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THE GUARDIAN'S MYSTERY; or, Rejected for Conscience's Sake.

BY CHRISTINE FABER. XLV.—CONTINUED.

Miss Liscome was summoned, and she tripped to the stand, holding her head on one side, and smirking, and bowing, and looking so ridiculous in her jaunty attire that some people laughed outright.

Fullerton adopted a different tone with her; he was gentle, flattering, insinuating, and it would almost seem confidential. The spinster, in her wretched vanity, imagined that his manner was due to her graceful appearance, and she replied to his questions with great sweetness, and an amusing frankness that more than once destroyed the decorum of the court.

"You met him, you say, my dear young lady, for the first time, at the house of an acquaintance?"

"The audible titter of some of the ladies in the court at the juvenile term had no effect upon Prudence. She imagined it was her youthful appearance that called it forth, and she was so delighted with both herself and with him that she was in danger of forgetting the object of her presence on the witness stand."

"Yes," she simpered. "I met him first at Mr. Wilbur's home on Hubert Street in New York."

"Your impression of Mr. Forrester, or Mr. Mallaby, then?"

"I thought he was a very delightful and honorable gentleman, and he paid me a great deal of attention."

"Had you occasion after that, to change your impression, to retract your opinion regarding his honor?"

"The lawyer's voice had sunk to a tone soft and gentle enough for a woman, and it was almost as if his own heart were aching for the disappointment of the witness in finding that Mr. Mallaby was not worthy of her regard."

"And the poor, shallow-minded, vain witness was caught by the bait, and she leaned toward the lawyer as if she were talking alone to him, and were trying to show how much she appreciated and was grateful for his sympathy."

"Yes, sir; I found out that Mr. Mallaby was not the pleasant, and high-minded gentleman I thought him to be. He had an insinuating way at first, but it meant just nothing, nothing at all."

"And Miss Liscome shook her head in a way that set all the flowers in her bonnet quivering, while the audience laughed."

"Give one instance of your disappointment in him."

"The lawyer's tone seemed to indicate that he was as confidential as circumstances permitted him to be."

"Miss Liscome smiled and imagined that she blushed, but she answered without any hesitation."

"I went to him to ask his advice about investing some money."

"You were mistaken for him was so great that you selected him rather than any other of your male friends or acquaintances, to give you this advice?" interrupted the lawyer.

"Yes, and—"

"One moment, my dear young lady," he interrupted again, and Prudence, not annoyed at the interruption since it was accompanied by so flattering a term, beamed upon him with a smile—"In order to have a very clear understanding of the ungalantry of Mr. Mallaby, the name by which you know the prisoner, please inform the court whether you had ever seen him from the time of your first meeting at a friend's home in New York, until you applied to him for financial advice."

"No, sir."

"And it was owing entirely to his attentions to you on that first meeting that you conceived so high and warm a regard for him?"

"Yes, sir."

"A regard that, as I said, was not only high, but warm, my dear young lady; so warm, that you would probably, would you not, had he given you the opportunity to do so, have reciprocated the tender feelings which seemed to have prompted his attention to you on the occasion of your first meeting?"

"Yes," replied Prudence, being for the first time dimly aware that her answer had something to do with the burst of laughter which succeeded it. But

the lawyer was more softly persuasive and confidential than ever; and fixing his black, lustrous eyes on the face of the witness with a look so kindly it was almost tender, she became indifferent to everything but the impression she fancied she was making on the heart of the handsome counsel.

"On the occasion on which you solicited that advice from the prisoner, how did he respond?"

"He refused until I mentioned that name of Jared."

"The name obtained from the letter opened by your nephew in mistake?"

"Yes, sir."

"What motive had you in mentioning to the prisoner, the name of Jared?"

"Oh, just a spirit of mischief and curiosity—tossing her head in a jaunty way that again set the flowers in her bonnet quivering. My nephew told me Mr. Mallaby was so agitated on receiving the letter, I just thought I'd try him myself, by mentioning the name."

"Were you not afraid of being asked for an explanation?"

"Oh, no; and if I had I needn't have given any."

"What were the contents of that mysterious letter?"

"I don't remember them."

"Did you take particular note of them at the time that you read them?"

"Only in a general way."

"Can you not then, my dear young lady, call to mind some of the contents now, or in a general way give us some idea of them?"

