

The Bloomfield Times.

FRANK MORTIMER, }
Editor and Proprietor.

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BY

FRANK MORTIMER.

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Miss Foster's Lovers.

A Story of Circumstantial Evidence.

CONCLUDED.

ON the seventh night of our being out, we were running under canvas; and being thus relieved from duty, I was walking the deck, pondering over the circumstances connected with the murder of the unfortunate Marlow, and trying to think of some theory of its commission consistent with the innocence of Wallworth. But my thinking was all in vain; for after cogitating on the matter for between two and three hours, I only succeeded in getting my thoughts into a state of hopeless confusion. So, giving up all hope of "seeing my way out," that night, I leaned idly against the bolwarks, and softly whistled to myself—as was my wont when, like the jolly young waterman, I was "thinking nothing at all"—and gazed vacantly over as much of the "wild waste of waters" as was visible in the dim starlight. How long I remained in this listless attitude and apathetic frame of mind, I cannot say; but I have often thought since that I must have been dozing for some time. However that may have been, I was suddenly startled by hearing distinctly, as though spoken by some person close to my ear a phrase which in the course of our numerous conversations the captain had frequently made use of, "It must have been done by some one connected with the ship or the notes would not have been found on board." I turned abruptly to the side from which the sound appeared to proceed; but there was no one there, nor could I see any one on the same part of the deck as myself. Thoroughly roused by this incident, I again began to pace the deck; but still the words, "It must have been done by some one connected with the ship," seemed to ring in my ears for several seconds. As soon as the sound ceased, there came to my mind, not by any process of reasoning, but instantly, and like a flood of light, an idea which I felt contained the real explanation of the murder for which Wallworth had been arrested. I was greatly agitated by the nature of the thought which had taken possession of me, and the sudden and strange manner in which it had occurred; so I retired to my berth, with the determination of "sleeping upon it" before imparting to any one the suspicions to which it had given rise.

My sleep was neither dreamless nor very refreshing; still I awoke in the morning in a much calmer frame of mind than I had been when I "turned in" on the previous night; and on reflecting upon the idea which had occurred to me so unexpectedly, I began to be surprised that it should not have forced itself upon my notice before. After indulging in a good dip of cold water, and making a light breakfast, I had a short conversation with the third engineer, and then waited upon the captain.

"Good morning, Will," he said, removing the cigar from his mouth, and speaking from his side of the cloud of smoke that hung between us, as I entered the cabin in response to his cheery "Come in." "You don't look over-well," he went on, as the smoke dispersing enabled us to "sight" each other. "Not come to report yourself sick, I hope?"

"No," I answered, "I am quite well; but I've come to speak to you on a very serious object."

"Speak on, then, Will," he said. "I'm all attention; and as serious as an heir-expectant at a will-reading."

Notwithstanding his bantering manner, I knew he was "all attention," and so went straight to the point by saying, "Well, what I wish to tell you is, that I think I can see my way out of Wallworth's affair."

"The deuce you can!" he said, with a start, and laying down the cigar which he had been about to replace in his mouth.

"Well, I believe I can," I answered;

"but before I mention my suspicions, may I ask if, when you so frequently expressed your opinion that the murder must have been committed by some one connected with the ship, you suspected any one in particular?"

"No," he answered, shaking his head. "Well, God forgive me," I said, "if I suspect any man unjustly of being guilty of such a fearful crime; but I now strongly suspect a man who is at present on board, of being the murderer."

"For Heaven's sake!" he exclaimed, "be careful how you make such an accusation against any one. Have you any sound reasons—anything, for instance, that would be fairly admitted as evidence in a court of justice—to justify your suspicions?"

"I have," I replied, "or I would never have entertained or mentioned suspicions of so grave a character."

"And who, then, is the man?" he asked.

"Before I mention his name," I replied, "understand me, I do not wish what I am about to say to be repeated to any one else at present. I would not tell my suspicions even to you, only I wish to ask your permission, and perhaps assistance, to set a watch upon the movements of the suspected party, and to take any other steps that will be likely to prove whether my suspicions are correct or otherwise."

"Well," he answered, "if you will satisfy me that you have reasonable cause for your suspicions, I will give you any assistance in my power to verify or set them at rest. And now, who is the man?"

