

# THE BANK OF CALIFORNIA

BY PRENTICE MULFORD.

(COPYRIGHTED BY THE AUTHOR. ALL RIGHTS RESERVED.)

## CHAPTER XX. SILENT WITNESSES.

Broener came up the next day and gave the required bail for my appearance. I preferred remaining in the county town to returning to Bull Bar. There was but a week to wait, as the county court then convened.

"One thing troubles me very much," I said to Broener; "I can't give my story concerning this matter without revealing in open court the secret of the 'Bank's' whereabouts, and then there'll be a general rush for the mine from the whole county."

"I've thought over that," he replied. "Of course, you must tell the whole story, and show in court rich specimens of the quartz to prove it. That, in fact, will be your strongest defense. A miner's jury will think such a claim worth defending, with or without law. Let them swoop down on our ground. As I've told you before, the cream of that particular vein we've taken out. It's only a 'pocket.' We can hold on to a hundred feet or so anyway. I've put up notices claiming such amount. The crowd will, of course, take up all the quartz outcroppings they can find far and near. There'll be a tremendous excitement for a time. But the masses know nothing of this sort of mining. It will baffle them. They'll lose patience after a little. There will be a reaction. Five-sixths will abandon and give up their claims. The remainder will persevere and eventually develop this species of mining, which will become extensively followed. But that will take time—years. So tell all about it. Don't let that trouble you in the least."

My trial came on, and the case being called I appeared without any lawyer to conduct my defense. The judge assigned one, a young member of the bar, for that purpose.

"I thought I could do my own case," I said to Broener, "but I don't want a lawyer to tell any new stories for me or put any shades of color on mine which did not belong there. Could I prove my assertions? No. There were no witnesses to any hostile meeting between Pratt and myself. The evidence against me was all circumstantial. In other words, certain events, as interpreted by certain individuals, were regarded as proofs that John Holder might have tried to kill Jedediah Pratt. Because John Holder and Jedediah Pratt had a quarrel last week, John Holder might have tried to kill Pratt the next. Because no one could tell how Pratt got his hurts, why, John Holder might have inflicted them. Because John Holder was seen the evening Pratt was missed, with blood on his clothing, it is inferred it was Pratt's blood, drawn in enmity. Because John Holder was the first to find Pratt on the mountain, it is inferred that John Holder knew of the affair more than he told, and because he knew more than he told, it is inferred that he must have tried to kill Pratt."

All these "might-have-beens" were ably interpreted to the jury as "must-have-beens" by the district attorney, who, naturally thirsted for my blood, because he desired to make a brilliant reputation as an able prosecutor of the innocent or guilty. He dwelt strongly also on the fact that there were neither notices nor tools on the ground, and that I "claimed the whole mountain" or a great deal more ground than I could legally hold. These were Pratt's ravings which had been reported to him. True, these were not legal evidence, but he used them as arguments against me, taking the chances that the jury might be stupid enough to receive them as such, or that they might forget, even if reminded, that Pratt's words, not backed up by proof, were no more evidence than mine would be. He pictured me as dogging Pratt day by day. Of my interfering and meddling in this "honest, hard-working man's business" and dwelt on my "skulking ambush" in the bushes, the "assassin's shot," and the fall of the "innocent, honest victim." Then I, to cover up the affair and divert suspicion, assume the guise of the Good Samaritan, pretended to find Pratt and bring him home.

Lastly, he adverted to my habits as "suspicious"—working little and loafing much, absent frequently, on what business no one knew, but all the while inferring, by hint and insinuation, that I might be or must be (both terms being by him made to mean about the same thing) engaged in some disreputable business.

It is the boast of Law that all facts alleged against a person must be proven, yet the law makes little provision against slander by inference in open court, by its own ministers, which cannot be proven.

Sefton and Long Mac were summoned as witnesses—unwilling ones, now, with the memory of their recent unsuccessful attempts on me. They testified to seeing blood on my clothing. Sefton told the story of my participation in guiding himself and Hillyear to the spot where Pratt lay wounded on the mountain.