"Oh, with a ludicrous affectation of girlish impatience, 'there was something about laying a spectre—that is all I remember.'"

"Did you wonder what that phrase 'laying a spectre' meant?"

"In a kind of a way, but I didn't trouble myself much about it."

"Did you ask Mr. Kellar to explain it?"

"No, sir."

"Did Mr. Kellar give you any explanation?"

"No, sir."

"What emotion did Mr. Kellar show when you described to him Mr. Mallaby's agitation caused by your mention of the name Jared?"

"I don't remember. I only know that Mr. Kellar seemed to be very much interested in me."

"The audience laughed."

"Now, my dear young lady, did Mr. Kellar approach you at all on the subject of coming here to San Francisco, to testify on this trial?"

"No, sir."

"What led you to think of coming to California?"

"I received a letter from Mr. Turner offering to pay my expenses and those of my nephew, if we would come and give our testimony. He said that he had heard all about us from Mr. Kellar."

"In your former testimony you referred to another instance of the prisoner's want of gallantry, something pertaining to a souvenir. Please inform the court about that."

"Oh, yes, sir," simpered the witness, "in my gratitude for the service Mr. Mallaby did me, I offered him a heart."

"In your gratitude, my dear young lady, you offered him your heart?"

"The audience were silent only because they waited in a state of suppressed mirth for her answer, and the moment that she had replied:

"I did."

"Was this little token the heart that was so ungalantly refused by the prisoner?"

"Yes, sir."

"Only two more questions, my dear young lady; did Mr. Kellar take the heart you in your gushing ingenuousness offered, and does he retain that heart yet?"

"Yes, sir."

"Every neck in the audience had been craned for her answer, and the laughter that succeeded it was loud and long from every part of the courtroom, and when it had ceased some one renewed it by remarking what a fishing time the witness must have had with her heart."

Even across the pale face of Agnes there had flitted the shadow of a smile, but that was for the moment that her eyes had turned from the prisoner to the witness. The prisoner had given no sign of amusement at the evidence of the witness; not even when the mirth was loudest and most general; the only time he smiled was when he responded to his daughter's look of affectionate encouragement."

Mallaby was the next witness, and most of the people, remembering the amusement occasioned by his former appearance, prepared themselves for a renewal of their mirth. His responses to the summons were marked by the same ludicrous haste that had caused a laugh before, and his appearance was distinguished by the identical bright blue suit, only his proportions seemed taller and more attenuated."

Fullerton adopted a stern manner in order to awe the witness out of his propensity to preface his remarks; but his method had the opposite effect. It awed the witness, it is true, but at the same time it disconcerted and confused him to the extent of prefaceing his answers much more frequently than he might otherwise have done. To the very first question of the lawyer, "How long have you known Mr. Nathan Kellar?"

Mallaby replied:

"I shall preface my answer to your question, boss, by saying that my desire for the acquaintance of Mr. Kellar was not from any idle curiosity."

"Keep to the point—how long have you known Mr. Kellar?" thundered the counsel.

"How long?" repeated the witness, frightened by the stern tones of the questioner, "since the night Aunt Prudence upset the teapot."

Even the grim face of the judge relaxed a little while everybody in the courtroom laughed as loud and long as everybody had done during the cross-examination of Aunt Prudence.

Fullerton waited with visible impatience for the restoration of order; then, he tried to get at the date of the first meeting of the witness with Kellar, or about what length of time had elapsed since then.

But the mind of the witness was utterly befogged and all that he could do after prefaceing his remarks with an exasperating frequency, was to give a ludicrous account of Kellar's first visit, and the desire of Aunt Prudence to have Kellar all to herself after supper.

Fullerton, finding there was little use of keeping at that point, attacked another.

"Were you not employed in New York to be a spy on Mr. Mallaby—to watch his daily movements?"

The eyes of the witness seemed to grow as large as bullets, and the decorum of the court was again destroyed, as he answered:

"Say, boss, how did you hear that? Aunt Prudence said not a living soul beyond herself and Mr. Kellar knew it; and I always ran away so fast when I found Mr. Mallaby, or that young lady that was with him looking, that nobody on earth could tell I was watching them."

"Were you, or were you not employed by Mr. Kellar to be a spy on Mr. Mallaby?" fairly roared the counsel, and Mallaby at once jumped in as if he contemplated some sort of an escape, at which Fullerton realizing the mistake he had made in the adoption of such a severe manner, attempted to rectify it by repeating his question in a soft, reassuring tone.

