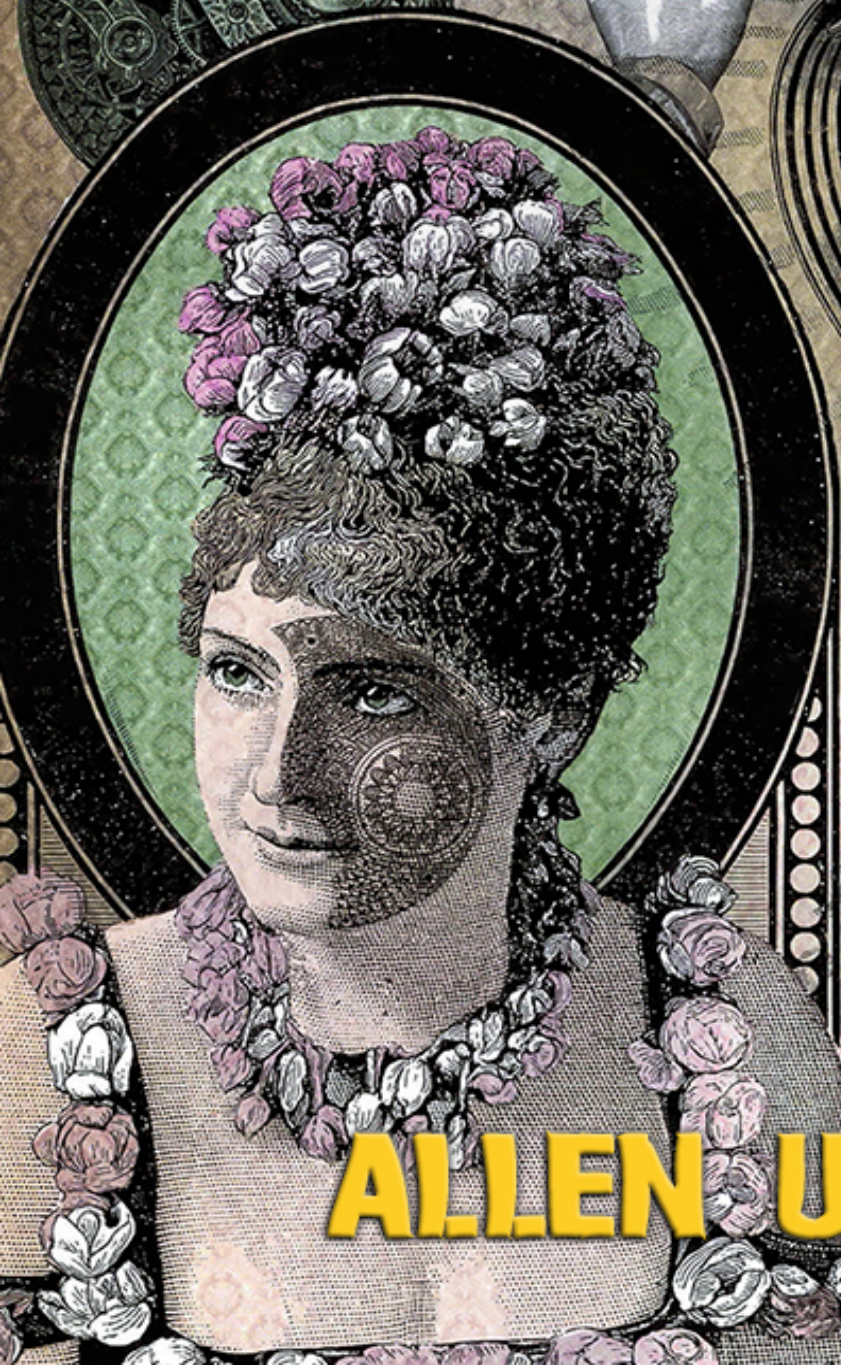


CLASSICS TO GO

**THE QUEEN
AGAINST OWEN**



ALLEN UPWARD

**The Queen
Against Owen**

Allen Upward

CHAPTER I.

