

TRACKING A CRIMINAL, OR Paul Webber, The Detective. CONTINUED.

"A MOMENT, if you please," here said the magistrate, who was apparently alone with his visitor, for the clerk had quitted the room. "I myself felt that the police could not bring sufficient evidence against you to justify me in issuing a warrant for your apprehension; but at the same time I felt that there were one or two strong points in the accusations brought against you by the police. Were we in open court I should warn you that whatever you said would be taken down in evidence against you. Here, what you say is quite confidential. But I am sure that you will clear yourself so thoroughly of the vague accusations which lie about you, that I shall be able to assure the Government that it would be an injustice to arrest you—the whole resulting in your return to society free from the annoyance of a public examination. Perhaps I have somewhat exceeded my duty, but I am sure, morally, if not technically, I am in the right. I am quite ready to hear what you have to say."

"Then may I ask for a statement of the basis upon which I am suspected of having murdered this young man?" "Certainly. You are named, I think, Austin Sivory?" "Yes." "Do you not sometimes add another name?" "Yes—Cathcart." "But I understand you have no right to that name?" "It is that of our estate, which has always belonged to my family."

"That is no justification whatever. May I ask what is your age?" "Thirty-two." "Your profession?" "I have no profession." "How do you live, then?" "I live—tolerably." "I beg your pardon," said the magistrate, sharply; "there can be no need for you to be facetious. Any repetition of such conduct would compel me to dismiss you, and issue a warrant, when the case would be tried in open court—a shape of proceedings which would certainly produce serious features."

Sivory betrayed by no facial sign or word that this rebuke moved him. "How do you live?" repeated the judge. "Sir," replied Austin Sivory, in a tone which was quite serious, "if you mean by how do I live, that you expect me to reply that I hold Consols or other values, I am afraid I must say you are mistaken. I am bound to admit that I have no assured large income. Like many other men in the fashion, I live from day to day—rich sometimes by accident, and poor generally by habit. Sometimes I make a hundred by dabbling in stocks, sometimes I win on a horse, oftentimes I make money on cards—for I am a clever whist player, and we play at my club a good deal. I have had two thousand pounds at command one day, and nothing the next—this being the fortune of war all the world over. Wrong, I dare say, it is, but it is the truth; and inasmuch as you appear excusably desirous of hearing the truth, and nothing but the truth, I have uttered it."

"Sad, sad, very sad," sir; and it would damage you seriously in the eyes of a jury." "Jury!" echoed Sivory, in a tone which betrayed much astonishment but no fear. "I sincerely hope that in my case there will be no question of a jury, for I am sure I shall be able to prove to you my perfect innocence."

"I trust so; but I may remind you that once before, a fit of passion on your part led you into a police-court." "Indeed!" "Yes; you recall so severely beating a man, an adversary, that he was quite disabled for some time." "True, sir; but let me add that it was felt that I had been cruelly provoked, and that I had not intended to do so much injury as I really accomplished."

man with whom he was conversing on a question of life or death astounded him, although during his long career he had done the battle of words with many a clever hypocrite, with numberless comedians.

"Either this man is innocent," thought the magistrate, "or Nature has provided him with energy and intelligence in no ordinary degree."

"And against you there is not only the affair of the assault, but something else to which you have not yet referred," he went on.

"True; and I have not yet referred to it, because almost immediately after my entrance you requested me to wait for questions being asked me, and not to put them myself."

"True. Then may I ask you how it happened that you came somewhat recently to be mixed up in certain gambling transactions over cards, at your club?" "I was, no doubt, mixed up in that transaction. A young gentleman from the country, introduced to my club, himself proposed to play for high stakes. He was rather shied at, at first, but he was so well recommended, he seemed desirous of playing, and he appeared to have so much money, that some of us were tempted into playing with him. He was not clever, and still he persisted in playing. Finally, he lost over two thousand dollars, and being unable to pay the money, as an alternative, he declared that cheating had been going on. This kind of thing happens at the clubs more than once or twice in the course of a season. A man is a bad player, and is too proud to admit he is not a good hand at cards, and prefers to charge his fellow players with roguery rather than himself with ignorance. By these means he may get kicked, but he justifies the non-payment of his debts of honor; and society in general, out of the club, look upon him rather as a victim than a slanderer. In the particular case you refer to, I was one of six or eight gentlemen accused by the young man of cheating—an accusation he made in a letter to the club committee. The committee examined the affair, and the result of all was this—that the young man made an apology, and ultimately paid the money he had lost."

"But by what means could you possibly know I should ask for these questions?" "Because I had no doubt that where a man has the police about him, every apparent black point in his character is picked out with dead certainty. The affair of the assault was notorious; and as for the card case, although it never became public, it was much talked about; and even now it is a scandal which has scarcely died out."

Austin Sivory spoke with so much ease and coolness, his voice was so sympathetic, and he sat in his chair with so much self-possession that he appeared rather to be making a mere morning call, than giving a magistrate such a private examination of his conduct as should prevent his being arrested and publicly examined upon a charge of murder.

So far, no movement or sound had betrayed the listening presence of Margaret Mayer. As she promised, she performed.

