## gainst Him

HARBEN.

1930, by
ayer Company

bear;
handle. I moved, without much trou-
ble, that he pulled down on me fust.
A feller come to my counse l an' said he
would swear Le Roy had said he was
goin' to kill me on sight. His testi-
mony cleared me, but the same skunk
come to me after it was all over an'
wanted ten dollars. I can't forget the
hell in his eye. I knew he had perjured
himself, but I was afraid to refuse him
the money. Then thar was the young
widow. It left her as pore as Job's
turkey. She let me supply her an' the
boy, that had his daddy's eyes, with the
necessaries of life, an' then she began
to make eyes at me. Somehow I took
a fool notion that I ought to marry 'er,
an' the thought weighed on me till I
nearly got off my . Jest about then
to see whar the
er bangs an' said
r, Reddin', let that
nend matters a bit;
s if you killed 'im
e married another
Redding broke off
breath, "I know all
why I didn't sleep
The worst feature
evidence Thad Wil-
o give. As far as I
uld be valid. Do you
ad man told him you
t?"
as out of his mind,"
; "I think Thad Wil-
to frighten me."
ays you actually heard
g together just before

ed. "That is a fact, I
nough, however, to over-
s said."
used a moment and then
suddenly.
him at once, my boy, be-
ecution gets 'im to commit
'r side. I shall try to show
sequences of perjury in a
t, and frighten him off o'
lle's a good natured sort of
a strike him right. I never
et" (Redding seemed bent
g up his friend) "Thad was
bout five years ago as a
er, an' Jim Lowe, who was in
oy o' the government, an' no
Thad, started with 'im to At-
trial. They made a sort of
it an' got drunk together, an'
d their trip till that night.
s waitin' in the office of the
keteh a train, an' Jim had gone
supper, leavin' Thad smokin' at
e. Then amongst us we got up
on Jim an' went to his prisoner
d 'im if he wanted to, he could
ay as easy as shellin' peas. But
shook his head an' helt out his
to the fire. 'Me'n Lowe is sorter
," he said, 'an' if you will have
ruth, I never have had much of a
on the cyars in my life, an' I sorter
d I'd like the trip.' Then we pro-
d a compromise. We told him he
d ride within a few miles of Atlanta
jump off while Jim was not lookin',
in that way he could get his ride
liberty also. You ought to have
rd 'im laugh. 'Don't you give me
ay, an' I'll play it fine,' he said. And
did work it. He turned up here two
ys later, making for the mountains
e was the worst bunged-up chap you
er laid eyes on. Not being familiar
ith the running of trains, he had
rked himself at a bank, eight miles
ut of Atlanta, when the trai was
gin. He several fightin'. But Lowe
ever did try to arrest him again."
Redding's smile vanished as he turned
to the door. "I'll try to win 'im round
to us this mornin' if I can get at 'im,"
he concluded. "He'll be apt to be at
the funeral. Now, don't you worry!
I'll do all I can, an' we'll try to have you
out on bail to-morrow."

### CHAPTER XV.

Monday morning about eleven o'clock Ratcliff bustled into the jail, making jovial remarks to the keeper's wife about her bad cooking killing the prisoners, and went up to Ronald.

"I couldn't git beer a minute earlier," he told our hero, as he came in. "All day yesterday I was on track of a feller that broke jail at Shubunk. He give me the slip at the river, an' I had to give up. I couldn't afford to miss yore trial, besides it would a-killed my animal, an' she's wuth more than the ten dollars' reward."

Ronald asked him if the hour for the trial had been set.

"You bet it has," grinned Ratcliff, as he took a fresh chew of tobacco and thrust the remainder of the plug back into his coat pocket. "They tried their level, best to stave it off, but I told 'em I wouldn't keep you in suspense any longer. It's a-goin' to be well attended. I see a lots o' big Ikes from out yore way already here. Col. Hasbrooke's in town, an' Capt. Winkle has deviled me mighty nigh to death with questions. By hookey, he talked like you was guilty of cold-blooded murder; he said he had heard Thad Williams' version of the affair."

Ronald fixed the sheriff with a keen glance.

"Don't you think that the trial will go against me?" he questioned.

