

The Judges and the Judged

With Twelve Illustrations

Charles Kingston
1926

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Title: The Judges and the Judged

Date of first publication: 1926

Author: Charles Kingston [O'Mahony, Charles K.] (1884-1944)

Date first posted: Mar. 14, 2016

Date last updated: Mar. 14, 2016

Faded Page eBook #20160309

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THE JUDGES AND THE JUDGED

BY THE SAME AUTHOR
REMARKABLE ROGUES
THE ROMANCE OF MONTE CARLO
THE MARRIAGE MARKET

THE BODLEY HEAD



LORD RUSSELL OF KILLOWEN

From a caricature in 1890

THE JUDGES AND THE JUDGED

BY
CHARLES KINGSTON

With Twelve Illustrations

NEW YORK
DODD, MEAD AND COMPANY
1926

First Published in 1926

*Made and Printed in Great Britain by
Tonbridge Printers, Ltd., Peach Hall Works, Tonbridge*

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The Judges and the Judged

CHAPTER I ACQUITTING THE GUILTY

Whenever Justice miscarries it is usually in favour of the prisoner, although in such a case it is seldom followed by a public agitation. The reason for this is that we all profess to believe it is better to allow ninety-nine guilty persons to escape than that one innocent should be convicted, though if that smugly philosophical theory could be tested by actual fact it is certain there would be an outcry exceeding that following the acquittal of Abraham Thornton in 1817 and the popular indignation inspired by the conviction of Mrs. Maybrick in 1889.

It is, however, the judges who suffer most from the vagaries and inconsistencies of juries. "You must remember, gentlemen," said a famous judge of the High Court not so many years ago, "that you and I are actually the only impartial persons concerned in this case. Counsel for the defence throws dust in your eyes on behalf of his client and counsel for the prosecution will not be satisfied unless you favour him. It may even be," he added, with a smile, "that there are members of the jury who coming as they do from the same town as the man in the dock are inclined to favour him. Now I am here to hold the scales of justice evenly between both parties and while you will give every consideration to what the learned gentlemen have told you don't forget that they are partial and I am impartial." His lordship evidently knew something when he referred to the possibility of a local jury being prejudiced in favour of a local man, for in face of the clearest evidence the prisoner was acquitted.

"Well, gentlemen," said the judge quietly, "it will be ever a source of consolation to me that it is your verdict and not mine."

This question of erroneous verdicts will continue to the end of time. Someone may invent an infallible jury but by then the world will have ceased to be populated by human beings, and until then justice will have its ups and downs. Judges will always have their fads and counsel will not disdain trickery in fighting a desperate battle, while juries if they wish will exercise the right of the freeborn to display prejudice and partiality. There are men practising at the Bar to-day who can recall the second-rate Old Bailey barrister whose popularity amongst the small tradesmen of a certain Surrey town was a constant source of joy to his professional brethren.

No one took him seriously in London, but whenever the Surrey Assizes were held in his native place briefs for the defence were showered on him because it was generally known amongst solicitors that the juries would be his to a man. Once he was defending in a clear case of theft, and on the return of the jury to court the judge was considering the sentence when in reply to the usual question by the clerk the foreman answered, "We find for Mr. Blank."

"But Mr. Blank has nothing whatever to do with the case now," said the judge irritably. "You are to decide whether the prisoner is guilty or not guilty."

"Then we find for Mr. Blank's client," said the foreman obstinately, and thus another thief was restored to his relations.

In the bad old times juries could be fined and imprisoned for giving a wrong verdict, although it must be added that the country did not always agree with the judge as to what constituted a miscarriage of justice. In cases of high treason the juries dare not disappoint the anxiety of the state to procure a conviction, and, consequently, verdicts of guilty were a matter of course. The delinquent was executed and if there were any murmurs against the justice of the verdict they were silenced by the publication of an official account of the trial containing a full confession by the accused. The fact that this precious document was the work of a hack writer employed by the political party in power was not known outside a small circle of interested persons, but it probably served to convince the country that no injustice had been done. All these abuses have been swept away, and if they have been replaced by others these others are less venal. The jury system is the best safeguard of justice we possess, and a dozen citations of failure prove nothing to the contrary.

Chief Baron O'Grady, a great Irish judge, who had more than his fair share of stupid jurymen to deal with, was, nevertheless, a stout upholder of the system. There was one occasion, however, when he had to take special precautions to protect his own person against an obvious miscarriage of justice.

He was presiding at the assizes at Wexford when a notorious bully and thief was indicted for highway robbery with violence. The prisoner, a young man of enormous physical strength and a vicious ferocity which at times bordered on insanity, protested his innocence, but it was the eloquence of his counsel, Mr. Bennett, that hypnotized a not very intelligent jury into acquitting him. Considering that no one, least of all the prisoner himself, had expected less than seven years, it is not surprising that Bennett should have been delighted with an achievement which in the opinion of everybody in court bordered on the miraculous, and he was glowing with joy and pride when he rose to his feet to request the immediate discharge of the

accused. Now all those present anticipated a display of anger on the part of the judge, for the verdict was as shameful as it was insolent to his lordship, who had summed up very strongly for a conviction. O'Grady, however, retained his judicial calm and did not betray his feelings in the slightest.

"You wish your client to be set free now, Mr. Bennett?" he said, in a coldly polite tone, "I am afraid I cannot accede to your request."

"I must protest, my lord," exclaimed Bennett, who was anxious to make the most of a triumph which was the best advertisement he had ever received in the course of his professional career, "an intelligent jury of his fellow countrymen has cleared his character and every minute he remains in custody is an outrage."

"I shall say nothing against the verdict of the jury," said the Chief Baron, with a suspicion of a smile, "and I will not deny you the satisfaction of having been the means of what you call clearing his character, but I regret I must order him to be retained in custody until twelve o'clock to-morrow."

"May I respectfully ask your lordship why he should have to wait until noon to-morrow?" said the bewildered barrister.

"Because I leave Wexford at ten o'clock and I wish to have at least two hours' start of your blameless client," answered the judge, and in the laughter that followed the loudest came from the dock.

The wit of the Chief Baron was all the more effective because he combined with it a solemn and serious demeanour from which he never departed. Whether subtly sarcastic or broadly humorous he never indicated by his manner that he was conscious of it, and the result was to make it doubly effective. It was never necessary in his case for a subservient usher to herald one of his lordship's jokes by facial signals, indeed, the humour came so unexpectedly that unless the court officials were unusually quickwitted they were the last to grasp the point. One never knew when the judge was about to turn away from judicial gravity, and that was why O'Grady was always original.

He was seen at his best in a trial of no real importance, the prosecution of a virago of the name of Hester Carroll for thieving. Hester was a local terror, and her proud boast was that the warrant for her arrest would have been ineffective had it not been accompanied by five policemen. When one of her captors went into the witness-box to give evidence she flung herself half across the dock rail and seizing him by the ears assaulted him savagely. There was a terrific uproar in court and a regular battle was waged before the woman was reduced to harmlessness, but Chief Baron O'Grady sat through it all like a statue and he passed no comment until after a verdict of guilty had been recorded.

“The sentence of the court is seven years, Hester Carroll,” he said quietly, “and may God have mercy on those whose duty it will be to look after you.”

But I must return to the subject of miscarriages of justice, dealing with that phase of it which the cockney character in Bernard Shaw’s play, “Captain Brassbound’s Conversion,” gleefully styled “wrongful acquittal.” No one is incensed by the escape of a guilty man from the consequences of his first misdeed because we all recognize that his arrest and trial are usually sufficient punishment. It is another matter, however, when the accused is a habitual criminal, for temporary immunity merely encourages him and he is the last person to show any gratitude. When a dozen dunderheads said that an old burglar of the name of Jackson was not guilty of entering a country house at night and removing the family plate they rejected the evidence that convinced to the contrary every intelligent person in court. Mr. Justice Hawkins contented himself with a wintry look of contempt from his glinting eyes and ordered the discharge of the prisoner. A few months later while on his way to attend the Bar Point-to-Point races he ran into Jackson, and Sir Henry, who had a remarkable memory for faces, recognized him immediately.

“You know, Jackson,” he said, speaking as the man of the world and not the judge, “that you were guilty of that burglary right enough.”

“Of course I was,” answered the burglar, with a hoarse laugh. “Your lordship and me knew them jury-men to be a pack of blinkin’ idiots.”

Within a year, however, the ungrateful burglar was sent to penal servitude by a chairman of Quarter Sessions, and the fact that he had not been sentenced by what he called a regular judge remained one of Jackson’s grievances to the end of his life.

“They might have sent me up before a proper judge,” he was in the habit of growling, “instead of a bloomin’ amachoor.”

It is an eloquent commentary on the inability of the average criminal to profit by experience that invariably those who escape conviction although obviously guilty reappear in the dock and suffer for it. This can be said even of murderers, though, as some one grimly remarked, murder is usually a first as well as a last offence. But what of the murderers who, escaping detection for years, profit nothing by their luck and continue until they tie the rope around their own necks? Dr. Palmer was one of these, and as a man of some education he ought to have appreciated his folly when he heard sentence of death, but right down to the moment of his execution he ascribed the final catastrophe to the circumstance that the crown had been able to retain Cockburn, a future Lord Chief Justice, to prosecute him.

Wrongful acquittals of murderers have been fairly numerous. Madeleine Smith poisoned Emile L’Angelier, and Dr. Smith murdered his humble friend, Macdonald,

although a Scottish jury said he did not. It is not so very long since a young man was acquitted of the murder of a woman, the jury wisely giving him the benefit of the doubt owing to the weakness of certain evidence against him. Within a week that evidence was strengthened, but by then it was too late to use it, and the fortunate young man wisely betook himself to the colonies. He may regard the verdict as a certificate of character, but I doubt if he will ever cite it, for those acquainted with his history know that he is a murderer. Prisoners sometimes, however, discover to their cost that an acquittal is not always a good reference.

“This is a position of trust,” said the head of an important firm in the city to an applicant for employment as night watchman, “and as you will be in charge of a very valuable stock of jewellery I must ask for exceptional references.”

“That’s all right, sir,” said the man impulsively. “I can give you the best of references, for I have been tried three times for stealing and each time acquitted.”

It reminds me of the story of the pugnacious person who was charged with a savage assault. Brought into the dock at Birmingham he protested that he was as gentle as a lamb.

“Why, I’m the most peaceable man in the county,” he cried dramatically. “Haven’t I been bound over twenty-three times to keep the peace.”

He had five years for his offence, and was escorted from the court muttering that he was the most ill-used man in the kingdom.

It was at Birmingham, by the way, that a pickpocket famous in criminal circles was acquitted by the jury, and so amazed was the prisoner that thinking the foreman was playing a practical joke on him he refused to leave the dock until satisfied that the verdict was meant to be taken seriously. Then his delight knew no bounds, and when the court emptied he sought out the detective who had arrested him and offered him a drink. Now it is a detective’s business to learn all he can about the people with whom he wages warfare and so the invitation was accepted.

“Here’s better luck next time,” said the pickpocket genially, and emptied his glass in honour of the toast.

“I hope you’ll profit by your escape,” the detective remarked, forcing himself to be polite to his host. “But what I can’t understand is how you can live by picking pockets. Surely by now all your tricks are known and any person of ordinary intelligence can guard his pockets?”

“Your tie is out of order,” said his companion, and as it was the detective did not mind his host putting it straight for him. Half an hour later they left the public-house together and before they parted near the railway station the pickpocket asked the detective if he could tell him the time.

“Why, bless me,” the officer exclaimed, feeling his waistcoat pockets, “my watch and chain have been stolen!”

“Here they are,” said the pickpocket, with a grin. “I thought I’d explain to you how I manage to make a living.”

Perhaps the funniest story of an acquitted client’s gratitude was told by Montague Williams. Again it was an instance of twelve purblind and exceptionally stupid jurymen allowing themselves to be overcome by the histrionic performance of a master of the art of persuasive oratory.

“Gawd bless yer, guv’nor!” exclaimed Williams’ client, waylaying him outside the Old Bailey. “I ain’t paid you half enough for what you’ve done for me, but if you’ll come along to Piccadilly and choose a little bit of jewellery, watch and chain or ring, I’ll get it for you without any difficulty.”

Williams was inclined to suspect that the pickpocket was indulging in misplaced humour, but he was soon convinced that his client was really serious, and when he understood the position it took him some time to persuade him that a counsel learned in law could not be a party to a display of pickpocketing, neither could he stand in a public thoroughfare and choose a victim so that his legal fee might be augmented.

“Go away and don’t get into trouble again,” said Williams testily.

“That’s all right, guv’nor,” said the man, in a conciliatory tone. “You may be sure that after what you’ve done for me to-day I’ll give you all the family business.”

It is related of one of Williams’ rivals at the Bar that having defended successfully a young man accused of stealing a diamond ring he impressed upon the solicitor the necessity for sending the fee which had been promised but not paid. The solicitor was very doubtful on the subject, pointing out that as a jury had found the accused not guilty of stealing the ring they must assume that the young man had never had it and consequently had no means of raising a sum equal to the expenses of his defence.

“That’s all right,” said the barrister, with a far-away look in his eyes. “You just tell the young scoundrel that I must have five guineas or I’ll have the verdict reversed. He won’t know that I’m merely talking through my hat.”

Twenty-four hours later the solicitor called at the chambers of the barrister and paid over the five guineas.

“Our client wishes me to tell you that if he hadn’t sold the ring for more than he expected to get for it he wouldn’t have been able to pay you,” he said, and, no doubt, earned an appreciative laugh from the gentleman in the wig who had with the aid of lying witnesses brought about a miscarriage of justice.

CHAPTER II

PROTECTING THE JUDGE

One feature of the administration of British justice is the respect with which our judges are treated and their immunity from danger which enables them to mingle freely with the crowd if they so desire. Their lordships are supposed to lead rather lonely existences, but if they were subjected to assault by defeated litigants and convicts and their friends their danger would become so pronounced as to turn them into practically prisoners of the state. When in the early part of the present century the Italian government decided to prosecute a gang of criminals calling themselves members of the Camorra the judge selected to preside over the trial had to live in a fortress until proceedings began, and as it took a year for the prosecution to prepare its case the judge was in reality a prisoner all that time. The incident is without precedent and one cannot imagine it ever happening in England, though there have been occasions, of course, when judges of the High Court have had to be protected by detectives and their houses guarded. In the eighties when the dynamitards were very active Mr. Justice Hawkins, who was the special object of their venom, was followed by Scotland Yard officers and his residence in Tilney Street likewise shadowed. Despite the operations of the police, however, one dynamitard got into Tilney Street with the intention of blowing up Sir Henry's house, but he mistook the number, and, happily for the victim of his error, the ensuing explosion caused no damage.

Not long afterwards the dynamitards and their friends were exasperated by the trial and conviction of O'Donnell, the Donegal farmer who shot dead Carey, the informer, who by turning against his confederates enabled the government to arrest and punish the murderers of Lord Frederick Cavendish and Mr. Burke. O'Donnell was regarded by a considerable portion of the Irish population as a hero and they considered it an outrage that he should be put on trial at all. That he was no common felon everybody admitted, but the law of the land could not permit the introduction of lynch law, and O'Donnell was convicted, sentenced to death and executed.

Thanks to the enthusiasm of his admirers O'Donnell was able to command the best man at the Bar to defend him at the Old Bailey. This was Charles Russell, famous advocate and great Lord Chief Justice, who fought a forlorn hope in brilliant fashion. Certainly, no one else could have done more for the young farmer who believed it was his mission in life to destroy the informer, and he expressed his gratitude to his counsel before he was hurried away to the condemned cell. I emphasize this because of what followed.

When a brief report of the trial was cabled to America the editor of a paper in New York which catered chiefly for Irish emigrants came to the conclusion that O'Donnell's conviction was due to the unfairness of the presiding judge, Mr. Justice Denman. Seizing his pen he composed a vitriolic article calling upon some Irishman to arise and avenge what he termed the murder of O'Donnell. "Let some patriot deal with Denman as O'Donnell dealt with Carey," he wrote, "and if there is no one in London willing to do it we hope that America will send over a champion of liberty. In order that he may be able to recognize the tyrant Denman we publish a photograph of the hanging judge."



HON. GEORGE DENMAN
From a caricature in 1891

A large photograph, labelled “Judge Denman,” adorned the centre of the page of the paper in which this inflammatory article appeared, but in reality it was a photograph of Charles Russell, the defender of O’Donnell. Copies of the paper reached England in due course and a friend took one to the chambers of the great Irishman and warned him to beware of assassins.

“If Denman is honest he will admit that he’s been paid the biggest compliment of his life,” said Russell jokingly, “but I don’t think he’s in any danger, for even if they get some one to risk sea-sickness he won’t risk penal servitude or the hangman.”

Recently a disappointed litigant was sent to prison for eight months for writing scurrilous letters to Mr. Justice Roche, an offence which is very rare in these days. It was different, however, when the average case in the courts dragged its weary way from term to term, enriching the lawyers, and impoverishing the principals. It was not the fault of judges who were merely carrying out a system established by act of Parliament, but now and then they were blamed for it in an unpleasant manner. The Master of the Rolls was presiding in his court when a party to a cause fired a revolver. It was never proved that he intended to aim it at his lordship, and the only damage done was to a gas-bracket, but an example had to be made of him and he was punished severely. Twenty years previously in the same court an old man, irritated by the judge’s refusal to allow him to make a speech, hurled an egg at his lordship. It missed him narrowly and broke into fragments on the panel behind him.

“That egg must have been intended for my brother Bacon,” he said calmly, referring to a fellow judge who was in another court.

George Joseph Smith, the loathsome ex-reformatory boy who got rid of his superfluous wives by drowning them in baths, behaved like a maniac during the closing scenes of his trial, threatening everybody from the judge, Scrutton, down to the warder who tried to calm him as he stood quivering with rage in the dock. But the threats of a dying man, as Smith undoubtedly was in view of the certainty of his conviction, are of no avail and they were ignored.

“We will meet again,” shouted a wife-beater at Mr. Justice Day when that judge passed sentence of penal servitude plus twelve strokes of the cat. “I’ll do the sentence standing on my head,” he added defiantly, “but I’ll pay you back for the flogging when we meet again.”

The judge did not retort, and probably contented himself with the reflection that they were not likely to renew acquaintance. He was wrong, however, for four years later they came face to face, but with this important difference, they were divided by the well of a court in an assize town in the north.

“What is it this time?” asked Mr. Justice Day blandly. “Not wife-beating or robbery with violence, I hope?”

“No, my lord,” said counsel for the prosecution, “it is only stealing from a till.”

The cowering wretch in the dock raised his eyes for a moment and met those of the judge’s and then his lordship knew that at least one believer in violence had been converted to a contrary opinion by a dose of that medicine known as “the cat.”

But as I have indicated judges have little to fear except their own mistakes, and these can be reduced to a minimum if loquacity is avoided, for it is your loquacious judge who is most often in trouble. There used to be an occupant of the bench who although not distinguished for his learning when at the Bar insisted on giving many opinions and an elaborate judgment before he finished with a case. The consequence was that his decisions were reversed so frequently by a higher court that his judgments became a byword in legal circles, a very famous judge capping all the witticisms of the Temple on the subject with the remark, "Going to the Court of Appeal with a judgment of Mr. Justice Blank's in your favour is like going to sea on a Friday—not necessarily fatal but one would rather it didn't happen."

The wise judge seldom interrupts, knowing that he will have the last word, but there have been many who have shown a decided partiality for turning the average case into a series of undignified arguments unpleasantly akin to squabbles. It was after a perfect tornado of snappish interjections by a well-meaning but inadequately-brained judge whose imperfections could not be covered by the ermine that a counsel, who eventually attained the bench, for once forgot the respect due to his lordship.

"You're wrong this time," exclaimed the judge, who had three times previously interfered on a point of law and had been proved to be wrong by references to the text books. "I know what I'm talking about, for I took part in the case which decided the point of law you have just raised."

Counsel had the volume fetched from the library and discovered to his surprise that the judge was correct. With a slight bow in the direction of his lordship he said, "Your lordship is right and I am wrong as your lordship generally is."

A judge should be very sure of himself before he indulges in humour, especially that type of humour which invites retort. It is all very well when his lordship has the better of the encounter, but when the reverse happens it is not good for the dignity of the court, neither does it enhance the prestige of justice. Mr. Justice Darling's humour was all the more effective and enjoyable because it was generally impersonal and scholarly. He did not stoop to flippant and wordy duels with counsel and consequently his position was never impaired. One of his predecessors, Mr. Justice Taunton, had no pretensions to be a humorist and was too honest to pose as one, but under the influence of an irritability developed by ill-health he now and then lost his temper with counsel.

"It's no use your pursuing that line of argument," he barked out at a "rising junior," "for what you say goes in at one ear and out at the other."

"What is there to prevent it, my lord?" was the answer which set the court in a

roar.

Irritable men know no discretion and Mr. Justice Taunton's infirmity prevented him distinguishing between the dull and the quick-witted. After his elevation one counsel who appeared very frequently before him was his old colleague on circuit, Maule, that mordant wit who became a brilliant and original figure on the bench. In their days together at the Bar Maule and Taunton had been as friendly as any partnership could be when one of the partners was Taunton, and the latter owed his nickname of "the bear" to the good-humoured derision of the younger man. Taunton, well aware of the abilities of Maule, might have been expected to give him no opening for a thrust, but the irascible judge frequently allowed his temper to get the better of his discretion.

In the course of a lengthy and difficult trial he interrupted Maule's speech, an effort which certainly erred on the side of prolixity, but he did so in the wrong way.

"You're talking like a child, Mr. Maule," he exclaimed irritably, "just like a child."

Counsel slowly deposited his brief on the desk before him and looking straight at the judge said with the utmost gravity:

"I don't resent being likened to a child, for a child, if spared, becomes in process of time a man, but once a bear, my lord, always a brute."

It reminds one of the well-known encounter between two barristers.

"You're a fool, sir," said one.

"And you're drunk," retorted the other.

"That may be," said number one, "but I will be sober in the morning, whereas you'll be a fool all your life."

Charles Russell, barrister, had quite a different conception of the respect due to the bench from that entertained by Lord Russell of Killowen, Lord Chief Justice of England. Woe betide the barrister whose courtesy to the bench was scant when Russell was "Chief," although the latter had often enough from the well of the court treated their lordships with disdain.

"What is your authority for that statement, Mr. Russell?" said a judge who knew the Irishman's weakness for endeavouring to make his own law as he went along.

Russell, annoyed by the interruption, turned to the usher.

"Bring his lordship a book on elementary law," he said, and resumed his speech.

The late Sir Charles Gill sprang into large practice at the Bar as the result of a brilliant victory over his fellow countryman, Charles Russell. It is a well-known fact that no Irishman ever takes another Irishman seriously, and Gill was quite unimpressed by Russell's position at the Bar and cultivated brusqueness.

I do not suppose Russell grudged Gill his victory, and it is certain that he bore

him no ill-will. The younger man's defence of Butterfield was a masterpiece of advocacy, and Gill's success an astonishing triumph against tremendous odds even if Russell had in Harry Marks a client not likely to touch the hearts of an Old Bailey jury. During a career at the Bar which covered almost half a century the late Sir Charles Gill, K.C.—he died in 1923—figured in dozens of notable causes, civil and criminal, but his outstanding achievement was his appearance for the defence when Marks prosecuted Butterfield for criminal libel in 1890.

CHAPTER III IGNORANCE IN COURT

The cleverest men are rendered human by their weaknesses, and no matter how learned a man may be there is always at least one subject of which he is completely ignorant. Lord Brougham, of whom it was said that if only he knew a little law he would know a little of everything, affected omniscience, and thereby often blundered badly. Lord Campbell was another famous judge who had a high opinion of his own abilities, a failing which may have been responsible for the story which gained wide circulation and credence that Campbell in his younger days did not recognize a certain play by Shakespeare when he saw it. The story was to the effect that the youthful Scotsman was asked by a journalist friend to deputize for him on the occasion of a first night at Drury Lane Theatre. Campbell willingly agreed, and duly took his place amongst the critics. The play was "A Midsummer Night's Dream," and the Scotsman, so his anonymous traducer said, not finding the name of the author on the programme, assumed that it was by a novice in the dramatic art, and in the course of half a column patronized him with unconscious humour, pointing out several defects, but predicting fame for the hitherto "unknown dramatist." It might have been supposed that such a story would have been killed by ridicule, but it was believed in by many, and a contradiction by Campbell and the derision of his friends failed to kill the *canard*. Once a greatly daring barrister, having made a Shakespearean quotation in Lord Campbell's court, blandly explained to his lordship that Shakespeare was a more or less celebrated writer of plays. Everybody in court thought that the judge would be unable to control his anger, but he wisely ignored the gratuitous insult, possibly because he had no wish to give an advertisement to a barrister not likely to rise by his own efforts.

Judges sometimes add to the gaiety of newspapers by affecting ignorance of the universal and the commonplace. "Who is Connie Gilchrist?" asked the bland and urbane Lord Coleridge, when the lady who is now Countess of Orkney was the most talked about actress in England. Mr. Baron Martin, who was devoted to the turf, avenged himself on a prosy and pedantic counsel by pretending to be completely opposed to what has been termed the "sport of kings." For more than an hour his lordship listened patiently to a long-winded, dull and excessively dry oration, and only when counsel suddenly introduced the name of the prophet Jeremiah that he decided it was time to protest.

"Don't talk to me about prophets," he said testily, "there isn't one of them who wouldn't sell his own mother, and I've never yet heard of one of them who tipped a

winner.”

“But, my lord,” exclaimed counsel in amazement, “I was not referring to turf prophets but to Jeremiah.”

“Don’t place too much reliance on your friend, Mr. Meyer,” said Martin gravely. “I haven’t the least doubt that he’s just as bad as the rest of the prophets.”

The speech concluded hurriedly and the barrister departed, disgusted by the judge’s ignorance of biblical matters, but when he laid his complaint before a friend all he got for his pains was derisive laughter.

“Why, man, Martin knows more about the Bible than you’d be likely to learn in a century,” was his friend’s summing up, and for a long time the story was a favourite in places where barristers congregate.

As I have indicated, however, no man can know everything. When Sir Charles Russell was retained in a big case arising out of a collision at sea he was specially coached by nautical experts so that he might not commit any technical blunder when conducting the defence in court. But in spite of all his precautions he was nonplussed by the simple word “Starboard” used by one of the witnesses, an ordinary seaman, who had obviously primed himself with beer so as to gain courage for his encounter with the great barrister.

“I was abaft the binnacle, sir,” he said, in answer to a question.

“And where is that?” said Russell.

The seaman stared at him in blank amazement and then recovering his speech, cried in ringing tones, “There’s a nice lubber of a lawyer not to know where abaft the binnacle is! Bless my eyes, I’ve never seen such a lubberly fool before.”

By the time the laughter died away Russell was ready with a retort.

“I admit I am deficient in nautical knowledge,” he said calmly, “but, my friend, you’ve taught me the meaning of one nautical term, and that is, ‘half seas over.’”

“What is a mosquito?” asked a judge, beloved of the caricaturist because he was only five foot four.

“One of those little things sent to try us, my lord,” said counsel, and his lordship marvelled that it should be necessary for him to threaten to clear the court if the laughter did not cease.

That judge, however, did not always have the worse of an argument even if singularly deficient in humour, but I suppose every man is witty at least once in his life. It is the only explanation of his lordship’s score at the expense of a bishop who in the course of an after-dinner conversation compared the functions and powers of the hierarchy and the judicial bench, giving it as his opinion that he had greater power than the judge.

“I don’t know about that,” said the latter whimsically. “Supposing you say to a sinner, ‘You be damned,’ how do you know that he will be damned? Now if I say to a man, ‘You be hanged,’ he is hanged.”

Perhaps the bishop might have spoilt a good joke by reminding him that there was such a thing as a reprieve, but at the time sentence of death was invariably carried out.

Considering the high character and mental achievements of most of our judges during the last hundred years it is surprising how little they have contributed to social reform and how reluctant they have always shown themselves towards an amelioration of punitive methods. When it was the custom to hang a girl for a paltry theft and send to the gallows a burglar or a passer of counterfeit bank-notes no member of the bench raised his voice in protest and it was left to the layman to harry Parliament into advancing with the times. It was only a few years before Queen Victoria’s accession to the throne that a judge gave it as his opinion that no man’s property would be safe if burglars and housebreakers were sent to jail instead of to the scaffold. It is true enough that when a man is debased no amount of punishment will reform him, but one lesson at least we have learnt from the history of the last century is that to reform one must first educate.

When the law was most savage and brutal, and thieves were punished by death, juries, horrified by the scenes which were witnessed at the almost daily battues of men and women in the name of justice, acquitted prisoners even where there had been practically no defence, shrinking from participating in the scandalous system which allowed a boy of sixteen to be executed for stealing a cheap watch. Yet even all those who thus escaped could not appreciate or benefit by their good fortune. One young man, taken in the act of stealing from a jeweller’s shop in the Strand, was declared not guilty by the jury who declined to make him pay the penalty of death. One would have imagined that such a narrow escape from death would have had a salutary effect, but at the very next sessions at the Old Bailey he was again in the dock, and this time he did not escape.

Looking back now one is amazed that the judges of England did not protest against these murders by the state. I am not writing of the dark ages but of the period when all the arts were developing and humanity was gradually rising to higher planes of charity and goodwill. Sheridan was an established dramatist and Wordsworth a famous poet when a girl was hanged by the neck until she was dead for stealing a few yards of material.

There was one judicial murder which ought to have inflamed the whole of England but which excited very little agitation. A girl employed as a housemaid was

invited to a dance and wishing to make the most of her appearance she borrowed a diamond brooch belonging to her mistress but without asking her permission. She knew that the brooch was worn only on Sundays and that therefore all she need do would be to restore it to its usual place in the chest of drawers in her employer's bedroom. The party was a great success, so successful, indeed, that the time passed too quickly and when at last the girl returned to her mistress' house there was not a light to be seen. Greatly distressed she knocked and rang, but received no answer, and finally set off for a relative's house a mile away, and was accommodated there until the morning. Meanwhile, however, her absence had been discovered and the first thought of her mistress was that the girl had robbed her and run away. A thorough search was therefore made of the house and the fact that the diamond brooch was missing was brought to light. Immediately the police were sent for, and the girl was arrested.

In the present year of grace it is impossible to imagine that a charge of theft could have been brought against her, or even if it were there is no doubt that it would be dismissed. But when George III. was king many of our judges believed that the hangman's rope was the only safe barrier between civilization and barbarism, and so the poor girl was tried for the capital offence of stealing an article worth more than forty shillings and there were twelve men willing to find her guilty and a judge to condemn her to death.

It is not surprising that the administration of brutal laws made the administrator brutal. Some judges did not hesitate to indulge in ribald jokes at the expense of the condemned, hurling insults at the shivering wretch in the dock, feeble and puerile jokes but none the less brutal because of that.

"And that is checkmate for you!" exclaimed a Scottish judge, after passing sentence on an old acquaintance with whom he had been in the habit of playing chess.

When a butcher's assistant was tried at the Old Bailey for stealing a quantity of beef the judge seized the opportunity to adapt to the occasion a well-known witticism of Curran's.

"Beef to be good must be hung well," he said, a smirk on his bloated countenance giving the signal to his satellites that he was about to make a joke, "so I will try to make you good by hanging you."

There were humane judges, of course, but they were not in the majority. One of these saved a man's life by advising the jury to find that the solitary article stolen by the youthful burglar in the dock was not worth more than forty shillings. As the law then stood breaking into a dwelling-house and carrying off anything more valuable

than a couple of pounds was punishable with death, and the judge did not wish to pass such a sentence for a comparatively trivial offence. On hearing his lordship's observation the prosecutor became indignant.

"Why, my lord, the fashion of the watch alone cost more than that!" he exclaimed.

"Well, I am not going to hang a man because of a fashion," the judge retorted.

The strongest indictment of the brutality of the criminal laws of England towards the close of the eighteenth century is to be found in the case of Mary Jones. Mary was only seventeen when she entered a draper's shop in Ludgate Hill and being a lover of finery had her attention attracted by a few yards of cheap silk lying on the counter. There were several customers in the shop and all the assistants were busy, and Mary was tempted. The prospect of wearing a silk dress filled her with longing and made her forget temporarily the risk she was running. Glancing quickly to left and right she thought that she was unobserved and stretching out her hand she lifted the silk from the counter. For about half a minute she held it concealed under her shawl and then realizing that for the first time in her life she was a thief she repented and replaced the material. But she had not been unobserved and she had scarcely let go of the silk when she was gripped by the indignant owner of the shop.

It is hardly believable that Mary Jones was arrested, committed for trial at the Old Bailey, placed in the dock, found guilty, sentenced to death and executed!

Her fate was a nine days' wonder and then was forgotten. Executions were too frequent to excite wonderment, and even those persons who busied themselves with philanthropic projects accepted judicial savagery as necessary and desirable.

When Fauntleroy, the banker who was executed for forgery, was lying in the condemned cell two of his most intimate friends visited him the night before his execution.

"We have done all we could to obtain a reprieve but failed," said one of them, "and now there is nothing else for you but to prepare for the worst."

The prisoner bowed his head and murmured a few words of thanks for their exertions. Then followed an awkward interval, Fauntleroy too unhappy to speak and his visitors apparently unwilling to disturb his thoughts. Finally one of them ended the silence.

"By the way, Fauntleroy," he said, with a preliminary apologetic cough, "now that you're certain to die and you can have no further interest in this world would you mind telling me where you got that special brand of wine you used to give us at your dinners."

Fauntleroy started, flushed and sank on to his chair.

“No, I won’t,” he said, in a hoarse whisper, “I’ll carry the secret with me to my grave.”

The next moment he was alone, and his two friends dining that night with a large party, mourned, not the passing of one who whatever his faults may have been had been a kind and generous host, but their failure to obtain the secret of his cellar!

That such an incident was possible as recently as 1824 seems incredible, but more people were interested in freeing the blacks from slavery than humanizing our laws and protecting “prisoners and captives” from “insult, shame and wrong.”

CHAPTER IV

THE ART OF SUMMING-UP

If we could take a census of those whose duty it is to attend criminal trials I think that there would be a large majority in favour of the statement that the least interesting part is, invariably, the summing-up of the judge. Not that it is always his lordship's fault—he is handicapped by having to repeat a twice-told tale—but at the same time there are very few judges who can give their charge to the jury a touch of freshness and originality. Lord Campbell took many hours to summarize the notes he made during the trial of William Palmer and bored his audience so completely that a famous barrister described the effort as resembling eternity in that it had no beginning and no end. Mr. Justice Hawkins was almost equally prolix when he summed up at the trial of the Stauntons, mumbling monotonously on until such a late hour that it was midnight before the jury returned their verdict.

“After that performance,” said a member of the Bar, who was known to be on bad terms with the judge, “death ought to have no terrors for the prisoners.”

Hawkins, however, could be brief when he considered the occasion demanded brevity.

“Gentlemen of the jury,” he said, in a larceny case, “the prisoner says he didn't steal the candlesticks and six witnesses say he did. It is for you to decide who are the liars.”

Mr. Baron Alderson, now quite forgotten except by those who can remember with an effort that he was the father-in-law of the great Marquis of Salisbury, three times Prime Minister of England, was a Senior Wrangler and therefore something of a humorist, for it cannot be disputed that great mathematicians when they reach years of discretion usually become flippant. Alderson did not wish to gain a reputation for wit, but he could not resist temptation whenever an opportunity occurred to be witty.

He was presiding at the Northampton Assizes when a man was brought before him, charged with the theft of a pair of shoes. It was one of those obvious cases of guilt where the employment of counsel for the defence would have been sheer waste of time and money, but Alderson was anxious that the prisoner should have an opportunity of saying something in his own favour.

“Tell the jury all about it,” he said, in a kindly tone.

“Well, you see, my lord, it was like this,” said the man, redeemed from nervousness by the judge's geniality, “I was walking past the shop when I saw the shoes and it occurred to me that I might have a bit of fun with the shopkeeper. So I

waited until his back was turned and just for a joke I took the shoes.”

“Is that your defence?” asked Alderson.

“Yes, my lord, I took the shoes as a practical joke.”

“And how far did you carry them?” said his lordship benignly.

“A matter of two miles, my lord,” was the reply.

The judge turned to the jury and summed up in the following words:

“I think that is carrying a joke too far. What do you say, gentlemen?”

It was almost the shortest summing-up on record, and the jury emulated his lordship by finding the prisoner guilty in less than a couple of minutes.

That was quite a successful joke, coming as it did from one who divided judges into three classes, humorous, hanging, and judges who administered justice.

The most incompetent judge is he who early in the proceedings takes sides. It was said of a judge recently deceased that within an hour of the opening of any case however complicated he was sure to begin composing his summing-up, and the malicious reported that the blotting-pad on his desk was covered with figures before the opening speech for the prosecution ended, the figures revealing the debate in his lordship’s mind as to the number of years of penal servitude he ought to give the accused.

Once he summed up dead against the prisoner in a case of arson in Devon and was dismayed when the jury returned a verdict of not guilty.

“You have had a very narrow escape,” he said, in discharging the accused, “and I would advise you to be very careful in future, for the next jury which tries you may be composed of intelligent persons.”

I believe it was Lord Westbury who when asked his opinion of a more or less celebrated judge’s final charge to a jury declared that it was a “nagging” rather than a summing-up, and this criticism may be applied to some of the efforts of our living judges. But hammering the last few nails into the coffin of a prisoner is a task too easy to call for skill and unless there is literary ability, such as that displayed by Lord Coleridge at the trial of Dickman, the Newcastle train murderer, the summing-up is usually just as dull as it is long. Sometimes, however, a judge finds himself presiding over a trial permeated with the farcical and then he must be a dull dog not to be able to seize his chance.

Years ago there was a lawsuit in Galway which would have delighted Lord Darling. It was really an attempt to solve the still unsettled problem as to what constitutes a gentleman. There had been a race meeting in the west of Ireland and amongst the races set down for decision there was one confined to gentlemen riders, the winner of which was entitled to an ornate cup as well as certain stakes. The

successful jockey was a Mr. Michael Kelly, but as the clerk of the course did not consider Mr. Kelly to be a gentleman he refused to hand over the cup and the money.

The successful jockey at once brought an action against him, and retained as counsel James Henry Monahan and William Keogh, both future judges, the former attaining the position of Lord Chief Justice.

It was a full-dress affair and, as might be expected, "loud laughter" was frequent. What is a gentleman? Mr. William Keogh cited Blackstone, the author of the famous commentaries on the laws of England, who defined a gentleman as any man who could "live idly and without manual labour, and will bear the port, charge, and countenance of a gentleman, is thereby accounted for a gentleman."

On behalf of the defendant it was urged that as the Marchioness of Clanricarde had not called on Mr. Kelly, although she lived within a quarter of a mile of him, he could not be considered a gentleman.

"But if only those on whom the marchioness has called are to be considered gentlemen," said Mr. Monahan, for the plaintiff, "then you will disgentlemanize nine-tenths of the county."

The comedy became a farce when a Mr. Skerrett entered the witness-box in the capacity of authority on the subject.

"Mr. Kelly is not a gentleman," he said, with emphasis, "because his father was not one."

"Then if Mr. Kelly's father was a peasant Mr. Kelly would be a peasant still no matter what amount of money or education he possessed?" asked Mr. Monahan blandly.

"Precisely," said Mr. Skerrett confidently.

"Is a barber a gentleman?" said counsel.

"Most certainly not," said the witness.

"Have you ever heard of Sir Edward Sugden, the present Lord High Chancellor of Ireland?" was Mr. Monahan's next question.

"Of course I have," said Mr. Skerrett, "I was a ward in his court before I came of age. I believe his father was a barber."

"Then is the Lord Chancellor a gentleman?"

"Most certainly not," exclaimed witness and the court shouted with laughter.

There were at least twenty definitions by quotation of a gentleman given during the trial, ranging from Cicero down to Tennyson, but Mr. Justice Ball, in the course of his summing-up advised the jury not to bother themselves about ancient orators or modern poets but to use their common sense and decide by the plaintiff's

personality, position and manners whether he was entitled to consider he had raised himself above the status of his father.

“I have heard curious notions expressed on this subject,” he continued, “one being that a certain person must be a gentleman because whenever he got drunk it was on port wine. In the course of my professional career I was gravely informed by a groom that his master was a gentleman because he was never convicted of any other offence than that of assaulting the police. It may be that some of you expect me to give you a definition, but if there is one thing experience has taught me it is the folly of attempting the impossible.”

The verdict of the jury was in favour of Mr. Michael Kelly, who left the court in triumphant possession of the cup and the stakes, and, more important still perhaps, the knowledge that henceforth if anyone doubted his gentility he could point to the certificate given to him by twelve of his fellow countrymen. History does not say if the Marchioness of Clanricarde called on Mr. Kelly, but the wags of the county nicknamed him “Gentleman Kelly” and such was he known to the day of his death.

The judge who explains too much is nearly as bad as the witness who talks too much, and one reason why Sir Alexander Cockburn and Lord Coleridge were so successful with juries was that they gave them credit for possessing some intelligence. Not so with a certain judge of sessions who loved to air his undigested knowledge of the law. Thus when he was trying a case of nuisance he thought fit in his summing-up to quote all the statutes and explain each one at length. Even when exhausted by his own verbosity he could not allow the jury to retire without questioning the foreman as to whether he understood the legal meaning attached to nuisance.

“Oh, yes, my lord,” the foreman answered promptly. “We all agree that we never knew before what a nuisance was until we heard your lordship’s summing-up.”

He was seen to better advantage in another case which was reduced to a wrangle between himself and counsel for the defence. The latter in his closing speech thought to avenge himself on the judge by emphasizing the fact that the members of the jury were the real arbiters and not the judge.

“Gentlemen, you are a great palladium of British liberty and to you and you alone my client looks for justice,” he declaimed. “You are his judges, and don’t forget, gentlemen, that you are continuing a system which came in with William the Conqueror.”

Judge Adams did not waste any time in summing-up and he dismissed the jury with a phrase which earned for him a reputation as a humorist until his next blunder proved that he had no sense of humour whatever.

“Gentlemen of the jury,” he said, with prim gravity, “you’ll now retire to consider your verdict and as it seems you came in with the Conqueror you may now go out with the beadle.”

We have all heard of the solicitor who wrote on the brief prepared for counsel, “There is no real defence to this action so, please, abuse the plaintiff’s attorney.” Most prisoners go into the dock guilty men and their defences are merely what may be termed taking a “sporting chance” with the jury. They know that there have been guilty men and women acquitted and they trust to being favoured with the same good fortune. “Try and laugh this case out of court,” said a solicitor, who was fighting against the overwhelming odds of his client’s obvious guilt. But the jury must have laughed last, for they sent the prisoner to penal servitude, and the disappointed solicitor—his client was a member of a wealthy and influential family—was heard to observe that the counsel he had retained might be very clever but he did not know how to make the court laugh the right way!

