

CHAPTER XXVIII

Jacob Welse was given due respect when he arose at the convening of the miners' meeting and denounced the proceedings. While such meetings had performed a legitimate function in the past, he contended, when there was no law in the land, that time was now beyond recall; for law was now established, and it was just law. The Queen's government had shown itself fit to cope with the situation, and for them to usurp its powers was to step backward into the night out of which they had come. Further, no lighter word than "criminal" could characterize such conduct. And yet further, he promised them, in set, sober terms, if anything serious were the outcome, to take an active part in the prosecution of every one of them. At the conclusion of his speech he made a motion to hold the prisoner for the territorial court and to adjourn, but was voted down without discussion.

"Don't you see," St. Vincent said to Frona, "there is no hope?"

"But there is. Listen!" And she swiftly outlined the plot of the night before.

He followed her in a half-hearted way, too crushed to partake of her enthusiasm. "It's madness to attempt it," he objected, when she had done.

"And it looks very much like hanging not to attempt it," she answered a

little spiritedly. "Surely you will make a fight?"

"Surely," he replied, hollowly.

The first witnesses were two Swedes, who told of the wash-tub incident, when Borg had given way to one of his fits of anger. Trivial as the incident was, in the light of subsequent events it at once became serious. It opened the way for the imagination into a vast familiar field. It was not so much what was said as what was left unsaid. Men born of women, the rudest of them, knew life well enough to be aware of its significance,--a vulgar common happening, capable of but one interpretation. Heads were wagged knowingly in the course of the testimony, and whispered comments went the rounds.

Half a dozen witnesses followed in rapid succession, all of whom had closely examined the scene of the crime and gone over the island carefully, and all of whom were agreed that there was not the slightest trace to be found of the two men mentioned by the prisoner in his preliminary statement.

To Frona's surprise, Del Bishop went upon the stand. She knew he disliked St. Vincent, but could not imagine any evidence he could possess which would bear upon the case.

Being sworn, and age and nationality ascertained, Bill Brown asked him his business.

"Pocket-miner," he challenged back, sweeping the assemblage with an aggressive glance.

Now, it happens that a very small class of men follow pocketing, and that a very large class of men, miners, too, disbelieve utterly in any such method or obtaining gold.

"Pocket-miner!" sneered a red-shirted, patriarchal-looking man, a man who had washed his first pan in the Californian diggings in the early fifties.

"Yep," Del affirmed.

"Now, look here, young feller," his interlocutor continued, "d'ye mean to tell me you ever struck it in such-fangled way?"

"Yep."

"Don't believe it," with a contemptuous shrug.

Del swallowed fast and raised his head with a jerk. "Mr. Chairman, I rise to make a statement. I won't interfere with the dignity of the court, but I just wish to simply and distinctly state that after the meeting's over I'm going to punch the head of every man that gets gay. Understand?"

"You're out of order," the chairman replied, rapping the table with the caulking-mallet.

"And your head, too," Del cried, turning upon him. "Damn poor order you preserve. Pocketing's got nothing to do with this here trial, and why don't you shut such fool questions out? I'll take care of you afterwards, you potwolloper!"

"You will, will you?" The chairman grew red in the face, dropped the mallet, and sprang to his feet.

Del stepped forward to meet him, but Bill Brown sprang in between and held them apart.

"Order, gentlemen, order," he begged. "This is no time for unseemly exhibitions. And remember there are ladies present."

The two men grunted and subsided, and Bill Brown asked, "Mr. Bishop, we understand that you are well acquainted with the prisoner. Will you please tell the court what you know of his general character?"

Del broadened into a smile. "Well, in the first place, he's an extremely quarrelsome disposition--"

"Hold! I won't have it!" The prisoner was on his feet, trembling with anger. "You shall not swear my life away in such fashion! To bring a madman, whom I have only met once in my life, to testify as to my character!"

The pocket-miner turned to him. "So you don't know me, eh, Gregory St. Vincent?"

"No," St. Vincent replied, coldly, "I do not know you, my man."

"Don't you man me!" Del shouted, hotly.

But St. Vincent ignored him, turning to the crowd.

