

THE VICTIMS OF CIRCUMSTANCES DISCOVERED IN RECORDS OF OLD TRIALS

BY

WILKIE COLLINS

A NEW VOLUME COMMENCES WITH THIS PART.
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BOYS OWN PAPER

Quædam opunt nesci nesci faragme sibi

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DISCOVERED IN RECORDS OF OLD TRIALS

BY

WILKIE COLLINS

THE WILKIE COLLINS SOCIETY
NOVEMBER 1992

THE VICTIMS OF CIRCUMSTANCES

Discovered in Records of Old Trials

'The Victims of Circumstances' originally appeared on 19 August 1886 in *Youth's Companion* a publication from Boston in the United States. It was subsequently republished in the version which follows in *Boy's Own Paper* Part I, A Sad Death and Brave Life, appeared on 23 October 1886 and part II, Farmer Fairweather, on 26 February 1887. The common theme of both parts is the fatal consequence which can result from a miscarriage of justice. During the 1880s several short pieces by Collins were first issued by American publishers. He specified that some, although not 'The Victims of Circumstances', should be "drowned in the waters of oblivion" and not republished after his death.

Boy's Own Paper was issued weekly at a price of one Penny and proved the most popular boys' magazine during the late Victorian and Edwardian periods. It first appeared on 18 January 1879 and, unlike many of its short-lived competitors, ran for 88 years until February 1967. Amongst the numerous contributors in Collins' time, were R.M. Ballantyne, Arthur Conan Doyle, Jules Verne and Talbot Bains Reed.

THE VICTIMS OF CIRCUMSTANCES.

DISCOVERED IN RECORDS OF OLD TRIALS.

BY WILKIE COLLINS.

I.—A SAD DEATH AND BRAVE LIFE.

can citizens resented the tyranny of George the Third and his Parliament by destroying a cargo of taxed tea, a Bristol trader arrived in the harbour of Boston, having one passenger on board. This person was a young English woman, named Esther Calvert, daughter of a shopkeeper at Cheltenham, and niece of the captain of the ship.

Some years before her departure from England, Esther had suffered an affliction—associated with a deplorable public event—which had shaken her attachment to her native land. Free, at a later period, to choose for herself, she resolved on leaving England, as soon as employment could be found for her in another country. After a weary interval of expectation, the sea-captain had obtained a situation for his niece, as housekeeper in the family of Mrs. Anderkin—a widow lady living in Boston.

Esther had been well practised in domestic duties during the long illness of

her mother. Intelligent, modest and sweet-tempered, she soon became a favourite with Mrs. Anderkin and the members of her young family. The children found but one fault with the new housekeeper; she dressed invariably in dismal black; and it was impossible to prevail upon her to give the cause. It was known that she was an orphan, and she had acknowledged that no relation of hers had recently died—and yet she persisted in wearing mourning. Some great grief had evidently overshadowed the life of the gentle English housekeeper.

In her intervals of leisure, she soon became the chosen friend of Mrs. Anderkin's children; always ready to teach them new games, clever at dressing the girls' dolls and at mending the boys' toys, Esther was in one respect only not in sympathy with her young friends—she never laughed. One day, they boldly put the question to her: "When we are all laughing, why don't you laugh too?"



that memorable period in the early history of the United States when Ameri-



"Jennings was fast asleep."

Esther took the right way to silence children whose earliest lessons had taught them the golden rule: Do unto others as you would they should do unto you. She only replied in these words:

"I shall think it kind of you if you won't ask me that question again."

The young people deserved her confidence in them; they never mentioned the subject from that time forth.

But there was another member of the family, whose desire to know something of the housekeeper's history was, from motives of delicacy, concealed from Esther herself. This was the governess—Mrs. Anderkin's well-loved friend, as well as the teacher of her children.

On the day before he sailed on his homeward voyage, the sea-captain called to take leave of his niece—and then asked if he could also pay his respects to Mrs. Anderkin. He was informed that the lady of the house had gone out, but that the governess would be happy to receive him. At the interview which followed they talked of Esther, and agreed so well in their good opinion of her, that the captain paid a long visit. The governess had persuaded him to tell the story of his niece's wasted life.

But he insisted on one condition.

"If we had been in England," he said, "I should have kept the matter secret, for the sake of the family. Here, in America, Esther is a stranger—here she will stay—and no slur will be cast on the family name at home. But mind one thing! I trust to your honour to take no one into your confidence—excepting only the mistress of the house."

