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**LARK BELL**, one of the best known lawyers of the country, who has served sixteen terms as president of the Medico-Legal Society, says:—

"All evidence has been for centuries classed as either direct or circumstantial. By direct evidence we mean that testified to by witnesses or established by documents or writing; and, generally speaking, the term circumstantial evidence might be properly applied to all other forms of evidence. The courts in the past have regarded direct and circumstantial evidence upon the same footing as regards admissibility. But circumstantial evidence, whether conclusive or presumptive, is, in its nature, as original as direct evidence acting along separate lines, fully independent of each other.

"Direct evidence has sometimes been supposed to be superior to circumstantial evidence, but oftentimes a chain of presumptive evidence has a very decided advantage over the direct testimony of a limited number of witnesses.

"It has been well said in comparing direct evidence with circumstantial evidence that, while facts do not lie, their narrator certainly may and often does; and, further, that our inferences from facts may be false, and that affirmative action must follow mental certitude, based on the only evidence possible in the nature of the case, or the law must refuse to act. In the case of direct evidence, if the facts testified to be true, the ultimate proposition is established, while in the case of circumstantial evidence the facts testified to may be entirely accurate, and the consequent inference, which established the proposition in issue, be utterly fallacious.

"In my opinion circumstantial evidence has in many instances a value and cogency peculiar to itself and fully equal, if not superior, to direct evidence. For example, direct evidence is subject to fabrication and improper motive, and, where many witnesses concur, it is largely cumulative, while, on the other hand, the necessary correlation of facts under the conditions of the time, place, environment and occasion renders a successful fabrication of circumstantial evidence an exceedingly difficult proposition.

"But we must take care on this side of the question to consider that it may be fairly said that facts apparently remote and isolated may, by unexpected and oftentimes accidental irrelevancy or by accurate adjustment of outside occurrences, give to circumstantial evidence a force far in excess of its intrinsic value. This teaches us that we should be very careful not to convict of capital crimes on circumstantial evidence alone; but circumstantial evidence, if complete, is often more reliable evidence than direct evidence itself.

"The courts have held that circumstantial evidence is equally trustworthy with direct evidence. Chief Justice Stevens, of the Supreme Bench of England, was of the opinion, and right in his suggestion, that these distinctions between direct and circumstantial evidence should be abandoned."

THE two young tradesmen had observed the well dressed stranger, apparently a traveller like themselves, with uneasy interest since he had taken a seat at a table near their own. Aside from evidences of wealth and distinction which he bore on his person he offered more unusual attraction to a vagrant attention from his immediate occupation. He had unstrapped a leather pouch which he had carried into the room and had taken therefrom a large quantity of gold coin. This he was now engaged in counting with care and method.

After watching this remarkable performance for some minutes in silence, during which time they exchanged inquiring glances, the two young men exchanged a few words in an undertone. The elder then turned to the stranger with a polite apology for intrusion.

"I hope you will believe that I have no motive but casual friendliness," he said, "but it is clear to my friend and myself that you are exposing yourself to an unnecessary risk in your show of so much money. We recognize, of course, that it is none of our business."

The man addressed looked up from his glittering piles with an expression half startled, half smiling. From his answer it was apparent that he was a foreigner, probably a Russian, though he spoke correct English.

"I had not thought of that," he said pleasantly. "Is it then unsafe in these parts?"

"Not unsafe, perhaps," returned the other, smiling in his turn at the naive question, "but it may be said with truth that no place where men meet and live is safe when criminals may be tempted by the tangible display of large sums."

"True. It was unwise of me," returned the stranger soberly. He swept the money into a pouch, strapped it tight and slipped it under his coat.

"Perhaps you can tell me whether or not this house bears a good name," he added, not unwilling to continue the conversation with men of such clear honesty and good will as his chance companions. "I am no coward, but you have convinced me that I have been foolish. In fact I had quite forgotten where I was when I set out to straighten a tangle in my accounts."

The tradesmen found the stranger a most likable fellow, with a frank and engaging manner and a simplicity that astonished while it charmed them. He was under thirty years of age, well proportioned and garbed as might become a prosperous member of a profession or a man of leisure. At his invitation they left their table and joined him. The elder, still under the constraint of his well meaning interference, introduced himself and his comrade with a touch of formality that might serve to offset any suggestion of boldness.

