

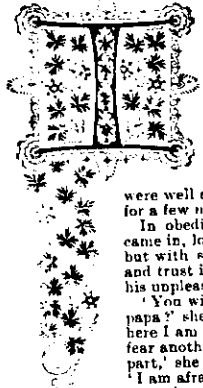
THE PENALTY OF A CRIME.

BY WILLIAM BELWORTHY, WELLINGTON.

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CHAPTER XIV.

“Nay! it should not be so hard to grant me my request! Albeit he's not my husband.”



It was late that same evening before Squire Oakfield returned to the Grange, and learning from the butler who opened the door to him that his daughters had not yet retired to rest, but were, with Dr. and Mrs. Oakfield, in the drawing-room awaiting his return, he requested the man to inform Miss Constance that if she were well enough he would like to see her for a few moments in the library.

In obedience to the summons Constance came in, looking slightly paler than usual, but with such an expression of confidence and trust in her eyes that the Squire wished his unpleasant task well over.

“You wished to speak to me in private, papa?” she asked, questioning. “Well, here I am at your service. You need not fear another exhibition of weakness on my part,” she added, as her father hesitated.

“I am afraid I was partly overcome by the excessive heat this afternoon, as I do not remember ever before to have made such a stupid of myself. But tell me, papa, your news concerns Gerald, does it not?”

“Yes,” replied the Squire; “but I am afraid, Constance, I am not the bearer of very good news, and yet—”

“Papa,” interrupted Constance, “please to tell me everything. Laura has informed me that it is quite true that Gerald has been arrested—it is not a nice word certainly—but of course the police have made an egregious blunder, and equally, of course, a slight investigation will be sufficient to ensure his discharge. I imagine that the £100 reward which you offered, and the additional £100 offered by the Government for the apprehension of the real murderer of Mr. Dixon, has turned the brain of the official who had especial charge of the case, and in his anxiety to obtain the money he has, as I have said, committed an almost inexcusable blunder, for which he may get the reward his capidity merits, though scarcely the one he expects. Are you not also of the same opinion, papa?”

“Yes, Constance, I feel certain there has been a mistake made, still I am afraid—very much afraid that Gerald Olphert will require all the legal assistance he can possibly procure to pull him safely through this difficulty.”

The Squire watched his daughter rather anxiously as he made this statement, but beyond a slight shrinking movement she made no sign. At its conclusion, however, she said, “You surely do not mean to say that they would dare to detain Gerald, to ‘try’ him, as it is termed. Why, papa, the thing is ridiculous, preposterous!” but although she tried to speak bravely, her voice faltered, and it was easy to see that the Squire’s words and manner had strongly affected her.

“I regret exceedingly, Constance, the anomalous position in which this unhappy affair has placed us all, but although the evidence against Gerald is almost purely circumstantial, yet, he will, as I have informed you, need all the legal assistance he can get. I should prefer not to say any more on the subject now, but thought I had better let you know the exact position to-night, as I shall be away early to-morrow morning. Do not unnecessarily distress yourself with regard to what I have told you, but believe me that every effort will be made to clear Gerald, and we must hope to have him about again shortly.”

“Papa, answer me one question. You do not doubt Gerald’s innocence?”

“No, Constance, I do not.”

“Thank you, papa,” and she gave him such a smile of confidence that he felt it would go very hard with his favourite daughter should Gerald Olphert fail to clear himself of the grave charge brought against him. “Then you will grant my request, will you not, papa? I wish you to drive me into Finchley to-morrow to—the place where Gerald is staying. No, do not refuse me,” as the Squire shook his head, “for I must see him. I know he is innocent, but I wish to tell him so myself. Oh, never mind what Mrs. Grady may say, papa. If you accompany me what objection can anyone take?”

“I am sorry, Constance, to be compelled to oppose your wishes, but under the circumstances my duty is obvious. Nobody will be better pleased than myself if Gerald can clear himself of any knowledge of the heinous offence with which he stands charged, and I intend rendering him all the aid I possibly can, but I cannot allow my daughter’s name to be bandied about in connection with his, as is certain to be the case if you act in the manner you suggest. A little consideration will, I feel sure, convince you of the prudence of my decision, and I must beg of you to do nothing to compromise yourself; and if Gerald Olphert is the man I take him to be, he will thoroughly endorse my action. Until this case is cleared up, I hope you will avoid attempting to obtain an interview with your lover, for to adopt such a course, although it might in the eyes of a few love-lorn madens favour of romantic, yet in the opinion of all sensible men and women your action would be considered, to say the least of it, quixotic, and, pardon me, Constance, if I said that to some it might even appear nonsensical, and my daughter has too much self-respect and common sense to so

endanger her reputation, and will surely object to wear her heart on her sleeve, for every daw in Finchley to peck and rend.”

