An Indecent Proposal

Eric J. Webb

A Day in Court

On Thursday 26 April 1917 Godalming Magistrate's Court in the English County of Surrey had just one case listed. George Johnstone, a seventeen year old boy, stood accused of 'Inciting Male Person to commit act of gross indecency with him', on Sunday 22 April 1917. In English law, gross indecency is an act of homosexual intimacy short of buggery, i.e. short of penetrative anal sex. The term is capable of constructive legal interpretation but generally implies fellatio, mutual masturbation or touching of genitals. Johnstone's case was 'Dismissed on undertaking being given by Guardian that Boy would be placed under proper medical supervision'. As no formal plea was entered, none was recorded. Beyond the magistrates' signatures there is nothing more.

Who was George Johnstone; and how can his century-old misdemeanour be of any possible interest today? Readers of *Gravesiana* at least will scarcely need to be reminded that this was 'Dick', Robert Graves's crush at Charterhouse, his first muse – inspiration for the poem, '1915'; thus disguised in *Good-bye to All That* 'because' as Graves claims, 'his real name is the same as that of another person in the story'.[1]

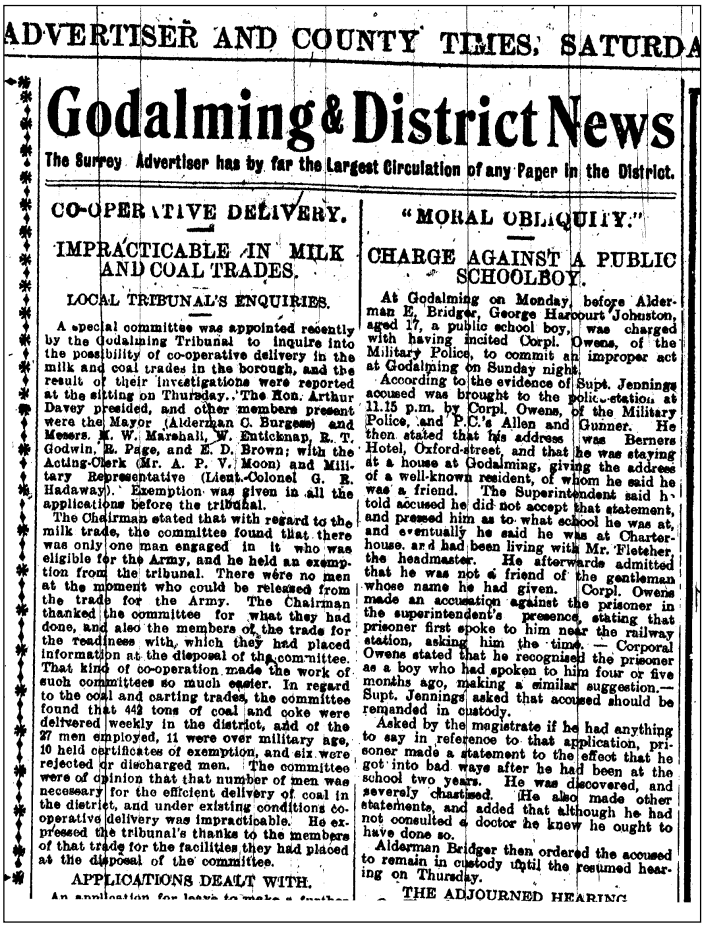
To his family and friends, Graves included, he was always 'Peter' Johnstone. From 1929, when he succeeded his uncle as Baron Derwent (pronounced 'Darwent') of Hackness in North Yorkshire, he was Peter Derwent. For all other purposes he continued to use his baptismal forename. He published his autobiography *Return Ticket* (1940) as 'George Vandon'.[2] Of Robert Graves in this peculiar book he says not a word and of the incident here discussed he gives only the vaguest hint. 'My public schooldays began normally, and even flourishingly, went on in a growing malaise of unpopularity [. . .] and ended in a chaos of

fatigue and nerves to which the war also contributed'.[3] Herein I refer to him as 'George Johnstone', but quotations in which he features as 'Dick' or 'Peter' I have let stand.

