

The Fairbrother Murder

Murder of wife and attempted suicide of the husband as reported in the Dorking Advertiser

On Wednesday last, 9th September 1908, the village of Westcott was startled and horrified by a terrible double tragedy; the murder of a young wife and the attempted suicide of the husband. The affair is the outcome of a sad domestic story extending over several years. The victims are John James and Emily Fairbrother, who have lived in a small four roomed cottage in St John's Road for about ten months. The man has been employed of late as a general labourer on Bury Hill Estate and was generally considered a good workman; though somewhat quiet and reserved, he was at times inclined to be quarrelsome. This, at least is the opinion of those to whom he was best known. He was from 35 to 40 years of age; his wife was about 31, of not altogether unprepossessing appearance, and the last person to be expected to be associated with so sordid a story as this. The couple kept themselves mostly to themselves; their neighbours saw little of them, but it was generally known that they lived an unhappy life. There were frequent quarrels; as late as Friday night the woman sought the protection of a neighbour, whom she told her husband had tried to strangle her. As a result the police were called in, and there is no doubt this rankled in the mind of the husband, to whom it was also known that the woman had taken steps to obtain a separation. In fact, they had once lived apart; this was in London two or three years ago, and at the time Fairbrother was committed to prison for neglecting to support his wife and children, of whom there are three, two boys and a girl, the eldest being ten, and the youngest being two and three. There is further reason to believe that he was aware that his wife contemplated going into Dorking to seek a separation on the following Wednesday morning, for she had spoken to one or two neighbours in the hope of inducing them to accompany her to speak on her behalf as to.

HIS CONDUCT TOWARDS HER.

This may be the keynote of the terrible tragedy which was subsequently enacted, and which can be briefly told. On Wednesday morning Fairbrother apparently did not go to work. A neighbour, Mrs Highgate looked in about 11 o'clock, and the couple were then quarrelling, or, at any rate, the man was swearing at the wife. Half an hour later Mrs Fairbrother was standing outside her gate chatting to some neighbours. About noon St John's Road was scared by a runaway, and it was a few minutes afterwards that a horrible scream was heard and a woman was seen struggling across the road to the 'Cabin'. It proved to be Mrs Fairbrother, who was bleeding from

A TERRIBLE WOUND

in the throat. She was trying to staunch the flow of blood with one hand, and in her collapsed condition she was able to tell Mr Woodnutt, the landlord, that had husband had "done it". With much presence of mind the landlord procured a portion of a cloth, which he wrapped around the poor woman's throat, and messengers were at once sent to bring medical aid. Mr W Tucker cycled first to Dr Royston Fairbank, and then into Dorking for Dr Rodgers, both of whom were quickly on the spot. In the meantime Mrs Fairbrother had been lifted on to the seat outside the premises, and after she had received attention of a temporary character it was thought better to remove her back to her house which was done with the assistance of PC's Steele and Luff, who were soon on the scene. It was then that the full extent of the tragedy revealed itself. No sooner was the cottage entered than

TERRIBLE GROANING

was heard from the direction of an upstairs room, and on proceeding there P.C. Steele found the man wallowing in blood upon the floor of the back bedroom. He had apparently fallen near the window, and in his agony had rolled beneath the bed, where he spent most of his life's blood. He was quite conscious at first; he tried to speak, but his injuries were such as to make him quite incoherent. Given a piece of paper, he was able to write something to the effect that "She is a bad, wicked woman; it's all through the worry of last Friday". From the first there was not the slightest hope for the woman, and within half an hour of receiving her injuries she succumbed. It was thought desirable to remove the man to the Dorking Cottage Hospital; this was done as speedily as possible. He was admitted in a collapsed condition, and a little or no hopes were held out of his recovery.

