

# WOMEN FIGHT TO BREAK LAW THAT SHACKLES HELPLESS WIFE TO MURDEROUS MANIAC FOR LIFE

## Tragic Status of Mrs. Rutherford of England Might Have Parallel in Many States in This Country Under Existing Statutes

**SUPPOSE** that your husband were a willful murderer? Suppose that your husband were criminally and hopelessly insane? Suppose that the courts of your State declared that he spend the rest of his days chained as a dangerous lunatic? What would you do—you in the prime of life? Your future and your happiness you answer would hang in the balance. And the scales would droop against you just as long as the bonds of matrimony weighed about your neck. He might die—yes—that might be the easier way. But suppose—suppose he were healthy and strong physically, with only brain and mind diseased? Would divorce be justified? Women of England have raised their voice—have literally stuffed the ballot-boxes with an emphatic "YES!"

And still the laws say "NO!" And because the laws say "NO!" a charming woman, Mrs. Alice Maud Mary Rutherford, a devoted mother, well-born, well-bred, must unto the end be shackled to Lieutenant Colonel Norman Cecil Rutherford, her husband, a raving madman. This is her story, the story on the tips of England's tongues—the story that has brought a sweeping demand for a revision of the divorce laws of England—the story of misfortune which became a political issue in the recent British elections—an issue which brought out the heaviest woman vote in the history of woman suffrage in the empire.

**Ruling Brings Demand for Change in Laws**  
Denial of her freedom under such circumstances as these has brought condemnation upon the heads of the law-makers. Jurists have pitied her and the state of affairs has become so acute that the new Conservative Unionist majority will take up the interpretation of the English law as applied in the case of Mrs. Rutherford.

And now consider, if you please, that in Pennsylvania and in many other States where divorce laws are often criticized as lax the same condition could exist. Trivial things compared to the burden Mrs. Rutherford has to bear will give a woman freedom from her mate, but insanity of her husband? No! Criminal insanity? No! Never! Let him steal a few dollars and spend two years in prison and the courts can say: "Here, madam, is your freedom, and with it our congratulations."

But let him turn murderously mad and slaughter the neighborhood and all you will hear is, "Sorry, madam; he is your husband and you must remain his wife."  
"It is unfortunate but true," said Joseph H. Taulane, a former Assistant District Attorney of Philadelphia. "Insanity after marriage is not grounds for divorce in Pennsylvania. A man might spend fifty years in a Pennsylvania asylum and his wife could have no relief. I recall the case of Bauman vs. Bauman. The man had been in an asylum for ten long years. A petition was filed in 1905 setting forth that he had become insane in 1887 and had been committed to an asylum and officially adjudged a hopeless lunatic in 1900. And the Appellate Court decided that under our laws even this was not grounds for divorce."

"It does seem an outrage, and I believe if a man is confined in an asylum for ten years as a lunatic a divorce should certainly be allowed. A shorter time might be unfair because of temporary derangements, but the law as it stands is unjust and I believe that Judges and attorneys will concur with me in this."

**Changes Made Easily if Public Insists**  
"I believe this Rutherford case will be the cause of a change in the English laws. It will not be difficult there, because opinion is easily concentrated. One law does the trick for all of England. Forty-eight laws are necessary here."

Some of the States have insanity provisions in their laws for separation of men and their wives. Elsewhere the bonds of matrimony, even though they tie the sane to the insane, must remain intact.  
"This no wonder, then, that England has been jolted from her quiet, easy pace when a case like that of the charming Mrs. Rutherford has been laid open in all its horror and pity."

"It is my cross," Mrs. Rutherford has said, resigned to her fate—chained to a maniac for the rest of his days. "It seems hard, but there is no way of escape."

The slain man, Major Miles Careston Seton, was a direct descendant of Lord Seton, grand old Scotchman, who, with his daughter, was the principal character in Sir Walter Scott's historical romance, "The Abbott." Miles Seton was born in 1874. He had served with the army in South Africa in 1901 and 1902 and was a captain in the Cape Medical Corps. He was made a Companion of the Bath

after the coroner's jury at Kensington had rendered its verdict of "willful murder." At the coroner's inquest, which opened on January 17, some dramatic testimony tending to demonstrate the manner in which Major Seton had been killed was presented.

### Slayer Made Entrance With Due Formality

Sir Malcolm Seton testified that the major had come to his house at about 9 o'clock, January 13.

"He was shown at once to my smoking room, upstairs," Sir Malcolm said. "I heard my wife and I were seated, and we sat chatting for some time. We talked for about an hour, and then I had some urgent letters to write, and in the same room I went to my writing table and began to write the letters."

"About 10 o'clock we heard the door-bell ring. The maid answered and came upstairs, but I did not quite catch the name she gave. She said 'Colonel Someone wishes to speak to Captain Seton.' It was 'Captain' she said, not 'Major.' The maid told me afterward that she had not heard the name clearly, but my wife heard the name as 'Rutherford.' My wife at once said to my cousin, 'Won't you bring him up here?' thinking it was a friend of his. My cousin then went down. Whether he was pleased or otherwise I could not form any opinion. After they had been down about a quarter of an hour, we suddenly heard the sound of four or five pistol shots. The first four shots rang out in rapid succession; then there was a pause before the last shot."

"Did you hear any conversation?" the coroner asked. The witness replied, "Not a word."

"Did you hear a fall?" "It is difficult to say. I sprang up when I heard the shots. I rushed at once downstairs, followed by my wife. When she heard the shots she called out, 'What has happened?' As I ran downstairs I heard groans. I saw the body of an officer lying in the hall. From just inside the dining room the body had fallen into the hall."

