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THE ALIBI

-BY-

Geo. Allan England

Author of "Darkness and Dawn," "Beyond the Great Oblivion," "The Empire in the Air," "The Golden Blight," "The After-Glow," "The Crime-Detector," etc.

CHAPTER XX.

The Appellate Division of the Supreme Court upheld the verdict on February 10. One month later the Court of Appeals at Albany refused to grant a new trial. On June 6 a petition for a pardon was presented to Governor McIntyre and the board of pardons. A fortnight later, after due consideration, it was rejected.

Everything had now been done that could be done. Every means had been exhausted. The ultimate expedient had been tried and had failed. The sentence stood irrevocably confirmed.

Arthur's fate had now been definitely pronounced: "Imprisonment for life at hard labor in Sing Sing."

Only one vague hope still lingered. With the induction of a new Governor in eight months a new petition could be presented. Should this fail it could be handed every two years to each new Governor. Tenuous and tedious as this hope might be, nothing else remained.

Buried alive, "mugged" and Bertilloned, No. 3265—a human being whose personality had been lost in four figures—took his place as one cog in the vast factory of woe up the Hudson. They set him to making shoes with those scores of silent, morose and broken men with clipped heads and furtive eyes. His respectful request for clerical work they refused. Already they had tried many convicts on such jobs. Later, perhaps, if he proved trustworthy.

Up to the limit of his allowance he wrote to his mother—now totally bedridden—to Enid, and to Sheridan, the ex-teller of the bank, who always had believed in his innocence, and received

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letters from them. The correspondence had to undergo the strictest censorship, but still it infinitely comforted him.

Poor Sheridan had only bad news to send. His stand in the case had practically blacklisted him. The best work he could find now was book-canniving, and even that job was precarious. Arthur's heart ached at thought of the man's brave but wholly useless self-sacrifice for him. The mother's letters, and Enid's, brought love and cheer and hope. Neither woman doubted his innocence for a second; neither one despaired of triumph and of liberty some time.

Bit by bit through long nights of occasional insomnia, or bent over his work in the shoe-shop, Arthur began to piece together something of the truth in the case. Slayton occupied his mind extensively. Living the tragedy all over and over again, unnumbered times, he found the cashier loomed ever larger as the one most sinister figure in ghastly mock of justice that had forced this martyrdom upon him.

As yet he could not see the whole sequence clearly; but here an indication, there a hint, farther on a tiny gleam of probability all kept combining with more and ever more evidence to build a mass of wondering suspicion. As twigs and refuse collect above a dam, eventually spreading into a wide expanse of floating detritus, so now on the moving current of No. 3265's mind, checked by the barriers of that crime, the drifting indications one by one came to rest.

Gradually conviction forced itself upon the boy. Gradually he seemed to understand the truth of that black deed, the essence of that frame-up, the general outlines of that plot which with incredible villainy had flung him here to agonize, to rot, to die.

He saw again that room in Slayton's house at Oakwood Heights and heard the promise spoken there. He recalled the treachery of the next morning, Slayton's false witnessing, and all the damning evidence heaped up against him—by whose hand?

Reason answered: Slayton's! Analysis clarified all. Bit by bit Arthur patched everything together; and as conviction grew in him that Slayton was indeed the murderer—a murderer who with fiendish skill and malice had flung the guilt upon his shoulders—so hate grew likewise.

Bit by bit he pieced together odds and ends of prison gossip and underworld information that in different ways filtered through to him; and so he came to know the name of Jarboe and to garner in vague, ill-defined rumors that this loan-shark had got a grip on Slayton as on so many more; and this uncertain knowledge, too, helped the hypothesis his active brain was formulating.

A wide clarity of understanding came to open out before the mind of No. 3265. An understanding that totaled positive certainty lighted the black horizons of his soul. The whole infernal villainy unraveled before him. He saw, and, seeing, comprehended.

At night sometimes he would give his poisoned soul over to loathing and to hate of this man, now safe from all accusation, all danger, all attack—safe forever as Arthur thought with terrible despair. In the dusk of his cell, with face passion-distorted and with teeth bared in a snarl of hatred, he would clutch his blanket with fingers that lustred to be at Slayton's throat, tearing the very life from that cold, false, murderous being.

And new ambitions dawned in him, new desires to live, fresh hopes that fanned the flame of his passion for

freedom. One hope he came to cherish in particular above all others—his hope that he might some time go free and live to settle this foul score once and for ever, to pay this debt in full, to wipe it out, and look on the dead face of Walter Slayton and spit upon his corpse—and laugh.