Humour and ridicule, however, are good weapons when there is no real practical defence. They have had their failures of course, more frequently when the presiding judge has met ridicule with sarcasm and countered humour with his wit. Mr. Justice Maule was a difficult judge to hoodwink and he was merciless in his summing-up of any case in which counsel had tried to ridicule the prosecution or avoid the point at issue. In a coining case at Maidstone he was at his best. The prisoner had been taken in the act and a plea of not guilty sounded farcical in the circumstances, but he obtained the services of one of those clever barristers who are always prominent without ever threatening to become important. Knowing that he would do more harm than good by claiming innocence for his client he concentrated on the poor quality of the counterfeits manufactured by the man in the dock, and they were certainly clumsy and crude.

“Gentlemen, I will not insult your intelligence by supposing for a moment that these wretched *things* would deceive you,” he said. “In fact, they are such bad imitations that they could deceive only an idiot, and we have not arrived at that stage yet when we have to legislate for the protection of idiots. I claim an acquittal for my client on the ground that as the *things* he made are so far removed from any likeness to real coin they cannot be deemed imitations. In the indictment it is stated that the *things* were intended to represent the current coin of the realm. Gentlemen, they represent nothing of the kind and therefore my client must be innocent.”

The ingenious and humorous defence might have succeeded had it not been that before the jury retired they had to listen to an address by the judge, and Maule managed in the course of ten minutes to demolish the arguments of counsel for the

defence.

“Gentlemen of the jury,” he said, “it is your duty to pay every regard to the arguments of the learned counsel, but at the same time you will examine carefully what he called ‘the thing’ and ‘things’ for yourselves. I need scarcely point out that each has Her Majesty’s head on one side and the royal arms of England on the other. Counsel for the defence has said that all these might represent anything or nothing, and if you decide on examining them that they represent a box of dominoes, a milestone or a pair of snuffers, you will agree with the learned counsel’s view and acquit the prisoner. If, however, in spite of the clumsy execution you get the impression that they were intended to represent the current coin of the realm it will be your duty to disagree with counsel and convict his client.”

The jury came back in five minutes with a verdict of guilty and the coiner was sent to penal servitude for ten years.

“Never mind,” said a friend of the defeated counsel, “you can console yourself with the thought that had the counterfeits been more like the real thing he would have got twenty years.”

It was once the custom for juries to remain standing during the judge’s charge, and they suffered agonies when towards the end of a lengthy trial his lordship spoke for hours. Perhaps it is a sidelight on the respective countries that Ireland should have been the first to abolish the rule and Scotland the last. But Irish juries have always been noted for a certain complacency mingled with obstinacy.

It was an Irish judge who just about to deliver an elaborate summing-up noticed that there were only eleven men in the box.

“Where is the twelfth juror?” he asked irritably.

“Oh, that’s all right, your lordship,” said the foreman genially. “He was called away on business early this morning but he’s left his verdict with me.”

CHAPTER V

THE INTERPRETER AND OTHERS

Mr. Justice Hawkins was very far from being an admirer of the fresh-air cure, thus standing out in sharp contrast to one of his predecessors on the bench, Maule, who fumed and fussed if every window in court was not open. On one occasion when presiding in a court in the Midlands he interrupted counsel to point out that every window was closed.

“We must have some of these windows open,” he said peremptorily. “Where is the sheriff?”

That gentleman promptly came forward and explained that those who had designed the building had determined in their wisdom that all the windows should be hermetically sealed.

“Do you mean to tell me,” exclaimed Maule, suspecting that he was being trifled with, “that this court-house cannot be ventilated except by means of the doors?”

“That is so, my lord,” answered the sheriff.

“Then it is about time the defect was remedied,” said his lordship, and turning to the attendants he ordered them to break the windows.

The sensation was terrific and those who saw it never forgot the expression of horror on the face of the sheriff, who glanced about him with a look which seemed to say that he considered the judge had gone mad.

“Now that we’ve a little fresh air,” said Maule, startling his audience out of the reverie into which it had been thrown by the steady progression of splintered glass to the pavement outside, “we’ll proceed with the case.”

The dead and gone architect was, however, avenged to some extent, for when the judge began his summing-up an itinerant cornet-player who knew that the old court was proof against street noises took up a position within a few yards of where his lordship was sitting and played with piercing distinctness if unmusical fervour a popular song of the day. Maule, who hated to be interrupted and was ever haunted by a fear that some one was trying to make him ridiculous, started as though he had been struck, and the titters from the auditorium did not lessen the acerbity in his voice when he thundered forth an order for the musician to be driven away. But when this was done it was only a matter of a few minutes before another street performer came on the scene, and eventually an officer had to be stationed outside to acquaint stragglers with the news that the windows of the court had been opened at last.

Hawkins, on the other hand, was a sworn foe of ventilation. The officers at the

Old Bailey knew this weakness of his and catered for it, but in the provinces it often happened that when the judge took his seat on the bench the windows on either side flooded the court with fresh air. With a venomous look at the half-open windows Hawkins would allow no case to proceed until they had been closed, and, if it so happened that there was the slightest suspicion of a draught curtains were drawn, or, failing curtains, a screen was found and put into position between “the wind and his nobility.” It has been said that this habit of his contributed to some extent to saving the four prisoners in the Penge mystery case—as it has been called—while the irreverent members of the Bar professed to believe that Hawkins had fires in every room in his house, winter and summer alike.

To prevent the advocates of fresh air claiming Hawkins as a “terrible example” it must be recorded that although Maule lived to seventy Hawkins was ninety when he died in 1907, but it should be explained that apart from his judicial work Hawkins was a lover of the open air, given to the sports of the field and to walking; whereas Maule had no interests beyond his books when his day’s work was done.

These two judges had a greater sense of their dignity than certain of their idiosyncrasies implied, indeed, dignity is almost the chief asset of the judge who during his career at the Bar has had little time to acquire learning because of his popularity as a defender of criminals. It was Lord Westbury who advised the flattered recipient of unexpected promotion to the bench to “look wise and never give a reason for a decision unless compelled to.” In those days there was no Court of Criminal Appeal and whenever mistakes were made at the Old Bailey and similar institutions throughout the country little was heard of them by the public. It was another matter when judges of the calibre of Hawkins had to take their turn in trying civil cases. Not that Hawkins was a failure, but he trusted to his strong common sense rather than to his knowledge to steer safely away from the Court of Appeal. It may have been that he purposely avoided acquiring a reputation as a humorist because of a stronger ambition to preserve the dignity of the law, and yet the man they called the “hanging judge” could bandy jests with the best of them. There never has been a better joke perpetrated in court than that which is credited to Hawkins when he was about the most successful practitioner at the Bar. The case concerned the wreck of a ship called “The Hannah,” a name which leading counsel on the other side, Channell, insisted on pronouncing “Annah,” the learned gentleman suffering from the handicap of not being able to control the aspirate. When Hawkins had called the ship “Hannah” a dozen times and Channell had as often referred to it as “Annah” the judge, puzzled by the discrepancy in pronunciation, asked what the name really was.

“When the case started, my lord,” said Hawkins, with a smile, “it was ‘Hannah,’ but since then I am afraid the ‘h’ has been lost in the chops of the Channell.”

That was an undoubted score, but Hawkins was not so happy in his encounter with a cabman in Whitehall.

“Take me to the Courts of Justice,” said the judge, as he climbed into the hansom.

“Beg pardon, sir,” said the man, with a puzzled expression, assumed for the occasion, “but where are they?”

“What! Don’t you know where the Law Courts are?” said Hawkins, in amazement.

The cabman’s face cleared.

“I know where the Law Courts are, sir,” he answered promptly, “but I thought you said Courts of Justice.”

I have referred to the judge who blandly feigns ignorance of persons and things which by reason of their current popularity should be known to everybody; happily, he is becoming a rarity. Quite recently a judge inquired what the precise meaning of the betting term “both ways” was, and the probability is that he was not insincere. It is a common weakness to affect superiority to the ordinary weaknesses of humanity and there are few of us who can resist the temptation to present ourselves with testimonials. I have been told that Charles Russell, one of whose favourite resorts was Newmarket, once insisted on a witness explaining at length what he meant by the word “hedging.” Now there were few men of his time who knew more about racing matters than did the brilliant Irishman whose devotion to the turf was notorious, but if there were titters in court when he pretended to be ignorant of “hedging” they were probably due to a misconception. It was not likely that Russell would deceive himself by trying to deceive his audience, and I imagine that he was merely utilizing an old weapon of the cross-examiner, that of confusing a witness by harrying him as to the particular meaning of an ordinary word or phrase.

In the course of one of the great trials over which he presided Russell asked a witness to amplify a passing reference to a lady who had achieved a very public reputation at the expense of her character. As her exploits had been described in almost every paper during the preceding week there was considerable laughter at the judge’s ignorance, but he turned the laughter away from him by remarking that he must take the precaution to ensure that every member of the jury understood the full significance of the reference.



MR. JUSTICE FLETCHER
From an engraving by T. Blood

Such thoroughness is to be commended, though it can be carried too far and a trial consequently unduly prolonged. There was an Irish judge, Fletcher, who considered it his duty to compile what was practically a verbatim report of every case in which he was concerned, saving, of course, the speeches by counsel. Fletcher was unfortunate in his cast of countenance, his features, otherwise insignificant, earning unpleasant prominence by reason of a misshapen nose, crooked mouth and a habitual scowl. He was trying an important case in the west of Ireland in which one of the chief witnesses was a farm labourer who could speak Irish only. Some little difficulty was experienced in finding an interpreter, but eventually a

gentleman of the name of Kirwan volunteered. Kirwan was a solicitor and a landed proprietor who was famous for his linguistic abilities and his eccentricities, and was popularly supposed to be half-mad. However, he made an admirable interpreter, and when the witness entered the box Mr. Justice Fletcher took up his pen and prepared to record every word. His lordship was looking for the ink-well when the witness leaned towards Kirwan and said something in a whisper.

“What’s that?” asked Fletcher, his small, dark eyes glowing with suspicion. The fact that a titter followed upon the *sotto voce* confirmed the judge’s suspicions that the witness had said something of importance to the case.

“I don’t think I can tell his lordship,” answered Kirwan, obviously embarrassed.

“But I insist, sir,” exclaimed Fletcher angrily. “I wish to take down the witness’ observation in full.”

“I simply daren’t, my lord,” said the volunteer interpreter.

Now Fletcher knew Kirwan and his reputation for eccentric jokes and that made him all the more determined not to be put aside.

“Unless you repeat what the witness said,” cried the judge, in a fury, “I’ll commit you to prison for a month.”

“Oh, in that case,” said Kirwan, with a short laugh, “I’ll obey.”

“I’m glad that you’ve come to your senses, sir,” said the judge sharply, at the same time taking up his pen. “Now, Mr. Kirwan, repeat slowly and distinctly the witness’ observation so that I can take it down correctly.”

“He said, my lord, ‘He’s the ugliest old devil I’ve ever seen,’” said Kirwan, and not for the first time in his life Mr. Justice Fletcher discovered the danger of inquisitiveness.

Another Irish judge had an almost similar experience, although he came out of it with little loss of dignity owing to the spontaneous manner with which he joined in the laughter. A typical Irish peasant was charged with the murder of a land agent who had had the audacity to sue him for rent three years overdue, and when the unlettered savage entered the dock he was greatly impressed by the rows of bewigged lawyers. From them his gaze wandered to the scarlet-robed figure on the bench and overcome by curiosity he whispered something to the warder at his side to which the latter promptly replied.

“What did the prisoner say?” asked the judge peremptorily.

The warder went red in the face and did not answer.

“What did the prisoner say?” his lordship repeated.

“I hardly like to repeat it, my lord,” said the unfortunate official. “It was something about your lordship.”

“Never mind that, let’s have it,” said the judge.

There was a short pause during which everybody in court prepared to listen to the repetition of the brief dialogue between the prisoner and the warder.

“He sez to me he sez,” said the latter, ““Who’s the old man in the red night shirt?” and I sez to him, ‘Shut up, ye omadhawn, that’s the oul’ fella who’s going to hang ye.’”

It would be absurd, of course, to suggest that judges are prone to risk the penalty of ridicule by making unnecessary interruptions. Invariably his lordship’s questions are necessary and illuminating and of special service to the jury. When Lord Darling was on the bench his conduct of a case was a model of its kind, for he seemed to know everything, especially when to intervene with a question or a comment. No judge was more successful than he was at the Old Bailey, which is, all things considered, the supreme test. It is safe enough to be jocular in a civil case, but it is the reverse when a prisoner’s life or liberty is at stake, and it must be recorded in Lord Darling’s favour that unless unduly provoked or tempted he never exercised his brilliant wit at the expense of the occupant of the dock. A man or woman on trial is poor game and the most subtle of jokes can sound like a jeer when the object of it is a wretch struggling in the toils. Lord Darling recently denied that he quoted Greek in the House of Commons, but I have a distinct recollection of hearing him intermingle a line from Virgil with a sentence of seven years for coining.

“What did he mean?” whispered the convict huskily, to the jailer who accompanied him out of court.

“I don’t know,” was the answer, “but you’ve got seven years in which to find out.”

I am not quite certain if to Lord Darling belongs the credit of the following encounter with a juryman who claimed exemption because he was completely deaf in the left ear.

“You can go,” said the judge gravely, “I cannot have anyone in the jury-box who cannot hear both sides.”

His humour was always apropos, springing as it did from a source as fertile as it was spontaneous. The carefully-prepared “impromptu” was abhorrent to this great judge, who could say with truth that sufficient unto the day was the humour thereof.

It is not unusual at the Old Bailey for a trial to degenerate into something of a scramble, caused by the anxiety of the prisoner’s friends to make speeches while they are giving evidence. As champions and partisans of the prisoner they consider it their duty to shout and gesticulate, and the weaker their testimony the stronger their lungs. This was what happened when a Jew was charged with receiving stolen

goods. The evidence for the prosecution seemed clear enough, but the accused was evidently a very popular young man, for the number of volunteer witnesses almost constituted a record and when one was in the box the others kept prompting him audibly. It was obvious that the conviction of the prisoner would be regarded as a catastrophe by his acquaintances and so they talked and shouted and emphasized and made speeches. Now Mr. Justice Darling was always anxious to give an accused prisoner plenty of scope, but the din became so great that at last he had to intervene.

“It is the rule of this court,” he said politely, to the most insurgent and gesticulatory of the witnesses, “that only one person at a time can be allowed to tell the truth.”

The laughter aroused by this cynical comment on the perjured evidence to which the court had been listening was not wholly lost on the intelligent young man in the dock, as his sickly grin testified.

One of his lordship’s prettiest efforts of wit was taken seriously by an audience which evidently required time to think it over. The case was a civil one and one of the counsel engaged irrelevantly introduced the subject of free will.

“Is there such a thing as free will?” said the then Mr. Justice Darling. “The House of Lords were discussing recently whether there was such a thing or whether everything was not predestined. I think they reserved judgment.”

Now in my opinion that was a gem, and as it was quite unpremeditated it stamps his lordship as a great wit.

It is remarkable how inexpert an expert witness can be, and in saying this I am merely echoing the opinion of more than one judge. We all know the famous definition which tells us that the three degrees of perjurers are “liars, damned liars, and expert witnesses.” Only the ignorant are afraid to confess their ignorance; the wise man is ever eager to learn. Mr. Justice Darling dealt with the expert witness addicted to talking the jargon of his profession in a manner which was delightful.

“The jury may understand your Latin, sir,” he remarked to a doctor, “but as I do not I’ll be glad if you’ll translate it.”

On this occasion the witness took the rebuke as a compliment, unaware that he was in the presence of a judge whose knowledge of the classics was profound.

Speaking of doctors reminds me of an encounter between one of them and Mr. Justice Patteson. The two men met at a trial in a midland town where an action for damages was being tried. The plaintiff claimed two hundred pounds because of injuries he alleged he had sustained owing to the negligence of the defendant, and amongst his witnesses was a doctor whose pomposity rendered him at times nearly

incoherent.

“You examined the plaintiff?” asked counsel.

“I did,” said the doctor, surveying the court as if he were monarch of it.

“And what injuries did you find?”

“He was suffering from ecchymosis of the left eye,” he answered pompously.

For a few minutes a deeply impressed audience tried to fathom the consequences of such a terrible injury as ecchymosis and, doubtless, they were commiserating with the plaintiff because it seemed as though he would lose his eyesight when Mr. Justice Patteson reduced the awe-inspiring term to the ranks of the commonplace.

“Tell me, sir,” he said sharply, “isn’t ecchymosis merely another way of saying that he got a black eye?”

“Yes, my lord,” said the witness reluctantly, plainly disgusted with the translation into vulgar English of his pet term for a very ordinary injury.

“Then why didn’t you say so at first?” exclaimed the judge angrily. “What do you think the jury know about ecchymosis? It is your duty to assist the court and not to try to puzzle it. Always use simple language, and don’t forget that ‘a little learning is a dangerous thing.’ You remind me of an incident which happened when I was a younger man. A friend of mine preached a sermon in a village church and in the course of his sermon he several times made use of the word ‘felicity.’ As we came out of church after the service I overheard a group of yokels discussing the sermon, and from their remarks I gathered that they were under the impression that ‘felicity’ meant something in the inside of a pig.”

CHAPTER VI

RETORTS DISCOURTEOUS

Every successful lawyer has his own recipe for that very nebulous and disappointing sprite, Fame. Whereas one will advise the aspirant to speak on every possible occasion and thrust himself unashamedly into the limelight, another will warn him solemnly against undue confidence and loquacity. A believer in the former theory, who eventually attained the comfortable if undistinguished position of county court judge, was noted for a very violent style when cross-examining. He maintained that questions pitched in a high tone and with fierce emphasis terrified witnesses and impressed onlookers, and it is not surprising that he was one of the leaders of the bullying school of forensic performers. But his blatant theatricalisms frequently led him into ridiculous situations and blunders.

“Did you know the deceased?” he shouted at a timid witness.

“Yes, sir,” she answered, in a whisper.

“Is he living or dead?” was the next question, delivered with characteristic histrionics.

There is another type of barrister who considers that success lies not in examination or cross-examination but in that speech to the jury which forms the last appeal of all. He is very useful when there is really no defence, for frequently he can confuse the issue and conjure the jury into believing that black is white. One of the leading exponents of this school was the late Digby Seymour, Q.C., a prominent barrister who began by aiming at the Lord Chancellorship and ended by accepting gratefully a county court judgeship. Seymour’s greatest feat was the securing of an acquittal for a man charged with assaulting and robbing the keeper of a livery stable. There was no contradiction of the evidence produced by the prosecution, but Seymour delivered a lengthy speech in the course of which he referred to the boundless prairies of America, the autocracy of the Czar of Russia, Magna Carta, the price of food and, in fact, everything except the offence with which his client was charged. In spite of counsel’s eloquence the judge, feeling certain that the jury could not be in two minds, confined his summing-up to ten minutes, and was sorry within half an hour when the jury returned with a verdict of not guilty.

There was one oration of Seymour’s known at the Bar as the “flowing manes” speech, which nearly every solicitor in England knew and admired. It was given its first performance during an important action in the High Court when it won a verdict against the weight of evidence. The result was that a solicitor who had a weak case which needed buttressing invariably retained Seymour if he could and accompanied

the brief with a request that the “flowing mane” speech might be “turned on.” The consequence of this popularity was that the “flowing manes” were “trotted out” on behalf of murderers, breakers of contracts, impostors and jilted maidens or faithless lovers. Some juries refused to be hypnotized by the learned gentleman’s verbal pictures of Arabian steeds galloping across boundless deserts, but one victory in ten forlorn hopes is an achievement, and the speech served Digby Seymour as well as it did his clients.

If he were alive to-day he would be indignant if anyone suggested that he was not an expert examiner and cross-examiner, but he had a failing, very common among the experts, of overdoing it. One example will be sufficient. He was engaged along with another barrister, Williams, Q.C., in a very important case involving a large sum of money, and after the first trial had gone against his clients an appeal was entered and the case ordered to be re-tried before the same judge. To Seymour was allotted the duty of examining one of the principal witnesses, and he had clearly finished when on second thoughts he decided to put one more question.

“I believe after the conclusion of the previous trial you had an interview with my learned friend, Mr. Williams?” he said.

“That is so,” said the witness.

“You asked my learned friend a question, did you not?”

The witness nodded.

“What was that question?” said Seymour blandly.

“I wanted to know why it was that we lost the action,” said the witness slowly.

“And what was my friend’s reply?”

“He said, sir,” answered the witness, in a confident manner, “that if it hadn’t been for the damned fool of a judge we’d have won easily.”

During the roar of laughter that ensued Mr. Williams rose to protest, but the judge treated the question good-humouredly.

“You may not have said it, Mr. Williams, but you probably thought it,” he remarked dryly. “I know that when I was at the Bar I cultivated a profound contempt for the judges.”

Fortunately the hectoring, bullying barrister is practically unknown in our courts to-day, and this is not alone due to our judges. The higher tone in the legal profession can be traced to the stricter supervision of the General Council of the Bar and also to the influence of public opinion. The judges will not tolerate irrelevancy and they are no longer afraid to protect witnesses at the expense of eminent counsel. In the old days almost every cross-examination began with a crude insult.

“Come, sir,” said Serjeant Vaughan, to a respectable tradesman, who had been

summoned as a witness, “you tell us that you manufacture hemp? Well, I’d advise you to keep some for your own neck—you’ll be certain to require it.”

“In any case, sir,” the witness retorted, “I’ll have enough left over for you.”

It might be supposed from this that Vaughan was a man of obscure origin and without any pretensions to the rank of gentleman—there were many of that type flourishing at the Bar in his time—but he was a distinguished product of Rugby and Oxford and in private life was as amiable as he was modest. He had learned his law in a rough school, however, and he believed that the only way to extract the truth from a witness was to bully and insult him.

“Where did you get that villainous face of yours from?” he asked another witness.

“From my father, sir,” said the man quietly.

“And what was your father, pray?” said Vaughan sneeringly.

“A barrister,” was the reply which was torrential in its effect.

Vaughan in due course reached the bench and thus being enabled to look at justice from a fresh angle did his best to eliminate bullies at the Bar, but they survived for many years after his death, and it was not until scandal was caused by the methods of certain barristers that their race was stamped out. It is no longer permissible to treat a witness as though he were a criminal or to turn a lawsuit into a trial of anyone except the principals. One of the contributing causes to a much delayed reform was the suicide of a young woman who happening to be present at a street accident was called as a witness when the injured party took action. Naturally she was a very important witness, indeed, on her evidence hung the issue, and counsel for the defendant, anxious to discredit her testimony, cross-examined her all about her past, dragging into light certain incidents which she thought known only to herself and her former lover, now dead. Distressed beyond measure by her humiliating experience she drowned herself that evening, and the death of this obscure woman did more to reform the less reputable side of the Bar than all the efforts of judges extending over half a century.

One of the worst offenders was Edwin James, who had a face of brass and nerves of steel. His most common trick was to accuse a hostile witness of dishonesty, which may be considered the limit of audacity seeing that James accepted a large sum of money from a defendant who desired not to be cross-examined severely and also sold a client’s case to the other side for twelve hundred pounds. James’s ignorance was proverbial at the Bar and yet when he had been in the House of Commons a few years there were rumours that Lord Palmerston intended to appoint him Solicitor-General. Hawkins meeting a prominent politician

asked him if the rumour was true.

“I don’t know,” was the answer, “but as James is a leader of your profession I don’t see why he shouldn’t get the post. Is there any objection to his promotion?”

“Well, you can judge for yourself when I tell you that at the Bar he is known as Necessity,” said Hawkins, with that wintry smile of his which always accompanied one of his rare jokes.

“Why do you call him Necessity?” said the politician.

“Because he knows no law,” said Hawkins.

Not long afterwards James crashed, his sudden and unexpected resignation of his seat in Parliament and the recordership of Brighton giving the first public hint of malpractices for which he was subsequently disbarred.

James was a formidable cross-examiner for physical rather than intellectual reasons. He had no special gifts and his knowledge of the world was derived from the underworld, but it is not surprising that many witnesses were terrified by that bloated countenance, those bulging eyes and that voice which alternated between a scream and a howl.

“Woman, where were you on the afternoon of January the third?” he shouted at a witness, an elderly lady who was reduced to quivering terror by his bullying impertinences.

Unable to speak she kept on her feet only by clutching the front of the witness box.

“Why don’t you answer counsel?” said the judge gently.

“He frightens me so, my lord,” she stammered.

“So he does me, madam,” said the judge quietly.

The snub, however, had no effect on James, who frequently brushed his way through many difficulties to a verdict in his favour, triumphing over all opposition because his opponents disdained to use the same unworthy and dishonourable weapons.

His impudence was as boundless as his impertinence, and it was seldom he encountered an emergency to which he was not equal. When he was earning the biggest income at the Bar he was in a state of chronic impecuniosity that he had to borrow small sums right and left to stave off summonses. One of his victims was the landlord of his chambers, who was amazed that a counsel who figured in almost every great case should be a defaulter for rent. He waited for nearly two years before he began to dun James, and, failing to extort a cheque, thought of an ingenious scheme to rouse the barrister to a sense of decency. With the aid of a friendly solicitor he prepared a statement of his case against his tenant for counsel’s

opinion as to what course he ought to pursue. By arrangement with the solicitor this document was submitted to Edwin James, and a few hours later the landlord had it back with the following addition in the handwriting of counsel, "In my opinion this is a case which admits of only one remedy—patience. Edwin James."

In his early days at the Bar when he was shouting his way to success and notoriety James was engaged to defend a woman charged with theft. She was a seamstress who visited her employers' houses and her weakness for taking souvenirs of her visits without permission earned for her an unenviable reputation long before she found her way into the dock at the local assizes. There was a clear case against his client, and James's defence was that the prosecutor had condoned the offence by employing her after he had discovered that she was a thief.

By the time the prosecutor had reached the witness-box there was not much hope for the prisoner, but James had the admirable quality of never surrendering, and he cross-examined with the air of one playing a winning game.

"Now, sir," he bellowed, "you say that the prisoner is a thief?"

"Yes, I do, sir, and I have the best of reasons for saying it."

"And what is that best of reasons?" said James contemptuously.

"She confessed to me she was," said the witness.

"So she confessed to you, did she?" said James, in a more amiable tone. "I suppose as a result you dismissed her at once and refused to employ her again?"

"No, sir, I didn't," was the candid reply. "As she was so very useful I gave her work after she admitted she had stolen from me."

Before he spoke again James surveyed the court with a knowing look.

"Then, sir," he thundered, "are we to understand that you employ dishonest people to work for you even if their rascality is known?"

"Of course I do!" exclaimed witness, with a laugh. "Otherwise, how could I get assistance from a lawyer?"

"That will do," said James hurriedly, and became absorbed in a study of his brief.

In another case James sought to confuse the witness by asking him a question which while relevant had no great bearing on the issue. The witness answered promptly and correctly, greatly to the surprise of counsel.

"You anticipated that question, didn't you, and looked it up?" said James, thinking to belittle the effect of the reply.

"Yes, I did," said the man candidly, "I borrowed an encyclopædia and copied from it."

"Why did you go to all that trouble?" said James.

“Because my old father told me that some fool of a lawyer would be bound to ask me a lot of silly questions and that this would be one of them.”

I suppose there is nothing a barrister resents more while conducting a case than constant interruptions by the judge, more especially interference with the examination of witnesses. James was not exceptional in showing his annoyance, and once he did so with a polite sarcasm which was more effective than his usual violent methods. He was half-way through his examination when the judge interrupted to ask several questions of the witness, questions which rather spoil the whole case from counsel's point of view. When his lordship had finished James kept his seat and the witness left the box. Then followed an unexpected silence, terminated by the judge asking James if he had anything more to say.

“Oh, yes, my lord, I have,” he answered coolly. “I am merely waiting for your lordship to call your next witness.”

Such was the man who could command an income of £10,000 a year and who was once courted by leaders of his party. Such was the man who fell so low that when he reappeared after a long absence in his once favourite arena, the Old Bailey, it was in the capacity of clerk to a tenth-rate solicitor who out of charity employed the ruined old man so that he could earn a few shillings necessary to pay for his board and lodging. What must have been the feelings of James when from a back bench he faced one of his former rivals—now an honoured judge—and listened to barristers who when the name of Edwin James was almost the best known in the profession were glad to pay respect to him because he was their acknowledged leader?

CHAPTER VII

ROMANCE AND TRAGEDY

There have been some famous, perhaps I should say notorious agitations for a reprieve, and in this connection the names of Lipski, Mrs. Maybrick, Rayner and others readily come to mind. But as often happens the most sensational are the soonest forgotten. It would seem as though the public, having worn themselves out in the course of a raging, tearing propaganda, have no energy or interest left for the usually dull aftermath.

Who remembers Annette Myers nowadays? And yet she was once the most talked about person in England, and on her behalf a great demonstration was held in London over which John Bright presided. Thousands of persons neglected their own affairs in order to clamour for a respite for a girl with an interesting personality and a romantic history, and it is to the credit of British justice that they succeeded.

The story of Annette Myers reads like an old-fashioned Victorian novelette, and there is hardly a situation in it which has not been made use of again and again by those novelists who believe that originality is a vice to be shunned. The melodrama—for that is what it was—opens with a scene in a French convent. One of the pupils, a girl of fifteen, is summoned to the parlour where she finds the Mother Superior in conversation with a tall and very distinguished-looking man of fifty or thereabouts whose natural politeness scarcely conceals a very haughty and proud disposition. When Annette sees him for the first time she is a little frightened, but he soon puts her at her ease by evincing a kindly interest in her. The girl knows that she is an orphan and apparently has no relations living, but she has felt this deprivation less keenly than she would have done had not the nuns been so good to her.

“Would you like to come and live with me, Annette?” he asked her, when he had gained her confidence. “I promised your parents that I’d look after you and I want to carry out my promise.”

“She’s a very lucky girl, sir,” said the Mother Superior, breaking in, “to have a gentleman of your position taking an interest in her. Annette, you haven’t answered yet.”

She had been waiting all the time for an opportunity to thank the stranger for his offer, an offer which almost made her dizzy from sheer happiness. Annette Myers had been accustomed all her life to the economies and discipline of the convent and she could have known nothing of the fashionable world, but the chance to mingle in it herself revived all those desires for luxury and refinement and social advancement which by some extraordinary means had taken possession of her since she had

begun to think for herself. She had been trained to regard herself as a very unimportant unit in the scheme of things, but Annette had always been ambitious, and when the wealthy baronet made his offer she believed that this was the answer to her secret prayers.

Money and influence can accomplish almost anything and within forty-eight hours Annette Myers, the orphan from the convent, had taken up her residence in one of the “stately homes of England.” The child who had been little more than a servant now had servants to wait on her, and from being accustomed to doing practically everything for herself she was waited on, hand and foot. The baronet treated her as he might a daughter of his own, and he had every reason to feel that she did him credit, for the nuns had given her a first-class education, and the girl herself, who was growing prettier every day, had all the natural instincts of one born to high social position.

For some months Annette was very happy, and there was nothing she loved better than to act as head of the baronet’s bachelor household. He indulged her in every way and she had to ask for nothing because he anticipated her every wish. A person older and more experienced might have suspected that such bliss was too great to last, but Annette was a child at heart, although wiser than her years, and she never suspected that her luck might change suddenly. As it was, her good fortune was not destined to last a year.

One morning she ordered the carriage to drive her to a neighbouring mansion, but changing her mind reentered the house and went upstairs to her room. She had reached the landing when she thought she heard some one say “Miss Annette,” and pausing irresolutely did not move until the whole course of her life was changed. It all happened in less than a minute, and yet it seemed to her an eternity. She was certainly ten years older when she started out of her reverie and rushed to her room in a perfect tempest of tears.

“We don’t call her ‘Miss Annette,’” said a derisive voice which she recognized mechanically as belonging to a middle-aged housemaid of the name of Jenkinson. “It makes me sick to have to wait on the likes of her.”

“But isn’t she master’s niece?” said another voice, clearly that of a much younger person and one who was a recent addition to the staff.

“The master’s not the man to spend money on a niece,” retorted the older woman contemptuously. “I’ve been in his service for nigh on thirty years and I’ve never known him do a good turn to anyone. He’s as selfish as he is rich and it’s my opinion he’s too mean to marry.”

“Then why is he spending all this money on Miss Annette?” asked her

companion wonderingly. "Her clothes alone must have cost him a small fortune."

"Because, you goose," exclaimed the woman whom Annette had never really liked, "she's no more his niece than you are. Can't you use your eyes, girl? Can't you see that she's his daughter? She's got his eyes and his chin and a dozen of his mannerisms. 'The daughter of an old friend!'" The peal of derisive laughter sent a shudder through the listening girl. "Fancy a man like him throwing hundreds of pounds away on the daughter of an old friend! She's his own child and don't you mistake it. I believe she knows it too, but is too clever to give herself away."

Annette sobbed in her own room until sheer exhaustion left her limp and incapable of any emotion. But when the gong for lunch roused her she sprang to her feet and stood in front of a large mirror and surveyed herself. Yes, there could be no doubt of it. She had the baronet's eyes and chin—the two strongest characteristics of her generous benefactor. And now that she knew so much she admitted that she had his pride and his temper. The brilliant romance had suddenly changed into a sordid story.

When she sat down at dinner that night with the baronet she did her best to appear at her ease, but he saw at once that she was unhappy, and he insisted on her telling him everything. To her secret terror instead of trying to comfort her he rose from the table and left the room, and as she was now prepared for almost anything she could only hope that the worst might not happen.

A week later he sent for her to come to him in the library, and with a brutality which astounded her he informed her that as the servants were talking about her he had decided to send her away.

"You'll have to earn your own living in future, Annette," he said curtly. "I'll do what I can to give you a start and I've found a dressmaker already who will take you as an apprentice. You'll leave here to-morrow morning."

From the convent to the mansion and from the mansion to a dressmaker's cheap and tawdry establishment! That was Annette Myers's fate inside a year. The morning she left the baronet's house she was waited on by the butler at breakfast; the same day at six o'clock she had a "meat tea" in a little room at the back of a shop and helped to wash up afterwards. But if the girl's position changed her tastes and disposition did not. She was the same quick-tempered, proud and ambitious girl fast moving towards a stormy womanhood. The drudgery of dressmaking was sheer torture to her after the baronet's mansion, and there is no knowing what she might have done had it not been that shortly after her seventeenth birthday a young man came along with whom she fell in love. Then because of her love she became reconciled to her humble lot, and she was even glad that the baronet—acting like the

bold, bad baronet of fiction—had turned her out of his luxurious home, for she argued that had he not done so she would never have met the man she loved.

There are certain persons born into this world who seem destined to know nothing but adventure and misadventure. Annette Myers must have been one of these because every time happiness came within her grasp it eluded her. She had just forgotten the attractive luxuries of the baronet's mansion and was looking forward to marriage when the dressmaker's husband came home one night with the news that her lover had married another woman.

Too proud to surrender to her bitter grief Annette left the scene of her employment and took a situation in London as lady's maid. Her restlessness, occasioned by her sorrow, rendered her unsatisfactory to her employer, and she was soon dismissed. She then secured a situation as housemaid, a remarkable change in the course of a year or two, remembering that she was acting as a servant long before she could forget what it felt like to be waited on by a maid of her own.

It took her some time to forget the bitter disappointment of her first love affair, but youth is essentially elastic and resilient, and Annette, the pretty housemaid, was heart-whole again when a fellow-servant introduced her to a young Guardsman of the name of Harry Ducker. The young couple were mutually attracted, and in a very short time they were engaged to be married. Ducker was one of those exceedingly handsome men who fascinate at first sight and, as in addition he knew how to please, Annette was soon wondering why she had ever shed a tear for the country lout who had jilted her.

She was now quite certain that the end of her misfortunes and vicissitudes had come and that although the future promised neither luxury nor social eminence she could look forward to it with pride and pleasure. Ducker was most attentive and a delightful lover, and when he intimated that he could marry her by Christmas her happiness was too great for words.

Before Christmas came, however, she noticed a change in his manner, and when she tested him by asking if he intended to keep his promise he tried to avoid giving her a straight answer. But Annette was not to be put aside or tricked, and a scene ensued in the course of which the Guardsman hinted that as he was not going to marry her she had better look to her personal attractions and her family history to keep her. In other words, she was to become a prostitute and blackmailer, for Ducker had ascertained the name of her reputed father and was undoubtedly contemplating a little blackmailing on his own account.

Annette went back to the house where she was employed in a state of suppressed hysteria and for some weeks she did not see Ducker. Then they met in

Hyde Park and when he repeated his confession of treachery she drew a revolver and shot him dead. The year was 1848.

The crime startled the country and amongst the millions who read about it in their papers was the husband of the dressmaker who had employed Annette. Realizing the seriousness of the position of a girl who, he knew, was not bad at heart, he went straight to the residence of one of the most prominent and influential members of Parliament. On the doorstep he was refused admission but he forced his way into the presence of the great man and demanded that he should procure for the prisoner the best legal aid.

“How can I do that?” asked the M.P.

“I will answer that question by telling you who she is,” said Annette’s friend, and the sequel was the appearance of the M.P. in the drawing-room of Annette’s father that same afternoon.

When he asked to see the baronet his name was sufficient to guarantee him a courteous reception at the house in the fashionable square which had been often the scene of political as well as social entertainments. It was with every confidence that he was going to greet a friend that the baronet entered the room, but when he noticed the stern demeanour of his visitor he started back.

“Sir,” said the M.P., with brutal candour, “you are the father of Annette Myers?”

The baronet went pale, staggered and would have fallen had he not clutched the top of a chair.

“You don’t deny it?” said the M.P. “Then I call upon you to do your duty, which is to provide the funds for your daughter’s defence. You know that she is in prison charged with murder and you must also know that only money and influence can save her life.”

“I will do anything I can provided my identity is kept a secret,” said the baronet, now a complete wreck. “For God’s sake, don’t expose me.”

“I am not a blackmailer,” said the visitor curtly, “and all I want you to do is your duty. Had you treated your daughter more kindly all this would not have happened. But you flung her from luxury into the gutter and the result is tragedy.”

The trial at the Old Bailey was one of those heart-breaking and nerve-shattering affairs which affect everybody from the prisoner and the spectators to the judge, jury and ushers. Only one verdict was possible of course, but the judge in sentencing the prisoner to death broke down, and the jury were deeply affected.

The trial was scarcely over before arrangements for a monster petition for a reprieve were made, the jury before separating drawing up a memorial to the judge praying for his influence on the side of mercy. But this was merely the beginning of a

campaign which monopolized the attention of the country. A score of members of Parliament took part in it, and one of the most prominent workers on behalf of Annette Myers was the headmaster of the City of London School. Meetings were held daily and in all parts of London, for there was a feeling that mercy might not be shown to a woman who had shot her lover deliberately, and Annette's champions were determined that they should leave nothing to chance.

Home Secretaries always show reluctance to reprieve in a case of deliberate murder and the supporters of Annette Myers had every reason to double and redouble their efforts on her behalf. Only a year previously a woman had been executed when justice might have shown mercy without losing any of its dignity, and there was a fear that Annette's case would be decided on the precedent established by that refusal to reprieve. However, the money of her father, the political influence of John Bright, and the unanimity of the public achieved the object aimed at, and Annette Myers was reprieved. It would have been judicial murder to have executed her, for Harry Ducker was undoubtedly one of the vilest of men and the world lost nothing by his death. That it gained by Annette's reprieve she proved years later when, tempered by a period of imprisonment, she came back to liberty and in Australia married and brought up a family which did her new country credit.

CHAPTER VIII

AN EXTRAORDINARY MURDER

No man, however callous, can view with complacence the prospect of having to decide the final issues of life and death, and more than one statesman has deftly side-tracked the office of Home Secretary because to that official is delegated the task of reviewing every death sentence. Until Queen Victoria came to the throne it was the King himself who gave the all-important decision, but then it was decided that a woman should not be exposed to the mental torture of such a task. The Queen, however, took more than an academic interest in the subject and worried more than one Home Secretary with her suggestions. Thus she threw all her influence into the scale against the baby-farmer, Mrs. Dyer, pointedly intimating to Sir Matthew White Ridley that there was to be no reprieve.

It is about the most difficult task any man could have assigned to him. After all, the dividing line between sanity and insanity is so thin as to be almost invisible, and murder cases especially provide problems for solution which would require superhuman powers to deal with successfully.

There is no standard by which we can judge the motives or estimate the condition of the mind of a murderer. Sometimes his very madness makes him so cunning as to give every act a deliberateness which would seem to prove the possession of clear thinking faculties. We condemn off-hand the criminal who with due premeditation takes the life of another, and yet he may be a raving lunatic. The champions of Annette Myers maintained that when she shot Harry Ducker she was insane, and, although they could not prove that the act had been unpremeditated, they saved her life. Compare her fate with that of Martha Browning, and it will be realized that there can be no set method for treating applications for a reprieve and that the luck or ill-luck of the convict, depending as it does on our humanity, suffers from our common liability to err.

It was a very trivial incident that started the train of events which eventually landed Martha Browning on the scaffold at Newgate. But her tragedy began to take shape the afternoon her mistress went to see a friend in a London suburb. Mrs. Smith was elderly but active and enjoyed life with a zest which made her much younger than her years. She was sipping her tea when her hostess told her of a little joke which had been played on her by her husband.

"I don't mind laughing at it now," she said, "though at the time it was such a disappointment that I cried. Tom had promised to make me a present and when he thrust two bank-notes into my hand this morning I was simply delighted. 'Don't look

at them until I'm gone,' he whispered, giving me a kiss, 'I want it to be a big surprise.'"

"He was always one for his jokes," said her visitor, with a laugh. "What were the notes—fives or tens?"

"That's just it," answered her friend, becoming grave at the memory of her disappointment. "For minutes after he had gone I sat with the notes clasped in my hand trying to imagine their value. I knew there were two and to tell you the truth I didn't expect they could possibly be more than five pounds each, but it was delicious imagining them to be tens or twenties or fifties. Then unable to bear the suspense any longer I flattened them out on the table and—you'd never guess it, my dear—I discovered to my horror that they were 'Bank of Elegance' notes."

"What a shame!" cried Mrs. Smith indignantly. "It was really too bad of Tom."

"I was so disappointed that I nearly sobbed my heart out," said her friend, with a watery smile. "You've no idea how many things I'd planned to do with the money. But let me show them to you. They're really clever imitations. Of course they wouldn't take anybody in, but they've the feel of the right thing."

Mrs. Smith examined the notes and confirmed her opinion. They commented on the clever way the words "Bank of Elegance" were printed so as to look like Bank of England, and admired the ingenious author who had filled in the body of each note with a rigmarole which, engraved in the usual style, must have deceived anybody who did not trouble to look closely.

