

Circumsantial Case

The Astorian's Novellette in Four Chapters

CHAPTER II.

The next morning the great bronze doors of the library had scarcely swung open for the admission of the public when my friend began the ascent of the stairs, his golden noble in his pocket and his heart full of hope. Why is it that we so often perceive intuitively or instinctively the approach of physical peril and yet have no premonition of the coming of the moral cataclysm?

Scarborough was on friendly terms with the librarian whom he had known for several years. As an habitue of the place he also had a speaking acquaintance with several of the assistants, custodians and other employees; hence when he requested permission to examine the particular tray in which he was in quest of the coin which he was in quest of it was readily granted. Retiring to an alcove in which there was a strong light he eagerly commenced the comparison of his treasure with the piece whose genuineness was unquestioned. He had a powerful magnifying glass and made copious notes. In about an hour he had satisfied himself that he had not been mistaken and prepared to leave the building. No one had come into the alcove while he had been there with the exception of the attendant, who had, as required by regulation, loitered about within sight. Elated at the success attending his investigation, Jack was, perhaps, a trifle careless in his handling of the coin entrusted to him. At all events, he dropped it on the floor. He at once called the assistant and, telling him what he had done, asked him to aid him in his search. The man, whose name was Golson, readily assented, and for half an hour both men carefully sought for the missing coin. Creeping about on their hands and knees, they explored every square inch of the floor, raising the edges of the cocoa matting wherever practicable, but all in vain. Had the noble been absorbed into the atmosphere like an odorless, colorless gas it could not have disappeared more completely. At length they abandoned the quest and, rising to their feet, looked at each other, Jack with an expression of dazed despair, Golson with a look of keen, cold distrust.

"Mr. Scarborough," said he, "this is a very unpleasant affair."
"Decidedly so," assented Jack.
"Of course you can understand," Golson went on, "that under the circumstances I have no alternative. A valuable coin has disappeared from a tray which was under your sole control at the time. You must pardon me, but I am forced to summon the officer on guard to take you to the librarian."

My friend stared at him in a helplessly bewildered sort of way. To demur would have been worse than useless; to submit to the disgrace was the only course open to him.

On reaching the office of the librarian, that functionary, after listening to Golson's report, conducted Jack into a small inner room, requesting the representative of the law to remain outside the door, which he closed.

"Mr. Scarborough," said he, "I am inexpressibly pained. I make no insinuations, but you can readily see that a personal search must be made. Probably you would prefer to empty your pockets voluntarily in my presence to submitting to the indignity of the hands of the officer. If, as I fully expect, the noble does not appear anywhere about your clothing, you leave this building without the shadow of a stain."

Unhappy Scarborough! At this suggestion, made in the kindest manner, he could feel the clammy perspiration standing on his brow in great beads, for, in fear that his coin might not be genuine, he had said nothing as to his motive for examining the specimen in the library. Had he explained his object at the outset and exhibited his pseudo duplicate to Mr. Pope, the librarian, its presence in his pocket would be clearly enough explained. But now who would believe him? What a gauzy story the truth would appear to be! But there was no escape.

"Mr. Pope" (and he spoke slowly and with evident agitation), "I have in my pocket almost a precise copy of the coin which I have unfortunately, but innocently, lost. I came here this morning merely to compare my coin with yours. My noble is in my pocket. I will produce it, and from the bottom of my heart I wish that I could produce yours as easily."

Mr. Pope's face afforded a rare study of conflicting emotions. Pity and indignation seemed to be struggling for ascendancy in his soul. He finally compromised on doubt, yet the mental tension to which he was subjected was shown in his voice when he said: "Mr. Scarborough, your statement is, to say the least, remarkable. On its face it is incredible. Will you kindly show me this duplicate?"

Perhaps unconsciously he injected a sarcastic emphasis into his enunciation of the word "duplicate." Jack felt he was a ruined man.

"Certainly, Mr. Pope," he answered, without hesitation, drawing his own coin from his pocket and pinning it before the skeptical official.

