

THE LAW AND THE LADY: A NOVEL.

By WILKIE COLLINS.

AUTHOR OF "THE WOMAN IN WHITE," "THE MOONSTONE," "THE NEW MAGDALEN," ETC.

(From Author's MS. and Advance Sheets)

[ENTERED according to Act of Parliament of Canada, in the year 1874, by WILKIE COLLINS, in the Office of the Minister of Agriculture.]

PART II.—PARADISE REGAINED.

CHAPTER XVIII.

THIRD QUESTION—WHAT WAS HIS MOTIVE?

"This is a great sacrifice made to me, on my wife's part. Jealous of every woman, under forty, who comes near me, she is of course jealous of Helena, and she controls herself, and trusts me!

"I am bound to show my gratitude for this, and I will show it. From this day forth, I vow to live more affectionately with my wife. I tenderly embraced her this very morning, and I hope, poor soul, she did not discover the effort that it cost me."

There, the readings from the Diary came to an end.

The most unpleasant pages in the whole Report of the Trial were, to me, the pages which contained the extracts from my husband's Diary. There were expressions, here and there, which not only pained me, but which almost shook Eustace's position in my estimation. I think I would have given everything I possessed to have had the power of annihilating certain lines in that Diary. As for his passionate expressions of love for Mrs. Beaulieu, every one of them went through me like a sting! He had whispered words quite as warm into my ears, in the days of his courtship. I had no reason to doubt that he truly and deeply loved me. But the question was—Had he, just as truly and deeply, loved Mrs. Beaulieu, before me? Had she or I won the first of his heart? He had declared to me, over and over again, that he had only fancied himself to be in love, before the day when we met. I had believed him then. I determined to believe him still. I did believe him. But I hated Mrs. Beaulieu!

As for the painful impression produced in Court by the readings from the letters and the Diary, it seemed to be impossible to increase it. Nevertheless, it was perceptibly increased. In other words, it was rendered more unfavourable still towards the prisoner, by the evidence of the next, and last, witness called on the part of the prosecution.

William Enzie, under-gardener at Gleninch, was sworn, and deposed as follows:

"On the twentieth of October, at eleven o'clock in the forenoon, I was sent to work in the shrubbery, on the side next to the garden called the Dutch Garden. There was a summer-house in the Dutch Garden, having its back set towards the shrubbery. The day was wonderfully fine and warm for the time of year.

"Passing to my work, I passed the back of the summer-house. I heard voices inside—a man's voice and a lady's voice. The lady's voice was strange to me. The man's voice I recognized as the voice of my master. The ground in the shrubbery was soft, and my curiosity was excited. I stepped up to the back of the summer-house, without being heard, and I listened to what was going on inside.

"The first words I could distinguish were spoken in my master's voice. He said, 'If I could only have foreseen that you might one day be free, what a happy man I might have been!' The lady's voice answered, 'Hush! you must not talk so.' My master said upon that, 'I must talk of what is in my mind: it is always in my mind that I have lost you.' He stopped a bit there, and then he said on a sudden, 'Do me one favour, my angel! Promise me not to marry again.' The lady's voice spoke out, thereupon, sharply enough, 'What do you mean?' My master said, 'I wish no harm to the unhappy creature who is a burden on my life; but suppose—' 'Suppose nothing,' the lady said; 'come back to the house.'

"She led the way into the garden, and turned round, beckoning my master to join her. In that position, I saw her face plainly, and I knew it for the face of the young widow lady who was visiting at the house. She was pointed out to me by the head gardener, when she first arrived, for the purpose of warning me that I was not to interfere if I found her picking the flowers. The garden at Gleninch were shown to tourists on certain days; and we made a difference, of course, in the matter of the flowers between strangers and guests staying in the house. I am quite certain of the identity of the lady who was talking with my master. Mrs. Beaulieu was a comely person, and there was no mistaking her for any other than herself. She and my master withdrew together on the way to the house. I heard nothing more of what passed between them."

This witness was severely cross-examined as to the correctness of his recollection of the talk in the summer-house, and as to his capacity for identifying both the speakers. On certain minor points he was shaken. But he firmly asserted his accurate remembrance of the last words exchanged between his master and Mrs. Beaulieu; and he personally described the lady, in terms which proved that he had correctly identified her.

With this, the answer to the third question raised by the trial—the question of the prisoner's motive for poisoning his wife—came to an end.

The story for the prosecution was now a story told. The staunchest friends of the prisoner in court were compelled to acknowledge that the evidence, thus far, pointed clearly and conclusively against him. He seemed to feel this himself. When he withdrew at the close of the third day of the trial, he was so depressed and exhausted that he was obliged to lean on the arm of the governor of the jail.

CHAPTER XIX.

THE EVIDENCE FOR THE DEFENCE.

The feeling of interest excited by the trial was prodigiously increased on the fourth day. The witnesses for the defence 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 conversation 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 has said, "are all caught by outward appearance; my husband might love me better if I had a better colour."

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 towards his wife—Mrs. Macallan denied it in the plainest and the 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 towards 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."

These 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 ladylike in her manner, and, to all appearance, feeling sensitively to 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 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 neighbours, 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 behaviour towards 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 afterwards, "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 favour.

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 defence.

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 colour, 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 despatched 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 defence. Every intelligent person present could see that the prisoner's chance of an honourable 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 men would be likely to resist. Was that testimony forthcoming? Was the counsel for the defence 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 orator summoned the next witness by the extraordinary name of,

"MISERRIMUS DEXTER."

CHAPTER XX.

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 was 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 coverlid 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 colour, 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 moustache, of a lighter chestnut shade than the colour of his hair. Never had a magnificent head and body been more hopelessly ill-bestowed than in his 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 defence. "Mr. Dean, I am at your service. I apologise for delaying, even for a moment, the proceedings of the Court."

He delivered his little address with perfect grace and good humour. 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 that 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 in 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. If you liked music, she sang beautifully; and few