"This is Richard Cobwell, younger member of a well known firm of London drapers," he said. "I am Henry Upham, engaged in the lumber trade in Liverpool."

The stranger bowed affably and shook hands with each.

"Ivan Broca, of St. Petersburg and Paris, at your service," he returned.

#### The Russian's Story.

"I ask if the house has a good name," said Upham, harking back to the question. "So far as I know there is no breath against it. Jonathan Bradford, who keeps it, has been known for years as a worthy man. Many of my friends who have business in this section stop here and have always been dealt with fairly. But who is to say that all are honest who come to this particular hotel?"

"Do not remind me further of my folly," said the foreigner, with a laugh. "I have already made up my mind that it was a thoughtless and childish thing to do. In truth, I have heard so much about the safety of travel in your land and the excellent protection of the police and the laws that I abandoned the care I would have exercised elsewhere when once I stepped upon your shores."

"You rate us too highly," said Cobwell. "There are thieves and villains enough in England to make one slow to carry such wealth as you do now."

"It is not so much," said the other, carelessly. "I had no time to exchange money for a letter of credit. But you are doubtless right. I will seek out a bank to-morrow."

"From what you say I judge this is your first visit to England," observed Upham, "though your way of speech does not bear it out."

"You are kind," answered Broca, "but this is indeed my first time across the Channel. 'You stare, but you must know that my mother was an Englishwoman. My father was French, and I have lived much of my life in Russia. It was so, perhaps, that I grew up to regard England as a place where none need fear for his person or possessions.'"

Cobwell noticed that the glasses had been drained and rapped on the table. The door into the rear room, where was the bar, opened quickly and Jonathan Bradford, the proprietor, appeared. A stout, well fed man, he bowed to the three suavely and took their orders. After a few more rounds to the accompaniment of a desultory conversation on general topics the Russian excused himself, saying that he must rise early next morning, bade the tradesmen good night and withdrew.

"A curious man," said Upham, as the door closed upon Broca. "What do you make of him?"

"He is either a great knave or a great fool," answered Cobwell, bluntly. "In fact, when I first saw him playing at building blocks with his gold I imagined that he was some sharper and that his intention was to inveigle us with some game or some tale of wondrous fortune."

"I think you are wrong. He made no attempt to draw us with the money. As to his being a fool, perhaps his explanation of being a stranger here will cover his recklessness. For the rest, he is pleasant and well mannered. I confess to a distinct liking for him, though there is a touch of mystery about him I cannot fathom. He said nothing of his present business or his destination."

"Probably the result of belated caution," was the dry answer, and there the matter rested between them. Soon afterward the two men retired to their room.

It was well past midnight when Upham found himself sharply and suddenly awakened. There was no light in the place and he lay for some moments collecting his thoughts and striving to determine what had disturbed him. His first, dim impression had been of fear and horror, but he was unable to discover its source. He could hear the steady breathing of Cobwell from the bed across the room.

#### Murdered in Bed.

Then, as if borne upon a palpable breath that stirred the hair on his head, came a faint sound as of a stifled moan. Sensible and sound minded man of affairs though he was, he yielded for a moment to the suggestion of the supernatural. But the chill lifted from him when the moan was repeated more distinctly. At first it might have come from any direction, but now he was able to place its source as behind the partition at the side of his bed. He rose quickly and strode over to Cobwell, shaking him by the shoulder.

"There is some one in pain," he whispered, "come." The younger man struck a match and lighted the candle. The moan was heard again and the two started for the door. Upham delayed for a moment to open his valise and take from it a loaded pistol. They flung open the door and paused for a moment on the threshold.

The hall showed dark before them, but ten feet toward the front of the house a door stood ajar and a thin pencil of light drew a sharp, bright line upon the floor and opposite wall. As they looked the ray widened suddenly and was as quickly obliterated. They had a confused impression of a vague, white figure that vanished toward the further end of the hall. It was gone and the single ray from the crack of the door once more shone as the only break in the picture. Another moaning sound hurried them forward, Upham with his pistol ready.

