

Gordon came to Wheeldons', 12, Peartree Road, Derby, on December 26th. 1916. He described himself as a Conscientious Objector avoiding the military and the police, and said he had seen Cyril East, who had suggested to him that he should call on Miss Hettie Wheeldon, who was the Secretary to the No-Conscription Fellowship in Derby, and had given him the address. He was invited in by Mrs. Wheeldon and introduced to Miss Nellie Wheeldon, who was having tea. He accepted an invitation to take a cup of tea, and began to recount some of his experiences. He said that he had quite recently come from Liverpool, and had been staying in Derby a few days in a street off Midland Road. The landlady, he said, had become nervous about lodging a man of military age, and also, as he had no luggage she was a little bit suspicious of him, and had asked him to go. He had looked about, but being Christmas time he had found a difficulty in getting fresh lodgings, and had been up to then unsuccessful. Hettie Wheeldon then came in, and Gordon addressed his conversation to her. She told that her family could not lodge him, but gave him two likely addresses. As his appearance (for he was very dirty) was against him, she wrote out two letters of introduction asking the persons named to accommodate him one night. He then prepared to go and took out a letter purporting to come from A. McManus and bearing his Liverpool address, stating that Gordon was known to McManus, who was recommending him to someone (name forgotten) as of use in propaganda work. He thanked Mrs. Wheeldon, thro' Hettie, for her reception of him and for her welcome. Hettie replied "We understand your position. We have a boy (meaning her brother Will) in the same condition." Gordon asked, "Why doesn't he clear out of the country. It's simple enough. McManus can manage it alright." Hettie asked, "Why don't you go if it's so simple?" to

which he replied that his health would not stand the voyage at present. He was invited by Hettie to call the next day and discuss this scheme with Mrs. Wheeldon. He then went to one of the addresses and stayed the night.

Wednesday Dec. 27th.

Gordon came again to Wheeldons' and talked among other things of how army deserters and others were successfully leaving the country from Liverpool. He said that during the last fortnight 50. had got across to America, among them the escaped German, Kehran. He then described how Kehran and his two companions had been assisted to escape from an internment camp, and how he, Gordon, had assisted Kehran on board the S.S. Adriatic, and had seen him sail safely. He described Tochatti's, an underground anarchist centre in London, and stated that Kehran had hidden there for a month. His two companions were there also, but tiring of the confinement, had come out and had, therefore, been re-captured. He said that now he wanted to help five Jewish boys to escape from an internment camp, where they had been placed after being arrested in the Great Tongue Raid, the Headquarters of the Industrial Workers of the World. Since Kehran's escape, said he, extra guards have been put on, and also dogs, remarking at the same time, "We can buy the guards, but not the dogs."

The names of William Wheeldon, Alexander Macdonald, known as Mac, and Alfred Mason, spoken of as Alf, were mentioned during the conversation, and Mrs. Wheeldon said she would like them all to get safely away. Mac and Will were described as working on the roads, and Alf as a chemist and dispenser at Southampton. Gordon seemed delighted with the latter's occupation, remarking that perhaps Alf could assist him in removing the dog difficulty. Mrs. Wheeldon said she had no doubt he would if it would help. She then agreed to write and ask him to send some poison to forward this scheme, Gordon agreeing to undertake to get the three boys, Mac, Will and Alf, safe-

~~It~~ away, in return. He said they must be prepared to put themselves ² unconditionally in the hands of a man named Swazi, in Liverpool, and ^X also trust him implicitly, and he left it with them in their own interests to keep the matter a dead secret. Gordon seemed anxious for Mrs. Wheeldon to write at once for the poison. Mrs. Wheeldon said she was sending a parcel, and would put the letter in, as it would be safer than the Post Office. Here the conversation was interrupted by the arrival of Hettie, who had been out, and also by Mr. Wheeldon coming down for his dinner. Gordon then went out, saying that he would try the other address and arrange definitely for accommodation.

In the afternoon Mrs. Wheeldon and her two daughters went out and Gordon called twice, the door being answered both times by Mr. W. Mrs. Wheeldon was greeted on her arrival home by Mr. Wheeldon saying, "That burglar looking chap has been here twice this afternoon. What does he want?" Gordon came again about 9.15.p.m., and Hettie did not ask him in, but stood on the door-step talking to him. He said that the person at the address furnished by Hettie was away for her holidays, and that he had been trying all the afternoon to get lodgings but could not and was wet through; ill, and tired, almost exhausted. His appearance bore out his statement about his health. Hettie told him of someone else who might manage to put him up for a night, a councillor in the Labour interest, Reuben Farrow. She described the way to the house and accompanied him as far as the corner of the street. He said he hoped Farrow would be able to do with him, as he thought he should die if he had to stay out all night in the rain; to which Hettie replied, "If Farrow cannot possibly put you up, you will come back here". Gordon said, "Yes, certainly, if I'm invited". Hettie replied, Well then, consider yourself invited". Later, about 10.15.p.m. he came back, saying that he had found the house but could make no one hear, he thought they must be in bed. Mrs. Wheeldon then built up a ^{fire} bed, made up a bed on the sofa, gave him some supper, and left him for the night. (No doubt this night

was used for a thorough spy-round, several things, several things, 3
keys and letters having been discovered missing.)

