January in the-morning, evening at 20 minutes past 8. A. No.

Q. Did she say that he ought to be killed?

A. 'The bugger shall be killed to stop it'

Q. You vouch for every word of it? A. Of course I do.

But although he is so certain of the accuracy of every word, we find on referring to his evidence that he has now changed one of them- and that a vital one- making Mrs. Wheeldon say 'shall' instead of 'should'. How often has the remark 'Oh! he ought to be shot' slipped from thoughtless lips, with reference to all sorts sorts of people, but 'he shall be shot' is a very different statement.

Mrs. Wheeldon was charged with 'soliciting' Booth to murder, and proposing to him to commit that offence. What evidence is there for this indictment? Yet we find Booth admitting that he asked her definitely 'What in your opinion would be the best way to poison L Lloyd George?' Who is proposing here? And what satisfaction can be got from this cross-examination?

Mrs. Riza. Why did you ask Mrs. Wheelton what was the best way of killing Lloyd George?

A. I wanted to know what was in her mind.

Q. You did not have any idea yourself did you?

A. Well I have never turned that over in my mind.

Q. Was this the first time that she talked about killing Lloyd George to you?

A. Pretty well.

Q. How long had you known her then?

A. I had known her from the Friday.

Q. This is the Monday; about three days. So that in the course of three days she took you ^{entirely} into her murderous confidence? That is what what you suggest?

A. She believed what Gordon said of me. She liked the look of me.

Mrs. Justice Low. The answer is Yes, I suppose?

A. Yes.

This brings us up against a grave improbability in Booth's evidence. According to his evidence the box of poison was handed to Gordon, not to him, yet all the instructions were given he says, explicitly to himself. This seems curious. But as Gordon was not produced in court, it would have been awkward if all the important conversation had been in the third person. But above all Booth's evidence strongly corroborates Mrs. Wheelton's own evidence in an important point—the emigration scheme. At the very crisis of the plot, when Mrs. Wheelton has finished dictating the instructions for the poison, and ~~she~~ before it has left her hands, her first thought is of this: "I shall want you to help me with the three boys. Give me the London address will you?"—and he then and there gives her the address on paper, and she copies it out herself on paper.

But how was the murder of Lloyd George and Arthur Henderson going to help forward this scheme—this 'emigration' which Booth's evidence shows was a constant subject of discussion with Mrs. Wheelton, and of which he admits full knowledge.

Only Gordon himself could corroborate Mrs. Wheeldon's account of the 'bargain' entered into between him and her, but Booth's evidence here supports it strongly. An examination of the documentary evidence confirms the hypothesis- it is full of references to 'emigration', but it may be searched in vain for any reference to conspiracy to murder. Thus the motive for the crime suggested by the Prosecution's own evidence is one which would be in no way furthered by the commission of the crime. On the other hand, Mrs. Wheeldon has admitted frankly that she was plotting to commit - yes a crime against the law of the land, one which she was quite aware might bring heavy penalties upon her-the placing of her son and his friends out of reach of prison and persecution.