"Fleming, the fireman," I said, lowering my voice. "As I said before," I continued, seeing that the captain was for the moment too surprised to speak, "may God forgive me if I am suspecting an innocent man; but I now firmly believe that it was Fleming who murdered the poor fellow whose untimely end is laid to Wallworth's charge."

"By Jove! I believe you've hit it this time, Will," exclaimed the captain, interrupting me as I was about to commence an explanation of my reasons for believing Fleming to be the murderer. "I'm astonished," he went on, "neither of us ever thought of it before, for it was he that went to Foster's for you; and according to what you have told me of what occurred there, he must have been leaving about the same time as the murdered man; and as the latter stood in the hall talking to Miss Foster, Fleming must have noticed the cargo of jewelry he carried."

"And not only that," I said, "but I now recollect that while speaking, Marlow was putting the loose money which he had brought from the card-table into a purse which appeared to be well filled, and every time the money clinked, Fleming gave a furtive glance at him. And then," I continued, checking the captain, with a gesture as he was about to speak, "when Fleming left the house, there was no servant in the hall, and I had turned to go up stairs again before he reached the door, so that he had every opportunity to take Wallworth's stick from the stand. On questioning the third engineer this morning, I find that Fleming did not return on board on the morning of the murder till several hours after me; that when he did come he was very much excited, and his dress was muddy and disordered; and that he offered no explanation either of his lengthened absence from the ship, or the damaged state of his clothes when the engineer reprimanded him."

"What sort of a fellow is he in a general way?" asked the captain.

"Well, I may say that his character would not be of service to him in an affair of this kind," I replied. "He's a good fireman, and obedient enough where duty is concerned; but he's of a savage brutal temper, and from what I've heard his mates say, he shows a cupidity of disposition, that, to say the least of it, is rather uncommon among seagoing men."

"Well, I begin to think we shall be able to extricate Harry from this mess, after all," said the captain, when I had finished speaking; for the only real pieces of evidence against him are his stick and the bank notes; and if we can account for them in a manner consistent with his innocence, why, the thing is done. Now what you say suggests a very feasible explanation for the finding of the stick, and I think I can account for the finding of the notes in a manner equally as feasible, and as consistent with the theory of Wallworth's innocence and Fleming's guilt; for I remember that the latter stood within a few feet of me when the clerk was telling me of Wallworth's arrest, and that the police are going to board us. As the clerk was excited, and spoke in a loud tone, Fleming

could not help hearing what was said, and he had plenty of opportunities between the time of the clerk's leaving the vessel and the arrival of the detectives, to enter Wallworth's berth and secrete the notes there."

From a consideration of these circumstances, the captain and I were fully satisfied in our own minds that Fleming was the murderer; and as the friends of Wallworth, our next step was to consider how we might best obtain some satisfactory evidence of his (Fleming's) guilt. After a long consultation, we arranged that each of us should privately make inquiries concerning his proceedings on the morning of and since the murder, and that I should confide my suspicions to one of the firemen, an intelligent young fellow on whom I could rely. I was to instruct him to keep a close watch upon the movements of Fleming, and to sound him upon the subject of the murder. This arrangement was perseveringly carried out, and in the course of two days the captain had ascertained that a few minutes before the detectives came on board, the mate had seen Fleming coming out of Wallworth's berth, and though he took no notice of it at the moment, he remembered it after the detectives had left the ship, and had even asked him what he had been doing there. Fleming replied that he had overheard the conversation between the clerk and the captain, and had slipped into Wallworth's berth with the intention of secretly removing any evidence of guilt that he might find before the arrival of the detectives, but that seeing nothing of a suspicious character, he was leaving when the mate saw him. Believing this explanation, the mate remained silent about it, thinking that, had it been known, Fleming might have got into trouble for his generous intention. In the meantime, I learned from my own observations, and from what the fireman whom I had set watch told me, that Fleming had not now got the suit of clothes he had worn on the morning of the murder; that he persistently avoided speaking of the crime himself, and seemed nervous when the subject was spoken of by others in his presence; that his sleep was disturbed, and he often left his hammock to walk the deck; and that he would never open his sea-chest when others were looking on.

"All this," said the captain, when we were comparing notes, "goes to confirm the correctness of our belief in Fleming's guilt; but still it affords no tangible proof of it, and it is proof that we require."

"Yes, it is proof that we require," I replied, repeating his words; but how are we to get it? Have you any idea?"