"I never saw the fellow but once before, and then for a few brief moments in Dawson."

"You'll remember before I'm done," Del sneered; "so hold your hush and let me say my little say. I come into the country with him way back in '84."

St. Vincent regarded him with sudden interest.

"Yep, Mr. Gregory St. Vincent. I see you begin to recollect. I sported whiskers and my name was Brown, Joe Brown, in them days."

He grinned vindictively, and the correspondent seemed to lose all interest.

"Is it true, Gregory?" Frona whispered.

"I begin to recognize," he muttered, slowly. "I don't know . . . no, folly! The man must have died."

"You say in '84, Mr. Bishop?" Bill Brown prompted.

"Yep, in '84. He was a newspaper-man, bound round the world by way of Alaska and Siberia. I'd run away from a whaler at Sitka,--that squares it with Brown,--and I engaged with him for forty a month and found. Well, he quarrelled with me--"

A snicker, beginning from nowhere in particular, but passing on from man to man and swelling in volume, greeted this statement. Even Frona and Del himself were forced to smile, and the only sober face was the prisoner's.

"But he quarrelled with Old Andy at Dyea, and with Chief George of the Chilcoots, and the Factor at Pelly, and so on down the line. He got us into no end of trouble, and 'specially woman-trouble. He was always monkeying around--"

"Mr. Chairman, I object." Frona stood up, her face quite calm and

blood under control. "There is no necessity for bringing in the amours of Mr. St. Vincent. They have no bearing whatsoever upon the case; and, further, none of the men of this meeting are clean enough to be prompted by the right motive in conducting such an inquiry. So I demand that the prosecution at least confine itself to relevant testimony."

Bill Brown came up smugly complacent and smiling. "Mr. Chairman, we willingly accede to the request made by the defence. Whatever we have brought out has been relevant and material. Whatever we intend to bring out shall be relevant and material. Mr. Bishop is our star witness, and his testimony is to the point. It must be taken into consideration that we have no direct evidence as to the murder of John Borg. We can bring no eye-witnesses into court. Whatever we have is circumstantial. It is incumbent upon us to show cause. To show cause it is necessary to go into the character of the accused. This we intend to do. We intend to show his adulterous and lustful nature, which has culminated in a dastardly deed and jeopardized his neck. We intend to show that the truth is not in him; that he is a liar beyond price; that no word he may speak upon the stand need be accepted by a jury of his peers. We intend to show all this, and to weave it together, thread by thread, till we have a rope long enough and strong enough to hang him with before the day is done. So I respectfully submit, Mr. Chairman, that the witness be allowed to proceed."

The chairman decided against Frona, and her appeal to the meeting was

voted down. Bill Brown nodded to Del to resume.

"As I was saying, he got us into no end of trouble. Now, I've been mixed up with water all my life,--never can get away from it, it seems,--and the more I'm mixed the less I know about it. St. Vincent knew this, too, and him a clever hand at the paddle; yet he left me to run the Box Canyon alone while he walked around. Result: I was turned over, lost half the outfit and all the tobacco, and then he put the blame on me besides. Right after that he got tangled up with the Lake Le Barge Sticks, and both of us came near croaking."

"And why was that?" Bill Brown interjected.

"All along of a pretty squaw that looked too kindly at him. After we got clear, I lectured him on women in general and squaws in particular, and he promised to behave. Then we had a hot time with the Little Salmons. He was cuter this time, and I didn't know for keeps, but I guessed. He said it was the medicine man who got horstile; but nothing'll stir up a medicine man quicker'n women, and the facts pointed that way. When I talked it over with him in a fatherly way he got wrathful, and I had to take him out on the bank and give him a threshing. Then he got sulky, and didn't brighten up till we ran into the mouth of the Reindeer River, where a camp of Siwashes were fishing salmon. But he had it in for me all the time, only I didn't know it,--was ready any time to give me the double cross.