THE INDICTMENT.

'Mynyddshire to Wit.—The jurors for our lady the Queen upon their oath present that Eleanor Margaret Owen, upon the first day of June in the year of our Lord eighteen hundred and eighty-nine, feloniously, wilfully, and of her malice aforethought did kill and murder one Ann Elizabeth Lewis against the peace of our lady the Queen, her crown and dignity.'

CHAPTER II.

THE BRIEF FOR THE PROSECUTION.

'A brief for you, sir, for the assizes at Abertaff. The great murder case.'

Mr. Prescott looked up as his clerk entered, and heard these words. Then he silently put out his hand and took the brief, while the clerk retired into the outer room of the chambers to make a note of the fee.

Everyone had heard of the great Porthstone murder. Mr. Prescott had followed the papers pretty closely in their accounts of it—the discovery, the proceedings at the inquest, before the magistrates, and so on. The brief did not take him altogether by surprise. He had been entrusted with several important prosecutions before this, and the solicitor representing the Crown in the present case was a personal friend of his own. He had, therefore, all along had expectations of appearing in the case, and his only doubt had been whether, on account of its unusual importance, a Queen's Counsel would be engaged along with him, or whether he would have the charge of the case himself.

It need hardly be added that Mr. Prescott was still a member of the 'Junior Bar,' that is to say, he had not arrived at the dignity of a Queen's Counsel. But he had been some ten years in the practice of his profession, and occupied a foremost position among the members of the Southern Circuit. Tall, thin, and auburn-haired, with a ruddy complexion, his appearance was rather remarkable among the brethren of the long robe. But he had a pattern lawyer's

face, with the firm decided chin, the pronounced nose and strongly-marked eyebrows characteristic of the race.

Before opening the document in his hand, he took a hasty glance at the outside. It bore the usual endorsement. At the head were the words 'MYNYDDSHIRE SUMMER ASSIZES, *Holden at ABERTAFF, 29th July, 1889.*'

Then followed the name of the case: 'REGINA, *on the Prosecution of Sergeant Evans*, against ELEANOR MARGARET OWEN,' and the description of the offence: '*For Wilful Murder.*'

Next came the word 'Brief' in very large letters. '*For the Prosecution: Mr. Chas. Prescott, 20 guineas.*'

And a little below, on one side, 'With you, Mr. F. J. Pollard.' This was a younger man, who was to act as junior to Prescott.

Last of all came the solicitors' name at the foot, 'Pollard and Pollard, Abertaff.' They were, as may be surmised, relations of the young gentleman who had been favoured with the junior brief.

Mr. Prescott smiled pleasantly at the number of guineas, and sardonically at the name of the counsel whose assistance he was to receive. Then, pulling off the tape, he unfolded the document, and settled down to a study of its contents.

It was headed inside by the same words as appeared in the endorsement, down to 'wilful murder.' After that it went on to give a copy of the indictment.

Then came the narrative itself:

'CASE FOR THE PROSECUTION.

'In this case the prisoner, Eleanor Margaret Owen, is charged with the wilful murder of Ann Elizabeth Lewis.

'The facts of the case are as follows:

'The deceased, Miss Ann Lewis, was a maiden lady, living at Porthstone, in Mynyddshire, a quiet little seaside place about twenty miles from the county town, Abertaff.

'Her only surviving relative was a nephew, John Lewis, who had been for a considerable time in Australia, but, having made some money, returned to England, and arrived at Porthstone on the evening of the first of June.

'The accused, Eleanor Margaret Owen, is an orphan, her father, the late Rector of Porthstone having died two years ago.'

('Poor old Owen! I remember him well,' murmured the barrister. 'It's well for the poor old chap that he is gone.')

'Immediately on her father's death she went to reside with Miss Lewis, with whom her father and herself had been on friendly terms, in the capacity of a paid companion.

'She was paid £24 a year, and had no other means of support; but Rebecca, a servant in the house, will say that she has heard Miss Lewis promise to remember the accused in her will.