The cottage in which the tragedy took place presented a horrible sight. One who saw it described it as resembling a slaughter house, and the picture is not far fetched. From the traces of blood there is not the slightest doubt that the woman was attacked in the wood cellar. Evidently she was taken unawares from behind; that she made a desperate struggle there is equally no doubt, for the subsequent removal of her clothes revealed a deep gash on the left shoulder, about three inches in length and a quarter of an inch deep. Having freed herself she escaped up the stairs, through the sitting room and out into the open by the scullery

door. This much is evident by the blood which she shed during her progress; another blood track through the sitting room up the stairs to the bedroom, marked the course taken by the man, who clearly cut his own throat before leaving the cellar, bespattering the walls as he proceeded upstairs. Further evidence of this it to be found in the fact that the razor, with white bone handles was afterwards found lying open upon the wood cuttings, with marks of the foul deed still upon it.

Though the man was earning a good weekly wage and was in constant work, the cottage presented a wretchedly impoverished condition. Practically only two rooms are furnished, and that very meagrely. The floor of the sitting or living room was covered by bits of old carpet and pieces of sacking, and the furniture in the main comprised a deal table, chest of drawers, a sofa very much the worse for wear and a few chairs. In addition to the kitchen there was a gas stove, and the walls were hung with tradesman's almanacs. A sewing machine, however, testified to the poor woman's industry, while two or three lines hung across the room, bearing newly-washed children's clothes, was further evidence of this. From the appearance of the table, a hasty meal had recently been taken, and apparently one of the last acts of the deceased woman was to prepare some mushrooms for stewing. The front room was entirely devoid of furniture, as was the case with the back bedroom, to which the man retreated, with the exception that there was a bedstead, upon which the children evidently slept.

The man's remark that "It is thought the worry of last Friday" has reference to something which occurred that evening and was

THE OUTCOME OF THE QUARREL

already spoken of. It seems that Mrs Fairbrother had been to Holmwood. The parents of both are near neighbours at Mill Bottom, and the dead woman had been to see them. Her husband appears to have gone out to meet her, and he is said to have found her drinking outside the Crown public-house with another man.

There is reason to believe that the act on the part of the man was not altogether unpremeditated, because in the morning he sent the eldest girl to her grandparents at Holmwood. The two younger children were in the house at the time, and were witness to much of the terrible tragedy. Happily they are of much too tender years to fully appreciate all the horrors of the sad affair. The fact that a large piece of wood or stake, about 3ft in length and 2in in diameter, was found in the bedroom by the side of the man is rather significant. It leads to the supposition that with this he first attacked his wife, though this cannot be conclusively proved until a post-mortem or a more thorough investigation of the body is made.

Mr Woodnutt, the landlord of the 'Cabin', was, as we have shown, the first to be apprised of the terrible affair. "It was as near as possible ten minutes past twelve," he told our representative, "that, Mrs Fairbrother came screaming into the bar. I could see her throat was terribly cut. She was able to say "Look what he's done. Oh! the brute!" I asked her who she meant, and she said, "My husband". As she was about to fall I caught hold of her and she exclaimed, " Oh, my dear children". At that time her two little ones, who had followed her across, stood looking at her."

No event has stirred the village so greatly since the tragic death a few years ago of Mr Heaver, a much respected resident, who it will be remembered was waylaid and shot in the back and mortally wounded by his wife's brother while proceeding to Sunday morning service at the Parish Church, the murderer afterwards committing suicide.

LATEST PARTICULARS

From inquiries made it appears that on Tuesday afternoon the deceased woman called at the Magistrates' Clerk's office in Dorking and applied for a summons against her husband under the Summary Jurisdiction Married Women Act on the ground of cruelty. She complained that she was afraid any longer to live with him, as she feared he would do her some injury. It is an essential part of the law that at the time of the application the woman must be living apart from her husband and the deceased was advised not to return to her husband that night, in which case the requirements of the law would have been fulfilled, and a summons could be granted. She seemed dissatisfied, and evidently the fear which she had given expression to was very real. However, when she left it was in the belief that she was going to act on the advice given; but that she did not do so is now painfully evident.

