

POETRY.

WHIP-POOR-WILL.

When the darkness softly settles
O'er the weary, waiting land;
When, milking done, the cattle
In the broad, green farmyard stand;

SELECT STORY.

AN UNBROKEN PROMISE.

A CASTAWAY.

PART III.

CHAPTER XI.

THE LAW OF EVIDENCE.

"Yes, but even when you know it, you
can make no use of it," said Mr. Drage.
"That is for me to determine," said the
lawyer. Come, sir, five minutes more
have gone, and it is time for you to
decide.

"Then I will tell you all I know," said
the doctor. "I am doing it for the best—
Heaven grant that I may be right in my
judgment."

"No doubt about that," said Mr. Moss,
shortly. "Now be as brief and as clear as
possible, please."

"This young man, George Heriot,"
commenced Mr. Drage, "was not even
present at the time of Sir Geoffrey's death.
Mrs. Pickering, who had been strolling
in the grounds to get some air, heard Sir
Geoffrey call out in an unusually high
tone of voice, and came as quickly as
possible to the widow. There she found
him struggling with a man whose back
was towards her. She saw the old man
beaten with heavy blows; she saw him
fall lifeless under his assailant's grip, but
she was powerless to move or even to
call out. Then the man faced round, but
seeing her at the window, staggered
back."

"Did he recognize her?" asked Mr.
Moss.
"He did, and she him; the recognition
was mutual. He recovered himself in an
instant and dashed through the window,
flinging her, who strove to stop him,
heavily to the ground."

"I see," murmured Mr. Moss, screwing
up his eyes and looking into the fire,
"this young Heriot must have come up
just afterwards. He had been hiding
about in the neighborhood all day, waiting
to see his father; knew where to find
him alone about that time, and was
coming to make his last appeal. That
looks on all right. Now," he continued,
looking up at the doctor, "you would
have told me all the while, of course, if
Mrs. Pickering had not some motive for
withholding the real ruffian to remain
unknown. I am a man of the world, sir,
and obliged to speak plainly when we
come to such close quarters. Was he her
lover?"

Geoffrey on business, I believe, but I do
not know the details.
"We can get them from Mrs. Pickering,"
said Mr. Moss. "By her aid I think
we shall be able to pull young Heriot out
of this fix; but without her, I don't know
what we should have done."

"You will depend then, greatly on
Mrs. Pickering's evidence, Mr. Moss?"
asked the doctor, with some hesitation.
"Greatly! Entirely, so far as I see,"
said the lawyer.

"Evidence as to what she saw, as to
who committed the murder?"
"Undoubtedly! She will be asked who
committed it and every particular about
it."

"And suppose she were to refuse to
answer?"
"If she refuses to answer she would
undoubtedly be committed to prison for
contempt of court," said Mr. Moss. "But
why on earth should she refuse?"

"Because, however badly she has been
treated by her husband, she could not
bear to be the means of bringing him to
a shameful death."

"I don't want her to be the means of
doing anything of the kind," said Mr.
Moss; "all I want her to do is, to save my
client."

"That is what she is most anxious to
do. But I tell her it was impossible to
prove the innocence of George Heriot
without giving Philip Vane into the
hangman's hands."

"Dear me, did you indeed!" said Mr.
Moss. "That's a nice round phrase about
the hangman's hands; but your lastest
words, sir, have probably led you to
other studies than those of criminal law.
Your ideas on that point are apparently
very vague."

"Do you mean to say that Mrs. Pickering
could prove George Heriot's innocence
without incriminating her husband?"
"Certainly not. She must incriminate
him. But what you were talking about
was, if you recollect, 'the hangman's
hands.' Let me put it to you plainly. I
intend to cross Mrs. Pickering, and by a
series of questions make her give evi-
dence of the circumstances of the murder.
I shall ask her who committed it, and she
will have to answer truly, giving her hus-
band's name."

"She will never do it, she will never
do it!" said the doctor. "Is not that
giving him up to death?"
"Not at all, my dear sir. This is just
the critical point where your knowledge
of the law breaks down, if the hue-and-
cry is sent after Mr. Philip Vane, and he
is taken and brought to justice, the lady
whom we call Mrs. Pickering could not be
examined for or against him, inasmuch as
the wife of an accused is not a competent
witness to be examined for the prosecu-
tion or the defence."

The room in which Mr. Moss found
himself was long and low, the windows
were heavily barred, and there was no
furniture beyond a chair and a table.
George Heriot, who had been resting his
head on his arms, roused himself at the
noise of the opening door, and starting
with astonishment at his visitor, who ad-
vanced and put out his hand to him.

"You do not know me, Mr. Heriot,"
said the stranger. "I am Mr. Leopold
Moss of the firm of Moss and Moss, solici-
tors, London, and I have been retained
for your defence."

