Introduction

Although Browning wholeheartedly shared his public's admiration of *The Ring and the Book* (1868-69),¹ in all the twenty years—and fifteen volumes—that followed its publication only once more did he undertake the same sort of project as he had when he set out to resuscitate the *Old Yellow Book*. That poem was *Red Cotton Night-Cap Country* (1873), and although it deals with a local and contemporary French scandal instead of a remote seventeenth-century Italian crime, it closely resembles *The Ring and the Book* in its aim to bring out of a historical episode the full imaginative truth from beneath the surface of the public record. Both poems begin with legal transcripts as their raw material, and both are concerned to display the ability of unprejudiced sympathy to arrive at a more sensitive understanding of the actors' real motives than is possible for either the biased selfishness of interested witnesses or the impersonal machinery of institutionalized inquiry.

Consequently, in order to demonstrate this superior capacity of the imaginative vision as impressively as possible, both poems lay heavy stress on the extent of their reliance on publicly available testimony as well as on the strictness of their adherence to those directly reported facts. The twirling about of the *Old Yellow Book* by its cover and the verbatim quotation of evidence submitted to the French court are both dramatic gestures whose effect is to assure the reader that whenever he may come across occasional passages of interpretation in these poems he can rely on their being based solidly on the "pure crude fact"² of the actual events. Both these poems insist that their art is essentially not a fictional-
izing transformation of objective fact but rather a revivifica-
tion, a discovery of the original truth hidden beneath an ob-
scuring crust of documentation. The reiterated claims of each 
of these works to full historical accuracy are important ele-
ments in determining the quality of a reader's response. Ev-
ery observing eye must, of course, inevitably interpret what it 
sees; nevertheless, for a reader to draw interpretation as hon-
estly as possible from a given set of historical data is undeni-
ably a different sort of experience from drawing that inter-
pretation from a set of fictions that he realizes has been 
deliberately invented for the occasion. There is no question 
here of making judgments about any type of inherent supe-
riority: the one set simply has a particular sense of being 
grounded in a public reality that the other does not, and it 
therefore elicits a different kind of response.

