

Literature.org:

[Authors](#)
[Contact](#)

[The Law and the Lady](#)

[Wilkie Collins](#)

This Book:

[Contents](#)
[Previous Chapter](#)
[Next Chapter](#)

Chapter 20 - The End Of The Trial

THE calling of the new witness provoked a burst of laughter among the audience due partly, no doubt, to the strange name by which he had been summoned; partly, also, to the instinctive desire of all crowded assemblies, when their interest is painfully excited, to seize on any relief in the shape of the first subject of merriment which may present itself. A severe rebuke from the Bench restored order among the audience. The Lord Justice Clerk declared that he would "clear the Court" if the interruption to the proceedings were renewed.

During the silence which followed this announcement the new witness appeared.

Gliding, self-propelled in his chair on wheels, through the opening made for him among the crowd, a strange and startling creature--literally the half of a man--revealed himself to the general view. A coverlet which had been thrown over his chair had fallen off during his progress through the throng. The loss of it exposed to the public curiosity the head, the arms, and the trunk of a living human being: absolutely deprived of the lower limbs. To make this deformity all the more striking and all the more terrible, the victim of it was--as to his face and his body--an unusually handsome and an unusually well-made man. His long silky hair, of a bright and beautiful chestnut color, fell over shoulders that were the perfection of strength and grace. His face was bright with vivacity and intelligence. His large clear blue eyes and his long delicate white hands were like the eyes and hands of a beautiful woman. He would have looked effeminate but for the manly proportions of his throat and chest, aided in their effect by his flowing beard and long mustache, of a lighter chestnut shade than the color of his hair. Never had a magnificent head and body been more hopelessly ill-bestowed than in this instance! Never had Nature committed a more careless or a more cruel mistake than in the making of this man!

He was sworn, seated, of course, in his chair. Having given his name, he bowed to the Judges and requested their permission to preface his evidence with a word of explanation.

"People generally laugh when they first hear my strange Christian name," he said, in a low, clear, resonant voice which penetrated to the remotest corners of the Court. "I may inform the good people here that many names, still common among us, have their significations, and that mine is one of them. 'Alexander,' for instance, means, in the Greek, 'a helper of men.' 'David' means, in Hebrew, 'well-beloved.' 'Francis' means, in German, 'free.' My name, 'Miserrimus,' means, in Latin, 'most unhappy.' It was given to me by my father, in allusion to the deformity which you all see--the deformity with which it was my misfortune to be born. You won't laugh at 'Miserrimus' again, will you?" He turned to the Dean of Faculty, waiting to examine him for the defense. "Mr. Dean. I am at your service. I apologize for delaying, even for a moment, the proceedings of the Court."

He delivered his little address with perfect grace and good-humor. Examined by the Dean, he gave his evidence clearly, without the slightest appearance of hesitation or reserve.

"I was staying at Gleninch as a guest in the house at the time of Mrs. Eustace Macallan's death," he began. "Doctor Jerome and Mr. Gale desired to see me at a private interview--the prisoner being then in a state of prostration which made it impossible for him to attend to his duties as master of the house. At this interview the two doctors astonished and horrified me by declaring that Mrs. Eustace Macallan had died poisoned. They left it to me to communicate the dreadful news to her husband, and they warned me that a post-mortem examination must be held on the body.

"If the Fiscal had seen my old friend when I communicated the doctors' message, I doubt if he would have ventured to charge the prisoner with the murder of his wife. To my mind the charge was nothing less than an outrage. I resisted the seizure of the prisoner's Diary and letters, animated by that feeling. Now that the Diary has been produced, I agree with the prisoner's mother in denying that it is fair evidence to bring against him. A Diary (when it extends beyond a bare record of facts and dates) is nothing but an expression of the poorest and weakest side in the character of the person who keeps it. It is, in nine cases out of ten, the more or less contemptible outpouring of vanity and conceit which the writer dare not exhibit to any mortal but himself. I am the prisoner's oldest friend. I solemnly declare that I never knew he could write downright nonsense until I heard his Diary read in this Court!

