



"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

examined as to the state of the dead man's head when he was picked up, and as to the nature of the instrument with which he had probably been killed; and the fact of Phineas Finn's life-preserver was proved—in the middle of which he begged that the court would save itself some little trouble, as he was quite ready to acknowledge that he had walked home with the short bludgeon, which was then produced, in his pocket. "We would acknowledge a great deal if they would let us," said Mr. Chaffanbrass. "We acknowledge the quarrel; we acknowledge the walk home at night; we acknowledge the bludgeon, and we acknowledge a gray coat." But that happened toward the close of the second day, and they had not then reached the gray coat. The question of the gray coat was commenced on the third morning—on the Saturday—which day, as was well known, would be opened with the examination of Lord Fawn. The anxiety to hear Lord Fawn undergo his penance was intense, and had been greatly increased by the conviction that Mr. Chaffanbrass would resent upon him the charge made by the Attorney-General as to tampering with a witness. "I'll tamper with him by-and-by," Mr. Chaffanbrass had whispered to Mr. Wickerby, and the whispered threat had been spread abroad. On the table before Mr. Chaffanbrass, when he took his place in the court on the Saturday, was laid a heavy gray coat, and on the opposite side of the table, just before the Solicitor-General, was laid another gray coat, of much lighter material. When Lord Fawn saw the two coats as he took his seat on the bench his heart failed him.

Laurence Fitzgibbon, who had before been examined as to what had taken place within the club, was again questioned as to the words spoken at the club door. "Did they strike you as meaning any thing?" asked Mr. Chaffanbrass, in his cross-examination. "They struck me as meaning nothing at all," said Laurence. "I should think not," said Mr. Chaffanbrass. Then Barrington Erle gave his evidence to the same effect.

He was hardly allowed to seat himself before he was called upon to be sworn. Sir Simon Slope, who was to examine him, took it for granted that his lordship could give his evidence from his place on the bench, but to this Mr. Chaffanbrass objected. He was very well aware, he said, that such a practice was usual. He did not doubt but that in his time he had examined some hundreds of witnesses from the bench. In nineteen cases out of twenty there could be no objection to such a practice. But in this case the noble lord would have to give evidence not only as to what he had seen, but as to what he then saw. It would be expedient that he should see colors as nearly as possible in the same light as the jury, which he would do if he stood in the witness-box. And there might arise questions of identity, in speaking of which it would be well that the noble lord should be as near as possible to the thing or person to be identified. He was afraid that he must trouble the noble lord to come down from the Elysium of the bench. Whereupon Lord Fawn descended, and was sworn in at the witness-box.

His treatment from Sir Simon Slope was all that was due from a Solicitor-General to a distinguished peer who was a member of the same

Government as himself. Sir Simon put his questions so as almost to re-assure the witness; and very quickly—only too quickly—obtained from him all the information that was needed on the side of the prosecution. Lord Fawn, when he had left the club, had seen both Mr. Bonteen and Mr. Finn preparing to follow him, but he had gone alone, and had never seen Mr. Bonteen since. He walked very slowly down into Curzon Street and Bolton Row, and when there, as he was about to cross the road at the top of Clarges Street—as he believed, just as he was crossing the street—he saw a man come at a very fast pace out of the mews which runs into Bolton Row, opposite to Clarges Street, and from thence hurry very quickly toward the passage which separates the gardens of Devonshire and Lansdowne Houses. It had already been proved that, had Phineas Finn retraced his steps after Erle and Fitzgibbon had turned their backs upon him, his shortest and certainly most private way to the spot on which Lord Fawn had seen the man would have been by the mews in question. Lord Fawn went on to say that the man wore a gray coat—as far as he could judge it was such a coat as Sir Simon now showed him; he could not at all identify the prisoner; he could not say whether the man he had seen was as tall as the prisoner; he thought that, as far as he could judge, there was not much difference in the height. He had not thought of Mr. Finn when he saw the man hurrying along, nor had he troubled his mind about the man. That was the end of Lord Fawn's evidence in chief, which he would gladly have prolonged to the close of the day could he thereby have postponed the coming horrors of his cross-examination. But there he was—in the clutches of the odious, dirty little man, hating the little man, despising him because he was dirty, and nothing better than an Old Bailey barrister—and yet fearing him with so intense a fear!

