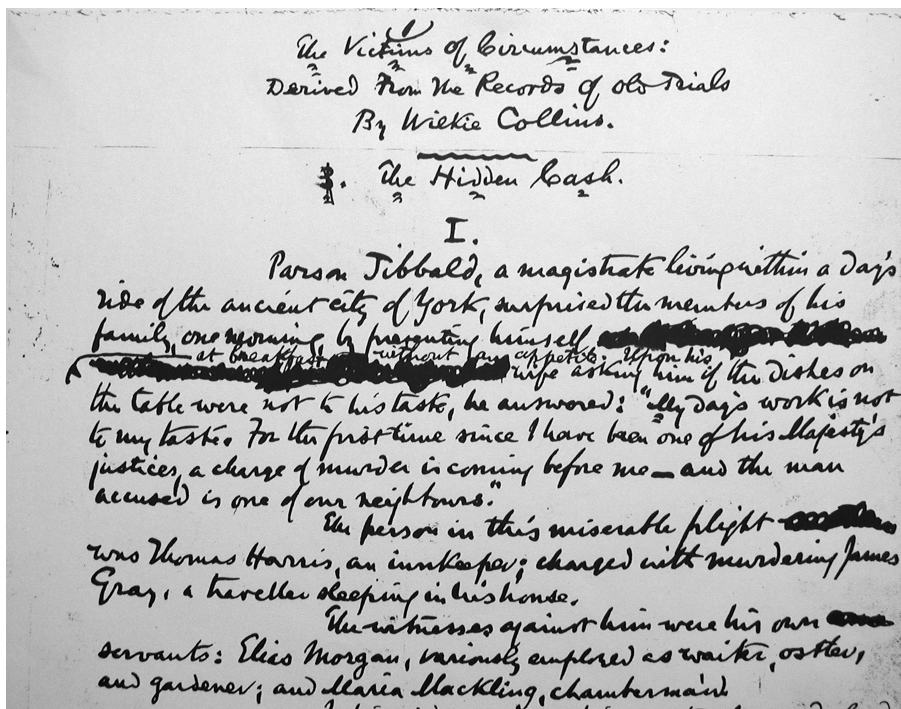




THE WILKIE COLLINS SOCIETY

The First Complete Edition of
The Victims of Circumstances
Discovered in Records of Old Trials
By Wilkie Collins



Edited by Graham Law
with an Account of How the Third Sketch
"The Hidden Cash"
was Lost and Found

Cover Illustration: The upper half of the first leaf (of six) of the original manuscript of 'The Hidden Cash', bearing some compositor's marks, now held in the British Authors' Collection, the Department of Special Collections, the Stanford University Libraries, and reproduced by kind permission of director.

The pictures on pages 7-9 of the three 'Victims' sketches as they appeared in *The Youth's Companion* are reproduced from photographs taken from the run of the newspaper held in the George J. Mitchell Department of Special Collections and Archives, Bowdoin College Library, Maine, with the kind permission of the director.



THE WILKIE COLLINS SOCIETY

The First Complete Edition of ‘The Victims of Circumstances’, with an Account of How the Third Sketch was Lost and Found

Graham Law

In November 1884, the publishers Perry Mason & Co. of Boston, Massachusetts approached Wilkie Collins (WC) to write for their popular weekly family paper, *The Youth’s Companion*, a series of short ‘true stories’ illustrating miscarriages of justice due to the misuse of circumstantial evidence.¹ Up to now scholars have thought that only two sketches, ‘A Sad Death and Brave Life’ and ‘Farmer Fairweather’, were ever written and published. But work on the correspondence between WC and the literary agent A.P. Watt (in connection with a forthcoming edition of WC’s as yet unpublished letters)² has revealed that, in early June 1886, WC in fact wrote a third sketch in the series, entitled ‘The Hidden Cash’. This third sketch, of which the manuscript has also now been located, eventually appeared in the Boston paper in the spring of 1887. ‘The Hidden Cash’ is reprinted here for the first time in more than a century. At the same time the opportunity has been taken to reprint all three sketches in the series together for the first time, and in the form in which they appeared in *The Youth’s Companion*, set up in type directly from WC’s original manuscripts.³ The sketches themselves are preceded by a brief account of how ‘The Hidden Cash’ was lost and found, which sheds light not only on the sometimes sordid business of late Victorian publishing but also on the often uncertain art of modern literary research.