Shortly after the governor had refused the petition for a pardon, Slayton's supreme insolence led him to visit his victim in the sad place where

Each day is like a year—
A year whose days are long.

Slayton's purpose in making this trip—like everything he did—was well and cautiously calculated. He figured that the act would redound to his credit. Arthur had accused and assaulted him. He would do his manifest duty, that duty he was so fond of talking about, by returning good for evil and by heaping coals of fire on the head of this wayward boy.

Then, too, a kind of morbid curiosity possessed him to see the horrible place where—save for his own quick wits and diabolic skill—he himself would now be awaiting death. He wanted to behold the vicarious sacrifice. Arthur, paying the bitter price for the crime of hands still free.

Last of all the cashier figured that Arthur might do or say anything which could be heralded abroad with the effect of still further proving his guilt, and thus rendering Slayton's own position safer still. All this time the menace of old Jarboe had been gnawing at Slayton's withered soul as rats gnaw a mouldy cheese. One look at the cashier's face revealed the wasting effects of that menace.

Twice already he had paid the thousand-dollar monthly "insurance premium"—as the repulsive Shylock insisted on calling it with cackling mirth that harrowed his being to its roots. He knew perfectly well now that Jarboe was in deadly earnest, and that a single defaulting of those payments would mean accusation, scandal, perhaps fatal results. If by any possible means Slayton could more thoroughly discredit the boy, more deeply involve him or ruin him more totally, the inevitable risks of the visit would be well worth while.

A coward at heart, he assured himself no real danger could attach to the interview. Arthur behind bars could not possibly injure him. It would all be as safe as for a cat to watch a caged mouse. His ostensible motive would be to beg some confession about what Arthur had done with the stolen one hundred and fifty thousand dollars—a motive that Chamberlain very strongly approved.

"By all means, my dear Slayton, do try to get some information from him on the point," old Chamberlain had said to him when he had mentioned his plan at the bank.

The bank, by the way, had long since fallen into its old ruts of quietude and peace. New tiles now replaced the blood-stained ones where Mackenzie—already in process of being forgotten—had fallen. A new clerk occupied Arthur's desk. Already the crime was retreating into the background, becoming a tradition in the history of the institution.

"Do by all means add your efforts to all that has been done to get some trace of those missing funds," repeated Chamberlain. "So far, as you know, not the slightest clue has been discovered."

"Nothing whatever," answered the cashier, whose salary, by the way, had been materially increased because of his courage and his services to the bank at the time of the murder. "Nothing whatever, Mr. Chamberlain. Perhaps I may have better luck than the—professional investigators. At any rate, even though I fail, it is my manifest duty to try."

"Quite so," assented Chamberlain. "I must admit I'm badly disappointed in the Security Agency. It seems to have signally failed in this case." "I don't believe the money will ever be recovered unless Mansfield himself can be induced to reveal its whereabouts."

CUKING SKIN TROUBLES

So many people, both men and women, suffer from skin troubles, such as eczema, blotches, pimples and irritation that a word of advice is necessary. It is a great mistake for such sufferers and those with less complexions to smear themselves with so-called ointments. Often they could not do anything worse, for the grease clogs the pores of the troubled skin and their condition actually becomes worse.

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Sharp, that boy was. Sharp, keen, and clever. He must have hidden it somewhere in some extraordinarily secure place with the idea that he might yet escape and get it, or at least use it to buy some special favors—to have the case reopened or something of that sort.

"Very likely, very likely," muttered the old banker wearily. "A sad, bad affair all through. Well, do the best you can, Slayton. Do the very best you can. I know you will, without being told. Your duty and devotion to the bank have been beyond all criticism. Some day, I hope, the institution may suitably reward you."

He shook his head with dejection, while the cashier, his crafty eyes blinking behind his glasses, eyed him with great satisfaction. It seemed hard to believe Chamberlain could have aged so rapidly in a few short months. The loss to the bank, his grief at Arthur's crime, and worry over Enid's prostration had brought him low indeed.

"Go, by all means," reiterated the President, turning to his desk with a tired gesture. "Go, visit the unfortunate young man. Perhaps you can discover something. Point out to him that concealment can do him no good now, and that he can't expect to buy any favors whatever by offering the money as a bribe. Show him how the withholding of the sum in question is hampering the bank to a certain extent, and must, therefore, indirectly react on Enid. Appeal to his sense of honor."

