Mystery of the Bayou Woods

By WALKER KENNEDY.

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Franklin clutched the paper which the lawyer politely extended to him, and then a pitiable appearance of defeat seemed to shrivel him up.

He glanced at the lawyer and preserved a dogged silence.

"You have not answered my question," said the lawyer, blandly.

"It is not my writing," said Franklin, savagely. "The whole thing is a clever, manufactured lie."

"I desire to introduce this paper in the case and have it read to the jury," said Mr. Everett. "Subsequently I shall prove how it came into my possession, and the jury can judge of its genuineness."

This was done, and Mr. Everett resumed: "I presume, Col. Franklin, that you remember that about a year ago the safe of John T. Wright was entered by one of his clerks named Morris and some of its contents abstracted?"

"Yes."

"And that Morris is now in China?"

"Yes."

"By the way, do you know that he is in China?"

"I was not thinking. I meant that he had left this part of the country."

"Then you have not learned that he is in China?"

"No; I may have heard it, but I do not recall it."

"Have you not within the last month received a letter from China?"

"I have not."

"I hope you will reconsider that answer, colonel; for I have in my possession an affidavit from the letter carrier who delivered your mail, in which he swears that he delivered to you a letter bearing the postmark of China, which attracted his attention on account of its rarity."

"I shall admit nothing."

"Did you not receive a letter from Tom Morris in China, telling you that he had stolen the agreement from Wright and handed it to your clerk Hillsman, to give to you?"

"I did not."

"Did you not make such a statement to Hillsman in the presence of Irving Warde, the city editor of the Gazette?"

"I decline to answer."

"On what ground?"

"That the answer might be prejudicial to me."

"Oh, then, I will not press it. Did you, or did you not, pay Tom Morris to steal that agreement from Wright's safe?"

"I demand the protection of the court from this brutal examination," said Franklin, aggressively. "I am not on trial, and——"

"If it please the court, I will ask no questions that are not justified by the testimony in my possession. The witness has not replied to my last question."

"No!" thundered Franklin.

"Did Mr. Wright notify you a few days before he was murdered that he desired to have all his property placed back in his name?"

"No."

"Is this your watch?" said Mr. Everett, quickly, handing to the witness the unidentified watch which had been pawned by Herbert Wright on the day of the murder.

Franklin changed countenance perceptibly, but answered promptly: "It is not."

"Is this your diamond pin?" handing him the pin that had never been identified.

"It is not."

"On the day that Mr. Wright was murdered, were you in the Bayou Woods at all?"

"No."

"You were out there the next day?"

"Yes."

"Did you see anyone that day with arctics on?"

"I did not?"

"Did you wear a pair of them yourself?"

"I did not."

"When was the last time you saw John T. Wright alive?"

"Let me see. I think it was the day before he was killed."

"Were you or were you not present when Wright was killed?"

"I suppose as the court offers no objection, I shall have to answer that question. I was not present."

"Is this your pistol?" asked Mr. Everett, handing him the weapon with which it was supposed Wright had been killed.

"It is not."

"Did you have possession of it at any time?"

"I did not."

"I have only one more question to ask," said Mr. Everett, in a most impressive manner, while an intense, silent expectancy pervaded the court room. "The witness has the legal right to decline to answer it."

"Well, what is it?" asked Franklin, turning slightly pale.

"Did you murder John T. Wright?"

Franklin sprang impetuously from his seat, crying furiously: "This passes all the bounds of tolerance, and I shall hold you to account for it——"

Here the court, amid the wildest kind of excitement, said: "The question is not proper;" but the utterance of the judge was like a reproof to a storm at sea.

Men and women arose from their seats, so intense was the feeling. It was a time when pistols were precariously prevalent, and there was an indefinable dread that they might be used. Amid it all the voice of Mr. Everett, singularly clear and ringing, could be heard:

"May it please your Honor, the witness announces that he will hold me to account for the charge implied in my question. I am entirely willing that he should do so. Herbert Wright's defense is that the murderer of John T. Wright is James Franklin, and——"

Here the lawyer paused for a moment, and fearlessly regarded the blanched face of Franklin as he concluded:

"And I shall prove it."

CHAPTER XV.