Mr. Chaffanbrass smiled at his victim, and for a moment was quite soft with him—as a cat is soft with a mouse. The reporters could hardly hear his first question—"I believe you are an Under-Secretary of State?" Lord Fawn acknowledged the fact. Now it was the case that in the palmy days of our hero's former career he had filled the very office which Lord Fawn now occupied, and that Lord Fawn had at the time filled a similar position in another department. These facts Mr. Chaffanbrass extracted from his witness—not without an appearance of unwillingness, which was produced, however, altogether by the natural antagonism of the victim to his persecutor; for Mr. Chaffanbrass, even when asking the simplest questions in the simplest words, even when abstaining from that sarcasm of tone under which witnesses were wont to feel that they were being flayed alive, could so look at a man as to create an antagonism which no witness could conceal. In asking a man his name, and age, and calling, he could produce an impression that the man was unwilling to tell any thing, and that, therefore, the jury were entitled to regard his evidence with suspicion. "Then," continued Mr. Chaffanbrass, "you must have met him frequently in the intercourse of your business?"

"I suppose I did—sometimes."

"Sometimes? You belonged to the same party?"

"We didn't sit in the same House."

"I know that, my lord. I know very well what House you sat in. But I suppose you would condescend to be acquainted with even a commoner who held the very office which you hold now. You belonged to the same club with him."

"I don't go much to the clubs," said Lord Fawn.

"But the quarrel of which we have heard so much took place at a club in your presence?" Lord Fawn assented. "In fact, you can not but have been intimately and accurately acquainted with the personal appearance of the gentleman who is now on his trial. Is that so?"

"I never was intimate with him."

Mr. Chaffanbrass looked up at the jury and shook his head sadly. "I am not presuming, Lord Fawn, that you so far derogated as to be intimate with a gentleman—as to whom, however, I shall be able to show by-and-by that he was the chosen friend of the very men under whose mastership you serve. I ask whether his appearance is not familiar to you?" Lord Fawn at last said that it was. "Do you know his height? What should you say was his height?" Lord Fawn altogether refused to give an opinion on such subjects, but acknowledged that he should not be surprised if he were told that Mr. Finn was over six feet high. "In fact, you consider him a tall man, my lord? There he is, you can look at him. Is he a tall man?" Lord Fawn did look, but wouldn't give an answer. "I'll undertake to say, my lord, that there isn't a person in the court at this moment, except yourself, who wouldn't be ready to express an opinion on his oath that Mr. Finn is a tall man. Mr. Chief Constable, just let the prisoner step out from the dock for a moment. He won't run away. I must have his lordship's opinion as to Mr. Finn's height." Poor Phineas, when this was said, clutched hold of the front of the dock, as though determined that nothing but main force should make him exhibit himself in the court in the manner proposed.

But the need for exhibition passed away. "I know that he is a very tall man," said Lord Fawn.

"You know that he is a very tall man. We all know it. There can be no doubt about it. He is, as you say, a very tall man, with whose personal appearance you have long been familiar? I ask again, my lord, whether you have not been long familiar with his personal appearance?" After some further agonizing delay, Lord Fawn at last acknowledged that it had been so. "Now we shall get on like a house on fire," said Mr. Chaffanbrass.