They pressed into the room together. The apartment, as was immediately evident, was the one adjoining their own. A candle with flaming wick stood upon a table. There was but one bed and this was occupied by a figure wrapped in the bed clothes. Scattered garments and the contents of several valises covered the floor. Approaching the bed with dread and hesitation they saw the face upon the pillow was that of the Russian traveller, Ivan Broca.

Recovering from the feeling of awe that restrained him, Upham leaned over and drew back the coverlet. The man's breast and the sheets were drenched with blood. A welching gash showed that his throat had been cut from ear to ear. As they stood, stricken with horror, the body shuddered slightly and was still. There were no more moans. The man was dead.

At the inquest next day Upham and Cobwell were submitted to a severe examination as to their relations with the Russian. They related, clearly and in

detail, the manner in which they came to speak to him, the subsequent conversation and the discovery of the body. It was clear that the authorities of the town regarded their connection with the murder as being of the utmost importance and they were required to produce witnesses who could vouch for their standing and character. Cobwell was worried by the too evident desire to cast suspicion upon himself and his friend, and even Upham was not proof against the unpleasant suggestions thrown out. Having given their testimony they retired to the rear of the inn parlor, where the hearing was held, and here they were approached by a tall, elderly man of dignified demeanor. He introduced himself as Inspector Trumbull, of Scotland Yard.

"Just happened to be in the neighborhood," he said, in a friendly manner. "I was interested to observe the methods adopted by those in charge of this affair. They bothered you a bit, eh? Well, suppose you tell your story to me and you'll find me a better listener."

Encouraged by the impression of complete confidence in their own innocence which the detective managed to convey, the young men repeated their

defined remembrance of a shifty eye and uneasiness of movement on the part of the inn keeper during his testimony at the inquest. Such might easily, of course, be the result of the scandal in which the worthy man's house had been involved, but Inspector Trumbull was alert to every possibility.

He went over all the articles of furniture, turned back the rugs and tapped the walls. He looked closely on the floor and bed clothes for stains. A chest of drawers and an iron bound box, which was not locked, were searched. Still he found no clew. He was about to proceed to the rooms of the maids when he returned to take a final look into a recess of the wall used for clothing and concealed by a curtain. He made sure again that it held nothing of interest. In stepping back his foot struck a shoe, of which there were a number upon the floor of the closet. Stooping, he picked up the article to restore it to its place. Something rattled within it. He felt inside and drew out a short knife with a razor edge. It was covered, shaft and blade, with blood. The stains had scarcely dried.

Sure of being on the right trail now, the detective



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story in undertones. Under these happier conditions they were able to give a much more satisfactory and comprehensive account. When they came to that part of the narrative describing how they came to leave the room Upham, who was talking, mentioned the fleeting glimpse of a figure in the hall. Trumbull caught him up eagerly.

"You say you saw some one there?" "I saw something," said Upham doubtfully. "But it was gone in a flash. The shock of finding the body knocked it out of mind until just now."

#### Tracking the Crime.

"You did not include it in your testimony," said Trumbull, "but you need not be alarmed. It may be best so."

He questioned Cobwell, who also retained the picture of a swiftly opened door and a white figure. After that he heard them out in silence and then left them to make himself known to the authorities. Neither of the young men was named in the verdict, but they were informed that Trumbull would regard their continued presence in town as a favor and they stayed.

The first move of the detective was to inspect quietly and without ostentation the employees of the hotel and the visitors, all of whom had been detained. There were three maids and two men servants. The quarters for the hotel staff, he found, were on the upper floor, where was also the room occupied by Jonathan Bradford. Broca and the two tradesmen had slept on the third floor, the one below. He discovered that the stairs leading to the top floor were at the front of the house for the last flight.

Of the remaining rooms on the third floor forward from Broca's only one had been occupied on the preceding night. An elderly couple, a country banker and his wife had been its tenants. Eliminating them from his inquiry, there remained only the stairs to the upper floor as the point toward which the mysterious white figure seen coming from Broca's room had moved.

