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Case of Lennox-Maxwell

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THE CASE OF LENNOX-MAXWELL*

I.

During the morning of Palm Sunday, which fell on the 29th of March in 1885, a station bus lumbered along Fifth Street in St. Louis and drew up to the main entrance of the Southern Hotel. The single passenger to alight was a well set up young man of decisive but pleasant manner; he was clad in tweeds, wore a short brownish beard and in addressing the porter who came for his bags, spoke with a marked English accent. The Southern was a large hotel, usually well filled, but in the business doldrums of holy week, particular note was taken of the young stranger as he stepped into the hotel, crossed the vast lobby to the desk and wrote upon the register: "Walter H. Lennox-Maxwell, M. D., England."

As Merritt Noble, the chief clerk, blotted the inscription, the newcomer volunteered the information that he was an English physician, touring the States, and expected to be joined shortly in St. Louis by a fellow countryman, Mr. C. Arthur Preller, with whom he was to make a trip west. The announcement stirred Noble's recollection. Earlier in the morning a telegram had come asking whether Dr. Maxwell was at the hotel; sure enough, the message, dated Buffalo, was signed C. A. Preller, and fortunately a reply had not yet been sent.

"We will dispatch a message immediately saying that you are here."

"Do, please," urged Maxwell.

There was some further conversation, and without query as to his preference, the new guest was assigned to room 144, on the parlor floor—a single flight of stairs above the lobby or street level. Later his trunk was brought from the station and taken to his room; it proved to be a large box-like af-

*This account of the Maxwell Case is based on the synopsis of testimony and excerpts from newspapers contained in LAWSON'S AMERICAN STATE TRIALS.

fair, zinc covered, flat of top and securely bound by ropes and a double set of straps.

Though keeping to his room during most of the day, Dr. Maxwell was down for an early dinner, and, strolling from the dining room to the desk, was handed a telegram which he read with evident satisfaction; it was, he explained to the friendly clerk, a message from Preller saying that he would arrive in a few days. Noticeably cheered by the telegram Dr. Maxwell became increasingly affable; within a day or two he was a favorite about the hotel, had made friends in the bar and billiard room, and in the barber shop his acquaintanceship progressed far enough for him to prescribe for some ailment of the head barber.

Another acquaintance made by Dr. Maxwell, and the one chiefly cultivated by him, was J. W. Fernow, the hotel druggist. Maxwell dropped into Fernow's store two or three times a day and frequently regaled the druggist with vivid accounts of exploits in the Turkish army. He talked, too, of his medical training; intimated that his visit to the States was made partly with a view of locating in America, and asked of the prospects in St. Louis. As to prospects in St. Louis Fernow was noncommital, but he had filled the barber's prescription, and perhaps with an eye to further business, provided the English doctor with a pad of his prescription blanks.

II.

On the morning of Good Friday, April 3rd, Mr. Charles Arthur Preller arrived at the Southern, registered and was assigned to room 385, two stories above Maxwell's parlor floor. After arranging about his baggage—several large trunks and bags—he inquired for Dr. Maxwell, and when the latter was located the two joined in cordial greetings. Preller, like Maxwell, appeared to be a man of about thirty, but except for height and accent, was dissimilar to his friend. He was remembered as a man about five feet ten inches tall, with very soft dark hair and moustache and

light olive complexion. His voice was low, his manner courteous, and, unlike Maxwell, he seemed retiring in disposition. Renick Brown, in charge of the billiard room, thought him polité and kind and took him to be a Jew until he "heard him talk with a very strong English accent."

During Friday and Saturday the two friends were seen always together. Renick Brown noted that they came both days into the billiard room and played billiards for an hour or two. They drank considerably, the drinks usually being ordered and paid for by Preller who seemed inclined to spend freely and to make a show of money. When not about the billiard room or bar the two were together in Maxwell's room, the floor maid frequently finding them there. Several times they dropped in for target practice at a nearby shooting gallery where Maxwell's boasts of expert markmanship were not very convincingly borne out by the demonstration of his skill. Several visits were also made to Fernow's drug store.