But still the house did not burn very quickly. A string of questions was then asked as to the attitude of the man who had been seen coming out of the mews wearing a gray great-coat—as to his attitude, and as to his general likeness to Phineas Finn. In answer to these Lord Fawn would only say that he had not observed the man's attitude, and had certainly not thought of the prisoner when he saw the man. "My lord," said Mr. Chaffanbrass, very solemnly, "look at your late friend and colleague, and remember that his life depends probably on the accuracy of your memory. The man you saw—murdered Mr. Bonteen. With all my experience in such

matters—which is great—and with all my skill—which is something—I can not stand against that fact. It is for me to show that that man and my client were not one and the same person, and I must do so by means of your evidence, by sifting what you say to-day, and by comparing it with what you have already said on other occasions. I understand you now to say that there is nothing in your remembrance of the man you saw, independently of the color of the coat, to guide you to an opinion whether that man was or was not one and the same with the prisoner?"

In all the crowd then assembled there was no man more thoroughly under the influence of conscience as to his conduct than was Lord Fawn in reference to the evidence which he was called upon to give. Not only would the idea of endangering the life of a human being have been horrible to him, but the sanctity of an oath was imperative upon him. He was essentially a truth-speaking man, if only he knew how to speak the truth. He would have sacrificed much to establish the innocence of Phineas Finn—not for the love of Phineas, but for the love of innocence; but not even to do that would he have lied. But he was a bad witness, and by his slowness, and by a certain unsustained pomposity, which was natural to him, had already taught the jury to think that he was anxious to convict the prisoner. Two men in the court, and two only, thoroughly understood his condition. Mr. Chaffanbrass saw it all, and intended without the slightest scruple to take advantage of it. And the Chief Justice saw it all—and was already resolving how he could set the witness right with the jury.

"I didn't think of Mr. Finn at the time," said Lord Fawn, in answer to the last question.

"So I understand. The man didn't strike you as being tall."

"I don't think that he did."

"But yet, in the evidence you gave before the magistrate in Bow Street, I think you expressed a very strong opinion that the man you saw running out of the mews was Mr. Finn?" Lord Fawn was again silent. "I am asking your lordship a question to which I must request an answer. Here is the *Times* report of the examination, with which you can refresh your memory, and you are, of course, aware that it was mainly on your evidence as here reported that my client now stands there in jeopardy of his life."

"I am not aware of any thing of the kind," said the witness.

"Very well; we will drop that, then. But such was your evidence, whether important or not important. Of course your lordship can take what time you please for recollection."

Lord Fawn tried very hard to recollect, but would not look at the newspaper which had been handed to him. "I can not remember what words I used. It seems to me that I thought it must have been Mr. Finn because I had been told that Mr. Finn could have been there by running round."

"Surely, my lord, that would not have sufficed to induce you to give such evidence as is there reported?"

"And the color of the coat," said Lord Fawn.

"In fact, you went by the color of the coat, and that only?"

"Then there had been the quarrel."

"My lord, is not that begging the question? Mr. Bonteen quarreled with Mr. Finn. Mr. Bonteen was murdered by a man, as we all believe, whom you saw at a certain spot. Therefore you identified the man whom you saw as Mr. Finn. Was that so?"

"I didn't identify him."

"At any rate, you do not do so now? Putting aside the gray coat, there is nothing to make you now think that that man and Mr. Finn were one and the same? Come, my lord, on behalf of that man's life, which is in great jeopardy because of the evidence given by you before the magistrate, do not be ashamed to speak the truth openly, though it be at variance with what you may have said before with ill-advised haste."

"My lord, is it proper that I should be treated in this way?" said the witness, appealing to the Bench.

"Mr. Chaffanbrass," said the judge, again looking at the barrister over his spectacles, "I think you are stretching the privilege of your position too far."

"I shall have to stretch it further yet, my lord. His lordship, in his evidence before the magistrate, gave on his oath a decided opinion that the man he saw was Mr. Finn; and on that evidence Mr. Finn was committed for murder. Let him say openly, now, to the jury—when Mr. Finn is on trial for his life before the court, and for all his hopes in life before the country—whether he thinks as then he thought, and on what grounds he thinks so."