The attorney had the audacity to put Hillyear on the stand, mainly with the view that he should give Pratt's version of the story as inferred from his delirious utterances. I did not attempt to stop this hearsay evidence at all. I wanted the lawyer to have his own way entirely, because I thought in such case he would all the quicker get through, and leave the jury with a fragment, at least, of clear mind. If we got into a wrangle as to the admissibility of evidence it would prolong the case, and in law it is often the main object, on one side, at least, to so confuse and wear out the jury that it won't know the difference between right and wrong, sense and nonsense.

Finally he had finished, and I remained with a very black character indeed—in short, the assassin of Pratt, and, by inference, the author of half the untraced murders in the county for the last four months. I said to the jury that I "should make no plea, but simply tell my story. First, I was the keeper and, to an extent, worker of a rich claim—a very rich claim. It was a mine of a sort not generally known in the state. No laws had been made to hold claims of this character. I will introduce now," I said, "my witnesses as to the reality and existence of this claim;" and taking from a bag several of the richest specimens of quartz gold, I handed them to the jury.

The specimens were indeed good to look at from every point of view. The yellow metal protruded in places from their sides in thin flakes—in others it was as if solid, heavy nuggets were embedded in the stone. The effect on the jury was electric. They had

never seen such rock. Their eyes glistened. They passed them from one to another, yet each seemed loth to part with the one in hand. The clerk of the court, his deputy, the sheriff and his assistants reached eagerly forward to handle the coveted pieces. The judge put on his spectacles and put one piece after another under a rigid inspection.

Mammon had invaded the court—yes, cap-



Mammon had invaded the court.

tured it. The whole previous atmosphere was changed. Whatever of interest had been centered in the trial was now all concentrated in this new development coming out of it. The audience, first bending forward, at last rose in their seats to get a better view of the wealth there displayed. At a rough guess I had put on exhibition about two thousand dollars in quartz specimens—being gold in a form never before seen in that part of the country.

The district attorney felt his case slipping away from him. The introduction of such evidence was an indirect contradiction to his inferences regarding my "loafing about" and "suspicious habits." It was plain that if I had been mysterious, there was something which would justify mystery. He objected to such things being put in as evidence.

But the "things" had done their work. It was finally necessary to call the court to order; the trial could be resumed. The judge laid aside his spectacles, but retained the richest lump on the bar in front of him, and his eyes would glance occasionally in its direction. I continued my story: "I did not find this claim. My partner, who is here in court, did, long before I met him. I acted for him as a guard on the claim while he was necessarily absent carrying the rock to 'The Fay' to be worked. Mr. Pratt found me on the ground I was guarding. It was true we had no tools visible or notices up, because these might have excited observation, and we were not, as to regulations for holding such ground, protected by any law. Mr. Pratt insisted on meddling with the ledge from which this gold was taken. He insisted on meddling with it at the very place where we had dug out the pieces you see before you. Now, what was I to do? Let him do so or not?"

"No!" roared out a voice in the audience. "Order in court!" cried the sheriff. But that "No!" was a powerful expression of the prevailing sentiment.

I continued: "Now, gentlemen, I did not do as you think I did. Here comes what I know is the improbable part of my story. It would be far easier for me to say that I did shoot Pratt in defense of what I considered mine than that he shot himself. That is exactly what he did do—by accident. He had the 'drop' on me, his finger on the trigger, warning me not to interfere with him, when his foot slipped from the rock on which he was standing; he fell over backward, his pistol was discharged, and by the fall and the shot he got the two wounds in his head. Well, I was frightened nearly to death at the time myself. I saw in a moment all the appearances would be against me. I had to keep secret the locality of the claim. My partner was away. I went up to Pratt, and found him, as I supposed, dead. I didn't know what to do, so I covered him with brush and went home. I couldn't rest that night for thinking about the boy up there; how it would be discovered and our claim with it, and between the two—of the fix I should be in to keep our claim a secret, and account satisfactorily for Pratt's death under the circumstances—I got up in the night and I went up to the body. I intended to roll it down the hill and pitch it into the river to get it out of the way. Thank God! I found Pratt alive. Now, gentlemen, that's all my story, and whether you believe me or not, I'd ask you if you would not possibly do as I have done under the circumstances?"

