

CHAPTER XXI.

THE SECOND DAY.

THE court had been very full on the first day of the trial, but on the following morning it was even more crowded, so that outsiders who had no friend connected with justice, had hardly a chance of hearing or seeing anything. Many of the circumstances of the case had long been known to the public, but matters of new and of peculiar interest had been elicited,—the distinct promise made by the woman to marry another man, so as to render her existing husband safe in his bigamy by committing bigamy herself,—the payment to these people by Caldigate of an immense sum of money,—the fact that they two had lived together in Australia whether married or not;—all this, which had now been acknowledged on both sides, added to the romance of the occasion. While it could hardly be doubted, on the one side, that Caldigate had married the woman,—so strong was the evidence,—it could not be at all doubted, on the other side, that the accusation had been planned with the view of raising money, and had been the result of a base conspiracy. And then there was the additional marvel, that though the money had been paid,—the whole sum demanded,

—yet the trial was carried on. The general feeling was exactly that which Robert Bolton had attributed to the jury. People did believe that there had been a marriage, but trusted nevertheless that Caldigate might be acquitted,—so that his recent marriage might be established. No doubt there was a feeling with many that anything done in the wilds of Australia ought not “to count here” at home in England.

Caldigate with his father was in court a little before ten, and at that hour punctually the trial was commenced. The first business was the examination of Adamson, who was quite clear as to the marriage. He had been concerned with Crinkett in money operations for many years, and had been asked by him to be present simply as a witness. He had never been particularly intimate with Caldigate, and had had little or nothing to do with him afterwards. He was cross-examined by the second gentleman, but was not subjected to much annoyance. He had put what little money he possessed into the Polyeuca mine, and had come over to England because he had thought that, by so doing, he might perhaps get a portion of his money back. Had there been a conspiracy, and was he one of the conspirators? Well, he rather thought that there had been a conspiracy, and that he was one of the conspirators. But then he had only conspired to get what he thought to be his own. He had lost

everything in the Polyeuka mine; and as the gentleman no doubt had married the lady, he thought he might as well come forward,—and that perhaps in that way he would get his money. He did not mind saying that he had received a couple of thousand pounds, which was half what he had put into Polyeuka. He hoped that, after paying all his expenses, he would be able to start again at the diggings with something above a thousand. This was all straight sailing. The purpose which he had in view was so manifest that it had hardly been worth while to ask him the questions.

Anna Young was the next, and she encountered the sweet courtesies of Sir John Joram. These sweet courtesies were prolonged for above an hour, and were not apparently very sweet to Miss Young. Of the witnesses hitherto examined she was the worst. She had been flippantly confident in her memories of the marriage ceremony when questioned on behalf of the prosecution, but had forgotten everything in reference to her friend's subsequent married life. She had forgotten even her own life, and did not quite know where she had lived. And at last she positively refused to answer questions though they were asked with the most engaging civility. She said that, "Of course a lady had affairs which she could not tell to everybody." "No, she didn't mean lovers;—she didn't care for the men at all." "Yes; she did mean money. She

had done a little mining, and hoped to do a little more." "She was to have a thousand pounds and her expenses, but she hadn't got the money yet,"—and so on. Probably of all the witnesses yet examined Miss Young had amused the court the most.

There were many others, no doubt necessary for the case, but hardly necessary for the telling of the story. Captain Munday was there, the captain of the Goldfinder, who spoke of Caldigate's conduct on board, and of his own belief that they two were engaged when they left the ship. "As we are prepared to acknowledge that there was an engagement, I do not think that we need trouble you, Captain Munday," said Sir John. "We only deny the marriage." Then the cheque for twenty thousand pounds was produced, and clerks from the bank to prove the payment, and the old waiter from the Jericho Coffee-house,—and others, of whom Sir John Joram refused to take any notice whatever. All that had been acknowledged. Of course the money had been paid. Of course the intimacy had existed. No doubt there had been those interviews both at Folking and up in London. But had there ever been a marriage in that tent at Ahalala? That, and that only, was the point to which Sir John Joram found it necessary to give attention.

A slight interval was allowed for lunch, and then Sir John rose to begin his speech. It was felt on

all sides that his speech was to be the great affair of the trial. Would he be able so to represent these witnesses as to make a jury believe that they had sworn falsely, and that the undoubted and acknowledged conspiracy to raise money had been concocted without any basis of truth? There was a quarter of an hour during which the father remained with his son in the precincts of the prison, and then the judge and the lawyers, and all they whose places were assured to them trooped back into court. They who were less privileged had fed themselves with pocketed sandwiches, not caring to risk the loss of their seats.

