

put to the under-housemaid and the nurse, revealed for the first time what the nature of the defence was to be.

Cross-examining the under-housemaid, the Dean of Faculty said,

"Did you ever notice, when you were setting Mrs. Eustace Macallan's room to rights, whether the water left in the basin was of a blackish or blueish colour?" The witness answered, "I never noticed anything of the sort."

The Dean of Faculty went on:

"Did you ever find, under the pillow of the bed, or in any other hiding-place in Mrs. Macallan's room, any books or pamphlets, telling of remedies used for improving a bad complexion?" The witness answered, "No."

The Dean of Faculty persisted:

"Did you ever hear Mrs. Macallan speak of arsenic, taken as a wash; or taken as a medicine, as a good thing to improve the complexion?" The witness answered, "Never."

Similar questions were next put to the nurses, and were all answered by the witness also, in the negative.

Here then—in spite of the negative answers—was the plan of the defence made dimly visible for the first time to the jury and to the audience. By way of preventing the possibility of a mistake in so serious a matter, the Chief Judge (the Lord Justice Clerk) put this plain question, when the witness had retired, to the Counsel for the defence:

"The Court and the Jury," said the lordship, "wish distinctly to understand the object of your cross-examination of the housemaid and the nurse. Is it the theory of the defence, that Mrs. Eustace Macallan used the arsenic which her husband purchased, for the purpose of improving the defects of her complexion?"

The Dean of Faculty answered:

"That is what we say, my lord, and what we propose to prove, as the foundation of the defence. We cannot dispute the medical evidence which declares that Mrs. Macallan died poisoned. But we assert that she died of an overdose of arsenic, ignorantly taken, in the privacy of her own room, as a remedy for the defects—the proved and admitted defects—of her complexion. The prisoner's Declaration before the Sheriff, expressly sets forth that he purchased the arsenic at the request of his wife."

The Lord Justice Clerk inquired, upon this, if there was any objection, on the part of either of the learned counsel, to have the Declaration read in Court, before the Trial proceeded further.

To this, the Dean of Faculty replied that he would be glad to have the Declaration read. If he might use the expression, it would usefully pave the way, in the minds of the Jury, for the defence which he had to submit to them.

The Lord Advocate (speaking on the other side) was happy to be able to accommodate his learned brother in this matter. So long as the mere assertions which the Declaration contained were not supported by proof, he looked upon that document as evidence for the prosecution, and he too was quite willing to have it read.

Thereupon the prisoner's Declaration of his innocence—on being charged before the Sheriff with the murder of his wife—was read, in the following terms:

"I bought the two packets of arsenic, on each occasion, at my wife's own request. On the first occasion, she told me the poison was wanted by the gardener, for use in the conservatories. On the second occasion, she said it was required by the cook for ridding the lower part of the house of rats."

"I handed both packets of arsenic to my wife immediately on my return home. I had nothing to do with the poison, after buying it. My wife was the person who gave orders to the gardener and the cook, not I. I never held any communication with either of them."

"I asked my wife no questions about the use of the arsenic, feeling no interest in the subject. I never entered the conservatories for months together; I care little about flowers. As for the rats, I left the killing of them to the cook and the other servants, just as I should have left any other part of the domestic business to the cook and the other servants."

"My wife never told me she wanted the arsenic to improve her complexion. Surely, I should be the last person admitted to the knowledge of such a secret of her toilet as that? I implicitly believed what she told me, viz: that the poison was wanted, for the purpose specified, by the gardener and the cook."

"I assert positively that I lived on friendly terms with my wife, allowing, of course, for the little occasional disagreements and misunderstandings of married life. Any sense of disappointment, in connection with my marriage, which I might have felt privately, I concealed it to be my duty, as a husband and a gentleman, to conceal from my wife. I was not only shocked and grieved by her untimely death—I was filled with fear that I had not, with all my care, behaved affectionately enough to her in her lifetime."

"Furthermore, I solemnly declare that I know no more of how she took the arsenic found in her body than the babe unborn. I am innocent even of the thought of harming that unhappy woman. I administered the composing-draught exactly as I found it in the bottle. I afterwards gave her the cup of tea, exactly as I received it from the under-housemaid's hand. I never had access to the arsenic after I placed the two packages in my wife's possession. I am entirely ignorant of what she did with them, or of where she kept them. I declare, before God, I am innocent of the horrible crime with which I am charged."

With the reading of those true and touching words, the proceedings on the second day of the Trial came to an end.

So far, I must own, the effect on me of reading the Report was to depress my spirits, and to lower my hopes. The whole weight of the evidence, at the close of the second day, was against my unhappy husband. Woman as I

was, and partisan as I was, I could plainly see that.