Much of the effectiveness of these two works, therefore, 
depends on the completeness of the reader's confidence in 
their factual accuracy, and thus they provide unusually op-
portune occasions to study the processes by which Browning 
selected and arranged the material he chose as vehicles to 
present his themes. Much of the interest of the studies by 
Hodell and Gest, which compare the original material of the 
*Old Yellow Book* with Browning's version of those docu-
ments in *The Ring and the Book*, lies in their discovery of a 
far greater degree of discrepancy from that original material 
than could possibly have been suspected from Browning's 
repeated insistence within that poem on his faithful adher-
ence to the details in his source. These studies show clearly 
that, once Browning had decided on what his own interpre-
tation would be, he did not scruple to distort or even simply 
to omit fragments of evidence that inconveniently did not 
suggest the meaning he had decided that his murder story 
should display. Any writer is, of course, perfectly free to do 
whatever he pleases with his source material; but for Brown-
ing to have proclaimed his historical fidelity so loudly, while 
covertly smudging so many recalcitrant details, demonstr-
ates his awareness of how important that impression of 
fidelity is to his themes, while it reveals to what an unsus-
pected degree that impression is actually the result of a delib-
erate distortion of raw material.
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By way of sampling in *The Ring and the Book* the kinds and degrees of alteration and omission involved in what so strenuously purports to be an accurate transcription of historical fact, let us glance briefly at the information brought forward by Hodell and Gest. These critics show that in innumerable matters of detail—names, chronology, trifling facts of all kinds, verbatim citations, even down to occasional etymological echoes in vocabulary and construction in some of the closer paraphrases from the Italian (Hodell, *Source*, p. 257)—Browning was remarkably, even pedantically, faithful to his original. But in more substantive material he was found to have often deviated more or less widely from his insistently reiterated principles. For instance, we can grant that in such questions as the exact nature of the feelings between Pompilia and Caponsacchi, or in the attribution of Pompilia's sense of her impending motherhood as the immediate motive for her flight from Arezzo, Browning is justified in his claim that there is at least nothing in the evidence to contradict his interpretations (though there is also, it must be said, nothing whatever in the evidence to support them either). But it is startling to learn from these source studies, after reading in Browning's poem all those protestations of painstaking fidelity to fact, that it is quite clear from the *Old Yellow Book* not only that Pompilia certainly lied when she claimed to be unable to write, and when she claimed that she and Caponsacchi did not arrive at the inn at Castelnuovo until dawn, but that actually she lied pretty consistently throughout her entire deposition. This conclusion is the only inference that can fairly be drawn from the frequent discrepancies between her statement and Caponsacchi's (the two accused would have been interrogated separately), especially considering that, as A. K. Cook remarks in his *Commentary*, "When she and Caponsacchi differed as to facts his version is often supported by other evidence, but . . . hers is not." And indeed, as Judge Gest observes in his admirably lucid analysis of the various depositions, "It cannot be said that the matters as to which [Pompilia and Caponsacchi] thus disagreed were non-essential details. They were the pivotal points of the case" (Gest, *Old Yellow Book*, p. 604). Most astonishing of all to a reader of *The Ring and the Book* is
Gest's later comment: "Upon all the facts as thus developed, it seems quite clearly established that Pompilia was guilty of adultery with Caponsacchi" (Gest, *Old Yellow Book*, p. 610). Cook, even though his attitude toward Browning is that of the adoring hero-worship found in so much turn-of-the-century critical literature, is reduced to musing, "It is a question of great interest how in the face of such discrepancies [Browning] could so greatly exaggerate his fidelity to his source"; he recovers his equanimity only by concluding that "an examination of the conflicting depositions can hardly fail . . . to add immensely to [our] admiration of Browning's genius. It will show [us] that he picked and chose and altered with consummate skill" (Cook, *Commentary*, p. 292, italics mine). Considerations of space preclude listing them here, but there are literally dozens of matters of fact, of both lesser and greater significance, that Browning decided either to alter or silently to eliminate in order to make plausible his transformation of the shabby moral ambiguities of the *Old Yellow Book* into the ideal heroisms and villainies of *The Ring and the Book*. Three years later, he once again engaged in much the same sort of creative process in the composition of *Red Cotton Night-Cap Country*. This present study, in making available the original sources of this later poem, Browning's only other excursion into large-scale historical transcription, thus offers the only other available opportunity for insight into his aims and methods in such an undertaking.

Before proceeding with a description of those sources, it may be helpful to provide a brief summary of the events exactly as they appear in Browning's poem, so as to have a clear basis of comparison with the material in the original documents. For the benefit of those readers whose recollection of *Red Cotton Night-Cap Country* is not as fresh as it might be, this review will take the form of a short synopsis of each of the four books of the poem, each part comprised of roughly one thousand lines of blank verse. To avoid subsequent confusion, I will use the original names throughout, not the metrical equivalents Browning substituted in his final draft to avoid a possible libel suit (such as "la Ravissante" for "la
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Delivrande,""Clara de Millefleurs" for"Anna de Beaupré," and so on.

Most of book one is devoted to a circuitous arrival at the subject of the poem's narrative. The scene opens with a gentleman chatting casually with a lady friend as they stroll through the countryside near Saint Aubin on the Norman coast. (Circumstantial detail scattered through the poem shows clearly that these two figures must be Browning and Miss Anne Thackeray.) This first portion of the poem lays great stress on the quietness of the scene, a somnolence so pervasive that Miss Thackeray is moved to offer her sobriquet, taken from the traditional headgear of the local peasantry, "White Cotton Night-Cap Country." In a spirit of playful rivalry, Browning then rouses himself to recall some episode or other that has occurred in this apparently peaceful place that will be sufficiently terrible, or at least dramatic, that Miss Thackeray will then be forced to concede that "Red Cotton Night-Cap Country" would after all be the more appropriate name. "Red" and "white" are thus established as symbols of a sense of moral polarity running throughout the poem, in conjunction with the theme that, to a sharp and sympathetic eye, there is always much to be discovered beneath a public surface:

The proper service every place on earth
Was framed to furnish man with [is] . . .
To give him note that, through the place he sees,
A place is signified he never saw,
But, if he lack not soul, may learn to know.