"I think so because of the quarrel, and because of the gray coat."

"For no other reasons?"

"No; for no other reasons."

"Your only ground for suggesting identity is the gray coat?"

"And the quarrel," said Lord Fawn.

"My lord, in giving evidence of identity, I fear that you do not understand the meaning of the word." Lord Fawn looked up at the judge, but the judge on this occasion said nothing. "At any rate, we have it from you at present that there was nothing in the appearance of the man you saw like to that of Mr. Finn except the color of the coat."

"I don't think there was," said Lord Fawn, slowly.

Then there occurred a scene in the court which, no doubt, was gratifying to the spectators, and may in part have repaid them for the weariness of the whole proceeding. Mr. Chaffanbrass, while Lord Fawn was still in the witness-box, requested permission for a certain man to stand forward and put on the coat which was lying on the table before him—this coat being in truth the identical garment which Mr. Meager had brought home with him on the morning of the murder. This man was Mr. Wickerby's clerk, Mr. Scruby, and he put on the coat, which seemed to fit him well. Mr. Chaffanbrass then asked permission to examine Mr. Scruby, explaining that much time might thus be saved, and declaring that he had but one question to ask him. After some difficulty this permission was given him, and Mr. Scruby was asked his height. Mr. Scruby was five feet eight inches, and had been accurately measured on the previous day with reference to this question. Then the examination of Lord Fawn was resumed, and Mr. Chaffanbrass re-

ferred to that very irregular interview to which he had so improperly enticed the witness in Mr. Wickerby's chambers. For a long time Sir Gregory Grogam declared that he would not permit any allusion to what had taken place at a most improper conference—a conference which he could not stigmatize in sufficiently strong language. But Mr. Chaffanbrass, smiling blandly—smiling very blandly for him—suggested that the impropriety of the conference, let it have been ever so abominable, did not prevent the fact of the conference, and that he was manifestly within his right in alluding to it. "Suppose, my lord, that Lord Fawn had confessed in Mr. Wickerby's chambers that he had murdered Mr. Finn himself, and had since repented of that confession, would Mr. Camperdown and Mr. Wickerby, who were present, and would I, be now debarred from stating that confession in evidence, because, in deference to some fanciful rules of etiquette, Lord Fawn should not have been there?" Mr. Chaffanbrass at last prevailed, and the evidence was resumed.

"You saw Mr. Scruby wear that coat in Mr. Wickerby's chambers." Lord Fawn said that he could not identify the coat. "We'll take care to have it identified. We shall get a great deal out of that coat yet. You saw that man wear a coat like that?"

"Yes, I did."

"And you see him now."

"Yes, I do."

"Does he remind you of the figure of the man you saw come out of the mews?" Lord Fawn paused. "We can't make him move about here as we did in Mr. Wickerby's room; but, remembering that, as you must do, does he look like the man?"

"I don't remember what the man looked like."

"Did you not tell us in Mr. Wickerby's room that Mr. Scruby with the gray coat on was like the figure of the man?"

Questions of this nature were prolonged for near half an hour, during which Sir Gregory made more than one attempt to defend his witness from the weapons of their joint enemies; but Lord Fawn at last admitted that he had acknowledged the resemblance, and did, in some faint, ambiguous fashion, acknowledge it in his present evidence.

"My lord," said Mr. Chaffanbrass, as he allowed Lord Fawn to go down, "you have no doubt taken a note of Mr. Scruby's height." Whereupon the judge nodded his head.

CHAPTER LXIII.

MR. CHAFFANBRASS FOR THE DEFENSE.