The merciless Lord-Advocate (I confess I hated him!) had proved (1) that Eustace had bought the poison; (2) that the reason which he had given to the druggists for buying the poison was not the true reason; (3) that he had had two opportunities of secretly administering the poison to his wife. On the other side, what had the Dean of Faculty proved? As yet—nothing. The assertions in the prisoner's Declaration of his innocence were still, as the Lord-Advocate had remarked, assertions not supported by proof. Not one atom of evidence had been produced to show that it was the wife who had secretly used the arsenic, and used it for her complexion.

My one consolation was, that the reading of the Trial had already revealed to me the helpless figures of two friends, on whose sympathy I might surely rely. The crippled Mr. Dexter had especially shown himself to be a thorough good ally of my husband's. My heart warmed to the man who had moved his chair against the bedside table—the man who had struggled to the last to defend Eustace's papers from the wretches who had seized them! I decided, then and there, that the first person to whom I would confide my aspirations and my hopes should be Mr. Dexter. If he felt any difficulty about advising me, I would then apply next to the agent, Mr. Playmore—the second good friend, who had formally protested against the seizure of my husband's papers. Fortified by this resolution, I turned the page, and read the history of the third day of the Trial.

CHAPTER XVIII.

THIRD QUESTION—WHAT WAS HIS MOTIVE?

The first question (Did the Woman die Poisoned?) had been answered, positively. The second question (Who Poisoned Her?) had been answered, apparently: There now remained the third and final question—What Was His Motive? The first evidence called, in answer to that inquiry, was the evidence of relatives and friends of the dead wife.

Lady Brydehaven, widow of Rear Admiral Sir George Brydehaven, examined by Mr. Drew (counsel for the Crown with the Lord-Advocate) gave evidence as follows:

"The deceased lady (Mrs. Eustace Macallan), was my niece. She was the only child of my sister; and she lived under my roof after the time of her mother's death. I objected to her marriage—on grounds which were considered purely fanciful and sentimental by her other friends. It is extremely painful to me to state the circumstances in public; but I am ready to make the sacrifice, if the ends of justice require it."

"The prisoner at the Bar, at the time of which I am now speaking, was staying as a guest in my house. He met with an accident while he was out riding which caused a serious injury to one of his legs. The leg had been previously hurt, while he was serving with the army in India. This circumstance tended greatly to aggravate the injury received in the accident. He was confined to a recumbent position on a sofa for many weeks together; and the ladies in the house took it in turns to sit with him, and while away the weary time by reading to him and talking to him. My niece was foremost among these volunteer nurses. She played admirably on the piano; and the sick man happened—most unfortunately as the event proved—to be fond of music."

"The consequences of the perfectly innocent intercourse thus begun, were deplorable consequences for my niece. She became passionately attached to Mr. Eustace Macallan, without awakening any corresponding affection on his side."

"I did my best to interfere, delicately and usefully, while it was still possible to interfere with advantage. Unhappily, my niece refused to place any confidence in me. She persistently denied that she was actuated by any warmer feeling towards Mr. Macallan than a feeling of friendly interest. This made it impossible for me to separate them, without openly acknowledging my reason for doing so, and thus producing a scandal which might have affected my niece's reputation. My husband was alive at that time; and the one thing I could do, under the circumstances, was the thing I did. I requested him to speak privately to Mr. Macallan, and to appeal to his honour to help us out of the difficulty, without prejudice to my niece."

"Mr. Macallan behaved admirably. He was still helpless; but he made an excuse for leaving us which it was impossible to dispute. In two days after my husband had spoken to him he was removed from the house."

"The remedy was well intended, but it came too late, and it utterly failed. The mischief was done. My niece pined away visibly; neither medical help nor change of air and scene did anything for her. In course of time—after Mr. Macallan had recovered from the effects of his accident—I found out that she was carrying on a clandestine correspondence with him, by means of her maid. His letters, I am bound to say, were most considerably and carefully written. Nevertheless I felt it my duty to stop the correspondence."

"My interference—what else could I do but interfere?—brought matters to a crisis. One day my niece was missing at breakfast-time. The next day we discovered that the poor infatuated creature had gone to Mr. Macallan's chambers in London, and had been found hidden in his bedroom by some bachelor friends who came to visit him."