"I'd like to show these to a friend," said Mrs. Smith, preparing to return them.

"My dear, you'll be doing me a favour if you take them away," said her hostess energetically. "I hate the sight of them, and I would have burned them if I hadn't known that you were coming this afternoon. I knew you'd like to see them."

Mrs. Smith was late in reaching the little house where she and her maid led a very placid existence, and she went straight to the room where supper was awaiting her. Martha Browning, a big, brawny girl with a rather dull expression, waited on her, and as usual her mistress chatted with her on the events of the day until it was time to clear away.

The maid was removing the dishes when she noticed what she took to be two bank-notes on the table, and the thought that so much money lay within her grasp hypnotized her. It also brought to the surface thoughts which had lain dormant for years, thoughts of greed and of crime. For Martha Browning, confronted by a new and unexpected temptation, yielded to it immediately.

With difficulty she roused herself out of the trance into which she had fallen and carried the tray into the kitchen. She returned as quickly as she could, hot and

excited by greed, eager to feast her eyes on the notes again. To her annoyance, however, they had disappeared, and the footsteps of her mistress on the stairs indicated that they were being taken to the little desk in the bedroom overlooking the garden at the back.

There was never any doubt that from that night Martha Browning devoted herself to planning the murder of her mistress. All the low cunning of a half-developed mind was mobilized and concentrated on the object and the risk was scarcely taken into consideration, the girl wilfully blinding herself to every danger and thinking only of becoming the owner of two bank-notes which to her represented a small fortune. They meant amongst other things fine dresses, and fine dresses would help her to capture a lover. She had a young man somewhere in the offing, but he was only lukewarm and she was aware that if she did not bring him on he would give her up. So the girl thought through all her waking hours of the murder of her employer, and when she had decided on the day she did not hesitate.

Callers were infrequent at the little house—Mrs. Smith disliking the idea of tradesmen banging on the back door—and so Martha did most of the shopping and brought everything home. Consequently the milkman who called in the morning and the baker who came at eleven were the only regulars. This meant that except on the very few occasions there was some one to tea mistress and maid were alone in the house from eleven in the morning until seven the next morning. Martha, who knew all Mrs. Smith's arrangements in advance, waited until she had kept two social engagements, and then, knowing that the old lady had no appointment for eight days, went to her room on the second night and killed her in her sleep. She was so intent on obtaining the two notes that the actual commission of the terrible crime left no mark on her nerves. She performed it as though it meant nothing more to her than the opening and closing of a door and although alone with her victim at midnight and enveloped in the silence of the grave she was quite at her ease.

From the bed of her victim she went to the drawer and seized the notes, and without troubling to give them more than a cursory glance she concealed them at the bottom of her tin trunk. A little later she was sleeping soundly, the dreamless sleep of one who is happy and care-free.

When the crime was discovered the detectives sent for Martha and questioned her, for there could be nothing mysterious about an affair which practically solved itself. An old woman and a young woman had been in the house and no one else had called. The old woman was now dead, clearly murdered, the murderer therefore must be the younger woman.

"I'm innocent," she wailed, terrified by the hostility of her accusers. "She was

always good to me. I had no reason to kill her. Some one must have broken into the house and done it.”

They took her to a room and left her in charge while the detectives searched the house. They were certain that she was the criminal, but they were puzzled by the apparent lack of motive. The neighbours of Mrs. Smith when questioned by the police expressed themselves as astounded that Martha Browning should be suspected of having murdered her mistress. They were unanimous in declaring that whenever they had been in the house they had noticed how anxious the girl had been to serve an employer who treated her so kindly and considerately. They emphasized the obvious fact that Martha was the heaviest loser by Mrs. Smith’s death, for the old lady’s income died with her and the maid would be deprived of a comfortable and easy situation.

The detectives were impressed, but not convinced. Had Martha exhibited signs of eccentricity they would have ascribed her crime to a sudden outburst of insanity, but she was behaving just as any person in similar circumstances would, and she was clearly in her right mind.

They searched the house and in due course reached the tin box under the girl’s bed and when a detective came upon the crisp notes he uttered an exclamation of relief. His colleagues gathered round him as he unfolded the pieces of paper and when they saw that they were “Bank of Elegance” notes they burst into laughter.

“She wasn’t murdered for them,” said a young detective, humorously contemptuous.

“Not so fast,” exclaimed an old hand. “Isn’t it likely that she may have mistaken them for the real thing? If Martha Browning knew that they were fakes why did she take so much trouble to hide them in her trunk? People don’t conceal anything they regard as worthless.”

He went straight downstairs to the room where the girl was in charge of a policeman and questioned her, and when Martha heard that the notes had been discovered she broke down and confessed. And her confession revealed the amazing fact that she did not know even then that she had committed the greatest of all crimes for two useless and valueless bits of paper.

The trial at the Old Bailey was brief and sensational, and the defence, insanity, excited a crowded audience. But the jury convicted her and the judge passed sentence of death, and then began once more another debate (in which the country joined) as to a murderer’s state of mind.

Was Martha Browning in full possession of her faculties when she deliberately plotted to take the life of a woman who had always been good to her? All those who

clamoured for mercy for her tried to reconcile their arguments with the admitted fact that for a whole week the murderer had formed and shaped her plans for her crime. Those who favoured the death penalty ridiculed the notion that the falsity of the bank-notes had anything to do with the question of the girl's mind. She was ignorant—there could be no doubt of that—but ignorance was not insanity and in any event was no excuse for crime. In the long run they won over the Home Secretary, who refused to reprieve Martha Browning on the ground that there had been too much method in her crime to support the case made out for her by her sympathizers.

One of the points most eagerly contested at the trial was the culprit's estimate of the value of the notes which had tempted her. Did she at any period realize their worthlessness? Her friends said that she never did, while the opposition were equally emphatic in stating that she had all along thought they were genuine Bank of England notes and not until it was too late had she discovered her error. Yet from what one can gather from the evidence it would appear that even when she examined the notes she believed the "Bank of Elegance" was a real bank and that the notes would be honoured on presentation. If this was so she was not quite right in her mind and the cunning with which she made her plans was the cunning of madness. It is terrible to think that a human being should have taken one life and sacrificed her own because of an ignorance all the more apparent because she lived in that age of progress and enlightenment, the nineteenth century. Had she lived in the twentieth she would not have been executed, and mercy is seldom wrong, but they called Sir James Graham, the Home Secretary of Martha Browning's time, "Granite," a nickname conferred on him by *Punch*, and he declined to interfere. So Martha Browning died and her execution, which was a ghastly affair, was the final act in a tragedy which began as a trivial comedy the morning a city man put his arms round his wife's neck and thrust two bogus bank-notes into her ready hand. Like the frogs and the small boys in the fable what was fun to the practical joker was death to a humble servant.



MONTAGUE WILLIAMS
From "Spy's" cartoon, 1879

CHAPTER IX

A DRAMA OF THE SEA

Judges of to-day are in one respect at any rate a great improvement on their predecessors and that is they endeavour as far as is humanly possible to avoid taking sides. The habit also of turning a death sentence into a sermon is dying out, but it is not so long since it was expected of his lordship that he should quote Scripture with gusto and weep profusely. After all, none of us is infallible and only the foolish rush in to express dogmatic opinions on alleged murderers. And the worst feature of the weeping Scripture-quoting judge was his harshness. He might shed tears during a sensational trial, but he seldom displayed qualities of mercy or even justice.

Many years ago a visitor to a Court of Justice was appalled by the almost satanic glee with which the presiding judge dealt out sentences of penal servitude. Comparatively small offences were punished with five years' imprisonment and sentences of penal servitude for life were hurled forth with obvious satisfaction.

"Who is the man on the bench?" was the stranger's question whispered to his neighbour.

"That's Mr. Justice Mayne," was the answer.

"And what is his Christian name?"

"I don't know," said his informant, "but I'll bet all I possess it isn't Hugh."

When a miscarriage of justice occurs the judge who passed sentence must feel more comfortable if he is fortified by the knowledge that he merely performed the duty required of him by the state, and did not insult the prisoner by a lecture on his alleged misdeeds. Innocent men have been executed before now, and there may have been more of them than we know. All the more essential is it that the judge should hold the scales of justice evenly and when the prisoner's guilt is proved not add to his misery by a gratuitous and crude sermon.

The sin which has been found out carries its own punishment with it and that punishment may be greater than anyone imagines. Who knows what a sentence of penal servitude means to the convict, what suffering and terror it causes in his family or what loss it involves by his sudden withdrawal from the workaday world? Sometimes all the circumstances are revealed, as in the case of a shipper who received a life sentence at the Old Bailey during that period when the mercantile marine was honeycombed with fraud. Wilson—I think this was the name of the culprit—was a man of considerable means and position who was not satisfied with substantial profits derived from conveying cargo between Liverpool and the Mediterranean. His greed was chiefly inspired by anxiety to build up a great fortune

for his only son, a handsome man in the early twenties, who had learnt seamanship on one of his father's boats.

Wilson's get-rich-quick idea was not original, indeed, it was so devoid of novelty as to carry additional risk with it. It had been done so often before that had he not believed that there would be no one to betray him he would not have carried it out. His plan was to buy an unseaworthy ship, patch it up for a voyage, and, having insured it, send it off on a voyage from which it was not likely to return. As his reputation stood high in the shipping world, neither the vendors of the vessel nor the captain he engaged for her suspected his little plot, and, to cut the story short, a month after the ship left Liverpool it was recorded at Lloyd's as having been lost with all hands on board.

Insurance money, a very large sum, was paid over, and Wilson who had been living quietly at his house in Liverpool proceeded to London to look up his son, from whom he had not heard for some time. The young man, liberally supplied with cash by his father, preferred the metropolis, and the indulgent parent humoured him in every way. When Wilson reached London he drove to his son's flat in the West End and was informed by a servant that he had not been home for seven weeks. Not in the least alarmed Wilson sought out one of his boon companions, only to be told that the young man had not been seen anywhere for some time.

The successful swindler who had gained a small fortune by the murder of a score of seamen became alarmed when the day ended and there was no news of his son. He did not sleep that night and he was a broken man when he engaged a detective to continue the search. The detective was an astute person, and within a few days he called at Wilson's hotel and informed him that he had ascertained that his son had on a date he mentioned gone to sea in a ship named the *Catfish*.

And the name of the ship which Wilson had sent to the bottom of the sea was the *Catfish*.

He declined angrily to believe it and it was only when proof was forthcoming that the young man, suddenly tired of London, had gone to the captain in charge of his father's latest acquisition and had begged to be taken on board that he admitted to himself he had murdered his own son. In the violence of his grief he let fall certain words which gave the clue to his guilt, and when they were repeated to an official of the insurance company which had been defrauded the police were informed.

The sea and all that concerns it has a special fascination even for those who for reasons of their own either fear or hate it. A crime committed amid the silence and desolation of an ocean deeply affects the sensitive and imaginative. Man fighting the elements is ever at a disadvantage, and when he has to contend with danger from his

own species we sympathize and are deeply moved because we understand something of the odds against him. And from time to time we hear of men who have gone down to the sea in ships with no other object in view than to take human life.

Happily it is very rarely now that ships are converted into veritable death-traps so that their owners may swindle insurance companies. That revolting crime is by no means extinct, but Great Britain is almost free from it. During the slump in shipping values subsequent to the "boom years" insurance frauds were innumerable in certain European seaport towns and cities. So frequent did they become that I believe the British insurance companies declined to do any business whatever with the persons of certain nationalities. Doubtless, there are many swindles perpetrated which are never discovered, but since the fifties and sixties—when heavy doses of penal servitude eradicated the evil from British shipping—British seamen have not willingly sailed under false colours.

Of dramas of the sea there is no end and it would be possible to quote a hundred without exhausting a hundredth part of the subject. Here is the story of a tragedy which needs no embellishment of language to capture the reader's imagination.

In the early nineties a young man in Paris heard for the first time of a grievous wrong done to his parents by a certain lawyer. Immediately he became inflamed with the desire to avenge his father and mother, and being personally unknown to his enemy it was comparatively easy for him to track him down. Now, whether it was merely a coincidence or that the lawyer had heard his life was in danger, it is a fact that a few days before the date which had been chosen—unknown to him, of course—for his assassination he booked a passage by a steamer going to New York. That was why when the young man called at the office on some pretext he learnt that the lawyer had left for Cherbourg that morning.

He followed him by the next train and went on board the ship within a few hours of his quarry, travelling steerage so that no one might see him and the man he intended to murder together. On reflection he was rather pleased that fate had ordained he should have his enemy at his mercy on the highway of the sea, and he was confident of ultimate escape from suspicion. The ship was a large one and in the steerage there were many men capable of committing murder for a few francs. His own past was short enough to be stainless, and the avenging of his family would be his first and only revolt against the law. Not that he perturbed himself unduly concerning the risks he was taking. Had it been certain that he would be captured and executed he would not have altered his plans. The lawyer had hastened the end of his parents and was therefore morally, if not legally, a murderer—and the penalty

of murder was death.

On the first night out the two men had their dinner in different saloons and in very different circumstances. The lawyer, who had been living for thirty years and more on stolen money, sat amid luxurious surroundings and talked cheerfully and vaingloriously throughout the meal. He believed that he had every reason to be contented. He was not of the stuff of which heroes are made and he had suffered a hundred varieties of agony since the moment he had heard that the only son of his one-time friends and clients had returned from his military service imbued with a murderous hatred for him. The news had kept him awake at nights and because it had threatened to drive him mad he had decided suddenly to visit a wealthy Frenchman who had taken up his residence in New York and for whom he acted in France.

But if he was happy so was his enemy. The young man who had for two years endured the rough life and rougher fare of the conscript revelled in what he regarded as the luxury of a steerage meal, eating with avidity because his enemy was practically at his mercy, and thoughts of revenge were very sweet to him.

Deciding to wait until the second night out he retired to his bunk to sleep the sleep of the contented, his last thought ere he closed his eyes centring round the figure 20, the number of his enemy's cabin.

Meanwhile, the lawyer passed from the luxurious smoking-room to his expensive cabin and got between the sheets, but he could not close his eyes because of the proximity of the engines. He lay awake until dawn muttering imprecations against the shipping agent in Paris who had assured him that his cabin would be as comfortable and as steady as the drawing-room of his own mansion. All he could do to console himself was to swear that he would not sleep in that cabin another night no matter what the cost might be.

In the morning he went straight to the captain and complained. The skipper promptly sent for the chief steward.

"I am sorry, but every cabin is occupied," said the steward, sympathetic because the day before he had received a generous *pourboire* from the lawyer.

"But can't you get some one to change cabins?" said the lawyer, who had difficulty in keeping his temper. "I don't mind what I pay."

The chief steward thought for a few moments.

"In that case," he remarked, "I think I might be able to do something. There's a gentleman in No. 16 who would be glad to make a little money. I understand that he has quarrelled with his father who is sending him to America to earn his own living. His passage has been paid for and he has been given a small sum, but I believe he

lost it all playing cards last night. Now if I were to suggest to him that he can make two hundred francs by obliging another gentleman I'm sure he won't hesitate."

The lawyer recalled his sleepless night and decided that at two hundred francs the exchange would be cheap.

"See him at once and let me know the result," he said, brightening up, "and if he agrees have my luggage removed to No. 16 at once."

That night the "black sheep" of a certain English family eagerly sought the cardroom with two hundred francs he had just received from the French lawyer via the polite chief steward. Happily he was unconscious that by accepting the money he had forfeited his own life, and he never knew that by losing it at poker before midnight he deprived himself of the few extra hours of existence he would have enjoyed had he been lucky with the cards. But soon penniless again he sought cabin No. 20 and flinging himself on the bed was soon fast asleep. He was breathing gently when at two in the morning a tall figure moved like a ghost towards him and in the darkness plunged a dagger into his heart. It was still dark and silent as the tall figure crept out and glided towards the steerage, and the inevitable sensation and terror did not come until nearly midday when one of the stewards opened the door of cabin No. 20 and discovered the tragedy.

It did not require much detective skill to solve this mystery, for it was obvious that revenge and not robbery had been the motive for the crime. The captain and the chief steward guessed at once that the murder of the young Englishman was a hideous mistake on the part of some one on the ship. It was clear to them that the French lawyer had been intended as the victim, and they were so certain of this that they suspected he had concocted the story about a sleepless night in order that he might install a substitute for himself in the cabin of death.

The lawyer, however, soon convinced them that he had acted innocently all along and that he had been completely ignorant of the presence of an enemy on board the ship. And when he told how he had heard of threats against his life by a young man with an "imaginary grievance" the detection and arrest of the murderer followed as a matter of course.

CHAPTER X

MR. SALAMANDER MURPHY

Tragedy is the twin of comedy, and the strange drama of the sea which I have just related paradoxically and illogically paves the way to the subject of humour in the courts. It is said that there are only seven original jokes, but if that is so there must be a thousand variations of each one of the seven. There are people who prefer unconscious humour to any other, and they will appreciate a remark by Charles Phillips, an Old Bailey barrister who was very famous in his time—the first half of the nineteenth century—but who is now almost forgotten.

In the course of a prosecution he had good reason to suspect that the chief witness for the defence was ready to commit perjury, and when he saw him kiss his thumb instead of the Testament as he took the oath Phillips exclaimed:

“You may try to deceive God, but you can’t deceive me.”

There is not so much humour in court nowadays, chiefly because conditions have changed and levity is no longer encouraged. It is impossible to shut out humour altogether, for, like truth, it will out even in an affidavit. In passing I may quote one specimen of the latter. “And the defendant swears that he is not the father of the said twins or of either of them,” was a plea once read aloud in a delighted Court of Justice.

“Who is George Robey?” asked Mr. Justice (now Lord) Darling to counsel who introduced the name of the famous comedian into a speech. Perhaps, his lordship’s affectation of ignorance was the preliminary to an “impromptu.”

“He is the darling of the music-halls,” answered another counsel, who is now Sir Patrick Hastings, K.C., and an ex-Attorney General.

That was one of the most perfect impromptus I have ever heard of—at any rate in a Court of Justice. It may be that time and the place and the man were all there, ready-made for it, but it required an acute intelligence to seize the opportunity at the opportune moment.

Where it happens that the name of counsel or of witnesses provides the opening for an effective pun high honours cannot be awarded even for a success, and yet some of the puns have been too good to be classed amongst a form of humour which experts agree is the worst and the most feeble.

Many years ago there was a well-known counsel in the north of England with the unusual name of Missing. He had an extensive practice defending and prosecuting all sorts and conditions of rogues, from poachers to murderers. On one occasion he was retained to defend an old man charged with stealing a donkey and Missing

cross-examined rather too severely a witness for the prosecution.

“Do you mean to tell me, sir, that although you were absent only five minutes the donkey vanished?” he thundered.

The witness, conscious that he was about to score, leaned forward negligently in the box and with an indulgent smile replied:

“All I know is that the ass was *missing*.”

This reminds me of another story familiar in legal circles. A certain judge who was known to have attained his seat on the bench by influence rather than merit dined one night with a former colleague at the Bar whom he had passed in the race for promotion.

During the meal a discussion arose on the intelligence of animals and the judge put the question:

“Which would you rather be, a horse or an ass?”

“Why, an ass, of course!” exclaimed his host, with a promptitude that astounded his lordship.

“You seem very positive about it,” the judge said. “Why would you rather be an ass?”

“Because I have often heard of an ass being made a judge but a horse, never,” said the barrister, with a chuckle.

The most brilliant retort ever heard in a court is to the credit of a nun. Few now remember the once celebrated case of *Saurin v. Star* which in the early part of 1869 occupied the attention of a judge and jury and the whole country for twenty days. The action was brought by a nun who had been expelled from a convent in Yorkshire because of certain minor breaches of the conventual rules, and Sir John Coleridge, afterwards a peer and Lord Chief Justice of England, led for the plaintiff. Amongst the witnesses for the defendant, the Mother Superior of the convent, was a Miss Kennedy, a nun, and when she had detailed the offences which had led to the expulsion of the plaintiff Coleridge rose to cross-examine her.

“You say that amongst her offences was the eating of a few grapes?” he began, in that dulcet tone of his of which he was as conscious as he was proud.

“Grapes were forbidden in a community consisting of nuns who had taken the vow of poverty,” said Miss Kennedy quietly.

“But, surely, eating a few grapes is not a crime?” said Coleridge.

“That depends on the point of view,” she said. “After all, Sir John, we all know what happened because a certain person ate an apple.”

I think I have every right to apply the much-abused and ill-used word “perfect” to that retort. Coleridge, who had no hankering after a reputation for humour, very

often recalled it to bestow his praise on it, and the Mr. Charles Russell of the case—later on he succeeded Coleridge as Lord Chief Justice—gave it a prominent place in his memories. Russell, for an Irishman, had less humour than one might have expected, but he had a keen appreciation of it, and his delight at Miss Kennedy's triumph was not the less because he was one of the counsel for her friend, the defendant.

A witness of the calibre of Miss Kennedy is worth her weight in gold, but, as may be expected, it is seldom we hear of one. The well-meaning friend who clumsily gives away his side in the witness-box is much more frequent. There was once an Irishman of the name of Murphy who had the misfortune to lose his house and its contents because of a fire. He had, however, the consolation of a policy in a well-known insurance company which provided for the payment of a sum of money which was at least equal to the financial loss occasioned by the catastrophe. Rumour said it was a great deal more. Mr. Murphy therefore promptly made his claim and he was horrified and indignant when the company wrote repudiating liability on the ground that the fire had not been an accident. There were, indeed, many suspicious circumstances connected with the affair, but Mr. Murphy did not intend to take lying down the aspersion on his character, and he brought an action against the company.

The trial centred, of course, on the cause of the fire. Had it been due to a pure accident or had Mr. Murphy been responsible for it? That was the question the jury had to answer, and to assist them to arrive at a just decision each side retained four eminent barristers.

At first it seemed that the plaintiff would lose, but towards the close of the first day he was leading, and when on the second morning the judge took his seat on the bench Mr. Murphy was the most confident man in court. The last of his witnesses was to be examined and cross-examined and if there was one person on whose loyalty and discretion he could rely that person was his lifelong friend, Mr. O'Brien.

With a jaunty air the witness stepped into the box and without hesitation answered the questions put to him by the eminent barrister who led for the plaintiff. He had his evidence by heart and did not falter, and when counsel for the defendant company began to cross-examine Mr. O'Brien was just as serene and confident.

"You have known Mr. Murphy for thirty years?" he asked, and the witness nodded. "You believe him to be a trustworthy and honourable man?"

"That I do," said Mr. O'Brien, with a smile.

"You don't believe then that he got up at midnight and started the fire on the kitchen floor which undoubtedly destroyed the house?"

"Sure, Salamander Murphy wouldn't do a thing like that!" exclaimed the witness

indignantly.

A roar of laughter drowned counsel's next question and he had to repeat it.

"Why do you call him Salamander?" he said quietly.

Mr. O'Brien scratched his head and looked profoundly puzzled.

"I don't know," he replied slowly, "but that's the name he's been known by in these parts for twenty years."

"That will do," said counsel triumphantly, and sat down, conscious that the witness's answer had knocked the bottom out of the case for the plaintiff.

It was a wiser and dejected Mr. O'Brien who later on heard in lurid language from his friend, Mr. Murphy, that a Salamander was a lizardlike animal which was supposed to live in fire, hence the nickname bestowed on Mr. Murphy, who had in past times saved himself from bankruptcy on more than one occasion by a profitable deal with an insurance company. But this was the last exploit of "Salamander" Murphy, for the verdict of the jury in favour of the defendant made it necessary that he should leave the country to avoid a prosecution for fraud.

Another case which collapsed owing to the stupidity or carelessness of an important witness was a celebrated will suit. There was no comedy to distinguish it, and the incident which upset the well-laid plans of a couple of rogues was pregnant with tragic gloom. An Irish farmer possessed of considerable land and money died and two relatives, one a lawyer, produced a will which they swore had been signed by the farmer shortly before his death. As the document bequeathed everything to these two and disinherited many nearer relations it is not surprising that it should have been contested.

There was a tremendous amount of hard swearing on both sides at the trial, but all that mattered was the genuineness of the signature to the will. The lawyer and his friend swore that they had seen the farmer sign the will and after they had given their testimony a middle-aged, dour-looking person entered the box. Now it was realized by both sides that this was the most important witness of all, for he had been called by the claimants to the property who put him forward as an independent spectator of the signing of the will.

The examination was conducted on the usual lines, and excited no interest, but when counsel for the other side, the redoubtable Daniel O'Connell, began his cross-examination he soon riveted the attention of a crowded court.

"Tell me, my man," he began, in a brusque tone which indicated that he meant to show him no mercy, "was the testator alive when he signed the will?"

The peculiar question, which had a touch of the absurd in it, caused many to smile.

“There was life in him,” said the witness, in a surly tone.

“But was he alive?” O’Connell persisted.

“There was life in him,” the witness repeated, his little dark eyes glinting.

“You know our opinion of how this will was concocted,” said counsel, “but I will refresh your memory as to the details. We maintain that Mr. Sullivan was dead when the will was brought into the room for him to sign. We believe that when the two men who manufactured that will found that they were too late to exact pressure on the farmer they placed a pen in his dead hand and one of them placing his own hand over it wrote ‘John Sullivan’ at the bottom of the will. This ghastly travesty of life was enacted so that if the will was contested they could swear that they had seen the farmer with the pen in his hand signing the will. Now, what do you say to that? Do you persist in your statement that Mr. Sullivan was alive when the will was signed?”

“There was life in him,” said the witness, in a whisper.

A pause ensued before O’Connell put his next question and he had spoken a couple of words when one of his colleagues gained his attention by tugging at his gown and whispered something in his ear.

“That is all you have to say—there was life in him?” O’Connell said, and those in the vicinity of the learned gentleman detected the outlines of a smile of triumph.

The witness nodded.

With a sudden movement which electrified the court counsel leaned forward and pointed an accusing finger at him.

“Yes, there was life in him,” he cried, in ringing tones, “but that life was a fly which you placed in the dead man’s mouth so that when the dead hand was being lifted across the forged will you might be able to swear in a Court of Justice that there was life in the body. What do you say to that?”

The witness said nothing, but his expression was eloquent, and, like the case for his friends, he collapsed completely.

The rogue who would cheat the law should carefully rehearse his witnesses, though one is glad that even when he does so he is rarely successful. “Gentlemen,” said Lord Palmerston, that prince of cynics, “if we have to tell a lie, for goodness’ sake let’s all tell the same lie.”

The statesman did not really mean what he said, but he enunciated an axiom which litigants who venture on the dangerous ground of perjury might do well to remember. For whenever a perjurer is detected his lieutenants are apt to suffer almost as grievously as he does.

One of the most pathetic spectacles ever seen at the Old Bailey was the conviction of an army officer for perjury. More than one heart was broken when the

man who had risked his life for his country was sent down to penal servitude for five years, and although his offence was a very flagrant one and deserved little mercy it was impossible to withhold sympathy. But no matter how severely the offence may be punished it can never become rare, and the opinion of the judges is that it is on the increase. It is so easy to talk that perjury is the easiest weapon to acquire and use against an opponent. The ancient Romans hurled perjurers over a rock and the Persians cut their tongues out, but false swearers were just as numerous in Rome and Persia as they are in all countries to-day.

When, however, the luck favours justice the defeat of the perjurer is crushing. In the early years of the present century when owners of properties and businesses in the thoroughfare now known as Kingsway were presenting claims for compensation one of them, a small tradesman, demanded a huge sum of money. To substantiate his complaint that he was being deprived forcibly of a business which had for twenty years produced large profits he brought forward ledgers purporting to contain accounts for that period. They all revealed astonishingly large receipts and they certainly proved that a claim for fifteen thousand pounds compensation was not unreasonable.

The claimant thought he could not fail, but his confidence was born of ignorance, the ignorance of the man who cannot imagine anyone being wiser than himself. It never occurred to him that the authorities might do more than merely read the ledgers and he was dumbfounded when an expert pointed out to him that the ledger for 1889 was composed of sheets of paper which had not been manufactured until 1899. There was no answer to that, and instead of compensation the perjurer got seven years' penal servitude.

CHAPTER XI

THE SANITY OF MURDERERS

I have heard the word "eccentric" interpreted "a lunatic with plenty of money," and the definition is reminiscent of the different meanings attached to "thief" and "kleptomania." But one must sympathize with those who have to decide where eccentricity ends and madness begins. There have been instances of men notoriously odd in their behaviour who have suddenly committed terrible crimes, and whenever this has happened there has been a loud outcry against the authorities for not having put the convict under restraint and thus rendered him harmless.

In this connection I am reminded of Howieson, the Scottish murderer, whose execution caused such an acute controversy many years ago.

Howieson was regarded by everybody who knew him as harmlessly insane. He wandered from village to village but never further than fifty miles from Edinburgh, and as he allowed his beard to grow to an enormous length and wore a dress which a hundred years previously would have been out of date he was a familiar sight, humorously tolerated, round about the Scottish capital.

His only hobby was attending religious services, but nothing would induce him to be present in the same church or chapel two successive Sundays. He liked variety, and he sampled the various dissenting kirks in succession. Such was his hobby and he lived for it, but he had also one unceasing terror, the terror of the certainty that one day he would be carried off by a witch. As a protestation against this he carried a Bible in his bosom and prayed fervently at intervals for the banishment of all witches from his native land.

Gradually the lunatic worked himself up into a condition of maniacal fury against his imaginary enemies, and, electing himself the champion of religion against the witches, resolved to be the instrument of their destruction. The consequence was that he detected a witch in every old woman, and when one afternoon he entered a cottage at Cramond, near Edinburgh, and saw an elderly woman seated in her chair he struck her down with a spade and fled.

The police had not the least difficulty in arresting him, and when he stood his trial at the High Court in Edinburgh the only plea there could be advanced on his behalf was one of insanity. The evidence in support of his state of mind was very strong, several witnesses testifying that for twenty years and more Howieson had been regarded as completely mad. Counsel for the prosecution, however, insisted that the prisoner had not been mad at the moment of committing his crime.

"A madman could not have realized his danger," said the Solicitor-General, "and

we know that Howieson did. He showed it by decamping, thus proving that he realized fully that he had offended against the law of his country. Had there been a third party present Howieson would not have murdered the old woman, and that is sufficient evidence that he knew and knows the difference between right and wrong.”

There was an agitation after his conviction to secure a reprieve, but it failed, and Howieson when informed that he had to die requested that he might be permitted to make a full confession. Then to the amazement of the prison officials he gave a list of fourteen women he said he had killed.

“But I know six of these women personally,” exclaimed the head of the police, “and they were all in good health last week.”

“That’s the confession of a madman,” said the chaplain sympathetically, “but as he must die in an hour there’s no time to communicate with London.”

Early the next morning Howieson was conveyed to the scaffold and those who saw him then subsequently admitted that he was mad at that moment. And it was not that the proximity of death was the cause—he appeared to be quite unconscious of his position—the rolling eyes, the foaming mouth and the convulsive twitchings of face and body proclaimed aloud what the authorities had refused to believe.

Within forty-eight hours of the execution a gentleman who had interested himself on behalf of the wretched man met the Solicitor-General for Scotland at the house of a mutual friend.

“Well, what do you think about poor Howieson now?” he asked.

“I’m trying to forget him,” said the famous barrister, who was obviously embarrassed, “for if I don’t do so quickly he’ll haunt me.”

That was a confession of a wrong done to a helpless lunatic who ought to have been put in an asylum years before he started his campaign against the witches. Howieson must have been about the last person in Scotland to believe in the existence of witches, and the fact that he proclaimed his faith aloud ought to have been sufficient to ensure a careful watch being kept on him.

I fancy that the relation of insanity to crime does not interest the public because the subject is only revived in cases of murder. One never hears of insanity being pleaded in extenuation of theft or burglary, and of course the reason is that a successful defence based on such a plea would result in the accused being imprisoned in an asylum. At the same time all criminal lunatics are not murderers just as all murderers are not lunatics. Crime has its special practitioners, men and women who deliberately choose it and devote all their cleverness and cunning to trying to make it pay. And some of the devices adopted by the temporarily successful murderer can only cause us to wonder why so much ingenuity is not applied to some

honourable profession where it would assuredly earn greater profits.

One of the cleverest swindles perpetrated with complete success was that of the jeweller and the alleged army officer, a story which has been disguised as fiction more than once. The facts, however, need no garnishing to render them palatable.

A jeweller of the name of David Samuels was worrying about the reluctance of his customers to take off his hands a large service of gold plate valued at one thousand pounds. Mr. Samuels did not like to have so much money locked up, and he was bitterly regretting his investment when a youngish man of handsome and confident appearance entered the shop. The stranger bore himself like a soldier and an empty sleeve was an eloquent reminder of risks incurred on the battlefield.

"I have called about that service of gold plate you have," he said, coming to the subject at once.

Mr. Samuels became alert and deferential.

"Certainly, sir," he answered, with a bow. "Do you require it for your own use?"

The stranger laughed derisively.

"A poor soldier with one arm couldn't afford such a luxury," he said rather mournfully, as the jeweller thought. "No, it's not for myself—it's for the colonel of our regiment who is going to be married next month. I'm treasurer of a little committee we've formed to buy him a wedding present and as he's very popular in the service we've raised just over a thousand pounds. We've been considering many suggestions, but I remembered having seen the gold plate in your window a week or two ago and when I told my fellow committeemen they agreed that it was just the thing for the colonel."

"I'm sure it is," exclaimed the delighted jeweller, rubbing his hands together. "I've never seen anything so beautiful."

"My name is Captain Donald Stewart," the customer explained genially, "and I'll be obliged if you'll tell me the lowest sum you'll take for the plate."

"I want a thousand pounds," said the jeweller, with a crafty glance at the officer, "and I can assure you, sir, that won't leave me two per cent. profit on the transaction."

"Very well," said Captain Stewart briskly, "the price happens to suit us so I'll take the plate. Of course you'll understand I haven't got a thousand pounds in cash on me and I don't expect you to trust me, but I can send for the money. I left it with my wife who's staying at a hotel in the West End and if you'll allow me to write a note I'll send my servant, who's waiting outside, for the ready money."

Pen, paper and ink were quickly fetched by the delighted tradesman and when the officer requested him to write at his dictation, pointing out that he had recently

lost his right arm and had not yet become accustomed to writing with his left, Mr. Samuels readily obeyed.

“Please hand to the bearer the sum of one thousand pounds. I require it at once to complete some business,” the officer dictated, and added, “Thanks, that will do. I’ll initial it myself.”

Mr. Samuels watched as Captain Donald Stewart appended his initials to the paper, and a few moments later saw him hand it to his manservant. The officer remained behind for a few minutes chatting on various topics and when he left he promised to be back within a couple of hours with the cash.

At the time appointed—three o’clock—Captain Donald Stewart had not reappeared, and at six the jeweller was anxious and disappointed. He usually closed at seven, but he was still behind the counter at eight and when at last he put the shutters up he had almost got used to his disappointment, having consoled himself with the reflection that if the one-armed stranger was a crook he had not gained a penny at his expense. The service of plate was still in the safe and Mr. Samuels had lost nothing, which was a source of relief.

It was shortly before nine that he entered his house and he was removing his coat when his wife came out of the drawing-room.

“Well, did the business turn out all right?” she asked anxiously.

“How did you get to hear of it?” he exclaimed, in surprise, thinking that by some means she had obtained news in advance of his negotiations with the alleged army officer.

“Because you sent a man for the thousand pounds you keep in your desk,” she answered, and started when she saw his sudden pallor.

“I sent no one for the money,” he gasped.

“But here is your order,” she said, following him into the room. “I thought it was unusual, but there was no doubt about your handwriting. I haven’t been married to you for thirty years without knowing your hand.”

He guessed what had happened long before he took the note he had himself written and read as if in a dream the words which robbed him of a thousand pounds. For the first time he saw that the initials of the bogus officer were the same as his own and he had no doubt that the name had been selected with a view to fitting in with the initials of David Samuels.

The two rogues were never seen again by Mr. Samuels, who, however, never forgot them or the first and only trick to be practised on him successfully. And never again did he oblige anyone by acting as unofficial secretary, for he had had his lesson at a cost of a thousand pounds, and the size of the fee nearly broke his heart.

Since that celebrated exploit jewellers have discovered to their cost a thousand and one ingenious inventions of the criminal fraternity. It is astonishing that so many of these ancient and oft-repeated frauds should succeed, but the hope of a big deal that springs eternal in the jeweller's breast has been responsible for the taking of risks which have resulted in heavy loss.



PATRICK O'DONNELL

Executed Dec. 1883, for murder of Carey, the informer

The most remarkable of modern jewel robberies took place in New York shortly after the conclusion of the Great War. A well-known dealer in diamonds there received a consignment of uncut stones which he knew would rouse the greed of every thief in the city. The jeweller, therefore, took counsel with his staff as to the

best means of circumventing any attempt on the treasure, and after considerable cogitation and consultation he devised an ingenious scheme. During the ordinary hours of business the diamonds were not in any danger, a staff of six stalwart men being on the premises, and it was the hours between eight o'clock at night and eight in the morning for which provision had to be made. Some men would have hidden the safe, but this jeweller had original ideas, and instead of keeping it in a back room after business hours he placed it at night in the show window with the electric light in full blaze upon it. There were no shutters to the window, and thus after dark the window lighted up half the street and made the safe the most prominent object in the neighbourhood. He knew that a thief would shrink from the publicity of that glaring light, but to make assurance doubly sure he arranged with the policeman on duty to pass the window twice every minute.

When his plan had been in operation three nights the jeweller entered his shop at half-past eight in the morning to find two assistants and a couple of detectives gazing in stupefied amazement at the rifled safe. He raved and roared when they told him that thirty thousand pounds' worth of diamonds had vanished and it was long before he could regain sufficient of his composure to enable him to listen to the explanation.

The policeman on duty had not forgotten the window and regularly every thirty seconds had glanced at the safe to see that it was undisturbed, but it had never occurred to him or to anyone else that on one of those occasions it was not the safe he had seen but a cardboard imitation of three sides of it which had been dropped in front of the real thing so that the thieves could remove the safe from the window and leave the policeman and passers-by under the impression that it had not been disturbed. With the cardboard representation of the jeweller's safe keeping the policeman at bay the crooks were able to work leisurely on opening the original in the shop and when they had extracted the diamonds they departed by the back door. And it was not until an assistant arrived at eight in the morning that the burglary was discovered.

The gang got away without any casualties, and the only clue the police had to help them was a more or less vague rumour that a certain well-known artist in a New York suburb had accepted a large fee to paint on three pieces of cardboard a picture showing the door and two sides of a dark-green safe. It was said that he did it as a joke, and if he did his peculiar humour cost the well-known dealers in diamonds a fortune.

CHAPTER XII

TWO STRANGE CASES

The common human weakness for trying to get money without really working for it has ever been a fertile source of crime. The criminal in search of a good time thinks first of a bank or a jeweller's shop, and the ordinary burglar ignores the small villa for the mansion. But these are, after all, the professionals, and more interest is to be derived from the occasional excursions into crime of what I may term the amateurs, and in this category may be placed Evan and Hannah Jacobs, the authors of the swindle known as the "Welsh fasting girl" which was one of the sensations of 1870.

The Jacobs were a married couple living in a village in Carmarthenshire with one child, a daughter named Sarah. They had a severe struggle for existence, work being scarce for a man who quite apart from his dislike for it had no special trade, and their position was critical when it occurred to Evan that they might turn to account the pale, placid and delicate beauty of his daughter.

What first put the idea into his head we do not know. It is possible that he may have read in some old paper an account of excessive fasting by a crank. Anyhow he caused it to be known in the neighbourhood that his daughter had been endowed with the miraculous gift of going without food for months and that the curious might behold the miracle by paying a few pence.

The front room was ingeniously prepared for the exploitation of the fraud. Practically bare save for a small bed on which Sarah lay dressed as a bride, it subtly suggested a complete detachment from such vulgar failings as eating and drinking. At the same time it being necessary to arouse the sympathetic interest of the morbid efforts were made to heighten the pallor and weakness of the girl on the bed. Passive cruelty has an amazing fascination for certain people, and the Jacobs knew that if they wished to reap a financial harvest they must not make their daughter's "miracle" appear too easy of achievement.

The response at first was disappointing, but when the statement was circulated by apparently sane and trustworthy persons that by no manner of means could food be smuggled into the room where Sarah was watched day and night the attendance improved, and at the end of a fortnight Evan Jacobs was taking as much as two pounds a day. Neither he nor his wife acted as attendants on the fasting girl; they ostentatiously refrained from approaching her, and left the task of testing her endurance to acquaintances. Never once was the girl quite alone, and the women who guarded as well as watched her were the loudest in their expressions of amazement.

Day after day the cottage was invaded by a bovine crowd which was impressed into dull astonishment by the deathlike pallor of Sarah and, for some reason impossible to fathom, enjoyed the spectacle and admitted it had had its money's worth. People came from all over the principality, and the Jacobs were delighted. All they had to do was to take the money of their dupes and at certain intervals convey food and drink to their daughter, one confederate amongst the watchers being sufficient to enable them to do this without risk of exposure.

Had they been a little more intelligent they must have been frightened when three months after the inauguration of the swindle the papers began to refer to the "miracle" of the Welsh fasting girl. It was an obscure sheet which set the ball rolling, but when a Cardiff daily paper sent a special correspondent to investigate and he reported favourably on what he had seen the London papers became interested. The local publicity added considerably to the gains of the Jacobs, and there appeared to be no likelihood of a stoppage of receipts when a well-known doctor in London read in his morning paper of the strange doings in Carmarthenshire. Now this gentleman was on the staff of Guy's Hospital and while he was at first inclined to ridicule the pretensions of the "Welsh fasting girl" the circumstantial account in the paper decided him to treat it seriously. He therefore consulted his colleagues at the hospital and they agreed to send down four nurses and two doctors as a committee of investigation which was to watch and report and, above all, to prevent fraud.

Evan Jacobs was scared when the deputation from Guy's Hospital arrived, but he comforted himself with the belief that it would not remain very long. The accommodation in the village was extremely limited and excessively primitive, and he could not imagine the doctors or the nurses enduring it for more than a week. He therefore arranged with his wife and daughter that Sarah should actually go without food while the doctors and the nurses from London were there. He did not anticipate that she would have to endure more than a week's hunger, and as by now the profits had risen to more than twenty pounds a week Sarah herself was quite willing to suffer so that the income of the family might not be destroyed.

It was with a great show of cordiality that Jacobs and his wife conducted the deputation into the room where Sarah in her bridal attire lay in bed, but it was only when she declared again and again that she could live without eating and had no fear of any consequences that the nurses and the doctors began their self-appointed task. They were criticized afterwards for their conduct, but it is recorded in their favour that they warned the parents that Sarah was in a very weak condition and that she ought to have nourishing food at once.