The Surrey Advertiser, 28 April 1917

On Saturday 28 April 1917 under the headline 'Moral Obliquity – Charge Against A Public Schoolboy', the *Surrey Advertiser* carried the following report under *Godalming & District News*:

> At Godalming on Monday before Alderman E. Bridger, George Harcourt Johnston [sic], aged 17, a public school boy, was charged with having incited Corpl. Owens of the Military Police, to commit an improper act at Godalming on Sunday night.
>
> According to the evidence of Supt. Jennings, accused was brought to the Police Station at 11.15 p.m. by Corpl. Owens, of the Military Police, and P.C.'s Allen and Gunner. He then stated that his address was Berners Hotel, Oxford-street, and that he was staying at a house at Godalming, giving the address of a well-known resident, of whom he said he was a friend. The Superintendent said he told accused he did not accept that statement, and pressed him as to what school he was at, and he eventually said he was at Charterhouse and had been living with Mr. Fletcher the headmaster. He afterwards admitted that he was not a friend of the gentleman whose name he had given. Corpl. Owens made an accusation against the prisoner in the superintendent's presence, stating that prisoner first spoke to him near the railway station,



ADVERTISER AND COUNTY TIMES, SATURDA

Godalming & District News

The Surrey Advertiser has by far the Largest Circulation of any Paper in the District.

CO-OPERATIVE DELIVERY.

IMPRACTICABLE IN MILK AND COAL TRADES.

LOCAL TRIBUNAL'S ENQUIRIES.

A special committee was appointed recently by the Godalming Tribunal to inquire into the possibility of co-operative delivery in the milk and coal trades in the borough, and the result of their investigations were reported at the sitting on Thursday. The Hon. Arthur Davey presided, and other members present were the Mayor (Alderman C. Burgess) and Messrs. H. W. Marshall, W. Enticknap, R. T. Godwin, E. Page, and E. D. Brown; with the Acting-Clerk (Mr. A. P. V. Moon) and Military Representative (Lieut.-Colonel G. E. Hadaway). Exemption was given in all the applications before the tribunal.

The Chairman stated that with regard to the milk trade, the committee found that there was only one man engaged in it who was eligible for the Army, and he held an exemption from the tribunal. There were no men at the moment who could be released from the trade for the Army. The Chairman thanked the committee for what they had done, and also the members of the trade for the readiness with which they had placed information at the disposal of the committee. That kind of co-operation made the work of such committees so much easier. In regard to the coal and carting trades, the committee found that 442 tons of coal and coke were delivered weekly in the district, and of the 27 men employed, 11 were over military age, 10 held certificates of exemption, and six were rejected or discharged men. The committee were of opinion that that number of men was necessary for the efficient delivery of coal in the district, and under existing conditions co-operative delivery was impracticable. He expressed the tribunal's thanks to the members of that trade for the facilities they had placed at the disposal of the committee.

APPLICATIONS DEALT WITH.

An application for leave to make a further

"MORAL OBLIQUITY."

CHARGE AGAINST A PUBLIC SCHOOLBOY.

At Godalming on Monday, before Alderman E. Bridger, George Harcourt Johnston, aged 17, a public school boy, was charged with having incited Corpl. Owens, of the Military Police, to commit an improper act at Godalming on Sunday night.

According to the evidence of Supt. Jennings accused was brought to the police-station at 11.15 p.m. by Corpl. Owens, of the Military Police, and P.C.'s Allen and Gunner. He then stated that his address was Berners Hotel, Oxford-street, and that he was staying at a house at Godalming, giving the address of a well-known resident, of whom he said he was a friend. The Superintendent said he told accused he did not accept that statement, and pressed him as to what school he was at, and eventually he said he was at Charterhouse, and had been living with Mr. Fletcher, the headmaster. He afterwards admitted that he was not a friend of the gentleman whose name he had given. Corpl. Owens made an accusation against the prisoner in the superintendent's presence, stating that prisoner first spoke to him near the railway station, asking him the time. — Corporal Owens stated that he recognised the prisoner as a boy who had spoken to him four or five months ago, making a similar suggestion.— Supt. Jennings asked that accused should be remanded in custody.

Asked by the magistrate if he had anything to say in reference to that application, prisoner made a statement to the effect that he got into bad ways after he had been at the school two years. He was discovered, and severely chastised. He also made other statements, and added that although he had not consulted a doctor he knew he ought to have done so.

Alderman Bridger then ordered the accused to remain in custody until the resumed hearing on Thursday.