"For this disaster Mr. Macallan was in no respect to blame. Hearing footsteps outside, he had only time to take measures for saving her character by concealing her in the nearest room—and the nearest room happened to be his bed-chamber. The matter was talked about,

of course, and motives were misinterpreted in the vilest manner. My husband had another private conversation with Mr. Macallan. He again behaved admirably. He publicly declared that my niece had visited him as his betrothed wife. In a fortnight from that time he silenced scandal in the one way that was possible—he married her."

"I was alone in opposing the marriage. I thought it at the time—what it has proved to be since—a fatal mistake."

"It would have been sad enough if Mr. Macallan had only married her without a particle of love on his side. But to make the prospect more hopeless still, he was himself, at the very time, the victim of a misplaced attachment to a lady who was engaged to another man. I am well aware that he compassionately denied this, just as he compassionately affected to be in love with my niece when he married her. But his hopeless admiration of the lady whom I have mentioned, was a matter of fact notorious among his friends. It may not be amiss to add, that her marriage preceded his marriage. He had irretrievably lost the woman he really loved—he was without a hope or an aspiration in life, when he took pity on my niece."

"In conclusion, I can only repeat that no evil which could have happened (if she had remained a single woman), would have been comparable, in my opinion, to the evil of such a marriage as this. Never, I sincerely believe, were two more ill-assorted persons united in the bonds of matrimony, than the prisoner at the bar and his deceased wife."

The evidence of this witness produced a strong sensation among the audience, and had a marked effect on the minds of the jury. Cross-examination forced Lady Brydehaven to modify some of her opinions, and to acknowledge that the hopeless attachment of the prisoner to another woman was a matter of rumour only. But the facts in her narrative remained unshaken; and, for that one reason, they invested the crime charged against the prisoner with an appearance of possibility, which it had entirely failed to assume during the earlier part of the Trial.

Two other ladies (intimate friends of Mrs. Eustace Macallan) were called next. They differed from Lady Brydehaven in their opinions on the propriety of the marriage; but on all the material points they supported her testimony, and confirmed the serious impression which the first witness had produced on every person in Court.

The next evidence which the prosecution proposed to put in was the silent evidence of the letters and the Diary found at Gleninch.

In answer to a question from the Bench, the Lord Advocate stated that the letters were written by friends of the prisoner and his deceased wife, and that passages in them bore directly on the terms on which the two associated in their married life. The Diary was still more valuable as evidence. It contained the prisoner's daily record of domestic events, and of the thoughts and feelings which they aroused in him at the time.

A painful scene followed this explanation.

Writing, as I do, long after the events took place, I still cannot prevail upon myself to describe in detail what my unhappy husband said and did at this distressing period of the Trial. Deeply affected while Lady Brydehaven was giving her evidence, he had with difficulty restrained himself from interrupting her. He now lost all control over his feelings. In piercing tones, which rang through the Court, he protested against the contemplated violation of his own most sacred secrets and his wife's most sacred secrets. "Hang me, innocent as I am!" he cried, "but spare me that!" The effect of this terrible outbreak on the audience is reported to have been indescribable. Some of the women present were in hysterics. The Judges interfered from the Bench—but with no good result. Quiet was at length restored by the Dean of Faculty, who succeeded in soothing the prisoner—and who then addressed the Judges, pleading for indulgence to his unhappy client in most touching and eloquent language. The speech, a masterpiece of impromptu oratory, concluded with a temperate yet strongly-urged protest against the reading of the papers discovered at Gleninch.

The three Judges retired to consider the legal question submitted to them. The sitting was suspended for more than half-an-hour.

As usual in such cases, the excitement in the Court communicated itself to the crowd outside in the street. The general opinion here—led, as it was supposed, by one of the clerks or other inferior persons connected with the legal proceedings—was decidedly adverse to the prisoner's chance of escaping a sentence of death. "If the letters and the Diary are read," said the brutal spokesmen of the mob, "the letters and Diary will hang him."

On the return of the Judges into court, it was announced that they had decided, by a majority of two to one, on permitting the documents in dispute to be produced in evidence. Each of the Judges, in turn, gave his reasons for the decision at which he had arrived. This done, the Trial proceeded. The readings of the extracts from the letters and the extracts from the Diary began.

CHAPTER XVIII.

THIRD QUESTION. WHAT WAS HIS MOTIVE?

The first letters produced were the letters found in the Indian Cabinet, in Mrs. Eustace Macallan's room. They were addressed to the deceased lady by intimate (female) friends of hers, with whom she was accustomed to correspond. These separate extracts, from letters written by three different correspondents, were selected to be read in Court.

