



"SHE WAS STILL HOLDING HER HUSBAND'S LETTER OPEN IN HER HAND."

"Of course he'll be hung, Mrs. Bonteen."
 "Hung! I should think so! What other end would be fit for him? Oh yes, they must hang him. But it makes one think that the world is too hard a place to live in, when such a one as he can cause so great a ruin."
 "It has been very terrible."
 "Think what the country has lost! They tell me that the Duke of Omnium is to take my husband's place; but the Duke can not do what he did. Every one knows that for real work there was no one like him. Nothing was more certain

than that he would have been Prime Minister—oh, very soon. They ought to pinch him to death with red-hot tweezers."
 But Lady Eustace was anxious at the present moment to talk about her own troubles. "Of course Mr. Emilius did not commit the murder."
 "Phineas Finn committed it," said the half-maddened woman, rising from her chair. "And Phineas Finn shall hang by his neck till he is dead."
 "But Emilius has certainly got another wife in Prague."

"I suppose so. He said it was so, and he was always right."

"I am sure of it—just as you are sure of this horrid Mr. Finn."

"The two things can't be named together, Lady Eustace."

"Certainly not. I wouldn't think of being so unfeeling. But he has written me this letter, and what must I do? It is very dreadful about the money, you know."

"He can not touch your money. My dear one always said that he could not touch it."

"But he prevents me from touching it. What they give me only comes by a sort of favor from the lawyer. I almost wish that I had compromised."

"You would not be rid of him that way."

"No, not quite rid of him. You see, I never had to take that horrid name because of the t. e. I suppose I'd better send the letter to the lawyer."

"Send it to the lawyer, of course. That is what he would have done. They tell me that the trial is to be on the 24th of June. Why should they postpone it so long? They know all about it. They always postpone every thing. If he had lived, there would be an end of that before long."

Lady Eustace was tired of the virtues of her friend's martyred lord, and was very anxious to talk of her own affairs. She was still holding her husband's letter open in her hand, and was thinking how she could force her friend's dead lion to give place for a while to her own live dog, when a servant announced that Mr. Camperdown, the attorney, was below. In former days there had been an old Mr. Camperdown, who was vehemently hostile to poor Lizzie Eustace; but now, in her new troubles, the firm that had ever been true to her first husband had taken up her case for the sake of the family and her property—and for the sake of the heir, Lizzie Eustace's little boy; and Mr. Camperdown's firm had, next to Mr. Bonteen, been the depository of her trust. He had sent clerks out to Prague—one who had returned ill—as some one had said, poisoned, though the poison had probably been nothing more than the diet natural to Bohemians. And then another had been sent. This, of course, had all been previous to Madame Goesler's self-imposed mission, which, though it was occasioned altogether by the suspected wickednesses of Mr. Emilius, had no special reference to his matrimonial escapades. And now Mr. Camperdown was down stairs. "Shall I go down to him, dear Mrs. Bonteen?"

"He may come here if you please."

"Perhaps I had better go down. He will disturb you."

"My darling lost one always thought that there should be two present to hear such matters. He said it was safe." Mr. Camperdown, junior, was therefore shown up stairs to Mrs. Bonteen's drawing-room.

"We have found it all out, Lady Eustace," said Mr. Camperdown.

"Found out what?"

"We've got Madame Mealyus over here."

"No!" said Mrs. Bonteen, with her hands raised. Lady Eustace sat silent, with her mouth open.

"Yes, indeed; and photographs of the registry of the marriage from the books of the syn-

agogue at Cracow. His signature was Yosef Mealyus, and his handwriting isn't a bit altered. I think we could have proved it without the lady; but of course it was better to bring her, if possible."

"Where is she?" asked Lizzie, thinking that she would like to see her own predecessor.

"We have her safe, Lady Eustace. She's not in custody; but, as she can't speak a word of English or French, she finds it more comfortable to be kept in private. We're afraid it will cost a little money."

"Will she swear that she is his wife?" asked Mrs. Bonteen.

"Oh yes; there'll be no difficulty about that. But her swearing alone mightn't be enough."

"Surely that settles it all," said Lady Eustace. "For the money that we shall have to pay," said Mr. Camperdown, "we might probably have got a dozen Bohemian ladies to come and swear that they were married to Yosef Mealyus at Cracow. The difficulty has been to bring over documentary evidence which will satisfy a jury that this is the woman she says she is. But I think we've got it."

"And I shall be free!" said Lady Eustace, clasping her hands together.

"It will cost a good deal, I fear," said Mr. Camperdown.

"But I shall be free! Oh, Mr. Camperdown, there is not a woman in all the world who cares so little for money as I do. But I shall be free from the power of that horrid man who has entangled me in the meshes of his sinful life." Mr. Camperdown told her that he thought that she would be free, and went on to say that Yosef Mealyus had already been arrested, and was again in prison. The unfortunate man had not, therefore, long enjoyed that humbler apartment which he had found for himself in Jellybag Street.

When Mr. Camperdown went, Mrs. Bonteen followed him out to the top of the stairs. "You have heard about the trial, Mr. Camperdown?" He said that he knew that it was to take place at the Central Criminal Court in June. "Yes; I don't know why they have put it off so long. People know that he did it—eh?" Mr. Camperdown, with funeral sadness, declared that he had never looked into the matter. "I can not understand that every body should not know it," said Mrs. Bonteen.

CHAPTER LX.