THE ADJOURNED HEARING

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(The Adjourned Hearing)

On Thursday the accused was brought before the Mayor (Ald. C. Burgess), Mr. M.W. Marshall, Ald. E. Bridger, Mr. J.H. Mather, Mr. S. Edwards, and Mr. F.A. Crisp. Dr. T.E. Page a magistrate, was present, but being a member of the governing body of Charterhouse School, he did not adjudicate. Among those in court were Mr. Frank Fletcher (headmaster of Charterhouse School), and Major Stearne (Assistant Provost Marshal).[4] Mr. R.D. Muir, K.C., senior counsel for the Treasury, appeared for the defence. Corpl. Robert Owens, military police, and Supt. Jennings gave evidence similar to that at the hearing on Monday. Corpl. Owens said after the suggestion had been made he caught hold of the prisoner, and threatened to give him a thrashing.

Supt. Jennings, in his evidence, said prisoner told him he got out of the window at Mr. Fletcher's house, and that Mr. Fletcher did not know he was out. Prisoner admitted that what the corporal had said was true.

Mr. Muir, K.C., said accused would not be 18 years of age until October this year. He proposed to call Dr. Head, a specialist of a great many years' experience, and he understood from him that the case was a phase which

sometimes occurred in the life of a boy of accused's age. So far as the boy himself was concerned, with proper and strict control under medical supervision there was every reason to believe that in [a] few months, perhaps by the time the boy was 18 and eligible to enter the Army, the abnormality would pass away, and possibly never recur. The corporal behaved in a manly and proper way in at once saying that he would thrash the boy. The boy's uncle was present, and arrangements were already in train for putting him with a gentleman who had experience in such cases, and who would have him under the most strict control, whilst he would be also under the medical supervision of Dr. Head.

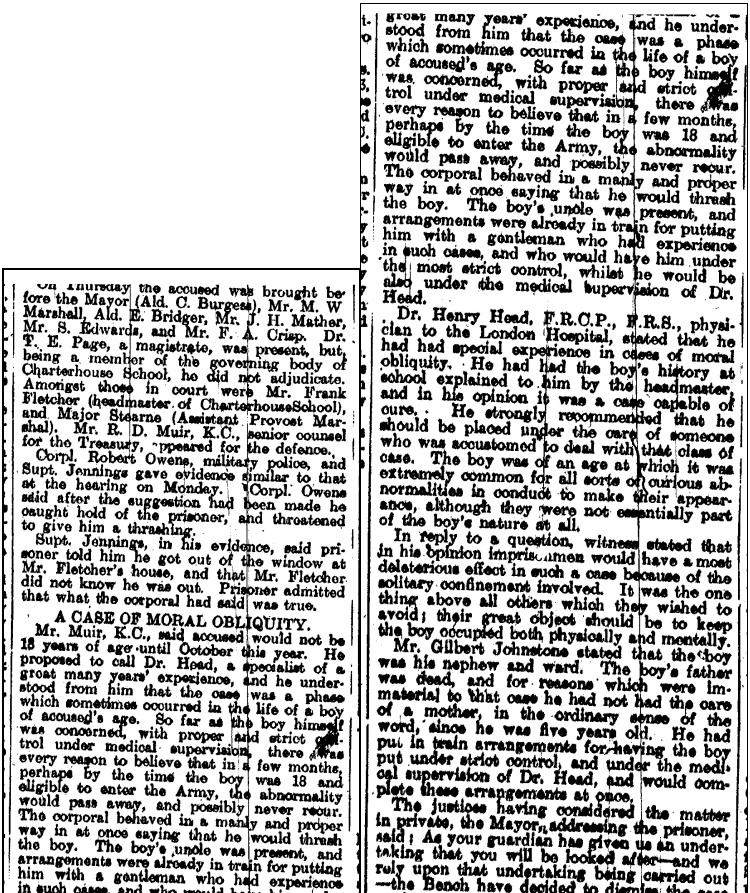
Dr. Henry Head, F.R.C.P., F.R.S., physician to the London Hospital, stated that he had had special experience in cases of moral obliquity. He had had the boy's history at school explained to him by the headmaster, and in his opinion it was a case capable of cure. He strongly recommended that he should be placed under the care of someone who was accustomed to deal with that class of case. The boy was of an age at which it was extremely common for all sorts [of] curious abnormalities of conduct to make their appearance, although they were not essentially part of the boy's nature at all.

In reply to a question, witness stated that in his opinion imprisonment would have a most deleterious effect in such a case because of the solitary confinement involved. It was the one thing above all others which they wished to avoid; their great object should be to keep the boy occupied both physically and mentally.