"Well, I have," he answered; "but I'm afraid you'll think it rather a queer one."

"Well, let me know what it is anyhow," I said.

"Well, then," he answered, "I would suggest that you take an impression of the lock of Fleming's chest, and make a key to fit it, and open it in the presence of witnesses."

I suppose my looks showed that I did consider this idea "a rather queer one," for the captain hastened to add in an apologetic tone, "you know there's no use in being over-scrupulous in a case like this; and besides, what I propose can do no harm to Fleming if he is innocent, while if, as we suspect he is guilty, it would be throwing away a chance in Wallworth's favor to let him get on shore without having his chest examined; for you may depend upon it, that if he is the criminal, he has the jewelry taken from the murdered man with him. The search after it was too hot during the two or three days we were in Liverpool, after the murder, to allow of his disposing of it there."

Not being able to think of anything better, and holding with the captain that this was not a case in which to be over-scrupulous, I resolved after a little consideration, to act upon the plan he suggested; and having signified my intention of doing so, I left him, in order to set about carrying it out as speedily as possible.

All steamships carry a kit of tools with them; and with the aid of these I soon made a key, with which, in the presence of the captain, the chief mate and second engineer—to whom, under a promise of secrecy, the captain had explained the circumstances of the case—I opened the chest. It was large and strongly made, the scanty wardrobe and a few miscellaneous articles which it contained scarcely covering its bottom, and offering very few obstacles to a thorough examination. Our first proceeding was to note accurately the manner in which it was packed, so that we might be able to replace its contents in a manner that would excite no suspicion of

their having been disturbed; and having done this we commenced our search. Everything was taken out of the chest, and each article of clothing was unfolded and felt all over, in order to discover if there was anything sewn in them; but all in vain for our purpose, as nothing that could in the remotest degree be connected with Marlow's murder was found. Though disappointed at the result of our search, my belief in Fleming's guilt was by no means shaken. It was possible, I thought, that the jewelry was concealed about the clothes that he wore, or hidden in some of the coalbunks; and so on arriving at Bermuda, I requested my friendly fireman to continue his watch upon him, to see if he attempted to dispose of anything on shore.

A few days before we were to leave Bermuda, I received letters from Mr. and Miss Foster and the lawyer. Mr. Foster's letter merely stated, that up to the time at which it was written, nothing favorable to Wallworth had transpired. His daughter's was much longer; but it contained nothing that was calculated to throw light upon the subject on which it was written, consisting mainly of reiterations of her belief in Wallworth's innocence, and reproaches against herself as the cause of his present misfortune. The letter of the lawyer was of a more important character. In it he stated that having made the most searching inquiries without being able to discover any evidence in Wallworth's favor, he thought the best line of defence would be to try, by pleading general good character and the provocation he had received from Marlow, to reduce the crime to manslaughter, at the same time suggesting that in his terror at finding he had killed the man, he had taken the property for the purpose of making it appear that the crime had been committed by thieves. But to this arrangement Wallworth altogether refused to accede, and still persisted in protesting his entire innocence.

From the watch kept upon his movements during the few times on which he was on shore while we lay in Bermuda, I felt sure that Fleming had not disposed of anything there; nor could the utmost watchfulness of the captain and myself detect anything in the shape of material proof of his guilt. As we neared England again, my hopes of being able to demonstrate Wallworth's innocence began to fail, and I even began to entertain doubts as to whether, in the present state of affairs, I should be justified in making any public accusation against Fleming not that my belief in his guilt was in any way shaken; for though I had failed to discover anything in the nature of positive evidence of his guilt, his manner and appearance served to strengthen my conviction that he was the murderer. During the whole of the run out he had appeared restless and ill at ease, going about his work in a fitful and nervous way that attracted the notice of all engaged in the engine-room; and while during that Chinese run he had shown an especial reluctance to "turn out" to duty, he would now frequently leave his hammock and walk the deck for hours at a time. The same restless nervousness characterized his manner during our stay at Bermuda; and now, during the run home, it greatly increased. The change in his personal appearance was more marked and noticeable than even the change in his manner. When we left England, he was a model of robust health; but now, when we were approaching home again after an absence of less than three months, he was so altered in this respect as to be scarcely recognizable. His eyes sparkled with an unnatural brilliancy, and were deeply sunken in his head; his cheeks were pale and hollow; and his whole frame exhibited a degree of attenuation that was painful to behold. These alterations in manner and appearance were to me the result of the anxieties and terrors of a mind conscious of guilt and fearful of detection; and consequently as I have said, they strengthened my belief in his guilt. But when reflecting upon these things, I was forced to admit that they would have no weight with uninteresting persons, as they might easily be attributed to a touch of the fever which frequently hovers over Bermuda, or to a variety of other natural causes; and as such reflections forced themselves on my mind, I felt very despondent about poor Wallworth.

