Love and a Scrap Book

By DAVID A. CURTIS.

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CHAPTER IL

DISASTER. Daniel Fanning had been burdened in sarly life with the inheritance of a modest fortune. Having no faintest trace of business faculty and a strong inclination to study he had choose his profession without regard to its emoluments, and had begun practice without caring whether he should make it lucrative or not. His income was sufficient for his moderate wants, and his capital was so invested as to give him no concern whatever. His guardian had handed over the accounts when he was 21, and had bade him farewell without emotion, having no interest in him personally and being greatly relieved at the thought that the responsibility was ended. He had no relatives, so far as he knew, and no found books more attractive than men, and had shunned intimacies after one unfortunate experience.

To him, sitting one evening in his office alone, came the demon of unrest. It best years of your life? There is a whole world to see, and what have you seen of it? What is there to keep you here when there is so much on earth for you to learn

by observation?" It was an idle thought born of nothing, perhaps, but on the very next day was making his preparations for a year or more of travel. It mattered nothing whether he should be gone for one year or five. He notified his patients that he was about to leave the citythere were not many to notify. He arranged to store his books and gave notice to the people from whom he hired his office that he was going abroad and

would sail at once. All this was an easy task quickly done. After he had completed it and was ready to sail, the thought came suddenly that it would be well to travel for a while in started for the west. Three weeks later he was in Bloomington, Ills.

Sitting at nightfall in the smoking room of a hotel, there he became aware two simple but invaluable morals in that a stranger was looking closely at him, but he gave the matter no special thought until the stranger came up and said quietly, "You are my prisoner, Cork-



good fellow. My name is not Corkins:

tective, for such the stranger was. "You ever, with the thought that the case was have got a good nerve, sure. But you still young, and asked for instructions as Playfair as he left Wall street. He saw know you too well. Now, will you come reached New York. with me quietly or not?" And he showed a policeman's shield.

in earnest," said Fanning, "but, really, this is a most absurd mistake."

"Very sensible of you, too," said the detective, grinning, "but you know you can't play that game. You're too well here so soon."

"Coming back!" exclaimed Fanning. in some surprise. "I never was in this town in my life till today."

'Very well, stick to it, if that's your lay," rejoined the other with some disgust, "but it's remarkably foolish when there are so many here that know you." And he made no further attempt to talk be enough." with his prisoner, but led him straightway to the police station, where Fanning thought that a simple explanation dismay, however, the chief of police and

had done. He became alarmed. "At least tell me who you think I am, and what I am accused of," he exclaimed, when he found that his expla-

nations were of no avail. "Plays it well, doesn't he?" said the chief with a smile before answering, and are accused, John Corkins, of burglari-ously entering Hayes & Mead's jewelry "I am in prison, it is true," he reasonstore and stealing \$4,000 in money from

their safe." Fanning would have remonstrated furwisely forbore and submitted to being searched and locked up for the night. "It is wretchedly unpleasant," he said to himself, "but no doubt it will be all cleared up in the morning. It cannot be world. Meantime a month is taken out time to waste on a hopeless case. He did, that any police justice will hold me on of my life. Or is it really so? I am however, meet his obligations so far as the charge of burglary." And he smoked a cigar which he had been allowed to retain, and tried with rather poor success

to sleep.
But in the morning he found that it was altogether possible for such a thing studying and meditating. He was alto happen. The magistrate before whom he was brought for examination was a stern though not unkindly man, who the use of what few books he wanted. seemed disposed to do exact justice, and for the jail servants were ready to do who listened attentively to what Fan- almost anything for him so long as he ning had to say, but the testimony of the police was so positive that he had really no discretion in the matter.

'If you are really a New York physician," he said to the prisoner, "you

you for trial in \$10,000 bail. Have you any counsel?"

On learning that the prisoner had not considered it necessary to secure a lawyer, the judge smiled somewhat grimly and told him that no obstacle would be put in the way of his doing it, and then Fanning was led away to his cell. He was confused, almost stunned, by the gravity of his situation, and when the keeper spoke, not unkindly, to him he only answered: "I must think it over. I do not know what to do.'

The more be thought the more serious the case seemed, although no doubt of

his acquittal yet entered his mind. To give bail was impossible without sending to New York, and he was reluctant to apply to any of his acquaintances for such a favor. Possibly it would be useless to do so. A bondsman would have to own real estate in the county, he remembered. But when the case should come to trial there would be no difficulty surely in establishing his identity. Meantime it would be well to secure a lawyer, as the judge had intimated.