FIRST CORRESPONDENT:—"I despair my dearest Sara, of being able to tell you how your last letter has distressed me. Pray forgive me,

if I own to thinking that your very sensitive nature exaggerates or misinterprets, quite unconsciously of course, the neglect that you experience at the hands of your husband. I cannot say anything about his peculiarities of character, because I am not well enough acquainted with him to know what they are. But, my dear, I am much older than you—and I have had a much longer experience than yours of what somebody calls, 'the lights and shadows of married life.' Speaking from that experience, I must tell you what I have observed. Young married women, like you, who are devotedly attached to their husbands, are apt to make one very serious mistake. As a rule, they all expect too much from their husbands. Men, my poor Sara, are not like us. Their love, even when it is quite sincere, is not like our love. It does not last, as it does with us. It is not the one hope and one thought of their lives, as it is with us. We have no alternative—even when we most truly respect and love them—but to make allowance for his difference between the man's nature and the woman's. I do not for one moment excuse your husband's coldness. He is wrong, for example, in never looking at you when he speaks to you, and in never noticing the efforts that you make to please him. He is worse than wrong—he is really cruel if you like—in never returning your kiss, when you kiss him. But, my dear, are you quite sure that he is always *designedly* cold and cruel? May not his conduct be sometimes the result of troubles and anxieties which weigh on his mind, and which are troubles and anxieties that you cannot share? If you try to look at his behaviour in this light, you will understand many things which puzzle and pain you now. Be patient with him, my child. Make no complaints; and never approach him with your caresses at time when his mind is pre-occupied or his temper ruffled. This may be hard advice to follow, loving him as ardently as you do. But rely on it, the secret of happiness for us women is to be found (alas, only too often!) in such exercise of restraint and resignation as your old friend now recommends. Think, my dear, over what I have written—and let me hear from you again."

SECOND CORRESPONDENT:—"How can you be so foolish, Sara, as to waste your love on such a cold-blooded brute as your husband seems to be? To be sure, I am not married yet—or perhaps I should not be so surprised at you. But I shall be married one of these days; and if my husband ever treats me as Mr. Macallan treats you, I shall insist on a separation. I declare I think I would rather be actually beaten, like the women among the lower orders, than be treated with the polite neglect and contempt which you describe. I burn with indignation when I think of it! It must be quite insufferable. Don't bear it any longer, my poor dear. Leave him, and come and stay with me. My brother is a lawyer, as you know. I read to him portions of your letter; and he is of opinion that you might get, what he calls, a judicial separation. Come and consult him."

THIRD CORRESPONDENT:—"You know, my dear Mrs. Macallan, what my experience of men has been. Your letter does not surprise me in the least. Your husband's conduct to you points to one conclusion. He is in love with some other woman. There is somebody in the dark, who gets from him everything that he denies to you. I have been through it all—and I know! Don't give way. Make it the business of your life to find out who the creature is. Perhaps there may be more than one of them. It doesn't matter. One, or many, if you can only discover them, you may make his existence as miserable to him as he makes your existence to you. If you want my experience to help you, say the word, and it is freely at your service. I can come and stay with you, at Gleninch, any time after the fourth of next month."

With those abominable lines the readings from the letters of the women came to an end. The first and longest of the Extracts produced the most vivid impression in Court. Evidently the writer was, in this case, a worthy and sensible person. It was generally felt, however, that all three of the letters—no matter how widely they might differ in tone—justified the same conclusion. The wife's position at Gleninch, (if the wife's account of it was to be trusted), was the position of a neglected and an unhappy woman.

The correspondence of the prisoner, which had been found, with his Diary, in the locked bed-table drawer—was produced next. The letters, in this case, were, with one exception, all written by men. Though the tone of them was moderation itself, as compared with the second and third of the women's letters, the conclusion still pointed the same way. The life of the husband, at Gleninch, appeared to be just as intolerable as the life of the wife.

For example, one of the prisoner's male friends wrote, inviting him to make a yacht voyage round the world. Another, suggested an absence of six months on the Continent. A third recommended field sports and fishing. The one object aimed at by all the writers, was plainly to counsel a separation, more or less complete, between the married pair.

The last letter read, was addressed to the prisoner in a woman's handwriting, and was signed by a woman's Christian name, only.

"Ah, my poor Eustace, what a cruel destiny is ours!" (the letter began), "When I think of your life, sacrificed to that wretched woman, my heart bleeds for you! If we had been man and wife—if it had been my unutterable happiness to love and cherish the best, the dearest of men—what a paradise of our own we might have lived in, what delicious hours we might have known! But regret is vain; we are separated in this life—separated by ties which we both mourn, and yet which we must both respect. My Eustace, there is a world beyond this! There our souls will fly to meet each other, and mingle in one long heavenly embrace—in a rapture