* * * *

As Richard Cutts has shown in detail (v-xvii), *The Youth’s Companion* was founded by Nathaniel Willis in 1827 in Portland, Maine, though a move was soon made to Boston, Massachusetts, where the paper was produced until its demise in 1929. Under Willis the paper was a Sunday school reader aimed at the young, with a circulation always below 5,000 copies. In 1857, however, the paper was sold to John W. Olmstead and Daniel S. Ford, partners in Olmstead & Co., the publishers of the Baptist *Christian Watchman and Reflector*, and ten years later the two parted company leaving Ford the sole owner, publisher, and editor. Perhaps to disguise this fact, at that time Ford gave his new

¹ It has not as yet been possible to trace the documentary sources of Collins’s sketches, though his correspondence (notably the letter to Charles Kent of 18 April 1885, PRINCETON) suggests that they exist.

² Edited by William Baker, Andrew Gasson, Graham Law, and Paul Lewis, to be published in three volumes in May 2005 by Pickering and Chatto under the title *The Public Face of Wilkie Collins: An Edition of the Unpublished Letters*. For further details, go to <<http://www.pickeringchatto.com/wilkiecollins.htm>>.

³ ‘A Sad Death and Brave Life’ was reprinted by Lovell Thompson in 1956 (561-566); both it and ‘Farmer Fairweather’ were reproduced (in facsimile from *Boy’s Own Paper*) by the Wilkie Collins Society in 1992, and the two sketches were again reprinted by Julian Thompson in 1995 (879-83 & 885-89).

publishing firm the fictitious name of Perry Mason & Co., the name which Erle Stanley Gardner was to adopt from 1933 for his now famous lawyer-detective, perhaps in tribute to the recently defunct paper. Under Ford's control until his death in late 1899, the paper retained its wholesome image but was gradually transformed into one of the most lively and popular family papers in the United States. From around 70,000 in 1871, the circulation had climbed to 400,000 by 1887, before peaking at rather over half a million around the turn of the century. The paper was by then available across the nation, but its readership seems to have been more heavily concentrated in the rural Midwest than in the cities on the Eastern seaboard. The rise in circulation was due not only to Ford's 'premium system', which effectively enlisted all of the paper's readers as subscription agents, rewarding them with gifts from a sizeable catalogue of goods, but also to the increasing distinctiveness of its editorial material. Under Ford the paper gradually ceased to borrow its articles from other worthy publications, like the domestic *Sunday School Journal* or *Chambers's Journal* imported from Britain. Instead it began both to recruit talented professionals as regular staff writers, like Hezekiah Butterworth or C.A. Stephens, and to pay generously for original contributions from distinguished authors like Harriet Beecher Stowe or Sarah Orne Jewett. Fiction was the mainstay, but there were also columns devoted to verse, science, religious matters and current affairs. By the 1880s, the large majority of articles appearing in *The Youth's Companion* were signed original pieces of domestic origin. But during that decade, Daniel Ford also made a number of successful attempts to attract popular British authors, the most notable being Charles Reade, whose 'The Kindly Jest' appeared on 13 December 1883, and, of course, Wilkie Collins.⁴

* * * *

What follows is a summary of the documentary evidence concerning WC's contacts with the Boston publishers and the sketches he eventually wrote for them:

27 November 1884: WC writes to Perry Mason & Co. in response to a request for two or three short sketches illustrating miscarriages of justice due to the misuse of circumstantial evidence (YALE); he also writes to A.P. Watt asking him to negotiate terms (PEMBROKE)

18 April 1885: WC writes to Charles Kent that he has ideas for two of the sketches, both of which he expects to complete within the next week, but still needs one for the 3rd (PRINCETON)

19 April 1885: WC writes to Watt that he has finished the manuscript of the 1st sketch and sent it to Boston (the letter itself remains untraced but is referred to in Watt's reply of the following day, though no title for the sketch is mentioned, BERG)

20 April 1885: Watt writes to WC that Perry Mason state that the sketches will appear on three occasions from sometime in 1886, and that notice will be given before each publication (BERG)

28 April 1885: WC writes to Watt that he will get the 2nd sketch written soon (PEMBROKE)

2 May 1885: WC writes to Watt that he is still not getting on with the 2nd sketch (PEMBROKE)

⁴ The British author to appear most frequently in *Youth's Companion*, however, was probably the Irish novelist and M.P., Justin McCarthy, who, according to Cutts, contributed 28 political and literary sketches between 1889 and 1906.

