

Upward Allen

The Queen Against Owen



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CHAPTER I.

THE INDICTMENT

‘Mynyddshire to Wit. – The jurors for our lady the Queen upon their oath present that Eleanor Margaret Owen, upon the first day of June in the year of our Lord eighteen hundred and eighty-nine, feloniously, wilfully, and of her malice aforethought did kill and murder one Ann Elizabeth Lewis against the peace of our lady the Queen, her crown and dignity.’

CHAPTER II.

THE BRIEF FOR THE PROSECUTION

‘A brief for you, sir, for the assizes at Abertaff. The great murder case.’

Mr. Prescott looked up as his clerk entered, and heard these words. Then he silently put out his hand and took the brief, while the clerk retired into the outer room of the chambers to make a note of the fee.

Everyone had heard of the great Porthstone murder. Mr. Prescott had followed the papers pretty closely in their accounts of it – the discovery, the proceedings at the inquest, before the magistrates, and so on. The brief did not take him altogether by surprise. He had been entrusted with several important prosecutions before this, and the solicitor representing the Crown in the present case was a personal friend of his own. He had, therefore, all along had expectations of appearing in the case, and his only doubt had been whether, on account of its unusual importance, a Queen’s Counsel would be engaged along with him, or whether he would have the charge of the case himself.

It need hardly be added that Mr. Prescott was still a member of the ‘Junior Bar,’ that is to say, he had not arrived at the dignity of a Queen’s Counsel. But he had been some ten years in the practice

of his profession, and occupied a foremost position among the members of the Southern Circuit. Tall, thin, and auburn-haired, with a ruddy complexion, his appearance was rather remarkable among the brethren of the long robe. But he had a pattern lawyer's face, with the firm decided chin, the pronounced nose and strongly-marked eyebrows characteristic of the race.

Before opening the document in his hand, he took a hasty glance at the outside. It bore the usual endorsement. At the head were the words 'Mynyddshire Summer Assizes, *Holden at Abertaff, 29th July, 1889.*'

Then followed the name of the case: 'Regina, *on the Prosecution of Sergeant Evans*, against Eleanor Margaret Owen,' and the description of the offence: '*For Wilful Murder.*'

Next came the word 'Brief' in very large letters. '*For the Prosecution: Mr. Chas. Prescott, 20 guineas.*'

And a little below, on one side, 'With you, Mr. F. J. Pollard.' This was a younger man, who was to act as junior to Prescott.

Last of all came the solicitors' name at the foot, 'Pollard and Pollard, Abertaff.' They were, as may be surmised, relations of the young gentleman who had been favoured with the junior brief.

Mr. Prescott smiled pleasantly at the number of guineas, and sardonically at the name of the counsel whose assistance he was to receive. Then, pulling off the tape, he unfolded the document, and settled down to a study of its contents.

It was headed inside by the same words as appeared in the

endorsement, down to 'wilful murder.' After that it went on to give a copy of the indictment.

Then came the narrative itself:

'CASE FOR THE PROSECUTION

'In this case the prisoner, Eleanor Margaret Owen, is charged with the wilful murder of Ann Elizabeth Lewis.

'The facts of the case are as follows:

'The deceased, Miss Ann Lewis, was a maiden lady, living at Porthstone, in Mynyddshire, a quiet little seaside place about twenty miles from the county town, Abertaff.

'Her only surviving relative was a nephew, John Lewis, who had been for a considerable time in Australia, but, having made some money, returned to England, and arrived at Porthstone on the evening of the first of June.

'The accused, Eleanor Margaret Owen, is an orphan, her father, the late Rector of Porthstone having died two years ago.'

('Poor old Owen! I remember him well,' murmured the barrister. 'It's well for the poor old chap that he is gone.')

'Immediately on her father's death she went to reside with Miss Lewis, with whom her father and herself had been on friendly terms, in the capacity of a paid companion.

'She was paid £24 a year, and had no other means of support; but Rebecca, a servant in the house, will say that she has heard Miss Lewis promise to remember the accused in her will.

‘Deceased was rather eccentric in money matters, and invested a large portion of her savings in valuable jewels. No one ever saw the collection; but William Williams, a jeweller, of Abertaff, will swear that he supplied deceased with something like a thousand pounds’ worth of jewels annually for several years past.

‘It will be seen below that these jewels have entirely disappeared since the night of the murder.

‘Counsel will observe that a motive is here suggested for the crime.

‘On the night of the first of June last Mr. Lewis, deceased’s nephew, left the house about 10 o’clock and did not return that night.

‘Shortly after he was gone deceased was heard to retire by the servants. These are four in number, and consist of a butler or general man, cook, housemaid, and parlourmaid.

‘The three women servants went to rest at a quarter past ten, and the butler at half-past.

‘All this time prisoner was downstairs in the drawing-room, where she had spent the evening with deceased and Mr. Lewis.

‘About eleven the butler thinks he heard her come upstairs to her bedroom, which adjoined deceased’s, with a door of communication between. This door was never locked or bolted.

‘An hour afterwards Rebecca, the parlourmaid, woke from sleep, and heard a stifled groan somewhere below. Apparently it proceeded from Miss Lewis’s room. She did not waken the housemaid, who sleeps in the same room. She attributed the

sound at the time to troubled sleep.

‘Shortly afterwards she heard a subdued sound, as if of footsteps going downstairs. She was not alarmed, as she thought she recognised Miss Owen’s tread. She therefore roused no one, but, inspired by curiosity, got up herself, put on some things, and crept downstairs.

‘All the doors were closed as she passed. She listened outside Miss Owen’s room, but heard nothing. Just then she thought she heard the front-door pulled gently to. She went cautiously down, and discovered that all the bolts had been undone, and the door was fastened simply by the latch.

‘Three persons carried a latchkey – Miss Lewis, the butler, and Miss Owen. One of the three had, therefore, gone out. Having ascertained this, she retired to her room.’

(‘Now we’re coming to something like evidence,’ remarked Mr. Prescott, as he made copious interlineations with a blue pencil. ‘That’s the worst of Pollard; he always will write in this florid style. His brother’s speeches are just the same.’)

