

GUILTY OR NOT GUILTY.

By T. W. POOLE, M. D., LINDSAY, ONT.

CHAPTER XII.

As the time for the analyses drew near, the guilt or innocence of the accused became once more a theme for animated discussion. That he had held his ground, and seemed likely to do so, to the end. When situated as he was, without encouragement he might have had to parts unknown, was considerably in his favor.

In fact he had borne his misfortune throughout, with what might be called an unflinching firmness that public opinion, over cautious, began to show symptoms of a turn in his favor.

Men and women began to inquire of each other, if it might not be true, that young Jenks was the real culprit, and that he had first set fire to the building and then perjured himself to spite the employer who had dismissed him.

"What is John Jenks about?" began to be asked, and the reply was not very satisfactory. He was making his home an unhappy one, spending half his days in bed, and more than half the night in questionable company.

The position and character of his sister, Matilda, had already been made known to the reader. She was a shrewd girl, gifted with a keen insight into character, and knew more of her brother John's inner life than he suspected or would have wished.

His eyes felt before her keen glance, when accounting to her for his dismissal from McCoy's. He dared not his eyes to her's at all in telling his story of the origin of the fire.

She had noted his restlessness and incoherence ever since that event. She had often heard him talking in his sleep; and more than once he had awakened suddenly to find her bending over him like an accusing angel, as his fever painted her.

Her poor mother was growing gradually more feeble in body and mind. One day, as the time for the trial approached, the old lady referred to the subject in the presence of both her children. The idea had clung to her that Mr. McCoy was being punished for his harsh treatment of her boy, and so expressed it in words; where upon her son rose, on some pretense and passed out of the house.

Tilly followed him, with an expression on her face, which he had not seen before.

Laying her hand heavily on his shoulder, she turned him half round, and at the same time said vehemently: "John Jenks! you are a perjured villain!"

The very suddenness of this accusation startled him, but turning fully round, and facing her with a scorn, he asked:

"What do you mean?"

"Just what I say," was her response. "You think I don't know you," she continued, as her eyes shot a gleam which seemed to penetrate his soul.

"What do you know about it?" he asked, half humbly.

"I know all about it. Do you think you could keep such a dastard secret as that from me, if I chose to find it out. Why your very coward face betrays you!"

"Oh! but she's a handsome gal!" said John, in a drawing tone, involuntarily admiring the animated face before him, which seemed to swell and glow with a wrathful scorn.

"Listen!" she said, "I will put up with this no longer. Either Mr. McCoy will not be tried, because you will not dare to appear, or he will be honorably discharged, and John Jenks, the real culprit, will be put in the prisoner's dock in his place."

"Who will do that?" he asked, blanching a little in spite of himself.

"I will," she said, determinedly.

"Yes," she cried looking him full in the face, "I will walk to the court house, if need be, and before God and the officers of the law, I will free Mr. McCoy and denounce you. You have perjured yourself once, but I am determined you shall not have that sin on your soul a second time, if I can help it."

"What can I do?" he asked, almost pleadingly.

"You can tell the truth."

"And be sent to the prison or the penitentiary."

"Better go yourself as a punishment for your sin, than add to it by sending an innocent man there."

"I cannot get out of it now."

"You can clear out, and be seen here no more."

"To beg, or starve," he said, "for I have no money."

"Better beg and starve and die," she said with vehemence, rather than live a coward and a villain!"

He slunk away from her presence, and sought in his accustomed haunts to shun the twin demons of fear and remorse which everywhere pursued him.

Having no money of his own to spend he had of late been his custom to loiter around the bar rooms, when he waited and watched for the entrance of these good hearted fellows, who with a generous sympathy altogether misplaced, unwittingly do the devil's work, by inviting "all hands" to the bar to drink.

Unhappily he had not long to wait. To-night, as the crisis of his fate seemed approaching, he drank deeper and more often than ever before, with the result, that at a late hour, he was turned out on the street to find his way home as best he might. His brain reeled, and his limbs refused to do their office. The utmost he found himself able to do was to stagger across the street to an open shed attached to the hotel, and here he laid himself down and speedily passed into the paralysis of intoxication.

Still later in the night, the sound of wheels, and the "whoa, whoa" of the driver may have smote upon his ears, but failed to rouse him to consciousness. Another moment and he was beneath the iron hoofs of a dashing team, and might have been instantly crushed to death, had not the noble animals instinctively recoiled from the object at their feet.