Ratcliff seemed slightly taken aback by the pointed query. He hesitated for a moment, and then he answered evasively:

"Thad Williams' testimony is the biggest thing we have to contend with. Dr. Abe Sloan is summoned. After the corpse reached home the family called 'im in to make an examination; he probed for the ball, an' will show it in court."

The prisoner shuddered visibly.

"Dr. Col. Hasbrooke have anything to say about the case?" he asked.

"Not to me, he didn't, but when Capt. Winkle was talkin' so shore about yore conviction, he spoke up an' 'lowed that it was a shame to talk of a man's guilt before his trial. He said it sharp-like, as if he didn't have much use for Winkle, an I noticed that the captain shut up like a clam. I was surprised, for I kinder thought the captain was goin' to get one o' the old man's daughters."

Ronald had another question ready.

"What are my chances on getting bailed out?"

"To be perfectly candid with you," answered Ratcliff, "I am afraid you are goin' to have a big disappointment. You see, accordin' to the readin' o' the law, a justice o' the ... can't set bail, in any case wh... reasonable ...icion ...

prepared for the worst. I don't want to give the prosecution a chance to exult over yore looks. When I told my wife how the case stood this mornin', she actually cried. A body never can tell how Squire Richardson is gwine to act; he's a little wishy-washy; he tries to imagine he belongs to the aristocracy. Jest a minute ago I seed 'im in Smith's bar a-drinkin' with Capt. Winkle. I can't imagine why that little dude is so much concerned in this trial. I'd bet a hoss to an empty hen's nest that he was talkin' about this case."

"He's not a friend of mine," explained Ronald, despondently.

"Do you mean that he is a shore 'nough enemy?" questioned Ratcliff, with some concern.

"I think he would like to see me suffer as heavily as possible in this matter, Mr. Ratcliff."

"That accounts for it, then," the sheriff muttered an oath to himself. "I wish that Richardson was a broader man; he thinks men of Winkle's stamp are just the thing. However, we mustn't cross a bridge before we come to it; the truth is, you've got the best criminal lawyer in seven states; he hain't got much schoolin', but he can speak like ripe. He's been scourin' the country to catch up with Thad Williams; he wants to corner 'im 'fore the state solicitor does. You know Solicitor Webb would rather win a case'n to eat cake. If he gets hold of Williams fust, he'll drill 'im so as nobody alive could catch him in cross-questionin'. By the way, Mr. Reddin' told me to say to you that he'd be too busy to see you 'fore the trial. I'll come up to fetch you down to the courtroom in plenty o' time."

A few minutes before two o'clock the sheriff came after our hero. He had little to say, and his very reticence confirmed Ronald's fear that no new thing in his favor had turned up since morning. The courtroom was crowded to the doors. The first face that fell under the notice of the dispirited prisoner was the sinister one of Capt. Winkle, who sat suspiciously near Squire Richardson's elbow; the next was the round, good-natured one of Col. Hasbrooke; but Ronald had never seen it look quite so pale and downcast. The thought ran through his mind that Winkle had reported the fact of his having been driven to Ratcliff's by Evelyn. Yes, he was sure of it now, for nothing but the discovery of his daughter's secret would have induced a man of Hasbrooke's stay-at-home habits to attend court. Ronald felt a thrill almost of horror pass over him as he thought that perhaps the colonel had come with the sole hope that the trial would permanently remove him from the path of his daughter. The next moment he felt his arm nervously clutched by Redding.

"Come inside the railin' an' set by me," the lawyer whispered, his breath on his client's cheek. "I'll want yore suggestions as the case proceeds. Damn it!" he added, as if to himself. "I'll want anything I can lay hold of; them fellers have got the best showin' they ever had ag'in an innocent man." As he spoke he waved his hand towards Mr. Webb, the state solicitor, a handsome man of 40, with a bushy mustache and massive hair, who sat only a few feet away with his head close to that of Thad Williams. They seemed to be talking of the case, for the solicitor was making notes with a pencil and nodding and smiling with evident satisfaction.



RONALD FELT A THRILL OF HORROR PASS OVER HIM.