‘She did not go to sleep, however. She lay awake listening for some time, and then she heard footsteps ascending and going into one of the bedrooms below. Her room was immediately above that of deceased.

‘In about ten minutes more, to employ the witness’s own expression, the footsteps came out again and descended to the hall for the second time. The parlourmaid now awaked the housemaid, Lucy, who slept in the room with her, and they both

sat up and listened.

‘The footsteps sounded heavier this time; the witnesses describe them as “thumpy.” Counsel will see that this would be the natural result of someone carrying a heavy load.

‘This time neither of the servants made any attempt to follow or observe what was taking place. They say they heard the hall door softly pulled to, but nothing more.

‘Shortly afterwards they both fell asleep.

‘The same night, about 12 o’clock, a fisherman of the place, named Evan Thomas, was coming up from the beach. He had been doing some night fishing.

‘As he got on to the esplanade he observed the figure of a woman walking swiftly away from him in the direction of Newton Bay. He knows prisoner well, and believes it was she he saw.

‘There is no further evidence as to what occurred that night.

‘In the morning the housemaid Lucy was the first down, as was usually the case. *She found the hall door locked and bolted, as the butler left it at half-past ten the night before.*

‘One of the household, therefore, must have been out, and returned after the witness Rebecca had gone back to her room.

‘Putting these facts together, it is clear that the only possible authors of the crime subsequently discovered must have been the butler, who had a latchkey, and prisoner.

‘At eight o’clock the witness Rebecca came down and took two jugs of hot water to the ladies’ doors. She knocked at each.

She heard a faint reply from prisoner, but none from deceased's room.

'At half-past eight prisoner usually came down, and deceased was generally seen a few minutes after.

'On this morning, the second of June, neither of them had appeared by nine o'clock.

'The witness Rebecca then remembered that Miss Lewis had not answered when called, and feared that she had failed to waken her. She therefore went upstairs and knocked again.

'There was no answer. Becoming alarmed, because her mistress was old and had once suffered from some seizure, she went to Miss Owen's door and knocked impatiently.

'Prisoner at once came and opened it. She was completely dressed, and apparently ready to come down.

'The following conversation, or something near it, then took place:

'The witness Rebecca began by saying that she had knocked at Miss Lewis's door, but could get no answer. "Do you know if any thing's the matter?" she said.

'Prisoner heard her without any appearance of surprise, and merely answered:

"No; we had better call to her, and if she doesn't answer, I'll go in."

'They then went together to the door on the landing, and prisoner called out loudly: "Miss Lewis! May I come in?"

'There was again no answer. Prisoner then put her hand to the

door and turned the handle. The door, however, would not open. It was locked, and the key was inside.

‘The only possible access, therefore, was through prisoner’s own room.

‘It is unnecessary to draw counsel’s attention to the gravity of this circumstance.’

‘(Quite unnecessary,’ said Prescott sarcastically to himself. ‘Bless my soul, how he piles on the agony!’)

‘By this time the other servants in the house had taken the alarm. The butler, John Simons, came on the scene, followed by the cook and housemaid. It was he who now addressed prisoner:

“We must get in through your room, miss,” he said.

‘It may be well to state here that Simons had lived with the deceased for fifteen years, and was greatly trusted.

‘He now went straight into prisoner’s bedroom. Prisoner now seemed thoroughly alarmed, and ran in after him, the three women coming next.

‘As he was about to take hold of the handle of the door opening into Miss Lewis’s room, he suddenly beheld a sight that made him reel back. This was a smear of blood on the china handle. The witness Rebecca caught sight of it at the same time, and uttered a loud scream.

‘No one noticed the demeanour of the prisoner at the moment of this discovery. But when they had recovered sufficiently to take notice, she was leaning against a chest of drawers, deathly pale.’

‘Confound the man!’ exclaimed the reader, as he came to this sentence. ‘How he does go on against her! It’s enough to make me think her innocent. Poor little Eleanor! It’s five years since I saw her. She was a pretty little thing of fifteen then. I wonder what sort of woman she has turned out. Well, well, I must stick to business.’)

‘Simons quickly recovered his presence of mind. Taking hold of the handle so as to avoid touching the smear, he burst open the door, and rushed in towards the bed.

‘The bed was empty.

‘It seemed to have been slept in the night before, and the clothes were not much disarranged; but on the lower sheet, close to the bolster, was a large stain of blood.

‘The stain was about the size of a cheese-plate, dark in the centre, and fainter round the edge. There was no other trace of violence.

‘The room was then searched. All present took part in the search except prisoner, who sat in a chair looking on.

‘Deceased’s clothes, worn by her the day before, were found in their proper places, thus negating the idea that she could have gone away herself. Her nightdress, on the other hand, was missing. This would point to the prisoner’s having killed her in her sleep and disposed of the body as it was.

‘No further trace of violence was discovered in the room. The butler then got them all out, and locked both doors on the outside. He then went for the police.

‘This was about half-past nine. On his way to the police-station he met Mr. Lewis, deceased’s nephew. He stopped him and related the circumstances.

‘Mr. Lewis was greatly upset. As soon as he was able to speak he pointed out that the only possible author of the crime was Miss Owen. He turned and accompanied Simons to the police-station.

‘At the police-station they found Sergeant James Evans. To him Simons detailed the incidents already described. Mr. Lewis then stepped forward and said:

“I charge Eleanor Owen with the murder of my aunt, Ann Elizabeth Lewis. I have made some money, and, please God, I’ll spend every penny of it rather than my poor aunt shall remain unavenged.”

(‘All this is not evidence,’ muttered the barrister, impatiently scoring out the paragraph with his pencil. ‘Why does Pollard put in things like this? Perhaps it supplies a clue, though, to his enthusiasm,’ added Mr. Prescott thoughtfully. ‘I dare say he’s got this Lewis behind him, and is bleeding him pretty freely. That accounts for the figures on my brief, so I oughtn’t to complain. But I wish to goodness it were anybody but old Owen’s daughter. Why, I can remember kissing her when she was only six years old.’)