Suddenly the magistrate went to the heart of his inquiry. "Where did you pass the evening of the 26th of October?" (The date of the assassination.) "And you?" "This reply was made rapidly, in a sharp tone of voice, but the speaker still appeared to be perfectly calm. The reply obviously irritated the magistrate, amiable as naturally he was. He rose from his chair, and said, "Sir, you forget the respect due to justice itself, and of which I am, at this moment, the representative. Since my endeavor to save you from a public examination appears to have failed, I must at once give orders—"

"Sir," interrupted Austin, in a firm voice, but with a politeness which could not fall in calming the magistrate's irritation; "you have totally miscomprehended the sense of my words. Not for one moment did I contemplate offending a gentleman like you, whose words and manners, however severe, have shown how considerate you can be to a man under the shadow of an accusation of murder. I simply wished to point out by this question, made in opposition to your own, how difficult it is to answer you. You ask me suddenly, and without leading up to the inquiry, where was I on a particular night. I reply, 'And you?' In fact, I am sure that any man asked such a question, suddenly, and without anticipation of its coming, would be unable to reply satisfactorily."

"That would depend," said the magistrate, sitting down, "upon the sort of life any given man lives. If it is regular, the question appears to me simple enough. If, on the contrary, the life is irregular, then I am willing to admit that probably it would be difficult to answer the inquiry. But this interchange of opinion has given you time

for reflection, and doubtless you are now able to answer the question."

"At least, I hope to be able to answer the question. Errors excepted, I dined at Verey's, in Regent Street."

"At what time did you leave that establishment?" "About eight o'clock."

"Be very careful Mr. Sivory, for your own sake, and be equally exact. You say about eight; for you see, according to the medical examination, the assassination must have been committed at about that hour."

Austin Sivory was perfectly ready with his reply in answer to the magistrate's question as to what hour he left Verey's on the night of the murder, notwithstanding the caution he had received to be careful.

"Sir," replied Sivory, "if I had committed this crime, I should have known the hour at which I had done it, and so then I should have said that I only left Verey's at nine, and thereby I should try to prove my innocence."

"But possibly, on the other side, it might have been shown that you did leave before nine."

"It would be very difficult to do so, sir, for the people who dine at Verey's usually dine very late. It will frequently happen that people will be dining there quite as late as nine o'clock; and out of the half-dozen waiters, I have little doubt three out of four would swear I was one of the last customers to leave the house—as, in fact, I very frequently am. When I said that I left Verey's about eight, I was endeavoring to be as exact as possible."

"Well, you left Verey's at eight.—Where did you then go?" "Habitually I walk for an hour after dinner—generally, in autumn and winter, when the parks are closed early, along Piccadilly, and then back again."

"Then some of your friends probably met you, and you chatted with them. Do you remember their words?" Sivory very naturally reflected a few moments, and then he replied, "No, I don't think I met a man I knew. I walked up to the Park gates alone, and returned alone, without meeting any acquaintance."

"Strange!" replied the magistrate, "for it was a very fine evening, and the streets were crowded with people, and you were walking where most of your friends would be found did they happen to be out."

"Quite true; but it is nevertheless equally certain that I did not see upon that particular evening, as far as my memory serves me, any friend walking along Piccadilly. However, pray remember, sir, that between eight and nine, most men like myself are either resting after dinner, or are visiting. Again, if on that particular night there happened to be a new piece produced at one of the best theatres, that would take off most of my friends."

"Well, after an hour's walking in Piccadilly, where did you then go?" "I went home for a few moments." "According to you, it was then nine?" "Nine—about."

"You live in Albany?" "Yes." "Did the porter see you go in?" "I don't know." "He has told the police that you did not go home before ten."

You must be speaking at random. I am sure there cannot be blood-marks upon my coat; how can there be?"

The magistrate was baffled, for the police and magistrates know that, in ninety-nine cases out of one hundred, whenever a man is guilty, directly spots of blood are referred to, he accepts it that they have been found, and accounts for the stains by a bleeding at the nose, or a cut finger.

Any such statement upon Austin's part would have damaged him fatally in the magistrate's judgment; for the overcoat in question had been minutely examined even with a microscope, and no signs of blood had been found.

As it was, Mr. Caellen came to the conclusion that either Austin Sivory was not guilty, or that he was one of the cleverest defendants that had ever appeared before him. However, he did not for a moment abandon the endeavor to confound the gentleman whom he was questioning.

He said, "I hear the police have submitted the coat in question to very clever chemists."

"It appears to me that the taking of my coat was a liberty; but, on the other hand I am not acquainted with police and magistrates' customs."

"After remaining at home for a few moments, you went out and visited one Lady Pauline Darmer—once a lady of position, but one who is now no longer received in the society to which she was born. You are very intimate with that lady, are you not?"

"No; not intimate. I am an acquaintance merely. She sees a great deal of company, and I find her house agreeable."

"Admitted; but is it such a house as one would not care to visit very often at?"

"Perhaps so; but I consider Lady Pauline to have been a shamefully slandered woman."

"At all events her husband; Mr. Darmer, left his wife, whether rightly or wrongly, and the Earl of Harrowleigh the Lady Pauline's father was very glad to keep the whole business perfectly quiet. How is it that she keeps such a house as she does upon the one thousand a year that Mr. Darmer allows her?"

"That accusation makes part of the scandal against Lady Pauline. Her father's sister lives with her, and that lady's income partially supports the house."

"Were Lady Pauline a widow, would you propose to her?" "Assuredly; I am sure she is an honest woman."

Sivory spoke in a candid, friendly voice, which certainly had its effect with the magistrate, who, for a few moments, forgot that he was face to face with a man accused by the police of a foul murder. The man's pleasant manners, his quiet, sweet voice; his calm, gentle, manly way, all had their effect upon the justice, whose face relaxed, and upon whose lips there came, for a moment a re-assuring smile.

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