More than one hundred years have passed since those words were spoken.

Esther's sad story may be harmlessly told now. In the year 1762, a young man named John Jennings, employed as waiter at a Yorkshire inn, astonished his master by announcing that he was engaged to be married, and that he purposed retiring from service on next quarter-day.

Further inquiry showed that the young woman's name was Esther Calvert, and that Jennings was greatly her inferior in social rank. Her father's consent to the marriage depended on her lover's success in rising in the world. Friends with money were inclined to trust Jennings, and to help him to start a business of his own, if Miss Calvert's father would do something for the young people on his side. He made no objection, and the marriage engagement was sanctioned accordingly.

One evening, when the last days of Jennings's service were drawing to an end, a gentleman on horseback stopped at the inn. In a state of great agitation, he informed the landlady that he was on his way to Hull, but that he had been so frightened as to make it impossible for him to continue his journey. A highwayman had robbed him of a purse

containing twenty guineas. The thief's face (as usual in those days) was concealed by a mask; and there was but one chance of bringing him to justice. It was the traveller's custom to place a private mark on every gold piece that he carried with him on a journey; and the stolen guineas might possibly be traced in that way.

The landlord (one Mr. Brunell) attended on his guest at supper. His wife had only that moment told him of the robbery; and he had a circumstance to mention which might lead to the discovery of the thief. In the first place, however, he wished to ask at what time the crime had been committed. The traveller answered that he had been robbed late in the evening, just as it was beginning to get dark. On hearing this, Mr. Brunell looked very much distressed.

"I have got a waiter here, named Jennings," he said; "a man superior to his station in life—good manners and a fair education—in fact, a general favourite. But for some little time past I have observed that he has been rather free with his money and that habits of drinking have grown on him. I am afraid he is not worthy of the good opinion entertained of him by myself and by other persons. This evening I sent him out to get some small silver for me; giving him a guinea to change. He came back intoxicated, telling me that change was not to be had. I ordered him to bed—and then happened to look at the guinea which he had brought back. Unfortunately I had not, at that time, heard of the robbery; and I paid the guinea away with some other money, in settlement of a tradesman's account. But this I am sure of—there was a mark on the guinea which Jennings gave back to me. It is, of course, possible that there might have been a mark (which escaped my notice) on the guinea which I took out of my purse when I sent for change."

"Or," the traveller suggested, "it may have been one of my stolen guineas, given back by mistake by this drunken waiter of yours, instead of the guinea handed to him by yourself. Do you think he is asleep?"

"Sure to be asleep, sir, in his condition."

"Do you object, Mr. Brunell, after what you have told me, to setting this matter at rest by searching the man's clothes?"

The landlord hesitated.

"It seems hard on Jennings," he said, "if we prove to have been suspicious of him without a cause. Can you speak positively, sir, to the mark which you put on your money?"

The traveller declared that he could swear to his mark. Mr. Brunell yielded. The two went up together to the waiter's room.

Jennings was fast asleep. At the very

outset of the search they found the stolen bag of money in his pocket. The guineas—nineteen in number—had a mark on each one of them, and that mark the traveller identified. After this discovery there was but one course to take. The waiter's protestations of innocence, when they woke him and accused him of the robbery, were words flatly contradicted by facts. He was charged before a magistrate with the theft of the money, and, as a matter of course, was committed for trial.

The circumstances were so strongly against him that his own friends recommended Jennings to plead guilty, and appeal to the mercy of the Court. He refused to follow their advice, and he was bravely encouraged to persist in that decision by the poor girl, who believed in his innocence with her whole heart. At that dreadful crisis in her life she secured the best legal assistance, and took from her little dowry the money that paid the expenses.

At the next assizes the case was tried. The proceedings before the judge were a repetition (at great length and with more solemnity) of the proceedings before the magistrate. No skill in cross-examination could shake the direct statements of the witnesses. The evidence was made absolutely complete by the appearance of the tradesman to whom Mr. Brunell had paid the marked guinea. The coin (so marked) was a curiosity; the man had kept it, and he now produced it in court.

