

THE LIFE OF
SIR EDWARD MARSHALL HALL

EDWARD MARJORIBANKS, M.P.

With an Introduction

by

THE RIGHT HON. THE EARL OF BIRKENHEAD

P.C., G.C.S.I., D.L.



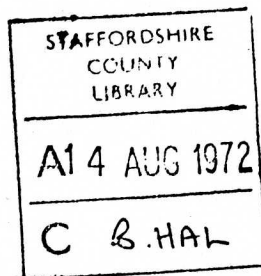
MARSHALL HALL IN ROBES

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A GREAT ADVOCATE

Fold the worn silk ; and let the wig be laid
Into its battered box : their use is done
For ever : now the final cause is won,
The long term closes ; the last speech is made.
No prisoner at the Bar may seek his aid ;
No judge will hear him now : beneath his flail
No witness now shall writhe—no felon quail,
No jury by his eloquence be swayed.

The Roman head on Saxon shoulders set,
The silver hair ; the tall heroic frame
Are seen no more ; but some will not forget
And, till they die, must reverence the name
Of him, who, as they struggled in the net,
Rose in his strength, and to their rescue came.

E. M.

(Morning Post, Feb. 1927.)

while doing so, he caught her by the neck, whereupon she instantly gave two screams and fell back dead. She was in a medical condition called *status lymphaticus*; the thymus gland in her throat, which usually disappears altogether in adult life, had become enlarged, with the usual result of great weakness of heart. Any shock, however slight, to a subject of this complaint may result in death. On these facts, Marshall Hall persuaded Muir, for the prosecution, to accept a plea of "manslaughter" from the prisoner, and so moving was his plea in mitigation that Mr. Justice Bankes gave a sentence of only nine months. "It would require," he said, "the pen of a Zola or the pencil of a Hogarth to depict the prisoner's abject horror at finding she was dead." This was the first occasion on which *status lymphaticus* in the deceased was raised as a legal defence.

Years afterwards, indeed a few weeks before his death, Marshall Hall received a very sad letter from this unfortunate young man, revealing as it does the cruel disadvantages under which a man in his position suffers when he tries to resume his place in the world, whatever the extenuating circumstances of his case may be. This man, after his release, went out to America and "made good" for a time under an assumed name. Then came the war; he enlisted in the American Expeditionary Force, and earned a commission on the field. After the war he "decided to give England a chance" again, and married a young wife. After a while his true identity was discovered by his wife's family, and in January 1927 he found himself again utterly alone in the world.

The next capital defence which Marshall Hall undertook was that of Jeannie Baxter. The circumstances were strikingly similar, up to the very last act of the tragedy, to the case of Edward Lawrence; but on this occasion it was the man who paid the price with his life and the woman who stood her trial for murder. A young pioneer of the air, magnificently built, named Julian Hall, and an extraordinarily beautiful girl met in a night club, and became violently attracted to each other, with the result that the girl left a far richer man than Julian Hall to live with the latter, and the airman threw over another young woman for whom he had cared before. But, in spite of

his wealth and wonderful physique, Julian Hall was in a bad way when he met Jeannie Baxter. Like most airmen, he was absolutely without fear of death; he would frequently talk of death, and indeed he was, like Lawrence, drinking himself into his grave before ever he knew Jeannie. When he and Jeannie's former lover met, he said, "Do you love this girl? . . . So do I, I am going to have her, and if you do not agree, come into the sitting-room." He then challenged his rival to a duel by shooting, but the challenge was naturally declined by his more sensible rival. When his own former sweetheart came to upbraid him, Jeannie said he must choose between them, and Julian turned to Jeannie and said, "I choose you." Jeannie had lost a great deal by going to him, and she grew to love him passionately. "I loved him better than anybody in the world," she said at the trial. But there were violent quarrels. Hall would fire his revolver, and, being a man of gigantic strength, once broke with his own hands a strong oak table. There would be reconciliations, for Jeannie loved the big, strong man, and was even proud of his bouts of violence: it was eventually arranged that they should marry. Hall made a will in her favour, and Jeannie even got as far as choosing a wedding-dress. But Hall was of most unreliable character, and it seemed that he had a man friend and constant companion who opposed the marriage. At all events he began to go back on his promise. According to her own maid, Jeannie had said, "Do you think, Theresa, that anybody should be punished very much if they shot Mr. Hall dead, after he has spoilt everything between me and my friend?" To Julian Hall's man friend, according to the latter's evidence, she had said, "Either Julian must get me back my friend, or he must marry me, or I will kill him."

Julian Hall lived in a flat in Denman Street, and was very ill one night from the effects of drink, and, obeying a summons from the friend, she came in the very early morning to see her lover. He was in bed, and kissed her good morning. They began to discuss the question of marriage, and Julian said that his friend was very much against it. However, a little later he sent for two servants, told them he was going to be married, and they were asked to sign a document, which purported to leave Jeannie's interest in his fortune, under a previous will, to her

baby daughter. But afterwards, according to Jeannie Baxter herself, he said, "It's no good—I can't keep my promise—it's better to finish it. This drink is killing me." Then a fusillade, six shots in all, was heard, and Jeannie ran out, the tears pouring down her cheeks, and sobbed out, "I have shot him—four times—he dared me to do it. Oh, why did I do it, when we had arranged everything so nicely for to-night."