Mr. Everett's startling announcement terminated the morning session of the court. A scene more dramatic and thrilling had never been witnessed in that room and during the recess for dinner the excitement communicated itself over the entire city. Franklin was credited with being a man of nerve, and many thought he would attack Lawyer Everett when court had adjourned; and at one time when they were thrown accidentally together in the crowd, it looked as if a collision were inevitable. But Franklin, if he thought of it at all, put the inclination aside, and no trouble occurred. It is possible that he was too much concerned about the damaging facts brought out against him and with speculations as to the proof held in reserve by Everett to squander his time in personal altercation. During the recess he rushed from place to place, putting a number of agencies to work to bring his forces together. He wanted Hillsman. There was work for Old Tom and his comrade. He needed Merivale. But defeat confronted him at every step. He seemed to be absolutely deserted, for nowhere were his accomplices to be found; and when the recess was over he felt that he had accomplished nothing.

"Mr. Everett," said Warde, as they were going together toward the courthouse, "you have a great dramatic instinct. The most skilled French playwright could not have arranged a more startling climax than you did this morning in court."

"Perhaps there is an art in this kind of thing as well as playwrighting. I have always endeavored in a case like this to give it color, to make sharply defined points, to make it unfold itself, to give it 'go.'"

"But wasn't it a little risky to introduce your climax in the first act, as it were?"

"Not in this case, which goes from climax to climax. Even you will be startled when I get through with the testimony. I have a little surprise which I have kept in store for you particularly."

"I thought I knew this case inside out."

"Wait and see if you do."

They had some difficulty in making their way through the dense crowd to their places within the railing. When the court resumed its sitting, Mr. Everett said he had no further questions to ask the witness Franklin, and he would turn him over to the state. The prosecuting attorney waved cross-examination for he was in some perplexity as to what he wanted to learn. Nothing that Franklin had said had invalidated his case, and if he were guilty the prosecutor did not care to assist him at the expense of an innocent man.

Irving Warde was accordingly put on the witness stand. He told his story well; how he had traced the footprints in the snow that cold morning in December, how his interest in the case—which was known to Franklin—had been attended with personal danger, and an attempt had been made to murder him at Peter's Rest; how he had obtained the agreement from Hillsman and what Franklin had said to Hillsman about Morris; how he had himself made a copy of the agreement at Mr. Everett's house when Franklin was announced, and all that happened with reference thereto. He also gave a detailed account of the demands made upon him for the paper which Hillsman had given him to read.

"Was anyone present when the demand was made?" asked Mr. Everett.

"Yes, sir; the eastern capitalist, Frederick Merivale, was present; but whether he gave any attention to the conversation I could not say."

Lawyer Everett smiled inscrutably at this, but made no comment.

A large number of minor witnesses were then examined. A letter carrier told how he had delivered to Franklin in person a letter bearing the China postmark. Otto Orthaldsden, a little Swiss jeweler, whose shop boasted many odd dainties in the jewelry line and who had a partiality for articles of European make, took the witness stand. He proved to be a very methodical man, for he brought one of his books with him. He examined the unidentified watch, which was of Swiss make, and said he had sold it to Col. James Franklin. Then he produced his book, showing the date of sale of every watch, with its number, make and the name of the person to whom it was sold. A reference to his book showed that he had disposed of No. 9,999 of this particular make to Franklin. The cost of the watch was here also and the date of the payment. The unidentified pin was then shown to him, which he recognized. It, too, had its peculiarities of design and special make, and his professional eye at once located it. He declared that he had sold this pin, or one exactly like it, to Franklin.

John Hauptmann, dealer in boots and shoes, testified that he had secured a small consignment of arctics, the only shipment of the particular kind he thought in the city. He had made only three sales of this kind of overshoe at the time of Wright's murder; one was to the mayor; the second was to the chancellor, and the third was to Frank Hillsman. He sold these three persons all their shoes, and as they wore different numbers he had sold them different sized arctics.

Mrs. Herbert Wright and Mrs. Anderson next testified to the disappearance of the old pistol, and the substitution of the new one with which Wright was supposed to have been killed. Mrs. Anderson also told of the visit of the man in the red flannel shirt.

The jailer and the doctor who had attended Herbert Wright testified to the attempt made to poison the accused, and their suspicions that the man in the red flannel shirt had manipulated it.

Then, to the surprise of many persons, Old Tom, whose real name was Bob Hathaway, was introduced, and he made a clean breast of all his workings in the case. He admitted having been a party to the trap set for Irving Warde, for which job he and his partner were to get a handsome sum conditional on the success of a certain scheme. He confessed that Franklin had hired him for this purpose. He had also dogged Warde's steps on several occasions for Franklin.