THE case for the prosecution was completed on the Saturday evening, Mrs. Bunce having been examined as the last witness on that side. She was only called upon to say that her lodger had been in the habit of letting himself in and out of her house at all hours with a latch-key; but she insisted on saying more, and told the judge and the jury and the barristers that if they thought that Mr. Finn had murdered any body, they didn't know any thing about the world in general. Whereupon Mr. Chaffanbrass said that he would like to ask her a question or two, and

with consummate flattery extracted from her her opinion of her lodger. She had known him for years, and thought that, of all the gentlemen that ever were born, he was the least likely to do a bloody-minded action. Mr. Chaffanbrass was, perhaps, right in thinking that her evidence as to character might be as serviceable as that of the lords and countesses.

During the Sunday the trial was, as a matter of course, the talk of the town. Poor Lord Fawn shut himself up, and was seen by no one; but his conduct and evidence were discussed every where. At the clubs it was thought that he had escaped as well as could be expected; but he himself felt that he had been disgraced forever. There was a very common opinion that Mr. Chaffanbrass had admitted too much when he had declared that the man whom Lord Fawn had seen was doubtless the murderer. To the minds of men generally it seemed to be less evident that the man so seen should have done the deed than that Phineas Finn should have been that man. Was it probable that there should be two men going about in gray coats, in exactly the same vicinity, and at exactly the same hour of the night? And then the evidence which Lord Fawn had given before the magistrates was to the world at large, at any rate, as convincing as that given in the court. The jury would, of course, be instructed to regard only the latter, whereas the general public would naturally be guided by the two combined. At the club it was certainly believed that the case was going against the prisoner.

"You have read it all, of course," said the Duchess of Omnium to her husband, as she sat with the *Observer* in her hand on that Sunday morning. The Sunday papers were full of the report, and were enjoying a very extended circulation.

"I wish you would not think so much about it," said the Duke.

"That's very easily said, but how is one to help thinking about it? Of course I am thinking about it. You know all about the coat. It belonged to the man where Mealyus was lodging."

"I will not talk about the coat, Glencora. If Mr. Finn did commit the murder, it is right that he should be convicted."

"But if he didn't?"

"It would be doubly right that he should be acquitted. But the jury will have means of arriving at a conclusion without prejudice, which you and I can not have; and therefore we should be prepared to take their verdict as correct."

"If they find him guilty, their verdict will be damnable and false," said the Duchess. Whereupon the Duke turned away in anger, and resolved that he would say nothing more about the trial—which resolution, however, he was compelled to break before the trial was over.

"What do you think about it, Mr. Erle?" asked the other Duke.

"I don't know what to think; I only hope."

"That he may be acquitted?"

"Of course."

"Whether guilty or innocent?"

"Well—yes. But if he is acquitted I shall believe him to have been innocent. Your Grace thinks—"

"I am as unwilling to think as you are, Mr.

Erle." It was thus that people spoke of it. With the exception of some very few, all those who had known Phineas were anxious for an acquittal, though they could not bring themselves to believe that an innocent man had been put in peril of his life.