(1.60-64)

Placed on his mettle, then—"forward, the firm foot! / Onward, the quarry-overtaking eye!" (1.399-400)—Browning rambles on and on about the passing highlights of the local scenery until his eye is caught by the church tower of la Délivrande, which reminds him of last week's ceremony of coronation for its famous statue of the Virgin, which reminds him of the gems donated for the occasion by the wealthy Parisian jeweler Mellerio, whose country château the speaker and his friend are now approaching—and he finds that he has suddenly and inadvertently discovered his "tragic bit of
ROUGH IN BRUTAL PRINT

Red" (1.732). Not yet betraying the full melodramatic scarlet of Mellerio's story, Browning begins by sketching in how the Mellerio family had grown rich from their fashionable jewelry firm in Paris, and how Antonio Mellerio had decided some years back to retire from the Parisian social whirl to this Norman château with his beloved wife (as she is referred to at this point in the poem [1.722]), to devote his life to charitable works. In response to Miss Thackeray's skepticism that anything very terrible can be found in what will no doubt prove to be merely the usual story of rural domestic ennui, Browning sits her down with a flourish in front of the château's gay facade, "One laugh of color and embellishment" (1.1020), informs her that it was on this very spot that two years ago "tragic death befell" (1.1023), and starts to tell her the lurid tale in full detail.

Book two begins with three hundred lines that give a general characterization of Mellerio as an unstable mixture of emotional sweetness, loose sexual morality, superstitious religious faith, and dim intellect. It is here that Browning first introduces the elaborate "Turf and Towers" symbolism of the poem's subtitle, a recurring emblem through whose variations Browning will display the course of Mellerio's continuing struggle to reconcile the rival claims of "Faith's tower" (2.270) and the "daisy-dappled turf" (2.274) of sensual pleasure:

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Keep this same
Notion of outside mound and inside mash,
Towers yet intact round turfy rottenness,
Symbolic partial-ravage,—keep in mind!
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(2.114-17)

Browning's portrait of Mellerio shows him to have been "impenetrably circuited" (2.141) by an orthodox Catholic faith in his childhood, and then to have turned as a youth to unrestrained romantic "sport" (2.362). After some years of dissipation had passed, at the age of twenty-five he encountered at the theater the beautiful Mme Debacker, who then called herself Anna de Beaupré and who told him the "preliminary lie" (2.627) that she came from a poor but noble family and had just returned from an unsuccessful attempt at
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...
bear the sudden shock of his dear mother's death. The family ruthlessly pressed Mellerio, now heir to a substantial portion of the immense jewelry fortune, to abandon Mme Debacker, claiming that Mme Mellerio had died of a broken heart caused by her son's continued immoral behavior. "You hardly wonder if down fell at once / The tawdry tent . . . / And showed the outer towers distinct and dread" (3.269-70,274). This time, Mellerio's feelings of guilt were so intense that a week after his mother's burial he was discovered kneeling at a fireplace, holding in the flames a crystal casket containing his letters from Mme Debacker, chanting, "Burn, burn and purify my past!" (3.426). By the time he was dragged away from the fire, he had burned his hands off to the wrists. In a fit of penitence he swore to leave Mme Debacker and return to a life of exemplary respectability, but no sooner had he begun to recover his health than he tottered back to Mme Debacker, sold his share of the jewelry business to his cousins, and returned to the chateau at Tailleville for good. There he had artificial hands of hard rubber fitted for his wrists, learned to write and even paint with his mouth, and for the next two years led as normal a life as possible under the circumstances, displaying an increasingly extraordinary generosity to the nearby church of la Delivrande.