His companion, Dick Padgett, confirmed his story in all the essential details.

Finally the man in the red flannel shirt was put upon the witness stand, but this time he had on a blue flannel shirt. He was a very crooked looking customer, but he told a remarkably straight tale. He had done a great deal of "work" for the colonel. The day Herbert Wright was put in jail the colonel had given him the pistol which was in evidence, and had told him to go to Wright's house and substitute it for the old rusty affair which had belonged to the prisoner. The colonel had learned from Mr. Warde that Mrs. Wright was on a visit to her husband and had sent him to make the substitution in her absence. As he was coming out, however, he had been hailed by a lady living near by—Mrs. Anderson—whose testimony he confirmed. Later on the colonel had employed him to go to the jail and get one of the prisoners to slip a white powder into Wright's food. He had paid a negro whose name he did not know, to do this. He did not know positively that the powder was poison, but suspected that it was. The flannel-shirt man admitted very naively that he was a general bird-of-prey, who did all such odd jobs and chores as this for the requisite cash. Col. Franklin had been a particularly valuable client of his and had always paid him well; but when at last he had been cornered the colonel had thrown him overboard along with his friends, Padgett and Hathaway. A contemptuous scowl enriched the deepening gloom of Franklin's face as he listened to all this testimony, but he did not open his lips. Just how these men were caught and made to tell what they knew was revealed further on in the trial.

Frank Hillsman now took the stand and told the following story:

"Several months ago when Mr. Wright's safe was robbed, and before the news was out, I met Tom Morris at the N. & L. depot. He was just preparing to leave on the outgoing train. Seeing me, he came up quickly and said:

"'I've got a paper here for the colonel, but I've been called away suddenly and will not have time to see him. I wish you would give it to him and say that I will write about it. It is of the greatest importance that he should get it.'

"I didn't see the colonel that day, and the next morning I was mildly surprised that Morris had been doing the light-fingered act. This caused me to reflect, and I made up my mind to look at the paper he had handed me, which I had supposed was some legal document. I found that it was an old agreement between Wright and Franklin, and that on its back were the words 'John T. Wright's copy, etc.' Putting nose and chin together, I concluded that Morris had stolen this paper from his employer, and that Franklin was aware of it. I have always had a fondness for old documents, curious subjects and occult information generally, and, as this paper evidently did not belong to Franklin, I saw no harm in keeping it awhile. It was possible, if it were of value to anyone, that a reward would be offered for it, and I would naturally get something for finding it. A few weeks after this I picked up from the floor of the office a letter minus an envelope. I examined the contents, of course, to see to whom it belonged, and as the contents were rather surprising, I kept the letter for my collection of curios in crookedness. I have it here."

The witness paused and had the following letter read:

"New York, May 10th, 18—.

"Colonel Franklin: Send me money to Yokohama through some one in New York. I leave for the west to-day and expect to sail for Japan from San Francisco. I have enough money left to get me to Yokohama. Suppose you got the paper all right.

"Yours respectfully,

"THOMAS MORRIS."

When this letter had been read and the hum of interest incident thereto had subsided, Hillsman resumed his story: "Whether Col. Franklin sent him the money I cannot say; but I heard no more of that agreement until two days before Mr. Wright's death. Mr. Wright was in the office that afternoon and I heard him tell Franklin to come to his place in the morning and fix up matters in accordance with the terms of the agreement. I heard him say that he was going hunting in the afternoon of that or the following day, and he wanted to settle the business in the morning. Well, the next morning, of the fatal day—it was snowing, I remember—the colonel left the office after looking over the mail. He borrowed my arctics, I remember, too, and he did not return to the office any more that day. I remember it all very well, for it was the day Mr. Wright was murdered, and that event created a great impression upon me. I didn't see the colonel again until the next afternoon. He was sick then, complained of having a terrible headache. One thing about the colonel struck me as strange—he kept his hat on whenever anyone came in to see him, but in spite of this I discovered that he had been hit on the head. I put it up that he had been on a secluded bum, had got whacked over the head some way, and naturally did not want anybody to find it out. He actually bought himself a wig, with which he managed to conceal the wound when he had to appear in court, he was so squeamish about it."