The judge summed up, finding literally nothing that he could say, as an honest man, in favour of the prisoner. The jury returned a verdict of guilty, after a consultation which was a mere matter of form. Clearer circumstantial evidence of guilt had never been produced, in the opinion of every person—but one—who was present at the trial. The sentence on Jennings for highway robbery was, by the law of those days, death on the scaffold.

Friends were found to help Esther in the last effort that the faithful creature could now make—the attempt to obtain a commutation of the sentence. She was admitted to an interview with the Home Secretary, and her petition was presented to the king. Here, again, the indisputable evidence forbade the exercise of mercy. Esther's betrothed husband was hanged at Hull. His last words declared his innocence—with the rope round his neck.

Before a year had passed the one poor consolation that she could hope for in this world found Esther in her misery. The proof that Jennings had died a martyr to the fallibility of human justice was made public by the confession of the guilty man.

Another criminal trial took place at the assizes. The landlord of an inn was found guilty of having stolen the pro-

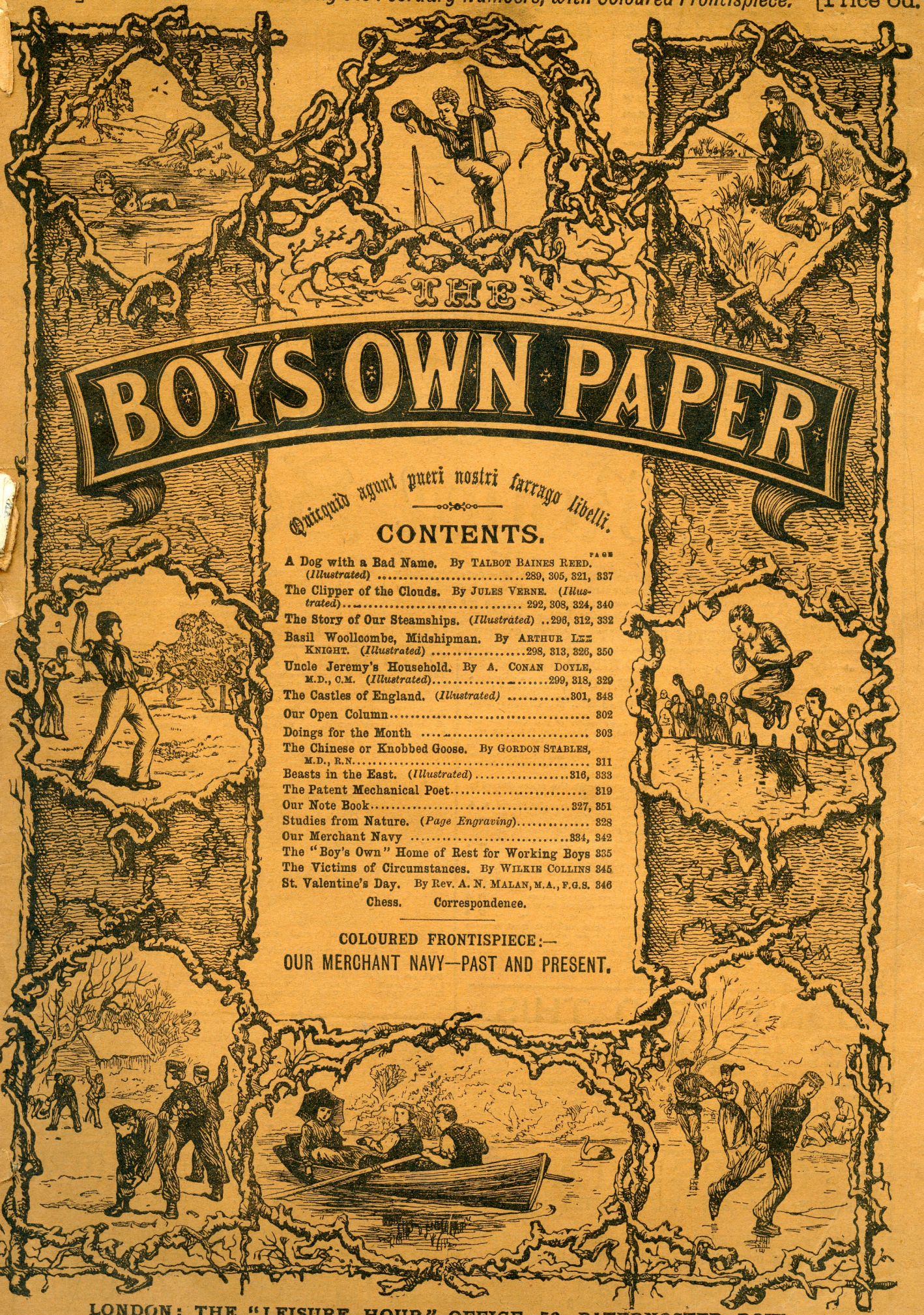
perty of a person staying in his house. It was stated in evidence that this was not his first offence. He had been habitually a robber on the highway, and his name was Brunell.