Thursday, Dec. 28th.

Next morning when Mrs. Wheelton came down to light the fire Gordon said he had had a very good night, had been warm and comfortable, and felt much stronger. He had his breakfast, and said he must be going as he expected to see his friend, Bert, that day, who was also "on the run". He said Bert was well-to-do, that his father was a solicitor in Lincoln's Inn, and that the police had ruined his business. Bert, he said, always carried a bag, booked his rooms at hotels in advance, then when he scented danger, paid up and moved on to the next place, and thus never had any difficulty about lodgings like himself. Mrs. Wheelton said, "Hadn't you better make yourself respectable?" She got him water to wash, boot and clothes brushes. While washing he suddenly entered the living room with the roller towel wrapped round his head, impersonating an Indian. He told Kettie and Mrs. Wheelton that he had acted as an Indian for a month in London to escape the police, and described his dress in detail. He then told how he had also acted as a deaf and dumb man and spoke of the precautions he had had to take so as to guard against being overheard if he should chance to talk in his sleep. He spoke of his once being near Derby at Burton, and said that his people had not sent his allowance, and he had had no food for three days. He walked into the police station intending to give himself up in order to get food, but finding no one in the office he had a look round and found hanging on the wall a collection box for waifs and strays. "I'm one of those", said he to himself, put the box under his coat, and made off. He said that neither he nor Bert would be taken alive. He (Gordon) could smell danger, and he and Bert had agreed that if they were caught napping they would put up no resistance on arrest, but walk quietly until they got to a suitable corner, when they would fight for it and make a dash for liberty. "We will never be taken

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alive", said he, "and I should hate to be taken in a one-eyed hole like Derby".

Hettie had sent for Macdonald to see Gordon, to see what Mac thought about him and also to discuss the emigration scheme. Mac came just before Gordon left, and the scheme was again discussed. Gordon talked a great deal of Tochetti, the anarchist, sabotage, blowing up factories, putting sugar in patrol tanks and soap in engine boilers, dropping bombs on prominent people when the Zepps were about, as he said had been done in the case of a police inspector recently in London, who, the papers said, had died quietly in his bed, "with a bomb on him", remarked Gordon with a peculiar look in his eyes. He told of the Clapham Common murder, of how lots were drawn, and how Steenie Morrison had to perform the act though unwillingly, also he had to cut the S on the face of the corpse, according to orders. When asked if it were true that Steenie Morrison had gone raving mad in prison and had been committed to a lunatic asylum, Gordon replied with the same crafty look in his eyes that he had not gone mad nor was he in prison, nor in an asylum. When asked where he was he laughed and said no more. Macdonald and Gordon then went out together, and called at a shop on Normanton Road (a friend of Macdonald's) where Gordon had dinner. Hettie called after him, "What about lodgings?" as Mrs. Wheelon did not want him again. He replied, "I shall see Bert and lie low with him now". In the afternoon Mrs. Wheelon packed the parcel she had spoken of and enclosed a letter asking for poison and stating definitely what it was to be used for.

Friday Dec. 29th.

Gordon called during the morning and was shown the parcel and the letter, which he read. The parcel was collected about 6.p.m Friday night, and put on the 7.45. p.m. train for Southampton.

On Friday evening Gordon called again, bringing with him his friend, whom he introduced as "Comrade Bert", to Mrs. Wheelon and Nellie. Mrs. Wheelon did not care for Gordon's frequent vis-

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its, and Mr. Wheeldon did not like him and always made bothers whenever he saw him, so she said, "Don't come again; my husband doesn't like you, and we have bothers every time you come". Booth suggested that he should come instead, if Gordon wanted any message bringing or anything doing with regard to furthering the emigration scheme.

Saturday Dec. 30th.

Booth called Saturday evening, just as he was passing, he said, not for anything in particular. Hettie came in while he was there, and they discussed safe places of amusement, etc. Booth asked where there was a nice place to spend Sunday, and Hettie gave him bus routes to Ashbourne, Matlock and Melbourne. He decided to go to Matlock.

Sunday Dec. 31st.

Neither Booth nor Gordon seen.

Monday Jan. 1st.

About dinner time Booth called to deliver a letter from Gordon and to borrow a book for Gordon to read. Mrs. Wheeldon took the letter, read it, and put it in her dress. It asked her to truse Bert implicitly as he could not go wrong, as he, Gordon, knew something about him. At the end it said, "Burn all my communications to you, as I will yours to me". In the evening he called again in company with Gordon. He recited poems, which he said were his own composition. Mrs. Wheeldon told Bert all about her son and Macdonald, and discussed various subjects - problems arising after the war. She asked him about himself, and told them that Macdonald was with McManus fixing things up and seeing if all was straightforward.