21 May 1885: WC writes again to Watt, returning a letter from Perry Mason to Watt about the date of publication of the sketches, confirming that there is in fact no rush for the 2nd and 3rd sketches (PEMBROKE)

28 December 1885: WC writes to Watt asking him to contact Perry Mason to apologize for the delay in completing the remaining sketches (PEMBROKE)

27 January 1886: Watt writes to WC enclosing a letter from Perry Mason to the effect that the other sketches are not required until 'late in the year' (BERG)

1 June 1886: WC writes to the editor of *The Youth's Companion* that he has begun the 2nd sketch and will send it to Boston shortly, promises to start on the 3rd sketch straight away, and asks for Watt to be told of the dates of publication so as to be in a position to arrange simultaneous publication in Britain to preserve the English copyright (LEWIS)

3 June 1886: WC writes to Watt that he has finished the 2nd sketch and wants it copied (PEMBROKE)

5 June 1886: Watt has a typed copy made for WC and sends the manuscript of the 2nd sketch (entitled 'Farmer Fairweather') to Boston (BERG)

10 June 1886: WC writes to Watt that he has finished the 3rd sketch and wants it copied (PEMBROKE)

12 June 1886: After having a typed copy made, Watt sends the manuscript of the 3rd sketch (entitled 'The Hidden Cash') to Boston, with requests for payment and date of publication (BERG)

16 June 1886: WC writes to Watt about a possible British venue for the sketches (PEMBROKE)

5 July 1886: Watt forwards a bank draft for £80 to WC from Perry Mason in payment for advance copy of the three sketches and authorization to publish them in the U.S. (BERG)

6 July 1886: WC acknowledges receipt of the draft from Watt and forwards the agent's 10% commission (PEMBROKE)

19 August 1886: *The Youth's Companion* carries the 1st sketch (with no title other than 'The Victims of Circumstances Discovered in Records of Old Trials) on p. 317

2 September 1886: Perry Mason & Co. reply to a complaint from Watt, claiming that the date of publication of WC's 1st sketch was sent as soon as known, and that the publishers intend to fulfill their agreement without fail (PEMBROKE)

14 September 1886: WC writes to Watt to accept an offer of £10 from the Religious Tract Society for the British serial rights to the three 'Victims of Circumstances' sketches, to be published in *Boys Own Paper* (PEMBROKE)

23 October 1886: *Boys Own Paper* carries the 1st sketch (under the title 'A Sad Death and Brave Life') on p. 57

15 December 1886: WC tells Watt that he has had another proposal from Perry Mason, but will refuse it on account of their disregard of his copyrights (PEMBROKE)

16 December 1886: *The Youth's Companion* carries 'Farmer Fairweather' on p. 512

22 December 1886: WC writes to William Rideing, an Englishman on the staff of *The Youth's Companion*, rejecting the further proposal from Perry Mason (PRINCETON)

25 February 1887: WC writes to Watt, reporting that he has received a letter from Perry Mason giving April 21 as the date of publication of the 3rd sketch (PEMBROKE)

26 February 1887: *Boys Own Paper* carries 'Farmer Fairweather' on p. 345

21 April 1887: *The Youth's Companion* carries 'The Hidden Cash' on p.178

9 May 1888: Watt writes to WC, forwarding a cheque for £6 14s. only from the Religious Tract Society for the sketches instead of the £10 negotiated—because *The Youth's Companion* published the 3rd one at such short notice that it was pirated in Britain by a (so far untraced) 'penny Journal' before *Boys Own Paper* had chance to print it (BERG)

* * * *

This series of events provides an interesting illustration of two notable trends in later Victorian fiction publishing which have been described in detail elsewhere (Law, chs 3-4):

1) That, in economic terms at least, publishing in periodicals was more important than in volume form for novelists during the last decade of WC's life, and that the rise of the professional literary agent (Watt being the first successful example, with WC as his first 'star' client) was intimately linked with the need for authors to tap the expanding serial market fully. The total of £86 14s. which WC earned from 'The Victims of Circumstances', may look meager next to the £1300 which Watt negotiated for WC to be paid (by Tillotson's Fiction Bureau) for the global serial rights to *The Evil Genius*. But this was the novel which WC was composing and revising virtually throughout the long period between the points at which he quickly 'knocked off' the first and last of the 'Victims' sketches. The total thus looks much more substantial when compared to the £500 which Chatto & Windus paid WC for a seven-year lease of the right to publish all volume editions of that novel down to two-shilling yellowbacks. As WC wrote wryly to Charles Kent on 18 April 1885 regarding his motives for writing the sketches: "I like the subject—and the mercenary consideration of so much a page, after some unexpected outgoings, has its influence. Poor humanity!"