TWO DAYS BEFORE THE TRIAL.

THERE was a scene in the private room of Mr. Wickerby, the attorney, in Hatton Garden, which was very distressing indeed to the feelings of Lord Fawn, and which induced his lordship to think that he was being treated without that respect which was due to him as a peer and a member of the Government. There were present at this scene Mr. Chaffanbrass, the old barrister, Mr. Wickerby himself, Mr. Wickerby's confidential clerk, Lord Fawn, Lord Fawn's solicitor—that same Mr. Camperdown whom we saw in the last chapter calling upon Lady Eustace—and a policeman. Lord Fawn had been invited to attend, with many protestations of regret as to the trouble thus imposed upon him, because the very important nature of the evidence about to be given

by him at the forth-coming trial seemed to render it expedient that some questions should be asked. This was on Tuesday, the 22d of June, and the trial was to be commenced on the following Thursday. And there was present in the room, very conspicuously, an old heavy gray great-coat, as to which Mr. Wickerby had instructed Mr. Chaffanbrass that evidence was forth-coming, if needed, to prove that that coat was lying on the night of the murder in a down-stairs room in the house in which Yosef Mealyus was then lodging. The reader will remember the history of the coat. Instigated by Madame Goesler, who was still absent from England, Mr. Wickerby had traced the coat, and had purchased the coat, and was in a position to prove that this very coat was the coat which Mr. Meager had brought home with him to Northumberland Street on that day. But Mr. Wickerby was of opinion that the coat had better not be used. "It does not go far enough," said Mr. Wickerby. "It don't go very far, certainly," said Mr. Chaffanbrass. "And if you try to show that another man has done it and he hasn't," said Mr. Wickerby, "it always tells against you with a jury." To this Mr. Chaffanbrass made no reply, preferring to form his own opinion, and to keep it to himself when formed. But in obedience to his instructions, Lord Fawn was asked to attend at Mr. Wickerby's chambers, in the cause of truth, and the coat was brought out on the occasion. "Was that the sort of coat that the man wore, my lord?" said Mr. Chaffanbrass, as Mr. Wickerby held up the coat to view. Lord Fawn walked round and round the coat, and looked at it very carefully before he would vouchsafe a reply. "You see it is a gray coat," said Mr. Chaffanbrass, not speaking at all in the tone which Mr. Wickerby's note had induced Lord Fawn to expect.

"It is gray," said Lord Fawn.
"Perhaps it's not the same shade of gray, Lord Fawn. You see, my lord, we are most anxious not to impute guilt where guilt doesn't lie. You are a witness for the Crown, and, of course, you will tell the Crown lawyers all that passes here. Were it possible, we would make this little preliminary inquiry in their presence; but we can hardly do that. Mr. Finn's coat was a very much smaller coat."

"I should think it was," said his lordship, who did not like being questioned about coats.

"You don't think the coat the man wore when you saw him was a big coat like that? You think he wore a little coat?"

"He wore a gray coat," said Lord Fawn.
"This is gray—a coat couldn't be grayer than that."

"I don't think Lord Fawn should be asked any more questions on the matter till he gives his evidence in court," said Mr. Camperdown.

"A man's life depends on it, Mr. Camperdown," said the barrister. "It isn't a matter of cross-examination. If I bring that coat into court, I must make a charge against another man by the very act of doing so. And I will not do so unless I believe that other man to be guilty. It's an inquiry I can't postpone till we are before the jury. It isn't that I want to trump up a case against another man for the sake of extricating my client on a false issue. Lord Fawn doesn't want to hang Mr. Finn, if Mr. Finn be not guilty."

"God forbid!" said his lordship.

"Mr. Finn couldn't have worn that coat, or a coat at all like it."

"What is it you do want to learn, Mr. Chaffanbrass?" asked Mr. Camperdown.

"Just put on the coat, Mr. Scruby." Then at the order of the barrister, Mr. Scruby, the attorney's clerk, did put on Mr. Meager's old great-coat, and walked about the room in it. Walk quick," said Mr. Chaffanbrass; and the clerk "did walk quick." He was a stout, thickset little man, nearly half a foot shorter than Phineas Finn. "Is that at all like the figure?" asked Mr. Chaffanbrass.

"I think it is like the figure," said Lord Fawn.
"And like the coat?"

"It's the same color as the coat."

"You wouldn't swear it was not the coat?"

"I am not on my oath at all, Mr. Chaffanbrass."

"No, my lord; but to me your word is as good as your oath. If you think it possible that was the coat—"

"I don't think any thing about it at all. When Mr. Scruby hurries down the room in that way, he looks as the man looked when he was hurrying under the lamp-post. I am not disposed to say any more at present."

"It's a matter of regret to me that Lord Fawn should have come here at all," said Mr. Camperdown, who had been summoned to meet his client at the chambers, but had not come with him.

"I suppose his lordship wishes us to know all that he knew, seeing that it's a question of hanging the right man or the wrong one. I never heard such trash in my life. Take it off, Mr. Scruby, and let the policeman keep it. I understand Lord Fawn to say that the man's figure was about the same as yours. My client, I believe, stands about twelve inches taller. Thank you, my lord; we shall get at the truth at last, I don't doubt." It was afterward said that Mr. Chaffanbrass's conduct had been very improper in enticing Lord Fawn to Mr. Wickerby's chambers; but Mr. Chaffanbrass never cared what any one said. "I don't know that we can make much of it," he said, when he and Mr. Wickerby were alone, "but it may be as well to bring it into court. It would prove nothing against the Jew even if that fellow"—he meant Lord Fawn—"could be made to swear that the coat worn was exactly similar to this. I am thinking now about the height."

