

## CHAPTER V

### THE TRIAL

Although it took place so long ago, I suppose that a good many people still remember the case of "The Queen versus Therne," which attracted a great deal of attention at the time. The prosecution, as I have said, was set on foot by the relations of the deceased Lady Colford, who, being very rich and powerful people, were able to secure the advocacy of one of the most eminent criminal lawyers of the day, with whom were briefed sundry almost equally eminent juniors. Indeed no trouble or expense was spared that could help to ensure my conviction.

On my behalf also appeared a well-known Q.C., and with him two juniors. The judge who tried the case was old and experienced but had the reputation of being severe, and from its very commencement I could see that the perusal of the depositions taken in the magistrates' court, where it will be remembered I was not defended, had undoubtedly biased his mind against me. As for the jury, they were a respectable-looking quiet set of men, who might be relied upon to do justice according to their lights. Of those who were called from the panel and answered to their names two, by the way, were challenged by the Crown and rejected because, I was told, they were professed anti-vaccinationists.

On the appointed day and hour, speaking in a very crowded court, counsel for the Crown opened the case against me, demonstrating clearly that

in the pursuit of my own miserable ends I had sacrificed the life of a young, high-placed and lovely fellow-creature, and brought bereavement and desolation upon her husband and family. Then he proceeded to call evidence, which was practically the same as that which had been given before the magistrates, although the husband and Lady Colford's nurse were examined, and, on my behalf, cross-examined at far greater length.

After the adjournment for lunch Sir John Bell was put into the witness-box, where, with a little additional detail, he repeated almost word for word what he had said before. Listening to him my heart sank, for he made an excellent witness, quiet, self-contained, and, to all appearance, not a little affected by the necessity under which he found himself of exposing the evil doings of a brother practitioner. I noticed with dismay also that his evidence produced a deep effect upon the minds of all present, judge and jury not excepted.

Then came the cross-examination, which certainly was a brilliant performance, for under it were shown that from the beginning Sir John Bell had certainly borne me ill-will; that to his great chagrin I had proved myself his superior in a medical controversy, and that the fever which my wife contracted was in all human probability due to his carelessness and want of precautions while in attendance upon her. When this cross-examination was concluded the court rose for the day, and, being on bail, I escaped from the dock until the following morning.

I returned to my house and went up to the nursery to see the baby, who

was a very fine and healthy infant. At first I could scarcely bear to look at this child, remembering always that indirectly it had been the cause of its dear mother's death. But now, when I was so lonely, for even those who called themselves my friends had fallen away from me in the time of trial, I felt drawn towards the helpless little thing.

I kissed it and put it back into its cradle, and was about to leave the room when the nurse, a respectable widow woman with a motherly air, asked me straight out what were my wishes about the child and by what name it was to be baptised, seeing that when I was in jail she might not be able to ascertain them. The good woman's question made me wince, but, recognising that in view of eventualities these matters must be arranged, I took a sheet of paper and wrote down my instructions, which were briefly that the child should be named Emma Jane after its mother and mine, and that the nurse, Mrs. Baker, should take it to her cottage, and be paid a weekly sum for its maintenance.

Having settled these disagreeable details I went downstairs, but not to the dinner that was waiting for me, as after the nurse's questions I did not feel equal to facing the other domestics. Leaving the house I walked about the streets seeking some small eating-place where I could dine without being recognised. As I wandered along wearily I heard a harsh voice behind me calling me by name, and, turning, found that the speaker was Mr. Stephen Strong. Even in the twilight there was no possibility of mistaking his flaming red tie.

"You are worried and tired, doctor," said the harsh voice. "Why ain't you with your friends, instead of tramping the streets after that long day in court?"

"Because I have no friends left," I answered, for I had arrived at that stage of humiliation when a man no longer cares to cloak the truth.

A look of pity passed over Mr. Strong's fat face, and the lines about the pugnacious mouth softened a little.