Maxwell and Preller were remembered to have dined together at the hotel about noon on Easter Sunday, but beyond that hour no one recalled having seen them together again. Sunday evening Maxwell came alone to the desk and paid their bills. He told the clerk that he and Preller were departing next day for a visit to the country, but were leaving their baggage and wished to retain their rooms. He was assured that the rooms would be held for them and their belongings not disturbed. Throughout Monday no one particularly recalled seeing either Maxwell or Preller about the hotel and by Tuesday, at any rate, the two guests were definitely gone. Neither of their rooms had been occupied Monday night and the keys to both were found by the maid on the table in Maxwell's room.

III.

On Tuesday, April 14th, ten days after Easter, Maggie Cuddy, the parlor floor maid notified the office that a peculiar odor which for several days had been noticeable in room

144 had grown into a stench which came from the zinc covered trunk. She had earlier assumed that it was the smell of drugs which the strange doctor kept about his room. One whiff by a hotel official and the offensive trunk was ordered to the baggage room. There the straps were loosened, the ropes cut, and the lid lifted to disclose the partly decomposed body of a man very much cramped and distorted. The body was unclad; the lower face was shaven and the moustache seemed to have been clipped close with scissors. Skin deep upon the breast were knife slashes in the form of a cross and tacked to the inside of the trunk lid was a paper bearing the inscription: "So perish all traitors to the great cause." Death had been caused by chloroform. Despite the clipped moustache there could be no doubt that Preller was the victim; accounts of the murder were widely published and a hue and cry for Maxwell was on.

The last person who had seen Preller alive was the parlor floor maid who noticed him go into Maxwell's room at about two o'clock on Easter afternoon. The maid on Preller's floor remembered that when she went to his room Monday morning she found the bed somewhat mussed but was sure it had not been slept in or the room occupied on Easter night. Fernow, the druggist, recalled that on Saturday, during a visit of the Englishmen to his store, Maxwell purchased four ounces of chloroform, and that on Easter afternoon he hurried in alone and ordered four more ounces, explaining that he had accidentally spilled the first bottle. As Fernow was preparing a label, Maxwell had seized the bottle explaining: "That is not necessary; I am a doctor and will pour this in the bottle I got yesterday. I am in a great hurry." Both bottles were found in Maxwell's room as were a case of surgical instruments, a hypodermic syringe and an assortment of drugs including morphine and strychnine.

Though Maxwell had not been noticed about the Southern after paying the bills Sunday evening, he had made himself conspicuous elsewhere. About ten o'clock that night he had

appeared at the shooting gallery, selected a revolver and fired away at moving targets. He seemed drunk and talked about adventures in the Turkish army. Next morning a man answering Maxwell's description had called at Bieger's trunk store and purchased a huge canvas covered traveling bag. George Duff, the hatter, recalled the sale of a hat that same Easter Monday to a gentleman with a short brownish beard who spoke with an English accent; the customer had been insistent upon a soft hat with a very broad brim. Next was traced the purchase by an odd sort of Englishman of a long, loose gray overcoat; and Armo, a barber, remembered that a gentleman carrying such a coat and wearing a broad brim hat had called at his shop during a dull hour on Easter Monday and had ordered his hair trimmed and his beard shaven. Late that night a porter at the Southern saw a gentleman come down the stairway from the parlor floor and leave the hotel by the ladies' entrance, to the rear of the lobby; the departing guest wore a broad brim hat, a long gray overcoat and carried a large canvas bag.

IV.

When news of what came to be called "the St. Louis trunk murder" spread across the country some travelers who, a week before had journeyed from St. Louis to San Francisco in pleasant companionship, recalled an eccentric but entertaining member of their group. He had introduced himself as Cecil D'Auguier, mentioned that he was a Paris lawyer and at times sought to keep in character by absurd attempts at a French accent. In the smoking room his talk was incessant and colored with vivid tales of adventurous exploits in the Turkish army. He let it be known that he was of French-Irish descent and confided to his particular train companion, Solomon Bauman, a St. Louis jeweler, that he was in America on a secret mission for the Turkish government. Bauman thought his fellow traveler "nervous and flighty, but interesting in conversation," and at the journey's

end smiled at the figure he cut when he donned a long coat that hung on him like a dressing gown and a hat that covered him like a tent. It was this same costume and a compound of French and English accent that drew attention to a gentleman, signing himself Cecil D'Auguier, who registered at the Palace Hotel in San Francisco and next day took passage for Auckland, New Zealand.