‘Sergeant Evans, who will be called as a witness, now proceeded to the house and made a thorough search. Two important facts were now discovered.

‘The butler had left the house by the back door, but on

returning with Mr. Lewis the party entered by the front. Simons stepped forward with his latchkey to open the door, but found the latch already lifted, and stuck fast in its raised position.

‘This was a thing which always occurred if the latch was lifted too high. The keyhole is shaped like an inverted T, and the members of the household who carried keys were generally careful not to push them too far upward, lest this result should occur.

‘Counsel will probably be inclined to see a sufficient explanation of the incident in the agitation and haste by which a criminal would naturally be overcome just after the commission of such a crime.’

(‘Yes; I suppose so.’ The barrister paused for some time, knitted his brows, and tried to think the matter out. ‘Yes, it would be a natural result,’ he admitted at length, and resumed his reading.)

‘The next discovery was equally important.

‘Miss Lewis’s bedroom window looked over the front garden. Immediately below it, under the dining-room window, was a grating over a window, which gave light to an underground scullery. This grating was surrounded by a bed of shrubs, which concealed it from the eye of visitors.

‘Sergeant Evans’s first move was to proceed to this spot. He was rewarded by finding blood-stains on the grating. The nearest shrubs had been roughly handled, and some of their leaves lay scattered about.

‘The inference which counsel is asked to draw is that the body – or a portion of it – was lowered down through the window, and thence carried away.

‘This would evidently be much easier for a young woman like the prisoner to do than to carry it downstairs.

‘Her second journey down, when she appears to have been bearing a load of some kind, may be accounted for by supposing that she returned for the jewels. These, as already stated, have disappeared.

‘During deceased’s lifetime she maintained great secrecy about these jewels. No one, not even the servants who had been with her longest, seems to have known anything as to their whereabouts.

‘It is suggested, therefore, that they were kept by deceased in a secret hiding-place. This secret must have been disclosed to prisoner, or found out by her.

‘Probably, had deceased’s nephew been home longer, he would have learnt something about the matter.

‘Counsel will doubtless have noticed the coincidence of the crime being committed on the very night of Mr. Lewis’s return. Probably this was to anticipate any communications between aunt and nephew which might have resulted in his obtaining access to the treasure hoard.’

‘(Coincidence, indeed! Some people might think it a d – suspicious circumstance,’ said the reader. Then, shrugging his shoulders, he added: ‘Of course, she’s guilty, and it’s my duty

to get a conviction; but, upon my word, I never had a job to do that I liked less. It's all Pollard's fault for writing up the brief so desperately. He and his Lewis!')

'Sergeant Evans now proceeded to arrest the prisoner. When he charged her with the crime she turned pale, and cried out that it was impossible. But she shed no tears, and showed but little emotion after the first surprise.'

('Pooh! What difference does that make? This sort of thing simply depends on the person's character, not on whether he is guilty or not.' And the blue pencil did some more scoring out.)

'The only remaining circumstance of the case is the disposal of the body.'

'In the afternoon of the same day, the second of June, a visitor staying in Porthstone, named Wilfrid Meredith, was walking out to Newton Bay. Just as he rounded the corner and came into the bay he discovered on the edge of the waves a human hand.'

'Although somewhat bruised and discoloured, this hand has been identified as the deceased's by her nephew and the servants.'

'On the fingers were several valuable rings, which deceased constantly wore. About the identity, therefore, there can be no reasonable doubt.'

'No other portion of the body has yet been found. For this reason the Treasury have declined to take up the case, which is in the nature of a private prosecution on the part of Mr. Lewis.'

‘Call John Lewis.’

At this point Mr. Prescott laid down his brief and leant back in his chair. The remainder of the document consisted of the proofs or statements of the evidence which each witness was prepared to give. Much of it would, of course, be merely a repetition of the narrative contained in the first part. It could therefore be looked at some other time.

He laid down his brief and began to think over its contents. It was a case of circumstantial evidence, evidence which all seemed to point one way, and to fix a horrible crime upon a young girl whom he remembered as a pretty child.

Though not a native of Mynyddshire, Charles Prescott was familiar with the district. He had, in fact, been educated at a grammar school in the next county, and it was while he was there that he had made the acquaintance of the Owens.

His favourite schoolfellow, a boy a few years younger than himself, came from the little watering-place, and a summer seldom passed without Prescott spending some part of his holiday at his friend's home. There it was that he had seen old Owen, the parish rector, and had caught a few passing glimpses of the little Eleanor.

Hence his interest in the present case, and the unusual feeling of reluctance with which he approached his task. He had not been to Porthstone for five years now. The schoolfellows were

still friendly – in fact, they saw a good deal of each other still, having taken up the same profession and joined the same circuit. But Prescott had got on much better than his friend. He had had five years' start to begin with, and his was that firm, persevering temperament which ensures success to the lawyer. He had therefore risen steadily, and was already making an income of twelve or fifteen hundred a year, while his younger and erratic friend had but gained a precarious foothold in the profession by dint of a few brilliant speeches, which covered a very superficial acquaintance with the law.

'I wonder who will have the defence!' meditated Prescott. 'It will surely run to something more than a docker!'

A docker, it should be explained, is the name for a retainer which is handed direct from a prisoner in the dock to a counsel, without the intervention of a solicitor. It is the resource of the poorer class of offenders, who can scrape together that single guinea, but no more.

'I have it. I'll go and see Tressamer about this. He goes there still, and ought to know all about it.'

Tressamer was the name of his old friend. His chambers were in an adjoining court of the Temple. Prescott put on his hat, told his clerk where he was to be found, and strolled forth.

CHAPTER III.

COUNSEL FOR THE DEFENCE

‘Mr. Tressamer is inside, sir. Will you walk in?’

Thus said the clerk at Mr. Tressamer’s chambers as soon as he saw Mr. Prescott. Then, stepping to the door, he rapped and opened it, saying the visitor’s name.

‘Well, Tressamer, where have you been this age?’