"Is that so?" he said. "Well, young man, you're learning now what happens to those who put their faith in fashionable folk and not in the Lord. Rats can't scuttle from a sinking ship faster than fashionable folk from a friend in trouble. You come along and have a bit of supper with me and my missis. We're humble trades-folk, but, perhaps as things are, you won't mind that."

I accepted Mr. Strong's invitation with gratitude, indeed his kindness touched me. Leading me to his principal shop, we passed through it and down a passage to a sitting-room heavily furnished with solid horsehair-seated chairs and a sofa. In the exact centre of this sofa, reading by the light of a lamp with a pink shade which was placed on a table behind her, sat a prim grey-haired woman dressed in a black silk dress and apron and a lace cap with lappets. I noticed at once that the right lappet was larger than the left. Evidently it had been made so with the design of hiding a patch of affected skin below the ear, which

looked to me as though it had been caused by the malady called lupus. I noticed further that the little woman was reading an anti-vaccination tract with a fearful picture of a diseased arm upon its cover.

"Martha," said Mr. Strong, "Dr. Therne, whom they're trying at the court yonder, has come in for supper. Dr. Therne, that's my wife."

Mrs. Strong rose and offered her hand. She was a thin person, with rather refined features, a weak mouth, and kindly blue eyes.

"I'm sure you are welcome," she said in a small monotonous voice. "Any of Stephen's friends are welcome, and more especially those of them who are suffering persecution for the Right."

"That is not exactly my case, madam," I answered, "for if I had done what they accuse me of I should deserve hanging, but I did not do it."

"I believe you, doctor," she said, "for you have true eyes. Also Stephen says so. But in any case the death of the dear young woman was God's will, and if it was God's will, how can you be responsible?"

While I was wondering what answer I should make to this strange doctrine a servant girl announced that supper was ready, and we went into the next room to partake of a meal, plain indeed, but of most excellent quality. Moreover, I was glad to find, unlike his wife, who touched nothing but water, that Mr. Strong did not include teetotalism among

his eccentricities. On the contrary, he produced a bottle of really fine port for my especial benefit.

In the course of our conversation I discovered that the Strongs, who had had no children, devoted themselves to the propagation of various "fads." Mr. Strong indeed was anti-everything, but, which is rather uncommon in such a man, had no extraneous delusions; that is to say, he was not a Christian Scientist, or a Blavatskyist, or a Great Pyramidist. Mrs. Strong, however, had never got farther than anti-vaccination, to her a holy cause, for she set down the skin disease with which she was constitutionally afflicted to the credit, or discredit, of vaccination practised upon her in her youth. Outside of this great and absorbing subject her mind occupied itself almost entirely with that well-known but most harmless of the crazes, the theory that we Anglo-Saxons are the progeny of the ten lost Tribes of Israel.

Steering clear of anti-vaccination, I showed an intelligent sympathy with her views and deductions concerning the ten Tribes, which so pleased the gentle little woman that, forgetting the uncertainty of my future movements, she begged me to come and see her as often as I liked, and in the meanwhile presented me with a pile of literature connected with the supposed wanderings of the Tribes. Thus began my acquaintance with my friend and benefactress, Martha Strong.

At ten o'clock on the following morning I returned to the dock, and the nurse repeated her evidence in corroboration of Sir John's testimony. A searching cross-examination showed her not to be a very trustworthy person, but on this particular point it was impossible to shake her story, because there was no standing ground from which it could be attacked. Then followed some expert evidence whereby, amongst other things, the Crown proved to the jury the fearfully contagious nature of puerperal fever, which closed the case for the prosecution. After this my counsel, reserving his address, called the only testimony I was in a position to produce, that of several witnesses to character and to medical capacity.