"I don't doubt but you'll get him off."

"Well—I may do so. They ought not to hang any man on such evidence as there is against him, even though there were no moral doubt of his guilt. There is nothing really to connect Mr. Phineas Finn with the murder—nothing tangible. But there is no saying nowadays what a jury will do. Juries depend a great deal more on the judge than they used to do. If I were on trial for my life, I don't think I'd have counsel at all."

"No one could defend you as well as yourself, Mr. Chaffanbrass."

"I didn't mean that. No; I shouldn't defend myself. I should say to the judge, 'My lord, I don't doubt the jury will do just as you tell them, and you'll form your own opinion quite independent of the arguments.'"

"You'd be hung, Mr. Chaffanbrass."

"No; I don't know that I should," said Mr.

Chaffanbrass, slowly. "I don't think I could affront a judge of the present day into hanging me. They've too much of what I call thick-skinned honesty for that. It's the temper of the time to resent nothing, to be mealy-mouthed and mealy-hearted. Jurymen are afraid of having their own opinion, and almost always shirk a verdict when they can."

"But we do get verdicts."
"Yes; the judges give them. And they are mealy-mouthed verdicts, tending to equalize crime and innocence, and to make men think that after all it may be a question whether fraud is not the proper mode of doing business. We are coming to hate violence, which, after all, is manly, and to feel that we can not afford to hate dishonesty. It was a bad day for the commercial world, Mr. Wickerby, when forgery ceased to be capital."

"It was a horrid thing to hang a man for writing another man's name to a receipt for thirty shillings."

"We didn't do it; but the fact that the law held certain frauds to be hanging matters operated on the minds of men in regard to all frauds. What with the joint-stock working of companies, and the confusion between directors who know nothing and managers who know every thing, and the dislike of juries to tread upon people's corns, you can't punish dishonest trading. *Caveat emptor* is the only motto going, and the worst proverb that ever came from dishonest, stony-hearted Rome. With such a motto as that to guide us no man dare trust his brother. *Caveat lex*—and let the man who cheats cheat at his peril."

"You'd give the law a great deal to do."

"Much less than at present. What does your *Caveat emptor* come to? That every seller tries to pick the eyes out of the head of the purchaser. Sooner or later the law must interfere, and *Caveat emptor* falls to the ground. I bought a horse the other day; my daughter wanted something to look pretty, and, like an old ass as I am, I gave a hundred and fifty pounds for the brute. When he came home he wasn't worth a feed of corn."

"You had a warranty, I suppose?"

"No, indeed. Did you ever hear of such an old fool?"

"I should have thought any dealer would have taken him back for the sake of his character."

"Any dealer would; but—I bought him of a gentleman."

"Mr. Chaffanbrass!"

"I ought to have known better, oughtn't I? *Caveat emptor*."

"It was just giving away your money, you know."

"A great deal worse than that. I could have given the gentleman—a hundred and fifty pounds and not have minded it much. I ought just to have had the horse killed, and gone to a dealer for another. Instead of that—I went to an attorney."

"Oh, Mr. Chaffanbrass! the idea of your going to an attorney!"

"I did, then. I never had so much honest truth told me in my life."

"By an attorney!"

"He said that he did think I'd been born long enough ago to have done better than that! I pleaded on my own behalf that the gentleman said the horse was all right. 'Gentleman!' ex-

claimed my friend. 'You go to a gentleman for a horse, you buy a horse from a gentleman without a warranty, and then you come to me! Didn't you ever hear of *Caveat emptor*, Mr. Chaffanbrass? What can I do for you?' That's what my friend the attorney said to me."

"And what came of it, Mr. Chaffanbrass? Arbitration, I should say?"

"Just that; with the horse eating his head off every meal at ever so much per week—till at last I fairly gave in from sheer vexation. So the gentleman—got my money, and I added something to my stock of experience. Of course that's only my story, and it may be that the gentleman could tell it another way. But I say that if my story be right, the doctrine of *Caveat emptor* does not encourage trade. I don't know how we got to all this from Mr. Finn. I'm to see him to-morrow."

"Yes; he is very anxious to speak to you."

"What's the use of it, Wickerby? I hate seeing a client. What comes of it?"

"Of course he wants to tell his own story."

"But I don't want to hear his own story. What good will his own story do me? He'll tell me either one of two things. He'll swear he didn't murder the man—"

"That's what he'll say."

"Which can have no effect upon me one way or the other; or else he'll say that he did—which would cripple me altogether."

"He won't say that, Mr. Chaffanbrass."

"There's no knowing what they'll say. A man will go on swearing by his God that he is innocent, till at last, in a moment of emotion, he breaks down, and out comes the truth. In such a case as this I do not in the least want to know the truth about the murder."

"That is what the public wants to know."

"Because the public is ignorant. The public should not wish to know any thing of the kind. What we should all wish to get at is the truth of the evidence about the murder. The man is to be hung not because he has committed the murder—as to which no positive knowledge is attainable—but because he has been proved to have committed the murder—as to which proof, though it be enough for hanging, there must always be attached some shadow of doubt. We were delighted to hang Palmer; but we don't know that he killed Cook. A learned man who knew more about it than we can know seemed to think that he didn't. Now the last man to give us any useful insight into the evidence is the prisoner himself. In nineteen cases out of twenty a man tried for murder in this country committed the murder for which he is tried."
"There really seems to be a doubt in this case."