'Deceased was rather eccentric in money matters, and invested a large portion of her savings in valuable jewels. No one ever saw the collection; but William Williams, a jeweller, of Abertaff, will swear that he supplied deceased with something like a thousand pounds' worth of jewels annually for several years past.

'It will be seen below that these jewels have entirely disappeared since the night of the murder.

'Counsel will observe that a motive is here suggested for the crime.

'On the night of the first of June last Mr. Lewis, deceased's nephew, left the house about 10 o'clock and did not return that night.

'Shortly after he was gone deceased was heard to retire by the servants. These are four in number, and consist of a butler or general man, cook, housemaid, and parlourmaid.

'The three women servants went to rest at a quarter past ten, and the butler at half-past.

'All this time prisoner was downstairs in the drawing-room, where she had spent the evening with deceased and Mr. Lewis.

'About eleven the butler thinks he heard her come upstairs to her bedroom, which adjoined deceased's, with a door of communication between. This door was never locked or bolted.

'An hour afterwards Rebecca, the parlourmaid, woke from sleep, and heard a stifled groan somewhere below. Apparently it proceeded from Miss Lewis's room. She did not waken the housemaid, who sleeps in the same room. She attributed the sound at the time to troubled sleep.

'Shortly afterwards she heard a subdued sound, as if of footsteps going downstairs. She was not alarmed, as she thought she recognised Miss Owen's tread. She therefore roused no one, but, inspired by curiosity, got up herself, put on some things, and crept downstairs.

'All the doors were closed as she passed. She listened outside Miss Owen's room, but heard nothing. Just then she thought she heard the front-door pulled gently to. She went cautiously down, and discovered that all the bolts had been undone, and the door was fastened simply by the latch.

'Three persons carried a latchkey—Miss Lewis, the butler, and Miss Owen. One of the three had, therefore, gone out. Having ascertained this, she retired to her room.'

('Now we're coming to something like evidence,' remarked Mr. Prescott, as he made copious interlineations with a blue pencil. 'That's the worst of Pollard; he always will write in this florid style. His brother's speeches are just the same.')

'She did not go to sleep, however. She lay awake listening for some time, and then she heard footsteps ascending and going into one of the bedrooms below. Her room was immediately above that of deceased.

'In about ten minutes more, to employ the witness's own expression, the footsteps came out again and descended to the hall for the second time. The parlourmaid now awakened the housemaid, Lucy, who slept in the room with her, and they both sat up and listened.

'The footsteps sounded heavier this time; the witnesses describe them as "thumpy." Counsel will see that this would be the natural result of someone carrying a heavy load.

'This time neither of the servants made any attempt to follow or observe what was taking place. They say they heard the hall door softly pulled to, but nothing more.

'Shortly afterwards they both fell asleep.

'The same night, about 12 o'clock, a fisherman of the place, named Evan Thomas, was coming up from the beach. He had been doing some night fishing.

'As he got on to the esplanade he observed the figure of a woman walking swiftly away from him in the direction of Newton Bay. He knows prisoner well, and believes it was she he saw.

'There is no further evidence as to what occurred that night.

'In the morning the housemaid Lucy was the first down, as was usually the case. *She found the hall door locked and bolted, as the butler left it at half-past ten the night before.*

'One of the household, therefore, must have been out, and returned after the witness Rebecca had gone back to her room.

'Putting these facts together, it is clear that the only possible authors of the crime subsequently discovered must have been the butler, who had a latchkey, and prisoner.

'At eight o'clock the witness Rebecca came down and took two jugs of hot water to the ladies' doors. She knocked at each. She heard a faint reply from prisoner, but none from deceased's room.

'At half-past eight prisoner usually came down, and deceased was generally seen a few minutes after.

'On this morning, the second of June, neither of them had appeared by nine o'clock.

'The witness Rebecca then remembered that Miss Lewis had not answered when called, and feared that she had failed to waken her. She therefore went upstairs and knocked again.