"_He_ kill his wife! _He_ treat his wife with neglect and cruelty! I venture to say, from twenty years' experience of him, that there is no man in this assembly who is constitutionally more incapable of crime and more incapable of cruelty than the man who stands at the Bar. While I am about it, I go further still. I even doubt whether a man capable of crime and capable of cruelty could have found it in his heart to do evil to the woman whose untimely death is the subject of this inquiry.

"I have heard what the ignorant and prejudiced nurse, Christina Ormsay, has said of the deceased lady. From my own personal observation, I contradict every word of it. Mrs. Eustace Macallan--granting her personal defects--was nevertheless one of the most charming women I ever met with. She was highly bred, in the best sense of the word. I never saw in any other person so sweet a smile as hers, or such grace and beauty of movement as hers. If you liked music, she sang beautifully; and few professed musicians had such a touch on the piano as hers. If you preferred talking, I never yet met with the man (or even the woman, which is saying a great deal more) whom her conversation could not charm. To say that such a wife as this could be first cruelly neglected, and then barbarously murdered, by the man--no! by the martyr--who stands there, is to tell me that the sun never shines at noonday, or that the heaven is not above the earth.

"Oh yes! I know that the letters of her friends show that she wrote to them in bitter complaint of her husband's conduct to her. But remember what one of those friends (the wisest and the best of them) says in reply. 'I own to thinking,' she writes, 'that your sensitive nature exaggerates or misinterprets the neglect that you experience at the hands of your husband.' There, in that one sentence, is the whole truth! Mrs. Eustace Macallan's nature was the imaginative, self-tormenting nature of a poet. No mortal love could ever have been refined enough for _her_. Trifles which women of a coarser moral fiber would have passed over without notice, were causes of downright agony to that exquisitely sensitive temperament. There are persons born to be unhappy. That poor lady was one of them. When I have said this, I have said all.

"No! There is one word more still to be added.

"It may be as well to remind the prosecution that Mrs. Eustace Macallan's death was in the pecuniary sense a serious loss to her husband. He had insisted on having the whole of her fortune settled on herself, and on her relatives after her, when he married. Her income from that fortune helped to keep in splendor the house and grounds at Gleninch. The prisoner's own resources (aided even by his mother's jointure) were quite inadequate fitly to defray the expenses of living at his splendid country-seat. Knowing all the circumstances, I can positively assert that the wife's death has deprived the husband of two-thirds of his income. And the prosecution, viewing him as the basest and cruelest of men, declares that he deliberately killed her--with all his pecuniary interests pointing to the preservation of her life!

"It is useless to ask me whether I noticed anything in the conduct of the prisoner and Mrs. Beaulieu which might justify a wife's jealousy. I never observed Mrs. Beaulieu with any attention, and I never encouraged the prisoner in talking to me about her. He was a general admirer of pretty women--so far as I know, in a perfectly innocent way. That he could prefer Mrs. Beaulieu to his wife is inconceivable to me, unless he were out of his senses. I never had any reason to believe that he was out of his senses.

"As to the question of the arsenic--I mean the question of tracing that poison to the possession of Mrs. Eustace Macallan--I am able to give evidence which may, perhaps, be worthy of the attention of the Court.

"I was present in the Fiscal's office during the examination of the papers, and of the other objects discovered at Gleninch. The dressing-case belonging to the deceased lady was shown to me after its contents had been officially investigated by the Fiscal himself. I happen to have a very sensitive sense of touch. In handling the lid of the dressing-case, on the inner side I felt something at a certain place which induced me to examine the whole structure of the lid very carefully. The result was the discovery of a private repository concealed in the space between the outer wood and the lining. In that repository I found the bottle which I now produce."

The further examination of the witness was suspended while the hidden bottle was compared with the bottles properly belonging to the dressing-case.

These last were of the finest cut glass, and of a very elegant form--entirely unlike the bottle found in the private repository, which was of the commonest manufacture, and of the shape ordinarily in use among chemists. Not a drop of liquid, not the smallest atom of any solid substance, remained in it. No smell exhaled from it--and, more unfortunately still for the interests of the defense, no label was found attached to the bottle when it had been discovered.