“Papa,” replied Constance, and though her voice trembled, her eyes met his steadily and firmly, “I have listened patiently to all you have said, and I feel there is a great deal of truth in your remarks. When I said I must see Gerald I spoke as my heart rather than my head dictated. I thank you for appealing to my intelligence also. Much as I would like to see Gerald and personally express my sympathy for and trust in him, I have yet no desire to in any way minister to the insatiable appetites of the scandal-loving gossips of Finchley or Brightstone, and I feel sure that Gerald himself would not desire it either. But to let him face all this humiliation without either seeing him or writing him a word of cheer, why, it is asking me to make a sacrifice of all I hold most sacred in woman. Hear me out, papa, as the Squire made a motion as if he would interrupt her. “You may call it romantic, quixotic, or what you will, but on this one point I remain firm. So long as Gerald raises no objection I shall write to him, and I do sincerely hope that this unhappy affair will soon be settled to the satisfaction of all concerned. Of one thing I am quite certain, Gerald knows no more of the author of this dastardly outrage than you or I, and I feel more than ever convinced that some enemy has been endeavouring to make capital out of the false position in which Gerald was unfortunately placed with regard to the deceased gentleman, Mr. Dixon. I trust that the blow will recoil on the heads of the agitating parties. But you have not informed me whether or not you saw Gerald to-night?”

“I have seen him, Constance, but would rather not say anything more about the matter to-night.”

“But tell me, papa, was he well?” and did he send anything—I mean any message for me?”

“Yes!” replied her father, producing a letter from his coat pocket. “I was not quite sure whether I should be doing right by refusing to bring it to you, but at last I decided to accept the responsibility, and I hope you will await further developments before persisting to correspond, under the present circumstances, with Gerald Olphert,” and with these words the Squire bade her good night, and then left the room.

Once more left alone, Constance tore open the envelope of the letter which she had received, and there learned that her lover had been arrested at the village of Fairfax, twelve miles from Brightstone, whither he had gone to transact some legal business, and the letter was dated Finchley Gaol.

“It is perfectly unnecessary for me to tell you, my darling,” wrote Gerald, “that I am entirely innocent in thought or deed of the fatal crime with which I am charged, yet I dare not disguise the fact, Constance, that a chain of circumstantial evidence has been woven against me which I may find some difficulty in breaking, although I hope, eventually, to be enabled to clear my reputation of the slightest suspicion of stain. My private opinion is that the police, for want of a better clue, have fixed on the facts that I was known to have spoken sharply to Mr. Dixon on the evening of the ball; that I was the last person so far as can be ascertained in whose company he was seen from the time he left the ball-room till he met his death; that I was discovered by your father’s keeper holding up the head of the dying man; that I sent the keeper for assistance, and that when he returned Mr. Dixon was dead. There are a few other facts which tend to criminate me in the eyes of the police, and they have thought fit their duty to arrest me. I do not write this to distress you, my dear, but simply to inform you of the true state of the case, as I was afraid it otherwise would not appear so clearly as to some. I am writing this to you through a medium, and you would be needlessly alarmed. The position is borribly humiliating, but I hope to be free to see you again shortly. I have engaged Mr. Edgworth, Q.C., to conduct the case on my behalf, and you need be under no apprehension as to the result. I am sending this by the Squire, and must possess my soul in patience till the trial is concluded, as perhaps it will be for all concerned that I should not see you again till that time. As you will not, I feel sure, misunderstand the motive prompting me to take this course, and I know you will trust me through word report and evil report. The Judge arrived to-day, and the Court will sit to-morrow, yet you will not be kept long in suspense. With best of love to your dear self, hoping soon to see you again, I am, yours lovingly, GERALD.”

CHAPTER XV.

“Which of you, being pent from liberty, As I am now, would not entreat for life.”

KING RICHARD III.

The day appointed for the trial at length came round. It was a lovely day towards the close of the month of June. Inside the Court-house at Finchley a crowd of eager, excited men and morbidly curious women, had assembled from an early hour. Streams of vehicles with their living freights had poured into Finchley from Brightstone and the surrounding districts, and the inn-keepers had been taxed to the utmost to provide accommodation for man and beast. It was rumours that the Judge would take his seat on the Bench at precisely ten o’clock, and that the Dixon murder case would be at once proceeded with. A special jury had been empanelled, and now, as the hands of the Court-house clock point to five minutes from ten, the impatience of the closely-packed crowd manifests itself by a swaying to and fro, by the shutting of feet, and a subdued murmur of many voices. Already the heat is becoming almost unendurable, but no one dreams of budging an inch from the position taken up, unless it be to procure one nearer to the prisoner’s dock, where they would have a better opportunity of studying closely the physiognomy of the principal actor in the drama—the prisoner himself.

