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DIANA, LOVE AND MURDER

For Josslyn Hay, Earl of Erroll, the hedonistic lifestyle he shared with other white residents of Kenya's Happy Valley continued even after the war started. Though by 1940 he was the colony's military secretary, he still found time to play - especially with women.

Into his careless life there now came his greatest passion. He fell in love with the newly married Diana Broughton. Their affair was intense, but it ended quickly - with his

murder. Nobody has ever been convicted of the killing.

In the 1960s the mystery became an obsession with the literary critic Cyril Connolly, who had known many of Kenya's upper-class settlers as an Eton schoolboy, and after Connolly's death in 1974 James Fox carried on the search until he had unravelled the mystery. In this second extract from his book, *White Mischief*, Fox describes Erroll's last affair and the trial of the principal murder suspect.

SIR JOCK DELVES Broughton, the eleventh baronet, was born into the protected, leisured world of racing and into the big league of landowning families. When his father died in 1914, he inherited, aged thirty-one, three houses: Doddington Park in Cheshire, Broughton Hall in Staffordshire, and 6 Hill Street, Mayfair. With the houses came 34,000 acres, mostly of prime Cheshire farmland, and a princely income. Doddington was the family seat - a fine if somewhat gloomy Samuel Wyatt house in an 18th-century setting of parkland and lakes.

He married, in 1913, Vera Boscawen, who came from an impoverished branch of a "good" family. She was tall and blue-eyed with outstanding good looks. Broughton himself was considered, along with Valentine, Viscount Castlerosse, the best-looking officer in the Irish Guards. In August 1914, the year Broughton inherited the estate, his battalion sailed for France. Broughton, however, was taken ill during the loading of the troopship, and had to be left behind.

His illness was later described as "sunstroke" and he did appear partly disabled as a result, becoming subject to bouts of confusion and amnesia. But among his surviving fellow officers, Broughton was labelled a coward.

In the 1920s, Broughton spent heavily, to gamble, to entertain on a large scale. He kept a stable of horses; he sat on the Nantwich bench as a Justice of the Peace. But for all his hospitality, he was not a popular man. Men, especially, were suspicious of him: they found him vain, distant, somewhat humourless. "Dishonest, charmless, morose", was the clubmen's view.

There was certainly an imbalance in his marriage. Vera, who became a celebrated adventuress and big game huntress, was energetic, curious, full of vitality. Broughton, by contrast or necessity, was afflicted increasingly with boredom and world weariness. In 1919-20, they made their first trip to Kenya. They went back again in

ARISTOCRATS, ALCOHOL and ADULTERY

by JAMES FOX/Part 2



Joss Hay: the lover



Jock Broughton: the husband

1923 when Broughton bought the Spring Valley coffee estate near Nairobi.

In 1928, again in Kenya, they met Josslyn Erroll at Muthaiga and stayed with Lord Delamere and his wife, Gwladys, at Soysambu. But by the mid-Thirties, Vera was seen more and more with her great friend Walter Guinness, Lord Moyne, and Broughton began to feel the pinch of loneliness. "I believe he craved sympathy and affection, and most of all to be amused," says his neighbour, the Earl of Antrim. "One could see how he lit up when he was enjoying himself."

One day in 1935 the tedium for Broughton was suddenly interrupted: at a weekend at Tadcaster, staying with his friend Jack Fielden, he met his fate. Her name was Diana Caldwell; she was 22, and she had been proposed to that very weekend by Fielden himself but had turned him down. Although not a classic beauty, she was very striking with her pale blue eyes and mass of blonde hair:

her way of radiating enjoyment and the quickness of her smile had touched off many an infatuation.

Cyril Connolly described her in this newspaper as "one of those creamy ash blondes of the period with a passion for clothes and jewels, both worn to perfection, and for enjoying herself and bringing out enjoyment in others. Her large pale eyes would be called cold by those on whom they had not smiled, her mouth hard by those who had not kissed it."