He did so, but the result of his first inintimate friend. Even at college he had terview with Mr. Playfair, who was recommended to him, was that that gentle man, having talked with the police before he saw Fanning, decided in his own mind that he had a criminal, and a remarkably foolish one, for a client. said: "Why do you sit here through the He hinted as much after he had questioned Fanning. "Remember," he said. "that it is the worst possible policy to conceal anything from your counsel.

Thereat Fanning flew in a rage-a most uncommon thing for him to doand came near quarreling with his best and only friend, though he was only a hired attorney. However, Playfair apologized-for he had pocketed a very liberal -and smoothed his client down by promising to exert himself and do the very best he could. To do him justice, he really intended to do the best he could -for himself. He had no hope of clearing his client, but at least he could get considerable money out of him. It so happened that he wanted to go to New York on some business of his own, and York on some business of his own, and he suggested—partly to try his client's properly secured. If Fanning could be six months from this date. Dated Sept. 28, 1881 horsestand.

MARIA BORKMAN. al thrift-that if his expenses were paid his own country before sailing, and he he would go himself and bring back one or two witnesses who would testify to Fanning's identity.

The philosophical reader will perceive what followed. First, that when justice is dependent upon legal processes it will not do to neglect one point of may seem or how overwhelming other evidence may be. The second is that trouble of remembering, if it can, on any hypothesis whatever, be interpreted in more than one way. Innocent men have been hanged on circumstantial evidence. because the true explanation of the circumstances seemed far fetched and unso when circumstances happened as they did to convict Fanning?

Yes, he would send Playfair to New York certainly, and would pay his expenses, and be indebted greatly to him for going it happened that on starting on his travels he had closed his bank account, drawing out almost \$4,000, and he had nearly the whole amount with the establishment of his inmocence, and latter instantly reproached himself for on doors on an innocent man. the last time in his life for not asking "That's very well played," said the de- for more. He contented himself, howknow you can't fool me, don't you? I to how he should proceed when he

Fanning reflected for a few moments. Then he said: "Naturally I do not want good for him that afternoon. "I will go quietly, of course, if you are the story of this thing to get about. It will be enough if you go to Dr. Sandringham and to Mr. James Friend. The doctor knows me professionally and Mr. Friend has charge of some business interests of mine. I will write letters to known. I wonder at you coming back them and you can explain the case fully.

"Would it not be well to take your photograph also?" suggested Playfair. "I never had a photograph taken." said Fanning.

"We can have one taken easily enough, said the other. "What possible necessity is there for

that?" asked Fanning. "The letters will

might very probably have changed the step around at once on important busiwhole current of affairs afterward was would set things right at once. To his not taken, and Playfair, after two or three more interviews with his client the sergeant at the desk seemed to recog- and after arranging with the district at- month ago." nize him as positively as the detective torney for a trial within a menth's time, started for New York.

Fanning, left to himself in a most disagreeable predicament, summoned all his philosophy to his aid, and succeeded fairly well in reconciling himself to the ish one, and together they seemed to be situation. He had always prided him- proof absolute. self on his philosophy, and felt a thrill the others laughed. Then he said: "You of gratified vanity in finding that it was

ed, "but luckily it is for no fault of my expected at two deathbeds, and when own, therefore no disgrace really attaches to the fact, and the seeming dis- the moment, the physician assumed that ther, but seeing that it was useless he grace will soon be wiped away. There it must be one of attempted imposition, is no one on earth who will suffer any and straightway forgot all about it in the pain or suspense on my account, and for | multiplicity of his own affairs. this once I can congratulate myself on the fact that I am entirely alone in the not write to Fanning because he had no having a disagreeable experience, but to return to Bloomington in time to see after all it is an experience, and I can hisclient geta "fair trial." And his client, make it serve in the development of with a policy mare cautious than wise, character if I choose."