The speaker stopped, startled at the sight that presented itself, for there, lying on his face on the hearthrug, with his hands clutching at his thick black curls, lay George Tressamer, the very picture of one in mortal despair.

He sprang to his feet as his friend entered, and made an awkward attempt to behave as if he had not been seen.

‘Why, Prescott, where do you come from, pray? More excursions to the County Court, with the solicitors on opposite sides racing to you to see which can get his brief into your hands first?’

Prescott thought it best to take the hint, and not remark on his friend’s trouble. He quietly answered:

‘No; I’ve not been anywhere. Been in town, preparing for the assizes. By-the-bye – ’ He paused to look for a chair, and was surprised to find every one in the room littered with books. He proceeded to clear the nearest to him, lifting the books on to the

floor. 'I've just had a brief to prosecute – Hullo! "Hawkins' Pleas of the Crown"! I had no idea you were such a student – in that Porthstone case – the murder –'

Again he stopped short. A look of anguish had come into his friend's face.

'What is it, old man? I can see something's gone wrong.'

'Charlie,' was the reply, spoken in a tone hardly above a whisper, 'are you prosecuting Eleanor Owen?'

Prescott nodded.

'And have you read your brief?'

'I've just come from it.'

'Then you can understand how I feel. I am defending her – and I love her!'

He threw all the energy of his passionate nature into the last sentence, and then sank down upon the window seat and hid his face with his hands.

For several minutes neither spoke. Prescott hardly knew what course to take. To offer to resign his brief might be to let it pass into the hands of one who would share Mr. Pollard's prejudice against the accused. On the other hand, to retain it, unless he were prepared to bring the case fully home to the prisoner, would be alike a breach of professional honour and an act of dishonesty. He resolved at last to leave the choice to his friend.

'George,' he said.

The other slowly lifted his head. Looking upon that face, his friend could see the marks of the terrible experience he was

passing through. Tressamer had always been a youth of wild and stormy emotions; no man less calm and steadfast than Prescott could have maintained a friendship so long with such a nature. But now he was struggling with passions compared with which the emotions of schoolboys were as nothing.

‘George, what shall I do? I want you to decide. You know me too well to think I care about the little benefit to myself when it’s a case of life and death with a friend like you. Shall I chuck up the case?’

Tressamer gazed at him gratefully at first, and then with a hesitating, pondering look. Finally he said:

‘You have read your brief, and, of course, you know the worst. Tell me, what do you think, honestly?’

‘Honestly, George, I see no defence. There is no doubt the old woman has been murdered. I don’t see how it could have been done by anyone outside the house; and then there is the blood on the door-handle. I may tell you that, even before I knew how you stood, in reading the brief I felt a sort of hesitation – that is, I couldn’t get that feeling of confidence that one generally has in one’s case when the evidence is clear. I felt as if I shouldn’t put much heart into the prosecution. But, still, I don’t see what defence there is.’

Tressamer listened in silence, and let a moment or two go by before he gave his decision.

‘I would rather you kept your brief. I would rather you did it. After all, you have merely a mechanical part to perform; it is

only routine. Suppose I were to have a limb amputated, I should like it to be done by a man I knew. And this is something of the same sort. The evidence is there, and you will not make it any worse – or better.’

The other was shocked at the gloomy, resigned way in which he spoke.

‘Good heavens! you don’t mean that you too believe – ’

‘No, Charles. I believe she is innocent. But I do not expect her innocence will ever be proved in this world.’

‘Oh, come, you mustn’t give up now! All sorts of things may happen. The trial may go differently to what you expect. Half the time these witnesses don’t swear up to their proofs.’

‘They have given their evidence twice already – at the inquest and before the magistrates.’

‘Yes; but then they weren’t cross-examined. It is very different when they have a man like you to turn them inside out. You’re not nervous about it, are you?’

‘Nervous!’ He smiled grimly. ‘No; it was at my own request I received this brief. A breach of etiquette, you see’ – with another heavy smile. ‘If she can be saved, I shall save her. Shall I tell you my defence?’

‘No, don’t; I would rather be taken by surprise. I don’t want to shine in this case, Heaven knows! Take every advantage I can fairly give you. I know you don’t expect more.’

‘Thank you,’ was the answer.

There was a little pause, during which neither spoke. At last,

returning to the only topic in either mind, Tressamer observed:

‘I have been deep in this ever since it occurred. I have been running up and down to Porthstone. I was at the inquest and in the police-court, but I thought it best to do nothing, and let the public think she was undefended. It may soften their feeling towards her. All these little things have to be thought of.’

‘Yes; don’t you remember that famous Shepherdsbury case? The man who acted for the prisoner – the solicitor, I think it was – made such a brilliant fight in the police-court that the magistrates hesitated to commit; but the result was that the Crown knew all about the defence, and when the real trial came, the man hadn’t a chance. Always reserve your defence.’

‘Yes; but you forget, the solicitor has got a splendid practice through it,’ was the bitter answer. ‘Few men in the West of England are doing better in that class of business. Did you know – but of course you didn’t – that I was down at Porthstone only two days before the thing happened?’

‘No; were you?’

‘Yes; and I was staying in Abertaff that very night. I intended coming up to town the first thing in the morning, but something detained me, and in a few hours the news arrived. So I went down at once, saw Eleanor at the police-station, and advised her what to do before any of those meddling Pollards got at her.’

‘Pollards? Why, they are briefing me for the prosecution!’

‘Yes, I know. Pollard conducted it in the police-court. At the inquest he represented that man Lewis, the nephew, and very

bitter he was, too. But I made Eleanor choke him off before that. Wouldn't have him at any price. I have got a quiet old chap in Abertaff now who won't interfere – old Morgan.'

'Do you know, I thought he was trying to press the case rather in my brief. This accounts for it. But what sort of a man is this Lewis?'

'Oh, a big, coarse-looking fellow. Came back from Australia just before it happened. A brute! He's egging on the Crown. She left him all her money – about twenty thousand – but the jewels are supposed to be worth nearly as much more, and he's lost them, and so he's savage.'