The Judge was punctual. Exactly at ten o’clock the door behind the Judge’s chair opened, and His Lordship took his seat. There was the sound of papers rustling, as the lawyers gathered their notes together, a slight sensation amongst the crowd as a constable called out, “Crown versus Olphert,” and then another door opened, and Gerald Olphert, closely attended by two wardens, entered the

Court, and took his stand in the small dock partitioned off for prisoners. Every eye was turned in his direction, and he was painfully conscious of their gaze, but though his face paled rather than usual, he certainly had not the appearance of a man guilty of the awful crime for which he was that day to be tried. A close observer might, however, have noticed a slight twitching of his underlip, and an un wonted light in his clear brown eyes, which seemed to indicate repressed emotions, and were, indeed, unmistakable proofs that he was by no means callous or indifferent to the danger of the position he occupied. He was dressed in a light tweed suit, and with the exception of a signet ring on the third finger of his left hand, his person was devoid of jewellery of any kind. Much sympathy was felt for him, for his genial manners and sterling social qualities had secured for him many friends and admirers among all classes of society in Finchley and Brightstone, and scarcely a man or woman in Court but hoped that the trial would result in a verdict favourable to the prisoner. The case had already been formally stated before the local magistrate, and sufficient evidence adduced to justify him, as he believed, in committing Gerald Olphert to take his trial at the coming Assizes, which, as it so chanced, meant only a delay of another day.

CHAPTER XVI.

“What is my offence? Where is the evidence that doth accuse me?”

THERE was a hush of expectation as the counsel for the prosecution rose to open the case for the Crown. Not in a lengthy or eloquent oration, but briefly and concisely the learned gentleman went over the facts in connection with the case, as gathered by the police, and already known to the reader. The silence in the Court was accentuated as a policeman called “James Fenton!” and in obedience to the summons Squire Oakfield’s head-keeper stepped into the witness box, and taking the Bible in his hand, kissed it, and swore to “tell the whole truth, and nothing but the truth,” etc. In reply to questions from counsel, he stated that “on the morning of the supposed murder he was on the watch in the Oakfield preserves, at a spot situated about a quarter of a mile distant from the Lodge, where he resided with his wife and children, and about eight hundred yards from the old stone quarries. One of his men was posted within about a dozen yards of him, whilst two more under-keepers were on watch in another part of the grounds. He left his cottage at about eleven p.m., and at about two minutes past two o’clock he heard a shot fired from the direction of the Finchley Road. He was quite certain as to the time, as just before the shot was fired he heard the stable clock strike two. The clock mentioned was situated in a small tower over the stables some distance in the rear of the Grange, and on a still night, such as the night in question, could be heard as it struck the hours very distinctly for a considerable distance. The clock did not strike the quarters or halves, only the hours. Was not very much surprised at hearing the report of a firearm, as just recently there had been several daring raids made on the Squire’s pheasants and hares, presumably by some noted London poachers. At any rate, some of these gentlemen had been seen about the district a few days previously, and the poaching had taken place after their arrival, but so cleverly had they arranged and carried out their programme, that up to the present time they had successfully resisted all attempts at capture. Was quite certain that not more than two or three minutes could have elapsed between the striking of the clock and the report of the firearm. Immediately on hearing the shot, he and the man on duty in his proximity, hurried cautiously in the direction of the sound, and just before reaching that part of the estate leading off to the main road, their attention was arrested by a group which seemed to come from a human being in great pain. There was just enough light from the moon to enable him to see, though somewhat indistinctly, objects within twenty or thirty yards of him, and to his astonishment and dismay he discovered Mr. Olphert, kneeling on the ground, and supporting the head of another gentleman who appeared to be wounded. He asked Mr. Olphert what had happened, and that gentleman replied “I know no more about it than you do, Fenton. I heard a shot fired from that direction”—pointing to a fir plantation near the spot where we then were—and hurrying up I found this gentleman lying on the ground and bleeding from a wound in the head.” In answer to further questions, the witness went on to state that he did not stop to examine the wounded man, but, in obedience to Mr. Olphert’s request, made the best of his way to the Grange to alarm the Squire and his guests, and to procure assistance. Saw no gun or weapon of any description near the two gentlemen. The report was not a very loud one, and might have been caused by the firing of a revolver, searched the spot at daylight next morning, but without discovering any clue. Did not for a moment suspect Mr. Olphert. Had always found Mr. Olphert to be a thorough gentleman in every sense of the word. Saw no one else but the under-keeper and the two gentlemen in the wood that night. Recognised the revolver produced as belonging to the prisoner. That gentleman had left it with him with instructions to clean the same, and return in the course of the week if possible. The weapon had been handed to him (witness) on the day preceding the murder. Last saw it in his own room at the lodge at about a quarter to eleven on the evening of the ball. It was on a shelf, and a packet containing some revolver cartridges was lying alongside it. No one but himself was in the habit of using the room. The room was a small one, and adjoining the kitchen. The outer door fastened with a patent lock, and when pulled smartly would lock itself without the aid of a key. Had so locked it on the evening in question. The room was used by him when cleaning his own or Squire Oakfield’s guns, or whenever he had any little odd job to do. There were several other weapons in the room besides the revolver. Always kept the key of this room on a bunch with other keys. Had it in his pocket on the night in question. Sometimes had occasion to return to the room again before finally coming off duty in the morning. Invariably entered by the back entrance in order to avoid disturbing his wife. When he returned at daylight on the morning of Mr. Dixon’s death he went round by the rear of the lodge, and on arriving at the gun-room was about to fit the key in the lock, when he was startled to observe that the door was, slightly ajar. Suspected poachers. Pushed open the door, gave a hurried examination of the room, and was agreeably surprised to find that apparently nothing was missing. A closer exami-