"Now, there's no denying he's got a taking way with women. All he has to do is to whistle 'em up like dogs. Most remarkable faculty, that. There was the wickedest, prettiest squaw among the Reindeers. Never saw her beat, excepting Bella. Well, I guess he whistled her up, for he delayed in the camp longer than was necessary. Being partial to women--"

"That will do, Mr. Bishop," interrupted the chairman, who, from profitless watching of Frona's immobile face, had turned to her hand, the nervous twitching and clinching of which revealed what her face had hidden. "That will do, Mr. Bishop. I think we have had enough of squaws."

"Pray do not temper the testimony," Frona chirruped, sweetly. "It seems very important."

"Do you know what I am going to say next?" Del demanded hotly of the chairman. "You don't, eh? Then shut up. I'm running this particular sideshow."

Bill Brown sprang in to avert hostilities, but the chairman restrained himself, and Bishop went on.

"I'd been done with the whole shooting-match, squaws and all, if you hadn't broke me off. Well, as I said, he had it in for me, and the first thing I didn't know, he'd hit me on the head with a rifle-stock,

bundled the squaw into the canoe, and pulled out. You all know what the Yukon country was in '84. And there I was, without an outfit, left alone, a thousand miles from anywhere. I got out all right, though there's no need of telling how, and so did he. You've all heard of his adventures in Siberia. Well," with an impressive pause, "I happen to know a thing or two myself."

He shoved a hand into the big pocket of his mackinaw jacket and pulled out a dingy leather-bound volume of venerable appearance.

"I got this from Pete Whipple's old woman,--Whipple of Eldorado. It concerns her grand-uncle or great-grand-uncle, I don't know which; and if there's anybody here can read Russian, why, it'll go into the details of that Siberian trip. But as there's no one here that can--"

"Courbertin! He can read it!" some one called in the crowd.

A way was made for the Frenchman forthwith, and he was pushed and shoved, protestingly, to the front.

"Savve the lingo?" Del demanded.

"Yes; but so poorly, so miserable," Courbertin demurred. "It is a long time. I forget."

"Go ahead. We won't criticise."

"No, but--"

"Go ahead!" the chairman commanded.

Del thrust the book into his hands, opened at the yellow title-page.

"I've been itching to get my paws on some buck like you for months and months," he assured him, gleefully. "And now I've got you, you can't shake me, Charley. So fire away."

Courbertin began hesitatingly: "The Journal of Father Yakontsk, Comprising an Account in Brief of his Life in the Benedictine Monastery at Obidorsky, and in Full of his Marvellous Adventures in East Siberia among the Deer Men."

The baron looked up for instructions.

"Tell us when it was printed," Del ordered him.

"In Warsaw, 1807."

The pocket-miner turned triumphantly to the room. "Did you hear that? Just keep track of it. 1807, remember!"

The baron took up the opening paragraph. "It was because of Tamerlane," he commenced, unconsciously putting his translation into

a construction with which he was already familiar.

At his first words Frona turned white, and she remained white throughout the reading. Once she stole a glance at her father, and was glad that he was looking straight before him, for she did not feel able to meet his gaze just then. On the other hand, though she knew St. Vincent was eying her narrowly, she took no notice of him, and all he could see was a white face devoid of expression.

"When Tamerlane swept with fire and sword over Eastern Asia," Courbertin read slowly, "states were disrupted, cities overthrown, and tribes scattered like--like star-dust. A vast people was hurled broadcast over the land. Fleeing before the conquerors,'--no, no,--'before the mad lust of the conquerors, these refugees swung far into Siberia, circling, circling to the north and east and fringing the rim of the polar basin with a spray of Mongol tribes."

"Skip a few pages," Bill Brown advised, "and read here and there. We haven't got all night."

Courbertin complied. "The coast people are Eskimo stock, merry of nature and not offensive. They call themselves the Oukilion, or the Sea Men. From them I bought dogs and food. But they are subject to the Chow Chuen, who live in the interior and are known as the Deer Men. The Chow Chuen are a fierce and savage race. When I left the coast they fell upon me, took from me my goods, and made me a slave." He

ran over a few pages. "I worked my way to a seat among the head men, but I was no nearer my freedom. My wisdom was of too great value to them for me to depart. . . Old Pi-Une was a great chief, and it was decreed that I should marry his daughter Ilswunga. Ilswunga was a filthy creature. She would not bathe, and her ways were not good . . . I did marry Ilswunga, but she was a wife to me only in name. Then did she complain to her father, the old Pi-Une, and he was very wroth. And dissension was sown among the tribes; but in the end I became mightier than ever, what of my cunning and resource; and Ilswunga made no more complaint, for I taught her games with cards which she might play by herself, and other things."

