

dressed and defiant. She suffered much from the adjacent presence of her daughter-in-law, whose misfortune it was to become disagreeable when she was unhappy—perhaps the heaviest curse that can be laid on man, who is born to sorrow.

Behind the imposing array of Counsel in full-bottomed wigs in the body of the hall were seats reserved for witnesses, and here Mr Bunter was accommodated—to be called if the defence should find it necessary to establish the alibi—the majority of the witnesses being pent up in the King's Robing-Room, gnawing their fingers and glaring at one another. On either side, above the Bar, were the benches for the peers—each in his own right a judge both of fact and law—while on the high dais the great chair of state stood ready for the Lord High Steward.

The reporters at their little table were beginning to fidget and look at their watches. Muffled by the walls and the buzz of talk, Big Ben dropped eleven slow notes into the suspense. A door opened. The reporters started to their feet; counsel rose; everybody rose; the Dowager Duchess whispered irrepressibly to her neighbour that it reminded her of the Voice that breathed o'er Eden; and the procession streamed slowly in, lit by a shaft of wintry sunshine from the tall windows.

The proceedings were opened by a Proclamation of Silence from the Sergeant-at-Arms, after which the Clerk of the Crown in Chancery, kneeling at the foot of the throne, presented the Commission under the Great Seal to the Lord High Steward,<sup>1</sup> who, finding no use for it, returned it with great solemnity to the Clerk of the Crown. The latter accordingly proceeded to read it at dismal and wearisome length, affording the assembly an opportunity of judging just how bad the acoustics of the chamber were. The Sergeant-at-Arms retorted with great emphasis, 'God Save the King,' whereupon Garter King-of-Arms and the Gentleman Usher of the Black Rod, kneeling again, handed

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<sup>1</sup>The Lord Chancellor held the appointment on this occasion as usual.

the Lord High Steward his staff of office. ('So picturesque, isn't it?' said the Dowager—'quite High Church, you know.')

The Certiorari and Return followed in a long, sonorous rigmarole, which, starting with George the Fifth by the Grace of God, called upon all the Justices and Judges of the Old Bailey, enumerated the Lord Mayor of London, the Recorder, and a quantity of assorted aldermen and justices, skipped back to our Lord the King, roamed about the City of London, Counties of London and Middlesex, Essex, Kent, and Surrey, mentioned our late Sovereign Lord King William the Fourth, branched off to the Local Government Act one thousand eight hundred and eighty-eight, lost its way in a list of all treasons, murders, felonies, and misdemeanours by whomsoever and in what manner soever done, committed or perpetrated and by whom or to whom, when, how and after what manner and of all other articles and circumstances concerning the premises and every one of them and any of them in any manner whatsoever, and at last, triumphantly, after reciting the names of the whole Grand Jury, came to the presentation of the indictment with a sudden, brutal brevity.

'The Jurors for our Lord the King upon their oaths present that the most noble and puissant prince Gerald Christian Wimsey, Viscount St George, Duke of Denver, a Peer of the United Kingdom of Great Britain and Ireland, on the thirteenth day of October in the year of Our Lord one thousand nine hundred and twenty—in the Parish of Riddlesdale in the County of Yorkshire did kill and murder Denis Cathcart.'

After which, Proclamation<sup>2</sup> was made by the Sergeant-at-Arms for the Gentleman Usher of the Black Rod to call in Gerald Christian Wimsey, Viscount St George, Duke of Denver, to appear at the Bar to

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<sup>2</sup>For Report of the procedure see House of Lords Journal for the dates in question.

answer his indictment, who, being come to the Bar, kneeled until the Lord High Steward acquainted him that he might rise.

The Duke of Denver looked very small and pink and lonely in his blue serge suit, the only head uncovered among all his peers, but he was not without a certain dignity as he was conducted to the 'Stool placed within the Bar' which is deemed appropriate to noble prisoners, and he listened to the Lord High Steward's rehearsal of the charge with a simple gravity which became him very well.

'Then the said Duke of Denver was arraigned by the Clerk of the Parliaments in the usual manner and asked whether he was Guilty or Not Guilty, to which he pleaded Not Guilty.'

Whereupon Sir Wigmore Wincing, the Attorney-General, rose to open the case for the Crown.

After the usual preliminaries to the effect that the case was a very painful one and the occasion a very solemn one, Sir Wigmore proceeded to unfold the story from the beginning: the quarrel, the shot at 3 A.M., the pistol, the finding of the body, the disappearance of the letter, and the rest of the familiar tale. He hinted, moreover, that evidence would be called to show that the quarrel between Denver and Cathcart had motives other than those alleged by the prisoner, and that the latter would turn out to have had 'good reason to fear exposure at Cathcart's hands.' At which point the accused was observed to glance uneasily at his solicitor. The exposition took only a short time, and Sir Wigmore proceeded to call witnesses.