Mallaby seemed to take fresh heart, and he drew up his stiff shirt collar until it touched his ears, and straightened himself until he looked as if his back were kept in its rigid position by an iron bolt through its centre. Then he answered, speaking very loud and rapidly:

"I'll just preface my remarks by saying that Mr. Kellar's a gentleman of the sort that a fellow likes to know; and I'd have been glad to do that, or anything else he'd asked, but Aunt Prudence was so sweet on him herself she didn't give me any chance."

"Then perhaps it was—" began Fullerton in the same gentle tone he had used before, but he was interrupted by the witness:

"Hold up, boss, I ain't finished yet—I was a going to tell you how Aunt Prudence asked me to watch that ere Mallaby, but when I told her how keener I was to run every time I saw him, she said, 'well, you see, she took the whole business right out of my hands, and gave it to my father.'"

"And did your father continue the watch upon the prisoner that you had begun?" asked the counsel, very softly.

"Well, I can't calkerlate about continuing it—he never continues anything so far as I know; and I'll just preface my remarks by telling you what Aunt Prudence says. She says he ain't got the head to continue anything, and I'm as certain as that applies

don't grow on cranberry bushes, that he wouldn't had the head to run off as I did when he found they were looking. He'd a sneaked out of sight."

"Were you aware that it was at Mr. Kellar's instance you were employed to watch the prisoner?" persisted the counsel.

Mallaby shook his head.

"I can say as to that. Aunt Prudence told me to watch that ere Mallaby, and I'll just preface my remarks by saying, I didn't know what in thunder she wanted me watched for."

"Any more questions, boss?"

But Fullerton had no more questions to ask. He had gained for his summing up what few points it was possible to gain from the witness, and the latter was suffered to leave the stand which he did with the same bound that had marked his exit on the former occasion.

The cross examination of the other witnesses elicited nothing in favor of the prisoner; excepting that of Nanno Kelpley. She testified to the kindness she had always experienced from him.

XLVI.

The summing up by the prosecuting attorney riveted the popular conviction of the guilt of the prisoner. The summing up by Fullerton, which followed, though eloquent and masterly, was unable to shake that conviction.

He sought to show that Kellar's own evasive replies on the witness stand, as well as his refusal to answer some of his questions, that his motive for telling John Turner of the shooting of his brother so many years after the deed, was revenge, and not the conscientious motives to which he had sworn; and he tried to show also from Kellar's evasive, and as the lawyer believed it to be, perjured, evidence, that the witness had taken "hush money" from the prisoner, but, lacking proofs to sustain his statements, and not being able as in those days to have the testimony of the prisoner taken, all went for naught. He defended the prisoner's course in permitting the death of the victim to seem to be a suicide, on the plea of the protection needed by his poor, young, friendless wife—had he, confiding in his innocence of any intention to kill, proclaimed the truth, there might have been in those early, lawless times in California but scant justice done him, though many should believe his story.

Then he gave a pathetic account of the meeting of the young husband and wife, and the oath she exacted, after which he drew a picture of the prisoner's struggles for a score of years to seem to be only the guardian of his child, when his heart was bursting to tell her that he was her own father.

"But such, gentlemen of the jury, was the remarkable character of the prisoner; his regard for his oath shows an exceptional conscientiousness, and his integrity during the many years of his residence in New York, an integrity that has been fully proved by the evidence obtained thence, shows a character that it would be inconsistent to believe could be guilty of murder. And this singular honesty of the prisoner was no match for the conspiracy formed against him by the witnesses, Mr. Kellar and Miss Liscome."

"Mr. Kellar, in his evidence, elicited by cross examination, denies all knowledge of the letter written by his cousin to the prisoner—a letter containing mysterious allusion to the laying of a spectre, and which is signed alone with his cousin's Christian name—until he is told of it by Miss Liscome, and at the same time made acquainted by the lady with the agitation which the mere utterance of the name Jared, caused the prisoner to show."

"Mr. Kellar admits that while he is silent on the subject of the prisoner's mysterious agitation to Miss Liscome, he thinks nevertheless that his cousin was the author of the letter which gave to Miss Liscome her knowledge of the name that she used with such singular and sinister purpose."