Subjected to a real test the girl must have suffered agonies, but she maintained

the same placid demeanour, buoyed up by the hope that the doctors and the nurses from Guy's Hospital would abandon the dreary ordeal after a few days. And she knew that if they conquered the sceptics from London the fortune of the Jacobs family would be made and there would be no one to doubt them. Sarah, however, reckoned without the effect of months of inaction and confinement in a stuffy room on a constitution never too robust, and the sudden deprivation of food resulted in her death.

The sensation was great, and it was heightened by a pathos which sensitive persons ever experience. Her father and mother became the objects of public execration, and there was universal satisfaction when the police arrested them.

The late Lord Hannen was then a judge of the High Court and to him fell the duty of presiding at the trial of Evan and Hannah Jacobs at the assizes held in Carmarthenshire. It was expected that the charge against the prisoners would be wilful murder, but foreseeing the difficulty of obtaining a verdict on that count it was decided to indict them for manslaughter. The trial attracted world-wide attention, the whole circumstances being unique and without precedent, but the law of England is very clear on the duty of parents towards their children, and counsel for the prosecution soon convinced the jury that Sarah had been the helpless victim of a very cruel as well as a very cunning fraud.

The judge might have sent them to penal servitude, but he took into account the acute sufferings of the couple who had lost their only child, and acting on the recommendation of the jury he sentenced Hannah Jacobs to six months' imprisonment, half the sentence meted out to her husband. Such was the end of the "Welsh fasting girl" sensation, but there are legends concerning it still in circulation in Wales, and old folk talk of feats of fasting which have no foundation in fact, but which they believe to this day were achieved by Sarah Jacobs. It is to the credit of the convicts' neighbours that they learnt their lesson and that morbid exhibitions of this nature were taboo in that part of the country for more than a generation. There have been numerous imitations of the fraud in England and other countries in recent years, but public taste has changed, and to win the pennies of the crowd something more exciting than what is after all merely a passive exhibition is necessary.

There is so much suffering in the lives of most of us that it is beyond human comprehension why anyone should be willing to pay money to see it. One would have thought that it was the last thing that could be put on sale. Why is it there are so many persons who will pay for something which they can get for nothing? That is a question which might be answered, but I will not indulge in an analysis of human nature. When a well-known author sent a clever but depressing story to an

American magazine he got it back by the next mail with this note, "There is not a home in America which cannot manufacture gloom on its own premises; therefore we cannot hope to sell them any." There is not a human being who cannot see suffering for nothing; why, therefore, pay for it?

That the fascination of the morbid is universal is the lesson to be learnt from the story of an American who hired a hall capable of seating two thousand persons and filled it at a dollar a head by announcing that he would appear on the platform at nine o'clock and commit suicide by shooting. The reason for his determination was the loss of all his possessions and he may have been sincere enough when he paid the printing bill with his last dollars, but he had not taken into account the effect the financial success of his enterprise was likely to have on him, and had it not been for the good humour of his audience he might have found another way into a world he did not know when he walked on to the platform and explained that being no longer in need of financial assistance he had decided to remain a little longer in the world he knew.

There was nothing so melodramatic about Mrs. Ellen Snee, who planned her own death with a method suggestive of nothing but insanity and who might have succeeded but for an accident. She was the wife of a commercial traveller and very much in love with her husband but his long absences from home engendered a depression which eventually became a permanent part of her temperament. Seized by a longing for that peace which death alone can bring she made an abortive attempt to procure poison, and when balked by the suspicions of the chemists she approached, she attempted to solve the problem by inserting an advertisement in the *Daily Telegraph* in which she offered to pay a doctor or a chemist who would assist "a person engaged in an interesting experiment."

A young medical student of the name of Vance answered the advertisement, and a voluminous correspondence ensued. Mrs. Snee apparently did not attempt to hide her real object and early on in the correspondence Vance was acquainted with the fact that suicide was her object. She gave as a reason that her death would benefit certain people she loved and that as she had nothing to live for it was only just that she should dispose of her own worthless life.

Mrs. Snee wrote freely and expressed herself without ambiguity, but both she and the medical student were well aware of the risks they were running, and the woman signed all her letters "William Quarll." Furthermore, to evade detection the correspondents utilized different post offices, but their over-care was the cause of their undoing. One of Mrs. Snee's letters was sent to a post office which Vance forgot to make a note of, and when his forgetfulness had lasted over a fortnight the

letter was opened by the man in charge of the branch with a view to returning it to the writer. When, however, he read the contents he saw that it was a matter for the police, and a detective was called in.

The arrest of Ellen Snee and Vance was quickly accomplished, and they were in due course committed for trial to the Old Bailey, where they were put on trial before Mr. Justice Mellor. By this time a vast amount of mystery and innuendo had accumulated about the prisoners and their motives, and there were rumours that all the time Ellen Snee had not been asking for poison for herself but with the object of using it on some one whom she wished to remove. The principal charge, however, was that of conspiring to cause the death of one of them, but the judge decided that this count could not be supported, and eventually they were convicted of conspiring to murder some person unknown. Vance protested that all along he had been working with the object of getting the money Mrs. Snee had offered for his assistance and that he had no criminal intentions, and, although on conviction he was sentenced to eighteen months' imprisonment, it is not unreasonable to suppose that neither judge nor jury took a very grave view of the matter. The whole case was eccentric rather than sensational, and more peculiar than exciting. Mrs. Snee, who could not have been in her right mind, got six months' imprisonment only, and according to all accounts she was merely the victim of acute depression due to loneliness. This story of the seventies deserves to be told if only on account of its unique nature. Would-be suicides do not as a rule plan their own destruction with so much elaborate detail. It is not easy to believe in the sanity of a woman who advertised for help to take her own life and who indulged in a lengthy correspondence on the subject. And when these things happen in real life we can only fall back on the explanation that despite all her method she was really mad.

It would not be safe, however, to assume that because an act is eccentric or unique it is not criminal. There was an Austrian nobleman who feigned insanity in order that when he murdered a rival in the affections of a certain heiress he might if discovered escape death by pleading that he was not in his right mind. With this object he had himself confined in a private asylum so far away from his home that none of his friends or relations could suspect that he was not on the sea voyage he had arranged in their hearing. Professing to be cured after a couple of months he returned to his native place and with great deliberation proceeded to plot the death of a man who had often been his guest. The murderer hoped to escape detection, but the luck went against him, and in his anxiety to get away from the scene of his crime he dropped a pencil which was identified subsequently as his property.

When he was arrested he sent for a leading lawyer in Vienna and confided to

him the story of his incarceration in a private asylum. That was sufficient to enable the lawyer to prepare a very strenuous defence, and it was the evidence of the doctor who kept the asylum that saved the nobleman from conviction. The verdict was that he was insane, and he was removed to an asylum. He had lost the heiress, but his life had been spared, and he knew money and influence would enable him to relieve the monotony of existence. In addition, he had reason to believe that as soon as the public had forgotten the exact circumstances of his crime he would secure a pardon from the emperor. Thus his very clever plan promised all the success he had hoped for it, and he had some occasion for satisfaction in contemplating his successful duping of justice. Life in the asylum was scarcely different from that in his own home, save for the absence of friends and relations, and he never saw the other inmates, passing the time with the medical staff. The doctors were only too glad to share in the luxuries he was able to provide and when at the end of three years a pardon came they were sorry to lose him. But the murderer forgot his victim had sons and it is more than likely that they suspected that their father's murderer had brought off a unique trick. It may have been that the nobleman in his exultation talked too much and that what he said was repeated until it reached the town where the family of his victim resided. That is the only explanation one can offer for the fact that within twenty-four hours of the release of the alleged lunatic he was shot dead at a railway station by the eldest son of the man he had murdered. A pose of insanity had saved him from the justice of the state, but it could not avert the rough and ready justice of the family he had injured beyond reparation.

CHAPTER XIII

VICTIMS OF THE LAW

What can be the state of mind of a guilty person who is present at the trial of one charged with the crime he has himself committed? Charles Peace watched from the gallery the conviction of the brothers Habron for the murder of Police Constable Cock, the unfortunate officer Peace shot down in a Manchester suburb, and the most notorious of all criminals declared afterwards that his only feeling was one of quiet satisfaction at the blunder of the authorities. It was a very remarkable case, and had it not been for Peace's final capture on another charge a very terrible miscarriage of justice would never have been discovered and remedied. But there have been even more remarkable instances of the guilty witnessing the immolation of the innocent, and the most amazing of all was staged at Maidstone when Queen Victoria had been on the throne ten years.

The victim of the law was an inoffensive man of the name of Hutchings, who had a wife with a temper and a partiality for alcohol. It is not surprising therefore that the home should have been anything but attractive, and that the son of the marriage should have grown up with a lurking hatred for the mother who made life so miserable for him. The woman drank, neglected her home and her husband, and beat her son as long as he was too young to retaliate. When he grew into manhood and would not be assaulted Mrs. Hutchings redoubled her rancour against the lad's father, and she became so unbearable and impossible that their acquaintances marvelled that Hutchings should be content to live under the same roof. Very often he was advised to desert her, but he only answered by expressing a hope that a sudden change might take place in the wife who had once been everything to him.

There were quarrels, of course. Even Hutchings, who was a lover of peace at any price, could not avoid them, and when the rumour spread that Mrs. Hutchings had been found dead in bed the unanimous opinion was that she had driven her husband to desperation. Surprise, however, was expressed when after the arrest of Hutchings the news was published that the woman had been poisoned. Everybody had assumed that in the course of one of her frenzies she had been struck down by Hutchings, and that he should have resorted to poison to remove the incubus was so opposed to the general opinion of him that it startled the community.

From the first Hutchings fiercely protested his innocence, again and again defying the police to prove that he had ever possessed poison in his life. They did not argue with him, but when the time arrived for his trial his counsel had to try and explain why it was that arsenic had been discovered in the body of the dead woman. That it

had been administered to her in food or drink was obvious, and, puzzled as he was, the prisoner never once suggested that it was a case of suicide.

How had the poison got there? Where had it come from? The prosecution did not produce the answer to either of these questions, and all counsel for the crown could do was to state in emphatic language the opinion that as the husband was the only person who had had access to the deceased he alone could have administered the poison.

Twice the prisoner interrupted counsel and there were moments when in his efforts to obtain credence for his denials he behaved like a madman in the dock. Obviously the thought that he might be hanged for a crime of which he would not admit the guilt was driving him crazy, and when the jury returned a verdict of guilty his excitement changed to a fury which was almost too much for a frame weakened by weeks of semi-starvation in jail.

In the condemned cell he implored the chaplain to save him, and when his son, who had been a spectator of the trial, came to see him he begged him to go at once to London and appeal to the Home Secretary. It was plain that Hutchings was fast losing his reason through terror, but many of those who heard him deny his guilt came to the conclusion that the man was neither acting nor lying.

A determined effort was made to secure a reprieve, and the small committee of gentlemen who took the matter up based their petition on the ground that the guilt of the condemned had not been proved satisfactorily. They admitted that Mrs. Hutchings had been murdered and that she had not committed suicide, but they asked the Home Secretary to be merciful because there was a possibility that the jury had made a mistake. They did not forget to impress on him the solemn fact that if Hutchings was executed and his innocence subsequently established the state would have committed a crime for which it could offer no redress.

It is possible that a reprieve would have been granted at once had not the offence been that of wife-poisoning. Had Hutchings battered his wife to death or shot her he would have been treated more leniently than he was when a jury convicted him of taking her life by administering arsenic. We all have a profound horror of the poisoner, usually the most cruel and heartless of criminals, and that was why the influential backing Hutchings had in his efforts to escape the scaffold failed to move the Home Secretary. There were weaknesses in the chain of evidence against the condemned, but the Cabinet Minister after perusing all the documents in connection with the case was satisfied that he could rely on the result of the protracted investigation by a judge and twelve impartial fellow-countrymen of the prisoner. Accordingly Hutchings was pinioned and as he was shrieking the last

protestations of his innocence the bolt was withdrawn and he was hurled into eternity. Justice was done and presumably Justice was satisfied, but no one will envy the feelings of those who had any share in his death when they heard that the son had confessed that he was the murderer of his mother. During all the proceedings no one had ever thought of young Hutchings as the culprit. It had never dawned on anyone that the younger man might have procured the poison and saturated his mother's food with it. Everybody had ignored the dark-browed youngster with the furtive manner, the lad who had grown up with a deep and abiding hatred in his heart for the woman who had proved to be his worst enemy instead of what he had a right to expect, his best friend. The constant scenes between his parents and the knowledge that his father was suffering acutely urged him on to do something to end their misery, and one night he broke into a chemist's shop and abstracted sufficient poison for his purpose. To use it against the person he wished was easy enough, imagining in his ignorance that the real cause of his mother's death would never be known. When a post-mortem examination took place and his father was arrested a paralysing terror kept the murderer's mouth shut, and, although the ordeal in court was agonizing, he never spoke until it was too late to save an innocent man.

The law never cares to admit an error and even in the twentieth century it is difficult to extract confession and compensation from those responsible for the administration of injustice. Two hundred years ago it was the custom of the government to follow up a doubtful conviction by issuing what purported to be a full confession by the culprit. The confessions were composed by Grub Street hacks, and, no doubt, they served their purpose. These tactics could not be repeated after Hutchings' execution, but efforts were made to discredit the confession of the son. He was not, of course, put on trial—technically, judge and jury never make mistakes—and his admission of guilt was ignored officially, but the proofs his statement contained filled in all the blanks in the mystery. It was, of course, too late to do anything, and when the younger Hutchings left the country the whole unfortunate affair was as quickly as possible forgotten.

It is a sound humanitarian principle that a hundred guilty persons should be allowed to escape rather than that one innocent should be convicted, but that is a principle which is impossible to practise. Statistics make cold comfort for the afflicted, and the person who suffers in order that others may benefit has to be a super-philosopher to accept his fate without protest. It is little use telling him that figures prove that the proportion of miscarriages of justice are about a thousand to one, for if he be the unfortunate one he is not interested in the nine hundred and ninety-nine. Figures are all right on paper but in reality they mean nothing. Which

reminds me of the story of an ambitious young doctor who was called in on a difficult case.

“Don’t worry,” he said to the patient, who happened to be highly strung and was therefore in an exceptionally nervous condition, “I’ll cure you all right.”

“Why are you so confident?” asked the sufferer, hope gleaming in his eyes.

“Because statistics prove that only one person in a hundred recovers from your disease, and as the last ninety-nine I’ve treated for it all died it stands to reason that you must recover,” was the triumphant reply.

The great mistake of our lawmakers is that they generalize instead of enabling judges and juries to deal with each case on its merits. The poor woman who in a frenzy murders her baby has to be sentenced to death although everybody knows that the sentence will not be carried out, and minor punishments are dealt out irrespective of the widely differing effect they will have on the convict. Not long ago two men working side by side in the London docks had three years previously met for the first time in a cell at the Old Bailey. One, a casual labourer, was charged with stealing twenty pounds, and the other, a doctor, was charged with obtaining a similar sum by false pretences. He was a youngish man in fairly good practice and with every prospect of doing well, and his conviction and sentence to eighteen months’ hard labour involved the removal of his name from the medical register. The labourer also got eighteen months, and when they were released from the same jail on the same day the doctor, who had lost everything, sought the advice of his humble companion in misfortune, and acting on it joined him in seeking work at the docks.

Now if we compare these cases we will see that the punishment one received was at least fifty times greater than the other. The doctor was deprived of his means of livelihood, and branded for life; the labourer suffered nothing except eighteen months’ loss of liberty, and when released could begin where he had left off. In the doctor’s case mere conviction without imprisonment would have been even more severe punishment than five years for the labourer. Of course he ought not to have committed any crime and there was no excuse for his theft, his income being over £500 a year, and he had received the benefits of a good upbringing and a first-class education. On the other hand the labourer had been one of life’s unfortunates, born in a criminal atmosphere and left to fend for himself about the time the doctor was being pampered at an expensive preparatory school. But the greater the height the greater the fall, and the disgrace following upon exposure is usually worse than the formal punishment of the law.

CHAPTER XIV THE IMITATORS

In spite of occasional moments of cleverness, when we get down to the basic facts it becomes obvious that the criminal mind is inherently stupid and silly. It will not learn and experience cannot teach it. One of the most obvious things in this world is that crime does not pay, and yet the army of criminals is never without recruits. A strange feature of the turgid brainlessness of the average crook is his fondness for imitating even those who have failed. When Dr. Palmer was convicted and executed mimics of his methods ventured where he had failed. A young doctor of the name of Pommerais, who lived in Paris, read a report of the trial at the Old Bailey and when later on he deemed it necessary to attempt colossal frauds on certain insurance companies he poisoned a widow with that self-deceiving cunning which characterized Palmer when he poisoned his relations for the sake of insurance money. Pommerais, in turn, was convicted and executed, but he had not been in his grave a year before a similar crime was perpetrated by a tradesman in Marseilles.

About thirty years later the Maybrick case astonished the world and again the imitator got to work. A young Englishwoman in Japan who believed that she could improve on the methods alleged to have been invented and used by Mrs. Maybrick poisoned her husband and paid for her crime by spending fifteen years in an English prison. In Algiers a Frenchman studied the Maybrick report with the same object in view as the Englishwoman in Japan. He escaped lifelong punishment by committing suicide in prison, and after that there was a lull, but a couple of years later there was another tragedy which reminded France once more of Mrs. Maybrick.

Within recent years another imitator was Seddon, who poisoned Miss Barrow in 1912. When Mrs. Maybrick was charged with the murder of her husband it was alleged that she had obtained the poison from fly-papers, and it was a report of the trial that gave Seddon the information he required as to how to obtain the poison he wanted.

A mere imitator can scarcely hope to avoid detection, and yet criminals as a rule follow well-worn lines. Sometimes there may be an attempt at originality, but very seldom does it succeed. Holmes, the American murderer who was executed in Philadelphia in 1896, was not the first to impersonate the man he murdered. At the same time he was a very ingenious scoundrel and had it not been that he was a talkative person he might have had a longer stretch of liberty. Holmes obtained several thousands of dollars out of insurance companies by first insuring a healthy life and then having murdered another person persuading the companies that it was the

insured who was dead. To put it plainer, he would insure Smith and murder Jones, and prove that it was Smith who was dead. But he had to have a confederate and that confederate a lawyer, and he was in jail for a minor offence when he asked a fellow-prisoner if he knew of a lawyer who would help him to swindle insurance companies. The rogue promised his informant a fee of five hundred dollars if anything came of his introduction, and his failure to pay up led to a denunciation by the old "lag."

Holmes was probably the most remarkable criminal that land of remarkable criminals, America, has ever produced, and it would require a volume to relate the details of his amazing career. No one ever ascertained how many murders he committed, and he could never be persuaded to make a complete confession, but at least twelve were traced to him and as many more suspected with good reason. Probably, he is the only criminal who built a house specially adapted for the purpose of murder, and it is almost unbelievable that year after year he should have gone from one state to another as a sort of commercial traveller in murder.

Life insurance companies all over the world have never been unmindful of the attraction they have for criminals, and those in the United States particularly have their special precautions and safeguards. And yet Holmes would have swindled them out of millions of dollars had it not been for a loquacity which proved fatal to him in the long run. He betrayed himself by his folly, for which civilization had reason to be grateful, for there can be no doubt that Holmes was a professional murderer who took a horrible pride in his crimes.

That apparently trivial conversation with a fellow-prisoner which brought Holmes to justice is only instance of how almost imperceptibly the sensational dawns on a world engrossed in the matter-of-fact struggle for existence.

Take any of the great murder cases of the last half-century and it will be seen that in almost every case the law was set in motion almost unnoticed. A party of music-hall artists call at Scotland Yard to inquire about an old friend, and a little later the world is startled by the Crippen affair. A certain man is not invited to his wife's cousin's funeral, and the result is that Seddon, the poisoner, becomes the most talked about person in Great Britain. A solicitor has tea with a fellow-practitioner and does not like the taste of a scone which is forced on him by his host. The sequel to that incident is the hanging of the first British lawyer, Armstrong, convicted of wilful murder.

It would be easy to multiply the list, but there is no necessity, and we can only hope that fortune will always incline to the side of the community rather than to that of the criminal. For criminals will always be amongst us, and the fool who is

incapable of understanding that crime is the most “profitless” as well as the most risky of “professions” will continue to harass us as long as the world is peopled by human beings and not machines.

CHAPTER XV TWO DRAMAS

If I have often wondered how it is so many murderers manage to escape detection it is not because I have any belief in the super-efficiency of the police, but solely because we all know that the average criminal is a very stupid fellow who usually goes out of his way to betray himself. Yet within the last ten years there have been at least twenty murder mysteries in London alone which have gone unsolved, and the number can be quadrupled by taking into account Paris, Berlin and Rome. Where are all these murderers and what are they doing? Doubtless some have the reputation of being most respectable members of society, while the majority belong to the underworld where success in crime earns admiration and power. At the same time it is surprising that those who are paid to protect society should be so often outwitted. We hear occasionally of luck being on the side of the murderer, but as a rule it favours the pursuers rather than the pursued. I remember the late Superintendent Melville telling me of a murder case on which he was engaged. Clues were meagre and information trivial, and for days he explored the known haunts of the person he suspected without obtaining the slightest encouragement. The man he wanted had vanished and apparently had left no trace behind him, and Melville, deciding to abandon the struggle, was on his way to Scotland Yard to hand in his final report when he entered a bus near Liverpool Street Station and found himself sitting beside the suspect.

Oddly enough, it is the murderer who labours to prevent suspicion turning in his direction who invariably provides the police with an easy task. It is your on-the-spur-of-the-moment criminal who manufactures those unsolved problems of which we hear so much. He is never suspected because no one connects him with the victim and his record likewise protects him from suspicion. But the man who works hard for weeks before he commits what he considers the perfect crime usually leaves so many clues behind him that he is easy game for the least efficient of detectives. It may be that he overdoes it or that at the last moment he commits some blunder, and it can be said that if it were not for this stupid blunder some of the most notorious of criminals would never have reached the scaffold.

There was an instance of this in the Midlands about thirty years ago. A commercial traveller fell in love with an attractive widow whose closer acquaintance rather dimmed the brilliance of her superficial qualities. When, however, he began to retreat she revealed a determination to hold him which he regarded as sinister, and when matters came to a head between them he resolved to murder her.

Now the commercial traveller had a reputation for respectability and that reputation he was determined at all costs to maintain. At the same time he meant to remove the inconvenient widow from his path, and as this would involve the commission of his first crime he resolved that it should be perfect. He had read of murderers who had blundered their way to the scaffold, and he was certain that he could improve on their records, and with this end in view he proceeded to create two distinct personalities for himself. At the house in which he lodged in Liverpool he was known as a quiet and inoffensive person, with no interests outside his business and no liking for theatres or music-halls. Everybody in the neighbourhood knew him by sight, for if his figure was ordinary, his clean-shaven face showed signs of a character above the ordinary. But when he arrived in a small town in the Midlands he wore a black beard and moustache and by an ingenious arrangement had altered the contour of his nose and ears. He also had a false name when he took rooms over a grocer's shop and it was in the same double disguise that he obtained casual employment in a printing works.

He now proceeded to lead a double existence, appearing in Liverpool never less than twice a week and making his way there by a route known only to himself. In the course of a few weeks he became a well-known figure in the small town without in any way giving the impression at Liverpool that he had ceased to reside there, for it had been easy to persuade his landlady that an extension of his travels prevented him sleeping at her house except during the week-ends. Thus in the course of time there was a black-bearded Mr. Sanders in the Midland town and a clean-shaven, good-looking Mr. Jones in Liverpool, and there was no one to suspect that they were one and the same person.

When he was certain in his own mind that his preliminary plans had matured to perfection he met the widow in a Liverpool suburb and taking her to a wood near the town where he was known as Mr. Sanders he strangled her.

It was to have been the perfect crime and to obtain perfection he thought he had taken everything into consideration and had forgotten nothing. Thus when they went for that last walk together in the pretty wood by the river he had already hidden near a tree the sack which was to be her coffin, and, according to plan, he duly murdered her by that tree. He was astonished at the ease with which her life surrendered to the pressure of his fingers on her throat, but once she was lying dead at his feet he ceased to wonder and to speculate, and got to work. Very carefully he fastened up the sack and trundled it into the stream, and burying his false beard and moustache in a place which never yielded it up he returned to Liverpool, satisfied that no one would ever connect him with the Mr. Sanders who might be suspected of the murder

as soon as the widow's corpse was found.

It was a situation which would have appealed to a writer of fiction and, indeed, might be branded as pure fiction, but the tame and crude sequel to this ingenious construction of the perfect crime disqualifies it for a place in the annals of fiction. Mr. Jones, the respectable commercial traveller, ate his breakfast at his lodgings in Liverpool the next morning and blissfully set out on a round of visits to the local firms with which he did business. He had quite a successful day, and at six he returned with the intention of enjoying his evening meal and spending a pleasant evening working out the amount of commission he had earned. But his cheerfulness and confidence vanished and were replaced by stark terror when on entering his sitting-room he was confronted by two men whose civilian clothes were more eloquent than the most garish of uniforms could have been.

"Henry Jones?" said one of them, with the toneless politeness of a machine.

The murderer nodded because he could not speak.

"I'm an inspector of police," said the stranger, "and I hold a warrant for your arrest for the wilful murder of Mary Spicer near Northampton——"

"I don't know a Mary Spicer and I've never been to Northampton in my life," he cried, in a sudden delirium of terror.

The lie would have been a fatal one had it not been for the fact that the police had in their possession already overwhelming proof of his guilt, for the author of the perfect crime had perpetrated a very stupid blunder. He did not know of it until he stood in the dock before a bench of magistrates and saw the sack in which he had shrouded his victim. It was an ordinary-looking sack which could have been repeated a hundred thousand times throughout the country, but now it was redeemed from the commonplace because it was to be the clue which was to hang a very cowardly murderer. Jones, who had been under the impression that he had thought of everything, had forgotten that on the sack was printed in large letters his correct name and address. A month before he had ordered some bedding, having complained of the poverty of his mattress, and it had been sent in this sack. That was why his name and address was on it, and that was why he was executed for a crime which he had intended should be the most baffling mystery of the century. Actually it gave the police less trouble than the capture of a pickpocket.

This was simply a case of blundering stupidity unredeemed by any suggestion of the weird or fantastic, terms which may be applied to the solution of a murder problem in Paris in the early years of the present century. It bears some resemblance to the Northampton affair in that the crime was planned with great care and forethought. Two men quarrelled over the division of the sum of money obtained by

blackmail, and Henri, believing that he had been swindled by Jules, swore to murder him. Jules, a middle-aged man of unpleasant habits, lived alone by himself in one of those huge apartment houses which disfigure the inner suburbs of Paris, and Henri had good reason to congratulate himself that the murder would not be difficult of accomplishment. The circumstances were specially favourable to him, for although he and Jules had been associated together in more than one blackmailing enterprise he had never been to his confederate's apartment and was, therefore, unknown by sight to the neighbours of Jules. The latter, who was a miser, never had any visitors, chiefly because the furniture in his two rooms consisted of a small bedstead, one chair and a small looking-glass used for shaving purposes. The so-called sitting-room was quite destitute of furniture and why he paid rent for it no one could tell.

It was to this peculiar *ménage* that Henri, accompanied by a ruffian whose conscience he had purchased for fifty francs, came late one night and unobserved reached the top floor. Having given the knock which was in reality a signal he and his companion were admitted by Jules, who before he had time to cry out was stretched on his back, staring up at the ceiling with sightless eyes.

"He's not dead," whispered Henri, stooping over the body.

"It won't be long before he is," said his fellow-murderer, with a complacent grin. "He'll never speak again."

"We must leave no clue to our identity," said Henri, glancing round the apartment.

The floor was bare and the only suggestion of furniture was the little looking-glass which stood on the floor against the wall close to the door leading into the bedroom. The two murderers, having completed their brief survey, ransacked the body of their victim, removing, in addition to the money they found, his notebook and pencil. When they had satisfied themselves that the dying man had nothing within reach to incriminate them they slunk out of the room and the building, and in a café near the Opera House enjoyed a meal at the expense of Jules. But it was to be their last meal as free men, for within an hour of the discovery of the body they were both under arrest, the then chief of police, Macé, walking straight from the scene of the crime to the room where the murderers were asleep.

"Why do you accuse us?" demanded Henri, who was a typical Parisian criminal and therefore possessed of rare acting ability.

"Because, my friends," said Macé politely, "your victim recovered consciousness before he died and crawling over to the dusty mirror wrote on it with his finger your names."

Henri collapsed and never denied his guilt, and in due course he and his

confederate were guillotined.

The story is certainly weird and fantastic. One can picture the dying man, animated only by thoughts of revenge, crawling painfully across the uncarpeted floor, praying that his strength might last until he had achieved his object, and then almost with the last fraction of his strength recording on the dusty surface of the mirror the names of his murderers. Had he collapsed before he reached it Henri and his confederate would never have been suspected. The victim had had good reasons of his own for concealing his acquaintance with his fellow-blackmailer, and thus the police would never have linked the two men together. Furthermore, the probability is that Macé and his colleagues would have made no great effort to solve the mystery, knowing the character of the dead man, though they were glad enough to solve the mystery so easily and readily, because Society must be protected or avenged if only to establish the fact that Justice is democratic.



LORD CHIEF JUSTICE CAMPBELL

From a photograph by Mayall

CHAPTER XVI

AN AMERICAN MURDER MYSTERY

Over-population does undoubtedly create many evils, but it has this advantage that it reduces considerably the chances of a criminal escaping his deserts. It is quite true that murderers have evaded capture for a time by hiding themselves in a great city like London or Paris, but generally their ultimate discomfiture has been caused by their inability to avoid their fellow-humans. Lefroy, the murderer of Mr. Gold, fled from a Surrey village to the densely populated East End of London, hoping to exchange the curiosity of the few for the indifference of the many. But he had not the courage to mingle freely with the crowd, and his landlady suspected that something was wrong when she found herself entertaining a lodger who in a community where absence of occupation implies destitution could not explain why he preferred to remain indoors instead of searching for work. Curiosity quickly turned to suspicion, and all that happened afterwards may be summed up in the phrase, Lefroy was executed.

The really big and dramatic crime requires a large stage, and that is why the United States of America has such an unenviable record in this respect. There are, of course, many crowded cities in the States and all of them are efficiently policed, but the odds seem in favour of the criminal, if we judge by the number of murderers who escape. With each state almost a nation and great open spaces adjacent where the murderer finds, ready-made, hundreds of ideal hiding-places, it is not surprising that even in the twentieth century the armed criminal who shoots at sight should predominate.

It is not, however, of the bully with the gun that I wish to write. There is nothing interesting about a callous murder, the act of a brute disguised as a man. But when daring and cleverness are combined it requires something other than mere skill on the part of the defenders of society to prove what is undoubtedly true, that crime does not pay.

The world was fortunately relieved of the presence of an undoubted menace when a New Yorker of the name of Anderson betrayed himself by greed. Anderson was a born criminal who did not turn to crime until he was nearly forty, for it does not necessarily follow that the criminal by breed and instinct takes to crime early. Probably, in his case he had to acquire by experience the courage necessary to become an enemy of society, but whatever the reason he was nearly forty when he put into execution a scheme which has been copied for fictional purposes by more than one author.

When he was thirty-five Anderson married a girl whose family lived in a village near Boston. She was very pretty and attractive, but it was her money which inspired his proposal, and when very little of it was forthcoming he began to ill-treat her. Husband and wife resided in one of New York's outer suburbs and in the fierce race for existence their quarrels and disagreements passed almost unnoticed. Anderson, a slimly-built man with fair skin and small features, was just the type to pass unnoticed even in a suburb, and when a few years after his marriage he and his wife moved further out it would be an exaggeration to say that either of them was missed.

The only persons really interested in the Andersons were the young wife's parents, and their interest was chiefly anxiety because of the many appeals for money made to them by their daughter at the instigation of her husband. During the first two years of her married life Mrs. Anderson frequently wrote asking for loans, and when after she and her husband changed their house these requests ceased there was rejoicing in her family because the fact seemed to indicate that her husband's prospects had improved.

Six months went by without a letter from Mrs. Anderson, and then one morning there came a briefly-worded note imploring her father to send her five hundred dollars.

"I don't like the look of this," said the old man, who was of a suspicious nature. "The writing is like Mary's, but it might easily be a good imitation of it. Before I send a cent I'll make inquiries so that I can be certain that Mary is alive."

"You're not suggesting that she's been murdered?" exclaimed his wife, terrified.

"There have been many murders lately," he answered grimly, "and I never liked the looks of young Anderson."

It was impossible for him to make the long journey to New York, but he was not perturbed or inconvenienced by this, for he had many friends living within fifty miles of the Andersons who would be willing to investigate on his behalf. He wrote to one of them that night and received by return a promise to visit the village where the Andersons resided and report if she was alive or not. This was sufficient for the old people, for their New York friend had known Mary since infancy and, furthermore, was a sharp business man possessed of tremendous common sense and unlikely to be hoodwinked.

They had his report three days later, and in it he stated that he had gone to the Andersons' village without giving notice of his visit and had stayed there a day and a night without revealing himself to anyone. He was determined to obtain first-hand and unprejudiced information and shortly after his arrival he heard from the

proprietor of the principal shop in the village a great deal about the Andersons. It appeared that Anderson had gone away on business about a month earlier and that his wife was living by herself in a pretty and isolated cottage a mile away. The next morning the amateur investigator had made it his business to stroll casually past the cottage half a dozen times and on four occasions he had seen Mrs. Anderson knitting in the front room. The front garden ran for about sixty feet from the doorway to the road, and he had had a distinct view of her as she sat by the window.

Her parents were so delighted with his news—it had been too easy for them to work themselves up into a state of panic once the old man had hinted at murder—that they sent her the five hundred dollars, their generosity chiefly influenced by the fact that as her husband was away she would be able to spend the money on herself. They were disappointed that her acknowledgment should have been brief to the point of curtness, but when their friend again visited the village and reported that her husband had not returned they were satisfied, aware that their daughter was happiest when beyond the range of the domineering little man with the vicious temper.

There was another interval of three months and then another application for financial assistance, and when this was given six months went by without a letter from their daughter. They were wondering when they were to hear from her again when they received a long and affectionate letter which wound up with a story of a crisis which could only be countered by the expenditure of a thousand dollars.

In the ordinary way the loss of the money sent to their daughter would have embarrassed the old people seriously enough to prevent them thinking of making the long and expensive journey to see her, but the very day that this letter arrived Mary Anderson's father had an unexpected stroke of luck, and he decided to take the thousand dollars himself and hand it to his daughter. As his wife could not accompany him because of ill-health the old man set out alone. He did not write in advance, and when he reached the village in the state of New York where the home of the Andersons was situated he left his bag at a small hotel near the station and started for the lonely cottage. He was within a hundred yards or so of it when he ran into his son-in-law and was instantly struck by the sickly terror of Anderson at seeing him.

"Don't faint, man," he said contemptuously. "I'm not a ghost—there's too much of me for that."

"It's only surprise," said Anderson, trying to recover his nerve. "I never expected to see you in this part of the world."

"I got Mary's letter and I've brought the thousand dollars to give her," said the farmer, and was not surprised when he noticed that the colour returned to the

younger man's cheeks.

"It's a pity you didn't write first," said Anderson, in the same thick voice and making no attempt to turn with his father-in-law in the direction of the cottage. "If you had I'd have kept Mary at home, but she went away this morning to stay for a few days with a friend in New York."

"That's all right," was the cheery response. "I've got to go back to New York in any case and I'm simply dying to see Mary."

Anderson did not speak again until they were in the cottage, but he had been preoccupied during their walk, and his companion suspected that he had been thinking chiefly of the thousand dollars which seemed within his grasp.

"I haven't got a servant—we've been having most of our meals out," said Anderson, in the nervous, stammering manner of one who obviously is thinking of something else. "That thousand dollars will make all the difference to me between success and failure. I've got a big business scheme on hand which I must conclude this evening and——"

"Look here, young man," said the farmer sharply, "if you imagine that you're going to handle the thousand dollars before Mary sees it you're mistaken. What she does with it after I've given it to her is her affair, though I shall advise her to keep it for herself. Of course, if she tells me that you're straight and to be trusted, I'll not object to your getting the cash, but it'll have to come to you from Mary and not from me."

"But can't you understand?" protested Anderson, who would have lost his temper had he had the courage to find it first. "Mary is in New York and I can't communicate with her, and within a couple of hours I've got to produce the money for the deal."

"I'll not give you a cent," was the determined reply. "The money goes into Mary's hands the moment I see her. Give me her New York address and I'll call on her right away."

Anderson argued and talked and lied, but the old man was adamant, and when they parted he had wrung reluctantly the address from his pale and scared son-in-law. The old man was pale and scared, too, when he discovered for himself that the address given to him by Anderson was a false one and that no one in the neighbourhood had seen his daughter.

He went to the police at once, and an astute detective was assigned to deal with the case. At first he moved slowly, for there were several witnesses of unimpeachable honour to swear that they had seen Mrs. Anderson alive within the previous fortnight; and yet the detective believed that the unfortunate woman had

been in her grave for more than a year. Then he had a piece of luck. Entering the cottage one night when Anderson was away he discovered in the drawer of an old table several pieces of paper which contained evidence that some one had spent hours trying to imitate Mary Anderson's handwriting. The detective had the begging letters sent to her father during the previous year in his possession and he proved beyond doubt that they were forgeries. This established the important fact that although Mrs. Anderson had been seen alive after the date of the latest one she had not written any of them. That naturally led to Anderson being questioned as to why he should trouble to forge letters in his wife's name when everybody knew that he had her completely in his power and that she never refused to obey him.

It was at this point that Anderson made a fatal blunder, and the blunder was not that he admitted the forgeries, but that he should have tried to be too precise and circumstantial. When he blandly confessed to being the author of some of the begging letters he stated that he had been driven to it by his wife's desertion following upon a period of financial stress.

"She left me when I told her that I was down to my last dollar," he said, without a trace of embarrassment, "and when I came home and discovered she had gone I was in a desperate fix. Her father was the only person likely to lend me any money, and as he wouldn't have looked at a letter from me I wrote in Mary's name. She had already written to him at my request and he had sent a few hundred dollars. I therefore tried him again and it came off."

"What was the date of the first forged letter?" said the detective.

"I can't give the exact date, but it was the first week in September," he replied confidently.

"You're certain it was September—it couldn't have been October?" said the detective.

"I have a dozen reasons for remembering the week and the month," said Anderson, and proceeded to cite some of them.

When he had done so the detective, if a trifle bewildered, was all the more confident of success, for he had interviewed that business friend of Mrs. Anderson's family in New York and had been assured by him that he had seen Mrs. Anderson sitting by her window on the twenty-eighth of September. Now Anderson had admitted forging a letter in her name on September 12th because she had already deserted him. And yet according to his own admission if Mrs. Anderson was alive and at home there could have been no occasion for forgery, seeing that she would have written to her parents for money without any great pressure on Anderson's part.

The problem was therefore to reconcile the evidence of the trustworthy witnesses with Anderson's own statements, and the detective decided that the only possible solution was the theory that the woman seen in the cottage had not been Mrs. Anderson at all. But who had impersonated her? Anderson had very few friends and was unpopular with women, and after spending a week trying to find a woman who had been bribed by Anderson to impersonate his wife he came to the conclusion that if she had been impersonated it had been by some one who was a stranger to the village.

By pretending to accept Anderson's explanations he threw the suspect off his guard and for the second time he was able to explore the cottage when its owner was away on business. The detective had a very definite object in view, having formed a definite opinion on the subject of the mystery, and that opinion became faith when he discovered a woman's wig, which resembled the description he had of Mrs. Anderson's hair, and cosmetics such as would be used by anyone "making-up" as a woman. After that progress was swift, and on his return Anderson was arrested, charged with the murder of his wife and subsequent impersonation of her.

At his trial it was proved that he had poisoned her a year earlier, taking her first to an obscure village hundreds of miles away from New York, and having disposed of her he had returned to his lonely cottage to dress up in her clothes at intervals and sit in the window so that pedestrians might mistake him for his wife. Had it not been for his greed he might never have been found out, but when his first forged letter brought money he could not resist the temptation to turn to further profit his skill as a forger. And even then he might have escaped arrest and conviction had it not been for that unexpected stroke of luck which enabled his wife's father to make the journey to the village where he thought his daughter was living.

CHAPTER XVII

THE HIDDEN WIFE

The police are often thoughtlessly criticized because they do not arrest suspects "on the spot," but if they did so our prisons would be crowded with innocent men and women. Chief-Inspector Walter Dew was reproached for not taking Crippen into custody at their first interview and thus preventing that famous flight from justice on the murderer's part which ended in a dramatic reunion between murderer and detective on a liner in a Canadian harbour. But on the occasion of their first meeting there was no charge against Crippen, and Walter Dew had no authority to arrest him. All the information he had to go upon was the indefinite information of certain music-hall artists who merely asked Scotland Yard to investigate and test their suspicions. In the course of every year the authorities at Scotland Yard are inundated with information, chiefly inspired by prejudice and spite, concerning purely imaginary crimes. There have been cases where the innocent have accused themselves, one of these being a lady of good social standing who, anticipating a sentence of penal servitude for life, brought with her all her domestic pets, including a parrot, so that she might not be separated from them in prison. On the other hand one of the best jokes against Scotland Yard concerns the visit of a young man who wished to surrender to justice for the murder of his wife. The inspector who received him came to the conclusion that he was simply soft in the head, and after bestowing upon him some fatherly advice sent him away. The next morning, however, a description of that young man was received at headquarters, and the inspector had an uncomfortable time until the murderer was captured.

Justice, however, must be slow and sure, and any of its officers who jump at conclusions would soon blunder himself into a pensionless retirement. Things are not always what they seem in this world where innocence often looks like guilt and guilt occasionally plays the rôle of innocence with success. A detective is sent to investigate an apparently trivial case of forgery and discovers that he is dealing with a peculiarly crafty and wholesale murderer. Another embarks on an investigation which promises sensational results, and the end is a dismissal by a magistrate of a charge worth scarcely five minutes of his time.

Here is a true story, which was vouched for by Robert Chambers, the famous Edinburgh publisher, of a remarkable series of incidents which seemed certain at one time to lead up to a very sensational trial for murder. It is also an emphatic warning not to judge solely by appearances or act merely on suspicion, though it must be confessed that anyone might have been forgiven for blundering in these astonishing

unique circumstances.

The story concerns a Scottish gentleman of good family who was devoted to antiquarian research and who preferred his study to the open air even on the sunniest summer day. He was nearly thirty when he married a charming girl who shared some of his enthusiasms and who was sufficiently in love with him to agree to forsake society for his sake. Perhaps she would have preferred to live in a house which was not a museum, but her husband was so kind and considerate that she was never heard to complain.