The prosecution being unable to call the Duke of Denver, the first important witness was Lady Mary Wimsey. After telling about her relations with the murdered man, and describing the quarrel, 'At three o'clock,' she proceeded, 'I got up and went downstairs.'

'In consequence of what did you do so?' inquired Sir Wigmore, looking round the Court with the air of a man about to produce his great effect.

'In consequence of an appointment I had made to meet a friend.'

'You surely will,' said the Ambassador cordially, signing a note. 'And they say the English can't hustle.'

So, with his papers all in order, his lordship set sail from Liverpool the next morning, leaving his legal representatives to draw up alternative schemes of defence.

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'Then the peers, two by two, in their order, beginning with the youngest baron.'

Garter King-of-Arms, very hot and bothered, fussed unhappily around the three hundred or so British peers who were sheepishly struggling into their robes, while the heralds did their best to line up the assembly and keep them from wandering away when once arranged.

'Of all the farces!' grumbled Lord Attenbury irritably. He was a very short, stout gentleman of a choleric countenance, and was annoyed to find himself next to the Earl of Strathgillan and Begg, an extremely tall, lean nobleman, with pronounced views on Prohibition and the Legitimation question.

'I say, Attenbury,' said a kindly, brick-red peer, with five rows of ermine on his shoulder, 'is it true that Wimsey hasn't come back? My daughter tells me she heard he'd gone to collect evidence in the States. Why the States?'

'Dunno,' said Attenbury; 'but Wimsey's a dashed clever fellow. When he found those emeralds of mine, you know, I said—'

'Your grace, your grace,' cried Rouge Dragon desperately, diving in, 'your grace is out of line again.'

'Eh, what?' said the brick-faced peer. 'Oh, damme! Must obey orders, I suppose, what? And was towed away from the mere earls and pushed into position next to the Duke of Wiltshire, who was deaf, and a distant connection of Denver's on the distaff side.'

The Royal Gallery was packed. In the seats reserved below the Bar for peeresses sat the Dowager Duchess of Denver, beautifully

Mr Murbles and Detective Inspector Parker, in close consultation, went about with preoccupied faces, while Sir Impy Biggs retired into a complete eclipse for three days, revolved about by Mr Glibbery, K.C., Mr Brownrigg-Fortescue, K.C., and a number of lesser satellites. The schemes of the Defence were kept dark indeed—the more so that they found themselves on the eve of the struggle deprived of their principal witness, and wholly ignorant whether or not he would be forthcoming with his testimony.

Lord Peter had returned from Paris at the end of four days, and had burst in like a cyclone at Great Ormond Street. 'I've got it,' he said, 'but it's touch and go. Listen!'

For an hour Parker had listened, feverishly taking notes.

'You can work on that,' said Wimsey. 'Tell Murbles. I'm off.'

His next appearance was at the American Embassy. The Ambassador, however, was not there, having received a royal mandate to dine. Wimsey damned the dinner, abandoned the polite, horn-rimmed secretaries, and leapt back into his taxi with a demand to be driven to Buckingham Palace. Here a great deal of insistence with scandalized officials produced first a higher official, then a very high official, and, finally, the American Ambassador and a Royal Personage while the meat was yet in their mouths.

'Oh, yes,' said the Ambassador, 'of course it can be done—'

'Surely, surely,' said the Personage genially, 'we mustn't have any delay. Might cause an international misunderstanding, and a lot of paragraphs about Ellis Island. Terrible nuisance to have to adjourn the trial—dreadful fuss, isn't it? Our secretaries are everlastingly bringing things along to our place to sign about extra policemen and seating accommodation. Good luck to you, Wimsey! Come and have something while they get your papers through. When does your boat go?'

'Tomorrow morning, sir. I'm catching the Liverpool train in an hour—if I can.'

All the reporters looked up suddenly, like dogs expecting a piece of biscuit, and Sir Wigmore started so violently that he knocked his brief over upon the head of the Clerk to the House of Lords sitting below him.

'Indeed! Now, witness, remember you are on your oath, and be very careful. What was it caused you to wake at three o'clock?'

'I was not asleep. I was waiting for my appointment.'

'And while you were waiting did you hear anything?'

'Nothing at all.'