Enquiries at the Cottage Hospital on Thursday elicited the information that the injured man had had a fair night, and was if anything slightly better, though still in a very dangerous state. Conscious, but quite unable to speak, he had appeared anxious to make a statement regarding the shocking affair, and he has been enabled to do this by means of a pencil and a piece of paper. What he has written is now in the possession of the hospital authorities. He says in effect that he had been shaving, and going down into the cellar for

some wood he found his wife trying to strangle herself with a piece of rope. He endeavoured to cut the rope with the razor, and in the struggle he unintentionally cut her throat. As she ran up out into the street he did not know what to do, and he decided to cut his own throat.

We were informed at the Hospital yesterday (Friday) morning that Fairbrother's condition remained about the same, and that the doctors hold out little hope of his recovery.

THE INQUEST AND TRIAL OF JOHN JAMES FAIRBROTHER

THE INQUEST INTO THE DEATH OF MRS EMILY FAIRBROTHER

opened at the St John's Mission Room on Friday 11th September 1908, two days after she died, and a jury of fifteen was empanelled to hear the evidence. Their first task was to view the body, which was lying in the front room of the cottage in St John's Road, where the tragedy took place.

DECEASED'S UNHAPPY LIFE

Then John Higgins, living at Mill Bottom, Holmwood identified it as that of his daughter, Emily, the wife of John James Fairbrother, who lived at St John's Road, Westcott. He further testified that she was 31 years old on June 13th last and that they were married in 1897. In response to a question from the Coroner, Mr Higgins replied, "Well, I will tell you the truth, your honour. She told me soon after she was married, that if she could have got a train to bring her home soon after she had got to London, she would have come home the same night."

THE LANDLORD'S EVIDENCE

Edward Henry Woodnutt, landlord of the Cabin public-house said: On Wednesday, as near as I can tell at ten past 12, the first thing that attracted my attention was that I heard a scream. The moment afterwards the deceased came running into the house. She lived opposite the 'Cabin'. She held her clenched hands to her neck. When she came in I did not notice her condition, and I said to her, "My good woman, what do you come here with your troubles for?" The next moment I saw the blood streaming from her. I said "Who done this? and she said "My husband, the brute".

A NEIGHBOUR'S TESTIMONY

Mary Jane Hygate, a married woman, living in St John's Road was next called. She stated that at about twenty minutes to nine Mrs Fairbrother's little girl, Edith, came in and said that her mother wanted to speak to me. "I went in and stayed until ten minutes past eleven. Mr and Mrs Fairbrother and their two boys were there. They had had breakfast and the husband told me he had sent word that he was not well and was not going to work. He had a suspicion that something was in the wind and he was going to find out what it was." Asked by the coroner why she stayed so long she replied, "Because she asked me to, but not in his hearing. She came to me in the wash-house and asked me to stay with her. She said she was afraid to be in the house alone with him." "I saw her again at about half past eleven. I was going up Mrs Young's to borrow a truck to go 'wooding'. She was then in the passage by the side of her house. She said "Why don't you come to Dorking this afternoon with me. I can give you a bag of wood from downstairs." She had told me on the Tuesday that she was going into Dorking on Wednesday to get a magistrates summons."

THE DOCTOR'S EVIDENCE

Dr Royston Fairbank deposed, "I was called to Mrs Fairbrother in St John's Road and found her lying on the kitchen floor, with her throat so badly cut that it was impossible to do anything for her. She died at one o'clock. The cut was immediately under the chin, extended right across the throat and the windpipe was entirely severed. Blood was flowing down the windpipe and suffocating her. She died from loss of blood and suffocation." The coroner asked whether the wound could have been self-inflicted and the doctor said "Yes it was possible since I cannot say which way the wound was cut." The inquest was then adjourned.

FUNERAL OF MRS FAIRBROTHER

The funeral of the deceased woman took place in the churchyard of St Mary Magdalene, South Holmwood being the district where the parents of both the woman and her husband reside.

FAIRBROTHER'S CONDITION

Meanwhile, Fairbrother has, during the week, made marvellous progress, and contrary to the belief at first entertained, there is now every hope of his making a complete recovery, though it must be several weeks before he will be able to leave hospital. The windpipe was opened very much in the same place as hers, but it was not severed and the jugular vein just escaped. The man is watched night and day by a constable. He is quite sensible and adheres to his statement that he found his wife trying to strangle herself and that in cutting the rope he inflicted the fatal injuries.