Book four opens on a bright spring morning, 20 April 1870, with Mellerio about to set out for a ride on a colt that needed breaking in. While the grooms prepared the animal's equipment, Mellerio bounded up the stairs to the belvedere of the chateau, to pass the time by surveying the weather on the horizon. At this point occurs the poem's thematic core, a long and brilliant dramatic monologue "in Browning's finest manner," according to Philip Drew, delivered by Mellerio from the top of his belvedere. Addressing a review of his life to the Virgin of la Delivrande, Mellerio gradually comes to see clearly for the first time that, for all his agonizings of conscience, he has never been able to muster an absolute faith in the Virgin's power and her mercy. As his fervor increases, he seeks "to prove [his] indubitable faith" (4.264), asking, "What act shall evidence sufficiency / Of faith" (4.222-23), a "Faith [so] without flaw" (4.268) that it will move the Virgin to perform some miracle so astonishing that it will not only redeem his life with Mme Debacker but that
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the news of it will regenerate all France as well? Recalling the old tale that the statue of the Virgin of la Délivrande had originally been carried by angels to the very spot where they wished the church to be built, he leaps over the balustrade of the belvedere in full confidence that the Virgin will enable him to fly safely from his château to her church.

A sublime spring from the balustrade
About the tower so often talked about,
A flash in middle air, and stone-dead lay
[Antonio Mellerio] on the turf.

(4.338-41)

Given all the facts as he set them down, even considering what he sees as Mellerio's foolish superstitiousness, Browning characteristically approves the wholeheartedness with which Mellerio finally acted to claim what he at last had decided was his life's ultimate good. "And I advise you imitate this leap, / Put faith to proof, be cured or killed at once!" (4.355-56). The rest of the story is dénouement. When the cousins appeared in smug confidence that Mellerio's fortune was now securely theirs, safe from the grasping adventureress, Mme Debacker greeted them with the news that Mellerio had left all his enormous estate to la Délivrande, except for a life estate in the château and an annual income for herself. The cousins then claimed that his death had been suicide, and brought suit to overthrow the bequests on the grounds of insanity. But the court judged that, although Mellerio had undoubtedly been eccentric and "Exuberant in generosities" (4.951), there was no evidence of suicide; and besides, in spite of all their accusations, the cousins had considered him perfectly sane enough to do business with when they had seen advantage to themselves in purchasing his share of the jewelry firm. Browning's summary of the court's judgment ends:

"... no fact confirms the fear
He meditated mischief to himself
That morning when he met the accident
Which ended fatally. The case is closed."

(4.952-55)

The poems ends with a twenty-line coda, in which Browning-
ing asks Miss Thackeray, as he finishes composing his work, if he has not made good his promise of that previous summer in Normandy to make her a poem out of "All this poor story [that he had then told her on the beach]—truth and nothing else" (4.982).

Browning was, as usual, full of enthusiasm for his latest work, but on this occasion he "was very doubtful as to its reception by the public," and rightly so. Almost to a person, the contemporary reviewers were dismayed by what they saw as its quite perverse degree of difficulty. The writer for Harper's, for instance, called it "quite as obscure and perplexing in its twisted and tortured sentences as anything [Browning] has ever written," and he went on to defend his failure even to read it all through on the grounds that "it is not necessary to traverse every square mile of the Great Desert to know that its scenery is tame." However, impenetrable as many of them found it, some reviewers did at least manage vaguely to perceive, and generally to admire, Browning's effort "to get out of the ideal medium altogether into the actual workaday world." The British Quarterly Review approved: "Our interest in this story is maintained by our being led perforce to trace the process by which the poet finds in what seem the most perverted elements the dim reflex of high possibilities, ruined by admixture of incompatible qualities of temperament." William Dean Howells, on the other hand, in the Atlantic Monthly, was so outraged by a poem "as unhandsome as it is unwholesome" that he found it finally defensible "neither as a lesson from a miserable fact, nor as a successful bit of literary realism."

Thirty years later, in a discussion of Red Cotton Night-Cap Country leading to the judgment that it is,"if . . . not absolutely one of the finest of Browning's poems, . . . certainly one of the most magnificently Browningesque," G. K. Chesterton observed that "it is worth noting that Browning was one of those wise men who can perceive the terrible and impressive poetry of the police-news, which is commonly treated as vulgarity, which is dreadful and may be undesirable, but is certainly not vulgar." More recent commentary has also tended to find at least part of the poem's value in its transformation of tawdry fact into significant meaning, with
Philip Drew, for example, assigning it to "a place among the best Victorian long poems," and including the following remarks in his consideration:

From this unpromising material, the very stock-in-trade of the sensational journalist, Browning made his poem. He retained the actual names of the participants and made virtually no alteration in the story: indeed the whole affair was so readily recognizable that Browning felt it expedient to substitute fictitious names while the poem was in proof in order to avoid a possible action for libel.