"I dare say. If there be only nineteen guilty out of twenty, there must be one innocent; and why not Mr. Phineas Finn? But if it be so, he, burning with the sense of injustice, thinks that every body should see it as he sees it. He is to be tried because, on investigation, every body sees it just in a different light. In such case he is unfortunate, but he can't assist me in liberating him from his misfortune. He sees what is patent and clear to him—that he walked home on that night without meddling with any one. But I can't see that, or make others see it, because he sees it."

"His manner of telling you may do something."

"If it do, Mr. Wickerby, it is because I am unfit for my business. If he have the gift of protesting well, I am to think him innocent, and, therefore, am to think him guilty if he be unprovided with such eloquence! I will neither believe nor disbelieve any thing that a client says to me—unless he confess his guilt, in which case my services can be but of little avail. Of course I shall see him, as he asks it. We had better meet, then—say at half past ten." Whereupon Mr. Wickerby wrote to the governor of the prison begging that Phineas Finn might be informed of the visit.

Phineas had now been in jail between six and seven weeks, and the very fact of his incarceration had nearly broken his spirits. Two of his sisters, who had come from Ireland to be near him, saw him every day, and his two friends Mr. Low and Lord Chiltern were very frequently with him; Lady Laura Kennedy had not come to him again; but he heard from her frequently through Barrington Erle. Lord Chiltern rarely spoke of his sister—alluding to her merely in connection with her father and her late husband. Presents still came to him from various quarters—as to which he hardly knew whence they came. But the Duchess and Lady Chiltern and Lady Laura all catered for him—while Mrs. Bunce looked after his wardrobe, and saw that he was not cut down to prison allowances of clean shirts and socks. But the only friend whom he recognized as such was the friend who would freely declare a conviction of his innocence. They allowed him books and pens and paper, and even cards, if he chose to play at patience with them or build castles. The paper and pens he could use because he could write about himself. From day to day he composed a diary in which he was never tired of expatiating on the terrible injustice of his position. But he could not read. He found it to be impossible to fix his attention on matters outside himself. He assured himself from hour to hour that it was not death he feared—not even death from the hangman's hand. It was the condemnation of those who had known him that was so terrible to him; the feeling that they with whom he had aspired to work and live, the leading men and women of his day, ministers of the Government and their wives, statesmen and their daughters, peers and members of the House in which he himself had sat; that these should think that after all he had been a base adventurer unworthy of their society! That was the sorrow that broke him down, and drew him to confess that his whole life had been a failure.

Mr. Low had advised him not to see Mr. Chaffanbrass; but he had persisted in declaring that there were instructions which no one but he himself could give to the counselor whose duty it would be to defend him at the trial. Mr. Chaffanbrass came at the hour fixed, and with him came Mr. Wickerby. The old barrister bowed courteously as he entered the prison room, and the attorney introduced the two gentlemen with more than all the courtesy of the outer world. "I am sorry to see you here, Mr. Finn," said the barrister.

"It's a bad lodging, Mr. Chaffanbrass, but the term will soon be over. I am thinking a good deal more of my next abode."

"It has to be thought of, certainly," said the barrister. "Let us hope that it may be all that you would wish it to be. My services shall not be wanting to make it so."

"We are doing all we can, Mr. Finn," said Mr. Wickerby.

"Mr. Chaffanbrass," said Phineas, "there is one special thing that I want you to do." The old man, having his own idea as to what was coming, laid one of his hands over the other, bowed his head, and looked meek. "I want you to make men believe that I am innocent of this crime."

This was better than Mr. Chaffanbrass expected. "I trust that we may succeed in making twelve men believe it," said he.

"Comparatively I do not care a straw for the twelve men. It is not to them especially that I am anxious that you should address yourself."

"But that will be my bounden duty, Mr. Finn."

"I can well believe, Sir, that though I have myself been bred a lawyer, I may not altogether understand the nature of an advocate's duty to his client. But I would wish something more to be done than what you intimate."

"The duty of an advocate defending a prisoner is to get a verdict of acquittal if he can, and to use his own discretion in making the attempt."

"But I want something more to be attempted, even if in the struggle something less be achieved. I have known men to be so acquitted that every man in court believed them to be guilty."

"No doubt; and such men have probably owed much to their advocates."

"It is not such a debt that I wish to owe. I know my own innocence."

"Mr. Chaffanbrass takes that for granted," said Mr. Wickerby.

"To me it is matter of astonishment that any human being should believe me to have committed this murder. I am lost in surprise when I remember that I am here simply because I walked home from my club with a loaded stick in my pocket. The magistrate, I suppose, thought me guilty."

"He did not think about it, Mr. Finn. He went by the evidence; the quarrel, your position in the streets at the time, the color of the coat you wore and that of the coat worn by the man whom Lord Fawn saw in the street; the doctor's evidence as to the blows by which the man was killed; and the nature of the weapon which you carried. He put these things together, and they were enough to entitle the public to demand that a jury should decide. He didn't say you were guilty. He only said that the circumstances were sufficient to justify a trial."

"If he thought me innocent, he would not have sent me here."

"Yes, he would, if the evidence required that he should do so."

"We will not argue about that, Mr. Chaffanbrass."

