

CHAPTER THE EIGHTH

The Perjury of the Clock

WE looked at one another in silence. Both alike, we were obliged to wait a little and recover ourselves.

I may occupy the interval by answering two questions which will arise in your minds in this place. How did Dubourg come to be tried for his life? And what was the connection between this serious matter and the false testimony of a clock?

The reply to both these inquiries is to be found in the story which I call the Perjury of the Clock.

In briefly relating this curious incidental narrative (which I take from a statement of the circumstances placed in my possession) I shall speak of our new acquaintance at Browndown--and shall continue to speak of him throughout these pages--by his assumed name. In the first place, it was the maiden name of his mother, and he had a right to take it if he pleased. In the second place, the date of our domestic drama at Dimchurch goes back as far as the years 'fifty-eight and 'fifty-nine; and real names are (now that it is all over) of no consequence to anybody. With "Dubourg" we have begun. With "Dubourg" let us go on to the end.

On a summer evening, some years ago, a man was found murdered in a field near a certain town in the West of England. The name of the field was, "Pardon's Piece."

The man was a small carpenter and builder in the town, who bore an indifferent character. On the evening in question, a distant relative of his, employed as farm-bailiff by a gentleman in the neighborhood, happened to be passing a stile which led from the field into a road, and saw a gentleman leaving the field by way of this stile, rather in a hurry. He recognized the gentleman as Mr. Dubourg.

The two passed each other on the road in opposite directions. After a certain lapse of time--estimated as being half an hour--the farm-bailiff had occasion to pass back along the same road. On reaching the stile, he heard an alarm raised, and entered the field to see what was the matter. He found several persons running from the farther side of Pardon's Piece towards a boy who

was standing at the back of a cattle-shed, in a remote part of the enclosure, screaming with terror. At the boy's feet lay, face downwards, the dead body of a man, with his head horribly beaten in. His watch was under him, hanging out of his pocket by the chain. It had stopped--evidently in consequence of the concussion of its owner's fall on it--at half-past eight. The body was still warm. All the other valuables, like the watch, were left on it. The farm-bailiff instantly recognized the man as the carpenter and builder mentioned above.

At the preliminary inquiry, the stoppage of the watch at half-past eight, was taken as offering good circumstantial evidence that the blow which had killed the man had been struck at that time.

The next question was--if any one had been seen near the body at half-past eight? The farm-bailiff declared that he had met Mr. Dubourg hastily leaving the field by the stile at that very time. Asked if he had looked at his watch, he owned that he had not done so. Certain previous circumstances which he mentioned as having impressed themselves on his memory, enabled him to feel sure of the truth of his assertion, without having consulted his watch. He was pressed on this important point; but he held to his declaration. At half-past eight he had seen Mr. Dubourg hurriedly leave the field. At half-past eight the watch of the murdered man had stopped.

Had any other person been observed in or near the field at that time?

No witness could be discovered who had seen anybody else near the place. Had the weapon turned up, with which the blow had been struck? It had not been found. Was anyone known (robbery having plainly not been the motive of the crime) to have entertained a grudge against the murdered man? It was no secret that he associated with doubtful characters, male and female; but suspicion failed to point to any one of them in particular.

In this state of things, there was no alternative but to request Mr. Dubourg--well known in, and out of the town, as a young gentleman of independent fortune; bearing an excellent character--to give some account of himself.

He immediately admitted that he had passed through the field. But in contradiction to the farm-bailiff, he declared that he had looked at his watch at the moment before he crossed the stile, and that the time by it was exactly a quarter past eight. Five minutes later--that is to say ten minutes before the murder had been committed, on the evidence of the dead man's watch--he had paid a visit to a lady living near Pardon's Piece; and had remained with her, until his watch, consulted once more on leaving the

lady's house, informed him that it was a quarter to nine.

Here was the defense called an "alibi." It entirely satisfied Mr. Dubourg's friends. To satisfy justice also, it was necessary to call the lady as a witness. In the meantime, another purely formal question was put to Mr. Dubourg. Did he know anything of the murdered man?

With some appearance of confusion, Mr. Dubourg admitted that he had been induced (by a friend) to employ the man on some work. Further interrogation extracted from him the following statement of facts.

That the work had been very badly done--that an exorbitant price had been charged for it--that the man, on being remonstrated with, had behaved in a grossly impertinent manner--that an altercation had taken place between them--that Mr. Dubourg had seized the man by the collar of his coat, and had turned him out of the house--that he had called the man an infernal scoundrel (being in a passion at the time), and had threatened to "thrash him within an inch of his life" (or words to that effect) if he ever presumed to come near the house again; that he had sincerely regretted his own violence the moment he recovered his self-possession; and, lastly, that, on his oath (the altercation having occurred six weeks ago), he had never spoken to the man, or set eyes on the man since.

As the matter then stood, these circumstances were considered as being unfortunate circumstances for Mr. Dubourg--nothing more. He had his "alibi" to appeal to, and his character to appeal to; and nobody doubted the result.

The lady appeared as witness.