He did so choose, and spent the time lowed to use his own money, and lived confirmed in his opinion of Fanning's well at exorbitant prices, besides getting guilt and more puzzled than ever to ac-

however, he began to be very appre- was so stupefying that he could not de-hensive. He had early heard once from cide what to do. The whole affair seemed his lawyer, having received a single so monstrously impossible that he actu-

identity. In the mean time I shall hold his arrival in New York, and of course containing no information beyond the announcement of arrival. He was seriously angry and even a little worried by this outrageous neglect, but when he sent a letter to Mr. Playfair's office to make inquiries, that gentleman's clerk called at the jail, and informed him that he had just received a letter from his principal in which the latter said that everything was progressing favorably, but that he had been detained longer than he expected to be. He would certainly return, however, in time for Dr. Fanning's trial. It was very unsatisfactory, but Fanning did not see

what he could do, situated as he was excepting to trust to his counsel, especially as everybody of whom he inquired assured him that Mr. Playfair was the leading lawyer of the place (which was not true), and that he had never proven derelict in the performance of his professional duties, which was true enough

To do Mr. Playfair entire justice it must be said that he had a conscience, though it was subject to legal rules of practice and to the decisions of the courts. He therefore easily persuaded himself that he was doing his full duty by Fanning. And this he did the more easily because he felt convinced that his client was really John Corkins.

On reaching New York he went first to Mr. James Friend, finding him to be a reserved, dignified looking man of middle age, who carried on (according to the sign on the door of his Wall street office) the business of a "banker and broker.

Mr. Friend listened quietly while Mr. Playfair explained his errand, and he read the letter which Fanning had written without the slightest change of countenance. Mr. Friend was an excellent poker player. While he read and listened he was busily analyzing a difficult situation and dallying with a tremendous temptation. He had speculated heavily of late and had lost heavily. Fanning's property was in his hands, and because of Fanning's trust in him and great carelessness about money matters it was not might be well. If, on the other hand, Fanning should call for any very con siderable amount at once it might mean disaster and even complete ruin.

He reasoned it all out rapidly before speaking. Then he said in a most busiss like manner: "This is a most surprising thing, Mr. Playfair. Dr. Fanning certainly left New York about the proof, no matter how insignificant it time this burglary you mention was committed, but he went to Europe. I do not know his exact address just at circumstantial evidence is not worth the this moment, but it is impossible that he should be in Illinois now.

Even while he was speaking Mr. Friend realized that he was taking a long risk, and he trembled inwardly lest Playfair should press him with questions. The lawyer, however, only saw reasonable. And how should this not be confirmation of his own theory and was not disposed to be critical.

"But the letter," he said. "You certainly know whether that was written by Fanning or by an imposter."

"The letter," said Friend, "was certainly written by some one who knows something about Fanning's business, and it even has a resemblance to his handwriting, but it is not a close resemhim when he was arrested, a fact which blance, and if you will notice there are told against him afterward. Money was two errors in spelling in it. Now Dr. of little value to him in comparison with Fanning is a highly educated man."

"Yes, I noticed that," said the lawyer really amused for the moment, and said: he unhesitatingly counted out as much pluming himself on his own astuteness. You are mistaken in the person, my as Playfair asked for, seeing which the and so this triffe helped to lock the pris-

"Now what on earth can that Cor-kins be thinking of to send me to New York on such an errand as this?" thought no more of Friend, and did not for a moment suspect that that reputable looking man drank much more brandy than was

"I will go to Dr. Sandringham, though," said Playfair to himself. "Corkins pays, and I'll do what I agreed to. Besides, it Lizzie B. McKechnie, defendant, is interesting."

Dr. Sandringham was an extremely busy man, but very conscientious. Yes. He knew Fanning, but had not seen him very lately. A most promising young man, who stood well in the profession, What! In prison in Illinois? Impossible! Oh! a man there who claimed to be Fanning. Well, that could be easily settled. Fanning's office was right around the corner. Most remarkable thing!

And the doctor called his secretary, and asked him if he would go to Fan-The photograph, therefore, which ning's office and ask that gentleman to ness. It was done, and the secretary presently returned saying that Dr. Fanning had "sailed for Europe about a

What the servant at the door had said to the secretary was, "Sure, he left here a month gone, an' I belave he wint to Yarrup." The secretary's unintentional lie, however, tallied with Friend's fiend-

Dr. Sandringham hesitated. He was bewildered, and had Playfair produced Fanning's photograph he would certainly have investigated further, but he was the lawyer gave up the case, as he did on

Playfair was also very busy. He did should be angered and so slight the case. The result of this was that Playfair was count for his clumsy attempt to prove

himself somebody else. As for Fanning, the announcement by his lawyer on the very eve of the trial As the day of his trial drew near, that he, the real Fanning, was in Europe

he might not be insane. Then he checked himself, remembering that insanity often begins that way. The only thing to do, so far as he could see at the moment, was to go into court and tell his story clearly and calmity and rely on his lawyer. It was preposterous to suppose that he could be convicted.