She was already a talked-about social success: she danced in London at the 400 Club, hunted in Warwickshire, flew her own plane to Le Touquet, Vienna, Budapest. Yet in other women she provoked a suspicion and a deep jealousy that has lasted throughout her life.

Her contemporaries remember her vividly, especially the particular red of her lipstick on the hunting field, which was thought a little too much, and the danger she posed. She was punished for her success with men by the suggestion that she was tough, scheming, faintly "common", Diana's flaw, especially in the peculiarly intense snobbery of the 1930s, was that while she was winning the hearts of the most eligible young men, there was nothing, to the relief of her competitors, you could look up in Burke's. Broughton referred to her as "my blonde" and considered himself her chief suitor.

In 1938 Broughton reported two robberies - of a string of pearls which Diana had left in her car in the south of France, and of some family portraits at Doddington, and collected the insurance on them both.

Lord Moyne's wife died in 1939 and Vera, who hoped to marry him, began divorce proceedings against Broughton. Broughton's response was to propose marriage to Diana and with the explanation that he could find no proper work in England - to sail to Kenya, via South Africa.

Six weeks before the marriage, Broughton entered into a peculiar contract with Diana which was quite separate from their marriage vows. If Diana fell in love with a younger man and wanted a divorce, Broughton, in view of the difference in their ages, agreed not to stand in her way, and to provide her with a gross income of her own of £5,000 a year for at least seven years after divorce. It was a generous deal which made no demands on Diana and seemed to expect remarkably little of the marriage.

The ceremony took place in a Durban registry office on November 5, 1940.

ON THEIR arrival in Nairobi, the couple set off almost immediately on an up-country journey to introduce Diana to Broughton's old friends. Diana herself had struck up a close friendship with June Carberry, a husky-voiced, brandy-drinking member of the Nairobi Muthaiga Club set. They returned to Nairobi around November 25. Broughton was away again, however, on November 30, the date of the Caledonian Ball at the Muthaiga Club. That was the night that Joss and Diana fell in love.

Over Christmas the love affair crystallised. Most of their friends

noticed that by early January the new couple were inseparable. But Broughton's awareness only came slowly - at least so it appeared, and so he behaved.

Broughton was forced to confront the problem when he and Diana gave a dinner party at their house in Karen a Nairobi suburb, on January 12. Broughton said later: "Lady Delamere came and sat next to me. She was watching Lord Erroll and my wife dancing... I was sitting by her also watching them dancing. Lady Delamere said to me, 'Do you know that Joss is wildly in love with Diana?', and I'm afraid that gave me a great deal of food for thought and I became rather distraught and I did neglect my duties as a host in not being as attentive to Lady Delamere as I should have been. It confirmed my worst suspicions and I was very absent-minded afterwards."

Despite the shock of discovering that his wife's affair was public, Broughton now invited Erroll to stay the night. This passivity, exaggerated friendliness, the concealing of his true feelings, was to become typical of Broughton's behaviour; while Erroll's lack of restraint was typical of his professional contempt for husbands. The two men even went riding together early the following morning, with Diana, in the Kikuyu reserve.

The confrontation came a few days later in the garden of Erroll's house at Muthaiga. As it was afterwards described, Broughton said: "Diana tells me she is in love with you." Erroll replied: "Well, she has never told me that, but I am frightfully in love with her." Broughton told Erroll that he should try to persuade her to go away with him (Broughton) to Ceylon, "as we have been so frightfully happy", and suggested that Erroll go away as well. Erroll calmly refused. He could not go away, he said, he was terribly sorry. There was a war on. Was that all? "He did say he felt miserably unappy about the whole thing," said Broughton later, "as we had been such great friends. Both of us were as dispassionate as possible."

From there, Broughton went home alone with his driver. Erroll, Diana and June Carberry stayed on and were seen laughing and celebrating together. Later, Erroll ordered a table for eight at the club and Broughton dined alone at Karen, for the first time.