'I say, George, I don't know that I ought to say it, but has it occurred to you as at all curious that he should have returned the very night it was done?'

A gleam of furtive joy crossed the other's face, and instantly vanished again.

'Has that struck *you*?' he said, and seemed about to add something more. But he restrained himself, and merely added: 'The less you and I talk about it the better, perhaps. Coming out?'

And they left the chambers together.

But though Tressamer ceased to discuss the subject with his friend, he could not dismiss it from his mind. The sparkling wit, the wild, extravagant humour, for which he had been famous, seemed to have withered up in the furnace of his terrible grief. He lunched with Prescott in almost dead silence, and as soon as it was over got up hurriedly and disappeared.

He had truthfully described himself as having been deep in the case from its commencement. When the news of what had happened at Porthstone reached the town of Abertaff he was walking in the High Street alone. He saw the unusual excitement, and meeting an acquaintance, learned from him that Miss Lewis had been murdered.

‘And they say it was done by her companion, a girl named Owen,’ added the man.

Tressamer turned white, gasped for breath, and cried out loudly:

‘It’s a lie! I swear she is innocent!’

In another moment he had darted off to a cab-stand, and was on his way to the station.

There he had one of those sickening waits for a train which are inevitable on such occasions. Twice he was on the point of ordering a special, but each time he restrained himself by the thought that by the time it was ready the ordinary train would be nearly due. He shunned the gloomy waiting-room, and strode up and down the narrow platform with swift, excited strides.

The porters and newspaper-boys stared as he rushed to and fro, hardly heeding the piles of luggage with which railway servants seek to break the dull monotony of a platform promenade. There was French blood in Tressamer: short, dark, thick-necked, yet far from stout in figure, he possessed the strain of sombre passion which runs through the blood of the Celtic races. He could no more control himself in deference to the

officials of Abertaff Station than a madman when his frenzy is on him can conceal it from his keepers.

At last the train drew up. He sprang into a carriage, and impatiently endured the journey down to the seaside. Arrived there, he proceeded instantly to the police-station and demanded an interview with Miss Owen.

At first there was some difficulty, but Tressamer was not to be checked.

‘I am her legal adviser,’ he announced. ‘I am a member of the Bar, and I consider it of vital importance that I should see the prisoner at once. If you refuse, I shall wire straight to the Home Office.’

This threat produced its natural effect. The police, in doubt as to their powers, gave way, and he was taken into the cell where Eleanor had been secured.

If Eleanor had not wept when she was accused of the terrible crime, neither was she weeping now. She was sitting in a dull, stony apathy, from which she was hardly aroused by the sound of the barrister’s familiar name. She looked up, it is true, and gazed at him with lack-lustre eyes. But she uttered no word.

He, on his part, waited till the constable had withdrawn. Then he advanced a step from the door, and said:

‘Eleanor, you are innocent. Will you let me save you?’

Then at last the light came into her eyes. Then at last the unnatural stiffness faded out of her frame. Then at last the awful coldness loosed its hold of her heart, and answering, ‘George, I

do not deserve your help,' she gave way to a tempest of tears.

He waited till the storm had spent its first fury. Every shade of anguish passed across his face meanwhile. But he strove to master his feelings, and to put a commonplace expression into his voice, as he said at length:

'I have been in Abertaff the last two days – since I left you.' His voice trembled an instant, but he went on: 'I heard the news this morning, and came down at once. I want to defend you. I want you to accept my services as a token that you still look on me as a friend, in spite of all that has happened.'

'I don't know how to answer you,' she murmured. 'The more generous you are, the more ashamed I feel. I ought not to take your help. And yet you are the only creature in the world who has not forsaken me.'

'Don't say that, Eleanor. No one else knows you as I do. No one else feels to you – but I won't say anything about that. One stipulation I must make. You are not to thank me – not one word.'

And with a stern gesture he waved her off, as she made a movement as if to throw herself at his feet.

'But you must forgive me,' she said. 'Whether I am as wicked as you told me I was when we parted or not, you must tell me that you take me for what I am, that you expect no change in me.' She paused a moment, and then cried out with sudden vehemence: 'Oh, I have done you injustice! I didn't know how noble you could be! But it is too late; I cannot alter now.'

An angry throb convulsed the man during her first words. At

the end he ground his teeth and clenched his hands together.

‘Silence, Eleanor! If you speak to me like that again, I shall go. There are to be no thanks, no praises. Never refer to the past. I know you and understand. If I cannot tear all hope out of my heart, what is that to you? I ask nothing, and will take nothing unless it is freely given.’

He ceased, and she looked at him with a mixture of gratitude and fear.

Then he referred to her dreadful situation.

‘I needn’t tell you, Eleanor, that as your counsel you must confide in me fully. I have heard the story so far as it is public, and up to now I may tell you that, as a matter of law, you are in no real danger.’

Eleanor stared at him.

‘In no danger? What do you mean? Is the murderer discovered?’

‘No, and never may be. But neither is the body.’

‘Why, what difference does that make?’

‘Don’t you know?’ answered the barrister. ‘I thought most people knew that till the body was discovered no one could be convicted of murder.’

A ray of hope shone out in the prisoner’s face.

‘Then do you mean that Miss Lewis may be alive still?’ she asked quickly.

‘No, no. Nobody doubts that she is dead, nor that someone has killed her. But the point is this, that you cannot be legally tried

and convicted. The body has disappeared.'

The heavy shade of despair settled down once more.

'What good is that?' she answered reproachfully. 'If they believe me guilty it makes it worse for me, because I can never be acquitted. I shall be suspected till I die. Oh, I would rather suffer death, I think.'

'Hush, hush!' he exclaimed, shocked and agitated. 'Listen to me, and try to bear it as best you can. The evidence against you is simply overwhelming. Probably I am the only man in the world who believes in your innocence.'

'Except the murderer,' she interrupted.

'Except the murderer, of course. But what I want to say is this – as things stand now no jury that ever breathed would acquit you. Only a miracle can reveal the truth. But what I can do, and mean to do, for you is to save you on the ground I have told you of. You must expect nothing more.'