Tuesday, Jan. 2nd.

Booth and Gordon called at dinner time, and were told that Kehran had been prevented landing in America and was on his way back under arrest. Gordon said that that would blue the scheme for a bit, and everyone would have to lie low for a week or two. He professed great vexation and disappointment. He seemed more than ever anx-

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ious to get the poison so as to move from Derby back to his underground refuge at Töchatti's in London. Consequently, he pressed Mrs. Wheeldon to wire to Alfred Mason for the poison so that he could be off. She wrote that same evening a strong letter urging him to dispatch the poison at once. (Exhibit 29.) As Wednesday's post did not bring the poison and Gordon seemed very fidgetty about his safety, she wrote again on Wednesday. On Thursday Mrs. Mason wired to Mrs. Wheeldon, "Call Edie if nothing wire". (Edie is Mrs. Marshall).

Mrs. Wheeldon handed the telegram to Hettie and asked her to go to 102. Peartree Road for the purpose of enquiring of Edie if a letter had come for them. She went home, but nothing had come. Booth called since Gordon was nervous about being seen at all now, as the capture of Kehran was now published in all the papers. Booth was told of the telegram, of Hettie's journey, and that there was no letter. Booth seemed greatly perturbed and said they really must quit Derby as things were getting hot. However, before leaving Mrs. Wheeldon asked him to call again at night as she would send Hettie to meet the next post at Edie's and see if it had arrived. Booth promised, and in the evening he returned with Gordon, when Mrs. Wheeldon gave him the box containing the poison together with the instructions which Booth copied. Booth left his address 102. Beverstone Road, Thornton Heath, Surrey, and they left together, promising to write as soon as the boys could be moved safely.

Mrs. Wheeldon's cross-examination.

*The following extracts
give the salient points
of Mrs. Wheeldon's own
evidence.*

Cross-examined by the Attorney General.

Q. 2229.

~~Q. 2306.~~

Mrs. Wheeldon, I want you to tell me if you will, how long before you met Norton, had you been active in attempting to help men to escape from their military duty?

A. Ever since Conscription was introduced into this country.

Q. And for the whole of the time until your arrest, between the introduction of Conscription and your arrest, you have been doing all you can to hide and shelter men from discharging their Military duties?

A. Not all, I should say, but I have helped them Sir.

Q. Is there any form of help that you could give that you have withheld?

A. I have never thought about it.

Q. What?

A. I do not think so.

Q. And when you call these men conscientious objectors, you mean men who have advanced a claim to be exempted as being conscientious objectors, but have not succeeded in making that claim good before the tribunals?

A. My son has been acknowledged as a conscientious objector, sir, he has been committed to prison for 18 months.

Q. Did the tribunal acknowledge him to be a conscientious objector?

A. The Central Board have.

Q. Did he come before the Appeal Tribunal?

A. Yes.

Q. What did they do?

A. They turned him down.

Q. You have been supporting these men in enabling them to evade military service, although the tribunals have decided that they were not in fact, conscientious objectors?

A. When have they done otherwise, sir? *

Q. Then what you mean is that quite irrespective of what the tribunals have done, although the tribunals have decided they are not

conscientious objectors, you have, none the less done all you could to shelter and help them to evade military service?

A. Certainly.

Q. And you know, of course, you were breaking the law?

A. Certainly.

Q. You do not mind that, do you? A. No.

Q. You are the kind of woman who, if you wanted to do so for any reason, would not hesitate to break the law?

A. I considered it was an infamous thing to tell a man to be a soldier when he did not desire it, and I deemed that ^{I had} a perfect right to help him to evade that iniquitous Act.

Q. You set yourself up above the law?

A. Well, such laws as that I do.

Q. You decide that you are a better judge of what laws are right than those who are responsible to this country. That is right, is it not?

A. No sir.

Q. But you do, do not you?

A. I do in this particular case.

Q. We are dealing with this particular case, you know. In this particular case you set yourself up to violate what you know to be the law of this country. Is that right?

A. Yes.

Q. And you did not care what the consequences were, and you made up your mind you would help anybody who wanted to escape doing their duty to the State, by serving in the Army? A. Just so.

Q. And may I take it that from that period until the present, you have done everything in your power, whatever breaches in the law it might involve, to shelter and help such people to escape their military duty? A. Yes.

Mr. Justice Low. I do not quite understand. Did you bother your

head at all as to whether their objections were conscientious or not?