Safely out of America, bound for such an *ultima thule* as New Zealand, the passenger listed as D'Auguier doubtless felt that he had dropped out of the familiar world. As the ship entered the harbor of Auckland, however, she was hailed by an official tug; police climbed aboard, conferred briefly with the captain, and were escorted by him to the deck where the passenger, D'Auguier, stood chatting pleasantly. He was ordered to the captain's cabin, questioned for a few minutes and then placed under arrest. Cable messages relayed the other way around the world had preceded him. Though first denying that he was Maxwell or that he had ever been in St. Louis, there could be little doubt of D'Auguier's identity; he was held for the American authorities and long before the arrival of St. Louis officers, he admitted that he was Maxwell but denied most positively that he had murdered Preller.

V.

The apprehension of Maxwell and his denial of guilt again stirred public interest that from the first had centered about the case; speculation for a time was rife as to the identity of the principals in the tragedy and the occasion for their fatal rendezvous in an alien city. News dispatches from England soon dispelled any mystery about Preller; he was an employee of an English exporting house sent to America to visit the trade. He was well regarded as a quiet, reliable fellow who lived modestly near London with his parents. He belonged to no brotherhood and was involved in no causes. It appeared that he had not known Maxwell in England for

in a letter home, written aboard ship and mailed in Boston, he spoke of having met the young English doctor on the voyage to America.

No such prompt information was forthcoming concerning Maxwell. A medical diploma found in St. Louis among his effects was pronounced spurious by the school that was supposed to have issued it and the thread of his life could be traced no farther back than to his embarkation a few months earlier for America. Late in January he had taken passage on the Cunarder, *Cephalonia,* sailing from Liverpool to Boston, and among the half dozen passengers traveling, like himself, first class, was Arthur Preller and a young American, William E. Warren, of Worcester, Massachusetts. Maxwell stated, later, that he made Preller's acquaintance at the Northwestern Hotel, Liverpool, the night before they sailed, and this was borne out by Warren who saw them come aboard together and assumed they were friends; throughout the trip, at any rate, they seemed inseparable.

During the voyage Warren became well acquainted with the two Englishmen and found Maxwell, in particular, cordial and friendly and full of questions about America and American opportunities and customs. He told Warren that he had studied both law and medicine, had recently "walked in a hospital" in London and was bound for the States to try his fortune. He once showed Warren some surgical instruments and a contrivance for rolling cigarettes and described to him a fine stereopticon he had left in England. Warren took a liking to the young English doctor, "felt sympathy for him as one coming to locate in a strange land" and expressed the hope of hearing from him when he was settled in America. Warren did not see so much of Preller, who liked to slip away to the piano in the music room and, perhaps on that account, struck the American as slightly effeminate.

The *Cephalonia* docked at Boston on February third. Warren left promptly for Worcester and the English friends

took a cab to Young's Hotel. Two or three days later Preller started on a trip through Canada and Maxwell was left to his own devices. He kept in touch with Warren, and early in March the American came in from Worcester and spent an evening with him in Boston. Warren noted the avidity with which Maxwell drank wine, "as if it tasted good, like water sometimes does in the morning"; his eyes were bloodshot and he looked as though he had been on a spree. Mellowed by wine, the young Englishman wept a bit when explaining that he was the last of an ancient line and was without a relative on earth. He soon brightened, however; told Warren he had been offered professional connections in Boston but planned to go with Preller to San Francisco where his friend knew an official of the Pacific Mail Line who would place him as surgeon on one of the company's vessels. At midnight Warren bade him goodbye and would see him next when he came to St. Louis to testify at his trial.

For more than a month, now lodging at rooming houses, Maxwell idled about Boston and kept up a correspondence with Preller who was still in Canada. A number of his letters were found later in a search of Preller's baggage. In one he wrote that he had been called into consultation in some important cases by Boston doctors and doubtless could pick up a good practice in the city, but that he was "too thoroughly English, or rather Scotch, to care for these Yankees who are not to be believed or trusted"; their sole aim in life, he added, was "money grabbing, a thing I hate and detest." Secure, however, in the assurance of his social position as "a descendant of Scottish chiefs and by the grace of God an English gentleman," he cared little with whom he associated so long as he could say, with his ancestor: "I kept my honor unsullied."