The witness at this point was shown a pair of arctics, which he declared were his. These were then compared with the sketches and figures made by Irving Warde, which had already been placed in evidence, and were found to tally therewith, thus establishing the fair inference that the man who wore those rubbers on the morning of the murder was the man who made those tracks which had been studied so sedulously by Irving Warde.

"The day I quitted the employ of Col. Franklin I devoted to celebrating," said Hillsman, resuming his testimony. "I know that I had the agreement I have referred to in my pocket when I met Irving Warde at the restaurant; and I remember saying something to him about it, but I couldn't swear I gave it to him, as I do not recall everything that passed; and when I looked for the paper the next day it was gone. Col. Franklin has never since that day made any demand on me for it, and in fact I have seen very little of him."

Hillsman was then questioned regarding the attempted poisoning of Herbert Wright. He said: "I was responsible partly for the publication in the Journal. Col. Franklin told me that Herbert Wright had tried to commit suicide, and he gave me the details that afterward appeared in the Journal. He said an effort was being made to hush it up, and he thought I had better give the facts to the paper under a pledge of secrecy as to the source of its information. Under no circumstances was I to give the story to Irving Warde. So about midnight I met Jim Holcombe, the city editor of the Journal, and told him the colonel's fairy story."

The cross-examination which followed did not shake the testimony but brought out some amusing and curious facts concerning the variegated talents and tastes of the witness. Finally he was dismissed.

Uncle Dick Norris, the old huntsman, gave in some testimony which was pertinent. "I recollect the day John T. Wright was killed very well," he said.

"Did you see him that afternoon?" asked Mr. Everett.

"Yes, sir."

"Where was it?"

"I saw him pass my house."

"Was he alone?"

"No, sir; Col. Jeems Franklin was with him; but Col. Jeems just seemed to be out for the exercise and didn't have any gun with him."

"Did you see anything more of them that day?"

"I saw Col. Jeems come back by himself an hour or so afterward, but I never saw Mr. Wright come back at all."

"You are positive that Col. Franklin was in the Bayou Woods with John T. Wright the day when the latter was killed?"

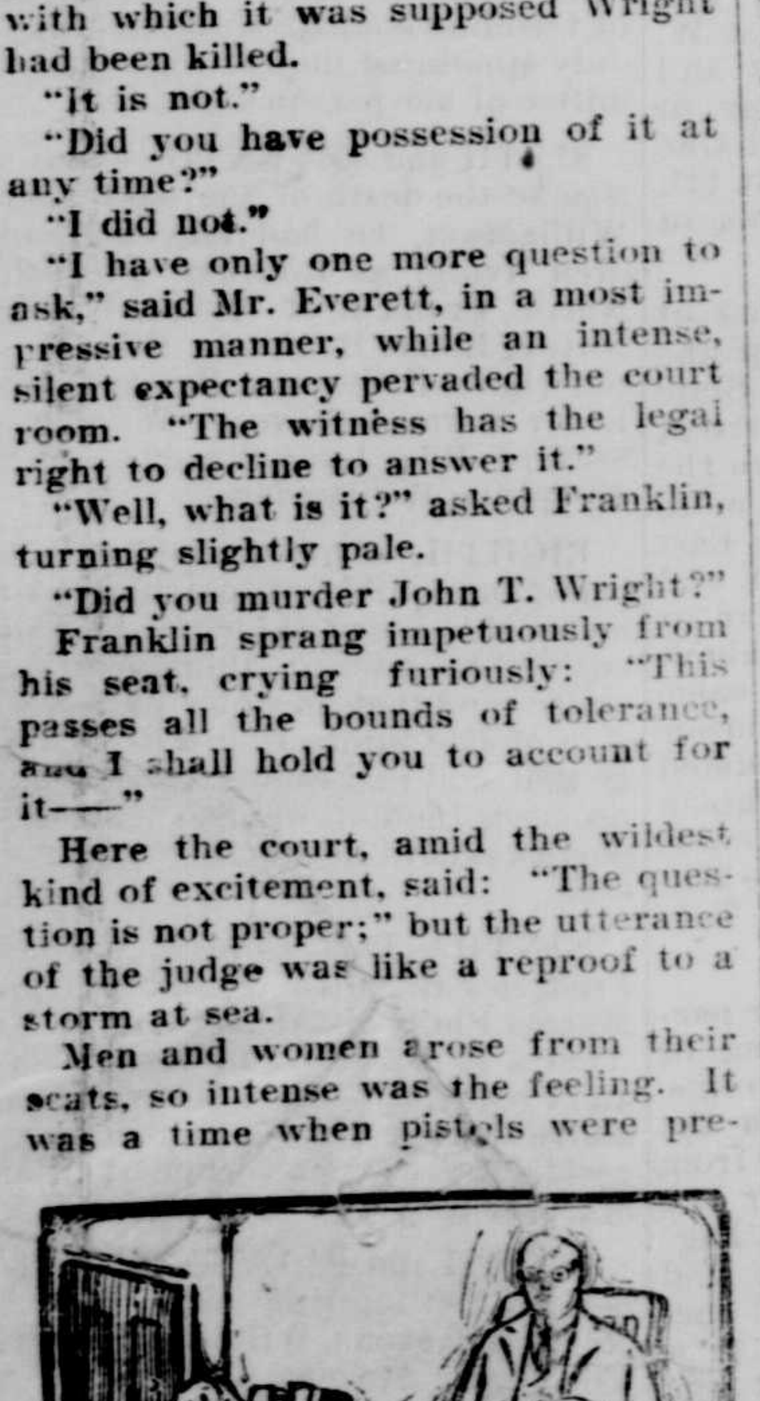
"Yes, sir, I am positive."