Their home was, as I have said, practically a museum, although only the upper floors were exclusively devoted to storing his well-arranged collection. But every room contained evidence of his hobby, and the servants, who refused to work upstairs because of the skeletons which their employer kept like guards over the entrances to the rooms, had plenty to do dusting the valuables which were strewn about downstairs.

When it became obvious that the antiquarian and his wife did not wish to be invited out they were left to themselves, and they were so soon forgotten even in their own town that when ten years later a coffin was seen leaving the house there were not many persons who could tell the name of the lady who had died two days before. Of course there was some sympathy for the bereaved husband, but he had declined to make friends and it is not surprising that his loss was soon forgotten by others. He had grown by now into a prematurely aged and shabby man, and it was thought that after the loss of his wife—who was given a splendid burial in the local cemetery—he would become shabbier and more eccentric than ever. As it happened the exact opposite was the case. The badly-dressed, untidy man suddenly blossomed out into a spruce, fashionably-dressed and alert middle-aged dandy who seemed to have discovered all of a sudden that the world was a good place to live in. He had house repainted and celebrated it by giving a small party, and when it became known that by his wife's death he had inherited a fortune of seventy thousand pounds it was agreed by his neighbours that the reason for the change was obvious.

The antiquarian proved on acquaintance to be of extremely pleasant manners and fascinating conversation, and he was soon a popular figure in local society. He never made the mistake of boring others with his hobby and he achieved many conquests amongst the ladies. The wiseacres shook their heads and grinned when they saw the transformed widower chatting with a smiling face to an extremely beautiful girl, and few were surprised when it was announced that he was going to marry her.

Everybody considered the girl to be fortunate. She was of good family but she had no money, and yet she had captured one of the richest and most delightful men in the town. There were many prettier girls than herself, but she had won the prize, and that she agreed with the general opinion she showed when a few days before the marriage ceremony she agreed to the extraordinary conditions laid down by her future husband.

“I don’t wish you to marry me unless you’re willing to agree to certain conditions,” he said, surprising and disturbing her by his tone of mystery. “To begin with, Lucy, there will be no honeymoon, for I am determined never to leave my native town. That means there will be no holidays together, no visits to your relations. You can always go away whenever you like, but I won’t be able to accompany you.”

She would have liked to have asked many questions, but there was something in his tone which warned her to give a plain and straightforward answer.

“I agree to your terms,” she said, forcing a laugh. “After all, if you choose to make a prisoner of yourself you’re not unreasonable enough as to ask me to be a prisoner too.”

The marriage was a complete success, and the girl was soon so passionately in love with her husband that she had no desire to go away by herself. Children came to fill the house with happy laughter and to make their mother forget the somewhat gloomy museum upstairs, the museum guarded by skeletons which she disliked and avoided just as the servants did.

The antiquarian, however, was no hermit or ascetic and enjoyed the good things of life, and ten years went by as swiftly as happiness can make them pass. Then came the tragedy.

For ten years the vault in which the antiquarian’s first wife had been buried was undisturbed and years more might have gone by before it was entered had it not been for a storm which rendered it necessary for certain repairs to be effected. A couple of workmen were sent to do the job, and when they entered the vault their first task was to remove a coffin which was in their way. They braced themselves up for a feat of strength and were astonished when they discovered that the usual leaden casing under the wood was missing, and in their surprise they dropped the coffin. Instantly the lid flew open, disclosing the pale and marble-like features of a face which apparently had resisted the onslaught of time. This was amazing, considering that it had not been in an air-tight case, and when they reported the incident to the superintendent of the cemetery he asked a doctor to examine the remains.

Before he began his task the doctor was informed that the undertaker had stolen

the leaden coffin, thereby infringing a very strict rule, but he was interested only in the phenomenon of the woman who had lain in an ordinary wooden coffin for ten years and had not altered a vestige.

“It looks like a miracle,” he remarked, to those present as he bent over the coffin, but the next moment his startled look was followed by an exclamation of laughter. “Why, it’s a wax figure,” he cried, lifting it out for the inspection of the bewildered and astounded little company.

For a few moments there was silence, but each man’s thoughts were the same, and those thoughts charged the antiquarian with murder. They had all heard of his museum and of the skeletons which stood like sentinels on the landing and kept the servants at bay. They knew the reason now, at least they thought they did, why the antiquarian had bought those skeletons. It was obvious that he wished to prevent the servants discovering the tragic secret of his museum and to create a terror which curiosity could not eradicate he had installed the ghastly figures outside the door leading to it.

“He must have murdered his first wife, disposed of the body, and manufactured this wax figure so that he might deceive everybody by having a funeral,” said the doctor grimly. “I’m sorry for his present wife. This will be a terrible blow to her.”

“I must do my duty,” said one of his audience, who happened to be a magistrate. “I’ll call at once at his house and give him into custody.”

It was with every expectation of setting in motion proceedings which would culminate in a dramatic and sensational trial that the magistrate knocked on the door of the big house and was admitted by a servant. He was conducted at once to the luxuriously furnished drawing-room where the man he was in search of was writing a letter.

“I’m afraid my news will not make me welcome,” said the caller, purposely avoiding the hand outstretched to take his. “Will you explain why it is that the coffin which we all thought contained the body of your first wife was used to bury a wax figure?”

All the colour vanished instantly from the other man’s face and sinking on to a chair he gasped for breath.

“Have you any explanation?” asked the magistrate.

There was no answer, and if ever guilt betrayed itself it seemed to do so then.

The visitor left the room for a few moments and returned with the two detectives he had taken the precaution to station outside.

“I give this man into custody for the wilful murder of his first wife,” he said. “See that he does not escape.”

On hearing the word “custody” the antiquarian jumped to his feet.

“Gentlemen, I am innocent,” he cried, in ringing tones, “and I have here in this house the strongest proof of my innocence.”

“I should be glad to see it,” said the magistrate, astonished at the change in him.

“Then come this way,” said the owner of the house, and in silence he led them up the stairs and past the two skeletons into the museum.

At the far end of the second room crowded with his collection he paused and took a key out of his pocket. Then he swung back a huge case and revealed a door. This he unlocked and calling out a woman’s name was answered in person by a wizened figure in a black dress.

“Gentlemen,” he said, in a voice which revealed the agony he was suffering, “allow me to present my first wife.”

That she was his wife could not be doubted, and in that moment the charge of murder was scotched. But equally sensational was the story revealed by the sudden bringing back to life of a woman who had been content for more than ten years to be a prisoner in her husband’s house. Even now when assured that there was not a person in the town who would not range himself on her side as her champion she made no complaint.

“I’m tired,” she murmured, when they offered their sympathy, “let me lie down.”

As soon as she had gone the magistrate addressed the culprit in a severe tone:

“You have proved that you’re not a murderer, but you’re a bigamist, and——”

He stopped when he saw the extraordinary change that came over the face of the man he was addressing, for the antiquarian had become as pale as death and his eyes were starting out of their sockets.

“The scandal—it will kill me,” he muttered thickly, and flinging up his arms wildly crashed to the floor.

A doctor was sent for but he could do nothing beyond certifying that the antiquarian was dead. The shock of his dramatic exposure had been too much for him.

The next morning the second wife and her children left for London and from there travelled on to Boulogne, where under another name they escaped the curiosity of their neighbours. The real wife lived on in the house which had been her prison, and for many years afterwards she was one of the most respected residents in the town where she endeared herself to everybody by her quiet, uncomplaining manner and her generosity to the poor. She had, of course, recovered from her husband the large fortune he was supposed to have inherited after her bogus funeral, and she also came into possession of his own estate. However, she realized that the second wife

was utterly blameless and accordingly she made her an allowance which was sufficient to enable her to live in comfort and educate her children.

It will be admitted that no novelist could have invented this extraordinary story. It is too fantastic to be accepted as fiction, for if it were not fact it would merely irritate. But I wonder what would have happened had the antiquarian been unable to supply living evidence of the fact that he had not murdered his wife. It would have been a pretty problem for the lawyers—and the public!

CHAPTER XVIII

A FATAL ERROR

“Think quickly and decide slowly” was a favourite motto of the late Sir Melville MacNaughten, that enthusiastic chief of the Criminal Investigation Department, whose heart was always in his work. He had many stories to illustrate the wisdom of caution in police work, and as one in particular is apropos of my subject I give it here. The Scottish antiquarian was suspected of a murder which had never been committed, and to emphasize the moral—if there be one—of that extraordinary episode I complete and dovetail it by relating the story of an actual murderer who but for what appeared to him to be a trivial mistake in his tactics would never have been suspected.

Let us look at the problem as it was first seen by the detective who was called in to deal with it. He is shown the body of a young man of twenty lying on a bed in a cheap hotel. On the floor close to the bed is a revolver and at first glance it is obvious that this is the weapon which has killed the youth. The limp left hand hanging loose over the bed had evidently held the weapon close to the forehead and it did not require much judgment to determine that simultaneously with the firing of the bullet the weapon had dropped from the suicide’s grasp.

That was the instant decision of the detective when he was called in by the frightened proprietress of the hotel, who on hearing the revolver shot had rushed upstairs and, after gazing in terror from the doorway, had run downstairs screaming for the police.



LORD BROUGHAM

From a drawing by C. Phillips

“It’s suicide, sure enough,” said the officer, and when in the course of a hurried search of the room he found a sheet of notepaper containing a message from the dead man he was convinced it was the easiest case with which he had ever had to deal.

“I’m tired of life—tired of ill-health and this constant depression, and I’m going to shoot myself.”

There it was in black and white and signed by the youth who had become notorious in the hotel for his moodiness and sulky taciturnity.

“We’ll have to have a doctor anyhow,” said the detective, carefully placing the

note in his pocket. "He can't do anything but it's necessary to have a certificate."

They waited half an hour before the doctor came, and when he did stride into the room with the air of one whose time is precious the detective hurriedly informed him that the young man had shot himself after giving in writing the reason for his act.

"Suicide?" said the doctor, staring at the corpse. "Are you so sure it is suicide?"

"Read this," answered the detective triumphantly, and handed him a sheet of notepaper. "You're not suggesting that this is a forgery, are you? You don't suppose that I haven't made inquiries about it to satisfy myself that it isn't a forgery? The young man's stepfather is not in the hotel at present, but he's expected back at any moment. The proprietress and the cashier have both sworn that this is the young man's handwriting."

"Before I enter into that," said the doctor quietly, "I wish to know who has been preparing the corpse for burial."

"I don't understand you," exclaimed the detective. "It's little more than half an hour since he shot himself and there hasn't been time to do anything."

The doctor's gravity became more pronounced.

"Are you sure of that?" he asked, in an undertone.

"Do you know for certain that no one has touched the body?"

"I'll soon satisfy your doubts on that point," said the detective, and going to the door called to the proprietress.

The middle-aged woman who entered the room reluctantly found her courage when she was informed that she would be questioned by the doctor and not by the officer of the law, and she was soon volubly describing her terror on hearing the shot and her horror on seeing the body.

"Touch it!" she cried, aghast at the suggestion. "I wouldn't have laid a finger on it for a fortune."

"But what of your servants?" said the doctor.

"None of them would go near it, sir," she replied confidently. "I swear to you that none of us have touched the body—not even the bed. I've been no nearer to it than I am now and none of the girls have been in the room. It's bad luck for me that it should have happened, for it means that the season will be spoilt. If I've heard the young man threaten to shoot himself once I've heard him say so a dozen times. He was always complaining about his health, and between you and me I suspect that the loss of his father affected his brain."

"I'm sorry to give you the trouble," he said, when she paused from sheer lack of breath, "but I must see everybody who was in the hotel when the tragedy occurred. This is more important than you think, madam," he added, by way of explanation.

“Not that I doubt what you have told me, but as the consequences may be very serious for some one we cannot be too careful or too cautious.”

The detective smiled derisively behind the doctor’s back, but he had to humour him, and for nearly an hour there was a procession of servants (varied by a few of the hotel guests) up the stairs, into the room and out again. When it was all over and the doctor and the detective were alone the latter had difficulty in suppressing his mirth.

“We’ve wasted a good deal of time, doctor,” he said, “and as I’ve got a more important case to deal with I wish you’d certify the cause of death and let me get away.”

“Don’t be in a hurry, my friend,” he answered calmly. “This is not a case of suicide—it’s a murder, a crafty and a very cold-blooded one.”

There was something in his tone that stifled the detective’s scornful laugh, and when the latter’s amazement passed sufficiently to enable him to speak he could only ask under his breath for proof.

“Come over here and I’ll show you,” said the doctor, and standing by the bedside he pointed to the closed eyes of the suicide.

“A suicide dies with his eyes open,” he explained, “and his murderer not knowing this closed his eyes for him after shooting him.”

“But the note announcing his intention to shoot himself—what of that?” exclaimed the officer blankly. “I’ve obtained proof that it is not a forgery.”

“I know nothing of that,” was the quiet reply. “It may or may not be genuine—it does not concern me. But I tell you this young man was murdered. You know now why I was so anxious to ascertain if any of the women have closed the boy’s eyes. It’s the first thing a woman would do in the circumstances, inspired just as much by pity as by dislike for the staring eyes of the dead. Make inquiries at once—you may be in time to bring a cruel murderer to justice.”

As the doctor refused to certify that death had been self-inflicted the detective was compelled against his own inclinations to devote the whole of his time to what the papers called a mystery, but which he insisted was no mystery at all. He drew up a history of the dead youth and although it was far from ordinary or commonplace there was nothing in it likely to satisfy a jury that the young man had been the victim of a murder plot. The son of a very wealthy manufacturer, the boy had been rather spoilt by his doting parents, and instead of being subjected to the healthy discipline of a public school had been kept at home to be pampered by over-paid and under-worked tutors. In a position to command everything that money could buy the boy had found life singularly uneventful and boring, and having nothing better to do he

thought only of himself and became a confirmed hypochondriac.

The sudden death of his father was a terrible blow, and instead of strengthening the bond between himself and his mother it only weakened it. He had grown so accustomed to a self-inflicted solitude that he shrank from society. That was one of the principal reasons why his mother, finding her son distasteful of her companionship, sought the company of others and within two years of her husband's death married again.

The boy was now nineteen, old enough to resent the appearance on the scene of a stepfather and capable of making things unpleasant for all concerned. But his mother's husband, a handsome, flashy type of man in the early forties, who had a profound knowledge of the world, met his sulks and his bad temper with ingratiating smiles and gave outsiders the impression that his only object was to win his stepson's affection. However, the boy must have been gifted with second sight, for he suspected the advances of the older man and kept him at a distance. Well-meaning friends reproached him for his attitude and sympathized with his stepfather, and it was this that made him feel more depressed than usual.

"No one wants me—not even my own mother," he said, again and again. "I'll shoot myself one of these days and clear out of everybody's way."

From that time onwards he often referred to suicide—so often that, following the lesson contained in the fable of the man who cried wolf too often—his threats of suicide were treated with good-humoured contempt. Visitors to the hotel were able to state with perfect truth that they had been touched by the forbearance of the stepfather towards the cranky and morose young man. They had witnessed his efforts to induce his stepson to take an interest in something other than the question of his health, but he had failed, and no one had blamed him for his failure.

So far everything unearthed by the detective confirmed the theory of suicide, but that there might be something in the doctor's opinion that it was a case of murder dawned on the official when he learnt what the death of the young man before coming of age meant in hard cash to the stepfather. An examination of the will of the deceased manufacturer brought to light the interesting fact that the widow had been left £5000 a year and that the remainder of a fortune totalling £400,000 had been bequeathed to the boy, who was to have had absolute possession of it on the day he came of age. A proviso was added that if the young heir died before twenty-one every penny was to go to his mother, who could dispose of it as she liked.

Considering all things it was surprising that the young man should have died a few weeks before he was due to come into a fortune which by his death passed to a woman who was absolutely under the influence of her husband. In other words, the

death of the youngster placed at the mercy of one who had been penniless until his marriage a vast sum of money. Was it possible that the stepfather had had a hand in the tragedy? Had the older man been lured into committing murder, tempted by a golden bait? There was no doubt that had his stepson come of age not a penny of that £400,000 would have reached his mother's husband, for the lad had evinced a bitter distrust of his stepfather and had made no secret of his intention to cut adrift from him as soon as he was his own master.

The detective, who had already, of course, obtained from the stepfather a complete account of his movements shortly before and after the tragedy, again turned his thoughts and his activities in his direction. Only a couple of days had elapsed since the discovery of the corpse and it was therefore easy enough to test the statement that half an hour before his stepson had shot himself he had left the hotel to call at a secondhand bookshop some distance away. The bookseller confirmed this, but by one of those impulsive acts which are common enough the detective obtained a confirmation of the evidence which egged him on to further efforts. He was ascending the stairs of the hotel to examine for the twentieth time the room where the boy had died when one of the chambermaids passed him. Scarcely without thinking he called her back to ask her if she had seen the stepfather on the day of the tragedy.

"Yes, sir," she answered briskly. "I happened to run out to post a letter and I saw him leaving the hotel. I remember the exact time, for there was a collection at three o'clock and it was exactly two minutes past when I posted my letter. The box wasn't cleared by then and as I was coming back I saw the postman making for the box."

Now the young man was supposed to have shot himself at three o'clock, and the stepfather had sworn that he had been in the bookseller's shop a mile away at a quarter to the hour. The detective lost not a moment in calling at the post office and interviewing the postman who had cleared the box near the hotel in question. The man came back with him to the hotel and readily confirmed the girl's evidence that she had passed him a minute or so after three. Shown a photograph of the stepfather he declared that he had noticed the gentleman just before he had glanced at the pretty girl running back to the hotel.

Once a suspect is discovered to be lying his chances of escape are infinitesimal, and it was so with the stepfather. Some time was wasted trying to prove that the letter in the handwriting of the dead lad was a forgery, but when its genuineness was confirmed all efforts were concentrated on bringing home the guilt to the clever criminal who had made such a stupid blunder. For if he had not closed the eyes of

the murdered boy he would never have been suspected. As it was, his alibi having failed, it placed him at the mercy of the police and within a week he was in jail and the case against him completed.

It was proved at his trial—where he was found guilty and sentenced to death—that from the day he had been informed of the financial provisions of his predecessor's will he had conspired to remove from his path the boy who stood between him and £400,000. It was shown to the satisfaction of the jury that he had good reason for anticipating that the moment his wife came into the whole estate of her husband he would have no difficulty in persuading her to pass it on to him. She had been completely in his power, not the power created by fear but that based on an unreasoning affection for an unworthy person. It was this golden object which had made the stepfather a murderer, and he seized the opportunity presented to him when a few days before the tragedy he found a note scribbled by his stepson declaring his intention to commit suicide. The note had been written in a fit of irritable depression and within a few minutes thrown away and forgotten, but the man who picked it up in the bedroom treasured it carefully, seeing in it a guarantee of his own safety from suspicion, prosecution and the scaffold.

What must he have thought when in the condemned cell he had time to ponder on the amazing consequences of that one blunder! The murderer had lived a full life and had travelled the world over; he always had had a splendid opinion of his own intelligence, but the vast knowledge of men and things he had accumulated had failed to include in it the simple fact that the dead cannot close their own eyes.

CHAPTER XIX

DETECTIVES AND CRIMINALS

We are all fascinated by a murder mystery, which may be due to the knowledge that the solving of it may mean the taking of another life. And there is something awe-inspiring in that. Our instinctive fear of death makes us feel sorry when common sense should inspire approval. Thus we begin by pitying profoundly the victim and end by being sorry for the murderer. Thousands of persons signed a petition praying for a reprieve for Seddon, the murderer of Miss Barrow, and even Patrick Mahon had his sympathizers, although there was not one redeeming feature of his crime. But we cannot control our emotions in the presence of death, and it is not surprising that even the most hardened of detectives is never callous when dealing with a murderer. He cannot but be affected by the thought that the hand he lays on the arm of the man he is arresting on the highest charge of all is, as it were, the preliminary touch which starts a human being on the road to another world.

"I can show you the path to heaven," said the prison chaplain to a condemned man, who was gazing wistfully through the little window of the condemned cell.

"I wish you'd show me the path to freedom," he answered, without a touch of cynicism. The sun was shining that June day and the birds were singing, and it must have seemed to the doomed man that an earthly paradise was lying all about him save for those few square feet of prison flooring.

That man was not a hypocrite. He was merely speaking from his heart. Hypocrisy is not a vice which is practised in the shadow of the scaffold, although there is one astonishing instance on record. The crime of James Cook is now practically forgotten, but when he murdered and dismembered Mr. Paas in Leicester he became the most talked about criminal in the country. Amongst others he attracted the attention of two very religious ladies who were permitted to visit him and attempt his conversion. Whether they succeeded or not was never settled satisfactorily, but Cook, who pleaded guilty at his trial, made the most of the opportunity to obtain luxuries at the expense of his would-be converters.

"I hope Mr. Paas has forgiven me," he remarked, a few hours before his execution, "for if he hasn't it will be so awkward for both of us when we meet in heaven."

That was the insolence of fanaticism and the high-water mark of pure hypocrisy, and it is in strong contrast to the remark of an old racing man who was urged by the chaplain to repent.

"I may have backed the wrong horse, governor," were his words, gasped out

with painful effort, “but I ain’t going to hedge now.”

I think he had a greater chance of obtaining mercy than Cook, who died quoting Scripture!

I cannot imagine that the detective who arrested Cook could ever have regretted his part in the affair, for he must have been conscious of having rendered a special service to society. But whatever their private opinions may be the officers of the law have no option but to carry out their instructions and even where their sympathies are aroused by the plight of an unfortunate woman driven to crime it is not for them to act as judges. A famous French detective has put on record an instance where he very nearly ruined his career by permitting his detestation of the victim to influence his judgment. A corpse was found in a wood near Paris and identified as that of a vile blackmailer of the name of Jura. The detective mentioned was placed in charge of the case, but as he had known Jura only too well he was not particularly anxious to bring to the guillotine the unknown assassin who had removed a plague from the underworld. However, he had to obey orders, and as all his inquiries pointed to a mechanic, known as “The Fox,” as the murderer he hunted him up. “The Fox” had been seen with Jura on what must have been the latter’s last night on earth, and there were other clues incriminating the suspect.

Without much difficulty “The Fox” was traced to a lodging-house in Paris and two detectives sent to arrest him. When they entered the common-room of the lodging-house they saw him sitting by himself near the fireplace.

“We arrest you for the murder of Emile Jura,” the senior officer said, gripping “The Fox” by the arm.

“What do you mean?” exclaimed the young man. “How could I have murdered myself? I am Emile Jura.”

The detectives thought he was attempting to fool them and they would not listen to protests. They have a rough and ready way of dealing with suspects in Paris which would horrify the British public which is so tender towards the susceptibilities of criminals, and “The Fox” was hauled off unceremoniously to the nearest police station. Here, however, the detectives were dumbfounded when the inspector in charge confirmed their prisoner’s statement.

“We cannot detain the man on a charge of having murdered himself,” he concluded, with a laugh. “I’ll have to let him go if you haven’t another charge against him.”

Jura swaggered out of the station, but he had not proceeded fifty paces before one of the cleverest shadows in the force was on his track. The police were taking no chances, and it was just as well, for three days later a case had been completed

against Jura, who was arrested and charged with having murdered his friend, "The Fox," and exchanged identities with him. He had disfigured his victim's face so that identification had had to be determined by the clothes and the contents of the pockets, and when the inspector who had known Jura for twenty years declared that it was his corpse no one had thought of doubting his word. Jura had persuaded "The Fox" to exchange clothes with him just before the tragedy in the wood, knowing that his victim's clothes would be badly bloodstained and would be therefore useless after his death. It was this that had convinced the inspector that he was examining the corpse of his old enemy. It had not occurred to him that Jura would first exchange garments with "The Fox," for in his long experience he had never heard of such a thing happening. But anything is possible where human beings are concerned, and because he forgot this a usually very astute detective nearly connived in assisting at the escape of a cold-blooded villain. He had been rather relieved than otherwise by the thought that Jura was out of his way for ever, and if it had not been that his chief-inspector insisted on an investigation "The Fox" would have gone to his grave as Emile Jura, and that redoubtable criminal would have vanished for a time, to reappear in another part of France and resume his depredations on society.

Adolphus Williamson, who did more to make Scotland Yard than any other man, impressed on his men the wisdom of never taking anything for granted. A poet has said something about things not being always what they seem and the great detective endorsed him. It was one of Williamson's pupils, the late Chief-Inspector John Kane, who told me of an adventure of his which justified that adage. Kane was sent to arrest a woman he had never seen in his life on a very serious charge; and although he had the address of her flat in a fashionable part of London he scarcely expected to execute the warrant because he was aware that she had heard she was in danger of arrest. However, hoping for the best, he rang the bell and to his surprise the door was opened instantly by a smart-looking maid.

"My mistress is not at home," she said, when Kane asked to see her employer. "She left for Paris last night."

The officer without a moment's hesitation gripped her by the right wrist.

"You're the person I want," he said, "and I advise you not to give me any trouble. There's no need why your neighbours should know of the affair unless you choose to make a scene."

"I'll come quietly enough," she said, with a laugh. "But how did you penetrate my disguise so quickly? I suppose you were supplied with a complete description of my appearance?"

"I knew nothing about you except your name," Kane answered. "I tried to get a

satisfactory description of you but failed, and I'd have gone away without you if it hadn't been for one little mistake you made."

"What was that?" she asked, in surprise. "The cap and apron I have on belong to my maid and the rest of my clothes couldn't have given me away."

"You looked the maid to the life but for one thing," said the detective, with a smile. "In your haste to dress the part you forgot to remove from your finger a diamond ring which could not have cost less than a hundred pounds, and I've yet to learn that a maid-servant can afford such a valuable piece of jewellery."

Kane was engaged in another affair which changed its whole aspect suddenly because of a simple suggestion he made. A middle-aged man was murdered and the detectives sent to investigate reported that there was not a vestige of a clue. Kane saw the corpse the night of the discovery and heard in detail what his subordinates had done. There were no finger-prints, no foot-marks, and it might have been a case of suicide had it not been so obvious that the dead man could not have shot himself, though there was not the smallest indication that anyone had been near him at the time of his death. Beside the body had been found a pair of gloves, a walking-stick and a bowler hat.

"Have you had all these identified?" asked Kane.

"The landlady at his lodgings and two of his friends have sworn to the gloves and the stick," said the officer, "and I have been to the address given in the lining of the hat and have taken from the proprietor a statement in writing that he sold it to him."

Kane took the hat up and looked at it. It was an ordinary hat and must have been in use about a month.

"Let's see if it's a good fit," he said suddenly, and raising the head of the corpse placed the hat on top. By that act the outlook changed entirely, for Kane was as astonished as the other detectives when he realised that it was much too small for the head of the man whose property it was supposed to have been.

With renewed vigour the detectives resumed the investigation, and as the hat had come from the same shop where the victim had made his last purchase they were not surprised when within a week they ran to earth another customer known to have been on friendly terms with the murdered man. Before his trial the prisoner confessed.

The tragedy had been the outcome of an unpremeditated quarrel, and the murderer in his agitation had picked up the wrong hat from the ground where it had fallen during the fatal struggle. They did not hang him, but he went to penal servitude for life, and during the twelve years he survived his crime he had plenty of opportunities for pondering on what might have been if Chief-Inspector John Kane

had not been seized with the whimsical idea to see how a dead man looked in a bowler hat.

CHAPTER XX

DISHONOUR AMONG THIEVES

All the experts agree that the saying anent honour among thieves is as absurd as it is untrue, and it is certain that those who have the task of protecting society are very glad that it is so. Criminals know nothing of honour and are just as ready to rob and murder one another as they are an unsuspecting public. Charles Peace declared that he owed his immunity from arrest for such a long period of years to his refusal to work with a partner, and it is no exaggeration to say that the difficulties of the police would be increased tenfold if it were not that most great crimes are followed by offers of help from persons eager to sell their friends. In the jargon of officialdom this is always described as "information received," a glib phrase which covers a multitude of "dishonour amongst thieves."

Sometimes the "traitor" is animated by spite and as often by greed. It was greed that led to one of the most astonishing tragedies of the last half-century, a tragedy which brought about three deaths. I had the details from an old Scotland Yard inspector who in his early days in the force met one of the German detectives engaged on the case.

Three young shop assistants in Berlin, tired of the discipline and inadequate pay of their occupation, joined forces to rob isolated houses in the outer suburbs of the city. Knowing that the chief problem of the successful thief is the disposal of his booty and that the risks run while actually burgling a house are trivial compared with those ever present when dealing with a receiver they decided to store the proceeds of their robberies for at least six months before attempting to sell. Of course whenever they obtained money they divided it at once, but gold and silver articles were stored away in order that time might reconcile their owners to their loss and render identification much more difficult.

The three young ruffians were surprisingly successful, and when six months ended they had valuables worth at least four thousand pounds safely hidden in a wood about thirty miles from Berlin. They were a cold-blooded and callous trio, never hesitating to maltreat their victims if they offered resistance, and the day they met in a café to settle the date of the exhumation and sale of the stolen property they had at least three murders against them. But they were interested only in the prospect of handling a large sum of money, and for more than an hour they discussed ways and means before they came to an agreement as to the disposal of the stolen goods. Murder sat lightly on the consciences of men who knew that the leading receivers of Berlin were competing to do business with them, aware that there would

be for the successful “fence” a profit of at least one hundred per cent. They were in a merry mood, but they were too cute to allow the wine they drank to get the better of them, and no one in the crowded café could have suspected the real characters of the three pale-faced, mild-looking young men at the table in the far corner.

They had differed on the subject of the receivers, each one favouring a candidate of his own, and finally it was settled that they should meet in the wood and divide the spoils so that each might deal with the receiver of his choice.

“We will celebrate the occasion by a little feast in the wood,” said the eldest of the trio, who was only twenty-six.

“That’s a good idea,” said one of his companions, with a laugh. “I’ll supply the feast.”

“Good,” said the leader appreciatively, “then we’ll expect you to meet us in the wood with a hamper at twelve o’clock to-morrow. Don’t be late. Paul and I will be there by half-past eleven.”

The member of the gang who had volunteered to provide the meal which was to celebrate the division of the proceeds of six months’ “work” was a youth of twenty with the features of a rat and the expression of a ferret. Had a strict account been taken of the partnership his share must have been less than the others, for he had confined himself chiefly to robbing widows who lived alone in small houses, and his contribution to the common stock had been comparatively trivial. But the others had given no outward indication of any dissatisfaction and he had every reason to feel that he was going to be well rewarded for all he had done when he called at a wineshop and purchased a couple of bottles of champagne. Next door to the wineshop was a restaurant and here he accumulated a collection of those fatty foods dear to the average German. The hamper, however, was heavier than he had anticipated and he was soon regretting his generosity when in passing a chemist’s shop he dropped it beside him as an idea suddenly occurred to him.



DANIEL O'CONNELL

From a painting by T. Carrick

The idea may be summed up in the words, Why not take the whole of the fortune instead of a third? For a couple of minutes he stood and pondered on it, the little red eyes gleaming unnaturally and the thin, cruel mouth twisted by an ugly smile. The more he dwelt on the idea the more feasible it seemed, and a mind ever fruitful of evil was quick to invent a sure and certain method by which success could be attained. He had only to poison the food and the wine and within a quarter of an hour of the commencement of the feast his two partners in crime would be lying dead at his feet. To prevent them suspecting his treachery he would partake heartily

of the food, and with this end in view he reserved a portion of it unpoisoned.

It was close on noon when he arrived with the hamper and was boisterously greeted by the two men, but had he been able to read their minds he would have been even more surprised and uneasy than they could have been had they been possessed of the same power. They had never really cared for his society and, in fact, would never have taken him into partnership if it had not been that it was he who had first broached the subject of forming a criminal gang. All along they had been conscious of his partiality for avoiding dangerous jobs and they were well aware of his almost contemptible contribution to the common stock of valuables. It had been this which had caused the leader of the gang to express his discontent that a member of the gang who had stolen about a twentieth part of the hidden stock of gold and silver articles should be entitled to receive one-third at the distribution which was to take place that afternoon.

“I don’t see why he should have anything,” he said, surprising his companion by his vehemence.

“I have been thinking of that for weeks,” said the other man, who being of a more cheerful disposition was able to accept the position with serenity. “But nothing can be done. We agreed to share and share alike and that’s an end of it.”

“I don’t agree with you,” he retorted aggressively. “There’s a big difference between a third and a half when there’s so much to divide. Why shouldn’t we knock him on the head when he’s busy preparing the feast?” he added, and meeting the gaze of his partner was relieved to see agreement and approval in his eyes.

They were in a wood and at least ten miles from the nearest human habitation, but as though afraid that the birds might overhear them and carry the message of their grim conspiracy to the city they discussed the plan in whispers, occasionally glancing about them as if expecting to find their intended victim at their heels. However, they were lying on their backs smoking placidly when he did appear, and the undersized villain had difficulty in suppressing his mirth as he contemplated his unsuspecting victims. They congratulated him on his cleverness in having chosen the very food and wine they liked, and when he heard them voice his praises he was so tickled by the irony of the situation that he had to turn away hurriedly and pretend to be immersed in the task of opening the hamper.

With particular care he arranged the various dishes on the ground and opened one of the bottles of champagne. He had placed it beside a dish containing a meat-pie when one of his companions asked him to bring the other bottle over. This was a ruse to draw him away from the food, for his murderers intended to have his share of the luncheon as well as his portion of the common stock of valuables, and as he

came towards the leader with the bottle in his hand a hatchet descended on his head from behind and he crashed to the ground, never to move again.

They wasted not a moment in getting him underground, and half an hour later it would have been difficult for anyone to have discovered signs indicative of a grave.

“Now for the feast to celebrate the addition to our fortunes,” exclaimed the leader, and throwing himself on the ground began to eat as though he had not tasted food for days.

His companion followed his example and whenever they paused it was only to fill their glasses. Ten minutes after the feast began they were feeling drowsy and although not twenty-four inches divided them they could scarcely see each other.

Suddenly a loud shriek startled the birds which in regular battalions had assembled in the hope that there might be something left over from the feast for them. They scattered as other shrieks followed, but there were no human ears to overhear, and it was not until two days later that a labourer passing through the wood came upon the bodies of two men. When they had been identified by a detective a close search of the wood was made and then the unhallowed grave of the poisoner was found. And this clue led to the solution of the mystery. The police reconstructed the crime without any difficulty, and at once suspecting that the motive for the tragedy had been greed made another search. It took them a week to find the cave under the clump of trees where the accumulations of six months of burglary were stored, but once the treasure had been brought to light the mystery was at an end.

Honour amongst thieves! Thieves do not know the meaning of the word.

When a criminal betrays his fellows and, thanks to the precautions of the police, escapes the suspicion of the men he has sold he finds the occupation of informer so well suited to his temperament that he invariably adopts it permanently there and then. But “copper’s narks,” as they are termed in the underworld, have in turn to be watched, for they are just as ready to betray their employers. The only way to deal with them is to pay by results and not to excite them by offering large sums. Offers of rewards for assistance in solving serious crime problems have generally the opposite effect intended. That is the reason why it is very seldom nowadays that the experiment is tried. The police prefer to work in their own way and “to get at” associates or partners of the suspect, and they have found they can do better in the long run if they do not excite the dangerous greed of the unscrupulous by plastering the hoardings with bills announcing huge rewards.

Crimes have been committed solely because the criminals have anticipated anything from a hundred to five hundred pounds being offered by the authorities for

information. Old hands have lured youngsters into committing offences scarcely short of murder so that their tempters might be in a position to betray them later on because of the money to be earned by such betrayal. Forty years ago when there was a dynamite scare in London a couple of foreigners planned to blow up an embassy so that they might be in a position to furnish information to the government and obtain some of the thousands of pounds which were then on offer for the detection of dynamitards.

John Sexton, who in his day was one of the most successful of Scotland Yard detectives, was once engaged on a big burglary case somewhere in the region of Camberwell when he was approached by a typical specimen of the criminal class, who whispered hoarsely the advice that the police should offer a reward of fifty pounds for information.

“We can do without a reward,” said Sexton, whose knowledge of the criminal fraternity was unrivalled. “At least four men were on the job and I’m expecting a visit from one of them to-night.”

The would-be informer glided away, but, as Sexton expected, he was at the local police station after dusk that evening and inquiring for the inspector.

“Come in,” said Sexton genially. “I suppose you want to tell me all about that little affair at Camberwell?”

“I ain’t going to be tricked by any of my pals,” said the burglar, in a growling tone. “I’ll be Queen’s Evidence if you like.”

“I’m afraid I can’t accept your offer,” said Sexton, without a suspicion of a smile. “There were four of you in it, weren’t there? You won’t answer me? Well, I may as well tell you that your pal who planned the whole affair called three hours ago to offer himself as Queen’s Evidence and the other two friends of yours were only beaten by him by half an hour. Now you’ll understand why I want you only in the dock.”

All four men were convicted and sentenced the following month, for Sexton had had no need for Queen’s Evidence, and as the quartette of crooks did not know that they would all have been rounded up within twenty-four hours had they not walked into the police station they went to penal servitude swearing to murder one another as soon as they came out. But as a matter of fact it was an old criminal, who had married the sister of the leader of the gang, who had betrayed them, and as he died before any of them were released they remained in a state of ignorance which was dangerous to their safety; dangerous because they were desperate men and particularly infuriated against the “traitor” in their midst. Each man was suspected in turn by the other three of having contributed to the general downfall by talking too

much to the astute Scotland Yard inspector.

“Honour amongst thieves!” exclaimed Sexton derisively. “Why, I doubt if any of them have ever heard of the word and I’m certain none of them could spell it.”

CHAPTER XXI

FALSE WITNESS

The victimization of the innocent by the law of the land is an absorbing and yet repellent subject. It is a trite and commonplace observation that humanity is ever liable to err, and no matter how hard we may strive to perfect the administration of justice mistakes are bound to be made, wrongful convictions and wrongful acquittals. A perfectly honourable and law-abiding person may be involved unexpectedly in a network of circumstance which make his every act a seeming proof of his guilt; sometimes a ruffian escapes by the stupidity of the jury or the luck of the law.

Many of those unfortunates have contributed to their undoing by seeking refuge in lies. The most celebrated case of a man charged with murder tying the rope around his own neck concerns a farmer in one of the western counties who married a widow who had a ten-year-old daughter. For some unknown reason he took a strong dislike to the child and once he beat her so severely that the neighbours protested. It is not surprising therefore that in the little community rumour should exaggerate occasional outbursts of temper by the farmer into habitual ill-treatment of his stepdaughter, and when it was remarked that the girl had not been seen for some days the locals jumped to the conclusion that she had been murdered and her corpse concealed.

They were slow to act, however, and it was a fortnight before a policeman appeared on the scene and arrested the farmer. The charge against him was the wilful murder of his stepdaughter and after a couple of hearings the magistrates committed him for trial. He protested his innocence to the police and to the magistrates, one moment shouting threats, the next whining to be allowed to go home.

“Produce the girl and you will be set at liberty,” said the chairman of the bench, in reply to an harangue by the accused.

“I can do that if you will grant me bail,” he answered, and his tone and manner were so convincing they they complied with his request.

“Don’t forget that you must show us the child alive and well,” he was warned as he left the court.

His defence was that the child had run away from home because he would not allow her to have her own way, and he denied that he had beaten her more than she deserved or that he had been cruel to her.

“She’s a wilful child and older than her years,” he informed the few neighbours who would have anything to do with him after the charge had been launched against

him. "I know where she is hiding and I'll seek her out and bring her back before I'm a month older."

When the assizes opened at the town some fifteen miles away the farmer informed the prosecution that he had found his stepdaughter and that she was going to give evidence. The case was accordingly put forward, and he was the first prisoner to face the scarlet-robed judge. Without any signs of perturbation he listened to the brief opening speech for the prosecution, and then an usher called the name of his stepdaughter and a fresh-complexioned child of about eleven made her way into the witness-box.

The counsel who questioned her did so in a fatherly and friendly manner and she answered him promptly and clearly. It was quite another matter, however, when an elderly, bewigged barrister rose to cross-examine, and very soon the whole attention of the crowded court was fixed on the child and every heart was beating wildly, for counsel for the prosecution began by putting a question which startled everybody.

"You're not this man's stepdaughter?" he thundered at her. "You have been hired to swear falsely so that he may escape the consequences of his crime."

The terrified child burst into tears, and almost simultaneously a woman rose in the well of the court and called to her to come to her arms.

"That's your mother, isn't it?" said counsel, and the woman herself answered the question by running to the witness-box and clasping her daughter.

One look at the wretched man in the dock was sufficient to confirm the suspicions of the prosecution. All his confidence had vanished and the expressive dark eyes were now weak with terror. The burly figure crouched as though on the defensive and, in fact, every feature, every movement proclaimed aloud that he knew that the game was up.

Fresh evidence was now called to prove that the farmer had made the journey to a distant village where a relative of his had a daughter corresponding in appearance and age to the missing child. All the particulars of the amazing bargain were published in open court and the very words repeated in which the prisoner had explained that his life would be forfeited if he did not produce a substitute for his stepdaughter. In his desperate plight he had resorted to trickery and it is not surprising that it should have been accepted by everybody present as incontrovertible proof of his guilt.

In his summing-up the judge gave a complete and plausible history of the tragedy. He reminded the jury that the prisoner himself did not deny that from the day of his marriage to the child's mother he had not been kind to her. He had shown himself to be the conventional stepfather of fiction, unsympathetic to the child who

was not his own and disinclined to make any allowance for the vagaries and petty mischievousness of youth. Witnesses had recorded how they had overheard the farmer express the wish that she had never been born, and there was a circumstantial account of a conversation with the landlord of the village inn in the course of which the farmer had declared with emphasis that had it not been for his stepdaughter his marriage would be perfectly happy.

“The rest of the pitiful story is soon told,” proceeded his lordship, “the child is punished for the most trivial faults and in every way is impressed by the fact that she is in the way. Then she suddenly disappears, and as she is known to have only one enemy and that enemy her stepfather he is arrested. He swears that she has run away and that he can produce her if he is allowed out on bail. The magistrates in the exercise of their discretion agree to his unusual request, but what is the result, gentlemen? The prisoner pays a wretched woman ten pounds for the loan of her child and that child is carefully tutored to pose as the stepdaughter. I leave you to draw your own conclusions as to why the accused should have gone to the trouble and expense of a very elaborate trick; why he should have attempted to hoodwink this court if he is an innocent man.”

The prisoner was convicted, sentenced to death and executed. He continued to protest with the frenzy of the dying that he had not murdered his stepdaughter, but no one believed him, and the prison chaplain advised him that the only way to find peace would be to make a full confession. There was no attempt to obtain a reprieve for him and no one visited him in the condemned cell. His wife had been seriously ill since the disappearance of her daughter and was unable to leave her room, and she never asked for mercy for him because she regarded him as her daughter’s murderer.