The latter took a monocular from his

drawer and examined the piece closely on both sides for several minutes. Jack waited with the patience of a man who expects his quivering nerves to be cauterized at any moment by an electric current.

At length Mr. Pope laid aside his glass and fixed his eyes on the putative culprit.

"Did you," he queried, "discover any points between our 'noble' and your 'duplicate'?"

"None whatever except a slight depression on the obverse side and a smaller diameter in my specimen at certain points. Otherwise, for all that I could see, they were substantially identical."

The librarian was deeply moved. After pacing the floor once or twice he abruptly turned upon his heel and faced his prisoner with the peremptory request, "Let me see your knife." Jack produced it.

"As I thought, it contains a file blade of finely tempered steel. Scarborough," he went on, "I have known you for several years. I am old enough to be your father, and I want to treat you as I should wish another man to treat my son under like circumstances. All enthusiastic collectors are, in a sense, monomaniacs. I can see remorse—no, I mean regret—written upon your face now. Admit that an overmastering influence momentarily overcame your reason and for a single instant clouded your conscience. Own that your alleged 'duplicate' of so rare a piece is the coin which you pretended to have lost and which you have perhaps fled, with a view to destroying its identity, and I give you my word that what has transpired between us just now shall never pass my lips. I will dismiss the officer. I will even undertake that the coin shall be luckily found and restored to its place. And, more than that, you shall not lose my friendship. I myself can understand the strength of temptation, for, though it has never happened to assail me just as it has you today, I have sinned in ways that have been perhaps less excusable."

The voice of the old man was tremulous. His eyes were moist, and as he ceased speaking he laid his hand gently upon the shoulder of the man whom he believed to have been detected in a grave crime.

Jack appreciated the nobility of character which underlay his words and at the same time perceived that there was a way to escape the impending thunderbolt, whose fall seemed inevitable. That the gold noble that he had dropped would be ultimately recovered he had no doubt. In that event Mr. Pope would discover that his suspicions had been ill founded, and his own reputation would be cleared. But should he, Jack Scarborough, whose life had hitherto been blameless except in so far as a few of the minor escapades of ebullient youth might have cast a light shadow across it, confess himself a thief? Never! Rather—yes, a thousand times—arrest and arraignment, the handcuffs and the grated door.

The librarian had left him to himself, seemingly trusting to the voice of the culprit's conscience. He stood gazing out of the window, through which arose the confused clamor of the street below, where wealth and penury, virtue and crime, hope and despair jostled each other in an ill assorted crush of humanity.

At the sound of Scarborough's voice he turned around.

"Mr. Pope," said Jack, "do not think that I underestimate your kindness. I can never forget it, and I thank you for your well meant offer. But I have spoken the literal truth. I have nothing to say in variance from my original statement."

"Then you force me to the most bitter task of my life. Scarborough, I know your mother in her girlhood. Nothing but chance prevented our marriage. You are her veritable image. For her sake I long to save her son. Think I am willing to do for you what I believe I would do for no man on earth except her son, for I have seen no other woman whom I cared to marry. But if you persist in your obstinate refusal of my offer I must hand you over to the police. I must. The case against you is too plain to admit of question. The officer is waiting at the door. Do you still reject the one avenue of escape?"

Jack was more deeply moved than he cared to show, but his self respect retained its ascendancy.

"Mr. Pope," and his voice was firm, "I did not know that you had ever been a friend of my mother, but if you were my father you could not persuade me to the confession of a crime of which I am innocent."

"Then I must do my duty, at any personal cost." And, throwing open the door, he beckoned the policeman to enter. "Officer," said he, "this is your prisoner. I will accompany you to the station and prefer charges."

Before being locked in a cell Jack obtained permission to communicate with his friends. A messenger was dispatched to my office, and I lost no time in going to the station. He was arraigned the next morning and, waiving a preliminary examination, was held to await the action of the grand jury in bonds of \$2,000. Bail was promptly furnished, and we left the courtroom together. In profound silence we rode to my office, where we

sat down to talk over the situation. "Graham," said my friend, "this is the most terrible thing that could possibly have happened to me. Surely there can be no doubt that the gold piece that I so unluckily dropped will be found and this horrible muddle cleared up?"