2) That the North American fiction market, which had moved much more quickly and comprehensively towards patterns of mass production and consumption, was of increasing importance in both economic and cultural terms to British authors like WC during the later decades of the nineteenth century. (Most of WC's later short stories collected in *Little Novels* in 1887 were written initially as Christmas tales for the popular New York paper *The Spirit of the Times*, at £50 a throw.) At the same time, the lack of any copyright protection for foreign authors in the United States before the Chace Act of 1891 (this lack was indeed one of the factors in making novels such cheap commodities on that side of the Atlantic) meant that there were many legal pitfalls to be avoided. The fear of these further encouraged authors to turn for assistance to professional agents. Until 1891 all that British authors could sell to American publishers were 'advance sheets' of their new work. Unless publication took place in the United States simultaneously with, or very soon after, publication in Britain, unauthorized American rivals would steal the copy from British journals. But if publication took place in the United States before that in Britain, reciprocal action by the British government denying copyright protection to works first published in the United States (unlike in the many European states that had progressive policies on international copyright and would sign the Berne Convention in 1886) meant that all British rights could be lost. If Watt's strategy was not entirely successful in the specific case of *The Youth's Companion*—with the result that authorized publication of 'The Hidden Cash' never took place in Great Britain—that does not disprove the general value of his efforts to WC.

* * * *

But the above account also raises questions about how the story came to be lost in the first place. Indeed, given that WC's surviving correspondence charts the affair in such detail, given that the story was first published in a newspaper with almost half a million subscribers, and given that the manuscript has been lodged in a major research library for several decades, readers might be forgiven for doubting whether the story has ever been truly lost at all. Yet the two most reliable catalogues of WC's short stories, Thompson's *Complete Shorter Fiction* (1995) and Gasson's *Illustrated Guide* (1998), both have no doubt that there were only two sketches in the 'Victims of Circumstances' series.⁵ The general explanation is clearly that, for most of the century following his death, WC's writings—with the notable exceptions of *The Woman in White* and *The Moonstone*—were not studied with any degree of seriousness. In the last decade or so, his *oeuvre* as a whole has gradually been brought back to public attention, but even in that context, the 'Victims of Circumstances' sketches cannot claim to be other than distinctly minor writings.

But there are also specific reasons why 'The Hidden Cash' has remained out of sight, which cast light on the state of contemporary literary research. First, the correspondence between WC and his agent had long proved difficult to access and almost as difficult to interpret. During the relationship of more than eight years between WC and his literary agent, the two corresponded with great frequency, and often met at WC's home between letters. As a result, their correspondence does not need to dot the 'i's or cross the 't's regarding the writings to which it refers; when, for example, WC writes without further elaboration of 'the third (and last) story' in his letter to Watt of 6 June 1886, it can require a touch of serendipity as well as a deal of research to clarify the reference. Moreover, of the nearly 300 extant letters from WC to his agent, the overwhelming majority were held in private hands and made largely inaccessible to scholars until they were deposited with Pembroke College Library, Cambridge, in 1998.⁶ Most of Watt's replies to WC, plus his letters to third parties on the author's behalf, have been available for quite some time now in the Berg Collection, New York Public Library, but only in the form of back carbon copies on tissue paper in battered office letterbooks, where the writing has occasionally faded close to invisibility as far as the naked eye is concerned. Only if these documents are exposed to ultraviolet light, or if, as happened in the present instance, digital images are taken and the contrast considerably enhanced using computer software, do key phrases like the lost title 'The Hidden Cash' (in Watt's letter to Perry Mason & Co. of 12 June 1886) become legible to the researcher. Secondly, although *The Youth's Companion* reached a broad popular audience in its day, it has since been regarded as an ephemeral publication, so that few complete runs have survived, and, to the best of my knowledge, none are found outside North American libraries, not even in the surrogate form of microfilm; at the same time, Cutts's monumental two-volume index to the Boston paper in its glory years, itself not easy to get hold of, unaccountably lists only the first two sketches in the 'Victims of Circumstances' series.⁷ Thirdly, throughout the period that it has been

⁵ We should also note that both give the date of first publication of 'Farmer Fairweather' in *Youth's Companion* incorrectly as 19 August 1886, while Gasson gives the reprinting of the story in *Boy's Own Paper* incorrectly as 26 September 1887.