A later letter showed signs of Yankee contamination, for its theme was money. Maxwell wrote that cable messages from London indicated delay in the settlement of his Chancery proceedings and that now the lawyers had got hold

of the matter it would be some time before he saw very much of his property. He had, however, one hundred dollars in cash, his stereopticon with slides was worth two hundred, and "if I could dispose of all my superfluous and useless articles I could raise at least $100 more." Meanwhile, he told his friend, he was on the lookout for an appointment as surgeon on some ship—but not between Liverpool and Boston;—"I want a longer voyage, and would prefer New Zealand or Shanghai; I like the sea immensely." There was a final letter which concluded:

"Whatever your advice is I will follow it. I place myself altogether and unreservedly in your hands." Answering letters from Preller were not found, but it was doubtless on his advice that he and Maxwell met on that fateful Good Friday in St. Louis.

VI.

Late summer had come by the time Maxwell was brought back to St. Louis; disclosures slowly followed and finally the broken thread of his life was traced back beyond Liverpool. Maxwell's real name was Hugh Brooks; he came of a respected family in Hyde, Chester, England, and was only twenty-five years of age. He had attended the collegiate school at Manchester where he studied chemistry and allied subjects; he had talked of becoming a doctor but later qualified as a solicitor and was set up by his parents in practice at Hyde. Until leaving for America he had never been farther away from home than London, but he loved to dream of high adventure and found fascination in the odd combination of Scottish romances and exotic tales of the Terrible Turk. He was put down in the town of Hyde as erratic and had made little headway in his profession.

It may have been realization of his lack of prospects, but more likely the lure of adventure that prompted the trip to America. At any rate, young Brooks all at once decided that his flair was for medicine rather than law and figuring,

with some accuracy, that professional standards in the States were low, he conceived the idea of launching upon a medical career in America. Fabrication of a spurious medical diploma may have suggested the invention of a new name, and such a high sounding one as Lennox-Maxwell was in character with high adventure and would lend color to the youth's claim of descent from Scottish chiefs. It was in his new character of Dr. Lennox-Maxwell that Brooks picked up an acquaintance with Arthur Preller at the Northwestern Hotel, Liverpool, the night before the two boarded the *Cephalonia* for Boston.

VII.

It was May, 1886, more than a year after the discovery of Preller's body when Maxwell was placed on trial for his murder. The elder Brooks had come from England to his son's defense and with the aid of English friends and perhaps of American sympathizers had retained capable counsel for the trial. The case seemed clear, and in the popular mind at least, there was no doubt of Maxwell's guilt. The chain of circumstances, however, that seemed to bind Maxwell so closely about, presented a vitally weak link. Preller's body had shown no mark of violence and no poison had been administered. His death was due solely to the inhalation of chloroform. When properly stressed, the jury could not but see that it was practically impossible that Preller could have been forcibly chloroformed to death in mid-afternoon in a front room of the Southern Hotel. On the other hand, if he had voluntarily inhaled the fumes, it seemed equally unlikely that he had been wilfully murdered. Maxwell alone knew the facts and was prepared to present an innocent, and what might strike the jury as the only plausible explanation, of the manner of Preller's death. Fully aware of this breach in their line of attack the prosecution resorted to a maneuver that later was characterized by the supreme court as reprehensible;—but first to Maxwell's story.

The Hugh Brooks who took the witness stand to testify in his own behalf would scarcely have been recognized as the Dr. Maxwell who registered that Palm Sunday morning at the Southern Hotel. Beardless, now, and quite slender, pale from his long confinement, he seemed very youthful and in speech and manner was but slightly reminiscent of the one time Maxwell. Brooks began with what seemed a reasonable enough explanation of his plan to pose as a physician. He stretched his scientific course at Manchester to include an elementary study of medicine and stated he had read a great deal on that subject since leaving college. He considered himself as competent to practice medicine as the average young physician, particularly in those American states where apprenticeship in a doctor's office was the only requirement for admission to the profession. The spurious diploma he smiled off as a bit of stage setting and the assumed name he admitted was a lot of romantic nonsense.