When the last of these gentlemen, none of whom were cross-examined, stood down, my counsel addressed the Court, pointing out that my mouth being closed by the law of the land--for this trial took place before the passing of the Criminal Evidence Act--I was unable to go into the box and give on oath my version of what had really happened in this matter. Nor could I produce any witnesses to disprove the story which had been told against me, because, unhappily, no third person was present at the crucial moments. Now, this story rested entirely on the evidence of Sir John Bell and the nurse, and if it was true I must be mad as well as bad, since a doctor of my ability would well know that under the circumstances he would very probably carry contagion, with the result that a promising professional career might be ruined. Moreover, had he determined to risk it, he would have taken extra precautions in the sick-room to which he was called, and this it was proved I had not

done. Now the statement made by me before the magistrates had been put in evidence, and in it I said that the tale was an absolute invention on the part of Sir John Bell, and that when I went to see Lady Colford I had no knowledge whatsoever that my wife was suffering from an infectious ailment. This, he submitted, was the true version of the story, and he confidently asked the jury not to blast the career of an able and rising man, but by their verdict to reinstate him in the position which he had temporarily and unjustly lost.

In reply, the leading counsel for the Crown said that it was neither his wish nor his duty to strain the law against me, or to put a worse interpretation upon the facts than they would bear under the strictest scrutiny. He must point out, however, that if the contention of his learned friend were correct, Sir John Bell was one of the wickedest villains who ever disgraced the earth.

In summing up the judge took much the same line. The case, that was of a character upon which it was unusual though perfectly allowable to found a criminal prosecution, he pointed out, rested solely upon the evidence of Sir John Bell, corroborated as it was by the nurse. If that evidence was correct, then, to satisfy my own ambition or greed, I had deliberately risked and, as the issue showed, had taken the life of a lady who in all confidence was entrusted to my care. Incredible as such wickedness might seem, the jury must remember that it was by no means unprecedented. At the same time there was a point that had been scarcely dwelt upon by counsel to which he would call their attention. According



to Sir John Bell's account, it was from his lips that I first learned that my wife was suffering from a peculiarly dangerous ailment. Yet, in his report of the conversation that followed between us, which he gave practically verbatim, I had not expressed a single word of surprise and sorrow at this dreadful intelligence, which to an affectionate husband would be absolutely overwhelming. As it had been proved by the evidence of the nurse and elsewhere that my relations with my young wife were those of deep affection, this struck him as a circumstance so peculiar that he was inclined to think that in this particular Sir John's memory must be at fault.

There was, however, a wide difference between assuming that a portion of the conversation had escaped a witness's memory and disbelieving all that witness's evidence. As the counsel for the Crown had said, if he had not, as he swore, warned me, and I had not, as he swore, refused to listen to his warning, then Sir John Bell was a moral monster. That he, Sir John, at the beginning of my career in Dunchester had shown some prejudice and animus against me was indeed admitted. Doubtless, being human, he was not pleased at the advent of a brilliant young rival, who very shortly proceeded to prove him in the wrong in the instance of one of his own patients, but that he had conquered this feeling, as a man of generous impulses would naturally do, appeared to be clear from the fact that he had volunteered to attend upon that rival's wife in her illness.

From all these facts the jury would draw what inferences seemed just to them, but he for one found it difficult to ask them to include

among these the inference that a man who for more than a generation had occupied a very high position among them, whose reputation, both in and out of his profession, was great, and who had received a special mark of favour from the Crown, was in truth an evil-minded and most malevolent perjurer. Yet, if the statement of the accused was to be accepted, that would appear to be the case. Of course, however, there remained the possibility that in the confusion of a hurried interview I might have misunderstood Sir John Bell's words, or that he might have misunderstood mine, or, lastly, as had been suggested, that having come to the conclusion that Sir John could not possibly form a trustworthy opinion on the nature of my wife's symptoms without awaiting their further development, I had determined to neglect advice, in which, as a doctor myself, I had no confidence.

This was the gist of his summing up, but, of course, there was a great deal more which I have not set down. The jury, wishing to consider their verdict, retired, an example that was followed by the judge. His departure was the signal for an outburst of conversation in the crowded court, which hummed like a hive of startled bees. The superintendent of police, who, I imagine, had his own opinion of Sir John Bell and of the value of his evidence, very kindly placed a chair for me in the dock, and there on that bad eminence I sat to be studied by a thousand curious and for the most part unsympathetic eyes. Lady Colford had been very popular. Her husband and relations, who were convinced of my guilt and sought to be avenged upon me, were very powerful, therefore the fashionable world of Dunchester, which was doctored by Sir John Bell,

was against me almost to a woman.