Slayton laughed ironically. "If he has any left," the old man continued. "Appeal to his regard for Enid, though I hate to think of her name being mentioned to him again and spoken in that terrible place. Try to reach him in some way."

"There must be something good left in the boy. God puts a little spark of the divine even in the most criminal breast. You can possibly find it and kindle it to do a little right after so much wrong. Go, do your best with him!"

He dismissed Slayton with a nod. The cashier, saying no more, returned to his work. Next day he visited Sing Sing.

CHAPTER XXI.

It was on Sunday, July 3, that Walter Slayton with guile and malice in his heart repaired to the huge gray place of pain beside the ariling river. A hundred millions of Americans that day were preparing to celebrate Liberty. Slayton, worn and fearful as he was, with boding thoughts of Jarboe ever in the background of his mind, none the less felt a real elation as he made ready to celebrate Servitude.

The thought of his victim, lived there in the vast, barren caravansary of anguish, brought a smile to his thin, straight lips as he came up the boardwalk near the prison. The grim entrance of the penitentiary filed him, with exultation. Its very massiveness and all the ingenious safeguards thrown about the unhappy inmates spoke to him of his own safety. Should Arthur ever go free new and terrible perils would confront the cashier. But Arthur could never go free, and Jarboe was old—old—old! Arthur would remain buried alive, and Jarboe would die some time. In a few years at most all peril would be done forever. Patience and fortitude would win in spite of all.

Self-congratulations mingled in the cashier's mind with brutal anticipation at the prospect of being able to triumph over the boy, and subtly sneer at him and torture him, from a safe vantage-point outside steel bars. Like all cowards, this man possessed vast depths of cruelty. His soul lusted for the joy of taking vengeance on the man he had imolated—vengeance for the attack there in the directors' room at the bank. Slayton had not forgotten that moment. He had not forgotten the strength and precision of Arthur's blow, and never would he forget.

Thus a baleful joy came into his eyes as he stopped a minute in the clear July sunshine, peered up squintingly at the gigantic steel-and-granite pile, and realized that one peril at last was buried there forever and forever without end.

The sun sparkled on his patent-leather boots and on the silk top hat he wore as he climbed the prison steps. It brought out the fine quality of his broadcloth coat and brightened the carnation in his buttonhole—the blossom whose fresh color contrasted

so painfully with his clay-like skin and lantern jaw.

Since the crime Slayton's outward aspect had improved—so far as dress could improve it. Despite his obvious falling off in health, he had now assumed a new importance. His prestige and his prospects, both increasing, had raised his social status. Could he be grooming for the presidency of the bank?

Thinner than ever though he now was and somewhat aged in aspect, some said his grief over the boy's misconduct had made him, the cashier none the less presented a fine, dignified figure of a man as he entered the office of the pen.

An automaton in uniform, to whom he stated his errand, respectfully asked him to sign the register and to be seated with some other visitors, all strained-looking and hushed and nervous. Two or three of that sad company on the benches were weeping, or had been. Nobody spoke a word. Presently a warder came in, dangling a ring with many keys, and nodded to Slayton. The cashier rose and followed.

Steel doors creaked to admit him to inner places that were reached only by dint of much unlocking. Slayton, hat in hand, blinked with real interest at the cement floor, the stone walls, the guarding bars of steel—the kind of interests we all feel in prisons—the morbidity that whispers:

"What if I were here?"

Presently the warder ushered him into a reception-room provided with a double grating down the middle. The grilles were six feet apart. A momentary illusion came upon the cashier. He seemed to stand again in the grilled corridor in the bank. Gloom shrouded everything. Before him lay a prostrate and distorted figure—a figure whose bearded, dead eyes stared up at him.

Swearing beneath his breath, Slayton recoiled. He felt a touch upon his arm, whirled round, and clenched his fist. The warder, saluting, looked at him with astonishment.

"What's the matter, sir?" he demanded.

"Oh, nothing, nothing! Here—take over so much!"

And the cashier slid a "V" into the official's hand.

"I'm a bit agitated, that's all. Dear friend of mine, very, it's coming soon?"

"Right here now, sir. Thank you, sir!"

He motioned toward the other side of the double grille. Slayton, still badly shaken, peered through the cage. He felt a certain tightening of the heart. His breath caught; both hands clutched the steel netting.

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