

found next morning lying on the bedroom floor, and so mangled that it was evident she had offered a desperate resistance. Mr. Fleming and his family were at the seaside, and the only inmates of the house at the time when the murder was committed were his father, an old man eighty-seven years of age, and Mrs. Jessie Maclachlan, who before her marriage had been a servant to the Flemings, and who was on the most friendly terms with the deceased. At first suspicion fell on old Mr. Fleming, and he was arrested and imprisoned. But it was soon discovered that certain silver plate which belonged to the family, and which had been missing since the fatal night, had been pawned by Mrs. Maclachlan under the *alias* of Mary Macdonald. Mr. Fleming was at once released and 'precognosed,' after the Scotch fashion, on behalf of the Crown; and in due time the *soi-disant* 'Mary Macdonald' was tried for murder and theft at the Glasgow Circuit Court, (September, 1862). The advocate-depute Gifford, afterwards a judge of the Court of Session, prosecuted; Mr. Clarke was retained for the defence; Lord Deas was on the bench. The conduct of the case for the prisoner will probably divide legal opinion till the end of time. Mr. Rutherford Clark took up two lines of defence—a general plea of 'Not guilty,' and a special plea, throwing the blame of the murder on Mr. Fleming. He cross-examined that unfortunate gentleman ably and severely, and urged upon the jury that his behaviour, before and after the murder, was incompatible with innocence. But, luckily for the prosecution, the law gave the last word to Lord Deas. Sir George Deas (1804-87) was one of the most remarkable men that ever sat on the Scottish bench. In bluntness of speech he was no unworthy descendant of Braxfield, and his bitter tongue spared neither the criminals he sentenced nor the counsel that defended them. 'Prisoner at the bar,' he once said to an unhappy house-breaker, on whose behalf a very young advocate had been feebly urging some 'extenuating circumstances,' 'everything that your counsel has said in mitigation I consider to be an aggravation of your offence.' But Lord Deas was much more

than a rough, and occasionally coarse, judge. He possessed those high legal characteristics and qualities which in our own time have been united in Lord Bramwell alone—a healthy settled conviction that all crime is not insanity, a faculty of grasping and explaining to others complicated details, a gift of telling yet homely speech, a wide knowledge of law, and a power of persuading the constitutional tribunal. In the Sandyford murder case Lord Deas had evidently made up his mind which way the verdict ought to go, and he so charged the jury that the verdict went in accordance with his judgment. The prisoner was found "Guilty," and the almost formal question whether she had anything to say in arrest of the sentence of death, was duly put. An extraordinary scene followed. Mr. Rutherford Clark asked and obtained permission from the judge to read a written statement that the prisoner had prepared. The purport of this statement was that old Fleming had committed the murder, and that Mrs. Maclachlan had accepted the silver plate as a bribe to conceal her discovery of his crime. But Lord Deas was not convinced. He declared that he had in his day prosecuted, defended, and tried prisoners innumerable, and that he had never found their written statements to be anything but a tissue of lies; and he promptly sentenced Mrs. Maclachlan to be hanged. Mr. Clark could hardly have anticipated any other result, and the prisoner's statement was clearly intended as an appeal to the bar of public opinion. This clever stroke of legal diplomacy—if such it was—was crowned with success. It was alleged that Mrs. Maclachlan's story was too circumstantial to be false; and all the noisy people in Scotland clamoured for a reprieve. The Home Secretary, Sir George Grey, bent before the storm. In spite of the opinion of Lord Deas, of the Lord Justice Clerk—to whom he applied in the first instance for advice—and of fourteen out of the fifteen jurors who, after considering Mrs. Maclachlan's belated confession, unanimously resolved not to interfere in her behalf, he took the unprecedented—and, as we venture to think, the highly improper—course of constituting a new tribunal for the re-trial of the case. Mr., afterwards Lord, Young, then one of the most eminent advocates at