A. Anyone would— who had gone----

Q. Answer the question. Diddyou bother your head at all as to whether the objections were conscientious or not?

A. My Lord, I considered they were conscientious or they would not go through the trials ^{that} they had.

Q. Just answer the question. Did you trouble yourself whether the objections were conscientious or not?

A. In my opinion they were.

The Attorney General. Mrs. Wheeldon, let us see if we can understand that. Should I be wrong if I said that whoever came to you and told you that he was flying from military service, you ~~would~~ were willing to give him help? *relevant*

A. Give him shelter, yes.

Q. So that you did not really bother to talk about conscientious objection; your ~~were~~ readiness was to help anyone who was flying from military service?

Mr. Justice Low. To put it shortly, Mrs. Wheeldon, it was enough for you if he objected; you did not concern yourself as to whether he was a conscientious objector or not?

A. No, sir.

Q. Then it was enough for you if he objected?

A. No.

The Attorney General. Supposing a man came to you and said, 'I am on the run from the police, they want me for the Army, and I dont want to go', would you have given him shelter?

A. If he is destitute, I would.

Q. Let us leave destitution out of the question. Supposing a man ~~came~~ came to you without saying he was destitute and said, 'I am on the run from the Army, and I do not like the Army. I want to get away', would you have helped him?

A. I am afraid I should.

Q. You would?

A. Yes.

Q. Then your position was this: that you set yourself ~~up~~ to shelter

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relevante

every fugitive from military ~~service~~ duty, whatever his ground of objection was?

A. Well, not whatever his ground of objection was. If I had known there was anything objectionable, I should not, but, of course, I did not question them to that extent.

Q. Did you question them to any extent?

A. Yes, most of the people I knew.

Q. Let me understand: from first to last, have you ever refused to give help or advice to any one single fugitive from the Army?

A. Not when it has been in my power to do so, sir.

Q. Had you a very strong feeling against the Ministers who were responsible for introducing what you considered this iniquitous Act of Parliament?

A. Yes.

Q. And in particular had you a very strong feeling against Mr. Lloyd George?

A. Yes.

Q. Would it be untrue, for instance, to say that you hate Mr. Lloyd George?

A. I do.

Q. Like to do him any mischief?

A. He is not worth it.

Q. But if he was you would?

A. Yes.

Mr. Justice Low. Do you mean that you would like to do him an injury

A. 'Mischief' you said sir.

The Attorney General. I will use the word 'mischief' if you like.

Is that right. Well do not let us have any secret about it.

A. I feel very strongly against him.

Q. Very bitterly?

A. Yes.

Q. You think it would be a good thing if his career came to an end?

A. Oh no.

Q. What?

A. No.

- Q. You think it is a good thing he should go on?
- A. Not in the capacity he is holding now.
- Q. At any rate you think his public acts should come to an end?
- A. I suppose so.
- Q. You think he has done a very great deal of harm?
- A. Yes.
- Q. That he is a source of mischief to this country, is that your view?
- A. To the working classes. * items
- Q. He has done a great deal of harm to them? A. Yes.
- Q. You think he has been the cause of a million of innocent lives being sacrificed?
- A. I have said so hundreds of times.
- Q. You were always saying it, were you not? A. Yes.
- Q. You were always saying it?
- A. I do not know whether I always said it, but I have said it many times.
- Q. You meant it? A. Certainly.
- Q. You think he ought to be punished for it? A. Yes.
- Q. Very severely punished? A. Yes.
- Q. Do you remember saying when you observed that he had been the occasion of a million of innocent lives being sacrificed, 'The bugger shall be killed to stop it'?
- A. No.
- Mr. Justice Low. Did you say that?
- A. I said he ought to be---
- The Attorney General. To be killed? A. Yes. *
- Mr. Justice Low. You said that to Booth? A. Yes.
- The Attorney General. You have spoken of him as a 'bugger', have you not?
- A. Yes, many times.
- Q. It is rather a favourite expression of yours, is not it, in expressing your disapproval?
- A. I am afraid it is.

Q. And so did you say to Booth 'the bugger ought to be killed'.

A. Yes.

Q. And you thought so? A. Certainly.

Q. You always have thought so since he became so prominent?

A. I have lately.

Q. And you think so now? A. Certainly.

Q. And you think, in your own choice language, that 'the bugger ought to be killed'?

A. Well----

Q. What?

A. Of course I do not think he ought to be killed, but I said it in my bitterness.

Q. You would not say what was untrue, would you?

A. We often say in our bitterness, things that we really do not mean.

Q. You really did not mean it?

A. ~~Yes~~ I do not know whether I did or not.

Mr. Justice Low. I should like you to say whether you did or not.

A. Probably I did at that moment.

Q. You did? A. Yes.

The Attorney General. And you are not at all sure you do not mean it now, though you are in a very awkward position?

A. My position does not alter my opinions in the least.

Q. You are not at all sure- standing there as you do now- that you do not think he ought to be killed? A. No, I am not.

Circumstances into which Gordon came.

William Marshall Wheeldon, Mrs. Wheeldon's son, was engaged by the Derby Education Committee as a schoolmaster. His education for this profession had been undertaken solely by his mother out of her earnings, as his father is and has been an invalid unable to work for close on twenty years. Mrs. Wheeldon has also educated two others of her children as school teachers, all three having had a College training at considerable expense.

