

A Circumstantial Case

The Astorian's Novelle in Four Chapters

CHAPTER I.

MY first criminal case was in many respects the most interesting in which my professional services have ever been employed, not merely because I was young and exuberantly enthusiastic, but for the additional reason that it presented features which even now, when my hair is turning gray, invest it with a fascination (for me) peculiarly its own.

The alleged culprit in whose behalf I ever appeared as an advocate was a valued—in fact, my dearest—personal friend. Let me conceal his identity by giving him a name as different from his own as anything that I can imagine; let me call him Jack Scarborough.

Jack and I had many points of sympathy, yet there was between us sufficient diversity of opinion and taste to prevent that monotonous agreement which so often renders nominal friendship wearisome if not positively baneful. In my younger days I was fonder of gaiety than could be expected of an old man who walks with a cane. Perhaps I was at times even inclined toward recklessness. Jack was far from being pharisaical, yet his sounder common sense not infrequently acted as a corrective to my caprice by rousing my better judgment. Dear old Jack! How I wish— But perhaps I had better tell the story in my own prosaic way.

I have said that our tastes were not in absolute accord. My friend was interested in several branches of research which seemed to me to be an utter weariness not only to the flesh, but to the intellect as well. On the other hand, I could never induce him to listen to the simplest legal argument without yawning. Chief among his various hobbies was numismatics. Now, although "from my youth up" I have ever taken a deep (even if not always an abiding) interest in coins, it has centered chiefly in those current in my own day and generation—as, for instance, the American double eagle. Scarborough liked these well enough, too, yet in his eyes they were but as dross in comparison with the antiques which gladden the heart and lighten the pocket of the collector. I believe that he would have cheerfully parted with his last gold coin of United States mintage at any time for a bit of copper sufficiently well authenticated as a specimen of a rare and extinct issue. To me this appeared the very acme of folly, yet my love for my friend forced me, so to speak, to simulate an interest in his collection or feign enthusiasm over some newly acquired addition thereto, a species of hypocrisy which I reconciled to my conscience by the plea that it was certainly not harmful, if not positively amiable.

But if our tastes lacked homogeneity, our financial circumstances presented a contrast no less pronounced. Jack, although not positively rich, was at least well to do, while I found it no easy task to sustain myself in decent form until I should secure clients whose appreciation of real worth might fill my purse. Yet we shared a suit of living rooms in common and had few, if any, secrets from each other.

Thus matters stood with us until one June, now long ago. The weather was preternaturally and unbearably hot. The grass in the parks was scorched to a yellow almost golden. The roses drooped and withered and dropped their petals before the passionate kiss of a sun whose breath had proved their undoing. Even the tire-some little sparrows ceased to chatter or to quarrel and sat upon the branches lifeless and despondent, seeking shelter beneath the dust laden leaves which were beginning to fade and curl as though shriveling under the blast of a sunbeam. New York was sweltering under a temperature which would have been insufferable even in July, and the summer exodus had begun earlier than usual.

"Old map," said Scarborough as he came into our sitting room a little after 9 o'clock one particularly stifling evening, "this is a little more than the average human organism can stand. What do you say to a move toward some latitude farther north? I've just heard of the very place, up in the Berkshire hills in Massachusetts. Let's pack up and be off early in the morning—pure air, cool nights, fresh milk and all that sort of thing, you know. Come, man, don't sit there staring at the moon, but get up as much enthusiasm as you can and make up your mind to start."

"I am afraid it's out of the question for me, Jack," I answered. "You know that Pettibone versus Allison?"

"To hades with Pettibone, and Allison, too, for that matter! Why can't you show an occasional glimmer of common sense? A real good lazy rest will help your mind as much as your body. As for me, I shall not be good for anything until I get away from this Black Hole. They say there are some tolerable trout streams and that the woods are charming. Then, I dare say, there are bucolic beauties to whom you might make yourself agreeable in that stolid sort of way you are so fond of affecting. Come, say yes, and we'll make ready at once. Meanwhile—Vil-go and order a trap to

catch the 8 o'clock on the New Haven in the morning."

But, notwithstanding the attractiveness of the proposition and the urgency of my friend, I was obdurate. The case of Pettibone versus Allison was the first lawsuit of any real consequence in which I had been retained. There was an important interlocutory motion to be argued the ensuing week, and, besides, I knew that the gravity and intricacy of the questions involved in the entire litigation called for persistent application to study on the part of so inexperienced a practitioner as myself.