Sir John Joram began by holding, extended in his fingers towards the jury, the envelope which had undoubtedly been addressed by Caldigate to "Mrs. Caldigate, Ahalala, Nobble," and in which a certain letter had been stated to have been sent by him to her. "The words written on that envelope," said he, "are to my mind the strongest evidence I have ever met of the folly to which a man may be reduced by the softness of feminine intercourse. I acknowledge, on the part of my client, that he wrote these words. I acknowledge, that if a man could make a woman his wife by so describing her on a morsel of paper, this man would have made this woman his wife. I acknowledge so much, though I do not acknowledge, though I deny, that any letter was ever sent to this woman in the envelope which I hold in my hand.

His own story is that he wrote those words at a moment of soft and foolish confidence, when they two together were talking of a future marriage,—a marriage which no doubt was contemplated, and which probably had been promised. Then he wrote the address, showing the woman the name which would be hers should they ever be married;—and she has craftily kept the document. That is his story. That is my story. Now I must show you why I think it also should be your story. The woman,—I must describe her in this way lest I should do her an injustice by calling her Mrs. Smith, or do my client an injustice by calling her Mrs. Caldigate,—has told you that this envelope, with an enclosure which she produced, reached her at Nobble through the post from Sydney. To that statement I call upon you to give no credit. A letter so sent would, as you have been informed, bear two postmarks, those of Sydney and of Nobble. This envelope bears one only. But that is not all. I shall call before you two gentlemen experienced in affairs of the post-office, and they will tell you that the postmarks on this envelope, both that of the town, Sydney, and that by which the postage stamp is obliterated, are cleaner, finer, and better perceived than they would have been had it passed in ordinary course through the post-office. Letters in the post-office are hurried quickly through the operation of stamping, so that one passing over the other

while the stamping ink is still moist, will to some extent blot and blur that with which it has come in contact. He will produce some dozens taken at random, and will show that with them all such has been the case. This blotting, this smudging, is very slight, but it exists; it is always there. He will tell you that this envelope has been stamped as one and alone,—by itself,—with peculiar care;—and I shall ask you to believe that the impression has been procured by fraud in the Sydney post-office. If that be so; if in such a case as this fraud be once discovered, then I say that the whole case will fall to the ground, and that I shall be justified in telling you that no word that you have heard from these four witnesses is worthy of belief.

“Nothing worthy of belief has been adduced against my client unless that envelope be so. That those four persons have conspired together for the sake of getting money is clear enough. To their evidence I shall come presently, and shall endeavour to show you why you should discredit them. At present I am concerned simply with this envelope, on which I think that the case hangs. As for the copy of the register it is nothing. It would be odd indeed if in any conspiracy so much as that could not be brought up. Had such a register been found in the archives of any church, however humble, and had an attested copy been produced, that would have been much. But this is nothing. Nor is the

alleged letter from Mr. Allan anything. Were the letter genuine it would show that such a marriage had been contemplated, not that it had been solemnised. We have, however, no evidence to make us believe that the letter is genuine. But this envelope,"—and he again stretched it out towards the jury;—"is evidence. The impression of a post-office stamp has often been accepted as evidence. But the evidence may be false evidence, and it is for us to see whether it may not probably be so now.

"In the first place, such evidence requires peculiar sifting, which unfortunately cannot be applied to it in the present case, because it has been brought to us from a great distance. Had the envelope been in our possession from the moment in which the accusation was first made, we might have tested it, either by sending it to Sydney or by obtaining from Sydney other letters or documents bearing the same stamp, affixed undoubtedly on the date here represented. But that has not been within our power. The gentlemen whom I shall bring before you will tell you that these impressions or stamps have a knack of verifying themselves, which makes it very dangerous indeed for fraudulent persons to tamper with them. A stamp used in June will be hardly the same as it will be in July. Some little bruise will have so altered a portion of the surface as to enable detection to be made with a microscope. And the stamp used in 1870 will certainly have

varied its form in 1871. Now, I maintain that time and opportunity should have been given to us to verify this impression. Copies of all impressions from day to day are kept in the Sydney post-office, and if it be found that on this day named, the 10th of May, no impression in the Sydney office is an exact fac-simile of this impression, then I say that this impression has been subsequently and fraudulently obtained, and that the only morsel of corroborative evidence offered to you will be shown to be false evidence. We have been unable to get impressions of this date. Opportunities have not been given to us. But I do not hesitate to tell you that you should demand such opportunities before you accept that envelope as evidence on which you can send my client to jail, and deprive that young wife, whom he has made his own, of her husband, and afford the damning evidence of your verdict towards robbing his son of his legitimacy."