Coming to his association with Preller, Brooks grew more serious. Their chance meeting at Liverpool, he said, had "ripened into a warm friendship"; they had talked of their plans and ambitions and after parting at Boston had kept up an intimate correspondence. At Preller's suggestion they met at St. Louis for the trip they had planned to California. Brooks had been candid with his friend about his financial affairs and need of employment, and Preller had offered to advance him money on the stereopticon and to put him in touch with officers of a steamship line when they reached San Francisco. Aboard ship and during their stay in Boston, Brooks had "prescribed for Mr. Preller as a physician" and had resumed such medical attention when Preller joined him in St. Louis. On Easter Sunday a simple but painful mechanical operation was decided on. Brooks had on hand the chloroform purchased from Fernow on Saturday; it had been bought for his own use,—for he liked now and then a whiff of it "for the pleasant effects." Preller stretched out on the bed and Brooks poured about a fluid dram of the

chloroform upon a folded strip of linen lint and applied it to Preller's nostrils. He neglected, however, to recork the the bottle, which he had placed on a nearby stand, and accidentally knocking it over, had spilled the contents before enough had been used to induce anaesthesia. This accident explained his hurried visit to the drug store for more chloroform as related by Fernow.

Returning to his room Brooks found Preller still partly conscious—"the eyes open and the pupils sensitive to light" —and proceeded to administer more chloroform, "at no time holding the lint nearer than two or three inches of the nostrils." All at once Preller began to breathe very hard, and realizing that something was wrong, Brooks threw aside the lint and seizing first of all his surgical scissors, cut off the patient's close fitting undershirt; but within the flash of a few seconds, "the heart action ceased, the pulse stopped and a mirror held over the lips bore no stain." Brooks worked frantically in attempts at resuscitation, but his friend was dead. He did not ring for help for all his efforts were directed to reviving his patient and "in such cases the loss of a few seconds may mean the difference between life and death."

With the passing of the first sense of horror at the realization of Preller's death, Brooks thoughts turned to his own plight. "I scarcely knew what to do," he testified. "My first impulse was to communicate with the authorities. Then I thought, here I am a stranger in a strange city. I was totally ignorant of the law here that permits an accused to testify in his own behalf, but supposed it was as in England that he cannot go on the stand. I was the only one who could explain Preller's death and in a panic of fear I decided upon flight."

In this same spirit of panic, Brooks crowded Preller's body into the trunk which he had emptied and dragged to the side of the bed. He cut off the moustache to conceal Preller's identity and slashed his breast and posted the plackard in

order to mystify the police. After arranging for the retention of the rooms, he wandered aimlessly about the city, drank a great deal and had slight recollection of what he did or said. Next day he realized that flight was a blunder, but he had gone too far to turn back and with money found in Preller's pockets he made the preparations related by the State's witnesses and set out for California. His erratic talk and conduct on the journey were attributable to severe nervous reaction which he had sought to combat with liquor.

Such was Brooks' account of Preller's death, and it might have won an acquittal or at least a disagreement of the jury, had not the prosecution presented a different version which, it was contended, had come from the lips of the accused. Several months before the case of "State v. Brooks, *alias* Maxwell" was called for trial, a man, giving the name of Frank Dingfelder, appeared one day at a St. Louis bank and sought to cash a check which palpably was a forgery; he was arrested, in due time indicted, and failing to post bond, was committed to jail to await trial; he was placed in a cell with Brooks, remaining with him for a month and winning, so he claimed, his complete confidence. Dingfelder, it turned out, was a detective, named McCullough, who had been imported from New York to extract a confession from Brooks,—though the bank that caused his arrest, the magistrate before whom he appeared and the grand jury that indicted him had acted in good faith in ignorance of the ruse.