The wretch confessed that he was the masked highwayman who had stolen the bag of guineas. Riding, by a nearer way than was known to the traveller, he had reached the inn first. There he found a person in trade waiting by appointment for the settlement of a bill. Not having enough money of his own about him to pay the whole amount, Brunell had made use of one of the stolen guineas,

and had only heard the traveller declare that his money was marked after the tradesman had left the house. To ask for the return of the fatal guinea was more than he dared to attempt. But one other alternative presented itself. The merciless villain ensured his own safety by the sacrifice of an innocent man.

After the time when the sea-captain had paid his visit at Mrs. Anderkin's house, Esther's position became subject to certain changes. One little domestic privilege followed another, so gradually and so modestly that the housekeeper found herself a loved and honoured mem-

ber of the family, without being able to trace by what succession of events she had risen to the new place that she occupied. The secret confided to the two ladies had been strictly preserved; Esther never even suspected that they knew the deplorable story of her lover's death. Her life, after what she had suffered, was not prolonged to a great age. She died, peacefully unconscious of the terrors of death. Her last words were spoken with a smile. She looked at the loving friends assembled round her bed, and said to them, "My dear one is waiting for me. Good-bye."



THE BOYS OWN PAPER

Quicquid agant pueri nostri farrago libelli.
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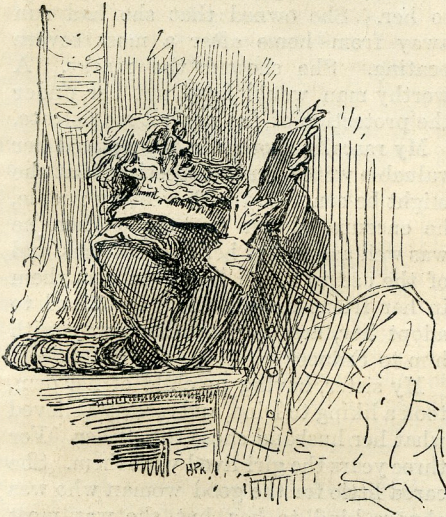
COLOURED FRONTISPIECE:—
 OUR MERCHANT NAVY—PAST AND PRESENT.

THE VICTIMS OF CIRCUMSTANCES.

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II.—FARMER FAIRWEATHER.



I AM the last surviving witness who appeared at the trial, and unless I reduce to writing what I happen to know, there will be no record of the true particulars left after my death.

In the town of Betminster, and round about it for many a good English mile, I am known as Dame Roundwood. I have never been married, and, at my present age, I never shall be. My one living relative, at the past time of which I now write, was my sister—married to a man named Morcom. He was settled in France, as a breeder of horses. Now and then he crossed over to England on his business, and went back again.

I took such a dislike to Morcom that I refused to be present at the wedding. This led, of course, to a quarrel. Nephews and nieces, if there had been any, might perhaps have reconciled me with my sister. As it was, we never wrote to each other after she went to France with her husband. And I never saw her again until she lay on her deathbed. So much about myself, to begin with.

Circumstances, which it is neither needful nor pleasant to dwell on in this place, occasioned the loss of my income, while I was still in the prime of my life. I had no choice but to make the best of a bad bargain, and to earn my bread by going out to service.

Having provided myself with good recommendations, I applied for the vacant place of housekeeper to Farmer Fairweather. I had heard of him as a well-to-do old bachelor, cultivating his land nigh on five miles in a northerly direction beyond Betminster. But I positively declare that I had never been in his house, or exchanged a word with him, on the day when I set forth for the farm.

The door was opened to me by a nice little girl. I noticed that her manners were pretty, and her voice was a remarkably strong one for her age. She had, I may also mention, the finest blue eyes I ever saw in any young creature's face. When she looked at you, there was just a cast, as they call it, in her left eye, barely noticeable, and not a deformity in any sense of the word. The one drawback that I could find in this otherwise pleasing young person was that she had rather a sullen look, and that she seemed to be depressed in her spirits.