"Certainly not, Mr. Finn."

"Here I am, and to-morrow I shall be tried for my life. My life will be nothing to me unless it can be made clear to all the world that I am innocent. I would sooner be hung for this, with the certainty at my heart that all England on the

next day would ring with the assurance of my innocence, than be acquitted and afterward be looked upon as a murderer." Phineas, when he was thus speaking, had stepped out into the middle of the room, and stood with his head thrown back, and his right hand forward. Mr. Chaffanbrass, who was himself an ugly, dirty old man, who had always piqued himself on being indifferent to appearance, found himself struck by the beauty and grace of the man whom he now saw for the first time. And he was struck, too, by his client's eloquence, though he had expressly declared to the attorney that it was his duty to be superior to any such influence. "Oh, Mr. Chaffanbrass, for the love of Heaven, let there be no quibbling."

"We never quibble, I hope, Mr. Finn."

"No subterfuges, no escaping by a side wind, no advantage taken of little forms, no objection taken to this and that, as though delay would avail us any thing."

"Character will go a great way, we hope."

"It should go for nothing. Though no one would speak a word for me, still am I innocent. Of course the truth will be known some day."

"I'm not so sure of that, Mr. Finn."

"It will certainly be known some day. That it should not be known as yet is my misfortune. But in defending me I would have you hurl defiance at my accusers. I had the stick in my pocket, having heretofore been concerned with ruffians in the street. I did quarrel with the man, having been insulted by him at the club. The coat which I wore was such as they say. But does that make a murderer of me?"

"Somebody did the deed, and that somebody could probably say all that you say."

"No, Sir; he, when he is known, will be found to have been skulking in the streets; he will have thrown away his weapon; he will have been secret in his movements; he will have hidden his face, and have been a murderer in more than the deed. When they came to me in the morning, did it seem to them that I was a murderer? Has my life been like that? They who have really known me can not believe that I have been guilty. They who have not known me, and do believe, will live to learn their error."

He then sat down and listened patiently while the old lawyer described to him the nature of the case, wherein lay his danger, and wherein what hope there was of safety. There was no evidence against him other than circumstantial evidence, and both judges and jury were wont to be unwilling to accept such, when uncorroborated, as sufficient in cases of life and death. Unfortunately, in this case the circumstantial evidence was very strong against him. But, on the other hand, his character, as to which men of great mark would speak with enthusiasm, would be made to stand very high. "I would not have it made to stand higher than it is," said Phineas. As to the opinion of the world afterward, Mr. Chaffanbrass went on to say, of that he must take his chance. But surely he himself might fight better for it living than any friend could do for him after his death. "You must believe me in this, Mr. Finn, that a verdict of acquittal from the jury is the one object that we must have before us."

"The one object that I shall have before me is the verdict of the public," said Phineas. "I am treated with so much injustice in being thought

a murderer that they can hardly add any thing to it by hanging me."

When Mr. Chaffanbrass left the prison he walked back with Mr. Wickerby to the attorney's chambers in Hatton Garden, and he lingered for a while on the Viaduct expressing his opinion of his client. "He's not a bad fellow, Mr. Wickerby."

"A very good sort of fellow, Mr. Chaffanbrass."

"I never did, and I never will, express an opinion of my own as to the guilt or innocence of a client till after the trial is over. But I have sometimes felt as though I would give the blood out of my veins to save a man. I never felt in that way more strongly than I do now."

"It'll make me very unhappy, I know, if it goes against him," said Mr. Wickerby.

"People think that the special branch of the profession into which I have chanced to fall is a very low one, and I do not know whether, if the world were before me again, I would allow myself to drift into an exclusive practice in criminal courts."

"Yours has been a very useful life, Mr. Chaffanbrass."

"But I often feel," continued the barrister, paying no attention to the attorney's last remark, "that my work touches the heart more nearly than does that of gentlemen who have to deal with matters of property and of high social claims. People think I am savage—savage to witnesses."

"You can frighten a witness, Mr. Chaffanbrass."

"It's just the trick of the trade that you learn, as a girl learns the notes of her piano. There's nothing in it. You forget it all the next hour. But when a man has been hung whom you have striven to save, you do remember that. Good-morning, Mr. Wickerby. I'll be there a little before ten. Perhaps you may have to speak to me."

CHAPTER LXI.

THE BEGINNING OF THE TRIAL.

THE task of seeing an important trial at the Old Bailey is by no means a pleasant business, unless you be what the denizens of the court would call "one of the swells," so as to enjoy the privilege of being a bench-fellow with the judge on the seat of judgment. And even in that case the pleasure is not unalloyed. You have, indeed, the gratification of seeing the man whom all the world has been talking about for the last nine days, face to face, and of being seen in a position which causes you to be acknowledged as a man of mark; but the intolerable stenches of the court and its horrid heat come up to you there, no doubt, as powerfully as they fall on those below. And then the tedium of a prolonged trial, in which the points of interest are apt to be few and far between, grows upon you till you begin to feel that though the Prime Minister who is out should murder the Prime Minister who is in, and all the members of the two Cabinets were to be called in evidence, you would not attend the trial, though the seat of honor next to the judge were accorded to you. Those bewigged ones, who are the performers,

are so insufferably long in their parts, so arrogant in their bearing—so it strikes you, though doubtless the fashion of working has been found to be efficient for the purposes they have in hand—and so uninteresting in their repetition, that you first admire, and then question, and at last execrate the imperturbable patience of the judge, who might, as you think, force the thing through in a quarter of the time without any injury to justice. And it will probably strike you that the length of the trial is proportioned not to the complicity, but to the importance, or rather to the public interest, of the case; so that the trial which has been suggested of a disappointed and bloody-minded ex-Prime Minister would certainly take at least a fortnight, even though the Speaker of the House of Commons and the Lord Chancellor had seen the blow struck, whereas a collier may knock his wife's brains out in the dark and be sent to the gallows with a trial that shall not last three hours. And yet the collier has to be hung, if found guilty, and no one thinks that his life is improperly endangered by reckless haste. Whether lives may not be improperly saved by the more lengthened process is another question.