On the Monday morning the trial was recommenced, and the whole day was taken up by the address which Mr. Chaffanbrass made to the jury. He began by telling them the history of the coat which lay before them, promising to prove by evidence all the details which he stated. It was not his intention, he said, to accuse any one of the murder. It was his business to defend the prisoner, not to accuse others. But, as he should prove to them, two persons had been arrested as soon as the murder had been discovered—two persons totally unknown to each other, and who were never for a moment supposed to have acted together—and the suspicion of the police had, in the first instance, pointed not to his client, but to the other man. That other man had also quarreled with Mr. Bonteen, and that other man was now in custody on a charge of bigamy chiefly through the instrumentality of Mr. Bonteen, who had been the friend of the victim of the supposed bigamist. With the accusation of bigamy they would have nothing to do, but he must ask them to take cognizance of that quarrel as well as of the quarrel at the club. He then named that formerly popular preacher, the Rev. Mr. Emilius, and explained that he would prove that this man, who had incurred the suspicion of the police in the first instance, had during the night of the murder been so circumstanced as to have been able to use the coat produced. He would prove, also, that Mr. Emilius was of precisely the same height as the man whom they had seen wearing the coat. God forbid that he should bring an accusation of murder against a man on such slight testimony. But if the evidence, as grounded on the coat, was slight against Emilius, how could it prevail at all against his client? The two coats were as different as chalk from cheese, the one being what would be called a gentleman's fashionable walking-coat, and the other the wrap-rascal of such a fellow as was Mr. Meager. And yet Lord Fawn, who attempted to identify the prisoner only by his coat, could give them no opinion as to which was the coat he had seen. But Lord Fawn, who found himself to be debarred by his conscience from repeating the opinion he had given before the magistrate as to the identity of Phineas Finn with the man he had seen, did tell them that the figure of that man was similar to the figure of him who had worn the coat on Saturday in presence of them all. This man in the street had therefore been like Mr. Emilius, and could not in the least have resembled the prisoner. Mr. Chaffanbrass would not tell the jury that this point bore strongly against Mr. Emilius, but he took upon himself to assert that it was quite sufficient to snap asunder the thin thread of circumstantial evidence by which his client was connected with the murder. A great deal more was said about Lord Fawn, which was not complimentary to that nobleman. "His lordship is an honest, slow man, who has doubtless meant to tell you the truth, but who does not understand the meaning of what he himself says. When he swore before the magistrate that he thought he could identify my client with

the man in the street, he really meant that he thought that there must be identity, because he believed from other reasons that Mr. Finn was the man in the street. Mr. Bonteen had been murdered; according to Lord Fawn's thinking, had probably been murdered by Mr. Finn. And it was also probable to him that Mr. Bonteen had been murdered by the man in the street. He came thus to the conclusion that the prisoner was the man in the street. In fact, as far as the process of identifying is concerned, his lordship's evidence is altogether in favor of the prisoner. The figure seen by him we must suppose was the figure of a short man, and not of one tall and commanding in his presence, as is that of the prisoner."

There were many other points on which Mr. Chaffanbrass insisted at great length; but chiefly, perhaps, on the improbability—he might say impossibility—that the plot for a murder so contrived should have entered into a man's head, have been completed and executed, all within a few minutes. "But under no hypothesis compatible with the allegations of the prosecution can it be conceived that the murder should have been contemplated by my client before the quarrel at the club. No, gentlemen; the murderer had been at his work for days. He had examined the spot and measured the distances. He had dogged the steps of his victim on previous nights. In the shade of some dark doorway he had watched him from his club, and had hurried by his secret path to the spot which he had appointed for the deed. Can any man doubt that the murder has thus been committed, let who will have been the murderer? But, if so, then my client could not have done the deed." Much had been made of the words spoken at the club door. Was it probable—was it possible—that a man intending to commit a murder should declare how easily he could do it, and display the weapon he intended to use? The evidence given as to that part of the night's work was, he contended, altogether in the prisoner's favor. Then he spoke of the life-preserver, and gave a rather long account of the manner in which Phineas Finn had once taken two garroters prisoner in the street. All this lasted till the great men on the bench trooped out to lunch. And then Mr. Chaffanbrass, who had been speaking for nearly four hours, retired to a small room and there drank a pint of port-wine. While he was doing so Mr. Sergeant Birdbolt spoke a word to him, but he only shook his head and snarled. He was telling himself at the moment how quick may be the resolves of the eager mind—for he was convinced that the idea of attacking Mr. Bonteen had occurred to Phineas Finn after he had displayed his life-preserver at the club door; and he was telling himself also how impossible it is for a dull, conscientious man to give accurate evidence as to what he had himself seen—for he was convinced that Lord Fawn had seen Phineas Finn in the street. But to no human being had he expressed this opinion; nor would he express it, unless his client should be hung.