The chemist who had sold the second supply of arsenic to the prisoner was recalled and examined. He declared that the bottle was exactly like the bottle in which he had placed the arsenic. It was, however, equally like hundreds of other bottles in his shop. In the absence of the label (on which he had himself written the word "Poison"), it was impossible for him to identify the bottle. The dressing-case and the deceased lady's bedroom had been vainly searched for the chemist's missing label--on the chance that it might have become accidentally detached from the mysterious empty bottle. In both instances the search had been without result. Morally, it was a fair conclusion that this might be really the bottle which had contained the poison. Legally, there was not the slightest proof of it.

Thus ended the last effort of the defense to trace the arsenic purchased by the prisoner to the possession of his wife. The book relating the practices of the Styrian peasantry (found in the deceased lady's room) had been produced. But could the book prove that she had asked her husband to buy arsenic for her? The crumpled paper, with the grains of powder left in it, had been identified by the chemist, and had been declared to contain grains of arsenic. But where was the proof that Mrs. Eustace Macallan's hand had placed the packet in the cabinet, and had emptied it of its contents? No direct evidence anywhere! Nothing but conjecture!

The renewed examination of Miserrimus Dexter touched on matters of no general interest. The cross-examination resolved itself, in substance, into a mental trial of strength between the witness and the Lord Advocate; the struggle terminating (according to the general opinion) in favor of the witness. One question and one answer only I will repeat here. They appeared to me to be of serious importance to the object that I had in view in reading the Trial.

"I believe, Mr. Dexter," the Lord Advocate remarked, in his most ironical manner, "that you have a theory of your own, which makes the death of Mrs. Eustace Macallan no mystery to _you?_"

"I may have my own ideas on that subject, as on other subjects," the witness replied. "But let me ask their lordships, the Judges: Am I here to declare theories or to state facts?"

I made a note of that answer. Mr. Dexter's "ideas" were the ideas of a true friend to my husband, and of a man of far more than average ability. They might be of inestimable value to me in the coming time--if I could prevail on him to communicate them.

I may mention, while I am writing on the subject, that I added to this first note a second, containing an observation of my own. In alluding to Mrs. Beaulieu, while he was giving his evidence, Mr. Dexter had spoken of her so slightly--so rudely, I might almost say--as to suggest he had some strong private reasons for disliking (perhaps for distrusting) this lady. Here, again, it might be of vital importance to me to see Mr. Dexter, and to clear up, if I could, what the dignity of the Court had passed over without notice.

The last witness had been now examined. The chair on wheels glided away with the half-man in it, and was lost in a distant corner of the Court. The Lord Advocate rose to address the Jury for the prosecution.

I do not scruple to say that I never read anything so infamous as this great lawyer's speech. He was not ashamed to declare, at starting, that he firmly believed the prisoner to be guilty. What right had he to say anything of the sort? Was it for _him_ to decide? Was he the Judge and Jury both, I should like to know? Having begun by condemning the prisoner on his own authority, the Lord Advocate proceeded to pervert the most innocent actions of that unhappy man so as to give them as vile an aspect as possible. Thus: When Eustace kissed his poor wife's forehead on her death-bed, he did it to create a favorable impression in the minds of the doctor and the nurse! Again, when his grief under his bereavement completely overwhelmed him, he was triumphing in secret, and acting a part! If you looked into his heart, you would see there a diabolical hatred for his wife and an infatuated passion for Mrs. Beaulieu! In everything he had said he had lied; in everything he had done he had acted like a crafty and heartless wretch! So the chief counsel for the prosecution spoke of the prisoner, standing helpless before him at the Bar. In my husband's place, if I could have done nothing more, I would have thrown something at his head. As it was, I tore the pages which contained the speech for the prosecution out of the Report and trampled them under my feet--and felt all the better too for having done it. At the same time I feel a little ashamed of having revenged myself on the harmless printed leaves now.