On May 31st. 1916. William Wheeldon received his discharge from his employment, and was arrested on June 1st. 1916. as an absentee under the Military Service Act No. 2. Subsequently he was courtmartialled for refusing to obey as a soldier, and was sentenced to 56. days in His Majesty's Prison, Derby.

He had appeared before the Local Tribunal and put his case as a Conscientious Objector to war, stating that he had objected to being present at the ceremony on Empire Day held every year in the schools and had stated his reasons on each occasion. He stated that he had also refused to be present with his class on the occasion of the Queen's visit to Derby, and had by his action exposed his position to grave risk, in fact, he was now under the ban of the Education Committee who had informed him by letter that he need not expect promotion at their hands. This should have shown the Tribunal that his convictions were of long standing, and that he was prepared to suffer for them, but the case was dismissed. He next appealed to the Appeals Tribunal, and was one of three applicants whose cases were heard and decided in the space of one minute. Thus, he was allowed one third of a minute to state his objections to war and to prove his conscientious objections, provided for by Act of Parliament. He was then ordered to report at the barracks, and having refused to do so, was arrested and sent to prison, as already stated.

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On being discharged from jail in Derby, August 1916. he was taken to Sunderland to join his regiment, the 4th. Sherwood Foresters, and was subsequently released on indefinite furlough. Here the financial strain on his mother, Mrs. Wheeldon, became acute. She was befriending at that time another Conscientious Objector (Macdonald) and with the absence of her son's wages, and the responsibility of feeding and keeping two men unable to obtain employment owing to the working of the Military Service Act, in addition to her invalid husband, she was obliged to turn out to work. She obtained work as an Insurance Agent in which she persevered all through the severe winter of 1916. in spite of being a great sufferer from defective circulation and heart disease.

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Some time during October of that year both her son and the other Objector obtained work at road making, and were content to accept fourpence an hour. Early in November the Central Tribunal communicated with William Wheeldon stating that they had reviewed his case, and on finding him to be a genuine conscientious objector they forthwith transferred him from military to civil control, addressing him not as formerly, "Private" W. Wheeldon, but as "Mr. W. Wheeldon". They ordered him to report at Wakefield within four days and take up work under the Home Office Scheme. He wrote to them asking for a statement of wages and conditions, stating that he was only prepared to work under Trade Union conditions and not to black-leg in order to release another man for the army to which he himself objected. Their answer was naturally a foregone conclusion, and he prepared himself for re-arrest and further imprisonment. By this time events had so preyed upon the mind of Mrs. Wheeldon that she was almost beside herself with fear lest the authorities should send her son to prison again for the third time. She begged of him to evade them, not to let them break his mind and body in prison. He yielded finally to her entreaties and went on the roads on his cycle.

For some time he kept her acquainted with his movements. Then came a dark period of doubt and suspense when she did not know whether he was dead or alive, in prison or out of it. This also preyed upon her mind. Her neighbours constantly remarked about her appearance, for her anxiety could be concealed. Just before Christmas she heard that his sister had found him a safe place where he was working on a farm. No sooner did this comforting news come than it was followed by the announcement that he would have to move from there as it had become unsafe.

Arleskew

Christmas, the time of goodwill and peace, of family gatherings, of reviews and anticipations, arrived. This was the first Christmas that Mrs. Wheeldon's whole family had not been at home; now she looked backward on the past year and forward to further darkness and anxiety - her boy a fugitive in a free land, unable to obtain honest work because he refused to kill his fellow men, penalised for the sincerity of his convictions.

It was into these circumstances that there entered the sinister figure of Gordon, the military spy. On December 28th. just about tea time a knock came to Mrs. Wheeldon's door. She met a poor, downtrodden, hollow cheeked, weary looking man on the doorstep, who said that he was flying from the police as a Conscientious objector. This struck straight home to the mother heart of Mrs. Wheeldon, as indeed it was intended to do. Here was her son, this was how he was, probably asking for food and shelter under exactly the same conditions. What could she do? Only that which she hoped and trusted any other mother would do for her boy, at least, give him food and a shelter. He was welcomed into the Wheeldon family circle and treated as a long lost brother. Mrs. Wheeldon seemed to have had no doubts as to the man's sincerity, her one desire was to do for him what she could, the role had succeeded.