Mr. Gilbert Johnston stated that the boy was his nephew and ward. The boy's father was dead, and for reasons which were immaterial to that case he had not had the care

of a mother, in the ordinary sense of the word, since he was five years old. He had put in train arrangements for having the boy put under strict control, and under the medical supervision of Dr. Head, and would complete these arrangements at once.

The Justices having considered the matter in private, the Mayor, addressing the prisoner, said: 'As your guardian has given us this undertaking that you will be looked after – and we rely upon that undertaking being carried out – the Bench have decided to dismiss the case against you. I hope the lenient view we have taken will be rewarded by your living a better and more strenuous life.'



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A CASE OF MORAL OBLIQUITY.

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Sunday, 22 April 1917, fell within the Charterhouse Easter holiday. (Easter Sunday that year fell on 8 April.) Why then was Johnstone still at school? In *Return Ticket* he comments that from age five his holidays 'began to be spent less and less at home, where I grated on my mother's nerves'.[5] His father Edward Henry Johnstone (1854-1903) had died when George was just three years

old. Thereafter his widowed mother seems to have concentrated her affections on her eldest son Leopold Edward (1897-1916) to the effective exclusion both of George and of his younger brother, Patrick Robin Gilbert (1901-1986), who was also at Charterhouse. They had no sisters. It was through Leopold's death at Jutland that George became heir to the Derwent title.

Seemingly, he had been staying with the Fletchers, Frank and his wife Dorothy, over Easter simply because he had nowhere else to go, but perhaps also to revise for exams that summer. Quite likely he was not the only boy thus resident. At that period, even in peacetime, still more so during the War, some parents will have been living and working abroad on far-flung military, diplomatic or other postings; beyond feasible travelling distance on either side save perhaps during the long summer holiday; and with no convenient grandparents or uncles and aunts closer at hand.

John Bull

In due course, on 2 June 1917, the case also featured in Horatio Bottomley's popular weekly *John Bull* under the title, typically inflammatory, *A Revolting Charge – High-Born Offender Goes Scot Free*. Robert Graves appears to have received first news of Johnstone's downfall, with a cutting of this paragraph, while convalescing from shell-shock on the Isle of Wight that July. In a letter to Edward Marsh (dated 12 midnight 12 July 1917) he writes: 'This S.S. business has taken me at a very bad time […] and again today the worst possible news about my friend Peter who appears to have taken a very wrong turning and to have had a mental breakdown'.[6]

In *Good-bye to All That* Graves displaces his receipt of the cutting some 18-19 months earlier to autumn 1915, sometime shortly after the close of the Battle of Loos, fought 25 September -

8 October 1915.[7] When it in fact reached him is established to the day by his July 1917 letter to Edward Marsh, cited above, to which R.P. Graves also refers but without remarking on the implicit date discrepancy.[8] In neither case does Robert Graves indicate a precise date for the key incident itself. This, together with the dates of its immediate sequellæ, is confirmed by the material here presented. Graves's account is otherwise broadly true to the facts as they now appear but he significantly misstates the content and wording of Bottomley's diatribe; he cannot have had the cutting by him as he wrote. He includes too one detail, which stands in the Court Register but was published neither in *John Bull* nor in the *Advertiser*: that Johnstone's nemesis, Cpl. Robert Owens, was Canadian.[9] Evidently he had some other source, or sources, of information besides.

Bottomley's strident paragraph is here reprinted in full:

> We have several times called attention to the anomaly which permits Treasury Counsel to appear for the defence in criminal trials, and we notice that Mr. R. D. Muir has lately been very busy on the opposite side of the bar to that at which he commonly appears. On the principle laid down by Mr. Justice Hawkins – and so fittingly reiterated by, Sir Robert Wallace the other day – that Crown Counsel are 'ministers of justice', it is surely to be regretted that Mr. Muir should have lent his conspicuous abilities to the defence of the. Hon. George Harcourt Johnstone – neither his courtesy title nor position in life was apparently mentioned in Court – a Charterhouse boy of 17, and heir to the Derwent peerage, who was charged at Godalming with inciting a soldier to commit an indecent offence. The case was a revolting one. What was chiefly remarkable

was the line taken by the defence, for which Mr. Muir was responsible. On the authority of a London specialist, it was suggested that the gross depravity of the defendant 'was a phase which sometimes occurred in the life of a boy of that age' and that this 'abnormality' might best be dealt with by 'proper and, strict control under medical supervision'.