"I hope so," I replied. "It seems almost morally certain that the coin must be found, but—"

"But what?" he interrupted with feverish eagerness.

"Well," said I, speaking slowly, not wishing to add to his suffering and yet anxious that he should realize his position in all its gravity, "in the first place, we can't tell how soon it will be found. Inasmuch as Mr. Pope feels fully assured that he already has the 'noble' belonging to the library in his possession he is not likely to institute any further search for it. It seems to have worked itself into some decidedly out of the way corner, where it may not attract attention for

several months."

"I hope so," I replied. "It seems almost morally certain that the coin must be found, but—"



"Officer," said he, "this is your prisoner."

a long time to come. And then, besides, who knows by whom it may be found? It is altogether within the range of possibility that it may be discovered by some dishonest person who may surreptitiously appropriate it to his own use. Of course, I am only suggesting contingencies which may occur. But it is better to look at the situation from different standpoints."

"Yes," he assented with a heavy sigh. "I see. But then," he added quickly, "I can prove that I did actually have a duplicate before I asked to examine the specimen at the library. There is the plowman from whom I bought it. And I showed it to Agnes. And you yourself saw it."

I knew that by "Agnes" he referred to his fiancée.

"When did you show it to Miss Etheridge?" I asked.

He colored slightly as he answered that he had stopped at her house for a few moments on his way home from the train the evening he had returned to the city.

"The testimony of the plowman," I said, "ought to be valuable unless the jury should chance to believe that his story was ingeniously contrived for the occasion, which is not likely. My own evidence, I fear, will not aid you very materially, for, although of course I feel sure that the gold piece that you showed me closely resembled the one which you dropped on the floor of the alcove, I know it only because you yourself have told me so. I only glanced at it casually and cannot now recall a single one of its salient features, except that it had a head and inscriptions with which I was and am wholly unfamiliar. This would weigh very little against the positive identification of the piece taken from your pocket by the librarian. But perhaps Miss Etheridge examined it more carefully."

"She did," he exclaimed. "We looked at it together, and I explained the inscription to her. She could describe it, I feel sure, and then what will become of the prosecution?"

"I could not find it in my heart to add another straw to the load that he was carrying, so I said, 'Yes, that ought to make a strong case.' And then I asked, 'Now, whom do you want to defend you?'"

Jack stared at me. "Why, whom should I want but you?" he asked. "You personally know the facts, and who else would take so deep an interest in vindicating my innocence?"

"Dear old boy," I replied, "nothing will ever happen that can weaken our friendship. I merely want to be of the utmost possible service to you. The only question is, how can I accomplish that? If I had only scrutinized that unlucky gold coin more closely, probably I could do you much good as a witness, and you know an advocate should never be a witness for his own client except as to some mere technical matter of form. However, as it is I don't think I could do you any good on the stand, and if you really prefer me to an experienced attorney in criminal cases I shall certainly do all that I can."

"Then that's settled," he said, "and as to experience, I haven't the slightest fear on that score. And, Graham, don't ask for delay. My acquittal is as certain as my breath, and I want this incubus lifted as soon as possible. And now, as I didn't sleep a wink last night, I believe I'll go and try to have

Dear fellow, I wanted to tell him that he had formed no conception of the consummate skill with which a prosecuting attorney can weave a net of inculpatory circumstances around innocent men. Nor did he know anything of the whimsicalities of the average petit jury. But I had not the heart to disturb his confidence.

Continued in tomorrow's Astorian.

EXONERATE CAPTAIN.

SAN FRANCISCO, Nov. 26.—The local Board of Steamboat Inspectors handed down its decision yesterday in the case of the burning of the steam schooner Berkeley off Point Conception, on the morning of November 14, exonerating Captain A. D. Higgins her master and all his officers, from any charge of negligence. The vessel was valued at \$75,000.

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