The jury were long in coming back, and in time I accustomed myself to the staring and comments, and began to think out the problem of my position. It was clear to me that, so far as my future was concerned, it did not matter what verdict the jury gave. In any case I was a ruined man in this and probably in every other country. And there, opposite to me, sat the villain who with no excuse of hot blood or the pressure of sudden passion, had deliberately sworn away my honour and livelihood. He was chatting easily to one of the counsel for the Crown, when presently he met my eyes and in them read my thoughts. I suppose that the man had a conscience somewhere; probably, indeed, his treatment of me had not been premeditated, but was undertaken in a hurry to save himself from well-merited attack. The lie once told there was no escape for him, who henceforth must sound iniquity to its depths.

Suddenly, in the midst of his conversation, Sir John became silent and his lips turned pale and trembled; then, remarking abruptly that he could waste no more time on this miserable business, he rose and left the court. Evidently the barrister to whom he was talking had observed to what this change of demeanour was due, for he looked first at me in the dock and next at Sir John Bell as, recovering his pomposity, he made his way through the crowd. Then he grew reflective, and pushing his wig back from his forehead he stared at the ceiling and whistled to himself softly.

It was very evident that the jury found a difficulty in making up their minds, for minute after minute went by and still they did not return. Indeed, they must have been absent quite an hour and a half when suddenly the superintendent of police removed the chair which he had given me and informed me that "they" were coming.

With a curious and impersonal emotion, as a man might consider a case in which he had no immediate concern, I studied their faces while one by one they filed into the box. The anxiety had been so great and so prolonged that I rejoiced it was at length coming to its end, whatever that end might be.

The judge having returned to his seat on the bench, in the midst of the most intense silence the clerk asked the jury whether they found the prisoner guilty or not guilty. Rising to his feet, the foreman, a dapper little man with a rapid utterance, said, or rather read from a piece of paper, "Not guilty, but we hope that in future Dr. Therne will be more careful about conveying infection."

"That is a most improper verdict," broke in the judge with irritation, "for it acquits the accused and yet implies that he is guilty. Dr. Therne, you are discharged. I repeat that I regret that the jury should have thought fit to add a very uncalled-for rider to their verdict."

I left the dock and pushed my way through the crowd. Outside the court-house I came face to face with Sir Thomas Colford. A sudden

impulse moved me to speak to him.

"Sir Thomas," I began, "now that I have been acquitted by a jury----"

"Pray, Dr. Therne," he broke in, "say no more, for the less said the better. It is useless to offer explanations to a man whose wife you have murdered."

"But, Sir Thomas, that is false. When I visited Lady Colford I knew nothing of my wife's condition."

"Sir," he replied, "in this matter I have to choose between the word of Sir John Bell, who, although unfortunately my wife did not like him as a doctor, has been my friend for over twenty years, and your word, with whom I have been acquainted for one year. Under these circumstances, I believe Sir John Bell, and that you are a guilty man. Nine people out of every ten in Dunchester believe this, and, what is more, the jury believed it also, although for reasons which are easily to be understood they showed mercy to you," and, turning on his heel, he walked away from me.

I also walked away to my own desolate home, and, sitting down in the empty consulting-room, contemplated the utter ruin that had overtaken me. My wife was gone and my career was gone, and to whatever part of the earth I might migrate an evil reputation would follow me. And all this through no fault of mine.

Whilst I still sat brooding a man was shown into the room, a smiling little black-coated person, in whom I recognised the managing clerk of the firm of solicitors that had conducted the case for the prosecution.

"Not done with your troubles yet, Dr. Therne, I fear," he said cheerfully; "out of the criminal wood into the civil swamp," and he laughed as he handed me a paper.

"What is this?" I asked.