THE POLICE EVIDENCE

When the inquest resumed on 2nd October the jury heard evidence from PC John Luff, the village constable; and PC James Lewis Steele. They described the scene of the accident and the finding of John Fairbrother lying in a pool of blood in the bedroom, with the additional details already referred to in the September Newsletter.

This concluded the evidence, John Fairbrother having declined to attend. After a minute's consideration the jury returned a verdict of 'wilful murder' against John James Fairbrother. He was charged to appear before magistrates at Dorking Police Court where he pleaded not guilty and committed to trial at

SURREY ASSIZES.

When the hearing opened on Saturday 30th November 1908, John James Fairbrother stepped briskly into the dock but was clearly still affected by the wound to his throat and he had considerable difficulty in making himself understood.

THE ARGUMENTS

The prosecution case included all the evidence presented at the inquest and committal proceedings but further information was provided about two arguments. The first took place outside the Crown public house on the Friday before the assault, when Mr Fairbrother took exception to Mr Dorothy, a fishmonger, buying a drink for Mrs Fairbrother and Miss Nellie Ward. The second was on the following Tuesday when Mr Fairbrother accosted his wife outside Bond's grocer's shop when she returned from visiting her mother at Holmwood. Reference was also made to

A SIGNIFICANT LETTER

that the accused sent to his Mother on the morning of the alleged murder. On the top were the words, '*My last day's work is done*'. It then read,

"Dear Mother,

Just a few lines hoping to find you all quite well, as it is not very comfortable for me. Emily is started again, and she ain't half leading me a time of it. Tell Amy or Walter to see to my club all right. No good me trying. I do hope the children gets looked after. Dear Edie now always says her prayers now night and morning. I hope she don't have to go in no home...."

As counsel went on to describe the injuries of the deceased woman and the trails of blood found in and about the house, a juryman fainted and had to be replaced. The jury were then told that James Fairbrother had made a statement to the effect that;

'I DIDN'T MURDER MY WIFE.

She murdered me. I found her in the cellar hanging with the rope round her neck. I cut her down; whilst doing so the rope broke away from the wall. I do not remember cutting her throat at all. She knocked me about the poll with something. When I got up I found my throat cut. I ran away upstairs, thinking someone was after me.'

The prosecutor acknowledged that the local constable who searched the cellar found some rope in two pieces with a noose at one and a nail attached to another. There was also a hole in the wall, where the nail was supposed to have been but it was only 5 ft 2 in from the floor of the cellar and there were 4 inches of wood chips on the floor, whereas Emily Fairbrother was over 5ft tall. It would have been impossible for her to hang herself.

Although the defendant's mother explained that the reference to 'My last day's work is done' was a family saying, frequently used in correspondence and based on a music hall song, Counsel concluded the case for the prosecution by arguing that the letter intimated an intent to commit murder and the evidence supported a guilty verdict.

John James Fairbrother's evidence followed the lines of his earlier statement, which he adhered to during cross examination. His Counsel then made a long and eloquent appeal for the prisoner. He pointed out that the accused had given evidence on oath, and he was entitled to as much credence as any witness for the prosecution. The deceased, he submitted, went down to the cellar with the deliberate intention of committing suicide, being sick of the life she had been living. When the police went down into the cellar they found the rope, which had clearly been cut by a razor, thereby corroborating Mr Fairbrother's story. In these circumstances the jury were encouraged to acquit the accused rather than condemn an innocent man.

The jury retired at 4.45 pm to consider their verdict. They returned at 5.55 pm.

The Fairbrother Murder Verdict

Following the death of Emily Fairbrother at her home in St John's Road on 9th September 1908, her husband, John James Fairbrother was charged with murder. At the Surrey Assizes in Guildford on 30th November, however, Mr Fairbrother claimed that his wife had tried to commit suicide after attacking him and that her throat was cut accidentally as he tried to cut her down from the wall where she was hanging. The jury had the task of deciding which story to believe.