The belated traveller with difficulty

aroused the sleepy hostler, and as that functionary, lantern in hand, at length approached the spot, he was horrified to find the unhappy youth writhing in pain as from internal injury, while a huge gash in his scalp poured forth a ruddy stream, which congealed in clots here and there on his face and person, rendering him a ghastly spectacle.

"Why Jenks, how came you here, are you badly hurt?" asked the hostler.

The unfortunate man seemed yet hardly to have gathered his wits sufficiently to respond; and when he did so, a little later, it was with mandolin oaths and half-formed threats against the disturber of his peace.

"That was no fit place for you to be lying," said the traveller testily.

With the aid of the hostler, he now struggled to his feet; but was wholly unable to stand.

"Stay with him," said the hostler, "and I will fetch the doctor."

After what seemed to the injured man and his companion a long delay, though in reality not long, Dr. Bolus presented himself, not in the best of humor at being disturbed in his pleasant slumbers, on behalf of so unpromising a patient.

"We must get him home," he said, after his first brief inquiries and examination.

Tenderly they lifted him into the stranger's carriage; the dumb brutes showing their dislike of the ill-fated burden by pawing and snorting. Then slowly they proceeded down the silent street, the hostler going before with his lantern.

It had been the custom of late for this miserable young man to come into his home at all hours of the night, and to stay up in anticipation of his coming; but to-night, feeling tired and somewhat indisposed, he had retired early to bed; and was at length awakened by a loud knocking at the door.

While hastily attiring herself, the door was pushed open, and when in a brief time, she presented herself, lamp in hand, she confronted Dr. Bolus in the entry.

"Don't be frightened," he said, "John is hurt, that is all."

The man entered, bearing their now more onerous burden. At sight of the pale face and clotted hair, she would have shrieked, but remembering that her poor mother was in the next room, she made a powerful effort to control herself, and succeeded to the doctor's satisfaction.

They laid him down on a rude sofa, and the doctor proceeded to examine his patient, whose sensibility and coherence were now rapidly returning.

As a result, the doctor looked grave, shook his head, and proceeded to dress the wounds; the stranger and the hostler lending such assistance as they could.

At length he was put to bed, and made as easy as the circumstances permitted. Then Tilly laid her hand upon the doctor's arm and drew him aside.

"Tell me, doctor, is there danger?"

"There is danger," was the reply. "The flesh wounds are not important, but he is probably hurt inwardly."

"You think he may die?" she asked.

"There are some very grave symptoms," said Dr. Bolus. At this stage, you understand, it is impossible to pronounce positively; but I would advise you to prepare for the worst."

"Oh doctor, you must help me," she said, her eyes filling up with tears.

"There is so much at stake—so much depending on what may be done."

"You men about his making a will," suggested the doctor.

"Oh no, not that," she said, hiding her face in her hands.

"Oh doctor, how can I tell you!"

"Sit down here," said the doctor, kindly. "You are tired and weak."

"I must do it," she said to herself, in a low tone. He may die; but it must be done now, whether he lives or dies."

Doctor, my brother has been doing very wrong of late—very wrong—and for his own sake and the sake of others, who may suffer innocently, he ought to acknowledge what he has done."

Here she paused and there was a momentary silence.

"Has it anything to do with the fire at McCoy's?" he asked, at length.

"Yes, yes," she answered quickly. "That is it. He was angry at Mr. McCoy, and set fire to his store for revenge. Oh, dear, that I should have the shame of telling it," and her tears burst out afresh.

"You know what ought to be done, doctor," she said, seeing that he was silent.

"Do you think he will make a statement?" asked the doctor, not relishing the new role which seemed to be awaiting him.

"Oh, he must, he must," she cried, "for his soul's sake and for Mr. McCoy's sake, whom he has so deeply injured. Speak to him doctor."

Dr. Bolus stepped softly to the bedside, and motioning the others away, he bent over the wounded man, who was now comparatively comfortable, and was about to speak, when Jenks himself broke the silence. Looking up in the doctor's face, he asked quietly:

"Has she told you?"

"Tilly, there, she has called me a

perjured villain, and she is right, doctor. I set fire to McCoy's store, and I swore that he had done it himself. May God forgive me," he said faintly.

Tilly had stolen in behind the doctor, and was now sobbing audibly.

"Don't cry, Tilly, I've been a bad brother to you, don't cry."

"I think we ought to send for Mr. Henry," said the doctor, who found the present situation beyond the line of his usual professional duties.