Confronted with Mr. Dubourg on the question of time, and forced to answer, she absolutely contradicted him, on the testimony of the clock on her own mantelpiece. In substance, her evidence was simply this. She had looked at her clock, when Mr. Dubourg entered the room; thinking it rather a late hour for a visitor to call on her. The clock (regulated by the maker, only the day before) pointed to twenty-five minutes to nine. Practical experiment showed that the time required to walk the distance, at a rapid pace, from the stile to the lady's house, was just five minutes. Here then was the statement of the farm-bailiff (himself a respectable witness) corroborated by another witness of excellent position and character. The clock, on being examined next, was found to be right. The evidence of the clock-maker proved that he kept the key, and that there had been no necessity to set the clock and wind it up again, since he had performed both those acts on the

day preceding Mr. Dubourg's visit. The accuracy of the clock thus vouched for, the conclusion on the evidence was irresistible. Mr. Dubourg stood convicted of having been in the field at the time when the murder was committed; of having, by his own admission, had a quarrel with the murdered man, not long before, terminating in an assault and a threat on his side; and, lastly, of having attempted to set up an alibi by a false statement of the question of time. There was no alternative but to commit him to take his trial at the Assizes, charged with the murder of the builder in Pardon's Piece.

The trial occupied two days.

No new facts of importance were discovered in the interval. The evidence followed the course which it had taken at the preliminary examinations--with this difference only, that it was more carefully sifted. Mr. Dubourg had the double advantage of securing the services of the leading barrister on the circuit, and of moving the irrepressible sympathies of the jury, shocked at his position and eager for proof of his innocence. By the end of the first day, the evidence had told against him with such irresistible force, that his own counsel despaired of the result. When the prisoner took his place in the dock on the second day, there was but one conviction in the minds of the people in court--everybody said, "The clock will hang him."

It was nearly two in the afternoon; and the proceedings were on the point of being adjourned for half an hour, when the attorney for the prisoner was seen to hand a paper to the counsel for the defense.

The counsel rose, showing signs of agitation which roused the curiosity of the audience. He demanded the immediate hearing of a new witness; whose evidence in the prisoner's favor he declared to be too important to be delayed for a single moment. After a short colloquy between the judge and the banisters on either side, the court decided to continue the sitting.

The witness, appearing in the box, proved to be a young woman, in delicate health. On the evening when the prisoner had paid his visit to the lady, she was in that lady's service as housemaid. The day after, she had been permitted (by previous arrangement with her mistress) to take a week's holiday, and to go on a visit to her parents, in the west of Cornwall. While there, she had fallen ill, and had not been strong enough since to return to her employment. Having given this preliminary account of herself, the housemaid then stated the following extraordinary particulars in relation to her mistress's clock.

On the morning of the day when Mr. Dubourg had called at the house, she had been cleaning the mantelpiece. She had rubbed the part of it which was under the clock with her duster, had accidentally struck the pendulum, and had stopped it. Having once before done this, she had been severely reproved. Fearing that a repetition of the offense, only the day after the clock had been regulated by the maker, might lead perhaps to the withdrawal of her leave of absence, she had determined to put matters right again, if possible, by herself.

After poking under the clock in the dark, and failing to set the pendulum going again properly in that way, she next attempted to lift the clock, and give it a shake. It was set in a marble case, with a bronze figure on the top; and it was so heavy that she was obliged to hunt for something which she could use as a lever. The thing proved to be not easy to find on the spur of the moment. Having at last laid her hand on what she wanted, she contrived so to lift the clock a few inches and drop it again on the mantelpiece, as to set it going once more.

The next necessity was of course to move the hands on. Here again she was met by an obstacle. There was a difficulty in opening the glass-case which protected the dial. After uselessly searching for some instrument to help her, she got from the footman (without telling him what she wanted it for) a small chisel. With this, she opened the case--after accidentally scratching the brass frame of it--and set the hands of the clock by guess. She was flurried at the time; fearing that her mistress would discover her. Later in the day, she found that she had over-estimated the interval of time that had passed while she was trying to put the clock right. She had, in fact, set it exactly a quarter of an hour too fast.

No safe opportunity of secretly putting the clock right again had occurred, until the last thing at night. She had then moved the hands back to the right time. At the hour of the evening when Mr. Dubourg had called on her mistress, she positively swore that the clock was a quarter of an hour too fast. It had pointed, as her mistress had declared, to twenty-five minutes to nine--the right time then being, as Mr. Dubourg had asserted, twenty minutes past eight.

Questioned why she had refrained from giving this extraordinary evidence at the inquiry before the magistrate, she declared that in the remote Cornish village to which she had gone the next day, and in which her illness had detained her from that time, nobody had heard of the inquiry or the trial. She would not have been then present to state the vitally important circumstances to which she had just sworn, if the prisoner's twin-brother

had not found her out on the previous day--had not questioned her if she knew anything about the clock--and had not (hearing what she had to tell) insisted on her taking the journey with him to the court the next morning.

This evidence virtually decided the trial. There was a great burst of relief in the crowded assembly when the woman's statement had come to an end.

She was closely cross-examined as a matter of course. Her character was inquired into; corroborative evidence (relating to the chisel and the scratches on the frame) was sought for and was obtained. The end of it was that, at a late hour on the second evening, the jury acquitted the prisoner, without leaving their box. It was not too much to say that his life had been saved by his brother. His brother alone had persisted, from first to last, in obstinately disbelieving the clock--for no better reason than that the clock was the witness which asserted the prisoner's guilt! He had worried everybody with incessant inquiries--he had discovered the absence of the housemaid, after the trial had begun--and he had started off to interrogate the girl, knowing nothing, and suspecting nothing; simply determined to persist in the one everlasting question with which he persecuted everybody belonging to the house: "The clock is going to hang my brother; can you tell me anything about the clock?"

Four months later, the mystery of the crime was cleared up. One of the disreputable companions of the murdered man confessed on his death-bed that he had done the deed. There was nothing interesting or remarkable in the circumstances. Chance which had put innocence in peril, had offered impunity to guilt. An infamous woman; a jealous quarrel; and an absence at the moment of witnesses on the spot--these were really the commonplace materials which had composed the tragedy of Pardon's Piece.