'George, it will kill me! Alone, hated, abhorred, what use would my life be to me when the whole world believed me guilty? No, I will pray for a miracle; but if not – ' She stopped and panted in anguish of soul.

Her suffering was reflected on the man's face.

'Don't – don't talk like that!' he cried. 'Remember, there will be always one who trusts you, one who reveres you, loves you! I don't mean to ask anything. I would not speak to you like this if I could help it; but remember, if the worst comes to the worst, you have always one friend to turn to, one man who asks no higher

joy than to pass his life with you, whether here or in some far-off country, and devote himself to soothing your distress.'

While he was unfolding these views a sudden misgiving entered Eleanor's mind. Rising up, she crossed the cell to where he sat, and, laying her hands on his shoulders, she gazed full into his eyes.

'George,' she uttered in solemn tones, 'I adjure you to tell me the truth. Do you really believe me innocent?'

'Before God, I do!' burst out his answer, as he looked her in the face.

She was satisfied, and returned to her seat.

'And now,' said Tressamer, assuming a more lawyer-like tone, 'tell me all that occurred that night.'

A long conversation followed, of which the barrister took copious notes in his pocket-book. It was late in the afternoon when he came out of the cell and went to secure accommodation in Porthstone for the night.

His step was slow, his head drooping, as he came along the esplanade. Suddenly he saw in front of him a concourse of people following a policeman, who held something in his hand, and a gentleman dressed in the unmistakable garb which proclaims the seaside visitor.

As the crowd came on, Tressamer noticed that this gentleman appeared much agitated. Even the constable's face betrayed an excitement unusual among his kind. But it never occurred to the barrister that this excitement could be connected in any way

with the case in which he was so deeply concerned. He took a closer glance at what the policeman was carrying, and then, to his horror, perceived that it was a human hand, the fingers still gay with precious rings. The next moment they all came up to where he was, and he heard someone in the crowd saying:

‘That’s the hand of the woman that was murdered. A gentleman has just found it in Newton Bay.’

The fearful truth burst on him like a thunder-clap. The blood forsook his veins; he staggered helplessly to the nearest seat and sank down upon it, moaning to himself: ‘Lost! She is lost!’

The firm ground on which he had been standing had crumbled all at once. The law point on which he had relied to save Eleanor’s life, in spite of the crushing weight of evidence against her, was robbed by this accidental discovery of more than half its strength. Who could any longer pretend to doubt whether a murder had been committed? Hence Tressamer’s despair. Coupled with what Eleanor had said to him in their interview, however, it drove him to seek more earnestly than he would otherwise have done for some theory of defence upon the facts, some means whereby, if possible, to force a doubt into the minds of the jury, and wring from them a verdict of acquittal.

To this task he now devoted himself. He assumed the part of a detective rather than a barrister. In the case of an ordinary client conduct such as this would not have been tolerated for a moment by the rigid etiquette of the Bar; but where a case is of such a nature that the barrister is personally concerned, and where he

acts as a private individual pursuing his own interests, etiquette has nothing to say. In joining the Bar a man does not cease to be a citizen and to enjoy the rights and privileges of ordinary mortals. It is only in his professional character that his acts come under that rigid supervision which is at once the dread and envy of inferior professions.

But, in any event, George Tressamer's present mood would not have let him give much weight to considerations of such a character. Too much was at stake. He had to keep in constant communication with Eleanor, to encourage her in face of the ordeals of the coroner and the magistrates, and to protect her from the zeal of the various graduates of the Incorporated Law Society who were thirsting to win glory in her defence.

As a blind to the public, he caused the rumour to be spread that she was without professional advice. This idea was confirmed when it got to be known that she had refused the services of Messrs. Pollard and other gentlemen of the neighbourhood.

Meanwhile Tressamer was enabled to go about with less publicity and to pursue his inquiries. Eleanor was disposed to wonder at him for not employing a detective. But he soon explained that.

'I know detectives,' he said to her. 'I have seen them in the witness-box and out of it. They are admirable men in their own groove. Give them an ordinary crime – a robbery or a forgery – and they can grapple with it. They will track the defaulting cashier to America for you, or run down the absconding broker

in the depths of the Australian Bush. But there their usefulness ends. They are no good in the face of a real mystery like this. This is not a question of clever detection; it is a case of reading the human heart and penetrating its motives. A genius could help us, but I know of no genius in Scotland Yard. No, I will do what I can; and if I come to anything in the way of ordinary detective work I will send for Sergeant Wright.'

So he continued to work alone. He had by this time seen and talked with every witness whose name appeared in the brief for the Crown. He had been present, with the air of a casual spectator, at the inquest, and afterwards at the inquiry before the magistrates, which ended in the committal of Eleanor to the assizes to take her trial for wilful murder.

He did not tell Eleanor much as to the results of his inquiries. He would simply mention that he had been talking to Simons, or that he had had a game of billiards with John Lewis, and she had to form her own idea of what had passed between them.

Finally, he went up to London and plunged into that minute study of Hale and Hawkins which had awakened the surprise of his friend Prescott. He was thus kept occupied till both he and his friend were summoned down from town by the approach of the assizes.

CHAPTER IV. THE ASSIZES

On a certain day in the month of July our lady the Queen, probably clad in ermine, and wearing on her head that gorgeous specimen of the jeweller's art which, when not in use, may be viewed at the Tower of London for the absurdly moderate sum of sixpence – our lady the Queen, I say, was reminded by her faithful Chancellor that various prisoners were awaiting trial in different parts of England and Wales, and among other places in Mynyddshire.

Whereupon her Majesty, with that constant attention to the welfare of her people which befits a sovereign, at once sat down and wrote, or possibly only signed, a stately document requiring and empowering Sir Daniel Buller, Knight, one of the judges of her High Court; Sir John Wiseman, Knight, another of the aforesaid judges; Walter Reynold Davies, Esquire, one of her counsel learned in the law; Joseph Robert Pollington, Esquire, another of her counsel learned in the law; and Henry Jones, Esquire, yet a further specimen of her counsel learned in the law, to proceed to Mynyddshire, and there and then open the gaols and try such prisoners as were inside them.