Julian Hall had two wounds, and died soon afterwards; he tried to speak, but he could not do so, and Jeannie Baxter was committed for trial at the Old Bailey. She had a difficult case to answer; her desire to marry him, and her maid's evidence as to her threats, were strong evidence both of motive and intention, and her own admission that she had shot him four times seemed at first to make the case conclusive. But Jeannie Baxter felt sure of her acquittal. Marshall Hall, and his junior, Mr. Jack Valetta, had to interview the prisoner in a special room in the gaol. She seemed amazingly confident, and made a strange and incongruous figure, with her fashionable dress, her beautiful, almost childish face and red-gold hair. When the interview was over, Marshall Hall looked out of the window and said, "My God, Valetta, look at that!" Their client, about to be tried for her life, was executing a little *pas seul* as she crossed the snow-covered prison yard on the way back to her cell. It was not a sight to be forgotten. She was dancing back to prison.

Mr. Cecil Whiteley, only lately appointed a prosecuting counsel to the Treasury, led for the prosecution; he was very nervous at the prospect of his first capital case in that capacity, and felt the task of prosecuting and cross-examining the beautiful girl in the dock an odious one, as any man would have done. He opened the case with admirable fairness, and Marshall, always generous to a young opponent, scribbled a note to him and sent it along, "Admirable, my dear Cecil, just what an opening ought to be."

Marshall Hall cross-examined the dead man's friend and the accused's maid with great effect, but the most useful witness to him was Julian's former sweetheart, who, forgetting all jealousy, generously came forward to say that Julian and Jeannie were obviously very much in love with each other, that

he had been very violent and struck her with a revolver, and that she, the witness, bore no ill-will to Jeannie whatsoever.

As in the Lawrence case, only two people knew what had happened to bring about the tragedy, and the only person alive to know was the prisoner. All, then, depended on her evidence. She came forward and gave her evidence with calmness and great assurance. The defence was that Hall was besotted with drink, and was teasing her, as he often had, about suicide. "You seem to think death an awful thing," he had said, "but we all have to die some time." "Yes," Jeannie had replied, "but we are not all like you." Then Hall began playing with the revolver, and, pointing it towards his breast, dared her to pull the trigger. She refused to do so, but, terrified, sprang forward to take it out of his hand, and in the struggle the revolver had wounded him twice, while his thumb was still round the trigger. Jeannie then fired four more shots into the air to empty the revolver, and ran to get assistance. The dead man had on many occasions been violent to her when in drink.

"Did that make you hate him?" asked counsel.

"No," she sobbed, "it made me love him all the more."

Much turned on the meaning of the words spoken. When Hall said "finish it," did he mean the end of their love, or the end of his life? What exactly happened no one will ever know. Marshall's speech was a magnificent effort; he was always at his best when his case had a strong romantic interest. After a summing-up by Mr. Justice Rowlatt in favour of a verdict of "manslaughter," the jury found her guilty of that offence, and strongly recommended her to mercy. She was sentenced to three years' penal servitude, from which sentence she appealed in vain to the Court of Criminal Appeal. Her tragedy gave rise to a leading case in the civil courts. She was a beneficiary under Julian Hall's will, and the Court of Criminal Appeal decided that no person who feloniously causes the death of a testator can benefit under that testator's will. It had been already established, in regard to the estate of Mrs. Crippen, that there can be no claim to a murdered person's estate by the murderer or through him, but this principle had not been established as to manslaughter until the case of Jeannie Baxter.

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CHAPTER X

Wartime

THE war did not come as a surprise to Edward Marshall Hall. He had foreseen it for years, having a better knowledge than most men concerning the temper and strength of the German War Party. He was in the middle fifties, and physically quite unfit for any form of active service. Therefore, he had to remain at home, and, in the words of our first national war slogan, to carry on his "business as usual." He was personally in the painful and embarrassing position in which all Englishmen with German wives found themselves. To Marshall Hall, the most patriotic, sensitive, and affectionate of men, the position was distressing in the extreme. He tended to see less of his friends, and absorb himself even more than ever in his professional duties.

Many barristers of military age, as in every other profession, joined the colours, and those who, from necessity or other circumstances, stayed in the Temple, were naturally the gainers. Marshall Hall profited among the rest, and obtained many of the returned briefs of those of His Majesty's counsel who were serving His Majesty in the field. But here, too, his generosity and patriotism were conspicuous. Lord Birkenhead has informed me that Marshall Hall, and one other, were the only leaders who forwarded him half of the fees of the briefs, returned by him on account of his military service, and delivered to them.

His war-time practice is interesting, as showing the spirit and circumstances of war as reflected in the national courts of law. New crimes were created and committed ; queer litigation was brought to light by strained and sensitive nerves. Men required the services of counsel for purposes unknown in times of peace.

It will probably be thought that in those terrible first twelve months, when the British Empire and the French Republic were fighting with their backs to the wall and squandering, for their actual existence, hundreds of thousands of lives and untold treasure, the paramount interest of war would have diverted or extinguished the limelight which usually plays so fiercely on our courts of justice. Yet this was not so. Perhaps

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Document H105

Transcript of pp318-322 related to the trial of Jeannie Baxter (2208) for the shooting of Julian Bernard Hall (2005). Marshall Hall is no relation to the "Hall family".

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