But the honors of such bench-fellowship can be accorded but to few, and the task becomes very tiresome when the spectator has to enter the court as an ordinary mortal. There are two modes open to him, either of which is subject to grievous penalties. If he be the possessor of a decent coat and hat, and can scrape any acquaintance with any one concerned, he may get introduced to that overworked and greatly perplexed official, the under-sheriff, who will stave him off if possible—knowing that even an under-sheriff can not make space elastic—but, if the introduction has been acknowledged as good, will probably find a seat for him if he persevere to the end. But the seat, when obtained, must be kept in possession from morning to evening, and the fight must be renewed from day to day. And the benches are hard, and the space is narrow, and you feel that the under-sheriff would prod you with his sword if you ventured to sneeze or to put to your hot lips the flask which you have in your pocket. And then, when all the bench-fellows go out to lunch at half past one, and you are left to eat your dry sandwich without room for your elbows, a feeling of unsatisfied ambition will pervade you. It is all very well to be the friend of an under-sheriff, but if you could but have known the judge, or have been a cousin of the real sheriff, how different it might have been with you!

But you may be altogether independent, and, as a matter of right, walk into an open English court of law as one of the British public. You will have to stand, of course, and to commence standing very early in the morning, if you intend to succeed in witnessing any portion of the performance. And when you have once made good your entrance as one of the British public, you are apt to be a good deal knocked about, not only by your public brethren, but also by those who have to keep the avenues free for witnesses, and who will regard you from first to last as a disagreeable excrescence on the officialities of the work on hand. Upon the whole, it may be better for you, perhaps, to stay at home, and read the record of the affair as given in the next day's

Times. Impartial reporters, judicious readers, and able editors between them will preserve for you all the kernel, and will save you from the necessity of having to deal with the shell.

At this trial there were among the crowd who succeeded in entering the court three persons of our acquaintance who had resolved to overcome the various difficulties. Mr. Monk, who had formerly been a Cabinet Minister, was seated on the bench—subject, indeed, to the heat and stench, but privileged to eat the lunch. Mr. Quintus Slide, of the *People's Banner*—who knew the court well, for in former days he had worked many an hour in it as a reporter—had obtained the good graces of the under-sheriff. And Mr. Bunce, with all the energy of the British public, had forced his way in among the crowd, and had managed to wedge himself near to the dock, so that he might be able by a hoist of the neck to see his lodger as he stood at the bar. Of these three men, Bunce was assured that the prisoner was innocent—led to such assurance partly by belief in the man, and partly by an innate spirit of opposition to all exercise of restrictive power. Mr. Quintus Slide was certain of the prisoner's guilt, and gave himself considerable credit for having assisted in running down the criminal. It seemed to be natural to Mr. Quintus Slide that a man who had openly quarreled with the editor of the *People's Banner* should come to the gallows. Mr. Monk, as Phineas himself well knew, had doubted. He had received the suspected murderer into his warmest friendship, and was made miserable even by his doubts. Since the circumstances of the case had come to his knowledge, they had weighed upon his mind so as to sadden his whole life. But he was a man who could not make his reason subordinate to his feelings. If the evidence against his friend was strong enough to send his friend to trial, how should he dare to discredit the evidence because the man was his friend? He had visited Phineas in prison, and Phineas had accused him of doubting. "You need not answer me," the unhappy man had said; "but do not come again unless you are able to tell me from your heart that you are sure of my innocence. There is no person living who could comfort me by such assurance as you could do." Mr. Monk had thought about it very much, but he had not repeated his visit.

At a quarter past ten the Chief Justice was on the bench, with a second judge to help him, and with lords and distinguished commoners and great City magnates crowding the long seat between him and the doorway; the court was full, so that you would say that another head could not be made to appear; and Phineas Finn, the member for Tankerville, was in the dock. Barrington Erle, who was there to see—as one of the great ones, of course, told the Duchess of Omnium that night that Phineas was thin and pale, and in many respects an altered man, but handsomer than ever.

"He bore himself well?" asked the Duchess.

"Very well—very well indeed. We were there for six hours, and he maintained the same demeanor throughout. He never spoke but once, and that was when Chaffanbrass began his fight about the jury."

"What did he say?"

"He addressed the judge, interrupting Slope,

who was arguing that some man would make a very good jurymen, and declared that it was not by his wish that any objection was raised against any gentleman."

"What did the judge say?"

"Told him to abide by his counsel. The Chief Justice was very civil to him, indeed better than civil."

"We'll have him down to Matching, and make ever so much of him," said the Duchess.

"Don't go too fast, Duchess, for he may have to hang poor Phineas yet."

"Oh dear! I wish you wouldn't use that word. But what did he say?"