On retiring to the Common room for consultation, they were met by the stranger, who coming forward, said:

"My name is Jermyn. I live in Blank township in the adjoining county. In travelling through this district in the night, I misadvised my way. I am very sorry for the misadventure that has happened, but I drove right into the shed, not expecting to find

any one there at such an hour."

Of course they excused him from all blame.

"My team is at the door," continued Mr. Jermyn, looking at Tilly. If there is anything I can do, or anybody I can fetch, just command me freely."

"Thank you," said Tilly, "you are very kind."

It was agreed that Mr. Jermyn and the hostler should go for the magistrate, while the doctor offered to remain some time longer in the sick room.

"Wants to make his will, I suppose," said Mr. Jermyn; "very right, poor fellow; though I hope he will live long enough for all that."

"He seems a very nice, kind man," said Tilly, half to herself, and half to herself, the doctor, as the sound of wheels died away in the distance.

"What a splendid girl that fellow has for a sister!" thought Mr. Jermyn, as she drove away with the hostler; but he kept his thought to himself.

CHAPTER XIII.

Both the doctor and the magistrate slept till a late hour the next morning, and as a consequence, it was not till the forenoon that they were informed of the important doings of the night before.

Neil McCoy, who was the person chiefly interested in the events which had just transpired, had left the village at an early hour, wholly unaware of Jenks's misadventure, or of its results, and was supposed to have gone in the direction of Mr. Maloney's.

He accounted for his numerous visits there, to his own satisfaction, at least, on the ground that he liked to let his generous bailiwick see that he was standing his ground, and gave no indications of running away to evade the law.

It was noon, however, before he presented himself to the Maloney house; and as he was proceeding across the fields with his host, to inspect some tile draining, when their attention was attracted by a boy riding up the lane towards the house, and bookoning and waving his hat in a most excited manner:

"Great news! Mr. McCoy," he said, as soon as they came enough into the light to be spoken to. "Great news! Dr. Bolus has been looking for you every where, and sent me here—"

"Thinks I have skipped, I suppose," said Neil, interrupting him.

The boy grinned from ear to ear.

"What is it?" asked Maloney impatiently.

"Jenks has met with an accident—been nearly killed—dying now they say—and has confessed that he set the fire to McCoy's."

Here the boy paused a moment, as if to note the effect his words produced, and eyed the two men keenly.

Maloney jumped from the ground; threw up his hat in the air; shouted "hurrah!" clapped his hands; and made as though he would have turned somewhat, as in his young days, he found his back too stiff and unyielding; and accordingly substituted for it the most exacting movements of an Irish jig at which he was an adept, till finally he was compelled to desist from sheer want of breath.

Neil had been nibbling a straw, when the announcement was made, and he continued the process afterwards, greatly to the surprise and bewilderment of the two men, who thought, of the two men, Neil had the most reason to be overjoyed.

"I was sure that Jenks had done it," he said to his friends, as they walked towards the house; "and I am hardly surprised that it has come out."

"Glad to be so," cried Mrs. Maloney, devoutly, as she heard the news. The other members of their family, it less exuberant and less exuberant joy, were not less pleased and delighted.

Soon a pair of dashing greys were harnessed to the Sunday carriage, and the two men were speeding along towards the village at a rapid pace.

Before starting, Neil had found occasion to say a word or two to Mary, in private.

"You remember those silly words I said, about your prayers, that day in the morning?" he asked. "I would have recalled them the next moment, if I could, but I take them all back now; will you forgive me?"

"There is nothing to forgive, Mr. McCoy."

It was very ungrateful on my part," he said.

You were sorely tried that day," said Mary, smiling a little, as she remembered the boldness she had herself displayed on the occasion. "I would not have gone to you as I did," she added, "only you were in trouble."

"I can never forget your kindness, and that of Mr. Maloney, and you all," he said to Mrs. Maloney, as he took his leave. It is almost worth while being in trouble to have found such friends."

The news proved to be true, and Neil started for town soon after, to acquaint his lawyer with the strange turn his affair had taken.

Meanwhile attention was turned to the sick room, which in a few hours more proved to be the chamber of death.

The clergyman had called at intervals during the day, and thought at times the patient showed signs of consciousness. Once or twice his parched lip moved as if in prayer, and he seemed not wholly oblivious to the prayers which were offered up at his bedside. But gradually he fell into a deepening stupor from which he never rallied; and before morning his soul had passed away from its earthly tenement.

It was found impossible to keep the knowledge of her son's death from his stricken mother, who faded visibly from that hour; so that within the week the mother's remains were interred beside her son's in the quiet burying ground, just beyond the village.