⁶ Though Catherine Peters was able to consult them in researching *The King of Inventors*, citing several in chs. 22-24, while Baker and Clarke reproduce a handful in their *Letters of Wilkie Collins*.

⁷ While Cutts's volumes do not claim to be a complete index, they are intended to include all signed items in the issues specified, and thus should list the appearance of 'The Hidden Cash' on 21 April 1887.

lodged at Stanford University, the manuscript of 'The Hidden Cash' has been catalogued misleadingly. The entry in the *Index of English Literary Manuscripts* reads as follows:

C1W 93 *Victims of Circumstances, Discovered in Records of Old Trials*
Youth's Companion Boston, 19 August 1886; uncollected.
Stanford University, MS [Ac no] Fe 121; Container I, Folder 14.⁸

Given the existing bibliographical information, WC specialists opening this folder would thus have expected to find the manuscript either of 'A Sad Death and Brave Life' only, or of both that story and 'Farmer Fairweather'. Presumably none of them ever did so, for the folder in fact contains the manuscript of 'The Hidden Cash', and that only.

Fashionably modern Foucauldian theories of knowledge claim that all academic slips are Freudian, inevitable collective acts of amnesia in the interests of the pursuit of power. This little story of the loss and recovery of 'The Hidden Cash' implies rather that conspiracies may still be less common than muddles. Old-fashioned mistakes occur with some regularity, and with some justification, but they can be rectified.

Sources

Archival

BERG = Outgoing Letterbooks, A.P. Watt Archive, Berg Collection, New York Public Library.
LEWIS = Letters of WC owned by Paul Lewis (a catalogue and full transcriptions are available at <http://www.deadline.demon.co.uk/wilkie/Letters/intro.htm>).
PEMBROKE = Letters of WC to A.P. Watt (LCII 2840-2), Pembroke College Library, Cambridge.
PRINCETON = Letters of WC, M.R. Parrish Collection, Princeton U. Library.
STANFORD = Manuscript of 'The Hidden Cash' held at Stanford U. Library (M0121 I:19).
YALE = Letters of WC, Manuscript Collections, Yale U. Library.

Published

Gasson, A. *Wilkie Collins: An Illustrated Guide*. Oxford: Oxford UP., 1998.
Baker, W. & W. Clarke, eds. *The Letters of Wilkie Collins*. 2 vols. London: Macmillan, 1999.
Cutts, R. *Index to "The Youth's Companion" 1871-1929*. 2 vols. Metuchen, NJ: Scarecrow P., 1972.
Law, G. *Serializing Fiction in the Victorian Press*. New York: Palgrave, 2000.
Peters, C. *The King of Inventors: A Life of Wilkie Collins*. London: Secker & Warburg, 1991.
Rosenbaum, B. & P. White, eds. *Index of English Literary Manuscripts, Volume IV, 1800-1900, Part I*. New York: Mansell, 1982.
Thompson, J., ed. *Wilkie Collins: The Complete Shorter Fiction*. New York: Carroll & Graf, 1995.
Thompson, L. et al., eds. *Youth's Companion*. Boston: Houghton Mifflin, 1954.

Acknowledgements

I am grateful for the assistance of the following individuals and institutions: Natalie Kapetanios, of New York University, who kindly made the initial rough copies of 'The Hidden Cash' from the microfilm of *The Youth's Companion* held at New York Public Library; Steven Mandeville-Gamble, Special Collections Librarian, Manuscripts, Stanford University Library, California, who dug out the manuscript of 'The Hidden Cash' and gave permission for pictures of it to be taken and reproduced; and Richard H.F. Lindemann, Director, George J. Mitchell Department of Special Collections & Archives, Bowdoin College Library, Maine, who gave permission for pictures to be taken and reproduced from the library's fine run of *The Youth's Companion*.