According to McCullough's story, he first ingratiated himself with Brooks by pretending to be the head of a gang of forgers and talking of the ease with which witnesses could be secured to give false testimony. Responding to the lead, Brooks first toyed with the idea of procuring evidence to show that Preller was seen alive in New York or Boston months after his supposed murder; this notion, however, he soon discarded in favor of a plan to produce two witnesses who could testify that they were with him in Young's Hotel, Boston, the night he left for St. Louis and saw him

count out six or seven hundred dollars in currency. "If I could show" Brooks had said, according to the detective's story, "that I had that much money when I left Boston I would go free." So much of McCullough's story was corroborated by a letter from Brooks and several communications from his attorneys in which reference was made to the witnesses "Mr. Dingfelder" had located in New York.

Having laid this foundation, the detective continued: "Maxwell, or Brooks, told me that he became enraged at Preller the day after Preller reached St. Louis because Preller went back on his promise to advance Maxwell's expenses to San Francisco; he said he had only money enough to see himself through"; Brooks then determined "to get even with him." Fate, seemingly, played into his hands for on Easter afternoon when they were together in Brooks' room Preller was seized with severe pain in his side, which of late had been recurring, and Brooks, to ease the pain, "injected enough morphine into his arm to render him unconscious."

Brooks confessed, according to McCullough, that he then took inventory of Preller's wallet and found about six hundred dollars; outraged at the thought that this friend upon whom he had depended now planned to desert him, he grew furious, and taking a towel, "he tied it about Preller's face and kept it saturated with chloroform until he was dead." He had no idea, according to McCullough, that such a hue and cry would be raised in America over the murder of some unknown traveler, and figuring on a start of a week or two he had had little fear of pursuit or apprehension.

This recital of McCullough, having been presented by the prosecution, preceded by several days the defendant's testimony and doubtless had fixed itself in the minds of the jury before Brooks could take the stand to contradict it. Part, at least, of the detective's story had been corroborated and that of Brooks was later to some extent negatived by rebuttal testimony to the effect that exhumation and further

examination of Preller's body failed to disclose the condition which was supposed to have suggested an operation. On the night of June 4, 1886, the case was submitted to the jury and on the following morning there was returned a verdict of guilty; the penalty was death by hanging.

VIII.

Brooks' leading counsel was Philip W. Fauntleroy, a Virginian by birth who later abandoned the law to become an Episcopal clergyman. Apart from belief in his client's innocence, his sense of professional honor was so shocked, and he so incensed, at the resort to deceit and trickery in obtaining the alleged confession that his own efforts to save Brooks now took on the character of a crusade. Failing to secure a reversal in the State Supreme Court [1] he sought a hearing by the United States Supreme Court,[2] contending that since Brooks had been tricked into self-incrimation he had not had a fair trial and his conviction was a travesty on justice. Failing again here he organized a widespread appeal to Missouri's governor in which the British Ambassador was reported to have officially joined. Governor Moorhouse was adamant;—the courts had determined the question of guilt and there were no extenuating circumstances to justify executive clemency. He did, however, grant several stays of execution to permit further investigation and it was not until August 10, 1888, more than three years after Preller's death, that Hugh Brooks, rightfully or wrongfully, was hanged for his murder.

During the long months in the St. Louis jail Brooks' resiliency returned and he again became talkative and boastful; he seemed confident of escape from his doom and intimated to prison associates that the British Government would ultimately intervene to save him. Fauntleroy, likewise, never

1 State v. Brooks, 92 Mo. 542, 5 S. W. 257 (1887), *writ of error dismissed*, 124 U. S. 334, 31 L. ed. 454 (1887).

2 Brooks v. Missouri, 124 U. S. 334, 31 L. ed. 454 (1887).

despaired nor ceased in effort and was in the Governor's office at Jefferson City the day his client was hanged in the jail yard at St. Louis. Brooks had many talks, toward the end, with Father Tihan, prison chaplain, and was reported to have embraced the Catholic faith. When summoned to the ordeal he stepped upon the scaffold with an air reminiscent of the Maxwell of old; he was again the descendant of Scottish chiefs; he had kept his honor unsullied; he would show that vulgar crowd now gaping up at him from the cinders that the valiant die but once.

Brooks' father lingered on until the end and his mother, too, came on to America. They took the body of their son back home with them to England. Preller's bones still lie in a forgotten grave in an abandoned cemetery in St. Louis.

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