He said very much more about the envelope, clearly showing his own appreciation of its importance, and declaring again and again that if he could show that a stain of perjury affected the evidence in any one point all the evidence must fall to the ground, and that if there were ground to suspect that the envelope had been tampered with, then that stain of perjury would exist. After that he went on to the four conspirators, as he called them, justifying the name by their acknowledged object of getting

money from his client. "That they came to this country as conspirators, with a fraudulent purpose, my learned friend will not deny."

"I acknowledge nothing of the kind," said the learned friend.

"Then my learned friend must feel that his is a case in which he cannot safely acknowledge anything. I do not doubt, gentlemen, but that you have made up your mind on that point." He went on to show that they clearly were conspirators;—that they had confessed as much themselves. "It is no doubt possible that my client may have married this female conspirator, and she is not the less entitled to protection from the law because she is a conspirator. Nor, because she is a conspirator, should he be less amenable to the law for the terrible injury he would then have done to that other lady. But if they be conspirators,—if it be shown to you that they came to this country,—not that the woman might claim her husband, not that the others might give honest testimony against a great delinquent,—but in order that they might frighten him out of money, then I am entitled to tell you that you should not rest on their evidence unless it be supported, and that the fact of their conspiracy gives you a right, nay, makes it your imperative duty, to suspect perjury."

The remainder of the day was taken up with Sir John's speech, and with the witnesses which he

called for the defence. He certainly succeeded in strengthening the compassion which was felt for Caldigate and for the unfortunate young mother at Folking. "It was very well," he said, "for my learned friend to tell you of the protection which is due to a married woman when a husband has broken the law, and betrayed his trust by taking another wife to himself, as this man is accused of having done. But there is another aspect in which you will regard the question. Think of that second wife and of her child, and of the protection which is due to her. You well know that she does not suspect her husband, that she fears nothing but a mistaken verdict from you,—that she will be satisfied, much more than satisfied, if you will leave her in possession of her home, her husband, and the unalloyed domestic happiness she has enjoyed since she joined her lot with his. Look at the one woman, and then at the other. Remember their motives, their different lives, their different joys, and what will be the effect of your verdict upon each of them. If you are satisfied that he did marry that woman, that vile woman the nature of whose life has been sufficiently exposed to you, of course your verdict must be against him. The law is the law and must be vindicated. In that case it will be your duty, your terrible duty, to create misery, to destroy happiness, to ruin a dear innocent young mother and her child, and to separate a loving

couple, every detail of whose life is such as to demand your sympathy. And this you must do at the bidding of four greedy foul conspirators. Innocent, sweet, excellent in all feminine graces as is the one wife,—unlovely, unfeminine, and abhorrent as is the other,—you must do your duty. God forbid that I should ask you to break an oath, even for the sake of that young mother. But in such a case, I do think, I may ask you to be very careful as to what evidence you accept. I do think that I may again point out to you that those four witnesses, bound as they are together by a bond of avarice, should be regarded but as one,—and as one to whose sworn evidence no credit is due unless it be amply corroborated. I say that there is no corroboration. This envelope would be strong corroboration if it had been itself trustworthy.” When he sat down the feeling in court was certainly in favour of John Caldigate.

Then a cloud of witnesses were brought up for the defence, each of whom, however, was soon despatched. The two clerks from the post-office gave exactly the evidence which Sir John had described, and exposed to the jury their packet of old letters. In their opinion the impression on the envelope was finer and cleaner than that generally produced in the course of business. Each of them thought it not improbable that the impression had been surreptitiously obtained. But each of them acknow-

ledged, on cross-examination, that a stamp so clean and perfect might be given and maintained without special care; and each of them said that it was quite possible that a letter passing through the post-office might escape the stamp of one of the offices in which it would be manipulated.

Then there came the witnesses as to character, and evidence was given as to Hester's determination to remain with the man whom she believed to be her husband. As to this there was no cross-examination. That Caldigate's life had been useful and salutary since his return to Folking no one doubted, —nor that he had been a loving husband. If he had committed bigamy, it was, no doubt, for the public welfare that such a crime should be exposed and punished. But that he should have been a bigamist, would be a pity,—oh, such a pity! The pity of it; oh, the pity of it! For now there had been much talk of Hester and her home at Folking, and her former home at Chesterton; and people everywhere concerned themselves for her peace, for her happiness, for her condition of life.

END OF VOL. II.