Unable to sleep, Broughton waited up for his wife and June Carberry. They came back at 3.30am and Diana, to his evident astonishment, was wearing a new set of pearls. June Carberry said later that she shared Diana's bed that night because she was frightened of "creaks in the house". But she began to laugh when she saw Broughton looking at them through a crack in the door and she delivered an unbearable taunt: "I told him it reminded me of a play, *Love from a Stranger*", a drama based on an Agatha Christie story.

By the 23rd, Broughton appeared to have conceded: to have honoured his marriage pact with Diana and to have left the way clear for Erroll. A celebration dinner had been arranged for that evening with Broughton's enthusiastic consent and Erroll planned to take Diana dancing. The habitual foursome - Broughton, Erroll, June and Diana - sat down to this odd celebration and ordered champagne.

Suddenly, during the meal and to the astonishment of the other guests, Broughton raised his glass and proposed a toast, all possession and jealousy apparently forgotten, all losses cut, the champagne roaring in his blood. "I wish them every happiness", he said, "and may their union be blessed with an heir. To Diana and Joss." Later, he said: "It was the

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The bride who fell for the earl: Diana Broughton with pet mongoose at Karen, her Nairobi home

most extreme gesture I could make." In the presence of this euphoric couple, mad with love for each other, relieved and grateful for Broughton's blessing, there was no room for Broughton's own hurt feelings. He had chosen to be part of it; to have stayed away would have added humiliation to his loneliness. The toast was perhaps the measure of his pain.

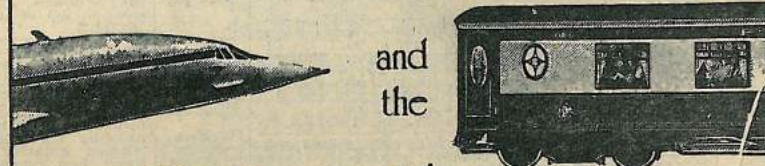
June Carberry and Broughton were driven home by their chauffeur and arrived at Karen at around 2am. June later claimed that Broughton was so drunk that he had to be helped up the stairs, although she also said that he paid her a visit later on that night. Half an hour later, Erroll and Diana returned to Karen - the couple had a brief conversation in the hall and Erroll drove away. His body was found within the next half hour lying in the footwell of his Buick: he had been shot through the head.

In February, less than three weeks after the murder, Broughton and Diana set off, incredibly, on a full-scale shooting safari, into the Southern Masai reserve along the Mara river, accompanied by the famous white hunter, John Hunter, and a young officer, Hugh Dickinson, an ever attentive friend of Diana.

The safari lasted eight days, and the party travelled by truck, open car and on foot. It was already clear that Diana was deeply suspicious of her husband and their relations were severely strained. It seems astonishing that such a trip should have been contemplated in the circumstances. Eight days in the bush can break the closest of friendships and Broughton, at the best of times, had been known to make terrible scenes on hunting trips with Vera, on one occasion overturning all the tables in the camp and then kicking Vera until her shins bled. But as at Muthaiga, where lunch could never be suspended merely for reasons of bad feeling, so the ritual task of shooting lion and buffalo took precedence over personal crises and provided its own therapeutic bloodletting.

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DIANA

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Diana had recovered enough of her composure to shoot the first lion. She even took three photographs of her trophy before taking aim. Broughton claimed a lion and a small antelope.

SOON AFTER their return, on March 10, Broughton was arrested for Erroll's murder. He was to remain in jail for almost three months before coming to trial. If he was found guilty of murder – and he began seriously to worry about his chances – it was likely that he would be hanged. "In a strange country, God knows what will happen," he wrote to a friend in England. "There are no counsels out here . . ." In the end it was Diana who rescued the situation. She flew alone to Johannesburg, on her own initiative, to hire the most gifted barrister in the south, Harris Morris KC – a man already notorious for his flamboyant and aggressive style of advocacy, and for some famous acquittals. Morris accepted the case immediately, sensing the crowning achievement of his career if he could win it. He demanded a fee of £5,000, to which Diana agreed.