In a similar and not less elaborate document she thoughtfully went on to provide for their hearing and deciding, at the same

time, any disputes over civil matters which might possibly have arisen among the population of that remote locality since it was last honoured by the presence of such bright visitants. This considerate act on her Majesty's part was, of course, intended to save her emissaries a second journey. Even a monarch, in the administration of justice, need not be above killing two birds with one stone.

In proceeding to Mynyddshire, however, a very invidious distinction was drawn between the gentlemen named in the Royal Commission. The two first named, simply because they were knights and judges, went down in state, were met at the station by the high-sheriff of the county, and escorted by twenty javelin-men in gay attire to the comfortable lodgings prepared for them. The other three, for no other earthly reason than because their position was less exalted, had to get down as best they might, scramble into cabs with their portmanteaus, and put up at a common hotel. How true is the venerable saying, 'To him that hath shall be given, and from him that hath not shall be taken away even that which he hath'!

Having thus got an unfair start, the two judges preserved it to the end. They tried all the cases themselves, and their unfortunate colleagues had to be content with what crumbs they could pick up by appearing in court as common advocates.

The Southern Circuit has long been popular with judges. There is a great difference in circuits. The two northern ones, with their vast populations and immense amount of work, are the

bugbear of the puisne judge. The scenery of some of the other circuits is flat, and there is not much amusement going on in the assize towns. But the Southern combines several advantages. It is far from heavy as regards work, the country in many parts is beautiful, and the train-service between the county towns is fairly good.

For these reasons the old stagers on the Bench are in the habit of trying to get the Southern Circuit. On the present occasion they had been successful. Sir Daniel Buller and Sir John Wiseman may not have been extremely popular with the Bar, but they were very popular with each other. They came down to Abertaff feeling in good form, Sir John to preside over the civil court, and Sir Daniel to mete out justice to the inmates of the county gaol.

Not for many years had there been such excitement at assize time in the city. This excitement was due to two causes – the javelin-men and the society murder.

Javelin-men are dying out. In former times, when the office of sheriff was a mark of high social dignity, and before the new-fangled post of lord-lieutenant had usurped so much of its splendour, the shrievalty was an epoch in a county gentleman's career. It was considered almost worth being ruined for. A heavy mortgage was not grudged as a consequence of the lavish splendour with which the office was surrounded. In those days javelin-men were a reality. Clad in semi-military uniforms modelled on the master's family livery, and armed with weapons

of an extinct fashion, they simulated the state of vice-royalty. Many a German princelet has enjoyed a less imposing body-guard than an English sheriff of the olden time.

But the railways have killed all that. Everyone now seeks distinction in the Metropolis. County society has become a byword for the old-fashioned and the humdrum, for bad living, bad manners, and bad taste. No one would now dream of embarrassing his estate to secure a merely local renown. Hence the decay of the shrievalty. The modern high-sheriff looks upon his obligatory office as a duty rather than an honour. He contents himself with the cheap services of the county police force for his retinue, and foregoes the expensive luxury of the javelin-men.

There are a few brilliant exceptions, however. The present sheriff of Mynyddshire was one. In the first place, he was master of what in the country is regarded as a colossal fortune. In the second place, he was the founder of his family. Money, therefore, was not an object to Mr. Simon Reynolds. Glory was. His office gave him just the chance he wanted, and he revived its mediæval honours with a willing hand.

Two-and-twenty men, counting the buglers, in gorgeous clothing of pink and yellow hue, accordingly gladdened the eyes of the Abertaffians as they paraded the streets and hung about the court-house. Each man of the rank and file carried a weapon the like of which had not often been looked upon. It resembled an axe with an exaggerated handle, only the back of the blade was prolonged into a formidable spike, while the handle extended

beyond into a species of spear-point. Armed with these truly terrific weapons, Mr. Reynolds's faithful henchmen might well strike awe into the heart of the boldest boy in Abertaff. It was felt that they were the principal feature of the assize. The judges, by common consent, took a secondary place. Their robes were fine, no doubt, but their rather ill-fitting wigs formed a poor substitute for the gleaming steel of their rivals. The sober charms of justice cannot successfully compete with the dazzling splendour of arms.

As for the high-sheriff himself, in his black velvet coat and frilled shirt-front, he was a very inferior attraction, while his chaplain was simply nowhere. He had his innings for one brief hour in the cathedral, where the judges were compelled to sit as meekly as so many jurymen under a lengthy summing-up; but after that one bright flash he sank into insignificance, and dragged out the remainder of the assize like the stick of a burnt-out rocket, unpitied by all.

Yet even the javelin-men were cast into the shade by the other great feature of the assize week. The crime of murder remains, after all is said and done, the one thing which most fascinates the public mind. And when to murder is added mystery, and when that mystery centres round the figure of a woman, and when that woman is young and beautiful, and in a social position which does away with the presence of squalid details or coarse motives, the public may be pardoned if they take the very fullest interest in her fate.

Indeed, the case of 'The Queen against Owen,' to give it its legal designation, was of more than local interest. The whole kingdom was excited about the position of the unhappy girl who lay in one of the cells of Abertaff Gaol. Every eye was watching eagerly for the unfolding of the tragic drama in which she was about to play the leading part. All the great London dailies had their representatives down at the assize town to gather every detail of the forthcoming trial. Already the names of the counsel on both sides were being wired from one end of the country to the other, while in Mynyddshire and in the county town itself the excitement was so great that not the smallest attention was bestowed on any other case that was to come before the courts.

Even the judges themselves were infected with the excitement all around them. Mr. Justice Buller had read the depositions taken before the magistrates prior to leaving town. He had discussed little else with his brother Wiseman in the train. In all their experience, they agreed, they had never met with a case so clear upon the evidence, and yet so unsatisfactory to the mind.

In the presence of the sheriff, of course, the subject was dropped. Nor could it be resumed after dinner. Later on the judge of the criminal court sat down to make notes for his charge to the grand jury on the morrow. In this he dealt with several other serious cases that appeared in the calendar. But his gravest attention was devoted to the one that dwarfed all the others. This disposed of, he soon retired to rest.

