

THE LAW AND THE LADY: A NOVEL.

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(From Author's MS. and Advance Sheets)

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PART II.—PARADISE REGAINED.

CHAPTER XVI.

FIRST QUESTION—DID THE WOMAN DIE POISONED?

"Will you inquire if Mr. Macallan can see us?" he said. I opened the door for Mr. Gale, and followed him out. Dr. Jerome called me back for a moment, and told me to give him the key of the door. I did so, of course, but I thought this also very strange. When I got down to the servant's hall I found there was a general feeling that something was wrong. We were all uneasy, without knowing why.

A little later the two left the house. Mr. Macallan had been quite incapable of receiving them, and hearing what they had to say. In this difficulty, they had spoken privately with Mr. Dexter, as Mr. Macallan's old friend, and the only gentleman then staying at Gleninch.

Before bedtime I went upstairs to prepare the remains of the deceased lady for the coffin. The room in which she lay was locked, the door leading into Mr. Macallan's room being secured, as well as the door leading into the corridor. The keys had been taken away by Mr. Gale. Two of the men servants were posted outside the bedroom to keep watch. They were to be relieved at four in the morning—that was all they could tell me.

In the absence of any explanations or directions, I took the liberty of knocking at the door of Mr. Dexter's room. From his lips I first heard the startling news. Both the doctors had refused to give the usual certificate of death! There was to be a medical examination of the body the next morning.

There the examination of the nurse, Christina Ormsay, came to an end.

Ignorant as I was of the law, I could see what impression the evidence, so far, was intended to produce on the minds of the jury. After first showing that my husband had had two opportunities of administering the poison—once in the medicine and once in the tea—the counsel for the crown led the jury to infer that the prisoner had taken those opportunities, to rid himself of an ugly and jealous wife whose detestable temper he could no longer endure.

Having directed his examination to the attainment of this object, the Lord Advocate had done with the witness. The Dean of Faculty, acting in the prisoner's interests, then rose to bring out the favourable side of the wife's character by cross-examining the nurse. If he succeeded in this attempt, the jury might reconsider their conclusion that the wife was a person who had exasperated her husband beyond endurance. In that case, where, so far, was the husband's motive for poisoning her? and where was the presumption of the prisoner's guilt?

Pressed by this skilful lawyer, the nurse was obliged to exhibit my husband's first wife under an entirely new aspect. Here is the substance of what the Dean of Faculty extracted from Christina Ormsay:

"I persist in declaring that Mrs. Macallan had a most violent temper. But she was certainly in the habit of making amends for the offence that she gave by her violence. When she was quiet again, she always made her excuses to me; and she made them with a good grace. Her manners were engaging at such times as these. She spoke and acted like a well-bred lady. Then again, as to her personal appearance. Plain as she was in face, she had a good figure; her hands and feet, I was told, had been modelled by a sculptor. She had a very pleasant voice, and she was reported when in health to sing beautifully. She was also (if her maid's account was to be trusted) a pattern, in the matter of dressing, for the other ladies in the neighbourhood. Then, as to Mrs. Beaulieu, though she was certainly jealous of the beautiful young widow, she had shown at the same time that she was capable of controlling that feeling. It was through Mrs. Macallan that Mrs. Beaulieu was in the house. Mrs. Beaulieu had wished to postpone her visit, on account of the state of Mrs. Macallan's health. It was Mrs. Macallan herself—not her husband—who decided that Mrs. Beaulieu should not be disappointed, and should pay her visit to Gleninch then and there. Further, Mrs. Macallan, in spite of her temper, was popular with her friends, and popular with her servants. There was hardly a dry eye in the house when it was known she was dying. And, further still, in those little domestic disagreements at which the nurse had been present, Mr. Macallan had never lost his temper, and had never used harsh language; he seemed to be more sorry than angry when the quarrels took place."—Moral for the jury: Was this the sort of woman who would exasperate a man into poisoning her? And was this the sort of man who would be capable of poisoning his wife?

Having produced this salutary counter-impresion, the Dean of Faculty sat down, and the medical witnesses were called next.