"I think I can vouch for what the gentleman says," said a voice near me. It was that of Blanche Sefton.

This appearance of a beautiful woman in the court in connection with the trial was even more phenomenal than the quartz. There was an eager craving forward of necks and then a profound hush to hear her next words.

After being sworn in as a witness, she continued:

"I came here to say that my uncle, Mr. Pratt, has recovered his faculties and declares that Mr. Holder committed no assault upon him."

"She then paused.

"How do we know he says that?" roared the district attorney.

"I have his affidavit before a justice of the peace to that effect," replied Blanche. "Perhaps the clerk will be kind enough to read it."

The affidavit set forth in substance that Jedediah Pratt exculpated John Holder entirely from committing any assault upon him. It contained these words: "The last I remember I had my pistol drawn on Mr. Holder. He had not pulled his own from its sheath. I remember falling and heard a shot, and that is all I know."

"How has this paper been procured from Pratt? What proof have we that he is in his right mind and fit to say anything about the matter?" was the district attorney's sneering remark.

"I believe," replied Blanche, "that a great deal of what Mr. Pratt has been reported to have said when not in his right mind has been used here to-day against Mr. Holder. However, to set doubts at rest regarding the value of the testimony I bring will the clerk please read this affidavit testifying to Mr. Pratt's present mental sound-



It was that of Blanche Sefton.

ness from his physician?"

A hum of applause and amusement at the attorney's cheekmate pervaded the court room.

The jury were out but a very short time. Many in the audience did not wait for the verdict. They went out intent on visiting Bull Bar and gaining a share in its riches.

The judge, poor man, squirmed uneasily in his seat, gazing at the tantalizing lumps of quartz and gold before him, and wishing that he was free to head the rush which was developing for Bull Bar. Already could we hear the sound of galloping hoofs as horse and rider spurred in that direction.

I was acquitted. The jury eagerly awaited their discharge by the judge. There was a rapid flight from the court room. In ten minutes it was empty.

Blanche did not refuse my offer to escort her to the hotel, where she would stay that night. It was late when the trial had concluded. We were the sensation of the town as we walked along the main street—a painful experience, I know, to Blanche.

I had not been long at the hotel before I found I was a hero. Men came in, introduced themselves to me, and congratulated me on my "bold defense." I soon discovered, also, that my story as to Pratt's self-inflicted wounds would not pass with the crowd. They held me as fully justified in shooting at anyone to protect the claim by virtue of the amount of wealth protected. Such was the effect of luck, gold, and the presence of beauty. Men argued rather from their excited imaginations than from cooler reason and judgment.

Every available horse in town was used that night to go down to Bull Bar by eager prospectors after the new source of wealth. Bull Bar was astonished next morning at the crowd of strangers in their midst, all inquiring for Scrub mountain. All the quartz leads in sight were taken up before Bull Bar got on the scent. All but Sefton and Long Mac. These two gentlemen left the court so soon as their evidence was concluded. Down to Bull Bar they had hurried that very day. They did manage to find the "Bank," properly noticed and claimed by Broener, Holder & Co., and two trusty watchmen in charge.

## CHAPTER XXI.

### ONE TAKEN; THE OTHER LEFT.

Shortly after the termination of the trial Broener desired to see me in his room at the hotel. I went thither. He ordered cigars and a bottle of choice wine. "This, also, is an important business matter we are to talk over," said he, "and good wine and good tobacco in moderation are most useful accessories for smoothing over the rough places one may meet on these roads."

What next I thought to myself. Some other startling change in the kaleidoscope, and I presume that Blanche will figure in it.

"Holder," said Broener, after the wine was poured and cigars lighted, "fate has recently placed a woman between us two—a powerful wedge of peace any two men, no matter how closely they may have been previously united by the ties of what most people call friendship. In this case the wedge is a very powerful one. When I first saw Blanche Sefton I made up my mind to make her my wife; don't look grave now, but hear me out. It might soften the expression a little, but it would mean the same thing, and possibly the objectionableness of the words for you may be removed when I say that Blanche—Miss Sefton—will never be Mrs. Broener."

