

The Mount Stewart Murder (Chris Paton)**Ottawa 16 SEP 2012**

A hundred and forty five years ago, a mysterious Scottish killing made the headlines as far afield as London, Belfast and Inverness. On March 28th 1866, in the midst of a nationwide cattle plague, my three times great grandmother, fifty five year old Janet Rogers (nee Henderson), travelled from the village of Airntully to Mount Stewart Farm, a large property situated between the Bridge of Earn and Forgandenny, to help her brother, William Henderson, with calving on his farm. Henderson had recently sacked his domestic servant, Christina Miller, just a week before.

Two days later, William set off for the weekly Friday market in Perth. Returning home in the evening, he put his horse and cart away and then proceeded to the kitchen door to let himself in, only to discover that it was locked. Unable to gain entry, he was forced to climb up a ladder and to get access through an upstairs bedroom window that had been left open. He made his way down the stairs in the darkness towards the kitchen, where in the gloom he began to discern what appeared to be a suspicious pile of bedclothes lying on the floor before the fireplace. Reaching out to clear them away, he was shocked to discover his sister's body lying dead before him.

In a state of panic, William ran to fetch assistance from a neighbour, and then on to the nearby village of Bridge of Earn to seek help from a doctor and a constable. With the policeman accompanying him, he sent an urgent note by train to Perth to summon the Procurator Fiscal, which stated "*Dear Sir, Please come out here as soon as possible as my sister has been murdered today whilst I was in Perth*".

The Perth County Police, led by Chief Constable George Gordon and Superintendent Henry MacDonald, was soon in attendance at the crime scene, along with the Procurator Fiscal and the Sheriff. They arrested both Henderson and his ploughman James Crichton, and had them confined to a small room in the house, whilst the premises were searched. Two local doctors performed an autopsy on Janet's lifeless body on the kitchen table, and confirmed the cause of death to be a series of blows to the back of her head with a blunt instrument. As they operated, the police made a search of the kitchen and discovered the remains of a broken pipe under a pillow on the floor. Neither Henderson nor his sister had been smokers. The next morning, several constables were despatched to the countryside to search for witnesses.

William was initially considered to be the main suspect, and local gossips began to spread rumours about why he had killed his sister. This forced Janet's husband, James Rogers, to come to his defence, by publishing a letter in the Perthshire Advertiser on April 19th, stating that his wife was William's "*favourite member of the family, one whom he always opened his mind to*". William himself had another theory. Three months previously there had been a break-in at Mount Stewart farm, with a substantial amount of money and clothing stolen. He suspected his ploughman of both crimes.

Yet despite the various accusations and rumours, within a couple of days a potential witness had come forward. A hawker called Betsy Reilly, from Perth, had been in the vicinity of the farm on the day of the killing, and claimed to have seen a man talking to Janet at the kitchen door earlier in the afternoon. She described him as a man aged between 40 and 50 years of age, about 5 feet 9 inches in height, of slender make, with a long face and brown hair, wearing a cap and dark frock-tailed coat, longish greyish

coloured trousers, and offering a shabby genteel appearance. With a physical description of a possible suspect, the manhunt was now widened throughout Scotland, with police stations across the land alerted by telegram to be on the look out.

Using Reilly's description, over the course of the next week various suspects were arrested as far afield as Dundee, Skye and Edinburgh, but all were able to supply alibis, and were soon released. Further bills were posted around the countryside offering a reward of £100 for information leading to the apprehension of the killer. Janet's funeral took place at Auchtergaven Parish Church, near Airtully, on April 5th.

To the police, William's paranoia over Crichton having possibly killed his sister seemed to continue. After several months, with the manhunt seemingly going nowhere, the farmer appeared to have foolishly tried to incriminate the ploughman by planting the missing kitchen door key, which he had since found, in the cesspool outside the house. One of the constables alleged that the farmer had arranged for the young daughter of a friend to make the key's 'discovery', and then handed it to the police as evidence of his ploughman's involvement, he being the only other person who could apparently have had access to it. The procurator fiscal agreed, and ruled it out as evidence.

After many fruitless months of searching, the attempts to find the man witnessed by Reilly drew a blank; by the end of the year she had been officially discredited as a liar by the authorities, it being suspected that her motive all along had been to obtain a reward. The investigation reached a standstill, and it became clear that the police had spent much of the year on a wild goose chase.

By Christmas 1866, there was a sudden, dramatic development, forcing the police to change their minds about Crichton. Having found that Henderson's former servant, Christina Miller, had resided with Crichton and his wife just two nights after the murder, they interviewed her again and learned that she had apparently overheard the ploughman confess to the murder late one night to his wife. Finally the police believed they had something to go on, and using Miller's flimsy evidence as the key to their case, arrested Crichton, who was by now working as an agricultural labourer in Dunfermline. Miller was also arrested, to prevent her absconding prior to a trial.

On April 9th 1867, the case became the first to be heard at the newly built Perth Court building. The trial papers have been preserved at the National Records of Scotland in Edinburgh, with the precognition papers held under AD14/67/170, the trial minutes under JC11/104, the case papers at JC26/1867/20, and even architectural drawings of the scene of the crime, found at RHP141081/1-2. The judges made their way to the building in a ceremonial procession accompanied by a detachment of the 4th Queen's Own Hussars, acting as an escort, and led by the band of the 1st Perthshire Volunteer Rifles. Once inside, proceedings commenced.