"He told Finn that, as he had thought fit to employ counsel for his defense—in doing which he had undoubtedly acted wisely—he must leave the case to the discretion of his counsel."

"And then poor Phineas was silenced?"

"He spoke another word. 'My lord,' said he, 'I for my part wish that the first twelve men on the list might be taken.' But old Chaffanbrass went on just the same. It took them two hours and a half before they could swear a jury."

"But, Mr. Erle, taking it altogether, which way is it going?"

"Nobody can even guess as yet. There was ever so much delay besides that about the jury. It seemed that somebody had called him Phineas instead of Phineas, and that took half an hour. They begin with the quarrel at the club, and are to call the first witness to-morrow morning. They are to examine Ratler about the quarrel, and Fitzgibbon, and Monk, and, I believe, old Bouncer, the man who writes, you know. They all heard what took place."

"So did you?"

"I have managed to escape that. They can't very well examine all the club. But I shall be called afterward as to what took place at the door. They will begin with Ratler."

"Every body knows there was a quarrel, and that Mr. Bonteen had been drinking, and that he behaved as badly as a man could behave."

"It must all be proved, Duchess."

"I'll tell you what, Mr. Erle. If—if—if this ends badly for Mr. Finn, I'll wear mourning to the day of my death. I'll go to the Drawing-room in mourning, to show what I think of it."

Lord Chiltern, who was also on the bench, took his account of the trial home to his wife and sister in Portman Square. At this time Miss Palliser was staying with them, and the three ladies were together when the account was brought to them. In that house it was taken as doctrine that Phineas Finn was innocent. In the presence of her brother, and before her sister-in-law's visitor, Lady Laura had learned to be silent on the subject, and she now contented herself with listening, knowing that she could relieve herself by speech when alone with Lady Chiltern. "I never knew any thing so tedious in my life," said the Master of the Brake Hounds. "They have not done any thing yet."

"I suppose they have made their speeches?" said his wife.

"Sir Gregory Grogam opened the case, as they call it; and a very strong case he made of it. I never believe any thing that a lawyer says when he has a wig on his head and a fee in his hand. I prepare myself beforehand to regard it all as mere words, supplied at so much the thou-

sand. I know he'll say whatever he thinks most likely to forward his own views. But upon my word he put it very strongly. He brought it all within so very short a space of time! Bonteen and Finn left the club within a minute of each other. Bonteen must have been at the top of the passage five minutes afterward, and Phineas at that moment could not have been above two hundred yards from him. There can be no doubt of that."

"Oswald, you don't mean to say that it's going against him!" exclaimed Lady Chiltern.

"It's not going any way, at present. The witnesses have not been examined. But so far, I suppose, the Attorney-General was right. He has got to prove it all, but so much, no doubt, he can prove. He can prove that the man was killed with some blunt weapon such as Finn had. And he can prove that exactly at the same time a man was running to the spot very like to Finn, and that by a route which would not have been his route, but by using which he could have placed himself at that moment where the man was seen."

"How very dreadful!" said Miss Palliser.

"And yet I feel that I know it was that other man," said Lady Chiltern. Lady Laura sat silent through it all, listening with her eyes intent on her brother's face, with her elbow on the table and her brow on her hand. She did not speak a word till she found herself alone with her sister-in-law, and then it was hardly more than a word. "Violet, they will murder him!" Lady Chiltern endeavored to comfort her, telling her that as yet they had heard but one side of the case; but the wretched woman only shook her head. "I know they will murder him," she said, "and then when it is too late they will find out what they have done!"

On the following day the crowd in court was if possible greater, so that the bench-fellows were very much squeezed indeed. But it was impossible to exclude from the high seat such men as Mr. Ratler and Lord Fawn when they were required in the court as witnesses, and not a man who had obtained a seat on the first day was willing to be excluded on the second. And even then the witnesses were not called at once. Sir Gregory Grogam began the work of the day by saying that he had heard that morning for the first time that one of his witnesses had been—"tampered with" was the word that he unfortunately used—by his learned friend on the other side. He alluded, of course, to Lord Fawn; and poor Lord Fawn, sitting up there on the seat of honor, visible to all the world, became very hot and very uncomfortable. Then there arose a vehement dispute between Sir Gregory, assisted by Sir Simon, and old Mr. Chaffanbrass, who rejected with disdain any assistance from the gentlemen who were with him. "Tampered with!" That word should be recalled by the honorable gentleman who was at the head of the bar, or— or— Had Mr. Chaffanbrass declared that as an alternative he would pull the court about their ears, it would have been no more than he meant. Lord Fawn had been invited—not summoned to attend; and why? In order that no suspicion of guilt might be thrown on another man, unless the knowledge that was in Lord Fawn's bosom, and there alone, would justify such a line of defense. Lord Fawn had been



"I KNOW THEY WILL MURDER HIM."

attended by his own solicitor, and might have brought the Attorney-General with him had he so pleased. There was a great deal said on both sides, and something said also by the judge. At last Sir Gregory withdrew the objectionable word, and substituted in lieu of it an assertion that his witness had been "indiscreetly questioned." Mr. Chaffanbrass would not for a moment admit the indiscretion, but bounced about in his place, tearing his wig almost off his head, and defying every one in the court. The judge submitted to Mr. Chaffanbrass that he had been indiscreet—

"I never contradicted the bench yet, my lud," said Mr. Chaffanbrass—at which there was a general titter throughout the bar—"but I must claim the privilege of conducting my own practice according to my own views. In this court I am subject to the bench. In my own chamber I am subject only to the law of the land." The judge, looking over his spectacles, said a mild word about the profession at large. Mr. Chaffanbrass, twisting his wig quite on one side, so that it nearly fell on Mr. Sergeant Birdbol's face, muttered something as to his having seen more

work done in that court than any other living lawyer, let his rank be what it might. When the little affair was over, every body felt that Sir Gregory had been vanquished.