It is needless to relate at length the subsequent legal steps by which Mr. McCoy's innocence was amply vindicated. The ante mortem statement of Jenks himself, attended by the Justice of the Peace, and his verbal acknowl-

edgment of the crime to Dr. Bolus, at a time when his mind was clear, and his thoughts coherent, left nothing further to be desired in order to satisfy the Grand Jury, who summarily dismissed the charge, without it having been presented to the judge at all.

Mr. McCoy passed out of court with the feeling of elasticity and buoyancy of former years. It was as though with in the past few days a great burden had been lifted from his shoulders, and he felt once more a free man.

Once again, a portion at least of the world smiled upon him. The Insurance Company came forward and paid the full amount for which his property was insured. The wholesale dealer with whom he had done business pressed him to buy what goods he wanted. A more kindly and generous spirit was shown towards him by many of his neighbors in the village and adjacent country; though there were not wanting some who felt in a sense aggrieved, as though they had been spoiled of a victim.

TO BE CONTINUED.

A FEARFUL ORDEAL.

THE TERRIFYING ADVENTURE THAT BEFELL MY AUNT.

By THOMAS D. MCCOY.

My Aunt Bess married very early. She was just entering boarding school when she met my uncle, ten years her senior. As he was wealthy and a man of the highest integrity, his attentions to my aunt were not discouraged by her parents, and their marriage followed three months after their first meeting.

My aunt was a frail, delicate, little creature, with a baby's face, and a winsome, petulant manner that were very engaging. Being an only daughter and the child of their old age, her doting parents had kept her very close, and she was ill qualified to make her way in a world of which she had seen so little.

The man who had won her young affections was a stern, practical fellow, who, from extensive travel and acquaintance with large business houses, knew the world, and had seen much of life. He was, by nature and experience, one would imagine, well qualified to be the support and stay of so clinging a creature as my aunt.

The truth is they were very happy; not that they avoided all the shoals that lie in the way of domestic bliss, but that they were so well matched, and so well suited to each other, that they were able to surmount all the difficulties that beset their path.

With designing butchers, who sold groceries and fresh provisions, my aunt, by nature and education was naturally formed to deal; and it is useless to deny or to expect but that so practical a man as my uncle had little patience with such inefficiency. But nevertheless she was a very tender husband, and she was the most loving wife imaginable.

After their honeymoon they went to live in a simple but comfortable cottage in N. street. The location might be said to be a disadvantage, but my aunt, like the dutiful wife she was, was pleased to be pleased with it too. She did, indeed, venture to suggest that it might prove to be the least bit lonely, some in the long winter evenings, when she was away and the great park across the way was deserted; but she immediately overruled her own objection when her husband pointed out the beauty of the spot, the wide lawn, the great forest trees, where robins and jays seemed as much at home and as secure as in a primeval wilderness. And then the vines climbing all over the house and the flower beds and the quaint, little bay windows made it a very attractive place indeed.

My uncle, by the necessities of a large and growing business, with which he allowed no other considerations to interfere, was obliged to be absent frequently from home; but it was rarely for more than an interval of a week, and the welcome of his home coming seemed to my aunt when at last that blissful hour arrived, ample compensation for so many dreary hours of waiting.

She never told him, and he could never, from her happiness on his return, catch a hint of how often she had cried while he was away.

One evening late in September my aunt sat alone in the little front parlor, looking out across a dreary and lifeless stretch of the leafless park. She had just left off crying. Her one servant, imbued with the fever of the strike that had been declared a few days before, had gone off in a rebellious huff an hour before, and this vexation, with the gloominess of the weather and the prolonged absence of her husband, whom a telegram, received that morning, had led her to expect on the 4.30 p. m. train, made her very desolate and miserable. She was the picture of grief, and she leaned her chin on her hand and gazed wistfully through the window.

But N. street was deserted and echoed to their footsteps alone. All the houses were steeped in Stygian gloom, and not a ray of light gleamed from anywhere. Something prompted her to go on. With a nervous hand she walked forward, hoping by some chance or other to meet with a belated pedestrian. When they reached the narrow lane at the end of N. street to the right hand she saw a gleam of light and an open door. Some one was within. As they drew nearer my aunt saw it was a grogshop. She could even hear low voices and the noise of clinking glasses. A few steps more and she would be there; but she was fast becoming weaker; she was reeling like a intoxicated person. She buried her face in her hands and she must reach that door.

