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Chapter 15 - The Story Of The Trial. The Preliminaries

LET me confess another weakness, on my part, before I begin the Story of the Trial. I cannot prevail upon myself to copy, for the second time, the horrible title-page which holds up to public ignominy my husband's name. I have copied it once in my tenth chapter. Let once be enough.

Turning to the second page of the Trial, I found a Note, assuring the reader of the absolute correctness of the Report of the Proceedings. The compiler described himself as having enjoyed certain special privileges. Thus, the presiding Judge had himself revised his charge to the jury. And, again, the chief lawyers for the prosecution and the defense, following the Judge's example, had revised their speeches for and against the prisoner. Lastly, particular care had been taken to secure a literally correct report of the evidence given by the various witnesses. It was some relief to me to discover this Note, and to be satisfied at the outset that the Story of the Trial was, in every particular, fully and truly given.

The next page interested me more nearly still. It enumerated the actors in the Judicial Drama--the men who held in their hands my husband's honor and my husband's life. Here is the List:

THE LORD JUSTICE CLERK, } LORD DRUMFENNICK, }Judges on the Bench. LORD NOBLEKIRK, }

THE LORD ADVOCATE (Mintlaw), } DONALD DREW, Esquire (Advocate-Depute).} Counsel for the Crown.

MR. JAMES ARLISS, W. S., Agent for the Crown.

THE DEAN OF FACULTY (Farmichael), } Counsel for the Panel ALEXANDER CROCKET, Esquire (Advocate).} (otherwise the Prisoner)

MR. THORNIEBANK, W. S. } MR. PLAYMORE, W. S., } Agents for the Panel.

The Indictment against the prisoner then followed. I shall not copy the uncouth language, full of needless repetitions (and, if I know anything of the subject, not guiltless of bad grammar as well), in which my innocent husband was solemnly and falsely accused of poisoning his first wife. The less there is of that false and hateful Indictment on this page, the better and truer the page will look, to _my_ eyes.

To be brief, then, Eustace Macallan was "indicted and accused, at the instance of David Mintlaw, Esquire, Her Majesty's Advocate, for Her Majesty's interest," of the Murder of his Wife by poison, at his residence called Gleninch, in the county of Mid-Lothian. The poison was alleged to have been wickedly and feloniously given by the prisoner to his wife Sara, on two occasions, in the form of arsenic, administered in tea, medicine, "or other article or articles of food or drink, to the prosecutor unknown." It was further declared that the prisoner's wife had died of the poison thus administered by her husband, on one or other, or both, of the stated occasions; and that she was thus murdered by her husband. The next paragraph asserted that the said Eustace Macallan, taken before John Daviot, Esquire, advocate, Sheriff-Substitute of Mid-Lothian, did in his presence at Edinburgh (on a given date, viz., the 29th of October), subscribe a Declaration stating his innocence of the alleged crime: this Declaration being reserved in the Indictment--together with certain documents, papers and articles, enumerated in an Inventory--to be used in evidence against the prisoner. The Indictment concluded by declaring that, in the event of the offense charged against the prisoner being found proven by the Verdict, he, the said Eustace Macallan, "ought to be punished with the pains of the law, to deter others from committing like crimes in all time coming."

So much for the Indictment! I have done with it--and I am rejoiced to be done with it.

An Inventory of papers, documents, and articles followed at great length on the next three pages. This, in its turn, was succeeded by the list of the witnesses, and by the names of the jurors (fifteen in number) balloted for to try the case. And then, at last, the Report of the Trial began. It resolved itself, to my mind, into three great Questions. As it appeared to me at the time, so let me present it here.