

Guildford.

Saturday, 29th June, 1918.

Before:

MR JUSTICE AVORY.

R E X

-v-

WILLIAM NIBLETT.

(Transcript of the Shorthand Notes of Hibbit & Sanders,
Selborne Chambers, 14 Bell Yard, Temple Bar, W.C.2.)

THE CLERK OF ASSIZE: William Niblett: You stand charged upon this Indictment for that, on the 22nd day of November 1917 at Kingston-upon-Thames in this County, you being married married Alice Suzanne Deveson, your Wife Jessie Winifold to whom you were married at Lewisham in the County of Kent on the 2nd day of October 1912 being then alive. Are you guilty or not guilty ?

WILLIAM NIBLETT: Guilty.

Mr E. WETTON appeared for the Prosecution.

SIR EDWARD MARSHALL HALL K.C. and Mr TRAVERS HUMPHREYS
appeared for the Defence

MR WETTON: If your Lordship pleases: I appear to prosecute in this case and my learned friends Sir Edward Marshall Hall and Mr Travers Humphreys appear for the defence.

My Lord this man was married on the 2nd October 1912. He married Jessie Winifold at St. Augustine's Church Honor Oak. He was then described as a Widower aged 55. It appears that on the 22nd November 1917 he married Alice Suzanne Deveson, a widow, aged 58 and he described himself in the Certificate as a widower. He married her at the Registry Office at Kingston-upon-Thames.

My Lord after his first marriage in 1912 the Defendant went with his Wife abroad, and they were away for twelve months. When they returned in October 1913 the Wife was admitted as an inmate to the Camberwell Private Asylum, and there she has remained until now. She is in the Asylum still.

MR JUSTICE AVORY: Since when ?

MR WETTON: Since the 15th October 1913. She is in the Asylum still, and I do not think the Defendant has visited her for the last four years. I am informed she is recovering now and in time will be able to come out.

SIR EDWARD MARSHALL HALL: My Lord, I appear with my learned friend Mr Travers Humphreys on behalf of the Prisoner, and it is a case of a very peculiar nature, and, I think, of peculiar sadness. Mr Niblett is a gentleman who is a professional man, a member of the Bar, who practised a great deal in the East, and he managed to get together a very large competence. He came back to this Country in 1912 suffering from cataract in both eyes. He was operated upon for one eye which was partially successful but it was found impossible to operate on the other eye.

Towards the end of 1912 he met this lady and her Father and he promised marriage to her and married her. They went on their honeymoon and travelled about eventually as far as Singapore where he had formally practised. When

they got to Singapore there was a robbery at the hotel at which they were staying, and this so preyed on the lady's mind that she insisted upon returning to England at once, and he followed by the next boat. When he got back he found that she had been put into an Asylum under an emergency Order and that her mind was deranged. There was some little friction between the Prisoner and his father-in-law with regard to the custody of his Wife, he wanting very much that she should be sent to some Doctor's house where she could be detained and looked after, and where she would not be certified, but the father-in-law insisted that the Order should be made. He gave to his Wife a sum of £3,000 on her wedding day, and the interest upon that is of course available for the purpose of her maintenance. Unfortunately his eyes got worse; he was without a Wife and was gradually becoming blind. He is now totally blind in one eye and can hardly see out of the other. He has to be led about in order to get from one place to another.

In 1915 realising he was becoming blind and how dependent he was on others he executed a deed whereby he assigned the whole of his property to an Institution in consideration of a life annuity to himself. He did not want to purchase an annuity and thereby sink his money, but he assigned it to an Institution bearing his name thinking that would be an ultimate benefit to some people in whom he was interested. The result of that was he found himself with a sum of a few thousand pounds and the interest under this deed of assignment. He then gave £5,000 to the Charing Cross Hospital and £5,000 to another hospital, being impressed by their needs, and he left himself practically without anything except the annuity. He went from place to place, his blindness getting worse and