Here the evidence was simply irresistible. Dr. Jerome and Mr. Gale positively swore that the symptoms of the illness were the

symptoms of poisoning by arsenic. The surgeon who had performed the post-mortem examination followed. He positively swore that the appearance of the internal organs proved Dr. Jerome and Mr. Gale to be right in declaring that their patient had died poisoned. Lastly, to complete this overwhelming testimony, two analytical chemists actually produced in court the arsenic which they had found in the body, in a quantity admittedly sufficient to have killed two persons instead of one. In the face of such evidence as this, cross-examination was a mere form. The first question raised by the trial—Did the Woman Die Poisoned?—was answered in the affirmative, and answered beyond the possibility of doubt.

The next witnesses called were witnesses concerned with the question that now followed—the obscure and terrible question: Who Poisoned Her?

CHAPTER XVII.

SECOND QUESTION—WHO POISONED HER?

The evidence of the doctors and the chemists closed the proceedings, on the first day of the trial.

On the second day, the evidence to be produced by the prosecution, was anticipated with a general feeling of curiosity and interest. The Court was now to hear what had been seen and done, by the persons officially appointed to verify such cases of suspected crime as the case which had occurred at Gleninch. The Procurator-Fiscal—being the person officially appointed to direct the preliminary investigations of the law—was the first witness called, on the second day of the trial.

Examined by the Lord Advocate, the Fiscal gave his evidence, as follows:—

"On the twenty-sixth of October, I received a communication from Doctor Jerome of Edinburgh, and from Mr. Alexander Gale, medical practitioner, residing in the village or hamlet of Dingdovie, near Edinburgh. The communication related to the death, under circumstances of suspicion, of Mrs. Eustace Macallan, at her husband's house, hard by Dingdovie, called Gleninch. There were also forwarded to me, enclosed in the document just mentioned, two reports. One described the results of a post-mortem examination of the deceased lady; and the other stated the discoveries made, after a chemical analysis of certain of the interior organs of her body. The result, in both instances, proved to demonstration that Mrs. Eustace Macallan had died of poisoning by arsenic.

"Under these circumstances, I set in motion a search and inquiry in the house at Gleninch, and elsewhere, simply for the purpose of throwing light on the circumstances which had attended the lady's death.

"No criminal charge, in connection with the death, was made at my office against any person, either in the communication which I received from the medical men, or in any other form. The investigations at Gleninch, and elsewhere, beginning on the twenty-sixth of October, were not completed until the twenty-eighth. Upon this latter date—acting on certain discoveries which were reported to me, and on my own examination of letters and other documents brought to my office—I made a criminal charge against the prisoner; and obtained a warrant for his apprehension. He was examined before the sheriff, on the twenty-ninth of October, and was committed for trial before this Court."

The Fiscal having made his statement, and having been cross-examined (on technical matters only), the persons employed in his office were called next. These men had a story of startling interest to tell. Theirs were the fatal discoveries which had justified the Fiscal in charging my husband with the murder of his wife. The first of the witnesses was a sheriff's officer. He gave his name as Isaiah Schoolcraft.

Examined by Mr. Drew—Advocate Depute, and counsel for the Crown, with the Lord Advocate—Isaiah Schoolcraft said:

"I got a warrant on the twenty-sixth of October, to go to the country house near Edinburgh, called Gleninch. I took with me Robert Lorrie, Assistant to the Fiscal. We first examined the room in which Mrs. Eustace Macallan had died. On the bed, and on a moveable table which was attached to it, we found books and writing materials, and a paper containing some unfinished verses in manuscript; afterwards identified as being in the handwriting of the deceased. We enclosed these articles in paper, and sealed them up.

"We next opened an Indian cabinet in the bedroom. Here we found many more verses, on many more sheets of paper, in the same handwriting. We also discovered, first, some letters—and next a crumpled piece of paper thrown aside in a corner of one of the shelves. On closer examination, a chemist's printed label was discovered on this morsel of paper. We also found in the folds of it a few scattered grains of some white powder. The paper and the letters were carefully enclosed, and sealed up as before.

"Further investigation in the room revealed nothing which could throw any light on the purpose of our inquiry. We examined the clothes, jewellery, and books of the deceased. These we left under lock and key. We also found her dressing-case, which we protected by seals, and took away with us to the Fiscal's

office, along with all the other articles that we had discovered in the room.