About three months after the farmer had gone to his nameless grave within the precincts of the county jail the landlord of the village inn was turning into the long white road which, ribbonlike, stretched for miles across the downs to the north of the village when a cart rattled by him, and glancing towards it he saw what he took at first sight to be the missing child. Then he remembered the trial and laughed at his folly, but the laughter died away when the girl called to him by name.

“You can’t be Lucy Strong?” he exclaimed, in blank amazement.

“Yes, I am,” she answered cheerfully. “I ran away from home because I was so unhappy, but I’m happy now and I don’t mind coming to see mother because I’ve just heard that father is dead.”

He took her at once to the residence of the nearest magistrate, who asked her a number of questions and wrote down from her narrative a complete account of her

doings since her disappearance from the village. It was a simple enough story she had to tell. Terrified by her stepfather's beatings she had run away late at night and had made her way to a married cousin who lived two hundred miles off. Now it so befell that this cousin was on the worst of terms with her relative, the farmer's wife, and had not corresponded with her for years. Hence the silence that ensued when the little girl, hungry and weary, staggered into the remote farmhouse far away in the north of England. They kept her and petted her and brought the roses back to her cheeks, and she emerged from a long illness, due to the privations and hardships of her journey, about the time her stepfather was sentenced to death.

Nothing was heard of the trial in the village where little Lucy Strong lived in happy retirement. She had begged her relatives not to write and tell her stepfather where she was and when they heard from her how badly she had been treated by him they humoured her. Altogether the affair may be termed a tragedy of error, one of those appalling events which seem foreordained by some power greater than ourselves. A few words scribbled on a piece of paper would have saved a man's life and prevented a terrible miscarriage of justice, but they were never written. Yet had the accused persisted with his first story he could never have been executed. It was the staging of an elaborate hoax that led to his undoing, for, as I have said, he tied the rope around his own neck by lying.

Failure to face a difficult situation boldly very nearly led to the execution of another innocent man, though it must be admitted that few of us would have acted wisely in a crisis which might have been designed to destroy one's sanity and judgment.

John Armstrong, a Yorkshire farmer, took a lodger of the name of Wilson, who not only paid well for his board and lodging but when his landlord got into financial difficulties advanced him some hundreds of pounds. Wilson was a quiet man who gave no trouble, and both Mr. and Mrs. Armstrong regarded him as a model lodger. He had been a sailor and was now employing his capital in various enterprises, some of them of an illegal nature, such as smuggling.

The time came when Armstrong owed him six hundred pounds and for security Wilson had a first charge on the farmhouse and the few acres adjoining. This was the position that Sunday night when the Armstrongs returned home from a visit to a friend and, as they expected, found the house in darkness, for every Sunday night Mary Strugnell, their servant, went out and was not expected back before eleven. It was now only ten, and Armstrong let himself in, leaving his wife in the hall while he ran upstairs to fetch a light.

When he reached the landing he noticed that the door of his lodger's room was

open and at once he was tempted to search it for the document giving Wilson the house and land as security. The temptation was all the stronger because Armstrong knew that he would never be able to repay the six hundred pounds. Seized by some queer idea that if he found the document and destroyed it he would be able to repudiate the loan he entered the room and was transfixed with horror when he saw Wilson lying on his back, stabbed to the heart.

The first feeling of horror gone temptation returned with increased force. So far from thinking that he might be accused of the crime he saw in the tragedy his own salvation. If he destroyed the document no one would ever be the wiser and he could never be asked to repay. He knew that Wilson had always been a secretive man, never inclined to discuss his own affairs, and it was unlikely that he had mentioned to anyone the hold he had on the Armstrongs. Getting to work at once the farmer rummaged the dead man's boxes and having found the object of his search destroyed it.

As soon as he had done so he ran downstairs, put his arm through his wife's and, leading her out into the open, whispered at the same time that Wilson was dead and they must be careful not to incriminate themselves.

A minute or so later their nearest neighbours were aroused by a loud knocking on the door of the Armstrongs' house, and running out they heard from Mr. Armstrong that he had lost his key and was trying to ascertain if Mary Strugnell was in the house.

"I'll run round to the back and climb up the spout," said a young man. "I can easily get in by one of the windows and open the front door."

It seemed that he had not gone a moment when he was back again with a scared face.

"There's a man lying murdered in a room," he cried, and Armstrong staggered as though stricken.

It was now a case for the police and a policeman was called in. He soon had the front door forced and led the way upstairs.

"You say that there is no one in the house?" he said, turning to Armstrong who was uttering exclamations of pity and horror on seeing the corpse.

"The only person who could have been here was Mary Strugnell but this is her night out," he said, as soon as he could recover his composure.

"Where is her room?" asked the constable.

"Just opposite," said Armstrong quickly. "But it's no use bothering about that—her door's locked."

"How do you know that?" said the policeman, when the handle refused to yield

to his grasp.

For a moment Armstrong was nonplussed, but with an effort he stammered out that he knew it was Mary's custom to lock her room before leaving the house.

The policeman brought his eye on a level with the keyhole.

"Well it may surprise you to hear that the key is in the lock on the other side."

And Armstrong knew in that moment that some one had seen him enter the house and walk into Wilson's room.

They knocked on the door and called to Mary Strugnell, but they had no response and for the second time that night they had to force a door. As soon as they did so they heard groans from under the bed and eager hands reached and lifted from the floor the almost unconscious servant.

They revived her with cold water and when she came back to consciousness she slowly surveyed the crowd, but as soon as she saw Armstrong her countenance changed.

"There's the murderer," she screamed, pointing at him. "He was in the house before any of you came and I heard him murder Mr. Wilson. I'd only strength to turn the key in my lock and hide under the bed and then I knew no more."

Armstrong protested, but was immediately arrested, and when the key of the house was found in his pocket, the key he had professed to have lost, he was compelled to admit having lied. No one believed him, however, when he told the truth about his first knowledge of Wilson's death, and there were none to believe him at the assizes when the jury found him guilty and he was sentenced to death.

Quite apart from the lies he now confessed to there was a strong motive for his crime. Wilson had had him in his power and Wilson could at a few hours' notice have bundled him and his wife from their home. What stronger reason could a man have for committing murder? The admission that he had rummaged amongst Wilson's belongings for the evidence of his debt and had destroyed all that evidence was clear proof of guilt.

Fortunately, however, for Armstrong he was reprieved, and within six months of his trial Mary Strugnell, dying of injuries received in a street accident in London, confessed that it was a lover of hers of the name of Pierce who had murdered Wilson. Corroboration of her statement was obtained and Armstrong released, never to forget how near to death he had been brought by a lie.

CHAPTER XXII

THE CLUE AND THE CRIMINAL

Hard work, plus a little luck, is always irresistible, and never more so than in the difficult art of crime detection. It was sheer luck that brought Patrick Mahon to the scaffold, and if the luck had been on his side the mystery of that bungalow at Eastbourne would never have been solved. Some years ago there was a tragedy near Bodmin which completely baffled the efforts of every astute detective. They were about to give up the contest with the unknown when by the merest of flukes darkness became daylight and what had appeared to be an impenetrable mystery resolved itself into a very simple case.

The victim was a little girl whose body was found in a field seldom trod by human feet. When the police were summoned the only clue was a few strands of flaxen hair clutched tightly in the child's right hand. This made it obvious that she had fought desperately for her life, but the clue did not promise much, although flaxen-haired men were rare in that part of the country.

The crime naturally aroused intense resentment and a universal desire for vengeance, and the ordinary police force was augmented by hundreds of volunteers burning with a desire to see the cowardly ruffian punished. The country for miles around was ransacked, but without practical result, and, as I have said, those at the head of the searchers arrived at the conclusion that they were merely wasting time.

On the very day that the decision was arrived at a young constable entered a barber's shop in Bodmin for a shave. He had been on duty for twenty consecutive hours and needed sleep as much as he did a shave. For days he had thought of little else except a murdered child and a few strands of flaxen hair, and he could not get them out of his mind. As he sank wearily on to a chair the barber, an old friend, greeted him.

"Won't be long, Bob," he said cheerfully, as he began to attend to his customer.

For a few moments the constable's gaze was fixed on the mirror opposite before it wandered to the man in the chair. Then the listlessness vanished from his expression and the weariness from his brain. He had noticed at once that the stranger's hair was flaxen and that the strands at headquarters might have been torn from the short beard which the barber was about to remove.

"Stop!" he cried, jumping to his feet. "I'd like to ask this chap a few questions before you shave him."

The barber started in astonishment, but his surprise was nothing to that of the tall, handsome young man who staggered from his chair and in broken English

inquired what he meant.

“You’ll have to come with me,” said the constable aggressively. “The inspector will be glad to see you.”

He was prepared for a fight, but the Norwegian—that was his nationality—seemed to crumple up when confronted by a uniformed representative of the law. He might have resisted the constable had he been in civilian clothes, but in uniform he was a different proposition, and with a meekness and timidity out of all proportion to his stalwart frame he walked beside his captor to the police station.

He had not been there an hour when he signed a full confession of the crime, and in due course he was executed. Perhaps, Ohllison commiserated with himself in the condemned cell. He had good cause for self-pity, for if it had not been for that chance visit by the young constable to the barber’s shop in Bodmin he would never have been arrested. Once he had had his beard removed there was no fear of identification, for, as we have seen, the police were abandoning the search. In fact, in another twenty-four hours he would have been on a ship and beyond the danger zone, but the sensitiveness of a young constable to his appearance led to his capture and the solving of a very difficult crime problem.

That was chance, aided by ability to think quickly, but there was a little more skill required to bring home to Greenwood, the young soldier, the crime he committed at Eltham a few years ago. Greenwood murdered a girl on Eltham common and vanished, but he left behind him what proved to be a valuable clue, a button torn from his army overcoat during the struggle. Now there were tens of thousand of similar buttons in existence, and the coat of Private Greenwood was not uncommon, but the detectives narrowed down the field of inquiry by confining it to those soldiers known to have been in the vicinity of Eltham at the time of the murder. By sheer hard work they reduced the suspects down to one, and at Greenwood’s trial they were able to establish his guilt.

It was a similar clue which solved one of the most sensational mysteries of the nineteenth century and brought about the capture and punishment of the author of a very deliberately planned and executed crime. Thomas Henry Hocker was a young man with a great capacity for evil, and when he conceived and carried into execution the most serious of all crimes he took into consideration everything except the trivial, and it was the trivial that hanged him.

Hocker’s chief friend and companion was a teacher of music and singing of the name of Delarue, whose weakness was vanity. Delarue prided himself on being a lady-killer and he laboured hard to build up a reputation for himself as an irresistible charmer of women. He dressed extravagantly and wore more jewellery than good

taste demanded, and all his surplus cash went in entertaining those girls who appealed to him. Hocker was envious of his friend's conquests, but more envious of his apparent large earnings, and because he himself was not able to make more than a pound a week he was tempted to murder Delarue for the sake of the jewellery and the money he carried on his person.

He did not, however, enter into the dangerous business without due care and thought. Hocker had no desire to terminate his young life abruptly on the scaffold, and had he not convinced himself that success was certain he would not have turned his guilty thoughts into a guilty deed. He was certain that Delarue would make an easy victim and that his reputation as a lady-killer could be turned to his murderer's advantage. That was why before he set out on a dark wintry night to meet Delarue on Hampstead Heath he composed a letter in a feminine hand which he intended should provide the police with a false clue.

The letter purported to be written by an alleged victim of Delarue and it was a mixture of appeals for mercy and threats of vengeance by an enraged brother. It was just the sort of letter that a girl terrified of losing her lover and her reputation would write and Hocker had some reason for his confident belief that when the letter was found on Delarue's body the police would make it the basis of their investigations.

It was a foggy February night when a policeman on his lonely beat near Hampstead Heath heard a cry of murder and a pistol shot. Owing to the fog it was impossible for him to decide in which direction the cry had come, but a little later he was standing beside the body of a young man and it was obvious that murder had been committed. He was examining the corpse when he was addressed by a stranger, who explained that happening to be crossing the heath he had been attracted by the policeman's lantern to the spot.

"Can I do anything for you?" he asked politely.

Before the officer could answer two other men came up and between them they carried the corpse to an inn some distance away. Here it was identified by articles found in the pockets to be that of James Delarue, and when the inspector of police read the letter signed "Caroline" he decided instantly that this was another of those dramas of love and tragedy which had been common enough in his experience.

Early the next morning a thorough search was made of the locality in which the murder had taken place and the detectives considered themselves scantily rewarded by the finding of an ordinary-looking button. There were no footprints, and not the slightest indication that a struggle had taken place, and no great importance was attached to the button, though it was easily proved that it had not been wrenched from the clothing of the victim. The obvious inference was that it had once belonged

to the brother of the writer of the letter, the mysterious man who, according to his sister, was burning to take Delarue's life. But the letter, not the button, was regarded as the only clue likely to solve the mystery.

A corps of detectives worked day and night on the clue of the letter, seeking in every likely place for the girl. They ransacked Delarue's lodgings, but while they obtained plenty of evidence that he had been corresponding with several young women not one of them was the writer of the all-important letter. Everybody known to have been on friendly terms with Delarue was called upon by an astute detective and questioned, and all of them volunteered specimens of their hand-writing. It was only when it became obvious that none of Delarue's known lady friends had had a hand in the composition of the letter that it occurred to the inspector in charge of the investigation to go all over the case again from the beginning.

It then occurred to him that Thomas Henry Hocker, the young man who had accosted the constable on Hampstead Heath on the fatal night and who had since displayed considerable eagerness to help the authorities, might not be so sincere or innocent as he appeared. It was possible, of course, that it was only a coincidence that Hocker should have been crossing Hampstead Heath on the night of Delarue's death, but it was no ordinary coincidence seeing that the two men had been friends. On the other hand it was this friendship that had turned suspicion away from Hocker, for everybody who had known the two men now declared that there had never been a shadow of a difference or a quarrel between them. On the face of it Hocker could have had no motive for murdering a friend who had never done him an injury, and, moreover, a friend who had been in the habit of lending him small sums of money to tide over difficulties. Yet the coincidence worried the inspector when he had to report to his superiors that he had failed to turn to account the letter found on the dead man's body.

With commendable promptness he turned all his assistants on to Hocker and within a few hours they had supplied him with information which caused him to visit the young man early one morning with a warrant for his arrest. There was no more startled youth than Hocker when he saw the officer by his bedside, but he managed to conceal his terror by a voluble denial of his guilt.

"I will search the room now," said the inspector, when Hocker was dressed and ready to be taken away.

Throwing open a cupboard he took down one garment after another until he came upon a fawn-coloured overcoat.

"Who owns this?" he asked, in a casual tone.

"It's mine," said Hocker promptly.

The inspector did not speak again, contenting himself with a nod to his subordinates to take the prisoner away, but he was a very happy man because he knew that what had threatened to be a failure was going to be a success. His optimism was due entirely to the fact that the fawn-coloured overcoat had a button missing and that that button had been at the police station since the night Delarue's body had been discovered.

Hocker defended himself with clumsy ability at the Old Bailey and the jury dealt with him as they must always deal with obvious murderers. The clue of the button was the chief factor in his conviction, and if there were any persons who were inclined to depreciate the importance the authorities attached to this apparently trivial article their doubts were removed by the murderer's full confession before he went to his death.

But Hocker was only one of many murderers who have provided simple clues to their own undoing. There was an Italian murderer who failed in the long run because he took too many precautions. He entered the lonely dwelling of an old miser near Naples, and having slain him carried off a large sum in coin and notes. Before leaving the villa, however, he scribbled a few lines on a piece of paper which, purporting to be in the miser's handwriting, implicated a cousin in the crime. The thief and murderer was inspired to this subterfuge by the finding in a room upstairs of a letter written from the villa and signed by the miser. But when the police were sent for on the discovery of the corpse they scarcely troubled to interview the cousin. Realizing from the first that the crime was the work of a skilled forger as well as a thorough blackguard they had not to go far before they laid their hands on the real author of the outrage. The criminals who combine those two difficult "arts"—forgery and murder—are very rare indeed, and the murderer, who in his confidence had made no attempt to disappear, was arrested within forty-eight hours.

"Why did you suspect it was a forgery?" he asked, when a fortnight in jail had rendered him philosophically indifferent to his fate.

"Because the old man you murdered could not read or write," was the surprising reply.

"But the letter I found in the villa bearing his signature?" exclaimed the prisoner blankly.

"That was written by his housekeeper—she always wrote his letters for him," said the prison official, "and when we found a very clever imitation of her handwriting we instantly thought of you and one or two others."

I have already mentioned John Sexton, and it would be easy to write a book about his adventures. He had a happy knack of acquiring foreign languages and

whenever a continental criminal was sought for in London it was usually Sexton who was given charge of the case. One of his neatest exploits was the arrest of a French murderer who slew an old widow in her wineshop in Paris and fled to London. The Paris police sent a full description of him, but as the murderer was certain to make extensive alterations in his appearance it was not of much use. Sexton was also supplied with a full account of the crime and noticing that after he had murdered the woman he had emptied three bottles of wine the English detective wrote to Paris asking for the name of the brand. As the wineshop had stocked a score of different brands he had an idea that he might know this murderer by the wine he drank. By return he got the information he sought and for five days Sexton toured the cheap restaurants in Soho and finally discovered one which sold this particular wine. When he heard that one of the customers was in the habit of asking for it he decided to take his meals there until he got his man. Two evenings later he sat down beside a Frenchman who scarcely resembled the official description of the Paris murderer but of whose identity he was satisfied because the most prominent position on the table was occupied by a bottle of the same brand of wine with which the murderer of the old widow had slaked his thirst.

Without any fuss Sexton introduced himself and mentioned his business.

“I am not the man you want, monsieur,” said the Frenchman politely, “but to prevent a scene I’ll accompany you to the police station. Have a cigarette?” He opened a silver case and presented it, and was surprised and not a little hurt when Sexton’s hand closed over the case as well as its contents.

“Why did you take my cigarette case?” said the Frenchman, when he had admitted his identity at Scotland Yard.

“Because I noticed that the cigarette you were smoking did not come from it,” answered Sexton, with a smile, “and I suspected that those in the case were all drugged.”

And heavily drugged they were too!

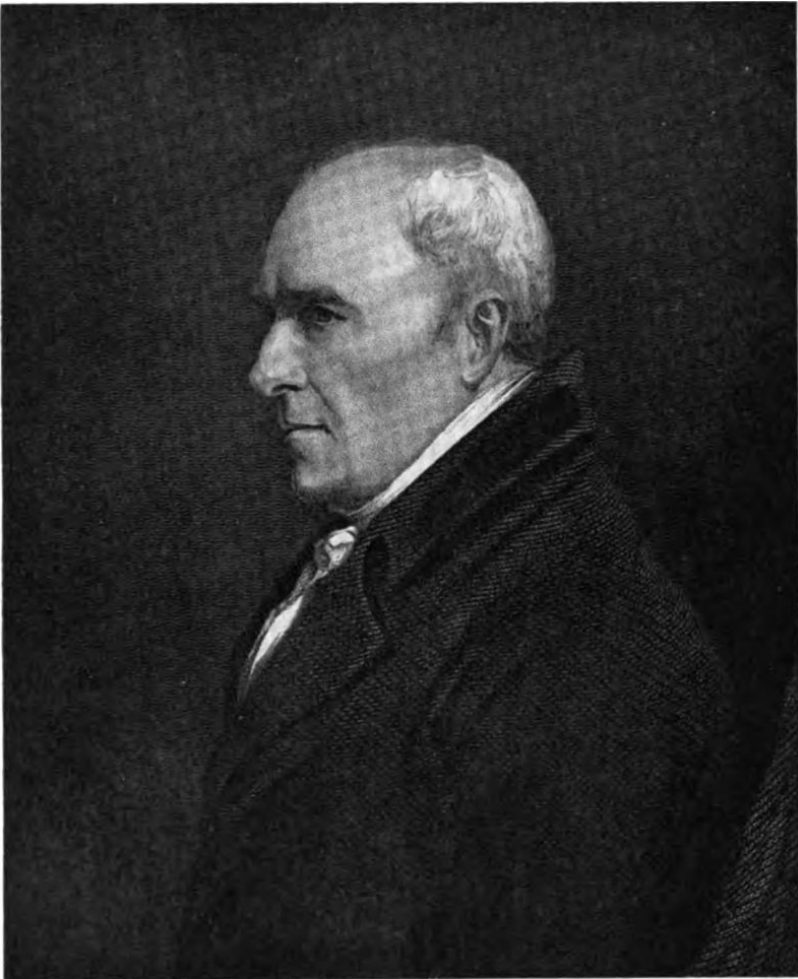
CHAPTER XXIII

WOMEN AND CRIME

The person who first coined that familiar phrase, "the war of the sexes," might have been thinking of the underworld of crime, for it is there that sex antagonism is most pronounced. Men and women alike employ all the arts of which they are capable to victimize the credulous, and as often as not the man in search of a victim finds a woman and the good-looking adventuress concentrates on a moneyed, unintelligent and unsuspecting male. And it is wonderful how eager the infatuated are to swallow the most absurd stories.

Shortly after the conclusion of the Great War a young woman of lowly birth but high ambition found herself stranded in London. During the war she had been able to obtain employment in spite of her lack of references, but once things began to get normal her difficulties became acute. Now she had no intention of working too hard, indeed, her object was to turn her appearance and manner to financial account, and although her position was extremely precarious she did not lose heart. Her capital consisted of a few coppers, an attractive figure, regular features and a certain charm which, if artificial, could be adapted to any circumstances.

But what could she do in London where the few persons she knew shunned her? The only trade she had ever learnt had been that of domestic servant, and she was determined to do anything rather than return to it. She was debating with herself the problem in a teashop when she decided that on the principle of being hanged for a sheep as for a lamb she would restart her career as an adventuress by posing as a lady doctor.



MR. JUSTICE ALDERSON

From an engraving by Robt. Cooper

It was a daring adventure, especially as her education had been neglected, but her figure and her face must have proved irresistible, for that very night she was accepted as a guest at a small private hotel in Kensington. The next morning the proprietor listened eagerly to her story of a fortune spent on wounded soldiers and believed every word of it, and he substantiated his credulity by lending her ten pounds. In the afternoon she departed for Ireland, and within forty-eight hours she was being conducted round one of Dublin's leading hospitals by an admiring and deferential senior student. Once she had been accepted by the medicals she obtained all the credit she wanted in the Irish capital, and she made dozens of

influential friends who were so hypnotized by her acting that they never thought of questioning her claims to a doctor's degree.

All this, however, while very pleasant and flattering, carried the adventuress little beyond a hand-to-mouth existence. She yearned for a permanency, and that meant a husband. She could have married any one of a dozen men in Dublin, but none had the social and financial position which she craved, and she rejected them all, making capital out of their foolishness by assuring each in turn that she had resolved to devote her life to ministering to the poor.

She changed her mind—that was how the rejected put it—when she met a distinguished general in the British army. One need not be astonished that he should have succumbed to the claim of the woman, for by this time she had succeeded in surrounding herself with substantial evidence of her genuineness. When the general came on the scene the “lady doctor” had a large circle of acquaintances, including many doctors, and she was the recipient of invitations to some of the best houses in Dublin. It is not surprising therefore that he should never have thought of making inquiries on his own and that when he married her he should have been under the impression that his wife was of his own class.

So far everything had prospered with the adventuress, who must have been surprised that within three months she should have achieved all her ambitions. In December, 1918, she had sat in a teashop with seven-pence in her purse, the immediate future black and threatening; in March, 1919, she was the wife of a general and a member of a very well-known family. It was a remarkable achievement by an ignorant woman who when the war broke out had been a servant in a cheap lodging-house in Bloomsbury.

The foolishness of the criminal is unlimited, and when the adventuress reached the harbour, high and dry, she could not keep straight. Lying and thieving were part of her peculiar nature and with everything to lose and nothing to gain by dishonesty she brought about her own downfall by her craze for crime. She had all the money she required, but she could not forget the ease with which she had hoodwinked the public when she had pretended to be a doctor, and, although there was no necessity for it, she began to “practise” again. This led to her complete undoing, for she signed birth and death certificates which were tested, and eventually she was prosecuted by the Medical Defence Union and fined.

The few pounds she had to pay for this escapade did not matter much, but what did matter was the report of the case in the newspapers. Amongst others who read about it was a young man in a distant village, an ex-soldier who had once been given up for dead. He was, however, very much alive when he recognized in his weekly

paper the photograph of the domestic servant he had married in the early days of the war. He wrote to her and the letter reached the general, and it must have been a very happy moment for the soldier when he realized that according to the law of the land the Adventuress had never been his wife. He had only to appeal to the courts to secure an annulment of the ceremony, and he had hardly secured his freedom when the woman was sentenced to imprisonment for another swindle.

All criminals are fools. That goes without saying. They may display cleverness up to a certain point, but their foolishness is never far away. We have seen how the bogus "lady doctor" successfully emerged from many difficult tests only to give herself away in the long run. She had her triumphs and yet ended in ridiculous defeat. The cleverness of another woman was scotched by a moment's forgetfulness.

A pretty girl employed in an expensive boarding-house at Bournemouth had the reprehensible habit of reading other people's letters, and she was cleaning out a room one morning when she discovered in a drawer a letter from a firm of London solicitors informing the young lady who rented the room that the ten thousand pounds which she had been left by an aunt could not be paid immediately because an uncle was disputing the will. The name of the legatee was Gertrude Marsh and that of the servant Lucy Fairs, and the latter stood for nearly five minutes trying to think what it must feel like to inherit a fortune. Envy engendered a feeling of resentment against Miss Marsh and for the rest of the day she could not get her mind away from the contents of the letter. Constant brooding over it had the effect of creating an irresistible temptation, and, obtaining a week's leave of absence, she went to London. In Bedford Row she selected at random a firm of solicitors and asked to see the principal on important business.

"My name is Gertrude Marsh," she said, after the preliminaries had been got over, "and I want you to undertake the collection of a legacy for me. I have been left ten thousand pounds by an aunt, but my Uncle Harry, out of sheer jealousy, has decided to dispute the will. I don't think that he will win, but it is most unfortunate that it should be in his power to delay payment."

"Very unfortunate," said the solicitor sympathetically, impressed by her personality and delighted by the acquisition of business which must bring him big profits, for there is nothing a lawyer likes better than a disputed will. When parties disagree over a legacy one thing is certain at any rate, that the legal expenses will be paid.

"I am staying at the Savoy," Lucy Fairs explained, relieved when she saw that she was beyond range of suspicion, "and I should like you to write to the solicitors to my aunt's estate and ask them for full particulars. As I shall call and see you every

morning I am in town there will be no need for you to write to me.”

She gave them the name and address of the firm of country solicitors she had copied from the letter found in the drawer, and two mornings later she was in the office again and was welcomed as though she was an old and much valued client. The reason for her cordial reception was soon apparent to her. The London solicitor had received a long letter from the country lawyer dealing with the legacy of ten thousand pounds to Miss Gertrude Marsh and mentioning that the attempt of the uncle to upset the will would of a certainty fail. He was of opinion that there would be no trial and that the full amount would be sent to the legatee within a month.

“Oh, I am glad I came to you!” exclaimed the impostor, with a devastating glance from her soft grey eyes. “I am sure no one could have done so much for me in so short a time. But I guessed that if I employed a leading London firm of solicitors it would pay me. It’s a bit of a nuisance having to wait for a month for I’m very hard up, but——”

“We can wait for our costs, Miss Marsh,” said the solicitor, with a smile, and then noticing her embarrassment added quickly, “and if you want a small advance, say a hundred or two, I’ll let you have it with pleasure.”

“I hate borrowing,” said the girl nervously, “but it does seem absurd that I should be hard up when I’m really worth ten thousand pounds.”

“That’s all right,” said the solicitor promptly. “I’ll advance you two hundred pounds.”

He drew a cheque and handed her a pen.

“Just sign your name on the back and I’ll send one of my clerks to the bank for the cash. While he’s gone I’ll prepare a form of receipt and a written order for me to act for you in the matter of the will.”

Overjoyed by the success of her trick Lucy Fairs forgot for the few moments it took her to scribble on the back of a cheque that she was supposed to be another person and that was why when the solicitor reclaimed it he was astonished to see that it was endorsed “Lucy Fairs.” Instantly all the effect and atmosphere created by a good-looking swindler’s personality disappeared, and when he stared at her she seemed to him to be quite a different person.

There was a short and sharp exchange of words, and then Lucy Fairs left the office, but now she had for escort a policeman and not a friendly lawyer. Had it not been for her blunder in endorsing the cheque in her real name she would have got clear away with two hundred pounds, instead she had her first experience of prison, and it was eighteen months before she was released.

Lucy Fairs made one more attempt to win a fortune from crime before she

disappeared into the unknown via a hurried flight to Australia. When she was released after serving her first sentence she was agreeably surprised to hear that the owner of the Bournemouth boarding-house had deposited with the police the sum of five pounds which had been owing to her at the time of her arrest. It was not a great sum in itself, but to the girl who had expected nothing it seemed a small fortune, and that she had learnt nothing from her misfortune she showed by spending the greater part of her capital on cheap finery. With the little that was left she went to Bournemouth, a risky procedure, but inspired by the fact that she knew the place well and where to look for dupes. Besides that she wished to board with a former servant who had married and settled down in a small house about a mile from the sea. Lucy was fortunate to be received favourably by her friend who had heard that she had come a cropper in London, but was now tactful enough not to allude to it.

“I won’t be with you very long,” said Lucy, determined not to be treated as the humble penitent, “I’m engaged to be married to a wealthy man and when he returns from the Continent our marriage will take place by special licence.”

It was a simple and unoriginal lie, but she hoped later on to be in a position to prove that she was no liar, and a day’s rest having revived her old zest for adventure she went out in search of prey. She believed that fate was kind to her when a very exquisite looking young man accidentally brushed against her on the front and stopped to apologize.

It is easy for a stranger to yield to the temptation to force himself on a pretty girl, and when Lucy showed by her manner that she was deeply interested in all that he said he talked for half an hour about himself, and the girl gathered that he was the only son of a Scottish landowner who wished him to become a barrister.

“I’m afraid he’ll stop my allowance if I don’t go back to my studies,” he said, laughing apologetically, “and although it’s only a paltry hundred pounds a month it comes in very useful.”

Lucy was not slow to respond and it took her much less than half an hour to tell him that she was the niece of a widowed lady who was reputed to be the wealthiest resident in Bournemouth. She was able to adorn her narrative with many convincing details, for she had once been a servant in the lady’s house, and when her acquaintance casually mentioned that although he had never been in the house he knew it by sight she was delighted.

The heir to the Scottish estate gave his name as Lowther, and Lucy this time called herself Montague. She was half crazy with joy when on her way home that night she reviewed the events of the evening. Basil Lowther was undoubtedly a “chump.” Outwardly he bore all the marks of the fool with money, the pampered

young man who has never been allowed to act or think for himself, and she was determined to marry him and give him the privilege of making a lady of her. Lucy's first experience of crime had been most unfortunate and she was sincere enough in her anxiety to avoid another encounter with the police. And there could be nothing criminal in landing the future landowner even if she had to tell a lie or two to bring it off!

They spent every evening together for a fortnight, Lucy explaining that she could not meet him earlier than six o'clock because the rich aunt who doted on her demanded her presence until then. Lowther, who chaffed her whenever she referred to the famous collection of pearls belonging to the old lady, declared that he was miserable until he saw her, and no love-making could have been more rapid than his, for four days from their first meeting he proposed and was accepted.

"Can't we get married at once?" he said, as they strolled along the front the evening before the day fixed for his return to Scotland. "Couldn't you make an excuse and get away for the week-end and meet me in Edinburgh? I'll have a minister ready to marry us and once you're my wife I'll take you to see my father."

He might have been repeating the words in the girl's mind, and after pretending to hesitate she whispered that she could get away from Bournemouth for a few days by telling the old lady that she had an invitation to visit a relative in the north of England.

When she had seen him off from Bournemouth she had to face the problem of raising the money to take her to the Scottish capital. Her lover had made her very few presents, excusing himself with the plea that he had overdrawn his allowance before meeting her, and her hostess was hardly likely to lend her the necessary amount. Lucy spent a perplexing and worrying twenty-four hours before she purloined the small jewellery of her friend and, pawning it, bought a ticket for Edinburgh, which left her with a few shillings in hand. Her plan was to soothe the outraged feelings of her hostess by a generous monetary present the day she became entitled to a share in the fortune and fortunes of Basil Lowther.

A telegram to the address given to her by her lover brought him to the station at Edinburgh and he escorted her to an expensive hotel. She was very happy when he told her that he had arranged for their immediate marriage, and she pleased him by informing him that part of their honeymoon would be spent at the residence of her aunt in Bournemouth.

"She'll be certain to fall in love with you, Basil," said Lucy enthusiastically, "and I shouldn't be surprised if she made a new will and put your name in it along with mine."

Lowther had engaged a private sitting-room for her at the hotel and after lunch they were joined by a grave-looking man of about fifty, dressed in clerical clothes. This was the minister who was to marry them and no time was lost in going through the very simple ceremony.

“It seems funny that we’re married,” said Lucy, when the minister had left them. “I can hardly believe it’s legal.”

“It’s very easy to get married in Scotland,” he answered, as he kissed her. “And now you must get ready and come out for a walk. I want to buy you a special wedding present.”

Lucy was the happiest woman in Scotland when she began to descend the staircase with her husband beside her, but all the colour fled from her cheeks when she came face to face with the London solicitor she had very nearly swindled out of two hundred pounds not two years previously. He recognized her at once and in his astonishment gave her away by uttering words which could only have one meaning. The girl turned miserably to Lowther, who had gone very white, but he did not speak until they were well beyond the range of the inquisitive and searching eyes of the old lawyer.

“So you’re an impostor?” he said, and she was surprised when she detected a sort of grim amusement in his tone. “Thank Heaven, I got a pal to impersonate the minister and that therefore the ceremony we went through just now is not legal.”

She wheeled round and faced him, with fire in her eyes.

“So you were bluffing too!” she cried, with a vicious ferocity that frightened him.

“As we’re both in the same boat,” he said airily, “I may as well introduce myself. I’m Charlie Field, better known as ‘The Gentleman,’ and I planned the bogus ceremony so that I could stop at least one night at the old lady’s house in Bournemouth. I wanted her jewellery—I wanted it very badly—and when you told me you were related to her I fell for it at once.”

There was no language eloquent enough for her to express her anger and contempt, and she turned on her heel and left him. She was sorry for her act a quarter of an hour later when she realized that she was nearly penniless and dare not return to the hotel where she owed a bill she could not pay and where her old enemy, the lawyer, was staying. She spent a dreadful night in a cheap lodging-house and the next day her remaining pennies went in food. That night she had to apply to a police station for aid, and when she told how she had been tricked into marriage by Charlie Field the inspector commiserated with her, for he knew Field well.

“But I’m sorry to say,” he said, unaware of the girl’s real character, “that according to the law of Scotland you are the wife of Field. The man who performed

the ceremony may have been an impostor, but you took Field for your husband and he took you for his wife in the presence of a witness, and that constitutes a legal marriage.”

And when the pretty adventuress heard more of the history of Charlie Field she decided to get as far away as possible from one who had the reputation of being particularly cruel to women. That was why she applied to a charitable society to send her out to Australia as a domestic servant on a farm. When her application was granted she sailed to the southern continent and to obscurity and, let us hope, a better life.

CHAPTER XXIV POISONERS

The female poisoner is, unhappily, too often with us, though the proportion of murderesses to murderers must be about one to thirty. As a rule when a woman wishes to remove a rival or an encumbrance from her path she chooses poison, working stealthily and smoothly, conscious that nature has disqualified her for the rôle of violent assassin. Curiously enough, the female poisoner usually has a longer career than her male prototype, even if he happens to be a doctor. Pritchard, Palmer, Warder and other practitioners of an art which is associated for ever with the name of Borgia, had nothing approaching the immunity enjoyed by Catherine Wilson or Sarah Chesham. And no one can equal in cunning and daring the crime of the woman Levey of Mons five years ago.

Marie Levey was about thirty when she had to deal with an acute problem created by a lazy husband and a wealthy uncle who would not advance her a franc of the fortune he had left to her in his will. The dark-eyed, pale-faced and thin-lipped woman with the shrewish expression suffered agonies as day after day she had to work like a slave in a laundry to keep herself and the man she loathed in the barest necessities. She might have endured it with outward placidity if it had not been for the knowledge that in a few years she would have a private income of at least a thousand francs a week. She resented bitterly having to waste the best years of her life in unremunerative drudgery and to see a daily reminder in her mirror that she was ageing rapidly. Little wonder that it infuriated her. Her uncle was a bachelor in the late sixties who did not spend a fifth of his income, and it would not have cost him much to give her an allowance and thereby make her independent of the laundry.

But she could not move him to generosity. Again and again she applied for financial assistance only to be informed that when he died, but not a minute sooner, she would have everything.

Every morning when Marie left the house her husband was still in bed. He was not fond of work and preferred loafing about, and it was only because he could not get anyone else to feed him that he remained at home at all. The woman prayed for his death, but he looked the strongest man in Mons and as he was only thirty-five it seemed useless to think of widowhood. The future was certainly black, and Marie one evening remarked to a neighbour that all that was wanted to complete her despair was to hear of her uncle's marriage.

"That would finish me," she exclaimed, laughing harshly, and entering her cottage was startled to hear groans from the bedroom.

“Send for the doctor—I’m dying,” gasped her husband.

Marie, who knew from past experience how expert he was at shamming illness, flung him a contemptuous word and went into the kitchen to prepare a meal. The groans continued, however, and at last she fetched the doctor, who assured her after examining her husband that he was really very ill.

The woman’s face was impassive when she heard the news which caused her heart to flutter from sheer joy and her tone was grave as she ushered out of the cottage the only person in Mons for whom she felt any gratitude. For hours she sat by herself that night thinking of all that it would mean to her if she were rid of the incubus, and she was striving to plan a future of luxury and ease for herself when she remembered that she would have to stay at the laundry until her uncle died.

The realization startled her into a new train of thought and her brain began to work feverishly. She was laughing to herself, however, when at one o’clock in the morning she wrote a letter to her uncle inviting him to come to stay at the house for a few days. When on her way to the laundry in the morning she posted the letter she knew that the invitation would be accepted, for if her uncle disliked parting with money it was his only weakness. He was naturally very sympathetic and once he knew that his niece’s husband was very ill he would come to keep her company.

That was the last day’s work Marie Levey put in at the laundry, and when her uncle arrived there was an appetizing dinner ready for him. After the meal a good-looking young man came in and was introduced as a friend of Marie’s and as he had a pleasant and frank manner the uncle took to him at once.

A week later Marie’s husband died of pneumonia and the doctor duly gave his certificate. It may be said here that there was nothing suspicious about the death, which was due to natural causes. Marie had had no hand in it, although given an opportunity to murder him she would not have failed to make use of it.

The day before the funeral the uncle left the cottage. At least, Marie said so when questioned by the tenant of the nearest cottage which lay on the other side of the road about a hundred yards further up.

“He’s an old man and he hates funerals; they depress him,” she explained.

Her friend nodded in sympathetic agreement.

“We all got sick of funerals during the war,” she remarked, “and I don’t blame the old gentleman. Besides, I don’t suppose your husband was ever one of his favourites.”

That was the general opinion, and, although there was a large gathering at the funeral of Jacques Levey, it was a tribute of respect to the widow rather than to the dead. Everybody knew that Marie had gained more than she had lost by her

husband's death, and there was very little surprise when she sold all her scanty furniture and departed from the village.

About six months afterwards her former friends heard without any astonishment that she was living in style in Brussels. They deducted from this that her uncle had died, and as they had been expecting news of this nature for some time the sensation it caused quickly died down. It was revived, however, when a rumour spread that the police inspector and four of his men were taking an unusual interest in the grave of Jacques Levey. Was Marie going to be charged with the murder of her husband? Had she tricked one of the cleverest doctors into signing a false certificate?

The answer to these questions will be found in an account of what happened at the cemetery. About a month previously some one had written to the police at Mons on the subject of the disappearance of Marie Levey's rich uncle. It was an anonymous communication which might have been ignored had it not been for the sequence of logical statements and facts it contained. The writer pointed out that although the old man had not been seen since his rumoured departure from Marie's cottage his will had been proved and his fortune obtained by his niece. The chief of police tested the truth of the statements and decided to go further, and selecting one of his cleverest inspectors he ordered him to take the matter up.

The inspector rightly deducted that if there was a mystery it must have begun about the time of the death of Jacques Levey. Accordingly, he went to the cottage—now in the possession of new tenants—and searched it thoroughly, and from there he and his assistants drove to the cemetery in Mons. The grave of Jacques Levey was a humble one but, fortunately, there were no other coffins in it. This made the task of the police easier when they began to dig and it was not long before they had brought to the top the coffin of Marie's husband. “Sacred to the memory of Jacques Levey. Aged thirty-five,” the inspector read. “Open it,” he said to the undertaker who had superintended the burial six months earlier.

There was a solemn hush as the lid was raised, a moment's tense silence, and then a cry of amazement from the undertaker as he stared down at a grey-bearded old man in no way resembling the corpse of Jacques Levey he had placed in that coffin himself.

“It's the missing uncle,” exclaimed the inspector, with a thrill which infected his companions as they stood round the coffin that ghostly moonlight night. “And now I must find what became of the corpse of Jacques Levey.”

The undertaker could scarcely believe his eyes. He related how with the help of an employé he had lifted the dead Levey off the bed and into that coffin the day before the funeral. How the corpse had been removed and another substituted for it

was beyond his comprehension.

“It’s a miracle,” he cried, wiping his perspiring forehead. “There was only that little woman in the cottage and——”

“The little woman will be able to explain all right,” said the inspector grimly. “There’s something more than mere coincidence in the fact that her uncle should have died just when she needed most the money he had bequeathed to her in his will.”

However, the inspector had no easy task in running Marie Levey to earth. She must have gained an inkling as to what was happening, for she vanished from the luxurious hotel in Ostend and the detectives sent to arrest her were completely at fault for a couple of months, and it was only by sheer chance that they captured her eventually.

Marie, with great cunning, had concealed her tracks and disguised herself by entering the service of a greengrocer in Brussels and working from early morning until late at night in the shop. Many a time one or more of the detectives looking for her passed that particular shop and failed to recognize the rather grimy-faced young woman in the none too clean apron. One afternoon, however, an old woman who had once been a neighbour of Marie’s came in to buy some vegetables, and writing home later mentioned casually where she had seen her. That letter was taken immediately to the inspector, who telegraphed to Brussels, and thus Marie’s career was finished.