"I tell you," said I finally, "that it is impossible for me to get away at present. But," I added, "that is no reason why you shouldn't go and whip the Berkshire brooks and play the cavalier to the Massachusetts maidens if you like. Perhaps I may be able to join you later if you find this rural paradise as much of a Utopia as you seem inclined to believe."

It required no little persuasion on my part to induce my friend to set off by himself. Yet he finally yielded, and a few days thereafter I waved my



"I am afraid it's out of the question for me, Jack," I answered.

farewell to him from the window as he started on a journey whose far reaching consequences neither of us could forecast.

His occasional letters were like himself, frank and joyously whole hearted. He could not conscientiously praise the fishing, but the scenery and surroundings were all that he could wish. He was not rationally disposed to exertion, and the long, lazy afternoons in leafy groves, where, lying supine with no companions save his book and his pipe, he could watch patches of blue sky alternate with fleecy clouds and fall asleep to the melody of a feathered orchestra and the pianissimo chant of whispering winds, he found to be halcyon days. The country girls he did not consider attractive. They were either too angular or too shapeless, too intensely intellectual or too wearisomely pastoral. He had made no overtures toward flirtation. Dear old Jack! Well I knew that for him the whole round earth contained but one woman. When he was with her he was conscious of nothing but the pervading influence of her presence. When he was alone he lived in recollection and on hope. Had all the women of New England been a bevy of beauties whose charms rivaled those of the cloud of nymphs that sought to lead St. Anthony astray, Jack Scarborough's loyal heart would have been steered to their fascinations.

Later he began to complain of ennui. He proposed to stretch his limbs by long tramps over the hills and study the rugged type of character showed by the shrewd, bronzed Yankee farmer. After he had started on these strolls his letters became more interesting. At first he found these strolls rather rapid, but he finally discovered in an old plowman a panacea for dullness. Perhaps the clearest light that I can shed here on subsequent events may be found in one of his letters written shortly before his return.

"I have discovered the type of an odd genus in the shape of an old farm laborer. He is old and grizzled and bent and extremely proud of the fact that he is an Englishman by birth. I find no little entertainment in his company. He seems to love the soil as though he were conscious of his kinship to it and not infrequently pauses in his work to examine and break up the clods. When I ask him why he does so he grows positively mysterious and hints darkly at rich 'finds' made by him in the past."

A few days later he wrote: "I have at length learned the secret of my farmer friend's deep interest in the lumps of dirt which he turns over. While plowing in his native English shire he unearthed a cracked jar of unique pottery containing a number of copper and silver coins, together with one gold piece. I have persuaded him to let me have a peep at them and am

to meet him for that purpose tomorrow evening. You know my hobby. Perhaps I may find something of real value."

Only a few days after the receipt of this last letter my friend returned to New York. It was about half past 10 in the evening when he fairly burst into our rooms. His abruptness, however, was easily explained by his exuberance of enthusiasm. He was as brown as a nut from which the ripening frosts of October have stripped its aromatic husk, yet his cheeks glowed with the ruddy hue of exercise, and his eyes fairly sparkled with excitement. I was hard at work upon a brief, but I dropped my pen (making a broad splash across the page) in my eagerness to welcome him. A few words of greeting were exchanged, and then Jack dashed into the subject which was nearest to his heart.

"Graham," he said, his voice fairly quivering with emotion, "I've found a veritable treasure, a gold noble of the reign of Edward III. And where do you think I got it? From that old plowman up in Berkshire."

As he spoke he extracted from an inner pocket of his purse an irregularly shaped gold coin with odd devices and ill shaped letters stamped on both face and obverse, and placed it in my hand with a pride and exultation which were almost boyish. I failed to see anything about it particularly interesting, yet tried to sympathize in his joy, even although I could in no degree understand it. To me this treasure seemed an exceedingly commonplace affair—a thin, flat piece of gold, somewhat worn and very poorly stamped, chiefly interesting as a sort of object lesson illustrating the stupendous advance made in the science and mechanism of mintage in our own times.

"What is it worth?" was my first inquiry.

Scarborough laughed. "That's you all over," he cried. "I suppose your humdrum profession must cultivate your commercial instincts, for I can remember when considerations of relative cost and value didn't cut much figure in your calculations. However, my cynical mentor, let me tell you that this coin is worth a pretty sum—more than fifty times what I paid for it. There are very few perfect specimens in existence. But nothing would tempt me to sell it. If I had bought it in a speculative way, I should feel as though I had taken a mean advantage of the seller, but inasmuch as I purchased it as a curio and paid what the owner evidently regarded as a good, round price, my conscience doesn't trouble me in the least. Of course," he added, as he tenderly and reverently replaced the coin in his purse, "I may have made a mistake. Yet I think not. Tomorrow I shall compare it with the one in the library, and then I shall know beyond doubt. And now put on your hat and let's go and have some supper, for I am well nigh famished."