On the home voyage we brought with us as passengers, two gentlemen connected with a Liverpool merchant firm; and these gentlemen having nothing else to do, filled up a great portion of their time by playing cards. One night the captain and I had joined them in a game of whist; and luck going against me, the small stock of silver

which I had in my pocket soon passed to the players to whom I was opposed; when none of them being able to give me change for a sovereign, I left the cabin for the purpose of procuring it. On reaching the top of the cabin-stairs, I saw some one on deck; and although I could scarcely distinguish the figure in the darkness, I fancied it was the engineer on duty, who had come on deck for a moment to cool himself.

I called out, "I say, Mr. Hargrave, can you give me change for a sovereign?"

On hearing my voice, the person whom I had supposed to be Mr. Hargrave, came toward me; and on getting near enough to be recognized, I found it was Fleming, whose watch had turned in two hours before.

"Halloo, Fleming," I said, "how is this? I thought your watch had turned in."

"So they have sir," he replied; "but I felt ill and couldn't sleep, and so I came on deck; and I think you have mistaken me for Mr. Hargrave."

"I have," I said. "As it was his watch, I certainly thought it was he."

"Shall I go and ask him for the change for you sir?" inquired Fleming who appeared anxious to avoid further conversation.

"Yes, if you will," I replied handing him the money. "And if he can't give it to you, try to get it from some one else."

I can change it for you, myself," if it will be all the same to you, sir," said Fleming, in reply to my last observation. "I've a pound or two in my chest, and most of it in silver."

"It will be all the same to me," I said. "Please to bring it to me below here."

I returned to the cabin to resume play; and in two or three minutes afterwards Fleming brought the change, which he laid on the table beside me. For time continuing to run against me, my small heap of silver soon began to change owners; and at the end of an hour's play, having first paid away a number of smaller coins, I threw a half-crown across the table and requested the successful player to "take it out of that." One of them was about to lift the half-crown from the table, when, happening to lean back in my seat, a peculiar appearance on the face of the coin caught my eye.

Instantly springing from my seat, and covering the half-crown with my hands, I exclaimed, "Don't touch it, whatever you do—don't touch it! for as I live, that is the marked half-crown that Marlow had upon him the morning that he was murdered."

"The deuce it is!" said the captain, instantly becoming as excited as myself.

"It is indeed," I said, turning to leave the cabin, "as I will soon prove to you."

In my sea-chest I had among other instruments, a magnifying glass, with which in a few minutes I returned to the cabin; and a glance at the half crown through this instrument convinced the captain that I had made no mistake, for there; beautifully engraved, was the hand and pen, with its motto, "I perpetuate."

Our passengers had been lost in astonishment at what of course appeared to them the remarkably strange conduct of the captain and myself; and when our excitement at making the discovery had in some degree abated, we gave these gentlemen a full explanation of the circumstances that made the finding of this piece of money an important matter to us. The discovery that the marked half-crown had been in Fleming's possession revived my hopes that I should yet be able to prove that he, and not Wallworth had murdered Marlow, and fully determined me to formally accuse him of the crime at the earliest opportunity; and as we were now within a few days' sail of Liverpool, it became necessary to at once set about forming some plan of action.

Although it did not strike me at the time when Fleming told me he had a pound or two in his chest, that when we had been searching it, four shillings was all the money we found; and from a careful consideration of this circumstance, I came to the conclusion that, as was frequently the case with seamen's chests, Fleming's contained a secret compartment. On the following day I found that my surmise on this point was correct; for though I did not attempt to discover the method of opening it, I ascertained by dint of sounding and measuring, that a shallow drawer (which had in all probability been made for the express purpose of smuggling tobacco and cigars) occupied the whole length and breadth of the bottom of the chest, the great apparent thickness of the bottom being cleverly concealed by a heavy head. That this drawer