The fifth day of the Trial opened with the speech for the defense. Ah, what a contrast to the infamies uttered by the Lord Advocate was the grand burst of eloquence by the Dean of Faculty, speaking on my husband's side!

This illustrious lawyer struck the right note at starting.

"I yield to no one," he began, "in the pity I feel for the wife. But I say, the martyr in this case, from first to last, is the husband. Whatever the poor woman may have endured, that unhappy man at the Bar has suffered, and is now suffering, more. If he had not been the kindest of men, the most docile and most devoted of husbands, he would never have occupied his present dreadful situation. A man of a meaner and harder nature would have felt suspicions of his wife's motives when she asked him to buy poison--would have seen through the wretchedly commonplace excuses she made for wanting it--and would have wisely and cruelly said, 'No.' The prisoner is not that sort of man. He is too good to his wife, too innocent of any evil thought toward her, or toward any one, to foresee the inconveniences and the dangers to which his fatal compliance may expose him. And what is the result? He stands there, branded as a murderer, because he was too high-minded and too honorable to suspect his wife."

Speaking thus of the husband, the Dean was just as eloquent and just as unanswerable when he came to speak of the wife.

"The Lord Advocate," he said, "has asked, with the bitter irony for which he is celebrated at the Scottish Bar, why we have failed entirely to prove that the prisoner placed the two packets of poison in the possession of his wife. I say, in answer, we have proved, first, that the wife was passionately attached to the husband; secondly, that she felt bitterly the defects in her personal appearance, and especially the defects in her complexion; and, thirdly, that she was informed of arsenic as a supposed remedy for those defects, taken internally. To men who know anything of human nature, there is proof enough. Does my learned friend actually suppose that women are in the habit

of mentioning the secret artifices and applications by which they improve their personal appearance? Is it in his experience of the sex that a woman who is eagerly bent on making herself attractive to a man would tell that man, or tell anybody else who might communicate with him, that the charm by which she hoped to win his heart--say the charm of a pretty complexion--had been artificially acquired by the perilous use of a deadly poison? The bare idea of such a thing is absurd. Of course nobody ever heard Mrs. Eustace Macallan speak of arsenic. Of course nobody ever surprised her in the act of taking arsenic. It is in the evidence that she would not even confide her intention to try the poison to the friends who had told her of it as a remedy, and who had got her the book. She actually begged them to consider their brief conversation on the subject as strictly private. From first to last, poor creature, she kept her secret; just as she would have kept her secret if she had worn false hair, or if she had been indebted to the dentist for her teeth. And there you see her husband, in peril of his life, because a woman acted like a woman--as your wives, gentlemen of the Jury, would, in a similar position, act toward You."

After such glorious oratory as this (I wish I had room to quote more of it!), the next, and last, speech delivered at the Trial--that is to say, the Charge of the Judge to the Jury--is dreary reading indeed.

His lordship first told the Jury that they could not expect to have direct evidence of the poisoning. Such evidence hardly ever occurred in cases of poisoning. They must be satisfied with the best circumstantial evidence. All quite true, I dare say. But, having told the Jury they might accept circumstantial evidence, he turned back again on his own words, and warned them against being too ready to trust it! "You must have evidence satisfactory and convincing to your own minds," he said, "in which you find no conjectures--but only irresistible and just inferences." Who is to decide what is a just inference? And what is circumstantial evidence but conjecture?

After this specimen, I need give no further extracts from the summing up. The Jury, thoroughly bewildered no doubt, took refuge in a compromise. They occupied an hour in considering and debating among themselves in their own room. (A jury of women would not have taken a minute!) Then they returned into Court, and gave their timid and trimming Scotch Verdict in these words:

"Not Proven."

Some slight applause followed among the audience, which was instantly checked. The prisoner was dismissed from the Bar. He slowly retired, like a man in deep grief: his head sunk on his breast--not looking at any one, and not replying when his friends spoke to him. He knew, poor fellow, the slur that the Verdict left on him. "We don't say you are innocent of the crime charged against you; we only say there is not evidence enough to convict you." In that lame and impotent conclusion the proceedings ended at the time. And there they would have remained for all time--but for Me.