The judges took two days to hear all of the evidence. It was established that Crichton was indeed a smoker, and had been seen in the adjoining field close to the alleged time of the killing. Over forty witnesses were heard both for and against the ploughman, and it seemed that Crichton was going to be found guilty of the offence. If found guilty, the punishment would be execution by the hangman. But when the jury members eventually returned to give their verdict, to the astonishment of the

crowds watching, they pronounced the case 'non-proven', by a majority of twelve to three. This peculiar Scottish ruling effectively declared that although they believed Crichton may have been guilty, they did not have enough evidence to convict him. To the family's utter dismay, Crichton was subsequently set free.

The public was outraged. In a letter to the Perthshire Advertiser in May 1867, one commentator described the investigation as "*little else than a display of the merest official imbecility*". But for William, the verdict was devastating. Not two days after its delivery, he accused two of the trial witnesses of having committed perjury, and was successfully sued for £12 damages for slander. Another reader wrote of Henderson that "*Having all along watched the varying aspects of this dark tragedy, I was often scandalised by the heartlessness with which this gentleman was treated*".

At this point, the second part of the tragedy began to play itself out. Moving away from the farm to nearby Perth, William's mental health began to deteriorate. His uncle, a prominent physician in Perth, had stipulated in his will, drawn up in May 1870, that his nephew should become a trustee of a new charity that he was setting up. In addition, a legacy of £1000 was to be bequeathed to him. A month later, however, the will was revised in a codicil, and William's place on the board was dropped, with the legacy halved – he had somehow lost the confidence of an uncle, who perhaps in his medical judgement had begun to notice the signs of what was to come.

Little is known of William's life for the next decade, save that he moved to Scone, where he was recorded in the annual Valuation Rolls. By May 1881, the effects of the murder had well and truly begun to wreak havoc with his mental state, and he was committed to the Murray Royal Asylum in Scone by his solicitor. One point in particular seems to have been eating at him for well over fourteen years, for the medical papers, held at the University of Dundee Archives (under THB 29), describe how "*about ten days ago he became excited in consequence of a dispute about a cesspool. This excitement was much increased and he became raving and frantic.*"

During his detention, it was clear that he was rapidly losing his mind. Another doctor's report states that "*He wants protection from the police, "Want old reports, send for the key" refers continually to the murder of his sister for which he was apprehended and acquitted 15 years ago, In a state of acute mania*". Another describes how he talked "*constantly and incoherently; he cries for the police without due reason and says his entrails have been ripped out and buried in McLeish's Place*".

For some inexplicable reason, William was released from the Murray Royal after just three months, and spent the next three years staying with different family members. However, a report from October 1882 shows that he was far from stable: "*Met on the Street by Reporter, full of delusions as to people annoying him, threatening law proceedings, and making irrational references to his sister's murder.*" After a similar incident in Crieff in 1884, where he had been smashing windows and screaming in another public tantrum, the husband of his despairing younger sister Isabella finally had William committed back to the asylum. From this second stay in the hospital the medical reports continue to show how troubled he had become by the killing. The farmer was to spend the next six years locked away at the hospital, in increasing states of mania, until eventually his old age began to catch up with him, and on 22nd January 1890, he passed away quietly in his sleep.

Had the police force been incompetent in its investigation? The investigation of the murder was handled by the Perthshire County Constabulary, which at that time comprised of just 55 members spread throughout the county. As a historical fact, the murder at Mount Stewart farm became the only case never to have been solved during the long tenure of the force's second chief constable, George Gordon. They had little to go on at the scene of the crime, as modern forensic science had not come into use at this point, and were therefore dependant almost exclusively on reliable eye witness evidence, which in this case simply did not exist. The force had been as competent as they perhaps could have been, and in fact had tried to break new ground by being one of the first cases to utilise the services of a Criminal Investigations Department officer, the body having only recently been set up within the force in 1864. But even with this additional expertise, there was still too little to focus on; to make things worse, they had been stretched to the limits by the devastating cattle plague in the county.

More importantly however, is the question about why William had been driven to insanity? Was the finding of the key genuine, and if so, could Crichton have actually been guilty after all? We will most likely never know, and the killer of my great great grandmother will be forever protected within the murky mists of history.

Primary resources pursued:

National Records of Scotland (www.nrscotland.gov.uk)

Vital records, precognition and trial papers, valuation rolls, testaments

Perth and Kinross Archives, Perth (www.pkc.gov.uk/archives)

Newspapers, surviving police note books, handbills, correspondence and inspectorate of constabulary reports

University of Dundee Archives Services (www.dundee.ac.uk/archives)

Asylum papers of Murray Royal Lunatic Asylum

Newspapers

A. K. Bell Library holdings in Perth, the Scotsman Archive, the Times, the British Library 19th Century Newspaper Collection

The Mount Stewart Murder: A Re-Examination of the UK's Oldest Unsolved Murder Case is available in paperback, Kindle and on iBooks formats at

www.thehistorypress.co.uk/products/The-Mount-Stewart-Murder.aspx

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