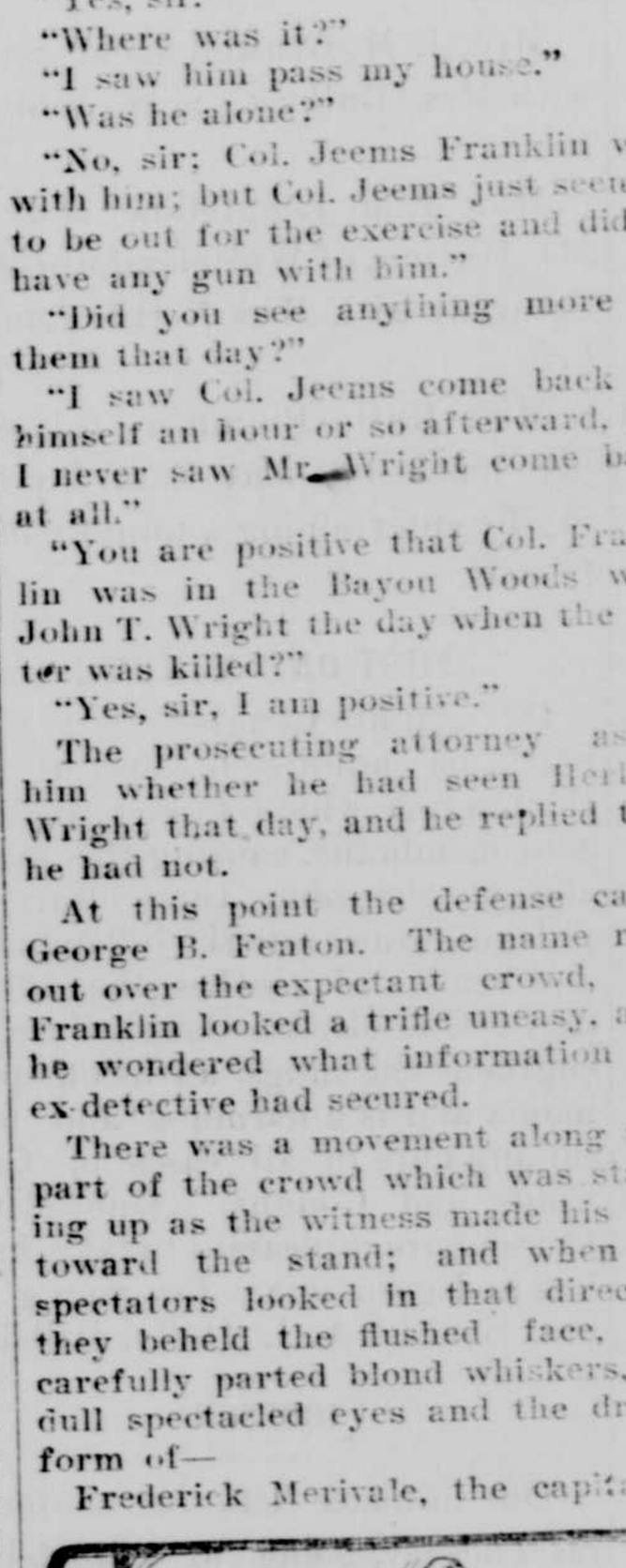
The prosecuting attorney asked him whether he had seen Herbert Wright that day, and he replied that he had not.

