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## Chapter 19 - The Evidence For The Defense

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THE feeling of interest excited by the Trial was prodigiously increased on the fourth day. The witnesses for the defense were now to be heard, and first and foremost among them appeared the prisoner's mother. She looked at her son as she lifted her veil to take the oath. He burst into tears. At that moment the sympathy felt for the mother was generally extended to the unhappy son.

Examined by the Dean of Faculty, Mrs. Macallan the elder gave her answers with remarkable dignity and self-control.

Questioned as to certain private conversations which had passed between her late daughter-in-law and herself, she declared that Mrs. Eustace Macallan was morbidly sensitive on the subject of her personal appearance. She was devotedly attached to her husband; the great anxiety of her life was to make herself as attractive to him as possible. The imperfections in her personal appearance--and especially in her complexion--were subjects to her of the bitterest regret. The witness had heard her say, over and over again (referring to her complexion), that there was no risk she would not run, and no pain she would not suffer, to improve it. "Men" (she had said) "are all caught by outward appearances: my husband might love me better if I had a better color."

Being asked next if the passages from her son's Diary were to be depended on as evidence--that is to say, if they fairly represented the peculiarities in his character, and his true sentiments toward his wife--Mrs. Macallan denied it in the plainest and strongest terms.

"The extracts from my son's Diary are a libel on his character," she said. "And not the less a libel because they happen to be written by himself. Speaking from a mother's experience of him, I know that he must have written the passages produced in moments of uncontrollable depression and despair. No just person judges hastily of a man by the rash words which may escape him in his moody and miserable moments. Is my son to be so judged because he happens to have written \_his\_ rash words, instead of speaking them? His pen has been his most deadly enemy, in this case--it has presented him at his very worst. He was not happy in his marriage--I admit that. But I say at the same time that he was invariably considerate toward his wife. I was implicitly trusted by both of them; I saw them in their most private moments. I declare--in the face of what she appears to have written to her friends and correspondents--that my son never gave his wife any just cause to assert that he treated her with cruelty or neglect."

The words, firmly and clearly spoken, produced a strong impression. The Lord Advocate--evidently perceiving that any attempt to weaken that impression would not be likely to succeed--confined himself, in cross-examination, to two significant questions.

"In speaking to you of the defects in her complexion," he said, "did your daughter-in-law refer in any way to the use of arsenic as a remedy?"

The answer to this was, "No."

The Lord Advocate proceeded:

"Did you yourself ever recommend arsenic, or mention it casually, in the course of the private conversations which you have described?"

The answer to this was, "Never."

The Lord Advocate resumed his seat. Mrs. Macallan the elder withdrew.

An interest of a new kind was excited by the appearance of the next witness. This was no less a person than Mrs. Beaulieu herself. The Report describes her as a remarkably attractive person; modest and lady-like in her manner, and, to all appearance, feeling sensitively the public position in which she was placed.

The first portion of her evidence was almost a recapitulation of the evidence given by the prisoner's mother--with this difference, that Mrs. Beaulieu had been actually questioned by the deceased lady on the subject of cosmetic applications to the complexion. Mrs. Eustace Macallan had complimented her on the beauty of her complexion, and had asked what artificial means she used to keep it in such good order. Using no artificial means, and knowing nothing whatever of cosmetics, Mrs. Beaulieu had resented the question, and a temporary coolness between the two ladies had been the result.

