

professed musicians had such a touch on the piano as her's. 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 fibre 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 splendour the house and grounds at Gleninch. The prisoner's own resources (aided even by his mother's jointure) were quite inadequate 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 cruellest of men, declares that he deliberately killed her—with all his pecuniary interest 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 was 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 chymists. 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 interest of the defence, no label was found attached to the bottle when it had been discovered.

The chymist 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 chymist'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 defence 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 chymist, 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 favour 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 that 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 has 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 favourable 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 is a diabolical hatred for his wife, and an insatiable 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, I feel a little ashamed of having revenged myself on the harmless printed leaves, now.

The fifth day of the Trial opened with the defence. 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 the most devoted of husbands, he would never have occupied his present dreadful situation. A man of a meaner and harder nature would have felt suspicion 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 towards her, or towards 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 honourable 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—has 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 towards 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 case 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 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 have remained for all time—but for me.

#### CHAPTER XXI.

##### I SEE MY WAY.

In the grey light of the new morning I closed the Report of my husband's Trial for the Murder of his Wife.

No sense of fatigue overpowered me. I had no wish, after my long hours of reading and thinking, to lie down and sleep. It was strange, but it was true. I felt as if I had slept, and had now just awakened, a new woman with a new mind.

I could now at last understand Eustace's desertion of me. To a man of his refinement it would have been a martyrdom to meet his wife, after she had read the things published of him to all the world in the Report. I felt that as he would have felt it. At the same time I thought he might have trusted me to make amends to him for the martyrdom, and might have come back. Perhaps it might end yet in his coming back. In the meanwhile, in that expectation, I pitied and forgave him with my whole heart.

One little matter only dwelt on my mind disagreeably, in spite of my philosophy. Did Eustace still secretly love Mrs. Beaulieu? or had I extinguished that passion in him? To what order of beauty did this lady belong? Were we, by any chance, the least in the world like one another?

The window of my room looked to the east. I drew up the blind, and saw the sun rising grandly in a clear sky. The temptation to go out and breathe the fresh morning air was irresistible. I put on my hat and shawl, and took the Report of the Trial under my arm. The bolts of the back-door were easily drawn. In another minute I was out in Benjamin's pretty little garden.

Composed and strengthened by the inviting solitude and the delicious air, I found courage enough to face the serious question that now confronted me—the question of the future.

I had read the Trial. I had vowed to devote my life to the sacred object of vindicating my husband's innocence. A solitary defenceless woman, I stood pledged to myself to carry that resolution through to an end. How was I to begin?

The bold way of beginning was surely the wise way in such a position as mine. I had good reasons, founded, as I have already mentioned, on the important part played by this witness at the Trial, for believing that the fittest person to advise and assist me was Miserrimus Dexter. He might disappoint the expectations that I had fixed on him, or he might refuse to help me, or, like my uncle Starkweather, he might think I had taken leave of my senses. All these events were possible. Nevertheless I held to my resolution to try the experiment. I knew he was in the land of the living, and I decided that my first step at starting should take me to the deformed man, with the strange name.

Supposing he received me, sympathised with me, understood me? What would he say? The nurse, in her evidence, had reported him as speaking in an off-hand manner. He would say, in all probability, "What do you mean to do? And how can I help you to do it?"

Had I answers ready, if those two plain questions were put to me? Yes, if I dared own to any human creature what was at that very moment secretly fermenting in my mind. Yes, if I could confide to a stranger a suspicion roused in me by the Trial, which I have been this far afraid to mention even in these pages.

It must, nevertheless, be mentioned now. My suspicion led to results, which are part of my story, and part of my life.

(To be continued.)



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### INSOLVENT ACT OF 1869.

### ASSIGNEES' SALE OF BOOK DEBTS, BY ORDER OF COURT.

In the Matter of GEORGE E. DESBARATS, AN INSOLVENT.

The undersigned will offer for sale by Auction within their Office, No. 11 HOSPITAL STREET, on FRIDAY, the EIGHTEENTH day of DECEMBER inst., at ELEVEN O'CLOCK, FORENOON, the whole of the Book Debts belonging to this Estate, amounting to over \$90,000.

Lists of the Debts can be seen and all information will be furnished on application to the undersigned. This is a splendid opportunity for a good speculation, as the collection of the Debts has not been pressed by the Estate, and none of the debts are old.

CRAIG & MOFFATT,

ASSIGNEES.

Montreal, 9th December, 1874.

10-25-1-63

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10-25-52-65

### INSOLVENT ACT OF 1869.

IN THE MATTER OF GEORGE WELLS, OF THE CITY OF MONTREAL, TRADER, AN INSOLVENT.

I, the undersigned, David J. Craig, of the City of Montreal, Official Assignee, have been appointed Assignee in this matter.

Creditors are requested to file their claims before me within one month, and are notified to meet at my office, No. 11 Hospital Street, on Wednesday the 20th day of January, at THREE O'CLOCK afternoon, for the public examination of the Insolvent, and the ordering of the affairs of the Estate generally. The Insolvent is notified to attend.

DAVID J. CRAIG,

Official Assignee.

Montreal, 14 December, 1874.

10-25-2-69