A COMPARISON

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On January 29th. 1916. Alfred George Mason and Mrs. Wheel-
don were arrested in Derby, Hettie Wheeldon in Ilkeston at her work,
and Mrs. Winnie Mason in Southampton, also at her work. This young
and delicate girl, just 23., was brought to Derby, most unsuitably
dressed for a long journey and with the thermometer registering 8.
degrees below frost. She arrived at the Police Station between 9.
and 10. p.m. All the prisoners were given a bed of straw with two
thin covers and had to sleep in their clothes. The cells were bad-
ly heated. Next morning they were supposed to have had every rea-
sonable facility to prepare their defence. The opening stages clo-
sed about noon on January 30th., the Court being packed with "Respec-
table", morbid curiositymongers, who had tipped their way in. The
prisoners were conducted through howling mobs of British citizens in-
flamed by the servile Press, to Birmingham. Here there were more
lovers of fairplay to meet them. They remained in Birmingham prison
till Saturday, February 2nd., wearing prison clothes and eating
prison food, Diet 13. During their stay there was a woman under-
going punishment in a punishment cell, which was directly under the
cell of one of the prisoners. All night long and part of the day
did this woman scream, howl, cry, and sing alternately, banging and
kicking at the door incessantly. It gave one the impression of
someone having gone insane. Under such circumstances as these were
the prisoners supposed to be having every reasonable facility to pre-
pare a defence.

The journey from Birmingham to Derby on February 2nd. and
also the return journey were accomplished through the same howling
crowds. Again on Monday, Feb. 4th. were the prisoners brought to
Derby and spent that night in the cells of Derby Lock-up. Utterly
fatigued and extremely cold the prisoners were just settling down

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when a drunken woman was brought into the next cell, which only possesses a board bed. She was mad with drink, and stormed and raved, banging and kicking at the door, stamping up and down the boards, and using the most obscene language. Towards one o'clock in the morning she attempted suicide by hanging herself with her garter, suspending it from the grating in the cell door. She moaned and gradually grew more quiet until not a sound could be heard. The ordeal was terrifying. The matron, noticing the silence, came to see what was the matter, and as soon as she saw the body hanging, gave a terrific scream - "Oh, Mr. --- bring your knife, she's hanging". She was unhurt, and after about an hour, was let out to come up next morning. Such was the night before the final day at Derby. These were the conditions under which a prisoner was supposed to have "every reasonable opportunity of preparing his defence".

The case was then remanded for a month, and the prisoners were taken back to Birmingham until the following Saturday, when they were transferred to Holloway Prison, London. There they were put in two cells apart, the next cell each way being empty to ensure no communication, and kept in close confinement, that is, locked in their cells on an average 22. hours out of the 24. on an average until March 6th. They suffered a treatment that not even a convicted prisoner undergoes. The solitary confinement, the bad ventilation, the lack of exercise, and the low diet, were all part of the reasonable opportunities for a prisoner to prepare his defence. All arrangements regarding legal defence had to be made by letter, and these letters took five days to come from Derby to London and vice versa, or indeed, from any part of London to Holloway.

Just seven days before the trial the prisoners were undefended. They applied to the Public Prosecutor for the evidence against them, and this was forwarded five days later, after two per-

sonal enquiries were made for it by Scotland Yard detectives.
Thus, the prisoners had four days in which to prepare their defence.

Mr. Riza was instructed only on Wednesday, February 24th.,
and asked for an adjournment of one week. The Crown had asked for
and obtained an adjournment of one month to complete their case.

Mr. Riza's request was rejected. He had, therefore, four days in
which to prepare his case, as against two months, and Four Counsel.

As was stated at the great Albert Meeting on March "In all X
State prosecutions the die is loaded against the prisoner."

ALEC--GORDON.

'Why was not Gordon called by the prosecution', is a question often put to themselves by many a right thinking person, and it would be interesting to know if the learned Attorney-General ^{could find an answer to the question.} *The Attorney-General* said he had carefully considered the question, and had decided that he would rather let this 'very desperate and dangerous body of people, people bitterly hostile to this country, shelter ~~the~~ of fugitives from the Army, and persons who do their best to injure Great Britain in the crisis in which she found herself to-day'- he would rather let these people retain their liberty than produce Gordon. Why should the Attorney-General rather risk the safety of the country than put Gordon into the witness-box? There must be some grave reasons which weighed in the mind of the learned Attorney-General, and induced him to adopt this unprecedented course.

In this note we shall try to discuss the probable reasons for the non-production of Gordon, and the grave injustice done to the prisoners by this unconstitutional conduct on the part of the Law Officers of the Crown.

To clear the ground, we must here point out that some statements made in the House of Commons seem to be misleading.

Mr. Kellaway, the Under Secretary for the Ministry of Munitions stated on the 12th of June 1917 'that Alec Gordon was, so far as he was aware, never employed by the Ministry of Munitions; at any rate he was not a member of the staff.' If the Ministry of Munitions did not employ Alec Gordon, who else did? Let us test this statement of Mr. Kellaway and see how, and by whom Gordon was employed.

No we are not aware that any attempt has ever been made by the Ministry of Munitions, or any other Government Department to disown Booth. Indeed, the Attorney-General called him as the principal witness for the prosecution, and he himself said that he was employed

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NB Vellacott on
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in the Ministry of Munitions (Question No. 1.). Let us see now what Booth says about Gordon (Question No. 2.). 'Mr. Hugo Young: Now, working under you had you had any occasion to employ somebody to assist you?'