'There was no answer. Becoming alarmed, because her mistress was old and had once suffered from some seizure, she went to Miss Owen's door and knocked impatiently.

'Prisoner at once came and opened it. She was completely dressed, and apparently ready to come down.

'The following conversation, or something near it, then took place:

'The witness Rebecca began by saying that she had knocked at Miss Lewis's door, but could get no answer. "Do you know if any thing's the matter?" she said.

'Prisoner heard her without any appearance of surprise, and merely answered:

"No; we had better call to her, and if she doesn't answer, I'll go in."

'They then went together to the door on the landing, and prisoner called out loudly: "Miss Lewis! May I come in?"

'There was again no answer. Prisoner then put her hand to the door and turned the handle. The door, however, would not open. It was locked, and the key was inside.

'The only possible access, therefore, was through prisoner's own room.

'It is unnecessary to draw counsel's attention to the gravity of this circumstance.'

('Quite unnecessary,' said Prescott sarcastically to himself. 'Bless my soul, how he piles on the agony!')

'By this time the other servants in the house had taken the alarm. The butler, John Simons, came on the scene, followed by the cook and housemaid. It was he who now addressed prisoner:

"We must get in through your room, miss," he said.

'It may be well to state here that Simons had lived with the deceased for fifteen years, and was greatly trusted.

'He now went straight into prisoner's bedroom. Prisoner now seemed thoroughly alarmed, and ran in after him, the three women coming next.

'As he was about to take hold of the handle of the door opening into Miss Lewis's room, he suddenly beheld a sight that made him reel back. This was a smear of blood on the china handle. The witness Rebecca caught sight of it at the same time, and uttered a loud scream.

'No one noticed the demeanour of the prisoner at the moment of this discovery. But when they had recovered sufficiently to take notice, she was leaning against a chest of drawers, deathly pale.'

('Confound the man!' exclaimed the reader, as he came to this sentence. 'How he does go on against her! It's enough to make me think her innocent. Poor little Eleanor! It's five years since I saw her. She was a pretty little thing of fifteen then. I wonder what sort of woman she has turned out. Well, well, I must stick to business.')

'Simons quickly recovered his presence of mind. Taking hold of the handle so as to avoid touching the smear, he burst open the door, and rushed in towards the bed.

'The bed was empty.

'It seemed to have been slept in the night before, and the clothes were not much disarranged; but on the lower sheet, close to the bolster, was a large stain of blood.

'The stain was about the size of a cheese-plate, dark in the centre, and fainter round the edge. There was no other trace of violence.

'The room was then searched. All present took part in the search except prisoner, who sat in a chair looking on.

'Deceased's clothes, worn by her the day before, were found in their proper places, thus negating the idea that she could have gone away herself. Her nightdress, on the other

hand, was missing. This would point to the prisoner's having killed her in her sleep and disposed of the body as it was.

'No further trace of violence was discovered in the room. The butler then got them all out, and locked both doors on the outside. He then went for the police.

'This was about half-past nine. On his way to the police-station he met Mr. Lewis, deceased's nephew. He stopped him and related the circumstances.

'Mr. Lewis was greatly upset. As soon as he was able to speak he pointed out that the only possible author of the crime was Miss Owen. He turned and accompanied Simons to the police-station.

'At the police-station they found Sergeant James Evans. To him Simons detailed the incidents already described. Mr. Lewis then stepped forward and said:

“I charge Eleanor Owen with the murder of my aunt, Ann Elizabeth Lewis. I have made some money, and, please God, I'll spend every penny of it rather than my poor aunt shall remain unavenged.”

('All this is not evidence,' muttered the barrister, impatiently scoring out the paragraph with his pencil. 'Why does Pollard put in things like this? Perhaps it supplies a clue, though, to his enthusiasm,' added Mr. Prescott thoughtfully. 'I dare say he's got this Lewis behind him, and is bleeding him pretty freely. That accounts for the figures on my brief, so I oughtn't to complain. But I wish to goodness it were anybody but old Owen's daughter. Why, I can remember kissing her when she was only six years old.')