He had a fair trial; fair, that is, in the hearing and consideration of all that was presented. It was proven that the burglary had been committed, and that be-yond reasonable doubt John Corkins had committed it. And the prosecution presented him as John Corkins.

Then Fanning was sworn and told his story. He explained his possession of the amount of money in question and his presence in the city as they have already seen explained in this story, and assured the court that he could easily be identified in New York.

As against this the presecution produced the three policemen already mentioned and the warden of the Illinois state prison, who all swore positively that the prisoner was John Corkins beyoud the possibility of a doubt. The warden presented the detailed written description of John Corkins taken down when he had previously been sent to prison for a similar crime, and it tallied exactly with Fanning's appearance, even to the location of a small mole on his

To do Playfair justice once more be fought hard for his client on technicalities, and insisted that the identification was a mistaken one; but the "proof" was too conclusive. Judge and jury alike believed that Fanning's story was a bold and by no means an ingenious lie. He was found guilty and sentenced to ten years of hard labor in the state

To be continued.

Executor's Notice.

I hearby give notice that I have been duly appointed by the Hon. County court of Clackamer unity, Oregon, executor of the will and estate of Frederick Bookman deceased. All persons having claims against sald estate will present them to meduly verified at the office of W. Cary Johnson, in Oregon City, Oregon, within

Administrator's Notice

Notice is hereby given, that the undersign has been, by order of the County Court of Cla

Final Settlement.

In the County Court of the State of Ore on for Clackamas County, Sitting in Pro-

In the matter of the Estate of D. Harvey, deceased.

I. D. Harvey, deceased.

I hereby give notice that I have filed. Stret in the above entitled Court, my accounts and vouchers for final settlement as administrator of the estate of I. D. Harvey, deceased, and the Court has appointed the 2nd day of November, A. D. 18th, as the lime for hearing, and settling said accounts and the exception therefor any.

Not have

RICHARD SCOTT, Admr.

Final Settlement. In the County Court of the State of Ore-

in the matter of the Estates of M. A. Burnell, deceased i

I hereby give notice that I have filed in the above entities ettlement as executer of vointers for final settlement as executer of the will and estate of M. A. Burrell, de-ceased, and the Court has appointed the and day of November, A. D., 1894, as the and day of November, A. D., 1894, as the 2nd day of November, A. D. 1841 as time for hearing and settling said count, and the exception thereto it any. N. B. Hanvey, Executor.

Summons,

In the Circuit Court of the State of Ore-gon for the county of Clarkamas.

F. W. McKechnie, plaintiff, 1

To Lizzie B. McKechnie, the above named

In the name of the State of Oregon: You are hereby required to appear and answer the complaint filed against you in the above the complaint filed against you in the above emitted court and cause, on or before the 21 day of November, 1801, the same being the first day of the term of said court next fol-lowing six weeks publication of this sum-mons, and if you fail to appear and answer, for want thereof the plaintiff will take pade ment against you, and will apply to the court for the relief prayed for in his con-plaint. But begins to the cour-cious that the court of the page to the courdurit filed herein, to wit; for a show-limitying the bonds of matriming existing setween yourself and plaintiff, and for no dher and further rollef as the court ma-

This publication is made by order of Hon Frank I. Taylor, Judge of the above smithed court, made and dated on the 20th mittled court, many day of August, 1891 MARK O'NEIL. 25-11-25-17 Attorney for Plaintiff,

Referee Sale.

State of Oregon, County of Clackamas,

County of Glackamas.)

By virtue of a decree of partition Issued out of and under the seal of the Circuit Court of the State of Oregon for Clackamas County date the 1st day of May, A. D. 1891, to me directed and delivered as referse in a certain sult wherein if H. Johnson Isphaintiff and W. T. Whitlock, A. E. Whitlock, Barah A. Campbell, and Frank William Campbell, Burle A. Campbell, Huzel Campbell, Burle A. Campbell, deceased, and Kate I. Newton are defendants, commanding me in the name of the State of Oregon to make sale according to law of the hereinafter described real property situated in Clackamas County, State of Oregon.

will have no trouble in establishing your letter from him, written on the day of ally found himself wondering whether tember, 1801.

Dated at Oregon CRy this 24th day of sep-



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NOTICE FOR PUBLICATION.