The incidents themselves being given in this way, the main interest of the poem lies in Browning's narrative technique and in his proffings for the motives of the characters involved. The comparison with The Ring and the Book is obvious. . . .

Later, Drew observes of the closing portion of the poem, after Mellerio's death, that "what follows is all very well done—. . . but the effect is necessarily one of anti-climax: these incidents are included in the story not because they are required for its artistic completeness but because they actually happened, because the poem claims to be 'Truth and nothing else' " (Drew, Poetry of Browning, pp. 340, 322, 328-29). Clyde de L. Ryals's concluding comment in his study of the poem is, "It is a mark of Browning's genius that he could make out of this material, which basically is that of a naturalistic novel, an intriguing and ultimately delightful philosophical poem" (Ryals, Browning's Later Poetry, p. 100). There is, by the way, on this subject of his continuing penchant for "naturalistic" subjects, an illuminating remark from Browning himself, in a letter to Julia Wedgwood dated 19 November 1868, in defensive reply to her objection that she found the subject matter of The Ring and the Book to be painfully sordid. In this letter Browning is, of course, referring to his treatment of the Roman murder story, but, given the number of close technical and thematic similarities between the two works, his comments apply equally well to Red Cotton Night-Cap Country:

I believe I do unduly like the study of morbid cases of the soul,—and I will try and get over that taste in future works; because, even if I still think that mine was the proper way to treat this particular subject,—the objection still holds, "Why
prefer this sort of subject?"—as my conscience lets me know I do.

Come, next time I will try in other directions. [Browning was for a short while as good as his word, in Balaustion's Adventure (1871), and possibly even in Prince Hohenstiel-Schwangau (1871), though he sadly backslid in his next two works, Fifine at the Fair (1872) and Red Cotton Night-Cap Country (1873).] But here,—given the subject, I cannot but still say, given the treatment too: the business has been, as I specify, to explain fact—and the fact is what you see and, worse, are to see. [At this point only the first half of The Ring and the Book had been published.] The question with me has never been "Could not one, by changing the factors, work out the sum to better result?," but declare and prove the actual result, and there an end. Before I die, I hope to purely invent something,—here my pride was concerned to invent nothing: the minutest circumstance that denotes character is true: the black is so much—the white, no more. You are quite justified perhaps in saying "Let all that black alone"—but, touching it at all, so much of it must be.  

Browning recounted his method of proceeding with the composition of Red Cotton Night-Cap Country in a letter to T. J. Nettleship, 16 May 1889, beginning with his first acquaintance with the tale of Mellerio's violent death:

I heard, first of all, the merest sketch of the story on the spot. Milsand told me that the owner of the house had destroyed himself from remorse at having behaved unfilially to his mother. In a subsequent visit (I paid one every year while Milsand lived there) he told me some other particulars, and they at once struck me as likely to have been occasioned by religious considerations as well as passionate woman-love,—and I concluded that there was no intention of committing suicide; and I said at once that I would myself treat the subject just so.