The formal business of opening the assizes had been gone

through on the afternoon the judges arrived. Sir Daniel Buller had been trumpeted off to the Court-house, and had sat with as much patience as he could command – and that was not a great deal – while a rather short-sighted and very fidgety clerk of arraigns, afflicted, moreover, with a severe cough, stumbled his way through the important documents already described. This proceeding was necessary in order to inform the loyal inhabitants of Mynyddshire, chiefly represented by errand-boys and loafers from the neighbouring taps, who their red-robed visitors really were, and what they had come to do.

On the following morning, therefore, the judges were free to proceed to work. They drove down to the court at half-past ten, accompanied by the swelling Reynolds and the visibly crestfallen chaplain, and escorted by the inevitable javelin-men, who swarmed about the place all day under the pretext of keeping order.

Sir John Wiseman went quietly off to his own court, and began at once at the unexciting work of trying whether the drippings from a wholesale piano warehouseman's spout had or had not damaged the hats in a neighbouring hat store, and, if so, whether the wholesale piano warehouseman was to blame, and if to blame, how much he ought to pay to the aggrieved hatter. Two of the gentlemen so unfairly deprived of seats upon the bench were engaged in this important case, and it occupied more than half the day.

But it had a rather poor audience. The crowd had rushed into

the other court, where the gentlemen of the grand jury were answering to their names as often as the infirmities of the clerk of arraigns would allow them to discover whom he was calling. As soon as the necessary twenty-three were sworn, Mr. Justice Buller began his charge.

After a few civil remarks on the state of the county as regarded crime generally, and brief references to some of the other cases, he came to the all-absorbing topic. And now the reporters, who had sat listlessly under the infliction of the previous remarks, woke to sudden life, and every word of his lordship was caught and taken down as eagerly as if it had dropped from the lips of Shakespeare.

And this is what he said:

‘And now I come to what is by far the gravest case in the calendar – one of the gravest cases that has ever come before me in my judicial experience. The prisoner, Eleanor Owen, is accused of the most serious crime, short of treason, known to our law. Gentlemen, it is not for you to try whether she is guilty. You have to hear the witnesses who will be sent in before you on behalf of the Crown, and if you are satisfied that they are speaking the truth, and the effect of their evidence on your minds is such as, if uncontradicted, to raise a fair presumption of the prisoner’s guilt, then it is your duty to find a true bill against her. From the depositions taken by the magistrates, which have been put before me, I do not anticipate that you will have much hesitation in coming to your decision. The case is entirely one

of what is called circumstantial evidence, as such cases most generally are, and must be from the nature of things. Doubtless there are difficulties in the case – many and grave difficulties – with which it will be the duty of this tribunal to deal when the prisoner comes, if she does come, before us. The fact that the prisoner is charged with the deliberate murder of her friend – I may almost say her benefactress – with whom she had been living on terms of intimacy for a considerable time, and for no motive that has yet been suggested except a low and mercenary one, is calculated to arouse a natural repulsion in the mind, and to indispose it to believe that the charge is well-founded. But, gentlemen, these things, as they come before you, are matters of evidence. If the witnesses you are about to hear satisfy you that there is a *primâ facie* case made out against Eleanor Owen, that there are grounds for suspicion which she ought fairly to be called upon to answer and explain away if she can, then it is your duty not to hesitate, but to bring in a true bill for murder. And I must tell you, gentlemen, that so far as my reading of the depositions has guided me, this is not a case in which the crime admits of being reduced to any lesser charge. There are none of the elements present which may, and often do, justify a jury in reducing the charge of murder to that of manslaughter. There is no question, so far as I have been able to discover, of sudden provocation, of accident, or anything of that sort. Whoever committed this crime must, if you believe the evidence, have done so knowingly, designedly, and with premeditation,

and therefore your finding, if you find against the prisoner must be one of wilful murder. Gentlemen, I leave you to your deliberations.'

With these words his Lordship dismissed the grand jury; and the barristers, in their wigs and gowns, some of them with briefs and a good many with none, came streaming into the well of the court, filling up the seats specially reserved for them, and overflowing into those occupied by their colleagues of the 'lower branch.' It seems rather hard on the Bar that some mysterious rule of etiquette, which they themselves probably do not understand, should forbid them to enter the assize court till this particular stage in the proceedings. Or can it be that this rule had its origin in the wisdom of their remote predecessors, devising artful means to escape the infliction of a tedious charge without appearing disrespectful to the Bench?

A lull followed. The judge, accustomed to have the eyes of men upon him, calmly betook himself to letter-writing. The high-sheriff, not so accustomed, fidgeted in his seat, looked round and counted the javelin-men in court, wondered how long the grand jury would be, and remembered, let us hope with remorse, the time when he was a grand jurymen himself and wasted the time of the county by unnecessary questions to the witnesses. The fact is that the grand jury is played out. Everything for which they originally existed is now done by somebody else. Every case that comes before them now has already been investigated once by the committing magistrates.

Their duty is simply to accuse the prisoner, nothing more; and it would be quite sufficient if they would just read the depositions and sign the indictment. But man, brief man, placed on a grand jury, and shut into a room without the interference of a legal authority, delights to show himself off by vain and superfluous inquiry. And hence it was that more than half an hour elapsed before the foreman was seen returning into the court with a trumpery indictment for larceny.

The interval had been usefully employed by the clerk of arraigns in compiling a petty jury, something in this fashion:

The Clerk of Arraigns (*taking up a ticket, rather larger than a visiting-card, from a heap before him*): ‘John Henry Mullerall!’ (*To his clerk, a humble person in plebeian attire, who is popularly believed to know a great deal more about the procedure than the judge and the whole court put together*): ‘Did he answer?’ (*The clerk hasn’t heard him.*) ‘John – Henry’ (*very loudly*) ‘Mull – Oh! I see it’s Muggle’ – (*at the top of his voice*) ‘Mugglewrath!’ (*testily*) ‘Are you there?’

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