LAND OFFICE AT ORROOM CITY OR. Sept. 28, 189 Notice is hereby given that the following named settler has filed notice of his intention formake final proof to support of his civits an that said proof will be made below the degler and Receiver of the U.S. Land office at the egon City, Oregon, on Nov. 17, 1891, viz.

Lake James.

Linke James.

Homestead entity No. 1805, for the nt₂ of net, and swt₂ of ort, of see 4.11 s.r. z.e.

He names the following witnesses to prove its continuous residence upon and subtraction of said land, vis.

Arthur Sauliders, Peter Poulson and August Paulson, of Lanourile Pails, and Fred Senfeld, of Taylor, and Multinomah compry, on field, of Taylor, and Multinomah compry, on the field of Taylor, and Multinomah compry, in the field of Taylor, and of Multinomah compry, on the field of Taylor, and of Multinomah compry, on the field of Taylor, and of Multinomah compry, on the field of Taylor, and Multinomah compresses the field of Taylor, and Multinomah compresses the field of Taylor, and Multinomah compresses the field of Taylor and Multinomah compresses the field of Taylor and Taylor and

J. T. Avrience, Registe

NOTICE FOR PUBLICATION. Land Office at Oregon, City, Oregon, Oct. 6, 1831

Notice is hereby given that the following named settler has filed notice of her intention to make final proof in support of her claim, and that said proof will be made better the Register and Receiver of the United States Land Office at Oregon City, Oregon, on Nov. 17, 1994. 17, 1991, when

Mattle B. Palmer.

Homestead entry No 7856 for the awig of see Homestead entry, So with a structure of the state of the state of the following witnesses to prove her continuous residence upon and contraction of, said sind, via seth Jones and Adelph Achoff, of Marmet, P.O. F. A. Meluig, and Charles Balley, of Sandy, all of Clerkamas Co.

10-9-31-15 J. T. Arrenson, Register.

TIMBER LAND ACT, JUNE & DOK. alted States Land Office, Oregon Uty, Oregon.

Notice is horeby given that in compliance with the provisions of the set of Congress of Jone 1 157s, entitled "An set for the eath of limber lands in the States of California, Gregon, Nevada, and Washington Territory."

Thomas H. Moore,

of Currinsville, county of Clackarous, state of Oregon, has the day flied by this office his assure statement No 22s for the puriouse of the s ly of he; and n ly of a ely of section No. 2, in township No 2 south, range No a east, and will offer proof to show that the land sought is more valuable for its timber or stone than for its argricultural surposes, and to catalitath his claim to said land before the Register and Receiver of this office at Oregon City, Oregon on Wednesday, the 25th day of November, 1891.

He names as witceases: David Hatch, of Portland, Oregon and Hiram Overton, the reclockerby, and Wiley Royer, all of Currinaville, Oregon.

Oregon.

Any and all persons claiming adversely the stove-described lands are requested to flether claims in this office on or before said. Edn. day of November, 1881. J. T. Apperson, 8-28:10-30 Register.

Summons.

In the Circuit Court of the State of Gregon, for the County of Clacksmas, se. L. G. Young, Plaintiff, Pearl Bichards, Defendant. To Pearl Richards, said defendant:

in the same of the State of Oregon. I was of the hereinafter described real property situated in claskamas Gounty. State of Oregon. You have all and the hour of 1 o'clock P. M. at the front door of the court house in Oregon City. Oregon, sell at public american, to the highest bidder, for each in hand, the following described roal estate situated in soil county and state, to-wit:

Beginning at a point in the easterly boundary of Main street in Oregon City, in said county and state, seventy-two and 7-12 feet southerly from the northwest corner of lot a in block No. 27, running thence southerly slong the easterly hrough said block Z to the easterly boundary of block No. 27, thence northerly along said easterly boundary of block No. 27, hence northerly along said easterly boundary of block No. 27, thence northerly along said easterly boundary of block No. 27, thence northerly along said easterly boundary of block No. 27, thence northerly along said easterly boundary of block No. 27, thence northerly along the particle of this summons upon you. If served by publication, the with fluested by a deed hetween said parties duly recorded to present and summon upon you. If served the sum of the state of Oregon You and I served the summon supon you. If served in the service of this summons upon you, if served in such that the day of the service of this summons upon you. If served in the service of this summons upon you, if served by publication, then with the service of this summons upon you, if served by publication, then with the service of this summons upon you, if served by publication, the service of the service of this summons upon you, if served by publication, then the service of the service

Attorney for Plaintin



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