"She has refused him," I thought.

"She has not refused me," said Broener, with his usual satanic facility of reply to another's thought. It's particularly disagreeable thus to be included in a glass house, while your companion dwells in one made opaque, though in the long run people might be spared a great deal of time and trouble if they could know immediately what they were thinking rather than hear what they were saying to each other.

"I have reason," resumed Broener, "to believe that Miss Sefton has considerable regard for me. To you I dare to say this, to others I would not, since they could see only vanity, egotism and conceit in the remark. I believe Miss Sefton admires me for some qualities. How does that sound to you?"

"I admire you for much myself—and envy you, too," I replied.

"I'll go farther then, and say that for some things I admire myself," he said. "If a man owns a fine horse he has no hesitancy in admiring the animal—his property—and the more he admires it the more disposed is he to take good care of it. Now, if a man believes—knows—that he owns a certain form of genius or a talent, or that he possesses some fine quality to a marked degree, may be not admire such in himself, and as a part of himself, just as he would his horse, and won't his admiration prove a better incentive to keep his talent or quality from rusting than if he depreciates himself or is indifferent to his gift?"

I assented, but wished that Broener would cease philosophizing and return to the original topic.

"To return to Miss Sefton," he said with a twinkle in his eye and the extreme of deliberation in manner as he poured out half a gill of wine in the glass and held it up to the light. "I could not marry Miss Sefton now even if she offered herself to me. I speak with the utmost regard and esteem for the lady. She is one who will always command a man's respect, and when one ceases to respect her, that, in my opinion, will prove him no man."

He paused. There was nothing for me to do except to listen and be perplexed.

"Doors," said Broener, "are, as I said things, indispensable articles in matrimony. A wife should always bring a heart to her

husband. Husband vice versa a heart to the wife. Some couples think differently. Some wives bring only a Saratoga trunk to the husband; the husband brings money to fill the trunk, and a reverend pronounces a blessing over this union of cash and trunk. Miss Sefton is a remarkable girl. The one thing lacking in her is she has no heart!"

"What?" I exclaimed.

"For me, I mean," replied Broener.

"For heaven's sake! Broener," I said, "do stop this twisting fashion of telling things, and say what you have to say in plain words, without going round so many barns."

"You want plainer English?" he said.

"Well, here it is: Miss Sefton loves another."

"Another?"

"Of course. When I say another, I mean another man. Now, have patience with me for a few minutes, and let me finish my original proposition. I can't get hold of so appreciative a listener as you every day, and when I do I want to make the most of him. People to-day have various ideas concerning marriage. Some look at it in one way, some another; but all come to it at last—or want to. As an experience with a large proportion, I don't think, when it's tried on, that it justifies the anticipations set forth before the honeymoon. That may not be the fault of the institution. I believe that to be a solid affair. The fault may lie in this: that the parties may not be solid who enter into it—solid, say, as to health, adaptability of temperament, command over themselves, and a common purpose in life. If they come together without these, you see, they may be as an unmatched pair of hinges, or a pair of hinges with broken joints. Result: the matrimonial door does not swing well, creaks, groans, slams, bangs, and lets in all manner of stormy weather. I doubt, sometimes, if there be a pair of really matched hinges in the world."

"Miss Sefton loves another." These were Broener's words that made the strongest impression upon me.

"Had Miss Sefton's heart been free," said he, "I should have devoted myself to her. But when I find any woman having a preference for another man, I always retire into the background. About the last situation in this world I care to figure in is that known in common parlance as 'trying to cut another fellow out'; and for me, about the meanest maxim of modern times is that 'All's fair in love'—I except the last two words, 'and war,' though it seems a fit ending to the phrase after all, that anything which may be justified in the trade of killing is equally applicable to the winning of a companion for life. But you want to know whom Miss Sefton loves. Well, we'll end this sermon with a short benediction. It is yourself!"