Trumbull chose an hour during the afternoon when, as he assured himself, Bradford and all the servants were below stairs. He mounted to the top floor and began his investigations. One large room at the front of the house, it was evident, was occupied by the two men, tapster and hostler. He went over its scant furnishings carefully but quickly, examining the mattress, the garments that hung from the walls and the flooring with observant and practised eye and searching hand. Finding nothing of value to his purpose he passed on through the two rooms in which Bradford and his wife lived.

If possible, he gave more care to his examination of these apartments, having in mind a certain well

sought further evidence. He bethought himself of the night garments of the Bradfords and sought them. He found a woman's gown, but the other was missing. Once more he made a round of the rooms, then headed back into the closet again. Since one shoe had been so productive another might prove to be. After examining them all he found the garment he sought stuffed in one of a pair of high boots. The right sleeve was blood stained and the side where the wearer's knee might have pressed against a bed was also marked.

#### The One Puzzling Point.

But one point now remained to puzzle Trumbull. The leather pouch described by Upham and Cobwell had been found on the table of Broca's room, empty. The two men, although they had not seen the money closely, estimated that it must have held five hundred pounds, supposing the coins they saw to have been sovereigns. This made a heavy and a large amount to hide, but further searching in the rooms failed to reveal the slightest clew as to its disposition. The detective decided to delay arresting Bradford until the last possible moment in the hope of receiving some inadvertent hint as to the location of the treasure. Meanwhile he removed the knife and the night gown, fearing that the inn keeper would take the first opportunity to remove the proofs of his guilt.

On returning to the first floor Trumbull was informed by the local police officer in charge of the case that one of the maids had indicated that she had information of importance bearing on the murder. She had not been called at the inquest. Her revelations had been delayed in order that the Scotland Yard Inspector might be present. She was taken to a rear room in the presence of several of the authorities and asked to tell what she knew.

"After the house had been roused and the murder made known," she began, "I went back to my room. It must have been about two o'clock. I heard nothing, but felt moved in some strange way to look out of the window. It was dark, but there was a moon. The sky was clouded. After a while the clouds parted and the garden was lighted for a few minutes. Out under the big elm I saw what I took to be a man, digging. I only got a peep at him, for the clouds came back. No, I could not say who it was. It was a big man. No, I could not say that I put a name to him or that I thought it was any one I knew. I was afraid it was only a vision, like, and I went back to bed."

As the detective and others of the party passed out to the garden, of the inn Trumbull hung back a moment and exchanged a few words with a constable. The man turned into the bar, where Bradford

was dispensing in person, and took up his position near the door.

It was found that the sod near the foot of the tree had been disturbed, and, a mattock being obtained, men were set at work excavating at that point. News of the strange occupation of the authorities was quickly abroad about the place, crowded as it was with curious hangers on and idlers. The rumor reached the bar that "some one was digging in the garden." At the word Bradford dropped a glass he held and stepped hastily to a window overlooking the proceedings outside. With one glance he turned and made for the door. The constable stopped him. The inn keeper's face turned to a horrible blue mask of hate and fear. He raised his powerful arm to strike, but found himself confronted by a revolver and fell back. In another moment he had been overpowered by officers, handcuffed and locked in the pantry.

Trumbull heard the report of Bradford's arrest just as the men who were digging uncovered a slab of wood. This proved to be the cover of a small, solid box, which was quickly lifted out and placed upon the grass. The detective untied a cord with which it was fastened and threw back the lid. The receptacle was half full of new, bright sovereigns.

The Scotland Yard man went over the case with the local authorities and placed them in possession of his facts and his evidence. The story he constructed was simple and clear. Bradford had seen Broca counting the gold through the partly opened door into the bar and probably had listened to the conversation with Upham and Cobwell. Both the young men recalled the promptness with which he answered to the latter's call for drinks. The inn keeper had entered the room of the Russian, cut his throat, taken the gold and returned to his room up stairs. Later, when the alarm had been given and all was confusion in the hotel, he had slipped out and buried the treasure. It was likely that he had prepared the pit for it earlier in the evening, certain of his success in carrying out the crime.