"Is that enough?" Courbertin asked.

"Yes, that will do," Bill Brown answered. "But one moment. Please state again the date of publication."

"1807, in Warsaw."

"Hold on, baron," Del Bishop spoke up. "Now that you're on the stand, I've got a question or so to slap into you." He turned to the court-room. "Gentlemen, you've all heard somewhat of the prisoner's experiences in Siberia. You've caught on to the remarkable sameness between them and those published by Father Yakontsk nearly a hundred years ago. And you have concluded that there's been some wholesale cribbing somewhere. I propose to show you that it's more than

cribbing. The prisoner gave me the shake on the Reindeer River in '88. Fall of '88 he was at St. Michael's on his way to Siberia. '89 and '90 he was, by his talk, cutting up antics in Siberia. '91 he come back to the world, working the conquering-hero graft in 'Frisco. Now let's see if the Frenchman can make us wise.

"You were in Japan?" he asked.

Courbertin, who had followed the dates, made a quick calculation, and could but illy conceal his surprise. He looked appealingly to Frona, but she did not help him. "Yes," he said, finally.

"And you met the prisoner there?"

"Yes."

"What year was it?"

There was a general craning forward to catch the answer.

"1889," and it came unwillingly.

"Now, how can that be, baron?" Del asked in a wheedling tone. "The prisoner was in Siberia at that time."

Courbertin shrugged his shoulders that it was no concern of his, and

came off the stand. An impromptu recess was taken by the court-room for several minutes, wherein there was much whispering and shaking of heads.

"It is all a lie." St. Vincent leaned close to Frona's ear, but she did not hear.

"Appearances are against me, but I can explain it all."

But she did not move a muscle, and he was called to the stand by the chairman. She turned to her father, and the tears rushed up into her eyes when he rested his hand on hers.

"Do you care to pull out?" he asked after a momentary hesitation.

She shook her head, and St. Vincent began to speak. It was the same story he had told her, though told now a little more fully, and in nowise did it conflict with the evidence of La Flitche and John. He acknowledged the wash-tub incident, caused, he explained, by an act of simple courtesy on his part and by John Borg's unreasoning anger. He acknowledged that Bella had been killed by his own pistol, but stated that the pistol had been borrowed by Borg several days previously and not returned. Concerning Bella's accusation he could say nothing. He could not see why she should die with a lie on her lips. He had never in the slightest way incurred her displeasure, so even revenge could not be advanced. It was inexplicable. As for the testimony of Bishop,

he did not care to discuss it. It was a tissue of falsehood cunningly interwoven with truth. It was true the man had gone into Alaska with him in 1888, but his version of the things which happened there was maliciously untrue. Regarding the baron, there was a slight mistake in the dates, that was all.

In questioning him. Bill Brown brought out one little surprise. From the prisoner's story, he had made a hard fight against the two mysterious men. "If," Brown asked, "such were the case, how can you explain away the fact that you came out of the struggle unmarked? On examination of the body of John Borg, many bruises and contusions were noticeable. How is it, if you put up such a stiff fight, that you escaped being battered?"

St. Vincent did not know, though he confessed to feeling stiff and sore all over. And it did not matter, anyway. He had killed neither Borg nor his wife, that much he did know.

Frona prefaced her argument to the meeting with a pithy discourse on the sacredness of human life, the weaknesses and dangers of circumstantial evidence, and the rights of the accused wherever doubt arose. Then she plunged into the evidence, stripping off the superfluous and striving to confine herself to facts. In the first place, she denied that a motive for the deed had been shown. As it was, the introduction of such evidence was an insult to their intelligence, and she had sufficient faith in their manhood and

perspicacity to know that such puerility would not sway them in the verdict they were to give.

And, on the other hand, in dealing with the particular points at issue, she denied that any intimacy had been shown to have existed between Bella and St. Vincent; and she denied, further, that it had been shown that any intimacy had been attempted on the part of St. Vincent.