"Yes, you. I discovered that the morning I found Miss Sefton at Pratt's house. You see the elements in the affair were too near together to prevent that disclosure. When a woman's heart is in the house next door, no matter where her body is, its absence will be soon felt. I guessed at the secret, and to get rid of suspense, asked Miss Sefton if it was so. Sensible girl that she is, she saw my motive in so doing and, instead of simpering over it, or doing the indignant in telling me it was none of my business, or doing the half and half business saying neither yea nor nay direct, she said 'yes' and that ended the matter."

Some minutes elapsed before a word was spoken.

"I have to ask your pardon for my manner toward you of late," I said. "That was jealousy."

"I knew that," he replied, "so soon as you let out your secret. You know when jealousy is simply a disease—runs in the blood, and must come out like measles and whooping cough, though much harder to get rid of, and one attack would bar the door to others with most of us. But you suffered more than I."

"Can you be jealous, then?" I asked.

"Oh, yes! Don't take me for a demigod, and above all these emotions, because I spout philosophy."

"How do you get rid of it?" I inquired.

"Partly by doing the magnanimous, when there's nothing but the nag left to do. Virtue out of necessity, you know."

"I don't think I'm worthy of Blanche Sefton, anyway," I said.

"Well, as to that," he replied, "it may not be so much a question of worth as of destiny."

"This made me wince. Self-acusers after all don't fancy much outside backing in self-complimentation."

"There's a tradition, theory, call it what you please," he said, "that's been out a long time, to the effect that there is some one particular woman in the world, here or elsewhere—where, I don't altogether know—for each particular man—mind what I say, 'man'—I mean a man, not an animal—and that she will meet him here or hereafter, or elsewhere, and love him, partly because she can't help it, and partly because she sees something worthy of love in him—that is to say, something now that may turn out much more hereafter. The man, her man, when first met, may be—well, unripe, green fruit, bad to taste, perhaps; but the woman, his woman, sees the fruit as it will be when ripened, though his present unripeness may cause her many a pang. So she may love him, marry him, stick to him, and get little comfort and a good deal of misery out of him."

"Well, is that the relation in which I stand with you regarding Blanche?" I asked.

"My dear boy, you must decide that for yourself. I'm only citing a dream, perhaps a fable—one which I like to believe in, however, since I have a notion that believing in one's day dream makes them come to pass."

"Come to pass?" I said. "That is, you infer the misery I shall bring Blanche by marrying her."

"No. I didn't mean that," he said. "Indeed, I never thought of it in that way before; but now, since you've put the clause in yourself, you might let it remain, just as a warning, you know. But don't think I am lecturing you, or setting myself up as your superior. I, William Broener, have about all I can do in looking after William Broener. That individual manages to give me a great deal of trouble; and though I am quick, perhaps, at spying out faults in others, I can generally, on arriving home, find similar specimens in my own garden."

"One other matter," said he, after a moment's hesitation. "We are friends, but here we part. You may recollect what I told you some time ago. There are times when people's mutual interests may bind them together, and there are times when some agency may come along which shall cause them to separate. That time seems to have come for us two—and sooner than I anticipated. You retain your interest in the 'Bank' and all that

may develop out of it in the future; but in that future we are apart. Good-by!"

I took his hand—for the last time. Then Will Broener went his way. I went mine. As he had predicted, the present quartz uproar over Scrub mountain soon died away; but the feeder, our "Bank," eventually led to



I took his hand for the last time.

the tapping of one of the richest and most permanent veins in the state.

Tom Corwin's Ready Repartee.

John C. Corbin once pointed to a drove of mules just from Ohio, and said to Corwin: "There go some of your constituents." "Yes," said Tom, gravely, "they are going down south to 'back set' you."—Louisville Courier Journal.

# FARMERS

Who have any Correspondence whatever, can save time and money by calling at

—T H E—

## Courier Office!

—AND GETTING—

## FARM LETTER HEADS,

—AND PRINTED—

## ENVELOPES!

The cost is hardly more than that of the plain stationery.