It was a very grim and dramatic story which was unfolded at her trial and that of the fresh-complexioned young man who had been introduced to Marie’s uncle on the night of his arrival at the cottage. It came out in evidence that the woman never thought of committing a crime until it occurred to her that there were certain possibilities in the possession of a dead husband, a coffin and a properly-signed and authentic death certificate. Temptation came when the doctor warned her that her husband was dying and it was as a result of that long reverie in the kitchen that she wrote the letter inviting her uncle to stay with her. As she could not carry out her plans unaided she had recourse to the aid of a young man who had more than a passing fancy for her, and who was quite willing to obey her orders without any promise of a share in the financial results.

The night that Jacques Levey died Marie’s uncle had his last meal in the cottage, a meal begun with a bottle of wine which fuddled his brain and deadened his palate. Otherwise he must have rejected food saturated with arsenic, but he was scarcely conscious of what he was doing as he ate.

The next day the doctor came and gave his certificate, and later an undertaker

with his coffin completed the preliminaries for the funeral, but in the darkness of the night the woman and her confederate took Jacques out of his coffin and put her uncle's corpse in it. The disturbed dead was transferred to an unhallowed grave in the wood at the end of the garden where the police subsequently exhumed him.

It was necessary, of course, to prove in some form the death of her uncle before she could obtain his property, and the poisoner turned forger and secured more than a million francs. She might never have been found out had not an old friend intervened because he had not been invited to the funeral. He had never expected to benefit by the death of Marie's uncle, but he was annoyed because he had not been communicated with at the time. That was his only reason for writing to the priest he had been informed by Marie had conducted the ceremony at the cemetery, and when the priest replied repudiating all knowledge of the affair the elderly wine merchant took up the matter thoroughly. And once he had satisfied himself that there had been murder he wrote anonymously to the chief of police at Mons and thus exposed one of the most daring murders of recent years.

It was a murder *coup* on a large scale and it might have been a triumphant success but for the whim of an old man. Instead of spending the rest of her life in jail Marie Levey might have enjoyed a career of luxury and some social importance had not her uncle's friend been animated by senile jealousy at being excluded from the last mournful ceremony. Little things solve big crimes, and it is just as well, for we need something more than the police to protect us from the clever criminal and to prove beyond a doubt that resource and daring and brains cannot make crime pay.

CHAPTER XXV

A MURDERESS ACQUITTED

I have met two women who were convicted of poisoning their husbands, sentenced to death, reprieved, and released after undergoing fifteen years' penal servitude. It is a tremendous slice to take out of anyone's life, and if neither of these women would talk of their experiences or discuss their future it was easy to see that they were dazed by the change which had taken place during their imprisonment.

One of these women was Mrs. Maybrick, who is living in America now, but the name of the other I will not mention because at present she occupies a prominent position in the social life of her immediate neighbourhood. A remarkable person in many respects, she charms everybody with whom she comes in contact, and there is one dignitary of the Church of England who thinks of her as the most delightful woman he has ever met. And I am not sure that he is wrong even though the subject of his eulogy was convicted of a very cruel crime. There may have been a doubt in the case of Mrs. Maybrick and millions still believe that she was not guilty of the murder of her husband, but no one has ever contested the verdict of the jury which consigned the other woman to prison for the best years of her life. It is a coincidence worth mentioning that she fashioned her crime on the Maybrick Case, adopting pretty much the same methods, though she varied them.

Her crime remains unique in one respect at least. Young, beautiful and wealthy, one can only marvel that she should ever have developed into a cold-blooded murderess. She married the man of her choice and was devoted to the baby that came a year after the ceremony. There was nothing that life denied her and yet one day she began to poison her husband for no other reason than the lust of excitement and adventure. It was a very deliberate crime, and the poisoner was never forgetful of her own safety. Believing it to be necessary to create a false trail of suspicion she actually wrote passionate love-letters to her husband, disguising her handwriting and using a false name, the object being to give the impression that there was a woman in the case (other than his wife who murdered him) a woman who grew to hate him because he would not elope with her.

During the fifteen years she passed in English prisons the murderess was actually a wealthy woman and by the time she was released her income, which, of course, she had not been able to touch, had almost doubled itself, and she came out of jail to riches and luxury. Mrs. Maybrick had plenty of friends to help her, but not a hundredth part of the revenues which had been accumulating for her alleged imitator. There was no tract and a soup-ticket for this discharged prisoner, who was met by

the family solicitor, who took her away in a luxurious motor-car and installed her in a mansion. The woman who had been ordered about like a slave at seven that morning was ordering her own well-paid servants about in the afternoon of the same day. And within a few months the woman who had been a number for fifteen years was a person of consequence in a delightful English village. Who will deny that truth is stranger than fiction or that there is more in life that is weird and wonderful than in all the imaginings of our novelists?

It requires superlative courage for a woman of good family to attempt to resume her former position in society. Most convicts on their release slink away into obscurity, even if they have money, and those few who face the scorn of their former acquaintances are usually driven into exile by blackmailers, for there is nothing that attracts the professional criminal more than the chance of extracting money from a jail acquaintance. The woman who lost fifteen years of her life had more than one encounter with blackmailers of her own sex, but she emerged victoriously on each occasion because she was clever enough to send for the police.

Her greatest dread, however, is not the blackmailer. What she fears most is the possibility of a meeting with some high official in the prison service who would not fail to identify her. On one occasion she was dining at the house of a well-known dean when a man was introduced to her who had been governor of one of the prisons where she had been incarcerated. He did not betray his knowledge, but she knew that he knew, and early on in the evening she made an excuse to return home. To the woman with a guilty secret the world must be very small, and it is a truism that one always meets the people one is trying to avoid.

"I never wish to see Mr. Justice Hawkins again," said Alice Rhodes, one of the quartette sentenced to death at the Old Bailey for the murder of Harriet Staunton. The Penge Mystery is an oft-told tale and I will not enter into details here, but it is necessary to record that of the two men and two women convicted Alice Rhodes was alone pardoned and liberated. It was then that she made use of the expression quoted, and she was undeniably sincere, for it was a terrible ordeal she had to endure the night she heard her doom from the cold, thin lips of the scarlet-robed judge. It was in the flickering light of the dim old court that she listened to Mr. Justice Hawkins warning her that she need not expect any mercy in this world. And she would not have obtained any mercy had it not been for an agitation in the Press started by members of the medical fraternity who did not believe that Harriet Staunton had died of starvation inflicted on her by the quartette of conspirators. Alice Rhodes certainly had good reasons for not wishing to come across Mr. Justice Hawkins again, but as Fate is fond of playing pranks it is possible that the moment

she gave vent to her determination it was ordained that they should meet.

One evening Sir Henry Hawkins, who was addicted to the minor vice of excessive pedestrianism, halted at a pleasant country inn in Hertfordshire and ordered a drink.

“Your face seems familiar to me,” he remarked to the young woman behind the bar. “Have I ever seen you before?”

“My name is Alice Rhodes,” said the girl, with a touch of bitterness in her tone.

“I hope you’re doing well,” said Sir Henry, rather embarrassed.

“I am—no thanks to your lordship,” she retorted, in an undertone, and ended the nervous tension by going to the other end of the bar to serve an insistent customer.

The old judge in spite of his reputation for harshness loathed the task which so often fell to him of trying a woman on the capital charge. He hated cruelty of any sort and he detected the cruelty in the public torture of women who however guilty or depraved they may have been retained something of their sensitiveness. Hawkins was a sentimentalist, and no one would doubt that statement if the full story of his only romance could be told. The stern judge who was popularly supposed not to have a heart waited patiently for many years so that he might marry the woman he loved.

Mr. Justice Darling once tried a woman for perjury, and her offence consisted of swearing on oath that while a convict in one of His Majesty’s prisons a visiting justice had fallen in love with her and proposed marriage. Nothing more audacious was ever heard in a court of justice when the woman declared that the general—for such his position was—had succumbed to her beauty at first sight although that beauty had been framed in the ugly doorway of a repellent cell; nobody reached such heights of impertinence as she did when she asked a jury to award her substantial damages. Her claim was dismissed and she was arrested for perjury, and, extraordinary though it may seem, there was a disagreement of the jury at the first trial at the Old Bailey. What was in the minds of those who were unimpressed by the evidence for the prosecution one cannot tell, but juries occasionally suffer from a sort of epidemic of stupidity which prevents them thinking. At the second trial when the evidence was exactly the same she was quickly convicted and sentenced to penal servitude. She left the dock obviously pleased with the sensation she had caused and delighted with her eminence in the criminal world.

I do not wish it to be supposed that the jury-system is not a good one or that I am under the impression that juries are more accustomed to blunder than to do the right thing. There was a famous judge who said that juries made fewer mistakes than

judges, and he was probably right. Yet there have been some astonishing examples of jury-blindness, to use no harsher term. The trial of Elizabeth Laws for the murder of her mistress, Miss Bacon, at Chatham, is now forgotten, but it deserves to be remembered for more than one reason.

Elizabeth was only seventeen or eighteen when she struck the old lady down with a coal hammer, killing her on the spot. This was early one January morning, Elizabeth having been in the habit of stealing out of the house at night and not returning until she was tired of dissipation. She was sneaking up the stairs when Miss Bacon confronted her, and during the resultant quarrel the crime was committed.

For so young a girl Elizabeth was not without a certain crude cunning, and when she realized that she was a murderess she quickly improvised a lie to save herself when the inevitable discovery took place. Rushing to the front door she threw it open and called for help and when the milkman saw her blood-stained neck and face he fetched the police. The inspector listened politely enough while the girl told her story of two burglars who had murdered Miss Bacon and attempted to murder her, and as confirmation of this she pointed to the slight cut in her own neck, a cut so obviously made by herself that the inspector could not help smiling grimly.

“I think you’ve said enough,” he remarked, “and I advise you to say no more until you’ve seen a solicitor. I’m going to take you into custody and charge you with the wilful murder of your mistress.”

I remember a judge saying to a woman he sentenced to death, “I am as certain of your guilt as if I’d seen you with my own eyes commit the crime of which you have been convicted by the jury,” and that remark might have been applied to Elizabeth Laws when the case was presented at the assizes. Her own account of the terrible events in the Chatham house was sufficient in itself to convict her. Elizabeth was cunning, as I have said, and she had the advantage of a youthful and innocent appearance. It was not easy to believe that so young a girl could be a deliberate murderess; those innocent blue eyes and that laughing mouth seemed proof positive that if flighty and easily tempted she could not possibly have taken a human life.



CHARLES PHILLIPS

The prosecution, however, proved its case up to the hilt, establishing beyond a doubt that there had been no burglary at Miss Bacon's and that at the moment of the crime the only persons in the house had been the mistress and the maid. Counsel for the defence hardly touched upon the evidence against his client and he confined himself to emphasizing the youth of his client and hinting that it was not a case of murder but of manslaughter.

A crowded court, almost stunned by surprise, heard the foreman of the jury announce a verdict of not guilty, and a judge rendered incapable of expressing an opinion took several moments to recover his speech. Then as if realising that adequate translation of his thoughts was utterly beyond him he contented himself with

ordering the prisoner to be discharged.

The girl herself was so taken aback that she was not quite sure they were not playing a practical joke on her when they took her into a room and invited her to rest before leaving the building.

“Can I go where I like?” she asked, in bewilderment.

“You’ve been acquitted,” said the wardress, who added under her breath an uncomplimentary estimate of the mental capacity of the jury.

“Do you mean to say that they think I didn’t do it?” she asked, quite dazed by her good fortune.

“They must think that or they wouldn’t have acquitted you,” was the reply. “But now you must rest a bit. There’s a mob outside the courthouse and they’re not very friendly disposed towards you.”

The rest followed by a meal completely revived the girl and that evening she made a full confession of her crime, confirming to the smallest detail the account of the murder as outlined in the opening speech by counsel for the prosecution. It is very likely that she would never have confessed had she not been assured that she could not be placed on trial again for this crime. When her story was published the average Englishman’s faith in the jury-system was badly shaken, and it was a long time before the blunder made in the case of Elizabeth Laws was forgotten.

Justice made a feeble attempt to get even with the youthful murderess by sentencing her to six months’ imprisonment for the theft of some small articles of jewellery which she had pawned previous to the tragedy. The girl endured her punishment with a sort of insolent cheerfulness and when she was free again her passage was paid to a distant colony.

CHAPTER XXVI

COLOSSAL FRAUDS BY WOMEN

There is nothing very interesting about blackmail, the most sordid of crimes and, after all, given the opportunity it is very easy to work. "Chicago May" and her kind were simply vulgar adventuresses, not to be compared with women like Madame Humbert and Mrs. Chadwick. It was in 1903 that the Humbert bubble was burst, but there are very few persons to-day who can recall the details of the greatest hoax the world has ever known.

Looking back now it is almost incredible that Madame Humbert's swindle could have lasted an hour or that it could have deceived anyone not exactly an idiot. It is commonly believed that with the passing of time the world grows wiser and less credulous, but Madame Humbert proved conclusively that the fools still outnumber the wise.

She was a woman made remarkable by sheer luck. The daughter of a peasant, it was in the capacity of a washerwoman that she made the acquaintance of the man she married. Thérèse Daurignac was sent for unexpectedly by the wife of the mayor of her native town to help the servants and while engaged in her honourable if humble duties she saw her employer's son and there and then resolved to marry him. Had the mayor, who was a lawyer and who afterwards became Minister of Justice, suspected for a moment that the washerwoman would ever be treated seriously by any member of his family he would have taken the necessary precautions to safeguard his heir, but Thérèse's obscurity blinded him, and when the mayor and his wife went to Paris and Frederic was left behind Thérèse speeded things up so successfully that they were man and wife within a couple of months.

Nothing daunted by the disappointment and hostility of the Humbert family Thérèse insisted on following them to Paris, confident that by sheer force of personality she would win the friendship of her husband's relations. She had another very good reason for her departure. She had exhausted the credit of the local tradespeople and as she could not respond to their clamour for payment it was necessary that she should place herself out of hearing of it. It was not so much that she was afraid of being sued for debt as that she feared she might be prosecuted for obtaining goods by false pretences. This incident in her career is important because it directly led to the invention of the biggest swindle of the century. When short of money she had told the local traders that she had a fortune coming to her from a distant relation, the relation and the fortune being alike fictitious. She never forgot, however, how greedily they had swallowed the lie.

Once established in Paris Madame Humbert was dissatisfied with the small flat and the meagre income provided by her husband. Her father-in-law was by now a Cabinet Minister and she wished to live in the style befitting his position. But how to raise the necessary funds she did not know until she recalled how the tradespeople of her native town had treated her story of a bogus fortune.

The result of her secret plottings and plannings was a romance which was destined to take France by storm. One afternoon she informed a garrulous friend that she had been left a fortune of £80,000 by an American millionaire of the name of Crawford. Thérèse had carefully rehearsed the story and this trial run was a complete success. She had been travelling in a train to Paris, she said, when she heard groans in an adjoining compartment and rushing in had been just in time to save the life of an elderly man who had been stricken down by an heart attack. Anxious to reward his benefactress he had carefully recorded her name and address in a pocket-book, and the sequel was that a few months later she was informed by Mr. Crawford's lawyers that he had died and had left her the sum mentioned.

"I said nothing about the incident," she concluded, with a laugh, "because I didn't take the old man seriously and I didn't want to raise hopes in my friends which might be falsified, but it has turned out to be a wonderful romance after all."

Her friend went out to dinner that night and made a sensation by repeating—with the usual exaggerations—all she could remember of Madame Humbert's story. Her listeners must have gone away with confused impressions, for the audacious lie was not a week old before the £80,000 became £800,000, and, excited by the size of the fortune, half Paris was clamouring to make the acquaintance of the fortunate legatee.

Madame Humbert was not at all displeased that others were helping her with her swindle. She must have been a little nervous about its success, however, until her father-in-law, the Minister of Justice, accepted it with enthusiasm and went about boring his friends with the subject.

"We shall see your son and daughter-in-law in a mansion then?" said a Cabinet colleague, and Gustave Humbert's endorsement was soon confirmed. Madame Humbert and her husband at once moved into a palatial mansion, and luxury and extravagance were henceforth associated for years with her name.

It was impossible, of course, to run the swindle without money, but thousands of pounds were raised from the public, who accepted Madame Humbert's promise to repay with heavy interest in a few weeks or months. When she could not fulfil her obligations she touched up the story to suit the position, and again scored a success.

She now declared that the fortune bequeathed by the late Mr. Crawford

amounted to £4,000,000, but she explained that she could not touch it because his two nephews, both Americans of the same name, disputed the will. She added, however, for the special benefit of her friends and dupes that they need not alarm themselves by imagining that the nephews would succeed in obtaining the whole of their uncle's fortune.

“So great is their faith in me,” she said, “that the Crawfords have placed the whole of the four millions in a safe in my house. I draw the interest on the bonds, but the safe is not to be opened and the contents distributed until the legal dispute between us is settled.”

To lend verisimilitude to this quaint narrative she conducted parties into the room on the second floor of her mansion and solemnly showed them a huge safe, locked and sealed.

“When it is opened I shall be able to repay all my friends double what they have lent me,” she said gravely.

The Humbert safe became the rage of France and hundreds more pressed forward with their life savings to lend them to Madame. She did not, however, delude herself with the idea that her unsupported lies would have a long life. She meant to keep that safe locked for years, and to ensure this she next proceeded to embellish the swindle with what must be the cleverest device on record.

Afraid lest some of her dupes should grow restless and press for immediate payment she went to a firm of lawyers and instructed them to begin an action against the Crawford brothers. The same day a male relation and confederate called on another lawyer and in the name of the Crawfords retained him to fight Madame Humbert. Thus when the case came into court the amazing Thérèse was actually both the plaintiff and defendant, but of course no one knew that. It was too much to expect the public to guess the nature of the phenomenal comedy which was being played daily for the benefit of Madame Humbert and her family, for by now nearly all her relations were active participants in the fraud.

There is no need to go into details of the bogus actions. It is sufficient to say that they gave a fresh lease of life to the swindle, and the “Humbert Millions” became a sort of national institution. Thérèse, the ex-washerwoman, dazzled Paris with her extravagance. In one year she spent five thousand pounds on dresses and eight hundred pounds on hats. Her glove bill averaged a hundred a year, and she had a staff of forty servants. From time to time it was necessary that she should do something to retain the confidence of the public and this necessitated various little devices, but for twenty years—from 1883-1903—France believed that the safe in her house contained four million pounds and that as soon as the action was settled

with the Crawford brothers the safe would be opened and the contents distributed. If anyone doubted there was the lawsuit to reassure and if occasionally a creditor became truculent it was easy enough for Madame to repay him out of an advance made by some one else, for if one fool fell out there were hundreds to take his place.

As I have said, for twenty years the Humbert swindle stood the test, and Madame and her family lived on the fat of the land. Then there arose a sceptical journalist who took the trouble to investigate the litigation and of course, once investigation began, exposure was inevitable. He interviewed the editor of a Paris daily, and the editor agreeing to print a series of articles about the Humbert safe the greatest swindle since the Panama affair burst upon an astounded and infuriated country.

The Humberts fled and the police failed to trace them for a long time, but eventually they were discovered hiding in a flat in Madrid and were brought back to Paris to stand their trial. The safe had been opened and, as expected, it revealed nothing except a few francs and some worthless papers. There was no sign of the Crawford millions, and as the Humberts had spent every penny of the three millions Thérèse and her confederates had obtained from the pockets of the public all that could be done was to send her and her family to prison. Considering that for twenty years she had been the leader of a gang which devoted itself to swindling she was lucky to get off with five years' solitary confinement. But she owed the leniency of her sentence to the jury finding "extenuating circumstances," though how they managed to find them they were never able afterwards to explain.

Judging by the available records France must be the best place in the world for the female criminal who operates on a large scale. She may not have the remarkable luck of Madame Humbert and avoid disaster for twenty years, but even if her active career is brief it is certain to lack neither luxury nor wealth. For only in France could Madame Humbert have been a fact; in any other country she would have been a fiction. I suppose the explanation is that a Frenchwoman can always dupe her fellow-countrymen if she is beautiful or poses as an heiress. And she is most dangerous when most beautiful.

Antoinette Sala belonged to this category. An Algerian of surpassing loveliness, she might have escaped notoriety if temptation had never come her way, but when she became one of the most prominent workers in a Paris dressmaker's establishment lovers flocked around her and in their efforts to win her propounded various quick-rich schemes. All her lovers were, like herself, poor, but it was less than two years since the war had ended and they were still under the influence of that bloodthirsty and lawless epoch. Antoinette Sala put a high value on herself, a value

which was expressed in terms of hard cash, and she made no secret of the fact that she did not intend to remain much longer in her poorly-paid employment.

Now amongst her lovers were two men of the name of Platel and Lecarpentier who joined forces for the purpose of providing the luxury-loving Antoinette with a fortune. Platel was a tailor earning about a hundred francs a week, but he dreamed of millions, and after many plans had failed he decided to turn to account the knowledge of army matters he had acquired in the late war. He remembered how money and stores had been squandered; how careless officials were when signing orders, and he believed that he would run very little risk if he took advantage of this official carelessness. When he determined to put the idea into execution he wasted no time. He was able to make himself an imposing military uniform and when he was satisfied that he looked the part he sent for his friend, Lecarpentier, and unfolded his scheme. The two rogues perfected their plans that night in Platel's apartment, and within forty-eight hours the tailor presented a demand note to the Ministry of War for a payment of half a million francs on account of the army of the Rhine. Platel's uniform and demeanour so impressed the officials at the Ministry that no doubts entered their minds, and the schemers' first venture having succeeded they proceeded to obtain some hundreds of thousands of francs more by the same method. When they were able to rent a flat for Antoinette they possessed forty thousand pounds.

Antoinette was no longer a dressmaker's assistant, and in the course of twenty-four hours she budded into the lady of fashion. Certainly, no one could have worn the creations of the best Paris designers with greater grace or with such an air as Antoinette Sala. The girl who a week previously had considered herself fortunate if she could spend two francs on her dinner now presided at parties in the fashionable restaurants and poured out money like champagne. She had all the jewellery she wished for, and her wishes in this respect were not modest, for the dark beauty of Algiers had a passion for pearls and diamonds. Antoinette was in her element now, and if she would have preferred some one more aristocratic than Platel, who was always a tailor, or Lecarpentier, who viewed the world through the spectacles of a clerk, she consoled herself with the reflection that in this best of all possible worlds it is not always possible to get the best.

Of course catastrophe was bound to come. It was only a question of time before the forgeries would be discovered, but the three friends had nearly a year's immunity. It was longer than Platel had reason subsequently to be thankful for, because it enabled the sprightly and vivacious Antoinette to acquire a decided preference for his partner.

The girl, however, was not so stupid as to give occasion for jealous quarrels, even if she knew that should Platel become offended he dare not attempt to avenge himself. That she preferred Lecarpentier she tried to conceal, and she was always very friendly with Platel, realizing that she owed him something for having insisted that she should be the custodian of the profits of their forgeries. They could not deposit the money in any bank without arousing suspicion, for the French banks do not guarantee or observe that secrecy which is *de rigueur* in England. Had Platel, the tailor, opened a banking account with a quarter of the forty thousand pounds he would soon have had a visit from the inspector of police in his district, and what the sequel to that would be he had no difficulty in guessing.

Antoinette was presiding at a dinner-party in one of the most expensive hotels in Paris when the blow fell. But she was quite unconscious of it until some dozen hours later when as she was chatting with Lecarpentier in her flat the room was entered by a couple of men who introduced themselves as detectives.

“What is the meaning of this outrage?” the girl demanded. There is no one more melodramatic or stogy than your French shopgirl posing as lady of fashion.

“Platel was arrested last night,” said one of the detectives grimly, “and he at once denounced Lecarpentier as his accomplice. We believe that the money they obtained from the Ministry of War is hidden in this flat and we would warn you, mademoiselle, not to hinder our search.”

She was too terrified even to protest, and while they handcuffed Lecarpentier and thrust him into a corner all she did was to open the top drawer of the chest behind her and pull out a handkerchief with which she dabbed her eyes. Then the detectives began a very systematic and thorough search, actually tearing the upholstery of the chairs and removing every picture from its frame. The carpet was taken up and the boards tested, and the fireplaces investigated with a thoroughness which left its mark on the searchers. But not a franc rewarded them, and when they had washed the detectives took Lecarpentier away muttering threats to him if he did not disclose where he had hidden the stolen fortune.

What they would have muttered had they known that all the time more than thirty thousand pounds in bank-notes had been lying on the top of the chest of drawers which was the most prominent article in Antoinette’s boudoir!

When she had grasped the situation she had acted promptly, and while pretending to be looking for a handkerchief she had with amazing sleight of hand taken the notes out of the drawer, thrust them into an old envelope which she placed on top of the chest. That was in the year 1921, and I mention the date because it was some eighty years after Edgar Allen Poe had created the character of Dupin, the

most famous and the only really original detective of fiction, the father of Sherlock Holmes and the rest of the crowd of subservient imitators. Dupin's most subtle exploit was the recovery of a compromising letter for a statesman whose enemy had kept it against all the expert searchers of the Paris detective force by the simple device of placing it in the letter-rack in his room. Now it might have been supposed that the detectives would have gone to the letter-rack for a letter, but it never occurred to them that the custodian of the dangerous document would think of obtaining secrecy for it by exposing it, and it was left to Dupin to solve the problem by crediting the thief with a subtlety equal to his own.

The moment the flat was cleared of the detectives Antoinette put on her fur coat and with the bank-notes in her possession fled to the house of friends in an outer suburb and obtained their protection. She made the mistake, however, of telling them everything, never suspecting that they might be tempted to plot against her. The house was a small one and its owners poor, and had Antoinette been older she might have hesitated before tempting them with her ill-gotten gains.

For a time her friends were satisfied with the very liberal payments she made them for board and lodging, and when Antoinette decided to make a tour in Spain and visit the Riviera they parted from her with many expressions of goodwill and regard. Platel and Lecarpentier were still in jail when the girl arrived at Nice and their families were trying to raise the few thousand francs required for their defence about the time Antoinette Sala paid sixteen hundred pounds for a motor-car, and invested—that was how she put it—twelve thousand pounds in furs and jewellery. She often went from Nice to Monte Carlo, but even the excitement of winning in the casino could not compensate her for the loss of Paris, and she was soon back again at the house of her friends. By this time, however, the latter had agreed between themselves as to the best method of robbing Antoinette, and she had not been in the house a week when they terrified her out of her wits by informing her in well-simulated terror that the police had discovered her hiding-place. The girl instantly started for Spain again, leaving her jewellery and motor-car in their care, and a few days later she wrote ordering them to sell her property and forward the proceeds.

Antoinette, hiding in a cheap hotel in Madrid, waited anxiously for a month, expecting by every post to receive the thousands of pounds realized by the sale of her effects, and when her patience was exhausted her rage was so great that for the first time her health threatened to give way. No person has a stronger objection to being victimized than your thief, and, although Antoinette had good reason to be afraid of showing herself in Paris, her desire to confront her treacherous friends overcame her nervousness, and one day she suddenly reappeared in the Paris

suburb. She was accompanied by a young giant whom she introduced as an English pugilist and his threats of physical violence were sufficient to induce the thieves to repurchase Antoinette's property and restore it to her.

Then followed an interval during which nothing was seen or heard of the beautiful Algerian. It was ended by the police recommencing their search for her and twice they very nearly captured her. On the second occasion she slipped out of Paris and concealed herself once more in Madrid, where in the intervals of paying blackmail to those who had discovered her secret she conducted a fashionable *lingerie* establishment. She was rapidly making her fortune when the inevitable happened, and she was arrested. When she arrived in Paris in company with the police one of the first tasks they required of her was the identification of five of her blackmailers, and that is why by the time she, along with Platel and Lecarpentier, was placed on trial a dozen persons had become implicated in the "affaire" with which all France now associated her name. Most of the accused were convicted and sent to prison, but the Ministry of War never recovered any of the millions of francs they had paid out on the forged orders of the tailor who posed as a military officer because he wished to turn a dressmaker's assistant into a lady of fashion.

CHAPTER XXVII

SPIRITUALISTS IN THE DOCK

To the unbeliever any religion is an absurdity, but the believer asks for no proof, being content to accept what is preached. That sums up Spiritualism in a nutshell. Those who do not believe in it are amazed by the claims Spiritualists make and their amazement is so profound that, believing Spiritualism to be impossible, they brand it as a fraud. When, however, men like Sir Oliver Lodge and Sir Arthur Conan Doyle, of the present generation, and Alfred Russel Wallace, of a past, declare that they have had direct communication with the spiritual world one can only feel puzzled as well as surprised. You cannot sweep them aside as charlatans, nor is it possible to treat them as victims of mental aberration. From Wallace to Lodge we have three-quarters of a century of intensive scientific investigation, and those two names alone are sufficient to win for Spiritualism the status of a religion.

Alfred Russel Wallace, who may be said to have been the intellectual rival of Charles Darwin, was a believer in that now almost forgotten medium, Susan Fletcher. When almost everybody in England regarded her as an adventuress who utilized a bogus religion for fraudulent purposes Wallace, then at the height of his fame, was prepared to enter the witness-box at the Old Bailey and give evidence in favour of a woman who had nearly the world against her. It is to be regretted that he was not called, but Mr. Justice Hawkins shut out evidence as to the character of the accused, ruling that as there was a well-defined charge against the prisoner the only issue for the jury was whether she was guilty or not.

The gravamen of the charge brought against Susan Fletcher in 1881 was that her sole object in practising Spiritualism was to obtain money for herself from the credulous. The same thing was said about the high priests of Egypt in the time of the Pharaohs and it is repeated to-day at many a street corner by critics of high dignitaries of the Church of Rome and the Church of England. Nobody, of course, thinks of bringing an ecclesiastic into the criminal courts on this account, but from time to time there have been several actions concerning money alleged to have been obtained by undue influence on the part of priests, and to this day Spiritualists—many of them eminent men and women—maintain that had Susan Fletcher not been a Spiritualist the case against her would have been investigated in a civil and not in a criminal court.

According to all accounts Mrs. Fletcher was a very remarkable woman. Born in Lowell in the United States in 1848 she was earning considerable fame in London when she met Mrs. Juliette Hart-Davies, a wealthy woman of a restless and inquiring

mind ever in search of flattery and sensation. The Fletchers, husband and wife, had inaugurated a series of lectures and séances at the Steinway Hall, and crowds flocked every week to hear them, and when Fletcher set up as a magnetic doctor he made a special appeal to nerve-sufferers and hypochondriacs. Now amongst the latter was Mrs. Hart-Davies, who at thirty-eight had not lost her skittish delight in the society of men despite two husbands and an unfortunate appearance in the Divorce Court. Her wealth had not gained for her the sympathy of either of the men she had married and she was living apart from her second husband when she and Fletcher were introduced. That was 1879, and it is worthy of note that Mrs. Fletcher was seven years her junior.



LORD HANNEN

From a caricature by "Spy," 1888

Mrs. Hart-Davies was a type of woman who, like the poor, is always with us. Difficult to please, fault-finding, dissatisfied with life, impatient of contradiction and in a vague and ignorant way ever searching for the unattainable, it is not surprising that she changed her servants about once a month and her religion about once a year. She had travelled extensively without learning anything and if her wealth commanded all the luxuries she was denied the power of enjoying them. She was therefore just in

the humour to embrace an unconventional belief such as Spiritualism was and still is regarded, and, as Fletcher had a very attractive personality, the plump widow, who in early middle age still retained something of her youthful beauty, was easily magnetized by the magnetic doctor.

There are two sides to every story, and, although an Old Bailey jury believed Mrs. Hart-Davies and decided that Susan Fletcher was an adventuress and a swindler, the defence of the American woman must now be given more credence than it gained at her trial in 1881. She declared that when her husband introduced her to Mrs. Hart-Davies they became intimate friends on the spot and that all the gifts the Englishwoman made were purely voluntary and in no way obtained by fraud or false pretences. And as Susan Fletcher could have obtained certificates of honesty from eminent scientists, fellows of the Royal Society, lawyers and well-known business men, we may at least give her the same amount of credit as we would the person who prosecuted her. No one doubts now that Susan Fletcher's misfortune was that she was a little in advance of her time, for such a charge brought to-day would be tried in the Law Courts in the Strand and not in that terrific pile of buildings in Newgate Street.

According to Mrs. Hart-Davies, however, from the very first moment of her acquaintance with the Fletchers a campaign was begun to part her from her jewellery and a considerable portion of her income. The extraordinary thing about it all is that she never really lost faith in Spiritualism, although she alleged that she had been defrauded by its means. She admitted in court that through the agency of the Fletchers she had seen her dead mother and had conversed with her, and in the circumstances it is surprising that she should have been allowed to pick out certain séances as fraudulent and others as genuine simply because she wished for the return of the valuables she had made over to the Spiritualists.

However, for about a year the Fletchers and Mrs. Hart-Davies were inseparables. The little girl who defined Faith as believing something which you know is not true was more of a philosopher than she guessed. The Englishwoman, charmed by the unconventional vivacity of the American couple, was ready to believe anything without proof, and when Fletcher told her that he was the medium between herself and her mother, recently dead, she paid large fees for special séances.

What happened at one of the earliest may be cited as typical of all. Fletcher went into a trance and Mrs. Hart-Davies' mother speaking through him said, "Bless dear Mr. and Mrs. Fletcher in their mediumship as being the instrument whereby we are brought into communication. I love them as though we were of the same family."

“Good-bye, dear mother,” exclaimed Mrs. Hart-Davies, in an ecstasy. “Oh, that sweet breath that swept over my lips! Was that a kiss?”

“Yes, dear; I stooped over you and kissed you as you said good-bye,” said the voice via the lips of Fletcher.

At the next séance Mrs. Hart-Davies was the recipient of messages in which she was told not to wear so much jewellery as it had a bad influence, and later she was instructed to give it to the Fletchers. By the time half a dozen séances had taken place Mrs. Hart-Davies was ready to obey any order, and the net result so far as the Fletchers were concerned was that in the space of a few weeks they obtained about £10,000 worth of jewellery and other valuables from the volatile widow.

All three were now living together in London, and there was no more enthusiastic believer in Spiritualism than the woman who as long as she was flattered and petted by the Fletchers fondly imagined that she had at last found peace. One of Mrs. Hart-Davies’ peculiarities was an intense desire to get into what she termed Society, and as by now her friends had drawn round them men and women of rank and position their chief disciple was in her element. She was, however, too old and experienced not to be able to see for herself that she was not taken seriously by the aristocratic acquaintances of the Spiritualist mediums, and it needed only apparent neglect by the latter to bring to an end a trinity of friendship (formed in response to a message from her mother) which they called Love, Wisdom and Work, Mrs. Hart-Davies, oddly enough, representing Love!

It was during a trip to America that the inevitable quarrel took place, and the only reason for it was jealousy. The Englishwoman fancied herself slighted by the Fletchers and under the influence of one of their enemies brought a charge against them in the United States of obtaining money and valuables by false pretences. That charge collapsed, the Fletchers returning the greater portion of the goods claimed, but Mrs. Hart-Davies was not satisfied and on her return to England she obtained a warrant for their arrest. The news was cabled to America and, although Fletcher was too ill to leave his room, his wife, confident that she had an unanswerable case, crossed over and was arrested on board ship at Liverpool.

The proceedings at Bow Street and the trial at the Old Bailey created a great sensation. The eccentric career of Mrs. Hart-Davies and the wonderful powers claimed by Susan Fletcher, the prisoner, interested and astonished the sceptical. The hundreds of fashionable persons who had filled the Steinway Hall week after week now crowded in turn the two courts, and the competition for admission to the Old Bailey was as keen as in the days of Palmer, the poisoner.

Spiritualists maintain that Susan Fletcher was condemned before her trial, and

there is some reason to believe that the jury argued that as it was impossible for any man or woman to converse with the spirits of the dead she was obviously a fraud and therefore self-condemned. The issue between the two women was clear enough. Susan Fletcher said that she and her husband had spoken to Mrs. Hart-Davies' mother and that the messages conveyed through their mediumship had been genuine. The Englishwoman, while admitting that she believed in spirit communication, insisted that the séances in which her mother had intervened so vigorously on behalf of the Fletchers were bogus, and, as stated, the jury took her side.

The sentence was twelve months' imprisonment, and Susan Fletcher was removed at once to the convict establishment known as Tothill Fields, now no longer in existence. And if a hundredth part of what she says in her book actually happened the year she passed there must have been the most remarkable in the existence of the prison staff. According to her narrative she was never left alone in her cell, for spirits came to keep her company, and with their aid she wrote letters to friends in England and in America, the friendly and accommodating spirits providing paper and pencil. Furthermore, when the prison food turned sour her friends, the spirits, brought her hot-house grapes, and when she longed for flowers to relieve the dullness of her prison they were provided instantly. She gives a matter of fact and very circumstantial account of the grapes incident, and it would be interesting to have corroboration of her statement that when the wardress visited her early the next morning she found on the floor of the cell the pips and skins of the grapes. Mrs. Fletcher said that had she so desired it the friendly spirits could have rescued her from jail, indeed, she wrote in her book that they urged her to agree to escape but that she declined because she believed her imprisonment to be the best advertisement Spiritualists could get. She certainly had the satisfaction of knowing that there were scores of men and women of high intellectual attainments who regarded her as a martyr, and if she had her moments of depression she bore her punishment philosophically.

Her own account of two séances in prison is worth reprinting. It may be mentioned that "Ernest" was the name she gave to her spirit-medium and that "Bertie" was her own pet-name.

"When I had finished my devotions, I returned to my cell, and went early to bed. At about ten o'clock my cell seemed suddenly filled with light; and, standing in this light, I saw the spirit called 'Ernest,' holding in his hand a little bouquet of violets and heliotrope. Giving them to me, he said:

'I have brought you these flowers from dear Mrs. Nichols and Mrs. Western (of London) with their love. There was a spray of mignonette which we gave to Marie

Therese, and which she has placed upon the altar. You caught its perfume to-day; and to-morrow, if you search, you will find the flower.’

I reached over to grasp his hand, and take the flowers, and he bent down, and tenderly kissed me on my forehead. I kissed him twice upon his lips, and told him to take my kisses, my love, and my grateful thanks to the dear friends who had sent me the flowers. I hid them in my bosom, and kept the dried leaves and petals in my cell as long as I remained in prison.

Next day I searched in the chapel for the spray of mignonette, and found it at the foot of the crucifix. I thought I could safely take this to my warder, and tell her where I had found it. Looking at me earnestly, she said, ‘Perhaps your angel brought it.’ I thought how much wiser the little woman was than she knew.

I heard a little later from Mrs. Nichols. She said, ‘Mrs. Western and I have prepared a little bouquet of flowers; and “Ernest” has taken them away, and promised to give them to you if possible. The spray of mignonette and the heliotrope were my contribution; the violets, Mrs. Western’s.’ What better corroboration could be had than this!

On the night before Mr. Eglinton departed for India, ‘Ernest’ came to me and said, ‘I want my last work in London before we go to be for Dr. and Mrs. Nichols; and I wish you to write a note to one of them to-day, and place it beneath the altar in the chapel. Write to the other also, as near noon to-morrow as circumstances will permit and put it in the same place. I will take them when I can.’ I did as directed. At night I looked where I had concealed the little notes, and they had vanished, when and how, I had no means of knowing; but Dr. Nichols has since written to me:

‘Two little notes in your well-known handwriting were punctually delivered. Sitting in my study, Mr. Eglinton, “under control,” took a slate, and held it horizontally above his head near the gaslight. Something fell upon it. On his lowering it, I found your little note addressed to Mrs. Nichols. A little after, Mr. Eglinton asked me to come with him near my writing-desk. He put his open hand into the obscurity under the desk for a moment; and on taking it out there lay on it a welcome note from “Bertie.”’

In the month of November ‘Ernest’ came to me one day, seemingly in haste, and said, ‘A great trial awaits dear Mrs. Nichols. A calamity will befall her which we have no power to avert, but we wish to prepare her by placing every means of strength which we have at her disposal. I want you to send her a lock of your hair, dear; and I am sure it will comfort you to know that in her hour of greatest distress it will afford her comfort and relief.’

Of course, I was glad to do anything possible for my dear friend who had so

faithfully stood by me in all my trial; and 'Ernest,' instead of cutting off a lock, as before, with a poniard, seemed to remove it by imperceptible dematerialization.

Letters were taken from me by my spirit-friends to Mr. Eglinton, to Capt. James (a retired army officer living in Gower Street, who has been for many years a most intelligent investigator of the phenomena of mesmerism and Spiritualism), and to Signor Rondi, whom I believe to have been sincerely sorry for what he was induced to do against me in America, overcome, as I believe he was, by Dr. Mack or other machinations. Signor Rondi wrote me a long letter, which was brought to me by 'Ernest.' My reply was taken to him in the same way, and received in the presence of Mr. Eglinton. I am sorry for his fault, and believe that he is sorry also.

The manner in which Mr. Eglinton received one of my missives was curious. He was going along the Holborn Viaduct in an omnibus, when a spirit-voice directed him to alight, and go to some quiet room. He stopped the omnibus, and went into the great hotel of Spiers and Ponds, and into a vacant room, where, feeling something touch his thigh, he put down his hand, and found a letter which had just been written by me in my cell in prison. This is his account of the matter related to me and to others.

These extracts will excite either derision or wonderment, but whatever may be one's personal opinion the fact remains that several of the wardresses who were brought into contact with Susan Fletcher during her imprisonment became convinced Spiritualists.

Mrs. Fletcher considered herself unfortunate in that her case was tried in a criminal court and not a civil one and as some twelve years earlier a similar charge against Daniel Dunglas Home, the most famous of all Spiritualist mediums, was the subject of a Chancery action she certainly had a grievance. When Susan Fletcher attained world-wide prominence Home was nearing the end of his amazing life, and, although Mrs. Lyon's quarrel with him is historic, it was by no means the most interesting event in his career.

Home, who was born in Scotland in 1833, was still a young man when he became famous by the extravagant eulogies of his friends and the equally extravagant animosity of his enemies. Of delicate build and retiring manners, and without any social influence, he was *persona grata* in the courts of Europe before he was twenty-five. His apparent sovereignty over the spirits of another world impressed and puzzled the mundane monarchs of France, Prussia and Holland, while in England Cabinet Ministers, poets and novelists, great scientists and hard-headed sceptics came again and again to his séances, some of them suspecting fraud, but none able to prove it. Robert Browning quarrelled with Home and accused him of imposture,

and in "Mr. Sludge, the Medium" Browning got the last word of a quaint verbal duel. It is impossible, however, to dismiss lightly the supernatural claims of a man who convinced Sir David Brewster, that most sceptical of scientists, and Sir William Crookes.