In his evidence on behalf of the accused, Dr. Henry Head, F.R.S., Physician to the London Hospital, was careful to avoid any suggestion of actual insanity, which might have landed the culprit in a criminal lunatic asylum, but he ventured the learned theory that "the boy was at an age at which it was extremely common for all sorts of curious abnormalities in conduct to make their appearance'. We can fancy what kind of a reception would have been given to this extraordinary. pleading if the defendant had been a poor man's son, instead of a Charterhouse boy and the heir to a barony of the United Kingdom. However, the Magistrates, after some deliberation, actually dismissed the summons, handing the young reprobate over to his uncle, who promised to keep him out of harm's way for the future. This amazing decision was doubtless a feather in the cap – or the wig – of Mr. R. D. Muir, but it reflects little credit on the Godalming Bench, whose action amounted almost to the condonation of a gross and unnatural offence.

A Close Shave

Whatever their private views on Johnstone's behaviour, the police witnesses and the Bench alike surely breathed a collective sigh of relief when Muir took a supplicant line. It is easy to imagine that as the full implications of Sunday night's arrest sank in, there

developed a growing sense of alarm as to where this all might lead. It must have seemed certain that Muir would try to get his man off by laying into the prosecution witnesses: the three policemen, Owens in particular. That Major Stearne, the Assistant Provost Marshal, was present in Court for what was nominally such a minor case certainly suggests a closing of ranks on the part of the military. Facing Muir, one of the most formidable criminal barristers of the age, Owens must welcome moral support from his senior officer; but suppose he broke down under cross examination nonetheless?

If he could not convince the Court, Owens's own conduct that Sunday night must then have been called seriously in question, alongside that of the two British constables; perhaps even of Major Stearne himself in not spotting a wrong-un and weeding him out. The case might turn on its head: Johnstone's accusers held up to ridicule, and worse. Horatio Bottomley was no natural friend to authority; he loved to expose abuses of power. In some alternate reality, not quite beyond the bounds of possibility, may he have found cause to publish a paragraph excoriating not Muir, nor George Johnstone, nor Johnstone's family, nor the Magistrates but Cpl. Owens and P.C.'s Allen and Gunner: Owens for indecently assaulting an innocent youth of good family, all three for then conspiring to pervert the course of justice?

Despite everything, doubtless in ignorance of the facts as stated in Court, there were those who preferred still to believe that Johnstone had been the victim of a miscarriage of justice. In *Robert Graves, the Assault Heroic* (1986), R.P. Graves quotes a story which his father John Graves, Robert's youngest brother, heard years later from someone whom he regarded as 'a reliable source'. Johnstone had been staying with Frank Fletcher 'and one evening went for a walk in the woods. Here he came upon the Canadian corporal having intercourse with a girl'. He stopped to watch, the corporal spotted him and offered him a turn. Johnstone

declined, the corporal became angry and handed him over to the Police on a trumped-up charge.[10]

The truth, as we see, was otherwise.

Eric J. Webb is a retired Doctor of Medicine. He was himself at Charterhouse, in Saunderites House, 1964-1968, then at Christ's College Cambridge, then at Charing-Cross Hospital Medical School, before eventually going into General Practice.

NOTES

[1] Robert Graves, *Good-bye to All That* (London: Cape, 1929), p. 76.
[2] George Harcourt Johnstone Derwent, Baron, *Return Ticket* (London: Heinemann, 1940),
[3] *Return Ticket*, p. 22.
[4] The Provost Marshal is the officer in charge of a group of military police, approximately equivalent to a civilian Chief Constable.
[5] *Return Ticket*, p. 41.
[6] Robert Graves, *In Broken Images: Selected Letters of Robert Graves, 1914-1946,* ed. by Paul O'Prey (London: Hutchinson, 1982), p. 77. The 'SS business' refers to the developing furore over Siegfried Sassoon's open protest against the war.
[7] *Goodbye to All That*, p. 220.
[8] R.P. Graves, *Robert Graves, The Assault Heroic 1895-1926* (London: Weidenfeld, 1995), p. 177.
[9] Robert Owens' Canadian Army service record confirms his presence as a military policeman at Witley Camp, just one station down the railway line from Godalming, at the period in question; but without shedding any further light on the Johnstone incident.
[10] R.P. Graves, p.178.