⁸ The call number has since been changed to that indicated in the list of Archival Sources.


~~~~~  
For the Companion.

## THE VICTIMS OF CIRCUMSTANCES.

Discovered in Records of old Trials.

By Wilkie Collins.

**[A Sad Death and Brave Life]**

[Vol. 59, 19 August 1886, p.317]  
~~~~~

At that memorable period in the early history of the United States when American citizens resented the tyranny of George the Third and his Parliament by destroying a cargo of taxed tea, a Bristol trader arrived in the harbor 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 favorite 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?"

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 honor 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 proposed 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 favorite. But, for some little time past, I have observed that he has been rather free with his money in betting, 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 favor 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 property 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 honored member 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-by."

~~~~~  
For the Companion.

## THE VICTIMS

Of Circumstantial Evidence: From  
the Records of Old trials. No. 2.

By Wilkie Collins.

### **Farmer Fairweather**

[Vol. 59, 16 December 1886, p. 512]  
~~~~~

I.

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 death-bed. So much about myself, to begin with.

II.

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 neighbor 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 recognized 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 neighbor 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 neighbor,—

"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 laborers 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 laborers, as witness against him.

III.

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 laborers. 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 color 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 laborers 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.*

IV.

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 death-bed. Knowing nothing of the trial, she was aware that Dina belonged to the neighborhood 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.

~~~~~  
For the Companion.

## THE VICTIMS OF CIRCUMSTANCES.

Derived from the Records of old Trials.

By Wilkie Collins.

### **The Hidden Cash.**

[Vol. 60, 21 April 1887, p.178]  
~~~~~

I.

Parson Tibbald, a magistrate living within a day's ride of the ancient city of York, surprised the members of his family, one morning, by presenting himself at breakfast without an appetite. Upon his wife asking him if the dishes on the table were not to his taste, he answered, "My day's work is not to my taste. For the first time since I have been one of his majesty's justices, a charge of murder is coming before me, and the man accused is one of our neighbors."

The person in this miserable plight was Thomas Harris, an inn-keeper, charged with murdering James Gray, a traveller sleeping in his house.

The witnesses against him were his own servants: Elias Morgan, variously employed as waiter, hostler and gardener; and Maria Mackling, chambermaid. In his evidence against his master, Morgan declared that he had seen Thomas Harris on the traveller's bed, killing the man by strangling. In fear of what might happen if he remained in the room, Morgan feigned to go downstairs. Returning secretly, he looked through the keyhole of a door in an adjoining bed-chamber, and saw the landlord rifling James Gray's pockets.

Harris answered to this, that all his neighbors knew him to be an honest man. He had found Gray in a fit, and had endeavored to restore him to his senses without success. The doctor who had examined the body, supported this

assertion by declaring that he had found no marks of violence on the dead traveller. In the opinion of the magistrate, the case against Harris had now broken down, and the prisoner would have been discharged, but for the appearance of the maid-servant asking to be sworn.

Maria Mackling then made the statement that follows:

"On the morning when my fellow-servant found Mr. Harris throttling James Gray, I was in the back wash-house, which looks out on the garden. I saw my master in the garden, and wondered what he wanted there at that early hour. I watched him. He was within a few yards of the window, when I saw him take a handful of gold pieces out of his pocket, and wrap them up in something that looked like a bit of canvas. After that, he went on to a tree in a corner of the garden, and dug a hole under the tree and hid the money in it. Send the constable with me to the garden, and let him see if I have not spoken the truth."

But good Parson Tibbald waited awhile to give his neighbor an opportunity of answering the maid-servant. Thomas Harris startled everybody present by turning pale, and failing to defend himself intelligently against the serious statement made by the girl. The constable was accordingly sent to the garden with Maria Mackling—and there, under the tree, the gold pieces were found. After this the magistrate had but one alternative left. He committed the prisoner for trial at the next assizes.

II

The witnesses having repeated their evidence before the judge and the jury, Thomas Harris was asked what he had to say in his own defence.

In those days the merciless law did not allow prisoners to have the assistance of counsel. Harris was left to do his best for himself. During his confinement in prison, he had found time to compose his mind, and to consider beforehand how he might most fitly plead his own cause. After a solemn assertion

of his innocence, he proceeded in these words:

"At my examination before the magistrate, my maid-servant's evidence took me by surprise. I was ashamed to acknowledge what I am now resolved to confess. My lord, I am by nature a covetous man, fond of money, afraid of thieves, and suspicious of people about me who know that I am well-to-do in the world. I admit that I did what other miserly men have done before me: I hid the gold as the girl has said. But I buried it in secret for my own better security. Every farthing of that money is my property, and has been honestly come by."