"Statement of claim in the case of Colford v. Therne; damages laid at 10,000 pounds, which, I daresay, you will agree is not too much for the loss of a young wife. You see, doctor, Sir Thomas is downright wild with you, and so are all the late lady's people. As he can't lock you up, he intends to ruin you by means of an action. If he had listened to me, that is what he would have begun with, leaving the criminal law alone. It's a nasty treacherous thing is the criminal law, and you can't be sure of your man however black things may look against him. I never thought they could convict you, doctor, never; for, as the old judge said, you see it is quite unusual to prosecute criminally in cases of this nature, and the jury won't send a man to jail for a little mistake of the sort. But they will 'cop' you in damages, a thousand or fifteen hundred, and then the best thing that you can do will be to go bankrupt, or perhaps you had better clear before the trial comes on."

I groaned aloud, but the little man went on cheerfully:--

"Same solicitors, I suppose? I'll take the other things to them so as not to bother you more than I can help. Good-afternoon; I'm downright glad that they didn't convict you, and as for old Bell, he's as mad as a hatter, though of course everybody knows what the jury meant--the judge was pretty straight about it, wasn't he?--he chooses to think that it amounts to calling him a liar. Well, now I come to think of it, there are one or two things--so perhaps he is. Good-afternoon, doctor. Let's see, you have the original and I will take the duplicate," and he vanished.

When the clerk had gone I went on thinking. Things were worse than I had believed, for it seemed that I was not even clear of my legal troubles. Already this trial had cost me a great deal, and I was in no position to stand the financial strain of a second appearance in the law courts. Also the man was right; although I had been acquitted on the criminal charge, if the same evidence were given by Sir John Bell and the nurse in a civil action, without any manner of doubt I should be cast in heavy damages. Well, I could only wait and see what happened.

But was it worth while? Was anything worth while? The world had treated me very cruelly; a villain had lied away my reputation and the world believed him, so that henceforth I must be one of its outcasts and black sheep; an object of pity and contempt among the members of my profession. It was doubtful whether, having been thus exposed and made

bankrupt, I could ever again obtain a respectable practice. Indeed, the most that I might hope for would be some small appointment on the west coast of Africa, or any other poisonous place, which no one else would be inclined to accept, where I might live--until I died.

The question that occurred to me that evening was whether it would not be wiser on the whole to accept defeat, own myself beaten, and ring down the curtain--not a difficult matter for a doctor to deal with. The arguments for such a course were patent; what were those against it?

The existence of my child? Well, by the time that she grew up, if she lived to grow up, all the trouble and scandal would be forgotten, and the effacement of a discredited parent could be no great loss to her. Moreover, my life was insured for 3000 pounds in an office that took the risk of suicide.

Considerations of religion? These had ceased to have any weight with me. I was brought up to believe in a good and watching Providence, but the events of the last few months had choked that belief. If there was a God who guarded us, why should He have allowed the existence of my wife to be sacrificed to the carelessness, and all my hopes to the villainy, of Sir John Bell? The reasoning was inconclusive, perhaps--for who can know the ends of the Divinity?--but it satisfied my mind at the time, and for the rest I have never really troubled to reopen the question.

The natural love of life for its own sake? It had left me. What more had



life to offer? Further, what is called "love of life" frequently enough is little more than fear of the hereafter or of death, and of the physical act of death I had lost my terror, shattered as I was by sorrow and shame. Indeed, at that moment I could have welcomed it gladly, since to me it meant the perfect rest of oblivion.

So in the end I determined that I would leave this lighted house of Life and go out into the dark night, and at once. Unhappy was it for me and for hundreds of other human beings that the decree of fate, or chance, brought my designs to nothing.

First I wrote a letter to be handed to the reporters at the inquest for publication in the newspapers, in which I told the true story of Lady Colford's case and denounced Bell as a villain whose perjury had driven me to self-murder. After this I wrote a second letter, to be given to my daughter if she lived to come to years of discretion, setting out the facts that brought me to my end and asking her to pardon me for having left her. This done it seemed that my worldly business was completed, so I set about leaving the world.

Going to a medicine chest I reflected a little. Finally I decided on prussic acid; its after effects are unpleasant but its action is swift and certain. What did it matter to me if I turned black and smelt of almonds when I was dead?