But, like most people, the girl was ready enough to talk about herself. I found that her name was Dina Coomb, and that she had lost both her parents. Farmer Fairweather was her guardian, as well as her uncle, and held a fortune of ten thousand pounds ready and waiting for her when she came of age.

What would become of the money if she died in her youth, was more than Dina could tell me. Her mother's time-piece had been already given to her, by directions in her mother's will. It looked of great value to my eyes, and it flattered her vanity to see how I admired her grand gold watch.

"I hope you are coming to stay here," she said to me.

This seemed, as I thought, rather a sudden fancy to take to a stranger. "Why do you want me to stay with you?" I asked.

And she hung her head, and had nothing to say. The farmer came in from his fields, and I entered on my business with him. At the same time I noticed, with some surprise, that Dina slipped out of the room by one door when her uncle came in by the other.

He was pleased with my recommendations, and he civilly offered me sufficient wages. Moreover, he was still fair to look upon, and not (as some farmers are) slovenly in his dress. So far from being an enemy to this miserable man, as has been falsely asserted, I gladly engaged to take my place at the farm on the next day at twelve o'clock, noon.

A friendly neighbour at Betminster, one Master Gouch, gave me a cast in his gig. We arrived true to the appointed time. While Master Gouch waited to bring my box after me, I opened the garden gate and rang the bell at the door. There was no answer. I had just rung once more, when I heard a scream in the house. These were the words that followed the scream, in a voice which I recognised as the voice of Dina Coomb:

"Oh, uncle, don't kill me!"

I was too frightened to know what to do. Master Gouch, having heard that dreadful cry as I did, jumped out of the gig and tried the door. It was not fastened inside. Just as he was stepping over the threshold, the farmer bounced out of a room that opened into the passage, and asked what he did there.

My good neighbour answered, "Here, sir, is Dame Roundwood, come to your house by your own appointment."

Thereupon Farmer Fairweather said he had changed his mind, and meant to do without a housekeeper. He spoke in an angry manner, and he took the door in his hand, as if he meant to shut us out. But before he could do this, we heard a moaning in the room that he had just come out of. Says my neighbour,

"There's somebody hurt, I'm afraid."

Says I, "Is it your niece, sir?"

The farmer slammed the door in our faces, and then locked it against us. There was no help for it after this but to go back to Betminster.

Master Gouch, a cautious man in all things, recommended that we should wait awhile before we spoke of what had happened, on the chance of receiving an explanation and apology from the farmer when he recovered his temper. I agreed to this. But there! I am a woman, and I did take a lady (a particular friend of mine) into my confidence. The next day it was all over the town. Inquiries were made; some of the labourers on the farm said strange things; the mayor and aldermen heard of what was going on. When I next saw Farmer Fairweather he was charged with the murder of his niece, and I was called, along with Master Gouch and the labourers, as witness against him.

The ins and outs of the law are altogether beyond me. I can only report that Dina Coomb was certainly missing, and this, taken with what Master Gouch and I had heard and seen, was (as the lawyers said) the case against the farmer. His defence was that Dina was a bad girl. He found it necessary, standing towards her in the place of her father, to correct his niece with a leather strap from time to time; and we upset his temper by trying to get into his house when strangers were not welcome, and might misinterpret his actions. As for the disappearance of Dina, he could only conclude that she had run away, and where she had gone to was more than he had been able to discover.

To this the law answered, "You have

friends to help you, and you are rich enough to pay the expense of a strict search. Find Dina Coomb, and produce her here to prove what you have said. We will give you reasonable time. Make the best use of it."

Ten days passed, and we, the witnesses, were summoned again. How it came out I don't know. Everybody in Betminster was talking of it; Farmer Fairweather's niece had been found.

The girl told her story, and the people who had discovered her told *their* story. It was all plain and straightforward, and I had just begun to wonder what I was wanted for, when up got the lawyer who had the farmer's interests in charge, and asked that the witnesses might be ordered to leave the court. We were turned out under care of an usher; and we were sent for as the authorities wanted us, to speak to the identity of Dina, one at a time. The parson of Farmer Fairweather's parish church was the first witness called. Then came the turn of the labourers. I was sent for last.