The trial opened at Nairobi's Central Court on May 26. The opening ceremony presented an extraordinary spectacle. Under the glass dome, in a panelled room of Edwardian neo-classical sombreness, the entire colonial community seemed to have crushed its way in to watch the show. The public galleries overflowed and the spectators, many of the men in uniform, all the women dressed in their garden-party best, were two rows deep along the walls. It was a gaudy spectacle of prurient anticipation; all the champagne and exhibitionism would now be accounted for, and possibly punished by the death sentence. The decent and sanctimonious contingent was opposed by the Muthaiga and Happy Valley crowd, who had rallied in support of their cause, many of them waiting in the wings to give evidence. It was a major social event that had been preceded by four months of furious pre-publicity.

The courtroom crackled with old class divisions. Diana, especially, the symbol of privilege and wealth, the object of sexual conjecture, was a strong target for those who felt the colony had been shamed when the war demanded public sacrifice. She attended court every day, returning each evening to her suite in the New Stanley Hotel. On that first day, she made a spectacular entrance as the crowd twisted round to see her. To their amazement she had come dressed as a widow, in a little black

hat with a black face veil, and covered in diamonds.

Diana's wardrobe was one of the wonders of the trial – it was said that she never wore the same costume twice. She took her place at the front of the court, a few feet from the attorney-general. Then Broughton appeared from the cells, looking a little waxy, having lost some weight in jail. He shuffled to the dock, his right foot dragging, to hear the charge of murder from the lord chief justice, Sir Joseph Sheridan.

On his arrival in Nairobi, Morris told both Broughton and Kaplan, his solicitor, that he could defeat the Crown case on one simple point of ballistics alone.

In the end, a highly complicated ballistics argument, which confused the jury for several days, came down to an extraordinary flaw in the Crown's case. It had contended that Broughton had shot Erroll with his own Colt 32. Morris showed that the bullet which killed Erroll could never have been shot from a Colt revolver.

It was a carefully premeditated murder, claimed the Crown. Broughton had begun to plan it on January 18, when Erroll had refused to go away and give up Diana. Broughton's subsequent actions – his magnanimous renunciation of his wife, his honouring of the marriage pact with such fastidiousness, his drunkenness on the night of the murder, his forgetfulness of details afterwards – were all an act, according to the prosecution.

Bad strategy

Instead, when Broughton saw that his marriage was threatened by Erroll, his real nature showed itself: his exceptional jealousy, his anger, his deviousness and finally his desire to kill his rival. It was Broughton's character that was to be put on trial. The evidence against him was somewhat flimsy and circumstantial.

Walter Harragin, the attorney-general, showed too that, far from being physically disabled, Broughton was quite capable of sustaining long walks on hunting safaris and toting heavy rifles, and that he was therefore equally capable of having pushed Erroll's body from the seat into the footwell to enable him to drive the car; and then of walking the 2.4 miles back to Karen in the blackout in time to call on June Carberry, despite his protestations of lameness and night blindness. None of this constituted hard proof, but Harragin was trying to forge links between each piece of evidence to build up what was ever more clearly a difficult case for the Crown to prove beyond a reasonable doubt.

Morris was, of course, taking a calculated risk in putting his client into the witness box. Many a prosecution case in criminal



Scene of the crime: the Buick in which Erroll was shot

history has been defeated by a good defence counsel, only to be lost in the end by a slip of the tongue from the accused who has elected to give evidence. In his defence, Broughton claimed that he had honoured the pact, and this entirely explained the ease with which he conceded to Erroll. He performed brilliantly in the witness box.

Why, after his suspicions were aroused, was it necessary to have lunch with Erroll every day? "Why not?" he replied. "You cannot stop a thing like that in a small community like Muthaiga. How could I avoid it? My wife and I went to Muthaiga Club every day. Unless I had told him I did not want to see him, how could I stop him? We all lunched at the club every day."