After lunch he occupied nearly three hours in giving to the jury, and of course to the whole assembled court, the details of about two dozen cases, in which apparently strong circumstantial evidence had been wrong in its tendency. In some of the cases quoted, the persons tried had

been acquitted; in some, convicted and afterward pardoned; in one, pardoned after many years of punishment; and in one the poor victim had been hung. On this he insisted with a pathetic eloquence which certainly would not have been expected from his appearance, and spoke, with tears in his eyes—real, unaffected tears—of the misery of those wretched jurymen who, in the performance of their duty, had been led into so frightful an error. Through the whole of this long recital he seemed to feel no fatigue, and, when he had done with his list of judicial mistakes about five o'clock in the afternoon, went on to make what he called the very few remarks necessary as to the evidence which on the next day he proposed to produce as to the prisoner's character. He ventured to think that evidence as to character of such a nature, so strong, so convincing, so complete, and so free from all objection, had never yet been given in a criminal court. At six o'clock he completed his speech, and it was computed that the old man had been on his legs very nearly for seven hours. It was said of him afterward that he was taken home speechless by one of his daughters, and immediately put to bed, that he roused himself about eight, and ate his dinner and drank a bottle of port in his bedroom, that he then slept—refusing to stir, even when he was waked, till half past nine in the morning, and that then he scrambled into his clothes, breakfasted, and got down to the court in half an hour. At ten o'clock he was in his place, and nobody knew that he was any the worse for the previous day's exertion.

This was on a Tuesday, the fifth day of the trial, and upon the whole, perhaps, the most interesting. A long array of distinguished persons—of women as well as men—was brought up to give to the jury their opinion as to the character of Mr. Finn. Mr. Low was the first, who, having been his tutor when he was studying at the bar, knew him longer than any other Londoner. Then came his countryman, Laurence Fitzgibbon, and Barrington Erle, and others of his own party who had been intimate with him. And men, too, from the opposite side of the house were brought up, Sir Orlando Drought among the number, all of whom said that they had known the prisoner well, and from their knowledge would have considered it impossible that he should have become a murderer. The last two called were Lord Cantrip and Mr. Monk, one of whom was, and the other had been, a Cabinet Minister. But before them came Lady Cantrip, and Lady Chiltern, whom we once knew as Violet Effingham, whom this very prisoner had in early days fondly hoped to make his wife, who was still young and beautiful, and who had never before entered a public court.

There had, of course, been much question as to the witnesses to be selected. The Duchess of Omnium had been anxious to be one, but the Duke had forbidden it, telling his wife that she really did not know the man, and that she was carried away by a foolish enthusiasm. Lady Cantrip, when asked, had at once consented. She had known Phineas Finn when he had served under her husband, and had liked him much. Then what other woman's tongue should be brought to speak of the man's softness and tender bearing? It was out of the question that Lady Laura Kennedy should appear. She did

not even propose it when her brother, with unnecessary sternness, told her it could not be so. Then his wife looked at him. "You shall go," said Lord Chiltern, "if you feel equal to it. It seems to be nonsense, but they say that it is important."

"I will go," said Violet, with her eyes full of tears. Afterward, when her sister-in-law besought her to be generous in her testimony, she only smiled as she assented. Could generosity go beyond hers?

Lord Chiltern preceded his wife. "I have," he said, "known Mr. Finn well, and have loved him dearly. I have eaten with him and drunk with him, have ridden with him, have lived with him, and have quarreled with him; and I know him as I do my own right hand." Then he stretched forth his arm with the palm extended.

"Irrespectively of the evidence in this case, you would not have thought him to be a man likely to commit such a crime?" asked Sergeant Birdbolt.

"I am quite sure, from my knowledge of the man, that he could not commit a murder," said Lord Chiltern; "and I don't care what the evidence is."