When I had been sworn, and when the girl and I were, for the first time, set close together face to face, a most extraordinary interest seemed to be felt in my evidence. How I first came to be in Dina's company, and how long a time passed while I was talking with her, were questions which I answered as I had answered them once already, ten days since.

When a voice warned me to be careful and to take my time, and another voice said, "Is that Dina Coomb?" I was too much excited—I may even say, too much frightened—to turn my head and see who was speaking to me. The longer I looked at the girl, the more certain I felt that I was *not* looking at Dina.

What could I do? As an honest woman giving evidence on her oath I was bound, come what might of it, to tell the truth. To the voice which had asked me if that was Dina Coomb, I answered positively, "No."

My reasons, when given, were two in number. First, both this girl's eyes were as straight as straight could be—not so much as the vestige of a cast could I see in her left eye. Secondly, she was fatter than Dina in the face, and fatter in the neck and arms, and rounder in the shoulders. I owned, when the lawyer put the question to me, that she was of

the same height as Dina, and had the same complexion and the same fine blue colour in her eyes. But I stuck fast to the differences that I had noticed—and they said I turned the scale against the prisoner.

As I afterwards discovered, we witnesses had not been agreed. The labourers declared that the girl was Dina. The parson, who had seen Dina hundreds of times at his school, said exactly what I had said. Other competent witnesses were sought for and found the next day. Their testimony was our testimony repeated again and again. Later still, the abominable father and mother who had sold their child for purposes of deception were discovered, and were afterwards punished, along with the people who had paid the money.

Driven to the wall, the prisoner owned that he had failed to find his runaway niece; and that, in terror of being condemned to die on the scaffold for murder, he had made this desperate attempt to get himself acquitted by deceiving the law. His confession availed him nothing; his solemn assertion of innocence availed him nothing. Farmer Fairweather was hanged.*

With the passing away of time the memory of things passes away too. I was beginning to be an old woman, and the trial was only remembered by elderly people like myself, when I got a letter relating to my sister. It was written for her by the English consul at the French town in which she lived. He informed me that she had been a widow for some years past; and he summoned me instantly to her bedside if I wished to see her again before she died.

I was just in time to find her living. She was past speaking to me, but, thank God, she understood what I meant when I kissed her, and asked her to forgive me. Towards evening the poor soul passed away quietly, with her head resting on my breast.

The consul had written down what she wanted to say to me. I leave the persons who may read this to judge what my feelings were when I discovered that my sister's husband was the wretch who

had assisted the escape of Dina Coomb, and who had thus been the means of condemning an innocent man to death on the scaffold.

On one of those visits on business to England of which I have already spoken he had met a little girl sitting under a hedge at the side of the high road, lost, footsore, and frightened, and had spoken to her. She owned that she had run away from home after a most severe beating. She showed the marks. A worthy man would have put her under the protection of the nearest magistrate.

My rascally brother-in-law noticed her valuable watch, and, suspecting that she might be connected with wealthy people, he encouraged her to talk. When he was well assured of her expectations, and of the use to which he might put them in her friendless situation, he offered to adopt her, and he took her away with him to France.

My sister, having no child of her own, took a liking to Dina, and readily believed what her husband chose to tell her. For three years the girl lived with them. She cared little for the good woman who was always kind to her, but she was most unreasonably fond of the villain who had kidnapped her.

After his death this runaway creature—then aged fifteen—was missing again. She left a farewell letter to my sister, saying that she had found another friend; and from that time forth nothing more had been heard of her, for years on years. This had weighed on my sister's mind, and this was what she had wanted to tell me on her deathbed. Knowing nothing of the trial, she was aware that Dina belonged to the neighbourhood of Betminster, and she thought in her ignorance that I might communicate with Dina's friends, if such persons existed.

On my return to England I thought it a duty to show to the Mayor of Betminster what the consul had written from my sister's dictation. He read it and heard what I had to tell him. Then he reckoned up the years that had passed. Says he, "The girl must be of age by this time; I shall cause inquiries to be made in London."

In a week more we did hear of Dina Coomb. She had returned to her own country, with a French husband at her heels, had proved her claim, and had got her money.

* This terrible miscarriage of justice happened before the time when trials were reported in the newspapers, and led to one valuable result: Since that time it has been a first and foremost condition of a trial for murder that the body of the slain person shall have been discovered and identified.—W. C.

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