Such was the defence in substance. Having heard it, the judge summed up the case.

His lordship dwelt particularly on the circumstance of the hiding of the money; pointing out the weakness of the reasons assigned by the prisoner for his conduct, and leaving it to the jury to decide which they believed—the statement given in evidence by the witnesses, or the statement made by Harris. The jury appeared to think consultation among themselves, in this case, a mere waste of time. In two minutes they found the prisoner guilty of the murder of James Gray.

In these days, if a man had been judicially condemned to death on doubtful evidence, after two minutes of consideration, our parliament and our press would have saved his life. In the bad old times Thomas Harris was hanged; meeting his fate with firmness, and declaring his innocence with his last breath.

III.

Between five and six months after the date of the execution, an Englishman who had been employed in foreign military service returned to his own country, after an absence of twelve years, and set himself to discover the members of his family who might yet be in the land of the living. This man was Antony Gray, a younger brother of the deceased James.

He succeeded in tracing his mother's sister and her husband, two childless old people in feeble health. From the husband, who had been present at the trial, but who had not been included among the witnesses, Antony heard the terrible story which has just been told. The evidence of the doctor and the defence of Thomas Harris produced a strong impression on him. He asked a question which ought to have been put at the trial:

"Was my brother James rich enough to have a handful of gold pieces about him, when he slept at the inn?"

The old man knew little or nothing of James and his affairs. The good wife, who was better informed, answered: "He never, to my knowledge, had as much as a spare pound in his pocket at any time in his life."

Antony, remembering the landlord's explanation of his brother's death, asked next if his aunt had ever heard that James was liable to fits. She confessed to a suspicion that James had suffered in that way. "He and his mother," she explained, "kept this infirmity of my nephew's (if he had it) a secret. When they were both staying with us on a visit, he was found lying for dead in the road. His mother said, and he said, it was an accident caused by a fall. All I can tell you is, that the doctor who brought him to his senses called it a fit."

After considering a little with himself, Antony begged leave to put one question more. He asked for the name of the village in which the inn, once kept by Thomas Harris, was situated. Having received this information, he got up to say good-by. His uncle and aunt wanted to know why he was leaving them in that sudden way.

To this he returned rather a strange answer: "I have a fancy for making acquaintance with two of the witnesses at the trial, and I mean to try if I can hear of them in the village."

IV.

The man-servant and the woman-servant who had been in the employment of Thomas Harris, had good characters,

and were allowed to keep their places by the person who succeeded to possession of the inn. Under the new proprietor the business had fallen off. The place was associated with a murder, and a prejudice against it existed in the minds of travellers. The bed-rooms were all empty, one evening, when a stranger arrived, who described himself as an angler desirous of exercising his skill in the trout-stream which ran near the village.

He was a handsome man, still young, with pleasant manners, and with something in his fine upright figure which suggested to the new landlord that he might have been at one time in the army. Everybody in the village liked him; he spent his money freely; and he was especially kind and considerate towards the servants.

Elias Morgan frequently accompanied him on his fishing excursions. Maria Mackling looked after his linen with extraordinary care; contrived to meet him constantly on the stairs; and greatly enjoyed the compliments which the handsome gentleman paid to her on those occasions.

In the exchange of confidences that followed, he told Maria that he was a single man, and he was thereupon informed that the chambermaid and the waiter were engaged to be married. They were only waiting to find better situations, and to earn money enough to start in business for themselves.

In the third week of the stranger's residence at the inn, there occurred a change for the worse in his relations with one of the two servants. He excited the jealousy of Elias Morgan.

This man set himself to watch Maria, and made discoveries which so enraged him, that he not only behaved with brutality to his affianced wife, but forgot the respect due to his master's guest. The amiable gentleman, who had shown such condescending kindness towards his inferiors, suddenly exhibited a truculent temper. He knocked the waiter down. Elias got up again with an evil light in his eyes. He said, "The man who once kept

this house knocked me down, and he lived, sir, to be sorry for it."

Self-betrayed by those threatening words, Elias went out of the room.

Having discovered in this way that his suspicions of one of the witnesses against the unfortunate Harris had been well founded, Antony Gray set his trap next to catch the woman, and achieved a result which he had not ventured to contemplate.