Why had he invited Erroll to stay the night, when he already knew what was happening between Diana and Joss? If Diana asked him, would he object? "She could ask whom she liked", said Broughton. "I should not have tried to stop her in any event. I see no point in it. We met every day at the club and I cannot see it makes any difference if a man comes to stay the night. It would be extremely bad strategy. In my experience of life, if you try to stop a woman doing anything, she wants to do it all the more. With a young wife the only thing to do is to keep her amused."

Harragin could never shake him.

Morris shook hands with each

member of the jury after his closing speech, then left for Johannesburg without hearing the verdict, which was delivered at 9.15 pm on July 1.

As they returned from their deliberations, the foreman of the jury winked at Broughton and gave him the "thumbs up" sign. Broughton described the moment later in a letter to a friend in England, Marie Woodhouse.

"The foreman, in a very clear voice said, 'Not Guilty', and a loud sob of relief came from all over the court and a good deal of clapping. One could almost feel the Angel of Death, who had been hovering over me, flying out of that court disgruntled."

"When I got outside there was a great rush of about 200 people, headed mostly by the police, to shake me by the hand."

The letters Broughton wrote after the trial express elation and hope. He claims to have recovered at once, never to have felt happier, and writes of Diana's loyalty and affection.

BUT THERE was a nagging worry in the back of his mind. How had his friends reacted to the case? His private life had been broadcast in detail for the scrutiny of all his fellow clubmen. Would he be able to resume his life in England as it was before the war? He began to fear that he was irretrievably disgraced.

While Broughton received cables of congratulations from White's Club, so, across the street

at Brooks's, debts were being settled. The Brooks's betting book records the following entry on May 25, 1941:

His Grace the Duke of St Albans bets Sir Mark Grant Sturgis £5 that Sir Delves Broughton will be hanged for the murder of the Earl of Erroll.

Yet Broughton felt the acquittal had changed all that. On his return from Ceylon, where he went on holiday with Diana after the trial, he hoped to be both a popular hero and a celebrity. Instead, both he and Diana were ignored and shunned, "cut by everyone", as Kaplan, his solicitor, remembered it.

Diana was seen as the scarlet woman who had shamed the community. She was now verbally scorned in public, and not only by the officials. The whole gang of public school ex-officers, with one or two exceptions, had now turned against her. Broughton, surrounded with suspicion, was dropped like a hot potato.

The excommunication was swift and businesslike. The committee of the Muthaiga Club was the first to do its duty and ban them both from its precincts.

Thus life changed dramatically for them both. Broughton was now faced with the very things he dreaded most – loneliness and obscurity – and in his letters the signs of depression began to show. Significantly, perhaps, he began to talk about Erroll. He wrote to Marie Woodhouse: "I always had the sympathy of the general public as he was a professional breaker-up of homes with lots of enemies, and the popular saying in Kenya was, 'whoever had done it deserved a medal'."

As he began to talk about Erroll so he made the one move that showed that neither he nor Diana could ever put his memory away. Broughton, incredibly, moved into Erroll's house. He rented the Djinn Palace (as it was known) on Lake Naivasha, which had been empty since Erroll's death. He even tried to buy it from the trustees' agents, but he couldn't find the money. Erroll's portrait in his Coronation robes was still at the top of the stairs. And there is, to this day, a picture in the hall of Molly Ramsay-Hill (Erroll's second wife) reclining on a canapé.

He was to become intensely unhappy in the house, while his marriage to Diana entered the final stage of its painfully slow death.

In July 1942, Broughton made a mysterious trip to Mombasa. There is no indication of where he stayed, or what he did, except that he fell down a railway embankment and seriously hurt his back.

He managed to return to Nairobi, still in plaster, to make one last attempt to get Diana back. He asked her friend Hugh Dickin-

son to meet him and begged him to intercede with her. When Dickinson refused, pointing out that Diana would never return to him, Broughton, by now "de-ranked with alcohol and nerves" according to Kaplan, began to shout and issue threats against them both.