'Now, Lady Mary, I have here your deposition sworn before the Coroner. I will read it to you. Please listen very carefully. You say, "At three o'clock I was awakened by a shot. I thought it might be poachers. It sounded very loud, close to the house. I went down to find out what it was." Do you remember making that statement?'

'Yes, but it was not true.'

'Not true?'

'No.'

'In the face of that statement, you still say that you heard nothing at three o'clock?'

'I heard nothing at all. I went down because I had an appointment.'

'My lords,' said Sir Wigmore, with a very red face, 'I must ask leave to treat this witness as a hostile witness.'

Sir Wigmore's fiercest onslaught, however, produced no effect, except a reiteration of the statement that no shot had been heard at any time. With regard to the finding of the body, Lady Mary explained that when she said, 'Oh, God! Gerald, you've killed him,' she was under the impression that the body was that of the friend who had made the appointment. Here a fierce wrangle ensued as to whether the story of the appointment was relevant. The Lords decided that on the whole it was relevant; and the entire Goyles story came out, together with the intimation that Mr Goyles was in court and could be produced. Eventually, with a loud snort, Sir Wigmore Winching gave

up the witness to Sir Impey Biggs, who, rising suavely and looking extremely handsome, brought back the discussion to a point long previous.

'Forgive the nature of the question,' said Sir Impey, bowing blandly, 'but will you tell us whether, in your opinion, the late Captain Cathcart was deeply in love with you?'

'No, I am sure he was not; it was an arrangement for our mutual convenience.'

'From your knowledge of his character, do you suppose he was capable of a very deep affection?'

'I think he might have been, for the right woman. I should say he had a very passionate nature.'

'Thank you. You have told us that you met Captain Cathcart several times when you were staying in Paris last February. Do you remember going with him to a jeweller's—Monsieur Briquet's in the Rue de la Paix?'

'I may have done; I cannot exactly remember.'

'The date to which I should like to draw your attention is the sixth.'

'I could not say.'

'Do you recognize this trinket?'

Here the green-eyed cat was handed to witness.

'No; I have never seen it before.'

'Did Captain Cathcart ever give you one like it?'

'Never.'

'Did you ever possess such a jewel?'

'I am quite positive I never did.'

'My lords, I put in this diamond-and-platinum cat. Thank you, Lady Mary.'

James Fleming, being questioned closely as to the delivery of the post, continued to be vague and forgetful, leaving the Court, on the whole, with the impression that no letter had ever been delivered to the Duke. Sir Wigmore, whose opening speech had contained sinister

## Chapter 14

# The Edge of the Axe Towards Him

*Scene 1. Westminster Hall. Enter as to the Parliament, Bolingbroke, Aumerle, Northumberland, Percy, Fitzwater, Surrey, the Bishop of Carlisle, the Abbot of Westminster, and another Lord, Herald, Officers, and Bagot.*

BOLINGBROKE: Call forth Bagot.

Now, Bagot, freely speak thy mind;

What thou dost know of noble Gloucester's death;

Who wrought it with the king, and who performed

The bloody office of his timeless end.

BAGOT: Then set before my face the Lord Aumerle.

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*King Richard II*

**T**HE historic trial of the Duke of Denver for murder opened as soon as Parliament reassembled after the Christmas vacation. The papers had leaderettes on 'Trial by his Peers,' by a Woman Barrister, and 'The Privilege of Peers: should it be abolished?' by a Student of History. The *Evening Banner* got into trouble for contempt by publishing an article entitled 'The Silken Rope' (by an Antiquarian), which was deemed to be prejudicial, and the *Daily Trumpet*—the Labour organ—inquired sarcastically why, when a peer was tried, the fun of seeing the show should be reserved to the few influential persons who could wangle tickets for the Royal Gallery.

while the harbour lights winked and swam right and left, and Lord Peter scraped acquaintance with a second-rate cinema actor in the bar, Charles Parker sat, with a puzzled frown, before the fire at 110 Piccadilly, making his first acquaintance with the delicate masterpiece of the Abbé Prévost.

allusions to an attempt to blacken the character of the victim, smiled disagreeably, and handed the witness over to Sir Impey. The latter contented himself with extracting an admission that witness could not swear positively one way or the other, and passed on immediately to another point.

‘Do you recollect whether any letters came by the same post for any of the other members of the party?’

‘Yes; I took three or four into the billiard-room.’

‘Can you say to whom they were addressed?’

‘There were several for Colonel Marchbanks and one for Captain Cathcart.’

‘Did Captain Cathcart open his letter there and then?’

‘I couldn’t say, sir. I left the room immediately to take his grace’s letters to the study.’