Viewed honestly, the wash-tub incident--the only evidence brought forward--was a laughable little affair, portraying how the simple courtesy of a gentleman might be misunderstood by a mad boor of a husband. She left it to their common sense; they were not fools.

They had striven to prove the prisoner bad-tempered. She did not need to prove anything of the sort concerning John Borg. They all knew his terrible fits of anger; they all knew that his temper was proverbial in the community; that it had prevented him having friends and had made him many enemies. Was it not very probable, therefore, that the masked men were two such enemies? As to what particular motive actuated these two men, she could not say; but it rested with them, the judges, to know whether in all Alaska there were or were not two men whom John Borg could have given cause sufficient for them to take his life.

Witness had testified that no traces had been found of these two men; but the witness had not testified that no traces had been found of St. Vincent, Pierre La Flitche, or John the Swede. And there was no need for them so to testify. Everybody knew that no foot-marks were left

when St. Vincent ran up the trail, and when he came back with La Flitche and the other man. Everybody knew the condition of the trail, that it was a hard-packed groove in the ground, on which a soft moccasin could leave no impression; and that had the ice not gone down the river, no traces would have been left by the murderers in passing from and to the mainland.

At this juncture La Flitche nodded his head in approbation, and she went on.

Capital had been made out of the blood on St. Vincent's hands. If they chose to examine the moccasins at that moment on the feet of Mr. La Flitche, they would also find blood. That did not argue that Mr. La Flitche had been a party to the shedding of the blood.

Mr. Brown had drawn attention to the fact that the prisoner had not been bruised or marked in the savage encounter which had taken place. She thanked him for having done so. John Borg's body showed that it had been roughly used. He was a larger, stronger, heavier man than St. Vincent. If, as charged, St. Vincent had committed the murder, and necessarily, therefore, engaged in a struggle severe enough to bruise John Borg, how was it that he had come out unharmed? That was a point worthy of consideration.

Another one was, why did he run down the trail? It was inconceivable, if he had committed the murder, that he should, without dressing or

preparation for escape, run towards the other cabins. It was, however, easily conceivable that he should take up the pursuit of the real murderers, and in the darkness--exhausted, breathless, and certainly somewhat excited--run blindly down the trail.

Her summing up was a strong piece of synthesis; and when she had done, the meeting applauded her roundly. But she was angry and hurt, for she knew the demonstration was for her sex rather than for her cause and the work she had done.

Bill Brown, somewhat of a shyster, and his ear ever cocked to the crowd, was not above taking advantage when opportunity offered, and when it did not offer, to dogmatize artfully. In this his native humor was a strong factor, and when he had finished with the mysterious masked men they were as exploded sun-myths,--which phrase he promptly applied to them.

They could not have got off the island. The condition of the ice for the three or four hours preceding the break-up would not have permitted it. The prisoner had implicated none of the residents of the island, while every one of them, with the exception of the prisoner, had been accounted for elsewhere. Possibly the prisoner was excited when he ran down the trail into the arms of La Flitche and John the Swede. One should have thought, however, that he had grown used to such things in Siberia. But that was immaterial; the facts were that he was undoubtedly in an abnormal state of excitement, that he was

hysterically excited, and that a murderer under such circumstances would take little account of where he ran. Such things had happened before. Many a man had butted into his own retribution.

In the matter of the relations of Borg, Bella, and St. Vincent, he made a strong appeal to the instinctive prejudices of his listeners, and for the time being abandoned matter-of-fact reasoning for all-potent sentimental platitudes. He granted that circumstantial evidence never proved anything absolutely. It was not necessary it should. Beyond the shadow of a reasonable doubt was all that was required. That this had been done, he went on to review the testimony.

"And, finally," he said, "you can't get around Bella's last words. We know nothing of our own direct knowledge. We've been feeling around in the dark, clutching at little things, and trying to figure it all out. But, gentlemen," he paused to search the faces of his listeners, "Bella knew the truth. Hers is no circumstantial evidence. With quick, anguished breath, and life-blood ebbing from her, and eyeballs glazing, she spoke the truth. With dark night coming on, and the death-rattle in her throat, she raised herself weakly and pointed a shaking finger at the accused, thus, and she said, 'Him, him, him. St. Vincha, him do it.'"