Then came his wife, and it certainly was a pretty sight to see as her husband led her up to the box and stood close beside her as she gave her evidence. There were many there who knew much of the history of her life—who knew that passage in it of her early love—for the tale had, of course, been told when it was whispered about that Lady Chiltern was to be examined as a witness. Every ear was at first strained to hear her words; but they were audible in every corner of the court without any effort. It need hardly be said that she was treated with the greatest deference on every side. She answered the questions very quietly, but apparently without nervousness. "Yes; she had known Mr. Finn long and intimately, and had very greatly valued his friendship. She did so still, as much as ever. Yes; she had known him for some years, and in circumstances which she thought justified her in saying that she understood his character. She regarded him as a man who was brave and tender-hearted, soft in feeling and manly in disposition. To her it was quite incredible that he should have committed a crime such as this. She knew him to be a man prone to forgive offenses, and of a sweet nature." And it was pretty, too, to watch the unwonted gentleness of old Chaffanbrass as he asked the questions, and carefully abstained from putting any one that could pain her. Sir Gregory said that he had heard her evidence with great pleasure, but that he had no question to ask her himself. Then she stepped down, again took her husband's arm, and left the court amidst a hum of almost affectionate greeting.

And what must he have thought as he stood there within the dock, looking at her and listening to her? There had been months in his life when he had almost trusted that he would succeed in winning that fair, highly born, and wealthy woman for his wife; and though he had failed, and now knew that he had never really touched her heart, that she had always loved the man whom, though she had rejected him time after time because of the danger of his ways, she had at last married, yet it must have been pleas-

ant to him, even in his peril, to hear from her own lips how well she had esteemed him. She left the court with her veil down, and he could not catch her eye; but Lord Chiltern nodded to him in his old pleasant familiar way, as though to bid him take courage, and to tell him that all things would even yet be well with him.

The evidence given by Lady Cantrip and her husband and by Mr. Monk was equally favorable. She had always regarded him as a perfect gentleman. Lord Cantrip had found him to be a man devoted to the service of his country—modest, intelligent, and high-spirited. Perhaps the few words which fell from Mr. Monk were as strong as any that were spoken. "He is a man whom I have delighted to call my friend, and have been happy to think that his services have been at the disposal of his country."

Sir Gregory Grogan replied. It seemed to him that the evidence was as he had left it. It would be for the jury to decide, under such directions as his lordship might be pleased to give them, how far that evidence brought the guilt home to the prisoner. He would use no rhetoric in pushing the case against the prisoner; but he must submit to them that his learned friend had not shown that acquaintance with human nature which the gentleman undoubtedly possessed in arguing that there had lacked time for the conception and execution of the crime. Then, at considerable length, he strove to show that Mr. Chaffanbrass had been unjustly severe upon Lord Fawn.

It was late in the afternoon when Sir Gregory had finished his speech, and the judge's charge was reserved for a sixth day.

CHAPTER LXIV.

CONFUSION IN THE COURT.

ON the following morning it was observed that before the judges took their seats Mr. Chaffanbrass entered the court with a manner much more brisk than was expected from him now that his own work was done. As a matter of course, he would be there to hear the charge, but, almost equally as a matter of course, he would be languid, silent, cross, and unenergetic. They who knew him were sure, when they saw his bearing on this morning, that he intended to do something more before the charge was given. The judges entered the court nearly half an hour later than usual, and it was observed with surprise that they were followed by the Duke of Omnium. Mr. Chaffanbrass was on his feet before the Chief Justice had taken his seat, but the judge was the first to speak. It was observed that he held a scrap of paper in his hand, and that the barrister held a similar scrap. Then every man in the court knew that some message had come suddenly by the wires. "I am informed, Mr. Chaffanbrass, that you wish to address the court before I begin my charge."

"Yes, my lud; and I am afraid, my lud, that I shall have to ask your ludship to delay your charge for some days, and to subject the jury to the very great inconvenience of prolonged incarceration for another week—either to do that or to call upon the jury to acquit the prisoner. I venture to assert, on my own peril, that no jury