"It is evident that Mr. Kellar, despite his sworn evidence to the fact that he was actuated alone by conscientious motives, managed his points so well, that not only were Miss Liscome and her nephew brought to California, but that Miss Liscome was admirably coached with regard to her testimony of the prisoner's agitation as witnessed by herself, since that lady could remember no more of the contents of the remarkable letter than the phrase already quoted, and the signature."

"It is also evident that revenge is no small part of the motive which has induced Miss Liscome to testify. Had the prisoner in the interview so graphically described by her, accepted the heart, both symbolical and literal, that she offered him, she would not have transferred her maidenly regard to Mr. Kellar, and consequently she would not have given that gentleman the opportunity to make of her so willing a tool."

"When these facts are well considered, and when the exceptionally honest and conscientious character of the prisoner is remembered, the conviction of his guilt at least in impartial minds, must yield to the belief that the killing of Reuben Turner was done in self defence."

But that speech had little power against the proofs of guilt ably marshalled and reviewed by the prosecuting attorney. It seemed almost farcical to oppose to the prisoner's letter to John Turner, containing the criminalizing threat, to the evidence of Wilfred Everley who had come upon the scene of the shooting in time to see the pistol in the grasp of the prisoner, to hear his report, to see Reuben Turner fall, and to hear his dying exclamation, beside the testimony of the other

witnesses. And as there was no proof of the charges made by Fullerton against Kellar's evidence, no proof of anything favorable to the prisoner, beside the testimony of Nanno Kelpley, save the integrity of his character while in New York, there was no prospect of an acquittal for him, and but little that his sentence might not be the extreme penalty of the law. The faint, forlorn hope of finding Jared, to which Fullerton had clung, had also vanished: not a line of reply had he received to any of his numerous notices.

In the shadow of that gloomy outlook, neither the prisoner nor his daughter, when they were again together in his cell, had any disposition to speak even to each other. On the morrow the case would be given to the jury, and then would come the verdict and the sentence. Father and daughter were thinking of the sentence, but each in a different way; she was dwelling upon the ignominy for him, and her heart-broken grief of her parting from him; he was picturing the lonely unprotected condition in which it would leave her. In the intensity of their thoughts they drew closer to each other, and at length to conceal emotions against which she could no longer struggle, she dropped her head upon his shoulder, lifting it almost immediately, however, for the door of the cell was opening. It was not Mr. Fullerton, as both she and her father expected to be, but the warden accompanied by the gentleman whose name she had one day in the court-room inquired of Mrs. Sibby. Though knowing that it could not be, still, he was so like Wilbur in form, gait, expression, everything, save his heavy beard and the lines in his face, that she sprang to her feet, her countenance flushing and paling, and her heart beating as if it would burst.

The gentleman advanced slowly, seeming to keep in the rear of the warden, while at the same time he drew his handkerchief from his breast-pocket, it might be to conceal with some emotion showing in his face; but with it he had drawn forth also something that fell with a little metallic ring, and that glistened almost at her feet. With a sort of involuntary motion she picked it up, and seeing upon it her own Christian name, she recognized the case of her long lost rosary, and looking from it to the stranger it did not need that he should extend his hands, for her to know him at last.

Mallaby also recognizing him, had arisen, and the warden feeling that it was not necessary for him to remain to introduce Mr. Dawson, as he had expected to do, and divining that it was not quite an ordinary meeting of friends, silently withdrew.

Alas! for the strength of a woman's indignation against the object that she once has fondly loved, when that object seems to approach her with its old affection. It was so with Agnes; she forgot for the moment everything but the delight of being again in the presence of one who was once, and it must be written, was still so dear, and when he took her hands and pressed upon them kiss after kiss, she did not withdraw them.

The prisoner, never having considered that there was any just cause for indignation, and delighted because of his daughter's delight was smiling his own welcome to Wilbur.