A. Yes.

'12 Q. What was the name by which he went? A. Alec Gordon. So it is quite clear that Booth as an agent for and on behalf of the Ministry of Munitions employed Gordon to assist him. Indeed Booth goes further, and consults Major Lee, an important official of the Ministry of Munitions about Gordon before employing him.

'1432 Q. Mr. Hugo Young to Major Lee:-

'Had you anything to do with the engagement of Gordon, or was he engaged by Booth?'

'A. I could not answer that yes or no. I had to do with his engagement, but he was actually engaged by Booth.'

'1433 Q. You knew of his engagement?'

'A. Yes.'

'1434 Q. Before it was made?'

'A. Yes.'

In the face of this, can it be said that the Ministry of Munitions did not employ Gordon through their agent Booth? Possibly while making this statement on the 15th of June, Mr. Kellaway had forgotten that only the previous day the Attorney-General had assured the House that the Government had not employed Gordon since January in any capacity. Surely Mr. Kellaway did not mean to suggest that it was the Board of Education which had employed Gordon before January?

Further on the 29th of June 1917 Mr. Kellaway stated in the Parliamentary Papers that 'the Ministry of Munitions has received no reports from the man' i.e. Gordon. Here again Mr. Kellaway seems to have been 'misinformed' by some officials in charge of records at the Ministry of

Members see what Booth says on oath about it :- Mr. Hugo Young to Booth:

'13 Q. Did Alec Gordon report to you?

A. Yes.

'14 Q. And if he reported to you did you pass on those reports to anybody else?

A. Yes.'

'15 Q. To whom?

A. Major Melville Lee, and Major Labouchere.'

'16 Q. Who was Major Melville Lee?

A. Well, I was attached to him particularly.

'17 Q. He was your superior officer?

A. Yes.

'18 Q. Who was Labouchere?

A. He is in charge of one department.'

Further on-

'23 Q. Now do you remember receiving any communication from him (Gordon) while he was in Derby?

A. Yes.

'24 Q. What was that?

A. A telegram.'

'26 Q. When you received that telegram, what did you do with the telegram?

A. I put it in my pocket.'

'27 Q. And after that, did you show it to anybody?

A. I afterwards handed it to the Treasury.'

We submit it is quite clear from the above quotations that the Ministry of Munitions employed Gordon, and received reports from him, and acted upon those reports.

Before leaving this Parliamentary Paper, we feel we must call the attention of the reader to another statement in it about Gordon made by

the Home Secretary. Sir George Cave says that Alec Gordon was never employed by the Criminal Investigation Department at Scotland Yard. It seems that the Government will say everything about Gordon excepting what is material. Who accused the Scotland Yard of employing Gordon? It was the constant complaint of Mr. Riza (Counsel for the Defence) to the jury that a case of such importance in which the future of four innocent people was involved, was not entrusted to the careful handling of the tried and experienced officers attached to the C.I.D. at Scotland Yard, and which is the ordinary channel through which all crimes are investigated, but was carelessly handed over to two young recruits, who had never had any previous experience or training in detecting crimes. It is submitted that Alec Gordon is a man of such shady past that the observant eyes of Scotland Yard could never employ him in any capacity.

To revert to the question, 'Why was not Gordon called?' The only reason assumed by the Court for this reactionary step on the part of the Attorney-General was that Alec Gordon was a detective of extraordinary ability: he was so useful to the nation that he could not be spared: if he appeared in the witness-box, he would be known, and this hindered in his work of detection. But curiously enough, the Attorney-General said in the House of Commons on the 11th of June 1917, that since the middle of January 1917 Alec Gordon had not been employed by the Government! Well, why then did you not produce him in the first week of March? You did not want him any longer, you had dispensed with his services, why did you not, then, let Justice have its normal course? Will the Attorney-General or anyone else on his behalf, answer this question?

But the fact that the Government have not employed Gordon since the middle of January is rather ominous. We must remind the reader here that at the trial, Mr. Riza (Counsel for the Defence) challenged the Attorney-General to produce Gordon, and alleged that Gordon was a man

of such a doubtful past that he could not safely be produced in a Court of Law as a reliable witness. We shall here briefly set out the facts which support the allegations of the Defence;-

