

NOT GUILTY.

BY M. J. S.

STEVE ROUGEN was accused of the murder of the man he was known to hate with a deadly hate, Mark Travers. Upon a day Travers had happened with a ruby, the like of which had never been seen by the miners of Marshy Range, and with his young brother, he had started out, bound for Cape Town.

Before a second sun had risen, the ponies came back to the camp with their bridles broken and half frenzied from want of water. The body of Travers was found by the side of the trail with a bullet through his heart: but his brother had disappeared, and with him the ruby, too.

Then they took Steve Rougen and thirsted for his blood. The court was sitting in an old shanty, whose timbers, rotted by the heavy rains, were now crumbling in the sun. Jameson, a young engineer, had been elected judge, and twelve of the miners were the jury. The room was filled with an eager crowd, who wanted Rougen hung.

The thermometer stood at 110 degrees in the shade, and the mercury was rising. Outside, the world lay prostrate in the tropical sun, and inside there was not a man whose shirt was dry—it was the African midsummer day.

One man alone was shivering, and his white cheeks were fanned with the wings of death. The sun swept on its westward way, and then a soft breeze sprang up. The murder trial had lasted far into the afternoon.

Presently there was a stir as the jury filed slowly into their places.

Jameson put the usual question in a brisk voice. He was longing to get out again into the fresh air.

"Guilty, or not guilty?"

"Not guilty."

There was a howl, half of relief, half of anger, and then the crowd rushed out to wet their parched throats at the nearest beerhouse. The prisoner's head swam for a minute, then he looked over toward Jameson. Once they had been on good terms. But the judge made no attempt to congratulate the man whose life he had weighed in the balance. He still stood leaning against the wall picking at the blister on his hand. When the room was empty, he said a few words to the jury, and then for the first time that day his eyes met those of Steve Rougen.

Rougen started, and then shivered more violently than he had before. Something he saw written in the judge's eyes seemed to stab him to the heart.

He pulled himself together and staggered toward the door, turning back to cast a look of hatred at the Englishman. He hated the man whose shrewd ques-

tions had saved his neck from the hangman's rope.

There was no sleep for Rougen that night, the face of the judge haunted him. He dared not enter the drinking saloons or they might have torn him limb from limb. He wandered about among the miners' tents, dodging the patches of ground on which the flickering light of the campfires fell. Presently he found himself standing outside the wooden house which Jameson had built for himself.

There was a light in the small front room, and he crept as close as he dared and looked in.

Jameson was sitting there stumming with much precision on his quaint little cottage piano. Sometimes he would get up as if disgusted with his playing, and pace the room to and fro, dragging himself backward and forward as if in misery or doubt.

Then he would seat himself again and break into some lively air which reached the ears of the men at the drinking bar, and away across the valley they took up the song. But before it was finished, he would suddenly stop and continue his wavering march from the piano to the window. He tramped up and down, up and down, as if in agony, and Rougen shrunk back into the darkness of the night and wondered.

All of a sudden he saw the ashen face pressed against the window pane. Those eyes which stared unseeingly at him made his blood boil beyond control, and with a bound he sprang at the door and opened it.

Jameson was at the piano, and his revolver lay on the table, but he did not seem in the least perturbed.

"Come in," he said, genially enough, and he took no notice of Rougen's exultant laugh as he seized the revolver.

"What can I do for you?"

Rougen stood glaring at him for a minute quite uncertain how to act.

"You know well enough what brings me here," he answered surlily.

Jameson pointed with his right hand to an old deck chair, and with his left picked up a sheet of fallen music. He gave one shoulder a little hitch.

"I can guess," he said. "You have come to put a bullet through my head. Am I right?"

"You are," said Rougen, with a short laugh. He was somewhat disarmed by the young engineer's perfect calmness. He longed to shoot him, but he wished to see the little fellow frightened first.

Meanwhile Jameson had pulled out a packing case from under the table and filled two glasses with port.

"You won't refuse to drink my health before doing anything desperate," he said, keeping his eyes fixed on Rougen.

The wine looked tempting. Not a drop of port had touched Steve Rougen's lips for these ten years and more. He uncocked his own revolver and put it in his pocket, holding the other in his left hand. Then he took the glass which Jameson pushed across the table and twisted it nervously in his fingers. He noticed no trace of that strange agitation now of which he had been a silent witness through the window of the shanty, and he wondered the more.

"I suppose," he said at last, as he put the glass on the table with such force that the stem was shattered to atoms, "I suppose you think I have nothing to kill you for. Perhaps you think I am mad?"

The little engineer shrugged his shoulders.

"No, no, my friend," he answered, laughing and striking up another popular tune, which this time he brought to a happy conclusion. "No, no, you are sane enough now. But when you kill me, you kill the goose with the golden egg."

Rougen did not in the least understand this allusion.

"I don't know what you mean," he said, shortly, all the while nervously fingering the revolver.

"This is what I mean," answered Jameson, striking up the "Dead March in Saul," and looking over his shoulder. "You think I know too much for your good, and that therefore I had better be off to the better land. Is that so?"

"Yes."

"Well, suppose I know even more than you think?"

"What do you mean?"

"You are dense to-night. Suppose I could put you in possession of a certain ruby for which you risked your life, and within half an hour. What then?"

Rougen sprang from his chair.

"What?" he cried, trembling with excitement.

"Have you got the ruby? You!"

"Hardly, my friend," said Jameson. "I may be a confounded fool, but I'm not a thief."

And thereupon he scanned his visitor's face with knitted eyebrows as if he were working out some mathematical calculation and wrestling with degrees and angles.

"My God!" cried Rougen, "if you don't explain yourself, I'll shoot!"

Jameson laughed.

"If you look in that corner you will find a spade and pickaxe; put them on your shoulder and follow me."

"And if you call some one to your rescue?"

"Then shoot me."

Rougen looked closely at the other's face. Then half doubting his senses, he allowed the little engineer to put on his hat, and followed him out into the star-