Continued in tomorrow's Astorian.

Cured of Bright's Disease.

Mr. Robert O. Burke, Elmora, N. Y., writes: "Before I started to use Foley's Kidney Cure I had to get up from 12 to 20 times a night, and I was all bloated up with dropsy and my eyesight was so impaired I could scarcely see one of my family across the room. I had given up hope of living, when a friend recommended Foley's Kidney Cure. One 50 cent bottle worked wonders and before I had taken the third bottle the dropsy had gone, as well as all other symptoms of Bright's Disease." T. F. Laurin, Owl Drug Store.

CAN'T BE SEPARATED.

Some Astoria People Have Learned How to Get Rid of Both.

Backache and kidney ache are twin brothers.

You can't separate them. And you can't get rid of the backache until you cure the kidney ache.

If the kidneys are well and strong, the rest of the system is pretty sure to be in vigorous health.

Doan's Kidney Pills make strong, healthy kidneys.

H. J. Young, of 290 1-2 Morrison street, Portland, Ore., says: "I have had no occasion to use any kidney medicine since 1903, and that is the very reason why I can recommend Doan's Kidney Pills so strongly. This remedy relieved me at that time of an annoying attack of kidney complaint which had clung to me for quite a while, and had become aggravated by a cold which settled in my back. The relief was speedy and lasting, and not the slightest trace of a recurrence has appeared during the three years that have elapsed. I am convinced that this is good proof of the value of Doan's Kidney Pills."

Work on the grounds and buildings of the Alaska-Yukon-Pacific Exposition is being rushed. Six buildings will soon be well under construction.

A Methodist Minister Recommends Chamberlain's Cough Remedy.

"We have used Chamberlain's Cough Remedy in our home for seven years, and it has always proved to be a reliable remedy. We have found that it would do more than the manufacturers claim for it. It is especially good for croup and whooping cough."

REV. JAMES A. LEWIS, Pastor Milaca, Minn., M. E. Church. Chamberlain's Cough Remedy is sold by Frank Hart and leading druggists.

DROWNED WHILE SKATING.

CHICAGO, Nov. 25.—A dispatch to the Record Herald from Mason City, Iowa, says:

Ella Swift, aged 14 years, Merle Mettler, 14, and Frank Hartfelled, 18, were drowned in Little Creek last night. The two girls were skating together, when the ice broke and they went beneath. Frank Hartfelled attempted their rescue, but was unsuccessful. The bodies of the two girls were recovered and searchers are now dragging the river for that of Hartfelled.

Kemp's Balsam will stop any cough that can be stopped by any medicine and cure coughs that cannot be cured by any other medicine. It is always the best cough cure.

In the presence of astronomers the people of this planet seldom have occasion to swell up with pride. An Italian observer states that the new spots on the sun are twelve times the size of the earth.

A Good Liniment.
When you need a good reliable liniment try Chamberlain's Pain Balm. It has no superior for sprains and swellings. A piece of flannel slightly dampened with Pain Balm is superior to a plaster for lame back or pains in the side or chest. It also relieves rheumatic pains and makes sleep and rest possible. For sale by Frank Hart and leading druggists.

Canada is expected to appropriate \$100,000 for the Yukon building and exhibit in addition to the amount expended upon the Dominion building and display at the Alaska-Yukon-Pacific Exposition.

Dancing Proves Fatal.

Many men and women catch colds at dances which terminate in pneumonia and consumption. After exposure, if Foley's Honey and Tar is taken it will break up a cold and no serious results need be feared. Refuse any but the genuine in a yellow package. T. F. Laurin, Owl Drug Store.

A counterfeiter has been arrested for making half dollars of full weight and fineness, which he was able to do at a profit of nearly one half. The president will feel fortified in his views to hear that the pious motto was included in the imitation.

Lane's Family Medicine is a tonic-laxative. It does not depress or weaken, but imparts a feeling of buoyancy and strength that is delightful. At all druggists 25c.

A Reliable Remedy for Croup.

Mrs. S. Rosenthal, of Turner, Mich., says: "We have used Chamberlain's Cough Medicine for ourselves and children for several years and like it very much. I think it is the only remedy for croup and can highly recommend it." For sale by Frank Hart and leading druggists.

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Vegetable Preparation for Assimilating the Food and Digesting the Stomach and Bowels of
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