‘Now will you tell us how the letters are collected for the post in the morning at the Lodge?’

‘They are put into the post-bag, which is locked. His grace keeps one key and the post-office has the other. The letters are put in through a slit in the top.’

‘On the morning after Captain Cathcart’s death were the letters taken to the post as usual?’

‘Yes, sir.’

‘By whom?’

‘I took the bag down myself, sir.’

‘Had you an opportunity of seeing what letters were in it?’

‘I saw there was two or three when the postmistress took ’em out of the bag, but I couldn’t say who they was addressed to or anything of that.’

‘Thank you.’

Sir Wigmore Winching here bounced up like a very irritable jack-in-the-box.

'Is this the first time you have mentioned this letter which you say you delivered to Captain Cathcart on the night of his murder?'

'My lords,' cried Sir Impey. 'I protest against this language. We have as yet had no proof that any murder was committed.'

This was the first indication of the line of defence which Sir Impey proposed to take, and caused a little rustle of excitement.

'My lords,' went on Counsel, replying to a question of the Lord High Steward, 'I submit that so far there has been no attempt to prove murder, and that, until the prosecution have established the murder, such a word cannot properly be put into the mouth of a witness.'

'Perhaps, Sir Wigmore, it would be better to use some other word.'

'It makes no difference to our case, my lord; I bow to your lordships' decision. Heaven knows that I would not seek, even by the lightest or most trivial word, to hamper the defence on so serious a charge.'

'My lords,' interjected Sir Impey, 'if the learned Attorney-General considers the word murder to be a triviality, it would be interesting to know to what words he does attach importance.'

'The learned Attorney-General has agreed to substitute another word,' said the Lord High Steward soothingly, and nodding to Sir Wigmore to proceed.

Sir Impey, having achieved his purpose of robbing the Attorney-General's onslaught on the witness of some of its original impetus, sat down, and Sir Wigmore repeated his question.

'I mentioned it first to Mr Murbles about three weeks ago.'

'Mr Murbles is the solicitor for the accused, I believe.'

'Yes, sir.'

'And how was it,' inquired Sir Wigmore ferociously, settling his pince-nez on his rather prominent nose, and glowering at the witness, 'that you did not mention this letter at the inquest or at the earlier proceedings in the case?'

'I wasn't asked about it, sir.'

'Of course not. It would have to be "je suis folle." Then Cathcart—'

'Of course. He lived in France all his life. Consider his bank-book. Consider—'

'Lord! Wimsey, we've been blind.'

'Yes.'

'And listen! I was going to tell you. The Sûreté write me that they've traced one of Cathcart's bank-notes.'

'Where to?'

'To a Mr François who owns a lot of house property near the Etoile.'

'And lets it out in *appartements*!'

'No doubt.'

'When's the next train? Bunter!'

'My lord!'

Mr Bunter hurried to the door at the call.

'The next boat-train for Paris?'

'Eight-twenty, my lord, from Waterloo.'

'We're going by it. How long?'

'Twenty minutes, my lord.'

'Pack my toothbrush and call a taxi.'

'Certainly, my lord.'

'But, Wimsey, what light does it throw on Cathcart's murder? Did this woman—'

'I've no time,' said Wimsey hurriedly. 'But I'll be back in a day or two. Meanwhile—'

He hunted hastily in the bookshelf.

'Read this.'

He flung the book at his friend and plunged into his bedroom.

At eleven o'clock, as a gap of dirty water disfigured with oil and bits of paper widened between the *Normannia* and the quay; while hardened passengers fortified their sea-stomachs with cold ham and pickles, and the more nervous studied the Boddyjackets in their cabins;

'Wait a bit—er—cer—'  
 'How about *percer*?'  
 'I believe you're right. "*Percer le cœur*."  
 'Yes. Or "*perceras le cœur*."  
 'That's better. It seems to need another letter or two.'  
 'And now your "is found" line.'  
 '*Fou*?'  
 'Who?'  
 'I didn't say "who"; I said "*fou*."  
 'I know you did. I said who?'  
 'Who?'  
 'Who's *fou*?'  
 'Oh, is. By Jove, "suis"! "*Je suis fou*."  
 '*À la bonne heure!* And I suggest that the next words are "*de douleur*", or something like it.'  
 'They might be.'  
 'Cautious beast! I say they are.'  
 'Well, and suppose they are?'  
 'It tells us everything.'  
 'Nothing!'  
 'Everything, I say. Think. This was written on the day Cathcart died. Now who in the house would be likely to write these words, "*perceras le cœur* ... *je suis fou de douleur*"? Take everybody. I know it isn't Jerry's fist, and he wouldn't use those expressions. Colonel or Mrs Marchbanks? Not Pygmalion likely! Freddy? Couldn't write passionate letters in French to save his life.'  
 'No, of course not. It would have to be either Cathcart or—Lady Mary.'  
 'Rot! It couldn't be Mary.'  
 'Why not?'  
 'Not unless she changed her sex, you know.'