#### All Counterfeit Coin.

During the conversation among the officials concerned Upham and Cobwell were present to fortify each point in the matter with which they were connected. Cobwell was standing near the table on which the box containing the money had been placed. While Trumbull talked the young draper picked up one of the coins and studied it curiously. Just as the little ceremony was closing he ventured an interruption.

"If you'll pardon me for posing as an expert, which I am surely not," he said, "I'll merely make the assertion that this coin is counterfeit."

All the members of the group moved in about him at this startling announcement and each examined one of the sovereigns for himself.

"It cannot be that all are counterfeits," said Trumbull in amazement.

"And yet they are," answered Cobwell. "The best counterfeits I have ever seen, heavy, well stamped and right to the touch, but still worthless."

The officials after careful scrutiny were forced to admit that the Londoner was right. There was not a sound coin in the collection. The proceeds of the four murders were to be valued at so much brass. The detective's keen mind moved ahead on the new scent.

"I imagine that the government, gentlemen, would like very much to know more about the previous history of the unfortunate young Russian, Ivan Broca, of St. Petersburg and Paris."

In fact, during the interval preceding the trial the full machinery of Scotland Yard was set to revolving about the identity of the victim. It was learned that he had crossed to Dover but a week before and had journeyed by slow stages to Bradford's inn. No confederates could be found nor was it discoverable that he had had communication with any one since landing. At Calais the Continental travel stopped abruptly. The police of no city in Europe had ever heard of Ivan Broca. Neither did they know of a counterfeiter answering his description. Nor was any one of his description missing or wanted for any crime whatsoever. The most persistent search failed to get back of the simple, ascertainable facts that a young man carrying more than five hundred counterfeit sovereigns had been murdered.

In this amazing situation the course of justice as relating to Jonathan Bradford played but a minor part and the criminal proceedings attracted slight attention as compared with the mystery. The inn keeper made a stout and sullen defence and was convicted in short order on the case prepared by Trumbull. He was duly sentenced and executed.

It so chanced that the two tradesmen, Upham and Cobwell, were together in the town where they had been actors in this tragedy nearly two years later, staying at another hotel this time, for Bradford's had been closed and deserted since his death. The papers contained an account one day of the confession of a notorious criminal, dying in a London jail. He said that he was the murderer of Ivan Broca and that Bradford had been innocent.

According to his statement he had seen Broca in a hotel in Dover, where he had displayed some gold, and had followed him to the town in question. He had determined to kill him here and, obtaining access to the inn, had hidden himself in one of the empty rooms on the same floor with the Russian. He had stolen into Broca's room at night, cut his throat and obtained the money. While transferring it to a bag he had found that it was counterfeit. Alarmed at a noise overhead he had fled, leaving the coin on the table and looking from the window of the empty room by means of a rope.

The two friends read this account of the affair incredulously, recalling the many absolute proofs of Bradford's guilt. They continued the discussion to the evening, when they took dinner with a clergyman of the place. Their host heard them in silence until after the meal, when he revealed the explanation as to Bradford.

"I attended Jonathan Bradford to the end," said the reverend gentleman, "and I have since been expecting some such confession as has just been published. The inn keeper was innocent, not as to intention but as to fact. He told me the truth before he went to the gallows."

"It is true that he planned to kill the Russian. Having seen Broca count the coin through a crack in the door, he became, in that moment, a bloody minded criminal. Knife in hand he crept to the young man's room that night. He was surprised to find a light in the apartment and more so to see the 'gold' spread out upon the table. His resolution still held, however, and he crept over to the bed. Turning back the coverlet and lifting his weapon to strike he was stricken with fear and terror to observe that he had been the second to plan the act that night. In his emotion he dropped his knife, which became stained. His gown also was marked when he recovered the telltale weapon. He summoned courage, before creeping back upstairs to swap the 'gold' into the crack of his garment, and later in the night he buried it. The missing facts in his narrative have now been supplied."

The clergyman's hearers heard the completion of the astounding story in silence, each forced to admit to himself that every objection to its truthfulness had been answered. It was Upham who spoke first. "Aye," he said, "that serves to show us that Jonathan Bradford was innocent before the law and that justice erred. But it goes no further toward solving the strangest question of all in this strange business. Who was Ivan Broca?"

And the others were forced to admit that it did not.