"The next day we continued our examination in the house; having received, in the interval, fresh instructions from the Fiscal. We began our work in the bedroom communicating with the room in which Mrs. Macallan had died. It had been kept locked since the death. Finding nothing of any importance here, we went next to another room on the same floor, in which we were informed the prisoner was then lying ill in bed.

"His illness was described to us as a nervous complaint, caused by the death of his wife, and by the proceedings which had followed it. He was reported to be quite incapable of exerting himself, and quite unfit to see strangers. We insisted nevertheless (in deference to our instructions) on obtaining admission to his room. He made no reply, when we inquired whether he had, or had not, removed anything from the sleeping-room next to his late wife's which he usually occupied, to the sleeping-room in which he now lay. All he did was to close his eyes, as if he was too feeble to speak to us or to notice us. Without further disturbing him, we began to examine the room and the different objects in it.

"While we were so employed, we were interrupted by a strange sound. We likened it to the rumbling of wheels in the corridor outside.

"The door opened and there came swiftly in a gentleman—a cripple—wheeling himself along in a chair. He wheeled his chair straight up to a little table which stood by the prisoner's bedside, and said something to him in a whisper too low to be overheard. The prisoner opened his eyes, and quickly answered by a sign. We informed the crippled gentleman, quite respectfully, that we could not allow him to be in the room at this time. He appeared to think nothing of what we said. He only answered, 'My name is Dexter. I am one of Mrs. Macallan's old friends. It is you who are intruding here; not I.' We again notified to him that he must leave the room; and we pointed out particularly that he had got his chair in such a position against the bedside-table as to prevent us from examining it. He only laughed. 'Can't you see for yourselves,' he said, 'that it is a table, and nothing more?' In reply to this, we warned him that we were acting under a legal warrant and that he might get into trouble if he obstructed us in the execution of our duty. Finding there was no moving him by fair means, I took his chair and pulled it away, while Robert Lorrie laid hold of the table and carried it to the other end of the room. The crippled gentleman flew into a furious rage, with me for presuming to touch his chair. 'My chair is *me*,' he said; 'How dare you lay hands on *me*? I first opened the door; and then, by way of accommodating him, gave the chair a good push behind with my stick, instead of my hand—and so sent it, and him, safely and swiftly out of the room.'

"Having locked the door, so as to prevent any further intrusion, I joined Robert Lorrie in examining the bedside table. It had one drawer we found secured.

"We asked the prisoner for the key.

"He flatly refused to give it to us, and said we had no right to unlock his drawers. He was so angry that he even declared it was lucky for us he was too weak to rise from his bed. I answered civilly that our duty obliged us to examine the drawer, and that if he still declined to produce the key, he would only oblige us to take the table away and have the lock opened by a smith.

"While we were still disputing, there was a knock at the door of the room.

"I opened the door cautiously. Instead of the crippled gentleman, whom I had expected to see again, there was another stranger standing outside. The prisoner hailed him as a friend, and neighbour, and eagerly called upon him for protection from us. We found this second gentleman pleasant enough to deal with. He informed us readily that he had been sent for by Mr. Dexter, and that he was himself a lawyer, and he asked to see our warrant. Having looked at it, he at once informed the prisoner (evidently very much to the prisoner's surprise) that he must submit to have the drawer examined—under protest. And then without more ado, he got the key, and opened the table drawer for us himself.

"We found inside several letters, and a large book, with a lock on it; having the words 'My Diary' inscribed on it in gilt letters. As a matter of course, we took possession of the letters and the Diary, and sealed them up to be given to the Fiscal. At the same time the gentleman wrote out a protest, on the prisoner's behalf, and handed us his card. The card informed us that he was Mr. Playmore—now one of the Agents for the prisoner. The card and the protest were deposited, with the other documents, in the care of the Fiscal. No other discoveries of any importance were made at Gleninch.

"Our next inquiries took us to Edinburgh, to the druggist whose label we had found on the crumpled morsel of paper, and to other druggists likewise whom we were instructed to question. On the twenty-eighth of October, the Fiscal was in possession of all the information that we could collect, and our duties for the time being came to an end."

This concluded the evidence of Schoolcraft and Lorrie. It was not shaken on cross-exam-

ination; and it was plainly unfavourable to the prisoner.