Interrogated as to her relations with the prisoner, Mrs. Beaulieu indignantly denied that she or Mr. Macallan had ever given the deceased lady the slightest cause for jealousy. It was impossible for Mrs. Beaulieu to leave Scotland, after visiting at the houses of her cousin's neighbors, without also visiting at her cousin's house. To take any other course would have been an act of downright rudeness, and would have excited remark. She did not deny that Mr. Macallan had admired her in the days when they were both single people. But there was no further expression of that feeling when she had married another man, and when he had married another woman. From that time their intercourse was the innocent intercourse of a brother and sister. Mr. Macallan was a gentleman: he knew what was due to his wife and to Mrs. Beaulieu--she would not have entered the house if experience had not satisfied her of that. As for the evidence of the under-gardener, it was little better than pure invention. The greater part of the conversation which he had described himself as overhearing had never taken place. The little that was really said (as the man reported it) was said jestingly; and she had checked it immediately--as the witness had himself confessed. For the rest, Mr. Macallan's behavior toward his wife was invariably kind and considerate. He was constantly devising means to alleviate her sufferings from the rheumatic affection which confined her to her bed; he had spoken of her, not once but many times, in terms of the sincerest sympathy. When she ordered her husband and witness to leave the room, on the day of her death, Mr. Macallan said to witness afterward, "We must bear with her jealousy, poor soul: we know that we don't deserve it." In that patient manner he submitted to her infirmities of temper from first to last.

The main interest in the cross-examination of Mrs. Beaulieu centered in a question which was put at the end. After reminding her that she had given her name, on being sworn, as "Helena Beaulieu," the Lord Advocate said:

"A letter addressed to the prisoner, and signed 'Helena,' has been read in Court. Look at it, if you please. Are you the writer of that letter?"

Before the witness could reply the Dean of Faculty protested against the question. The Judges allowed the protest, and refused to permit the question to be put. Mrs. Beaulieu thereupon withdrew. She had betrayed a very perceptible agitation on hearing the letter referred to, and on having it placed in her hands. This exhibition of feeling was variously interpreted among the audience. Upon the whole, however, Mrs. Beaulieu's evidence was considered to have aided the impression which the mother's evidence

had produced in the prisoner's favor.

The next witnesses--both ladies, and both school friends of Mrs. Eustace Macallan--created a new feeling of interest in Court. They supplied the missing link in the evidence for the defense.

The first of the ladies declared that she had mentioned arsenic as a means of improving the complexion in conversation with Mrs. Eustace Macallan. She had never used it herself, but she had read of the practice of eating arsenic among the Styrian peasantry for the purpose of clearing the color, and of producing a general appearance of plumpness and good health. She positively swore that she had related this result of her reading to the deceased lady exactly as she now related it in Court.

The second witness, present at the conversation already mentioned, corroborated the first witness in every particular; and added that she had procured the book relating to the arsenic-eating practices of the Styrian peasantry, and their results, at Mrs. Eustace Macallan's own request. This book she had herself dispatched by post to Mrs. Eustace Macallan at Gleninch.

There was but one assailable point in this otherwise conclusive evidence. The cross-examination discovered it.

Both the ladies were asked, in turn, if Mrs. Eustace Macallan had expressed to them, directly or indirectly, any intention of obtaining arsenic, with a view to the improvement of her complexion. In each case the answer to that all-important question was, No. Mrs. Eustace Macallan had heard of the remedy, and had received the book. But of her own intentions in the future she had not said one word. She had begged both the ladies to consider the conversation as strictly private--and there it had ended.

It required no lawyer's eye to discern the fatal defect which was now revealed in the evidence for the defense. Every intelligent person present could see that the prisoner's chance of an honorable acquittal depended on tracing the poison to the possession of his wife--or at least on proving her expressed intention to obtain it. In either of these cases the prisoner's Declaration of his innocence would claim the support of testimony, which, however indirect it might be, no honest and intelligent man would be likely to resist. Was that testimony forthcoming? Was the counsel for the defense not at the end of his resources yet?

The crowded audience waited in breathless expectation for the appearance of the next witness. A whisper went round among certain well-instructed persons that the Court was now to see and hear the prisoner's old friend--already often referred to in the course of the Trial as "Mr. Dexter."

After a brief interval of delay there was a sudden commotion among the audience, accompanied by suppressed exclamations of curiosity and surprise. At the same moment the crier summoned the new witness by the extraordinary name of

"MISERRIMUS DEXTER"