- (1) Gordon was not employed by the Government since the middle of January: the trial took place in the first week of March, and yet the Attorney-General refused to produce Gordon as a witness for the Crown, although Mr. Riza challenged and urged him to call Gordon.
- (2) Mr. Riza said that Gordon was a criminal of the deepest dye; the Attorney-General said the Government had made exhaustive enquiries about Booth before employing him, and he vouched his word for Booth, but the learned Attorney-General, all through the trial, never said a word about the good conduct of Gordon.
- (3) Gordon finished his nefarious task at Derby in the first week of January. We assume that the evidence of Gordon and Booth was sent to the Director of Public Prosecutions soon afterwards, and that the learned Attorney-General got the papers about the middle of January. We further assume that a short description and test record of the witnesses Booth and Gordon was appended to the brief- common practice- all this must have happened in the middle of January, and we are told that since the middle of January Gordon has not been employed by the Government. With greatest respect to the learned Attorney-General, we ask the question, 'Did anything undesirable about Gordon come to the knowledge of the Attorney-General?' And was it in consequence of this disclosure that Gordon has not since the middle of January been employed by the Government?
- (4) Members of the Government vie with each other in disowning Gordon. The Attorney-General was the first to disclose to the House of Commons on the 11th of June the fact that Gordon

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was no longer employed; Mr. Kellaway, Under-Secretary for the Ministry of Munitions, disowned Gordon on behalf of the Ministry of Munitions in the House on the 12th of June 1917, and again in the Parliamentary Papers on the 29th of the same month; Sir George Cave, the Home Secretary, as head of the Metropolitan Police stated in the same Parliamentary Paper that at any rate, Gordon was never employed by the Scotland Yard.

If Gordon is a man of a clean past, why should the members of the Government try to disown him?

(5) From the witness-box Footb refused to divulge the real name of Gordon and although the present writers are not aware that the Government have ever refused to disclose Gordon's real name in the House, still the fact remains that the Government have not disclosed his real name.

We repeat all the allegations brought against Gordon at the trial, and say that he is a criminal of the deepest dye, and that he is a man quite unworthy to be employed by any Government, for any purpose, and that if he had been put in the witness-box he could not have stood the cross-examination even for a few minutes, and that no jury could have convicted the unfortunate accused if they had seen and known the past record of Gordon.

This brings us to one last point and we shall proceed now to show what injustice has been done to the victims by this strange conduct of the Law Officers of the Crown. Of course we must frankly admit that what we are going to say is hypothetical, but, in one submission, on the facts and reasons stated alone, it is something which very reasonably might have happened. Suppose for a moment that Gordon was put in the witness-box, and suppose that he was really a man who had served a sentence, say for perjury, or attempted murder. Now let us assume that these points were driven home to him, and that he either admitted

his past record, or that the Defence proved it. Naturally his evidence would go to the Board, not that legally he would not be entitled to give evidence, but we ask the reader how many juries are there in England, who will convict two ladies, and one young man on the word of a man, who had been found guilty of, say, perjury, ^{the satisfied} that he did not believe Mrs. Wheeldon by saying that he wanted the poison for dogs? And if Gordon was a man who had been convicted before, not only would his evidence become valueless, but it would naturally take away the weight from the evidence of Booth, and the case would have been laughed out of Court. So far we have dealt on only one way of showing that a witness is unreliable. No doubt the reader can think of ~~reasons~~ various other ways. A witness may have a confused memory, and can not recollect what actually happened, or maybe that Gordon had a powerful memory, and his recollection of the whole affair was totally different from the account given by Booth.

We are not convinced that Mrs. Wheeldon and the Masons have committed the offence for which they have been sentenced, but supposing for the sake of argument, we admitted their guilt, even then the presence of Gordon would have been highly imperative. We should have known, if Gordon had gone into the witness-box, by what persuasions and temptations Gordon forced Mrs. Wheeldon into ^{so-called} the plot, what part he took in it himself, and ^{were his} ~~what~~ reasons ^{for} ~~she had~~ in setting such a plot on foot.

As we have said above, it is highly unjust not to call an important witness, and here we think we must put before the reader a part of a letter written by Mr. D.H.Prynce to the New Witness, and published in the New Witness of the 31st of May 1917:-

'Some three years ago, under instructions of this official, I appeared to prosecute in a case of murder, where, before the unfortunate victim died, an application was made to the local justices

to take her dying deposition, and in accordance with the Act of Parliament the prisoner was given an opportunity to be present, and if he saw fit to cross-examine the witness, as if the evidence was given in open court.

The justices declined to take the depositions, on the ground that there was sufficient evidence of eye-witnesses to enable a prima facie case to be presented to them; and the girl died without making any statement which would be admissible in evidence. On the instructions of the Director of Public Prosecutions, I criticised this action of the justices in their refusal to take this deposition, pointing out that, however strong a case might be, it was necessary in a criminal case to present the best evidence available, and in such case the best evidence must have been that of the deceased, and in addition what was an even more important point that the prisoner had been deprived of an opportunity of cross-examining the girl and possibly eliciting some point or points in his favour.'

As probably the reader is aware, the Public Prosecutor is not a partisan, but ~~that~~ it is the duty of the Counsel for the Prosecution that he should act fairly even to the accused, and that he should place before the Court the whole of the evidence, even if it is favourable to the accused, ~~and~~ We submit that in this case, even if the Prosecution knew nothing to the detriment of Gordon, ~~and~~ they have failed to act justly and fairly by not calling Gordon as a witness for the Crown.