Matters grew worse still when the next witnesses were called. The druggist whose label had been found on the crumpled bit of paper now appeared on the stand, to make the position of my unhappy husband more critical than ever.

Andrew Kinlay, druggist of Edinburgh, deposed as follows:

"I keep a special registry book of the poisons sold by me. I produce the book. On the date therein mentioned, the prisoner at the bar, Mr. Eustace Macallan, came into my shop, and said that he wished to purchase some arsenic. I asked him what it was wanted for? He told me it was wanted by his gardener, to be used in solution, for the killing of insects in the greenhouse. At the same time he mentioned his name, Mr. Macallan, of Gleninch. I at once directed my assistant to put up the arsenic (two ounces of it); and I made the necessary entry in my book. Mr. Macallan signed the entry; and I signed it afterwards as witness. He paid for the arsenic, and took it away with him wrapped up in two papers, the outer wrapper being labelled with my name and address, and with the word 'Poison' in large letters; exactly like the label now produced on the piece of paper found at Gleninch."

The next witness, Peter Stockdale (also a druggist of Edinburgh), followed, and said:

"The prisoner at the bar called at my shop on the date indicated on my register—some days later than the date indicated in the register of Mr. Kinlay. He wished to purchase sixpenny-worth of arsenic. My assistant to whom he had addressed himself, called me. It is a rule in my shop that no one sells poison but myself. I asked the prisoner what he wanted the arsenic for. He answered that he wanted it for killing rats at his house called Gleninch. I said, 'Have I the honour of speaking to Mr. Macallan, of Gleninch?' He said that was his name. I sold him the arsenic—about an ounce and a half—and labelled the bottle in which I put it with the word 'Poison' in my own handwriting. He signed the Register, and took the arsenic away with him, after paying for it."

The cross-examination of these two men succeeded in asserting certain technical objections to their evidence. But the terrible fact that my husband himself had actually purchased the arsenic, in both cases, remained unshaken.

The next witnesses, the gardener, and the cook, at Gleninch, wound the chain of hostile evidence round the prisoner more mercilessly still.

On examination, the gardener said, on his oath:

"I never received any arsenic from the prisoner or from any one else, at the date to which you refer, or at any other date. I never used any such thing as a solution of arsenic, or ever allowed the men working under me to use it in the conservatories, or in the garden, at Gleninch. I disapprove of arsenic as a means of destroying noxious insects infesting flowers and plants."

The cook being called next, spoke as positively as the gardener.

"Neither my master, nor any other person, gave me any arsenic to destroy rats at any time. No such thing was wanted. I declare, on my oath, that I never saw any rats, in, or about, the house—or ever heard of any rats infesting it."

Other household servants at Gleninch gave similar evidence. Nothing could be extracted from them on cross-examination, except that there might have been rats in the house, though they were not aware of it. The possession of the poison was traced directly to my husband, and to no one else. That he had bought it was actually proved; and that he had kept it, was the one conclusion that the evidence justified.

The witnesses who came next did their best to press the charge against the prisoner home to him. Having the arsenic in his possession, what had he done with it? The evidence led the jury to infer what he had done with it.

The prisoner's valet deposed that his master had rung for him at twenty minutes to ten, on the morning of the day on which his mistress died, and had ordered a cup of tea for her. The men had received the order at the open door of Mrs. Macallan's room, and could positively swear that no other person but his master was there at the time.

The under-housemaid, appearing next, said that she had made the tea, and had herself taken it upstairs, before ten o'clock, to Mrs. Macallan's room. Her master had received it from her at the open door. She could look in and could see that he was alone in her mistress's room.

The nurse, Christina Ormsay, being recalled, repeated what Mrs. Macallan had said to her, on the day when that lady was first taken ill. She had said, (speaking to the nurse at six o'clock in the morning), "Mr. Macallan came in about an hour since; he found me still sleepless, and gave me my composing draught." This was at five o'clock in the morning, while Christina Ormsay was asleep on the sofa. The nurse further swore that she had looked at the bottle containing the composing mixture, and had seen, by the measuring marks on the bottle, that a dose had been poured out since the dose previously given, administered by herself.

On this occasion, special interest was excited by the cross-examination. The closing questions