The feat, however, which distinguished Home from all other Spiritualists was his famous "levitation" séances. "Levitation" is defined by the dictionary as "the alleged phenomenon of bodies heavier than air being rendered buoyant by spiritual means." The late Earl of Dunraven was a young man when he witnessed, as he declared, the spectacle of Home rising in the air in a London drawing-room, floating out of the window into the street below and returning the same way. There were other witnesses who would never admit that they had been the victim of hallucinations, and while the alleged phenomenon was rejected as too absurd for belief the special committee which was formed to investigate it and other Spiritualist claims reported that the evidence in favour of Home was worthy of credence.

This is merely the briefest summary of a career which was either a miracle or a great imposture, and it will be understood readily why it was there were few men in England more talked about when in 1866 Mrs. Lyon, a wealthy widow, made his acquaintance. The introduction came about quite by accident. The old lady, who was remarkably shrewd and in full possession of her faculties, went to a photographer to have her late husband's photograph copied. Now it happened that the photographer was a woman and it was natural enough that she should enter sympathetically into her customer's reminiscences of her married happiness. When she heard the widow express a longing to join her husband in the next world she at once told her of the marvellous séances Home was holding in the Spiritual Athenæum in Sloane Street, and she wound up by advising her to call on the medium without delay, declaring in the most positive terms that Mrs. Lyon would be more than satisfied.

As in the case of Susan Fletcher and Mrs. Hart-Davies the moment Mrs. Lyon came face to face with Home she was captivated by him. A man of very ordinary physique, pale-faced and lacking that aggressiveness which convention associates with the fanatic he seems to have made a strong impression on a woman who proved subsequently that she knew her own mind in most things and was extremely difficult to influence. It may have been that the medium's sympathetic reception touched her, but that could not account altogether for the admiration and affection she conceived for him. It was, of course, a maternal affection, for she was more than double his age, and thus she was in the mood to be influenced by any suggestion he made long before the series of séances began which ended in the widow giving him about sixty thousand pounds.

It was a remarkable friendship, the ancient widow and the young man, and when he brought her, as she believed, into direct communication with her husband she insisted on treating Home as a prophet. She had never had any children of her own, and a message, via Home, from the man whose loss she still mourned that she should adopt the prophet as her son filled her with delight. She put herself into the hands of the medium, and orders coming through him that she should make him independent of the struggle for existence she went to her solicitor and settled £24,000 on her favourite. The solicitor advised her to pause before parting with such a large sum, but she was a determined old lady and she had her way. A second visit and another £24,000 went to Home's banking account, although her lawyer raised as many obstacles as he could to prevent the transference.

There is no need to give a detailed account of any of the séances which influenced Mrs. Lyon to hand over nearly half her fortune to Home. There is a great and remarkable similarity between them and the communications the Fletchers alleged they had received on behalf of Mrs. Hart-Davies. The cynical will smile, but, as I have said, the hallmark of a successful religion appears to be its capacity for extracting money from the faithful. Some thirty years ago a millionaire gave £500,000 for the restoration of a cathedral because he was told it would be good for his soul. "From what I know of Blank," said a wit amongst the lords, "I should call that half million the biggest fire insurance premium ever paid." No sect can afford to fling stones at another because its adherents have been induced to subscribe large sums. When Susan Fletcher and Daniel Home obtained thousands of pounds by reason of alleged messages from the spirit world were they sincere or were they dishonest? Did they turn Spiritualism to personal profit or did they act because they had no option but to submit to the influence of the spirits controlling them? Two juries decided against them, and only a small minority will disagree with them, but it must be remembered that the minority includes at least a score of names of men who have risen to eminence because not only their intellectual attainments have been gigantic but their honesty has been equally incontrovertible.

When, however, the feverish enthusiasm of the convert was cooled by familiarity Mrs. Lyon began to think more of her treasure in this world than of her husband in the next. The cooling process was, perhaps, assisted by the discovery that although she had enriched Home and he had added her name to his she could not monopolize him. She wished him to become her slave and to banish all other women from his life, impossible conditions to a man whose services were in great demand. Then the old woman became more jealous and spiteful when the nobility sent invitations to her adopted son and ignored her. Here again there is a

resemblance between her and Mrs. Hart-Davies. Both were social climbers and dearly loved a lord, and Mrs. Lyon was happiest when at a séance she was introduced to some one with a title. On the other hand, when it happened that Home dined out with the peerage and she did not accompany him her fury generally brought about a collapse. The medium did what he could to keep her in a good humour, but he had not the power to secure her cards for the great houses to which he had the *entrée*, and it was only because of an accumulation of social shocks to the old widow that she turned against him.

When she persuaded herself that there was no social advancement to be obtained from her patronage of the Spiritualist medium she fell back on the privilege of her sex and changed her mind. And never was there such a change. In that moment Home, the prophet, became Home, the demon, and from whole-hearted belief in him she turned into the bitterest and most spiteful of his detractors. Alleging that she had been grossly deceived by him and that the messages from her husband had been sheer fabrications she brought an action in the Court of Chancery claiming the return of her sixty thousand pounds.

The trial lasted from 21st April to 1st May, 1868, and the verdict went against Home, but he emerged from the ordeal with greater credit than is generally supposed nowadays, and it was the opinion of his counsel, Mr. Henry Matthews, afterwards Home Secretary and Viscount Llandaff, that had the plaintiff been fifteen years younger she would have lost the case. But there is always a prejudice on the part of the layman against the employment of religion for financial purposes, and, although Mrs. Lyon in the witness-box convinced everybody in court that she was no fool, the jury decided that Home had invented messages from her husband in order that she might be induced to enrich him.

The case was a legal debate as to whether Spiritualism was genuine or the reverse. Home said that he could communicate with the spirit world and the jury said he could not. Therefore, it followed that Mrs. Lyon must have her money back because it could not have been obtained from her by honest methods. The medium would not, of course, admit that he had ever done anything wrong and although it was expected that the result of the trial would render it impossible for him to practise his peculiar profession he was under a cloud only for a very short time. Scientists and others continued to take him seriously and it was nearly three years after what had been termed his "exposure" that Sir William Crookes subjected him to a series of very severe tests and declared that he was fully satisfied his claims were genuine.

Spiritualism is, after all, merely a question as to whether you believe in it or not. To the unbeliever it is nonsense diluted with fraud, but the believer accepts even

phenomena as matters of fact and acts accordingly. And when one considers it the same may be said of every religion or cult that appeals to the spiritual side of mankind. When Professor Huxley was invited to join the committee formed to investigate Spiritualism he declined on the ground that there were too many persons talking nonsense in this world to make the talking of nonsense by spirits attractive. Sir Oliver Lodge and other eminent Spiritualists would not call it nonsense, but then they are whole-hearted believers. When Professor Ray Lankester and Dr. Horatio Donkin paid their guineas to Henry Slade, an American professor of mystic communications with the spirits of the dead, who practised in London in the late seventies, and were unconvinced by his performance they charged him at Bow Street with obtaining money by false pretences. Mr. Nevil Maskelyne, who was fond of claiming that he could perform by conjuring any trick of the Spiritualists, was another disbeliever in Slade, and at the hearing before the magistrate gave very damaging evidence. Slade's speciality was slate-writing, and his detractors alleged that it was simply a stupid and not very elaborate trick to get money from fools. There was a very strong case against Slade, and yet this medium, who has often been cited in derision against Spiritualism, had his followers, and he was able to produce several impressive witnesses as to his character and the genuineness of his performances. Mr. Serjeant Cox wrote a letter positively affirming that Slade was not an impostor. Nevertheless, the medium was sentenced to three months' hard labour, and it is significant that in giving his decision the magistrate should have intimated that he was influenced to some extent by the judgment eight years previously against Home. However, Slade did not go to prison, for on 29th January, 1877, the sentence was quashed because of a technical error.

"Prejudice," says the Spiritualist, "convicted Susan Fletcher and Henry Slade, and lost Home a case he should have won." "Common sense," says the anti-Spiritualist, "sent two impostors to jail and deprived a third of a fortune gained illegally."

And there we must leave it.

CHAPTER XXVIII

THE ROAD MURDER

When on the evening of June 29th, 1860, the twelve inmates of Road Hill House retired to rest there was not the slightest indication that within a few hours it was to be the scene of the most mysterious and sensational murder mystery of the century. The owner of the house, Mr. Samuel Saville Kent, was a government inspector of factories and enjoyed the patronage of Lord Palmerston, the famous statesman; he had a substantial income, and his wife had won the affection of her three stepdaughters and stepson, who instead of being jealous of her own children, who numbered three, delighted in helping to nurse and look after them. The three servants, nurse, cook and housemaid, were all trusted and respected, and there was nothing in the history of any of the residents to suggest the possibility of a terrible crime.

Mr. and Mrs. Kent with their five-year-old daughter, Mary Amelia, occupied a spacious bedroom on the first floor, and immediately opposite it was the night nursery where Elizabeth Gough, the nurse, was in charge of another daughter, aged two, and Mrs. Kent's only son, Francis Saville, who was nearly four. This arrangement was due to Mrs. Kent's desire to be able to visit her children at any time with the least trouble and delay. She was passionately devoted to them, especially to the boy, and it was her habit to enter the nursery the last thing at night and make certain that all was well with him. Up on other floors her stepson, William, had a room to himself, a luxury also allowed to Constance, who being sixteen was a year older than her brother. The two eldest daughters of the late Mrs. Kent slept together, and the cook and the housemaid shared another room. Thus it will be seen that of the twelve residents at Road Hill House only two had rooms to themselves.

It was a lovely summer night and in the moonlight the country—the house stood in a village which bordered the counties of Somerset and Wiltshire—was looking beautiful and peaceful. Mr. Kent, a taciturn gentleman with rather a stern demeanour and reserved manner, made his usual inspection of the premises when his family and his servants had gone to their rooms, and satisfied that the front and back doors were bolted and the downstairs windows secured he joined his wife and their little daughter. It was eleven o'clock and five minutes previously Mrs. Kent had stepped across to the nursery to gaze for a few moments at her sleeping boy.

At five o'clock in the morning Elizabeth Gough was awakened by the sun streaming in upon her face. She turned her head in the direction of the cot close beside her and saw that the little girl was fast asleep. Then she raised herself slightly

and looked across the room to the corner where the boy's cot was. When she saw that it was empty a momentary feeling of surprise disturbed her, but having reminded herself that her mistress had often come into the nursery in the early hours of the morning and taken the child to her own room she lay down again and slept until half-past six. On waking a second time she rose and went over to the boy's cot and examined it. The bed-clothes had been neatly turned back and there was no sign of a struggle or a disturbance. She noticed that the outline of the child's body had been impressed on the white linen sheet, and from this she inferred that Mrs. Kent had but recently conveyed Francis to her own bed. Yet in spite of these reassuring signs she knocked at the door of her mistress' room, but having failed to get a response returned to the nursery and dressed leisurely.



SIR EDWARD SUGDEN, AFTERWARDS LORD ST. LEONARDS

From a painting by J. Moore

By this time Mrs. Kent was awake, and when Elizabeth Gough again knocked on her door she was immediately answered.

“What is it?” said Mrs. Kent, in a sleepy tone.

“Please, ma’am, have you got Master Saville? He’s not in his cot,” she said.

“No, we haven’t got him here—where is he?” exclaimed Mrs. Kent, at once alarmed.

In a few moments the agitated woman was in the nursery and very quickly the whole household was alarmed. In turn the servants were questioned, but they all denied having seen the boy, and the suspicion that he had been kidnapped was strengthened when the housemaid, who had been first down, described how she had found the drawing-room window open a few inches.

When Mr. Kent had set his servants, and some workmen who had volunteered to assist, to work, he drove to Trowbridge to inform the police, but before he returned the body of Francis Saville Kent had been found. Two of the searchers, who immediately on their arrival at the house announced that they had a presentiment that they knew where the mystery would be solved, walked straight to an outhouse in the extensive garden. When they pushed in the door they noticed a pool of blood and looking down into the cavity saw a blanket which they pulled out. The blanket had been used to cover up the little body, and when the latter was lifted out it had on a nightdress and a flannel vest. The expression of the child’s face was peaceful and even happy although it had been murdered with a ferocity almost inhuman. The throat had been cut to such an extent that the doctors thought the hand that had wielded the knife must have belonged to a man of considerable strength, but the murderer had not been content to deprive the child of life by a single cut, for there were wounds in the chest and the left hand.

The crime evoked a horror and a pity which created a desire for revenge which by reason of its intensity quickly became unreasonable and uncontrollable. The callous murder of a little boy who had been a universal favourite and who could have given offence to no one exasperated the public and a restless anxiety to punish the guilty affected all classes. The eyes of the country were turned in the direction of Road Hill House and the inmates were subjected to an inquisition which in view of what happened later was exceptionally cruel.

The mystery was certainly a baffling one. No one could suggest a motive and the police were unable to find a clue. Mrs. Kent could not be suspected, and her three stepdaughters were held to be equally blameless. They had made a pet of little

Francis and had competed for the honour of taking him out for walks and playing with him. The cook and the housemaid satisfactorily cleared themselves, and the murdered boy's stepbrother, William, was never considered in connection with the mystery. When all these were eliminated there was only Mr. Kent himself left, and a great many people wondered if the fact that he was the only adult male on the premises on the night of the crime solved the problem. Its baffling nature was complicated by the belief of everybody in the house that the murder had been committed from the inside. Mr. and Mrs. Kent and the local police asserted this, the boy's parents declaring that Francis must have awakened when taken from his cot and that if he had found himself in the arms of a stranger he would have cried out. That the boy had died with a smile on his face proved that he had gone willingly and cheerfully with his murderer.

There was, however, a strong party which looked to the nurse, Elizabeth Gough, to solve the mystery. They ridiculed the notion that she could have slept through the abduction of her charge, and when after an inquest, at which a verdict of wilful murder against some person or persons unknown was returned, she was arrested there was little surprise. But at a private hearing the magistrates decided that there was no evidence against her, and she was released.

By now almost every incident in the lives of the Kent family had been published broadcast to the world. Everybody knew that the first Mrs. Kent, who had come from Colchester, had during the last years of her life been insane. It was because of her unfortunate condition that her husband had been compelled to rely on his children's governess, Miss Pratt, far more than he would have done in ordinary circumstances, and, in fact, she conducted the affairs of the household. She proved so wise and tactful and considerate that fifteen months after the death of his wife Mr. Kent married her. That she had already gained the affection of the unfortunate woman's children was proved when two of the girls, one of whom was Constance, acted as bridesmaids at their own suggestion. The second marriage was followed by a period of peace and prosperity at Road Hill House, and previous to the murder of Francis Saville the only disturbing incident was a sudden freak on the part of Constance to emigrate. One day she persuaded her brother, William, to tramp with her to Bath, twelve miles away, and having some notion that she could work her passage to America as a cabin-boy she donned an old suit of his, cut off her hair and with practically no money set off on the great adventure. She was only twelve and William was only eleven, but if the boy soon lost his courage on finding himself so far away from home, Constance, even when handed over to the police maintained a stubborn and independent attitude. On arriving at the Greyhound Hotel she asked

for beds, but the landlady had her suspicions excited by their forlorn and travel-stained condition, and she questioned them. William burst into tears, and was as penitent as Constance was self-possessed and impenitent. The landlady put the boy to bed and sent for the police, and Constance spent the night in the matron's room at the police station and coolly explained that she had intended to make for Bristol and leave that port with her brother for the New World.

When an account of this affair was published four years later in the papers the immediate effect was to arouse suspicion against the stepmother of Constance. Stepmothers are supposed to be cruel and spiteful, especially when they have children of their own, and it was assumed that the twelve-year-old girl had been driven into a desperate adventure because the second Mrs. Kent was so tyrannical. In a few days, however, the suspicions were annihilated by the testimony, not only of relations and neighbours, but of Constance herself. Her sisters stated that their stepmother had been kindness itself to them and that ever since they had known her she had treated them all with the same loving care and affection. Of course she had had occasion to reprove them, Constance included, but then her manner had not been more severe than when speaking to her own children of their faults. Indeed, there was such a volume of testimony in favour of Mrs. Kent that of all those involved in the mysterious tragedy she suffered least. Naturally, she was considered incapable of murdering her own son, and everything that tended to exculpate her and the younger members of the Kent family was taken to strengthen the case against Mr. Kent.

The prejudice against him grew when Elizabeth Gough was discharged. The fact that the magistrates had dismissed the case as hardly worthy of credence cleared her character, and she was no longer regarded as the culprit. In the circumstances some one had to be sacrificed to appease the public wrath, and the public sought the head of Samuel Saville Kent. The latter was too proud to trouble to reply to his persecutors in print and his haughty demeanour and curt treatment of anyone whose curiosity bordered on impertinence increased the number of his enemies. They said that he had used his influence with the government to have the inquest hurriedly held so that certain important witnesses could not be examined, and there was a concerted effort to have the inquest reopened. This demand was voiced by practically every daily paper in the country, and it grew so insistent that an application was made to the Lord Chief Justice for another inquiry. It was refused, and again the rumour-mongers talked of the "hidden hand." A circumstantial story was printed to the effect that Mr. Kent was a natural son of H.R.H. the Duke of Kent, the father of Queen Victoria, and that royalty was conspiring to defeat the

ends of justice.

Meanwhile, the local police had exhausted their energies, physically and mentally, and as the public clamour did not grow less strident they created a precedent by applying to Scotland Yard for the loan of a senior detective. In response to their request Inspector Whicher, one of the cleverest men in the service, was sent down to investigate on the spot. Whicher was at the height of his brilliant career and had a knowledge of crime and criminals which was unequalled. Charles Dickens knew him very well and in his famous essay on the detective police described him as, "short and thickset, and marked with the small-pox. Has something of a reserved and thoughtful air, as if he was deep in arithmetical calculations. He is known for his acquaintance with the swell mob." Whicher remarked before arriving at Road Hill House that he scarcely expected to be successful because there was apparently not a clue available. However, like the wise man he was he determined to start at the beginning, and when he had inspected the scene of the murder he entered the house and asked for a list of persons who had slept there on the fatal night.

It was his decided opinion that the murder was committed by one of the residents. One or two absolute strangers to the neighbourhood had given themselves up to the police and had been discharged as nothing worse than liars. The astute detective decided that the Kent family had no enemies outside their home, and, extraordinary and inexplicable though it might seem, the murderer of Francis Saville Kent was some one whom the child had loved and trusted. Whicher, therefore, examined each of the inmates in turn, and not content with their replies to his questions tested as far as he could their most important statements. He examined Mr. and Mrs. Kent, the three servants, put a few questions to William Saville, and did not detain any of the older children very long. He had already formed a definite theory, and that theory was that the murderer had gone to bed in the usual way so as not to excite suspicion and that having allowed a brief time for the crime had not bothered to dress again. Now Whicher was positive that the murderer had not been able to avoid the flow of blood from the victim. Even had the child's throat only been cut it was a hundred to one chance against the clothes of the murderer escaping being stained. As he knew that the child had been stabbed also, he remembered particularly the cuts on the left hand, he was certain that the outer garment worn by the murderer must be blood-stained. Now there had been no such garment found, and although the local police stated that it had never existed and never could exist Whicher searched for it.

With the aid of Mrs. Kent, the maids and the laundry-woman, Whicher compiled

a census of all the nightclothes in Road Hill House on the night of the murder. Then he asked each inmate to produce her share of the total, and they all did so with one notable exception and that exception was Constance Kent.

Each of the daughters of the late Mrs. Kent had owned three nightdresses on June 29th, and every Monday they sent one each to the laundry, keeping always a clean one in reserve. Now Francis Saville was murdered on a Saturday night and on the following Monday morning the housemaid in accordance with her custom collected the laundry. Constance had handed over amongst other articles the third nightdress, but as the girl was making out the list Constance had without any apparent reason or object joined her and entered into conversation. Suddenly Constance muttered that she was feeling faint and asked the girl to fetch her a glass of water. The water was procured and during her absence a nightdress disappeared. The maid was absolutely certain of this, and the laundry-woman confirmed her. In the excitement, the inquest was held the same day, little attention was paid to this trivial affair, and it was not until Whicher seized upon it as the clue to the mystery that it was discussed at all. But as soon as the detective was convinced of the truth of the maid's statement and had endeavoured without success to find the missing nightdress he sent for Constance and after warning her charged her with the wilful murder of her brother. Shortly afterwards he brought her before the magistrates, and a sensation only less than that produced by the actual murder itself was created by his act.

Instantly a stream of ridicule was poured on the head of Inspector Whicher. Constance Kent became a popular heroine and the detective a brainless villain. His critics were so exasperated that they lost their heads and greatly libelled the officer. He was even accused of having arrested Constance because he had made a bet that he would find the murderer of Francis Saville Kent, and there was a demand that he should be dismissed from the detective force. On the other hand Constance was accorded the honours to which innocent sinners are entitled. Her somewhat ordinary features were described as beautiful and she was endowed with many qualities she did not possess. But that she had been passionately fond of her little stepbrother was true and instances were cited when she had been annoyed because her sisters had been allowed to take him out. There was really nothing extraordinary in this affection, for Francis Saville Kent had been a lovable child, but as the magistrates were asked by an eminent Scotland Yard detective to say that Constance Kent had murdered the child it was necessary that proof of her attitude towards him in his lifetime should be produced.

The hearing before the magistrates increased the attention of the whole country.

A small army of reporters were present and every word and act recorded. A leading barrister, Mr. Edlin, afterwards Recorder of London, was engaged to defend the prisoner, and her father was present in court to lend her all the support that he could. When Constance entered, certainly looking very attractive in her mourning, she rushed to him and kissed and embraced him, but she instantly regained her self-control and her demeanour throughout the proceedings was a remarkable example of composure and fortitude.

The whole case against her rested on the missing nightdress, a clue which had been almost ridiculed out of existence by Press and public. Inspector Whicher gave his evidence and outlined his theory of the crime. He could not give a motive for it but then it is not necessary to prove a motive to secure conviction, and he stated what he knew and what he believed. According to him for some reason Constance conceived a hatred for the boy or some one related to him, and having made up her mind to murder him she went to bed on the fatal night and waited until everybody was asleep before rising in her nightdress and going to the nursery. It had been easy enough for her in her bare feet to enter without making a sound, and even if the boy had opened his eyes the sight of Constance would have evoked from him only a drowsy smile before he dozed off again. Whicher pictured Constance carrying the boy downstairs, pausing in the dining-room to take a knife from the sideboard and then passing into the drawing-room and into the garden by way of the window. She took no risk by unbolting and unlocking the back door because of the noise she must make, but to raise the drawing-room window would have been easy for her, and he believed she had done it. Having committed the dreadful deed in the outhouse she had returned to her room by the same route, possibly pausing to restore the knife to its place in the box on the sideboard. Then in her own room she had examined her nightdress and had found it blood-stained, and having been unable to remove them by washing she had been compelled to think of a plan to get rid of it. As she had no reason to fear suspicion would be directed towards her she had taken no further steps that night, but on Monday morning had purposely placed herself in the maid's way and had by the subterfuge of the faint and the request for a glass of water sent the girl off and had in her absence extracted the nightdress. After that it had been easy enough for her to burn it, and that she had destroyed it was obvious to him.

It was all surmise, and it struck those who heard it as being altogether too shadowy and vague to be treated seriously. The public were unaccustomed to the deductive theory as applied to crime, although E. A. Poe had immortalized it in his account of his famous detective, Dupin. But the very popularity of Poe's work relegated the deductive theory to the realms of fiction entirely, and Whicher was

regarded as a ignoramus and a crank whose sanity was doubtful.

In defending a client who was an object of popular sympathy Mr. Edlin had a task after his own heart. He examined with electric energy and delivered a speech which earned his own praise. Poor Whicher was castigated severely and if Edlin pictured him as a monster of human depravity who was seeking to convict an innocent girl he was only taking his cue from the Press which had already hinted that Inspector Whicher of Scotland Yard was a merciless exponent of the penal system which had disgraced Scotland Yard earlier. The magistrates, however, were cautious and they merely discharged Constance on her father's undertaking to produce her if required.

The girl had an ovation from the crowd, but immediately on re-entering Road Hill House she experienced a certain chilliness in the atmosphere which told her that the story of the inspector had deeply impressed her own relations. There was no rejoicing and no lifting of the clouds, indeed, they seemed to grow heavier and more depressing. Constance was the object of furtive glances and whenever she was addressed it was in awkward phrases. It soon became plain that her presence was a source of embarrassment, and Mr. Kent, who wisely kept his thoughts to himself, decided to send her to a convent in Paris where she might continue her education far away from the scene of her tragedy.

There was no ovation for Whicher, and on his return to Scotland Yard his colleagues, unable to appreciate Whicher's original ideas, chaffed him unmercifully. They possessed immense courage but they had no imagination, and, as they were only human, they were doubtless glad that a formidable rival in the race for promotion had seriously damaged his prospects of rising to the top. It has been said that his failure to secure Constance Kent's committal for trial broke his heart and led to his death. Whicher was undoubtedly bitterly disappointed, but he continued in the service until he was entitled to a pension, and long after the great mystery was solved he was one of the most active and successful private inquiry agents in London. One of his commissions came from the Tichborne family which retained him to discover the antecedents of the notorious Claimant, and it was because of his effective and successful carrying out of this commission that he earned the rancorous criticisms of Dr. Kenealy, when that eminent but misguided gentleman was defending Orton at the celebrated trial for perjury.

With the disappearance of Constance it might have been supposed that the public would have grown tired of the mystery, but again failure only whetted their appetite for suspicion and innuendo. The local police, now contemptuous of Scotland Yard, went over the old ground once more and for want of something

better to do arrested Elizabeth Gough. This time the nurse, who had, of course, left the service of the Kents, found a champion in a former employer. He was so convinced of the girl's innocence that he placed a large sum of money at the disposal of her defence. There was an extraordinary coincidence in connection with her second arrest. Some one informed the police that she had a very bad character and that she had been convicted of theft when in the service of another family. The informant produced an account of Elizabeth Gough's conviction, and he pointed to the statement that the description of her included a missing tooth. As the age, as well as the name and the description, tallied the police had no doubt that the girl had obtained the situation at Road Hill House by suppressing the nature of her real character. But their astonishment was immense when further investigation proved that there were two Elizabeth Goughs quite unknown to each other and that the one who had been convicted was not the girl they had accused. The similarity in description was only a coincidence, but in the circumstances an astounding one.

The magistrates held an exhaustive inquiry and their decision was the same as in the case of Constance Kent. Elizabeth was bound over to appear if called upon, and she disappeared out of the mystery. The discharge of Constance had elicited a hundred offers of marriage from strangers in all parts of the country, and now the nursemaid was also pestered with proposals from men of every rank. An eccentric peer, whose communication to Constance had been ignored, wished to make Elizabeth his wife, but as the murder mystery seems to have unbalanced the minds of thousands of persons these quaint incidents were regarded as passing symptoms not to be taken seriously. Certainly, Mr. Kent destroyed all the written proposals and politely declined the invitations extended to his daughter to visit country-houses. He had no intention of turning her into a curiosity to be stared at in drawing-rooms, although he could not prevent crowds assembling outside Road Hill House on Saturdays and Sundays and creating a tumult whenever any of the family or the servants ventured out.

His own position had become almost unendurable and many of his acquaintances scarcely troubled to conceal their belief that he murdered his son. From the very beginning the only persons suspected of the crime were the nurse and the father, and the nurse having emerged triumphantly from two magisterial investigations the father was left to bear the full brunt of public odium. Day after day letters appeared in the papers in which questions, ranging from half a dozen to a score, were put to Mr. Kent, and because he declined to notice them the writers translated his contemptuous indifference into a pose designed to hide his guilt. There were, however, indications of his unpopularity which he could not ignore. Having

reason to fear that he might be reviled even in the parish church he interviewed the Rev. Mr. Peacock, the rector of Road, and inquired if the reverend gentleman objected to admitting him to the Sacrament. Mr. Peacock had purposely avoided meeting Mr. Kent, but now he took his courage in both hands and he answered to the effect that if he would declare on his honour that he had no guilty knowledge of the offence he would not refuse the Sacrament. Thereupon Mr. Kent gave the most solemn assurance that he had not committed the murder and that he had no idea who the criminal was.

“I am delighted to hear you say so,” said Mr. Peacock, shaking him warmly by the hand, “and I now apologize for having asked you the question.”

The unhappy father bowed, unable to voice his thoughts, and left the house. The next Sunday he was one of about forty persons who went to Holy Communion. He could not have been unaware of the sensation his presence caused and the hostile looks which were sent in his direction. Immediately it was seen that the clergyman really intended to administer Holy Communion to him everybody in the building rose and left it.

This was only one of innumerable insults and snubs which he experienced, and though he maintained a haughty and quiet demeanour there is no doubt that he suffered acutely. It was impossible, of course, for him to continue his professional duties, and he resigned his position. He would have left Road if it had not been obvious that such an act would be construed into flight inspired by a guilty conscience. It was altogether a period of torture for him and his, and with his character already ruined it was only a question of time before his material ruin was accomplished.

In all tragedies, however sordid and mysterious they may be, there is an element of comedy, and in the case of the Road Murder the humorous touch was added by an eccentric barrister, of the name of Saunders, who decided to hold an inquiry on his own. He was not satisfied with the police or with the magistrates and judges, and he started an inquiry which soon developed into a series of farcical squabbles between himself and the yokels. For a few days the Saunders’ inquiry was the only source of conversation in Road, and it became a popular pastime to drop into the room and bait the self-appointed guardian of Justice. Saunders had no sense of humour and no sense of proportion and it was easy to make him lose his temper. When the comedy began to bore it was ignored, and finally the magistrate retired into obscurity, muttering that if only he could speak he would astonish the world.

With the passage of time the space devoted to the mystery in the papers was curtailed, but that it continued to excite the imagination of the public was shown by

the numbers of visitors to Road. Some of these were amateur detectives who had theories to test and others were simply curiosity-mongers. All were animated by the desire to solve the problem, and their failure inspired them with a fury bordering on ferocity. At first sight the problem presented by the tragedy seemed simple and easy to explain. There were no complications and no family secrets likely to have created a lust for murder in anyone. But the very simplicity of the crime was responsible for the complicated and bewildering mystery to which it led. Inspector Whicher had made a fool of himself by trying to hang a sixteen-year-old girl because she could not account for one of her three nightdresses. The local police had blundered with almost equal stupidity in not discovering adequate clues. According to their critics they ought to have arrested Mr. Kent immediately that gentleman had called them in, and if they had done this there would have been no mystery at all. At least, that is what the multitude thought, and it took more than three years to make them lose their interest in the Road mystery.

In 1863 Constance Kent left the convent in Paris and went to reside at St. Mary's Home, at Brighton, an institution which was under the supervision of Rev. A. D. Wagner, the popular curate of St. Paul's church, and a gentleman well known for his ritualistic practices. The home was a very good imitation of a Roman Catholic nunnery and it was there that Constance came into contact with spiritual influences which led her two years later to make a full confession of the murder of her stepbrother to Mr. Wagner. The clergyman was shocked and horrified, particularly as he had in no way sought to extract any admission from her, and it was only when she persisted in her statement and announced her intention to surrender herself to Justice that he agreed to accompany her to London. The world was still absorbed in the assassination of President Lincoln when the news was published that the great Road mystery of 1860 had been solved at last.

When she arrived at Bow Street Station she was in the custody of Superintendent Durkin and Chief-Inspector Williamson, and in the chief magistrate's private room she insisted that she surrendered entirely of her own free will. The statement in her own handwriting was produced and it ran as follows:

"I, Constance Emille Kent, alone and unaided, on the night of June 29th, 1860, murdered at Road Hill House, Wiltshire, one Francis Saville Kent. Before the deed was done no one knew of my intention, nor afterwards of my guilt. No one assisted me in the crime, nor in the evasion of discovery."

When this had been read Mr. Wagner testified that he had in no way persuaded the prisoner to confess, but as high church priests were not exactly popular in the sixties there was a general suspicion that Mr. Wagner had taken advantage of the

confessional to force her into an admission which must have terrible consequences to herself. It was no business of the law, however, and the prisoner was sent to Trowbridge and there formally committed for trial. She was only twenty-one and as everybody appeared to forget the ruin and havoc she had caused by her five years' silence she was accorded a vast amount of sympathy. The public memory is notoriously short, and although her father had been driven abroad with such remnants of his family as had not been scattered, and although at least six innocent persons had suffered acutely for years because of her crime, when Constance was placed on trial and had pleaded guilty the judge shed tears on her behalf and her counsel, Coleridge, afterwards Lord Chief Justice, delivered a speech which was punctuated with sobs. Mr. Justice Willes pronounced sentence of death, but his emotion was scarcely justified in view of the fact that he must have been aware that there was no possibility of the sentence being carried out.

The Queen granted a reprieve before the petition could be prepared, and the convict was sent to penal servitude for life.

The solution of the mystery was a great triumph for Inspector Whicher, who had retired from the Yard two or three years earlier. When Dr. Bucknill, the doctor who had examined Constance by desire of the government, wrote a letter to the papers giving a detailed history of her crime he confirmed down to the smallest detail the deductions Whicher had made from the clue of the missing nightdress. The doctor's letter was as follows:

“SIR,

“I am requested by Miss Constance Kent to communicate to you the following details of her crime, which she has confessed to Mr. Rodway, her solicitor, and to myself, and which she now desires to be made public.

“Constance Kent first gave an account of the circumstances of her crime to Mr. Rodway, and she afterwards acknowledged to me the correctness of that account when I recapitulated it to her. The explanation of her motive she gave to me when, with the permission of the Lord Chancellor, I examined her for the purpose of ascertaining whether there were any grounds for supposing that she was labouring under any mental disease. Both Mr. Rodway and I are convinced of the truthfulness and good faith of what she said to us.

“Constance Kent says that the manner in which she committed her crime was as follows: A few days before the murder she obtained possession of a razor, from a green case in her father's wardrobe, and

secreted it. This was the sole instrument which she used. She also secreted a candle, with matches, by placing them in the corner of the closet in the garden where the murder was committed. On the night of the murder she undressed herself and went to bed, because she expected that her sisters would visit her room. She lay awake watching until she thought that the household were all asleep, and soon after midnight she left her bedroom and went downstairs, and opened the drawing-room door and window-shutters. She then went up into the nursery, withdrew the blanket from between the sheet and the counterpane, and placed it on the side of the cot. She then took the child from his bed, and carried him downstairs through the drawing-room. She had on her nightdress, and in the drawing room she put on her goloshes. Having the child in one arm, she raised the drawing-room window with the other hand, went round the house and into the closet, lighted the candle, and placed it on the seat of the closet, the child being wrapped in the blanket, and still sleeping; and while the child was in this position she inflicted the wound in the throat. She says that she thought the blood would never come, and that the child was not killed, so she thrust the razor into its left side, and put the body, with the blanket, into the vault. The light burned out. The piece of flannel which she had with her was torn from an old flannel garment placed in the waste bag, and which she had taken some time before and sewn it to use in washing herself. She went back to her bedroom, examined her dress, and found only two spots of blood on it. These she washed out in the basin, and threw the water, which was but little discoloured, into the footpan in which she had washed her feet overnight. She took another of her two nightdresses and got into bed. In the morning her nightdress had become dry where it had been washed. She folded it up and put it into the drawer. Her three nightdresses were examined by Mr. Foley, and, she believes, also by Mr. Parsons, the medical attendant of the family. She thought the blood stains had been effectually washed out, but on holding the dress up to the light a day or two afterwards she found the stains were still visible. She secreted the dress, moving it from place to place, and she eventually burnt it in her own bedroom, and put the ashes or tinder into the kitchen grate. It was about five or six days after the child's death that she burnt the nightdress. On the Saturday morning, having cleaned the razor, she took an opportunity of replacing it unobserved in the case in the wardrobe. She abstracted her nightdress from the clothes-basket when

the housemaid went to fetch a glass of water. The stained garment found in the boiler-hole had no connection whatever with the deed. As regards the motive of her crime, it seems that although she entertained a great regard for the present Mrs. Kent, yet if any remark was at any time made which, in her opinion, was disparaging to any member of the first family, she treasured it up and determined to revenge it. She had no ill-will against the little boy, except as one of the children of her stepmother. She declared that both her father and her stepmother had always been kind to her personally, and the following is a copy of a letter which she addressed to Mr. Rodway on this point while in prison before her trial:

““ DEVIZES, *May 15th.*

““ SIR,—It has been stated that my feelings of revenge were excited in consequence of cruel treatment. This is entirely false. I have received the greatest kindness from both the persons accused of subjecting me to it. I have never had any ill-will towards either of them on account of their behaviour to me, which has been very kind.

““I shall feel obliged if you will make use of this statement, in order that the public may be undeceived on this point.

I remain, sir, yours truly,

CONSTANCE KENT.

To Mr. Rodway.’

“She has told me that, when the nursemaid was accused, she had fully made up her mind to confess if the nurse had been convicted, and that she had also made up her mind to commit suicide if she was herself convicted. She said that she had felt herself under the influence of the devil before she committed the murder, but that she did not believe and had not believed, that the devil had more to do with her crime than he had with any other wicked action. She had not said her prayers for a year before the murder, and not afterwards, until she came to reside at Brighton. She said that the circumstances which revived religious feelings in her mind was thinking about receiving the Sacrament when confirmed.

“An opinion has been expressed that the peculiarities evinced by Constance Kent between the ages of twelve and seventeen may be

attributed to the then transition stage of her life. Moreover, the fact of her cutting off her hair, dressing herself in her brother's clothes, and leaving her home with the intention of going abroad, which occurred when she was only thirteen years of age, indicate a peculiarity of disposition and great determination of character, which foreboded that, for good or evil, her future life would be remarkable.

“This peculiar disposition, which led her to such singular and violent resolves of action, seemed also to colour and intensify her thoughts and feelings, and magnify incidents or occurrences which provoked her displeasure. Although it became my duty to advise her counsel that she evinced no symptoms of insanity at the time of my examination, and that, so far as it was possible to ascertain the state of her mind at so remote a period, there was no evidence of it at the time of the murder, I am yet of opinion that, owing to the peculiarities of her constitution, it is probable that under prolonged confinement she would become insane.

“The validity of this opinion is of importance now that the sentence of death has been commuted to penal servitude for life, for no one could desire that the punishment of a criminal should be so carried out as to cause danger of a further and greater punishment not contemplated by the law.

“I have the honour to remain your very obedient servant,

JOHN CHARLES BUCKNILL, M.D.,

Kilmorton Hall, near Rugby,
August 24th, 1865.”

Three years later he amplified this account when lecturing at the Royal College of Physicians.

“The most remarkable case in which I have been concerned,” he said, “was the case of Constance Kent, who murdered her young brother and escaped detection. After an interval of several years a truly conscientious motive led her to confess, and the most painful and interesting duty fell to my lot of examining her for the purpose of ascertaining whether it would be right to enter the plea of ‘Not Guilty on the ground of insanity.’ I was compelled to advise against it, and her counsel, Mr. (now Lord) Coleridge, on reading the notes of my examination, admitted that I could not do otherwise. By her own wish, and that of her relatives, I published a letter in the ‘Times’ describing the material facts of the crime, but, to save the feelings of those who were alive at the time, I did not make known the motive, and on this account it

has been that the strange portent has remained in the history of our social life that a young girl, not insane, should have been capable of murdering her beautiful boy brother in cold blood and without motive. I think the right time and opportunity has come for me to explain away this apparent monstrosity of conduct. A real and dreadful motive did exist. The girl's own mother, having become partially demented, was left by her husband to live in the seclusion of her own room, while the management of the household was taken over the heads of the grown-up daughters by a high-spirited governess, who, after the decease of the first Mrs. Kent, and a decent interval, became Constance Kent's stepmother. In this position she was unwise enough to make disparaging remarks about her predecessor, little dreaming, poor lady, of the fund of rage and revengeful feeling she was stirring up in the heart of her young stepdaughter. To escape from her hated presence, Constance once ran away from home, but was brought back, and after this she only thought of the most efficient manner of wreaking her vengeance. She thought of poisoning her stepmother, but that, on reflection, she felt would be no real punishment, and then it was that she determined to murder the poor lady's boy. A dreadful story this, but who can fail to pity the depths of household misery which it denotes? At her arraignment, Constance Kent persisted in pleading 'Guilty.' Had the plea been 'Not Guilty' it would, I suppose, have been my most painful duty to have told the court the tragic history which I now tell you, in the belief that it can give no pain to those concerned in it, and that it is mischievous that so great and notorious a crime should remain unexplained."

The prison life of Constance Kent was quite uneventful. She seemed rather glad to be in a place where she was completely hidden from the world, but whenever visitors appeared she effaced herself promptly. The staff, ever sympathetic towards her because she was a model prisoner, allowed her to dart out of sight at a strange face. On one occasion when she was in a London gaol a distinguished member of Parliament was examining the conditions of this particular penal establishment when Constance, who was at work in the bakery, scuttled past him and locked herself in her cell, fearful lest he had only come to stare at her. She very seldom spoke, but she obeyed every order promptly and with a meekness which won the respect of her gaolers. It is not surprising that she should have been deeply religious, seeing that it was religion which inspired her to give herself up when all earthly agencies had failed to solve the mystery of her stepbrother's death, and the only time she was really happy was when she was attending a church service.

When she was transferred to that gloomiest of prisons, Portland, she was delighted to be permitted to help with the decoration of the church, the only building

of its kind in England made by convict labour. She was a clever artist and had a genius for designing, and when last year the jubilee of the church was celebrated one of the most admired pieces was the mosaic work for which Constance Kent was responsible. Day after day she laboured with a devotedness which was almost ecstatic, and the result justified her trouble.

It is generally understood that a life sentence in the case of a convict whose conduct is irreproachable is a matter of fifteen years, but Constance Kent served in all nineteen years behind prison bars, but even then she was only forty when in the summer of 1884 she was released. She returned to a world which knew her not and was almost friendless, but her living example of absolute penitence had so impressed the chaplain of the gaol that a few months later he asked her to marry him. Fortunately for Constance she was mercifully allowed to remain in that obscurity which a long period of imprisonment entails, and the marriage was able to be celebrated without any sensational additions from outsiders. That the union was a perfectly happy one says much for the theory that Constance Kent was only mad during the twenty-four hours comprising the day which had witnessed the murder and that ever afterwards she was a refined and cultured lady whose influence for good was indisputable when she was a number and not a name. It was said that from the moment of her conviction she never once referred directly or indirectly to the murder, and when she died in the nineties of the last century she had formed a circle of acquaintances which knew nothing of her real history, her marriage having completely disassociated her from the Constance Kent who had twice been responsible for world-wide sensations.

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TRANSCRIBER NOTES

Mis-spelled words and printer errors have been fixed.

Inconsistency in hyphenation has been retained.

Inconsistency in accents has been retained.

Illustrations have been relocated due to using a non-page layout.

[The end of *The Judges and the Judged* by Charles Kingston]