Afterward he procured me the legal documents. I collected the accounts current among the people of the neighborhood, inspected the house and grounds, and convinced myself that I had guessed rightly enough in every respect. Indeed the facts are so exactly put down, that, in order to avoid the possibility of prosecution for Libel—that is, telling the exact truth—I changed all the names of persons and places, as they stood in the original "Proofs," and gave them as they are to be found in Mrs. Orr's Hand-book. (Letters of Robert Browning, ed. Hood, p. 309)
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Taking as a cue Browning's remark that "Milsand procured me all the essential documents" (Letters of Robert Browning, ed. Hood, p. 211), in 1972 I traveled to the Archives du Calvados in Caen, the city where the trial with which the poem deals had occurred exactly one hundred years ago. Although the old archives had been bombed in World War II, most of the material had been preserved in cellars around the city and had recently been transferred into a new facility. The documents available there included the handwritten copies of the original pleadings, the published records of the court's judgment, and several newspaper accounts, of which by far the most complete was that of L'Ordre et la Liberté. These are all translated in full in the following pages. The last phrase in the official record of the court's judgment was "Appeal by the Mellerio heirs"; investigation disclosed that in 1873, one year later, after the publication of Browning's poem, the Mellerios had indeed filed an appeal with the next higher court, the Cour d'Appel de Caen. The briefs, summary, newspaper accounts, and decision of that appeal were also on file in the Archives. After the discovery in the University of Caen of a short notice of the Mellerios' second and final appeal in 1874 to the Cour de Cassation, the highest court of appeal in France, there was nothing more to be found in Calvados except for some details on the subsequent history of the chateau from the mayor of Tailleville and the mother superior of the Convent of la Délivrande. In Paris the Mellerio family were kind enough to provide me with a family history that had been written by Joseph Mellerio, the cousin who had been most responsible for bringing the original suit against Mme Debacker. This volume contained an understandably biased account of the entire affair from the family's point of view, and also made possible a more exact identification of the various "Cousinry" mentioned in Browning's poem. Professor Roma King, of Ohio University, later generously offered his copies of a lengthy newspaper account of the 1873 appeal obtained from the Browning collection at Baylor University. Selections from this material, containing the most interesting of the new evidence and arguments, are included below in chapter 6.

The important question of exactly which of these docu-
ments were the ones Browning actually used cannot, I think, be decided conclusively. Obviously, all those documents relating to the two appeals are later than the writing of *Red Cotton Night-Cap Country*, and are therefore not relevant to this problem. They have the same corroborative interest for readers of this poem as the material in Beatrice Corrigan's *Curious Annals* has for readers of *The Ring and the Book*.

As for materials relating to the 1872 trial, there can be no question about the pleadings and the judgment, since they are the complete and original texts that must have been among the "legal documents" Browning obtained from Mil- sand. But the problem of finally determining which of the various newspaper accounts he may actually have consulted is probably insoluble. Of all the newspapers on file in the Archives, only *L'Ordre et la Liberte* gave a detailed day-by-day narration of the trial; for the 1873 appeal this paper was content with a single-issue summary—perhaps to avoid a boring redundancy, since much of the original trial material naturally reappears in the appeal. The account of the 1873 appeal on file at Baylor is that of the *Journal de Caen*, which provided for the appeal the same degree of detail as *L'Ordre et la Liberte* had for the 1872 trial, but I was unable to consult the 1872 volume of the *Journal de Caen* because the collection of that newspaper in the Archives dates back only to 1877. But both these publications have an air of solid respectability, in contrast to many others in the archives; and since there is no conflict in their versions of the appeal, it seems unlikely that there would be any significant conflict in their versions of the trial.

The question that remains is really one of what other information may have been available to Browning: for instance, he claims at various points in the course of the poem to be copying directly not only from evidence submitted in the trial but also from the records of the Convent of la Délivrande (3.883-916). Browning may have obtained this supplementary material from the mother superior of the Convent, "Nun I know" (3.867, 991); but when I visited the convent, the current mother superior informed me that she had no idea what documents Browning might be referring to. The result of this state of affairs, as regards a comparison
of the poem with the source material, must therefore be, I
think, that though firm conclusions about distortion on
Browning's part can safely be drawn when his version actu­
ally contradicts the original documents translated here, he
cannot necessarily be supposed to have invented in his occa­
sional discussion of matter that does not appear in this col­
lection. These source documents can also be used to follow
the process by which Browning silently altered original data
to suit his themes by distorting or simply omitting all kinds
of conflicting evidence. He may well have felt it desirable to
simplify the considerable complexity of the case; but by ig­
oring well over half the material in the trial, he often gives a
very different slant on the personalities and issues involved,
in spite of his repeated insistence on the thoroughness of his
factual objectivity. Chapter five of this study presents a de­
tailed examination of the major discrepancies between the
source material and the poem that purportedly re-creates it
so faithfully, together with a discussion of what light these
discrepancies cast on the themes Browning had predeter­
mined that his historical episode would reveal.