ultimately he found himself in 1917 at Brighton. At Brighton he met this other lady, a lady over 60 years of age, a widow; a lady of good position who had been very kind to him. She took pity upon him in his blindness and in his infirmity. That happened owing to his not having had the advantage of his Wife's society. He had had to get a trained nurse and that trained nurse had nursed him for a considerable time. He was very much indebted to her for her kindness and attention, and he wanted to ensure that she would always be his nurse, and he had actually made a Will in her favour. That Will is in existence. Unfortunately she left him to get married and he was left alone. It was then that he met this lady, Mrs Deveson, a lady of superior position, and she appealed to his instincts by her acts of kindness and consideration, and it was then he did this unpardonable thing. He did not tell her he was married. He is over 63, and she herself is 60.

MR WETTON: 59.

SIR EDWARD MARSHALL HALL: The marriage was a marriage in name only; they occupied separate rooms. No doubt he committed an offence. My learned friend and I have had an opportunity of seeing him and advising him, and as your Lordship will see from the depositions he never attempted to deny ~~that~~ he had committed the offence with which he is charged; and he said before the Magistrate that he would plead guilty. I ask your Lordship to deal with this in an exceptional way. I quite agree ~~with~~ my Lord that bigamy is a serious offence, but this is not the case of a man who has sought to get possession of a young woman by some fraudulent means by representing that he is a single man; it is the case of an old man afflicted with that most terrible affliction, blindness, which has been

creeping fast upon him, a man who was alone in the world, his Wife locked up in a lunatic asylum, with no one to help him. He felt that he could not ask this lady to be his nurse because that was not her position, and he yielded to a sudden temptation, and asked this lady to marry him and she married him. She makes no charge whatever against him, and I am authorised so to state from her. She would appeal to your Lordship for mercy on his behalf. The liability to maintain his Wife exists and the Wife will be maintained, and everything will be done in that direction.

MR JUSTICE AVORY: Who instituted the proceedings ?

SIR EDWARD MARSHALL HALL: The father of the first Wife.

He was appointed the receiver of her property under the Lunacy Act. I do not want to embark into this, or into any question of feeling; there is no question of that sort to be raised. Mr Niblett puts himself entirely on the mercy of the Court. He being a lawyer knows that there is no proper justification for what he did. He did it in a quixotic mood because he did not like to ask this lady to share her life with him as his nurse; he asked her to become his wife and he concealed from her the fact that his wife was in a lunatic asylum.

I hope your Lordship will be able to see your way to deal with him in an exceptional way. He expresses great regret for having committed a breach of the law of the Country, which he ought to have respected, and not to have put aside. With these few words I ask your Lordship to deal with this as an exceptional case.

I am reminded by my learned friend that in addition to blindness he is suffering from very bad health. He suffers severely from bronchitis and cannot live in London, and, as I mentioned to your Lordship, for two years or more he was in charge of a professional nurse with whom he was

perfectly satisfied, only unfortunately for him she left to get married.

THE CLERK OF ASSIZE: William Niblett, you stand convicted on your own confession of felony. Have you anything to say why the sentence of the Court should not be passed upon you.

S E N T E N C E.

MR JUSTICE AVORY: William Niblett: It has been my duty recently publicly to announce that the sentences for the crime of bigamy must be increased, and they have been recently increased, in consequence of the prevalence of this crime at the present time; but I am one of those who ^{have} always said ^{that} it is a crime that varies in its degree as much, if not more, than any other crime in the Country. I recognise that yours is an exceptional case. There are no doubt persons who think, and who have advocated, that in your position you should be entitled to obtain a divorce. But you, of course, knew quite well that, as the law stands, the unhappy condition of your Wife did not entitle you to any divorce. The circumstances of this case are altogether exceptional, but a wrong inference might be drawn if I passed it over entirely without punishment. Having regard to the affliction you are suffering from, and all the circumstances of this case, I order you to be imprisoned for one month in the first division.