With Bill Brown's finger still boring into him, St. Vincent struggled to his feet. His face looked old and gray, and he looked about him speechlessly. "Funk! Funk!" was whispered back and forth, and not so

softly but what he heard. He moistened his lips repeatedly, and his tongue fought for articulation. "It is as I have said," he succeeded, finally. "I did not do it. Before God, I did not do it!" He stared fixedly at John the Swede, waiting the while on his laggard thought. "I . . . I did not do it . . . I did not . . . I . . . I did not."

He seemed to have become lost in some supreme meditation wherein John the Swede figured largely, and as Frona caught him by the hand and pulled him gently down, some man cried out, "Secret ballot!"

But Bill Brown was on his feet at once. "No! I say no! An open ballot! We are men, and as men are not afraid to put ourselves on record."

A chorus of approval greeted him, and the open ballot began. Man after man, called upon by name, spoke the one word, "Guilty."

Baron Courbertin came forward and whispered to Frona. She nodded her head and smiled, and he edged his way back, taking up a position by the door. He voted "Not guilty" when his turn came, as did Frona and Jacob Welse. Pierre La Flitche wavered a moment, looking keenly at Frona and St. Vincent, then spoke up, clear and flute-like, "Guilty."

As the chairman arose, Jacob Welse casually walked over to the opposite side of the table and stood with his back to the stove. Courbertin, who had missed nothing, pulled a pickle-keg out from the wall and

stepped upon it.

The chairman cleared his throat and rapped for order. "Gentlemen," he announced, "the prisoner--"

"Hands up!" Jacob Welse commanded peremptorily, and a fraction of a second after him came the shrill "Hands up, gentlemen!" of Courbertin.

Front and rear they commanded the crowd with their revolvers. Every hand was in the air, the chairman's having gone up still grasping the mallet. There was no disturbance. Each stood or sat in the same posture as when the command went forth. Their eyes, playing here and there among the central figures, always returned to Jacob Welse.

St. Vincent sat as one dumfounded. Frona thrust a revolver into his hand, but his limp fingers refused to close on it.

"Come, Gregory," she entreated. "Quick! Corliss is waiting with the canoe. Come!"

She shook him, and he managed to grip the weapon. Then she pulled and tugged, as when awakening a heavy sleeper, till he was on his feet. But his face was livid, his eyes like a somnambulist's, and he was afflicted as with a palsy. Still holding him, she took a step backward for him to come on. He ventured it with a shaking knee. There was no sound save the heavy breathing of many men. A man coughed slightly and

cleared his throat. It was disquieting, and all eyes centred upon him rebukingly. The man became embarrassed, and shifted his weight uneasily to the other leg. Then the heavy breathing settled down again.

St. Vincent took another step, but his fingers relaxed and the revolver fell with a loud noise to the floor. He made no effort to recover it. Frona stooped hurriedly, but Pierre La Flitche had set his foot upon it. She looked up and saw his hands above his head and his eyes fixed absently on Jacob Welse. She pushed at his leg, and the muscles were tense and hard, giving the lie to the indifference on his face. St. Vincent looked down helplessly, as though he could not understand.

But this delay drew the attention of Jacob Welse, and, as he tried to make out the cause, the chairman found his chance. Without crooking, his right arm swept out and down, the heavy caulking-mallet leaping from his hand. It spanned the short distance and smote Jacob Welse below the ear. His revolver went off as he fell, and John the Swede grunted and clapped a hand to his thigh.

Simultaneous with this the baron was overcome. Del Bishop, with hands still above his head and eyes fixed innocently before him, had simply kicked the pickle-keg out from under the Frenchman and brought him to the floor. His bullet, however, sped harmlessly through the roof. La Flitche seized Frona in his arms. St. Vincent, suddenly awakening, sprang for the door, but was tripped up by the breed's ready foot.

The chairman pounded the table with his fist and concluded his broken sentence, "Gentlemen, the prisoner is found guilty as charged."