At this point the defense called George B. Fenton. The name rang out over the expectant crowd, and Franklin looked a trifle uneasy, as if he wondered what information the ex-detective had secured.

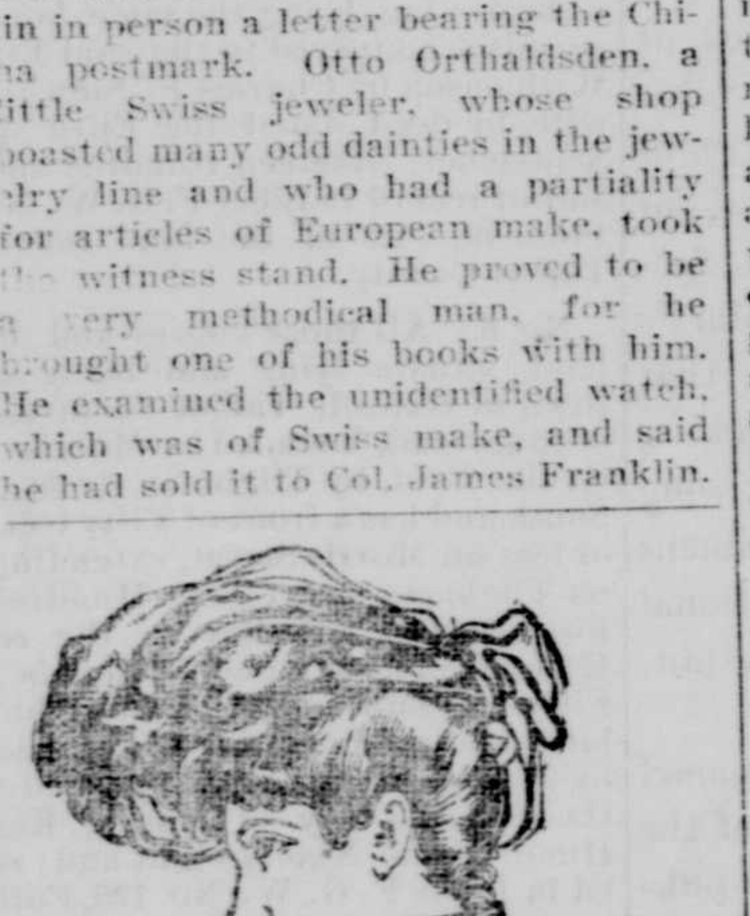
There was a movement along that part of the crowd which was standing up as the witness made his way toward the stand; and when the spectators looked in that direction they beheld the flushed face, the carefully parted blond whiskers, the dull spectacled eyes and the dressy form of—

Frederick Merivale, the capitalist.





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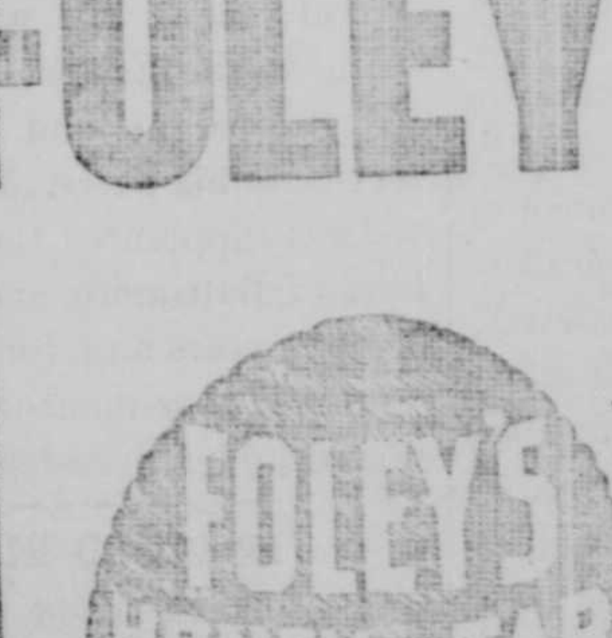
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