'What made you suddenly decide to go and tell Mr Murbles about it?'  
 'He asked me, sir.'  
 'Oh, he asked you; and you conveniently remembered it when it was suggested to you?'  
 'No, sir. I remembered it all the time. That is to say, I hadn't given any special thought to it, sir.'  
 'Oh, you remembered it all the time, though you hadn't given any thought to it. Now I put it to you that you had not remembered about it at all till it was suggested to you by Mr Murbles.'  
 'Mr Murbles didn't suggest nothing, sir. He asked me whether any other letters came by the post, and then I remembered it.'  
 'Exactly. When it was suggested to you, you remembered it, and not before.'  
 'No, sir. That is, if I'd been asked before I should have remembered it and mentioned it, but, not being asked, I didn't think it would be of any importance, sir.'  
 'You didn't think it of any importance that this man received a letter a few hours before his—decease?'  
 'No, sir. I reckoned if it had been of any importance the police would have asked about it, sir.'  
 'Now, James Fleming, I put it to you again that it never occurred to you that Captain Cathcart might have received a letter the night he died till the idea was put into your head by the defence.'  
 The witness, baffled by this interrogative negative, made a confused reply, and Sir Wigmore, glancing round the house as much as to say, 'You see this shifty fellow,' proceeded:  
 'I suppose it didn't occur to you either to mention to the police about the letters in the post-bag?'  
 'No, sir.'  
 'Why not?'  
 'I didn't think it was my place, sir.'

‘Did you think about it at all?’

‘No, sir.’

‘Do you ever think?’

‘No, sir—I mean, yes, sir.’

‘Then will you please think what you are saying now.’

‘Yes, sir.’

‘You say that you took all these important letters out of the house without authority and without acquainting the police?’

‘I had my orders, sir.’

‘From whom?’

‘They was his grace’s orders, sir.’

‘Ah! His grace’s orders. When did you get that order?’

‘It was part of my regular duty, sir, to take the bag to the post each morning.’

‘And did it not occur to you that in a case like this the proper information of the police might be more important than your orders?’

‘No, sir.’

Sir Wigmores sat down with a disgusted look; and Sir Impey took the witness in hand again.

‘Did the thought of this letter delivered to Captain Cathcart never pass through your mind between the day of the death and the day when Mr Murbles spoke to you about it?’

‘Well, it did pass through my mind, in a manner of speaking, sir.’

‘When was that?’

‘Before the Grand Jury, sir.’

‘And how was it you didn’t speak about it then?’

‘The gentleman said I was to confine myself to the questions, and not say nothing on my own, sir.’

‘Who was this very peremptory gentleman?’

‘The lawyer that came down to ask questions for the Crown, sir.’

‘Well, that’s all, except a fragment consisting of “oe” on one line, and “is fou—” below it.’

‘What do you make of that?’

‘“Is found,” I suppose.’

‘Do you?’

‘That seems the simplest interpretation. Or possibly “his foul”—there seems to have been a sudden rush of ink to the pen just there. Do you think it is “his foul”? Was the Duke writing about Cathcart’s foul play? Is that what you mean?’

‘No, I don’t make that of it. Besides, I don’t think it’s Jerry’s writing.’

‘Whose is it?’

‘I don’t know, but I can guess.’

‘And it leads somewhere?’

‘It tells the whole story.’

‘Oh, cough it up, Wimsey. Even Dr Watson would lose patience.’

‘Tut, tut! Try the line above.’

‘Well, there’s only “oe.”’

‘Yes, well?’

‘Well, I don’t know. Poet, poem, manoeuvre, Loeb edition, Citroën—it might be anything.’

‘Dunno about that. There aren’t lashings of English words with “oe” in them—and it’s written so close it almost looks like a diphthong at that.’

‘Perhaps it isn’t an English word.’

‘Exactly; perhaps it isn’t.’

‘Oh! Oh, I see. French?’

‘Ah, you’re gettin’ warm.’

‘Soeur—oeuvre—œuf—boeuf—’

‘No, no. You were nearer the first time.’

‘Soeur—Cœur!’

‘Cœur. Hold on a moment. Look at the scratch in front of that.’