"Retained for my defence! By whom,
sir?"
"By a very charming young lady, who
instructed me to deliver to you this letter,
and your aunt. Read away, Mr. Heriot,
don't mind me. I understand the cir-
cumstances, and can answer for you."

"When George Heriot replaced the letter
in his pocket, his cheeks were burning;
'She at least does not believe in my
guilt,' he said.

"Of course not; no more do I," said
Mr. Moss. "I should not have shaken
hands with you, if I had the smallest
doubt about it in my own mind. Ours is
not too cleanly a profession, and I see a
great many old phases of life; but when
I have to do business with a scamp, I
always hold it to be enough to attend to
his business without shaking hands with
him."

"I am afraid you have a very difficult
task before you, Mr. Moss," said the
young man. "I was completely dazed
last night, and even now I have scarcely
recovered the power of thinking. But
from the little use I can make of my
muddled brain, I perceive that the case is
a fearful one against me."

"It looked so to me at first," said Mr.
Moss; "but to have received some infor-
mation since I came down here, which
though I am anything but a sanguine
man, makes me look forward to affecting
your release very speedily, I should say
on the first, or at the worst, the adjourned
examination. There can be no pretence
for sending the case for trial."

"The news was almost too much for
George, who in his excitement, clutched
hold nervously of Mr. Moss's arm, and
said, 'Thank God for that! Can you tell
what has happened, and what you have
heard?'"

"Not now," said Mr. Moss kindly, gen-
tly pushing him into a chair. "You are
not strong enough to hear the story, and
I have yet some of the detail to work up
before it would be proper for me to tell
you. But I may say that you will owe
your rescue to the fact that, in my hope,
will very shortly be related to you. I
mean Mrs. Pickering."

shy, informing the world that "business
was temporarily suspended, and referring
inquisitive applicants to some account-
ants' office close by. The clerks were not
very much surprised at what they learned;
they had been to a certain extent be-
hind the scenes, and were always antici-
pating some catastrophe; they knew more-
over, that when the panic was ended
they would have little difficulty in get-
ting as good and more reliable situations,
and turned away in tolerable happiness to
enjoy their uneventful holiday."

Not so the public who came down with
a swoop directly the news got wind, and
hung about the doors, and read the writ-
ten placard over and over again, and con-
sulted with each other in the hopes of
hitting some method of regaining a por-
tion of the money, out of which, as they
one and all fervently declared, they had
been swindled. Some of them were weak
enough to go off to the office indicated on
the placard, where they found themselves
confronted by two very pert clerks, who
told them all they knew of the business
of the company, and said, as was the truth,
that the books of the company had been
handed over to them for inspection, and
that a report would be issued as soon
as the necessary investigation had been
made; they denied all personal knowl-
edge of the directors or officers of the
company, and said, as was the truth, that
it was the first time in which their firm
had ever been employed in any matters
relating to the Terra del Fuegos Mine.

So the public departed in a crestfallen
condition from the accountants' cham-
bers, and went back and loafed about in
front of the offices again, deriving some
comfort from talking to fresh-comers,
and explaining to them the hopeless state
of the investment in which they had a com-
mon interest.

But the other directors, who, whatever
doubt they may have felt as to the con-
tinuance of the prosperity of the com-
pany, had risked their capital not merely
for the sake of the high interest it pro-
duced, but with the firm conviction, that
long before the first rumblings of the ap-
proaching earthquake were given, they
would have such warning as would en-
able them to withdraw their ventures
safely, were wild with rage and disap-
pointment. How the news had spread,
in what mysterious fashion the
directors, who, beyond all others, were
save at the turn which affairs had
taken—the former sat at the long, broad
table, white with rage and silent, appar-
ently immersed in certain calculations
which he was making on the sheet of
writing paper before him, while the other
strutted up and down the room, speak-
ing now to one man, then to another, and
from time to time using such lan-
guage as his vicar never could have ex-
pected from that meek and virtuous
character.

"Well gentlemen," at last said Sir Can-
nock Chase, "it is of no use wasting any
more time in these desultory discussions;
the question is, can anything be done?
If so, let us decide what it is to be; if not,
let us clear out of this, as I imagine we
are to have plenty of other things to at-
tend to."

"We must put a bold face on the mat-
ter," said Mr. Dossetter, whose stake was
small and whose income was good. "We
must stand on our feet, and let the other
gentlemen look on. I have already, I
trust, looked out the blotting-paper, and
wiping them in the air. 'How can I
stand to my gun without de ten thousand
pounds on which I have been robb'd?'"

"Then your gun was—he, he—a ten
thousand pounder," chuckled Lord Ballabough.

"To be continued."

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