Having obtained a private interview with Maria Mackling, he presented himself in the character of a penitent man. "I am afraid," he said, "that I have innocently lowered you in the estimation of your jealous sweetheart; I shall never forgive myself, if I have been so unfortunate as to raise an obstacle to your marriage."

Maria rewarded the handsome, single gentleman with a look which expressed modest anxiety to obtain a position in *his* estimation.

"I must forgive you, if you can't forgive yourself," she answered, softly. "Indeed, I owe you a debt of gratitude. You have released me from an engagement to a brute. And, what is more," she added, beginning to lose her temper, "an ungrateful brute. But for me, Elias Morgan might have been put in prison, and have richly deserved it!"

Antony did his best to persuade her to speak more plainly. But Maria was on her guard and plausibly deferred explanation to a future opportunity. She had, nevertheless, said enough already to lead to serious consequences.

The jealous waiter, still a self-appointed spy on Maria's movements, had heard in hiding all that passed at the interview. Partly in revenge, partly in his own interests, he decided on anticipating any confession on the chambermaid's part. The same day he presented himself before Parson Tibbald as a repentant criminal, resigned to enlighten justice in the character of King's Evidence.

V.

The infamous conspiracy to which Thomas Harris had fallen a victim had

been first suggested by his own miserly habits.

Purely by accident, in the first instance, the woman-servant had seen him secretly burying money under the tree, and had informed the man-servant of her discovery.

He had examined the hiding-place, with a view to robbery which might benefit his sweetheart and himself, and had found the sum secreted too small to be worth the risk of committing theft. Biding their time, he and his accomplice privately watched the additions made to their master's store. On the day when James Gray slept at the inn, they found gold enough to tempt them at last.

How to try the experiment of theft without risk of discovery, was the one difficulty that presented itself. In this emergency, Elias Morgan conceived the diabolical scheme of charging Harris with the murder of the traveller who had died in a fit. The failure of the false evidence, and the prospect of the prisoner's discharge, terrified Maria Mackling.

Elias had placed himself in a position which threatened him with indictment for perjury. The woman claimed to be heard as a witness, and deliberately sacrificed her master on the scaffold to secure the safety of her accomplice.

The two wretches were committed to prison. It is not often that poetical justice punishes crime, out of the imaginary court of appeal which claims our sympathies on the stage. But, in this case, retribution did really overtake atrocious guilt. Elias Morgan and Maria Mackling both died in prison of the disease then known as gaol fever.

~~~~~

\*\*\*\*\*

*Editor's Note*

With the two exceptions noted below, the compositor for *The Youth's Companion* faithfully followed the substantive content of WC's manuscript of 'The Hidden Cash', though the writing is heavily revised in several places. However, there are many minor differences in terms of spelling preferences (American '-or' replaces WC's '-our' throughout), paragraphing (many paragraphs are added for the newspaper columns), and accidentals (the manuscript uses hyphens much less and semi-colons rather more).

The two changes of substance, both amplifications but neither of any great significance, are as follows:

- 1) in the second sentence of the fourth paragraph of section II, the manuscript has simply 'the judged summed up' rather than 'the judge summed up the case' as found in the printed version.
- 2) in the second sentence of the fourth paragraph of section III, the manuscript has only 'The good wife, better informed, answered' rather than 'The good wife, who was better informed, answered' as found in the printed version.

There are many minor differences in accidentals etc. (similar in nature to those noted above) between the printed texts of 'A Sad Death and Brave Live' and 'Farmer Fairweather' in *The Youth's Companion* and in *Boy's Own Paper*, but only one difference of substance. In the 'A Sad Death and Brave Live', eighteenth paragraph (p. 10, col. 2, in the present edition), while *The Youth's Companion* has 'rather free with his money in betting' the *Boy's Own Paper* has only 'rather free with his money'. Though these details might suggest that the *Boy's Own Paper* version follows Collins's intentions more closely, we should note that the section breaks present in *The Youth's Companion* version of 'Farmer Fairweather', but omitted in the *Boy's Own Paper*, seem likely to have authorial sanction. We should also remember that the English journal was likely to have been working from copies of the author's manuscript made by some third party. If, as seems probable, the manuscripts have not survived, we will never be quite certain of Wilkie Collins's minute intentions in the case of the first two sketches.

\*\*\*\*\*

**THIS EDITION OF  
THE VICTIMS OF CIRCUMSTANCES  
IS LIMITED TO 300 COPIES**