'Sergeant Evans, who will be called as a witness, now proceeded to the house and made a thorough search. Two important facts were now discovered.

'The butler had left the house by the back door, but on returning with Mr. Lewis the party entered by the front. Simons stepped forward with his latchkey to open the door, but found the latch already lifted, and stuck fast in its raised position.

'This was a thing which always occurred if the latch was lifted too high. The keyhole is shaped like an inverted T, and the members of the household who carried keys were generally careful not to push them too far upward, lest this result should occur.

'Counsel will probably be inclined to see a sufficient explanation of the incident in the agitation and haste by which a criminal would naturally be overcome just after the commission of such a crime.'

('Yes; I suppose so.' The barrister paused for some time, knitted his brows, and tried to think the matter out. 'Yes, it would be a natural result,' he admitted at length, and resumed his reading.)

'The next discovery was equally important.

'Miss Lewis's bedroom window looked over the front garden. Immediately below it, under the dining-room window, was a grating over a window, which gave light to an underground scullery. This grating was surrounded by a bed of shrubs, which concealed it from the eye of visitors.

'Sergeant Evans's first move was to proceed to this spot. He was rewarded by finding blood-stains on the grating. The nearest shrubs had been roughly handled, and some of their leaves lay scattered about.

'The inference which counsel is asked to draw is that the body—or a portion of it—was lowered down through the window, and thence carried away.

'This would evidently be much easier for a young woman like the prisoner to do than to carry it downstairs.

'Her second journey down, when she appears to have been bearing a load of some kind, may be accounted for by supposing that she returned for the jewels. These, as already stated, have disappeared.

'During deceased's lifetime she maintained great secrecy about these jewels. No one, not even the servants who had been with her longest, seems to have known anything as to their whereabouts.

'It is suggested, therefore, that they were kept by deceased in a secret hiding-place. This secret must have been disclosed to prisoner, or found out by her.

'Probably, had deceased's nephew been home longer, he would have learnt something about the matter.

'Counsel will doubtless have noticed the coincidence of the crime being committed on the very night of Mr. Lewis's return. Probably this was to anticipate any communications between aunt and nephew which might have resulted in his obtaining access to the treasure hoard.'

('Coincidence, indeed! Some people might think it a d—— suspicious circumstance,' said the reader. Then, shrugging his shoulders, he added: 'Of course, she's guilty, and it's my duty to get a conviction; but, upon my word, I never had a job to do that I liked less. It's all Pollard's fault for writing up the brief so desperately. He and his Lewis!')

'Sergeant Evans now proceeded to arrest the prisoner. When he charged her with the crime she turned pale, and cried out that it was impossible. But she shed no tears, and showed but little emotion after the first surprise.'

(‘Pooh! What difference does that make? This sort of thing simply depends on the person’s character, not on whether he is guilty or not.’ And the blue pencil did some more scoring out.)

‘The only remaining circumstance of the case is the disposal of the body.

‘In the afternoon of the same day, the second of June, a visitor staying in Porthstone, named Wilfrid Meredith, was walking out to Newton Bay. Just as he rounded the corner and came into the bay he discovered on the edge of the waves a human hand.

‘Although somewhat bruised and discoloured, this hand has been identified as the deceased’s by her nephew and the servants.

‘On the fingers were several valuable rings, which deceased constantly wore. About the identity, therefore, there can be no reasonable doubt.

‘No other portion of the body has yet been found. For this reason the Treasury have declined to take up the case, which is in the nature of a private prosecution on the part of Mr. Lewis.

‘Call John Lewis.’

At this point Mr. Prescott laid down his brief and leant back in his chair. The remainder of the document consisted of the proofs or statements of the evidence which each witness was prepared to give. Much of it would, of course, be merely a repetition of the narrative contained in the first part. It could therefore be looked at some other time.

He laid down his brief and began to think over its contents. It was a case of circumstantial evidence, evidence which all