When the jury returned to the courtroom the foreman announced that they were all agreed, adding amid almost painful silence that: "We find the prisoner guilty, but strongly recommend him to mercy, as we consider that the act was unpremeditated, and that in the past he received continuous and great provocation."

The Judge, having put on the black cap, told Fairbrother that the jury's recommendation would be forwarded to the proper quarter, and would be fully considered. He would advise him, however, not to depend upon that but to make use of the short time left for him should that recommendation be disregarded. Sentence of death was then passed in the usual way.

John Fairbrother, a sawyer aged 37 from Holmwood who had been married for twelve years but who had lived in London before moving to Westcott earlier in the year (1908), appealed against the conviction but the Lord Chief Justice ruled that there were no valid grounds for an appeal and Fairbrother spent the next days not knowing whether he would die on the scaffold or be reprieved. At the beginning of December, he wrote the following letter;

"Dear Mother and Father, Sister and Brothers,--I now take pleasure in writing you a few lines, hoping to find you all in the best of health, as it is leaving me as well as you can expect. Hope the children is going on alright. As I am placed in this position I cannot see them, and I don't know if ever I shall be able to see them any more or not, which I am very sorry to say, but very likely I may see them, as I am praying to God to let me be with them again, although I know they are well cared for and with good people as can bring them up respectable, and look after them, not turn them outdoors to run where they like and not know where they are, like they used to be . . . Dear Mother, Annie told me they are getting up a petition for me. I have not heard anything about it. I appealed against my sentence but it was refused, so I have got to wait now to see what the Home Secretary says. I don't know how things is going to be yet. I expect I shall know this week, trusting to God to spare me...."

After referring to the evidence given at his trial, Fairbrother continues:

"But me being unable to speak, I could not answer, so that this is what it has brought me to; but never mind dear mother, father, and sister and brothers, also children, don't spoil your Christmas thinking of me; enjoy your Christmas, as I don't expect you will have much to give away; but make it as happy as you can and don't worry yourselves about me. If I get a reprieve, trusting to God to spare me, I may be able to be with you again. It is not what I have done that has got me here; it is the untruth that people spoke, of which they deserve punishment for it, but never mind, whatever comes now I must put up with it, as it is too late now. I spoke the truth; that is all I can do..... I should not think they can rest contented; they must be thinking about it. - From your dear and loving son, John James Fairbrother."

The letter contains the following postscript:

"I think it is very kind of Walter and George getting up that petition. It may be a help for me, it shows the firm I worked for in London have not forgot me to start a petition for me. So goodbye, with love to all. Write soon. O death, where is thy sting: O grave where is thy victory; the sting of death is sin, and the strength of sin is the law, but thanks be to God who giveth us this victory."

The reporter from the Dorking Advertiser commented that Fairbrother seems to have maintained a fairly cheerful mood and added that Mr W. Potter, Fairbrother's brother-in-law of Brook Valley, Holmwood, wished to convey the thanks of the family to those who took petitions, as well as all who signed them, for their interest in the matter. In fact Mr Potter subsequently received a letter from the Home Secretary's office saying:

"With reference to the petition submitted by you on behalf of John James Fairbrother, who is lying under sentence of death in Wandsworth Prison, I am directed to acquaint you that the Secretary of State has felt warranted under all the circumstances in advising his Majesty to respite the capital sentence with a view to its commutation to penal servitude for life".

And a few days before Christmas 1908, Fairbrother's parents received a letter from their son confirming that respite of sentence had been granted by the King 'until further notification of his Majesty's pleasure.'

Post script

John Higgins of Mill Bottom, Holmwood, father of Mrs Fairbrother, had spent £8 arranging the funeral of his murdered daughter, but Walter Wallis Potts who was Fairbrother's brother in law and Fairbrother's nominee had received £8 from the Borough Hope Trade Friendly Society and apparently put it into trust for the Fairbrother children. (DorkingAdvertiser 16 June 1909)