"For the moment I could not tell which of the two was lying on the floor, but I rushed forward and saw a tall, strange officer standing in the dining room on the far side of the table near the window."

### Trial of Rutherford Created Real Sensation

For three weeks the Rutherford trial had been a sensation. The interest was extraordinary and the social standing of the persons involved combined to put the story on every tongue.

A coroner's jury brought in a ver-

### Said Slayer Admitted Killing His Friend

"I am not very clear what I said on the shock of the moment, but I believe I called out, 'Did you do this?' And



Mrs. Norman Rutherford, who, the law says, must remain the wife of an insane murderer



Highest British Court Refused to Free Woman From Man Who Killed Former Chum

### SHELL SHOCK NO GROUND FOR DIVORCE

American Judges in Many Cases Will Not Take Plea of Insanity

and demanding that her name be cleared by judicial decision. The Appeal Court dismissed the charge against Miss Richardson and substituted for the divorce order a decree of separation. Thereupon Mrs. Rutherford appealed from that decision to the House of Lords.

By a vote of four to two, the tribunal of the House of Lords, headed by Lord Birkenhead, declared that Mrs. Rutherford could not be divorced. The majority decision asserts the testimony against Miss Richardson to be the word of a parlor-maid who said she obtained it by hearsay. Lord Birkenhead declared this testimony to be unbelievable on its face.

### Injustice Is Admitted But Can't Be Helped

In his decision Lord Birkenhead uttered a drastic criticism of the divorce laws of England, which, he said, made

### Letters From Wife Were Read at the Inquest

"The first one, that of July 27, reads as follows: 'Your long letter came this evening, and a few words at the end read my heart. Darling, have you ever known me merciful in refusing forgiveness? Only come back to me to help me to complete the task we undertook together. I believe my love for you to be the most vital part of my life, for in driving you out of my life I have suffered tortures, both mental and physical, which must surely in the end

have killed me. Love me with the strength of your being and I will not fail.' (Come back to me when the opportunity is given you and I will be waiting as ever.)"

"The postmark on the next is September 14, 1918. It is addressed to Colonel Rutherford in France. It is written from Carshalton Place and mentions divorce proceedings."

"Then, after an interval of some six weeks, there is a third letter, dated October 24, also from Carshalton Place. It reads in part: 'Dear Norman: I need not waste words in making explanations. Your knowledge of my nature will make you realize what it has cost me to write you these few lines. I want to gain my freedom with as little suffering for you as possible, and if, for the children's sake, you will agree to carry the thing through with as little publicity as possible, I will hand over the three elder children to you. Honestly, I believe that that would be the happier for you, and it would at least give you some hold on life. I should not feel that you were utterly broken. This is a difficult letter to write. Please make the rest of my task as easy as possible for the sake of all I have so far borne for you.'

"The next letter is dated November 7 and runs: 'Your letter of the 3d has just arrived. My tender-heartedness and generosity in the past were generally taken advantage of and used as an additional scourge to chastise me. You mean to fight for the children, but you will never get them. You give me no credit for what I have done for you,

though you know—and (naming two of her daughters) both love me before any one else and that my first-born son loves me and is understood by me in a very unusual degree. You know by your violent temper and frequent ill-usage of me you have suffered in the eyes of the children. It seems that it is better for them to have one parent whom they don't respect, and for that reason I wish to save them from the horrible scandal of divorce proceedings."

"I might have known you would take my generosity as a sign of weakness. So be it. The minute you walk into this house I shall leave it and go to my parents, who will then see justice done for me. Your love for me is of the wrong kind. Your love has always been artificial. You grossly abused the deepest love a woman had for man, and the remainder of your life will be a curse to you forevermore. Don't think I shall be denied justice. I served you well and faithfully and shall reap the reward accordingly. Don't think you will escape justice for having deceived me and treated me unfaithfully."

### Wife Was Unhappy, She Wrote Husband

"The last letter is dated November 29, and is as follows: 'I am very unhappy. Mr. Bird is going to write to you about divorce proceedings, and he may tell you that I still care for you. Candidly, other men would be no more than episodes in my life to me. You were life itself, but that does not alter the fact that life often appears very worthless, and I would give anything for a merciful Providence to get me out of it. I don't

### Began Divorce Suit After Insanity Verdict

Soon after Colonel Rutherford was pronounced insane, Mrs. Rutherford began her action for divorce, charging that her husband before the crime had committed misconduct with Miss Amy Elizabeth Richardson, his cousin, who was employed in the Rutherford household as a companion. And upon the evidence of that case Mrs. Rutherford was awarded a decree last June by Justice Branson in the lower court. Miss Richardson immediately intervened in the action and appealed from the verdict, protesting her innocence

it impossible to clear Miss Richardson's honor and grant Mrs. Rutherford a divorce.

"It is evident that the argument which I have addressed to Your Lordships will result, if effect is given them, in leaving Mrs. Rutherford bound in matrimony. It is an unfortunate circumstance that she should thus be tied for life to a dangerous, violent and homicidal lunatic, after having for many years suffered both in body and in spirit, from his unfaithfulness and his cruelty. He is forty-one years of age and she is forty."

"We need take little account of his feelings. As regards her we are bound to note that during many more years, unless death remove him or release her, she must look forward to a loneliness from which she can escape only by a violation of the moral law. To some this may appear a harsh and even an inhumane result, but such is the law of England.  
"The true remedy lies outside any court of law; it lies beyond the scope of Your Lordships' facilities, sitting as the Supreme Appellate Tribunal, in rests with Parliament (if and when it thinks proper) to end a state of things which, in a civilized community and in the name of morality imposes such an intolerable hardship upon innocent men and women."