It was some time before the lovers could compose themselves—Wilbur to tell his story, and Agnes to listen to it. But, at length, he told rapidly how Kellar had informed him that Mallaby was a murderer; that Miss Hammond was his, Mallaby's own child, and that she probably knew that fact, but thought it well for some purpose to conceal it. He depicted the anguish it had cost him to give her up, and how when he had compromised with his pride by asking her to leave her guardian, her refusal to do so had confirmed him in the belief of Kellar's suspicion, that he knew Mallaby was her father. He described his flight to California to claim the fortune left by his uncle's peculiar will, and his assumption of the name of Dawson in accordance with that will. His vain efforts to distract his thoughts from his betrothed; his presence in the courtroom from the very beginning of the trial, and his belief in the prisoner's guilt, and that Miss Hammond was but acting a part until the day of the revelation of her relationship to the prisoner. The startling manner in which she received that disclosure compelled him to believe in her innocence, and though he could not conquer his pride sufficiently to see her, his love for her prompted him to ascertain if there were no way in which he might be of secret assistance to her. Learning Mrs. Sibby's address he contrived to see that lady, and, without revealing his entire story, to enlist her sympathy and confidence, giving to her the money with which she so liberally supplied Miss Hammond. "I would not tell you this now," he continued, "but that may serve as a little extension of conduct that seemed and that was heartless."

"To day at the close of the speech of the prosecuting attorney, when I saw how utterly hope seemed to have died out of the hearts of you both, I would listen to my pride no longer. Criminal, though you were," turning to the prisoner who stood as if he were transfixed, "your sacred regard for your oath, your upright character during those years of struggle and suffering, were expiation sufficient to wipe from your character every stain, and every blot, and to restore to you your daughter, she who sacrificed everything in the interest of the duty she felt to be hers, what manhood clinging to such a wretched pride as was

mine, would not before the noblest such a character. I have felt ashamed and wretched. It was I, me. I hated myself for the course I had pursued, and I could not rest as I have done to ask the pardon of you both, and should I not be allowed, as I do not deserve to be, some my former relation to daughter, that, at least, I may have the mournful satisfaction of seeing her a brother and a protector."

He dropped his head a little, and his last words as if in accordance with the humility of his speech, while in the prisoner's eyes came an unwonted unbidden mist. He turned to his daughter. Her tears were flowing; tears of gratitude and of love. Her father took her hand and pressed it to his lips.

"This is the best answer I have made," he said, "except to a God, it is very good!"

And then a silence fell upon them for a few moments; the eyes in the heart of each were too and too thrilling for speech to upon them by a word.

Wilbur accompanied his husband when she went home from the court, and when Mrs. Sibby met them at their entrance she seemed joyfully surprised.

"I know it all," Agnes had said, "the cunning plot between both to supply me with money, consolation to know you could a charitable object."

The widow laughed.

What a lengthy conversation lovers held. There were now, and as Agnes frankly her sufferings from the mystery, doubt and suspicion that marked day since her last farewell to over two years before, he was calling himself a brute, and other equally hard names, which he could neither forget nor drop; how it flamed with a glow; how he day and night took back for distraction; and how hateful the very fortune he had by giving her up.

"But I can atone for that, Agnes, 'for to-morrow I shall set about resigning it.'"

This sacrifice of fortune had been so willing to make past and which he was now renew, to her mind, more than for his conduct in having her to his pride, and the said fully:

"It is too much, far too much, you should lose so large an amount of money for my sake."

He silenced her with a look, and she answered:

"Never speak to me again."

TO BE CONTINUED.

LEAGUE OF THE SACRED CHARITY TO THE POOR.

GENERAL INTENTION FOR 1898. Recommended to our Prayers. Holiness, Leo XIII.

American Messenger of the League. Alter our love for God, a poor is the highest exercise of virtue of charity which in should rule the world. A our neighbor is in some degree of God Himself, because all it makes us love others for. Hence it was that Christ said: 'Thou shalt love the Lord, thy God, with all thy heart, thy mind, thy strength, and all that thou hast; and thou shalt love thy neighbor as thyself.'"

"Thou shalt love thy neighbor as thyself." This is the virtue of love things that are good for the good they contain; speak or charity to the poor have something to love, and to say that such special exercise of the means that there is some excellence in a poor man's special love. This excellence is difficult to discover. We cannot teach it to us, it sense and the wisdom of in the poor only what is true and false, and their poverty and avoid it; organize societies, agents to act as intermediaries and the poor; it relieves because it fosters their and their impurity, and it is shocked by the misery. Sometimes it because it is good, it is so, it is a means of getting influence or praise. The eye for what is good in those whose intelligence by faith, and who look Christ did, recognizes the poor and their special love."

"Blessed is he that concerning the needy. It is all too easy to see but that makes it all the more to appreciate what is so as to call for our special blessed is he that applies