A thousand lights flashed before her vision; the awful canine uproar rang again in her ears. Raising her voice, she called her husband's name and then fell—a long way—stunned and confused, as from off a great height, prone across the threshold of the saloon door.

When she came to consciousness again a woman was bending over her applying restoratives vigorously. She lay on a bench, and from her position she could see Dr. Thorne bound hand and foot,

and after a few paring yelps the oppressive silence of N. street succeeded. My aunt now made bold to light the gas, and drew her seat closer to the fire. She attempted to read, but with little success. A concern, an uneasiness for her own safety now seized her and superseded the anxiety she had suffered on account of the man who was dearer to her than her own self.

A flurry of the gas, a sudden draught of cold air on her shoulder interrupted the thought; she looked up. At the same instant the terrible confusion of sounds she had heard before rang in her ears and nearly caused her to swoon; for this time the din was at her door, and, directing her glance that way, there in the dim light she saw in the open door the figure of a man of most forbidding appearance. He was of giant stature and his great black beard covered with froth and his dark gleaming eyes, made a slight to chill blood of anyone. But, appalling as it was, it did not strike so much horror into her heart as did the change his features assumed after my aunt had gazed toward him for a minute. He seemed in an infinitesimal point of time to have scanned the room with eager, furtive glances, as if he had divined the situation, and knew that she was alone and unprotected. Then it was that he gave vent to a choking, noiseless laugh, and seemed convulsed with a half smothered mirth, a sneering exclamation.

It may be wondered how it was that a timid, fearful girl, afraid of her own shadow, or a dark room, ever withstood such a visitation; my aunt herself could never understand it, or hardly realize how she passed through the ordeal, but that we will leave to psychology or to the science within whose province the solution of such phenomena naturally comes. Certain it is that my aunt lived through it, though indeed she did not escape unscathed. Her dark, glossy ringlets, of which she was justly vain, became by the metamorphosis of that awful half an hour, as white as snow.

That the being now within her room was a madman she did not doubt. He intended violence; that in his iron grasp she would be as helpless as a child, and the knowledge that no help was at hand, all these and a thousand other terrible considerations rushed through her mind. But contrary to all precedent, she did not scream; she could not utter a sound. The knowledge of her danger and her helplessness oppressed her like an awful dream, a nightmare that wakes the dreamer by its dreadful intensity. Neither could she move a hand or foot. She was literally paralyzed with fear.

For some moments the madman's mirth continued. Then he drew nearer to my aunt's chair, his face relaxed in a serious expression, and with a polite bow he announced:

"Good evening; I am Dr. Thorne. I have come to perform the operation. It must be done to-night."

He opened his great coat as he said this and drew from thence a bundle of instruments shiny and new, wrapped in a brown paper. My aunt caught a glimpse of a keen bladed knife and a fine pair of scissors.

The horrible significance of these remarks was not lost on my aunt. She was to be butchered by this maniac, perhaps to experience the slow tortures of vivisection. She tried to murmur a prayer, for she believed her end was at hand and nothing could avert it.

"But where is the table?" inquired the lunatic, looking round the room.

"We must have a table," he added, impatiently.

My aunt always remarked when telling this story that it was God and his angel that suggested her reply and strengthened her in the heroic resolution she had taken, the instant it flashed across her mind. And, indeed, all who knew her were inclined to believe that she was miraculously sustained.

She determined to humor the madman rather than simulating compliance with his intentions, she answered with apparent composure:

"Why, you know, doctor, the table was not quite to our liking and was taken back this morning. But I know where one can be had. If you'll be seated I'll go and fetch it."

She arose and stepped hastily to the door, but the madman, as if suspecting her design, was after her. She turned; he laid a heavy hand on her arm. "I'll go along," he said in a perfectly rational manner.

Out into the rainy night and along the dark pathway my aunt went hastily with the madman at her side, clasping in his powerful hand the drawn knife. How she peered into the darkness for the friendly sight of the night watchman, how eagerly she listened for the footfall of a policeman, or some sane human being!

But N. street was deserted and echoed to their footsteps alone. All the houses were steeped in Stygian gloom, and not a ray of light gleamed from anywhere. Something prompted her to go on. With a nervous hand she walked forward, hoping by some chance or other to meet with a belated pedestrian. When they reached the narrow lane at the end of N. street to the right hand she saw a gleam of light and an open door. Some one was within. As they drew nearer my aunt saw it was a grogshop. She could even hear low voices and the noise of clinking glasses. A few steps more and she would be there; but she was fast becoming weaker; she was reeling like a intoxicated person. She buried her face in her hands and she must reach that door.

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