Mr. Ratler, and Laurence Fitzgibbon, and Mr. Monk, and Mr. Bouncer were examined about the quarrel at the club, and proved that the quarrel had been a very bitter quarrel. They all agreed that Mr. Bonteen had been wrong, and that the prisoner had had cause for anger. Of the three distinguished legislators and statesmen above named Mr. Chaffanbrass refused to take the slightest notice. "I have no question to put to you," he said to Mr. Ratler. "Of course there was a quarrel. We all know that." But he did ask a question or two of Mr. Bouncer. "You write books, I think, Mr. Bouncer?"

"I do," said Mr. Bouncer, with dignity. Now there was no peculiarity in a witness to which Mr. Chaffanbrass was so much opposed as an assumption of dignity.

"What sort of books, Mr. Bouncer?"

"I write novels," said Mr. Bouncer, feeling that Mr. Chaffanbrass must have been ignorant indeed of the polite literature of the day to make such a question necessary.

"You mean fiction."

"Well, yes; fiction—if you like that word better."

"I don't like either, particularly. You have to find plots, haven't you?"

Mr. Bouncer paused a moment. "Yes; yes," he said. "In writing a novel, it is necessary to construct a plot."

"Where do you get 'em from?"

"Where do I get 'em from?"

"Yes; where do you find them? You take them from the French mostly, don't you?" Mr. Bouncer became very red. "Isn't that the way our English writers get their plots?"

"Sometimes, perhaps."

"Yours ain't French, then?"

"Well—no; that is—I won't undertake to say that—that—"

"You won't undertake to say that they're not French."

"Is this relevant to the case before us, Mr. Chaffanbrass?" asked the judge.

"Quite so, my lud. We have a highly distinguished novelist before us, my lud, who, as I have reason to believe, is intimately acquainted with the French system of the construction of plots. It is a business which the French carry to perfection. The plot of a novel should, I imagine, be constructed in accordance with human nature?"

"Certainly," said Mr. Bouncer.

"You have murders in novels?"

"Sometimes," said Mr. Bouncer, who had himself done many murders in his time.

"Did you ever know a French novelist have a premeditated murder committed by a man who could not possibly have conceived the murder ten minutes before he committed it—with whom the cause of the murder anteceded the murder no more than ten minutes?" Mr. Bouncer stood thinking for a while. "We will give you your time, because an answer to the question from you will be important testimony."

"I don't think I do," said Mr. Bouncer, who in his confusion had been quite unable to think of the plot of a single novel.

"And if there were such a French plot, that would not be the plot that you would borrow?"

"Certainly not," said Mr. Bouncer.

"Do you ever read poetry, Mr. Bouncer?"

"Oh yes; I read a great deal of poetry."

"Shakspeare, perhaps?" Mr. Bouncer did not condescend to do more than nod his head. "There is a murder described in Hamlet. Was that supposed by the poet to have been devised suddenly?"

"I should say not."

"So should I, Mr. Bouncer. Do you remember the arrangements for the murder in Macbeth? That took a little time in concocting, didn't it?"

"No doubt it did."

"And when Othello murdered Desdemona, creeping up to her in her sleep, he had been thinking of it some time?"

"I suppose he had."

"Do you ever read English novels as well as French, Mr. Bouncer?" The unfortunate author again nodded his head. "When Amy Robsart was lured to her death, there was some time given to the preparation—eh?"

"Of course there was."

"Of course there was. And Eugene Aram, when he murdered a man in Bulwer's novel, turned the matter over in his mind before he did it?"

"He was thinking a long time about it, I believe."

"Thinking about it a long time! I rather think he was. Those great masters of human nature, those men who know the human heart, did not venture to describe a secret murder as coming from a man's brain without premeditation?"

"Not that I can remember."

"Such also is my impression. But now I be-think me of a murder that was almost as sudden as this is supposed to have been. Didn't a Dutch smuggler murder a Scotch lawyer, all in a moment as it were?"

"Dirk Hatteraick did murder Glossop, in *Guy Mannering*, very suddenly; but he did it from passion."

"Just so, Mr. Bouncer. There was no plot there, was there? No arrangement; no secret creeping up to his victim; no escape even?"

"He was chained."

"So he was, chained like a dog; and like a dog he flew at his enemy. If I understand you, then, Mr. Bouncer, you would not dare so to violate probability in a novel as to produce a murderer to the public who should contrive a secret hidden murder—contrive it and execute it, all within a quarter of an hour?" Mr. Bouncer, after another minute's consideration, said that he thought he would not do so. "Mr. Bouncer," said Mr. Chaffanbrass, "I am uncommonly obliged to our excellent friend, Sir Gregory, for having given us the advantage of your evidence."

CHAPTER LXII.

LORD FAWN'S EVIDENCE.

A CROWD of witnesses were heard on the second day after Mr. Chaffanbrass had done with Mr. Bouncer, but none of them were of much interest to the public. The three doctors were