Finally, before turning to the documents themselves, it
may be of some service to provide a brief survey of the rather
tangled legal situation they deal with. In Browning's poem
Mellerio is represented as having made only one testament
(4.648-51), in which he left his entire estate to the Convent of
la Délivrande, with a life estate to be held by Mme Debacker.
That is, the estate would belong to the convent, but Mme
Debacker would be entitled to the use of it during her life­
time. (Throughout this study the term *testament* will be used
to refer to this type of legal document to avoid confusion
with the term *will*—in the sense of *volition* or *will power*—
which will occur frequently in discussions of the question of
undue influence on Mellerio's possibly unsound mind.) In
the poem Browning relates that the cousins simply brought
suit for nullification of the testament on the grounds of Mel­
lerio's unsoundness of mind, and lost. But the actual situa­
tion was much more complicated. In the five years before his
death, Mellerio had drawn up no fewer than five testaments
and an annuity:
1. 27 February 1865: 120,000 francs to Mme Debacker, the balance to his family (At this distance it is not possible to determine the exact equivalent of 1870 francs in 1980 dollars; but my sense of the amounts mentioned in various contexts in these documents is that the buying power of a franc at that time was roughly equal to two or three dollars in 1980, so 120,000 francs would have amounted to something like $300,000. The public prosecutor remarked that one of the reasons for the importance of this case was "the huge sums at stake.");

2. 6 January 1868: 150,000 francs to Mme Debacker, the balance to his family;

3. 4 June 1868: half the estate (an increment) to Mme Debacker, half to his family;

4. 17 September 1868: an annuity of 12,000 francs to Mme Debacker, beginning immediately;

5. 18 June 1869: the entire estate to Mme Debacker, with the property at Tailleville in life estate only, to be made after her death into a hospital for the maimed;

6. 21 October 1869: a more exact legal form of number five, giving Tailleville plus 200,000 francs to the Convent of la Délivrande after the death of Mme Debacker.

After Mellerio's death, on 13 April 1870, the suit brought by the cousins in fact contested the testament on two separate, though related, grounds: they charged not only that Mellerio's unsoundness of mind made him incompetent to make a valid testament but also that Mme Debacker and the Convent of la Délivrande had been in collusion to exert undue influence on Mellerio's weakened mind, coercing him into making a testament in their favor. Consequently, the case actually involved two charges, not just one, and three parties to the suit, not just two. And the suit itself did not directly aim at a flat nullification; instead, the heirs were trying to convince the court to order a commission of inquiry, in which, under French law, oral as well as written testimony could be given. There is no exact equivalent for this situation in American law. The attorney for the plaintiffs—the cousins—thus had the delicate problem of admitting that his
case was not strong enough to argue for immediate nullification while insisting that nevertheless it was strong enough to warrant ordering a commission of inquiry, where his case would then be recognized as strong enough to compel nullification; the attorneys for the defense—Mme Debacker and the convent—had the equally delicate problem of seeking to deny the request for a commission of inquiry without seeming to be anxious to hide anything.

Because of the political upheavals of 1870 and 1871, the case did not come to trial before the summer of 1872. Actually, the term trial is only an approximate description of such a proceeding. Under French law, "in non-criminal actions, the word 'trial' is inappropriate; the securing of evidence, the development of the legal contentions, the definition of relevant issues, take place gradually over an extended period of time until the case is ready for final determination; the record so compiled is then submitted to the full court with oral argument." In this case the process recorded in the newspaper accounts presented below is the oral argument accompanying the submission of the compiled record. It lasted three weeks, from 17 June to 8 July 1872, and in structure resembled a formal debate. The attorneys for the heirs, for Mme Debacker, and for the convent each took an uninterrupted turn presenting their side of the case, with the support of documentary evidence only, and then each took a turn at rebuttal. After the pleadings of each of the advocates, an impartial summary was made by the public prosecutor. Since this official has no exact counterpart in the American judicial system, the following description may help to clarify his prominent role in this case:

Parallel to the hierarchy of the judges [in the French judiciary], there exists a hierarchy of public officials who are agents of the executive and yet, as part of the magistrature, are appointed and classified as judges. The office of ministère public originated in the fourteenth century. As in England, the king entrusted the presentation of his views on litigated matters of a public or general interest to a law-trained representative acting in his name. . . . The Revolutionary decrees formally recognized the officers of the ministère public as agents of the executive power before the courts. . . .
In the court of first instance [for example, in the 1872 trial], he is known as the procureur de la République; elsewhere [for example, in the 1873 appeal], as the procureur général. In criminal matters, the ministère public corresponds to the prosecutor or district attorney of Anglo-American law. In non-criminal court proceedings [such as the Mellerio affair], the ministère public represents societal or community interests in general . . . [and] may assume responsibility for the presentation [in pending cases] of independent arguments [that] carry greater weight with the judges than do those of private litigants.\(^\text{14}\)

Although the Mellerio affair was not a criminal case, the title "public prosecutor" seems to me to convey successfully this official's function of representing an impartial public interest. (His own description of his duties in this particular case appears on p. 96.)

After the speech of the public prosecutor, the court handed down its judgment; and six months later, in January 1873, Browning finished his poem. In July 1873 the heirs filed their first unsuccessful appeal, and in August 1874 the Cour de Cassation struck down their second and final appeal. More than four years after Mellerio's death, Mme Debacker and the convent finally took clear title to the château of Tailleville.

One further note on discrepancies between the French and American legal systems may be useful: the notaries (les notaires) who appear so frequently in the following pages are far more important officials than are their counterparts in American or English society. In France

the notaire is a trained lawyer, completely removed from the area of litigation, who performs numerous and important functions in law administration that far transcend the duties of Anglo-American notaries. He is empowered by law to impart the quality of *acte authentique* to certain writings which must be executed before and by a public officer. He is, therefore, the official authorized to draw up and record ante-nuptial agreements, notarial wills, mortgages and gifts *inter vivos*. . . . As family counselor, and thus often the informal arbiter of disputes, he is, especially in smaller towns, a solidly established, eminently respectable institution. (David and de Vries, *The French Legal System*, p. 24)
INTRODUCTION

Conflicting assessments of the integrity and opinions of the various notaries involved in the drawing up of Mellerio's testaments play a far greater role in this case than would be possibly appropriate if these persons were merely the equivalents of American notaries public.

As for the translation itself, although I have generally aimed at as smooth an English version as possible, I have also tried throughout to preserve traces of a French legalistic flavor. Thus, common personal titles have usually been left in the French, with "Monsieur," "Madame," and "Maitre" (the title of the lawyers) romanized so they would not be too obtrusive, but with the archaic "lesieur" and "la dame" italicized to suggest their aroma of legal jargon even in the French. The names of the convent and the newspapers, as well as a few common French terms, such as street addresses, "salon," "idée fixe," and so forth, have also been left untranslated, as presenting no barrier to understanding and serving as reminders of the Frenchness of the scene. To give a sense of the highly rhetorical color of the attorneys' arguments, I have conveyed as closely as possible the bias as well as the literal sense of their remarks. Where a phrase involves a play on words or some especially exotic flower of rhetoric, the original is included after the translation.

Most tense shifts have been eliminated, especially into and out of the historical present, and obvious misprints have been silently corrected. Rather than spatter the pages with footnotes, I have inserted bracketed interpolations into the text for such purposes as defining technical terms, identifying allusions, and pointing out legal stratagems and locations of counterarguments. The brackets also occasionally discuss Browning's adaptation of the point in question, but most consideration of the discrepancies between the original events and Browning's versions of them will be found in the essay in chapter five, where the poem is compared with its sources.

This study has been undertaken in the hope that the material with which it deals will serve various purposes, including the most obvious one of stimulating new interest in one of Browning's most engaging, and most neglected, long works.
It also sheds light on the particular method of transmuting inert historical data into living imaginative truth which that poem shares with its more distinguished predecessor, *The Ring and the Book*. Thus, besides revealing much about the composition of a work that certainly deserves more admiration than it has received, this study also provides an opportunity for corroborating and refining earlier studies of Browning's masterpiece. In a larger view it also contributes new material for the investigation of how various nineteenth-century writers dealt with their public's increasing reliance on the reality of objective fact and the accompanying eclipse of confidence in the value of imaginative literature. And besides, as Browning recognized, the story has a strange fascination of its own.