In the end, Broughton left for England in September of that year.

Broughton was aware that he was taking a serious risk in returning to England. His son, Sir Evelyn, revealed to me in 1980 that his father's affairs at home were in a chronically bad state. Broughton had hinted at this in the circular letter to friends he wrote after the trial ("The wicked part is that it has cost me £5,000 which I have not got . . ."). He

Soap opera

took pains in his letter to justify spending the money on his defence in what seemed like an appeal to his trustees in England.

Evelyn's father had cheated the trust by selling around 32,500 acres of Cheshire farmland at perhaps £50 an acre in 1921. He had pocketed the money – some £1.5 million – instead of channeling it through the estate.

When Broughton arrived in Liverpool in November 1942, there was no member of his family to meet him. That was perhaps not surprising in view of the difficulties of wartime travel and the secrecy surrounding shipping timetables. Instead, Broughton was greeted by two detectives from Scotland Yard, who were well informed of his movements. Cheated of his murder conviction, Superintendent Arthur Poppy, head of the Nairobi CID, had sent information ahead that once more put Broughton under criminal suspicion, this time for fraud. Broughton, it transpired, had himself engineered the thefts in 1938 of both his pearls and his family pictures, on which he had collected the insurance. But there was, for the moment, no hard case against him, and he was allowed to reach his house at Doddington.

Nevertheless, the interview had a crushing effect on Broughton's delicate mental stability, held in balance until now only by the hope of a dignified return.

By now it must have been clear to Broughton that his family knew of the extent to which he had defrauded the estate. He told Mrs Woodhouse that he would contact them "in good time". He did visit Vera, his former wife, who was living with her mother near Wrexham, to try to persuade her to come back to him, but she refused. On December 2, 1942, two weeks after his return,

Broughton went to the Adelphi Hotel in Liverpool. He planned to wait there before going to hospital to have his plaster changed. He told Miss Bridget Hayes, head housekeeper at the hotel, that he was preparing for an operation, that he didn't want any food and, above all, that he was not to be disturbed.

Broughton had originally intended to take Mrs Woodhouse to the Adelphi. As she later described it: "We had booked two rooms and were going to a show to cheer him up. At the last moment I couldn't go with him because my son, Nick, was very ill and I couldn't leave him."

"I rang Jock and told him, but he seemed to expect me to go anyway. He was a bit disappointed. He rang me back later and said, 'Are you all right, Marie – financially I mean?' I should have known then. I said, 'Of course, Jock'. I was always broke. He said he would see me next day. I said, yes, if my son was better."

"I tried to ring him the next morning, but the manager said Sir Delves Broughton was under treatment and wasn't to be disturbed. What a fool I was not to have realised what he was doing to himself. I knew he already had a tube of morphia in jail, in case the verdict went against him."

Forty-eight hours later, Miss Hayes found Broughton, much too late, bleeding from the nose and ears and in a coma. She noticed a detail that would belong, more realistically, to a soap opera: a bottle label marked "Medinal" floating in the lavatory.

Dr Ray Maudsley, resident medical officer at the Northern Hospital, admitted Broughton at 6.30 pm on Friday, December 4. There was a puncture mark on the inside of the left elbow and several other puncture marks, but not into the vein. Broughton had taken fourteen injections of Medinal. He died at 2.25am on December 5.

He had left two notes, both addressed to his solicitors. The most significant message was to do with the "strain" of the trial, and the fact that he could not face further charges. He ended the note with characteristic pomposity: *Moriturus te saluto* (I who am about to die salute you). The second note said that, as a result of his back injury, he had blacked out many times on the journey home and since his arrival; that he had lost all sensation on his right side, and was becoming paralysed. He had therefore decided to take his life.

© James Fox, 1982

Extracted from *White Mischief*, by James Fox, to be published this week by Jonathan Cape at £8.95.

Next week: a murderer revealed