"It's but fair to you, my boy," Redding, continued, as a bailiff gave them seats on the left of the judge's table, "to tell you at the outset that they have the advantage so far. Don't understand me to say that you will be found guilty in the supreme court, but my hope for bail is gettin' awful dim. I mighty nigh run myself to death to ketch up with Williams, but he's kept 'im hid out. Then," the speaker glanced towards the judge, "I'm powerful afraid Richardson is—well, unsympathetic, to say the least. I know men (dad drat 'em!) you don't have to belt me over the head with a shillin' o' sand to open my eyes. The truth is, Richardson is as cold towards our side as a wet rock. He didn't want to talk to me jest now. I tried to hint that Thad's oath wasn't wuth much more'n the ravelin's of a rotten wool sock, but he said that was a serious charge to bring ag'in any citizen unless I was ready to prove it. It wouldn't surprise me if a dozen o' Syd Hart's gang ain't ready to swear they've made threats ag'in 'im. Men o' the'r stripe will swear off a arm or a leg fur a dram o' rotgut, or to revenge a dead rascal. If they refuse on bail, my boy, you must try to put up with it."

"I am prepared for anything," said Ronald, quite calmly. As he spoke he caught Col. Hasbrooke's eye and held it for a minute. He noticed that the old man's glance was stern and unforgiving. Further back in the row of faces Ronald saw Dave's, full to his great staring eyes with tender awed concern. Some feature of Hasbrooke's reminded him of Evelyn, and he fell to pitying her with his whole heart. He told himself she would hear the adverse news on her father's return home—the news that he was to be a common prisoner in the county jail until the spring. He fancied he saw her white face full of despair.

Redding was turning the leaves of a big tome on his knees and as he took no notice of his client the latter sank so deep into his ooze of despondency that he did not hear the preliminary proceedings of the court. He came to himself only when Dr. Sloan had begun speaking. The physician was saying that, owing to the critical condition of a patient, he hoped that it would be admissible for him to testify without delay. After a little discussion his request was granted, and the doctor took the stand and kissed the edge of a worn Testament. It was his opinion, he said, briefly, that Hart's death had resulted from a wound in the lungs made by the ball for which he had probed and which he held in his hand.

Here the solicitor rose.

"Is that the ball you found in the wound, doctor?" he asked.

"It is, sir," responded the witness.

"Dr. Strong," pursued the solicitor, "state to the court if it is a fact that you found the dead man with a revolver tightly clutched in the fingers of his right hand."

"That is quite true, sir," said Dr. Sloan. "Thad Williams said that he died holding it, and that he—"

"Your honor," broke in Redding, on his feet in an instant, "we object to what Thad Williams said."

The judge nodded as he admitted the justice of the objection. The solicitor stepped to the table of the magistrate and took up Syd Hart's revolver, which lay beside Ronald's, in view of the entire room.

"Is this the revolver to which you refer?" he questioned, casting a calm look of satisfaction round the circle of lawyers within the railing.

"It is, sir."

"There is one more question," said the solicitor, with a smile, "and then we are through with you, Dr. Sloan. You are satisfied in your mind that Syd Hart's death was brought about by the ball you found in his body, and that the ball came from that other pistol lying on the table—the pistol we shall prove was carried by the prisoner."

"Yes, I am quite satisfied"—here the witness paused. "I am able to swear that the ball I found in him was the cause of his death, but I cannot, of course, swear that the ball came from that other revolver."

"Well, that will do," said the solicitor, and he turned to Redding. "The witness is with you," he added, with an easy smile, full of confidence.

Redding got to his feet slowly.

"I don't know, your honor," he said, "that I can think of anything just now to ask the witness," and he stood nervously pinching his nose as he leaned against his chair and rocked back and forth, a defeated look spreading over his face. However, he soon pulled himself together.

"You say, doctor," he asked, "that you are not ready to swear that ball came from the revolver of the prisoner?"

Before answering, the witness, who still fingered the bullet, took up Hart's revolver and fitted the ball into the end of the barrel. Then Ronald, whose eyes were on his face, saw him start and turn pale, as he hastily put down Hart's revolver and picked up the other. He was nervously trying to place the bit of lead into its end when, with an exclamation of astonishment, Redding strode to his side and stood watching him with widening eyes. Ronald saw a broad smile spread over Redding's face, and then he came back to his place flushed with triumph. Ronald was nonplused. Redding seemed electrified as he bent down and put his lips to his ear.

"Thank God, my boy," he whispered. "I'm goin' to wipe up the ground with 'em. Damn 'em, I won't leave a whole rag on 'em!"

To the prisoner's surprise, he resumed his nonchalant attitude on the back of his chair, which he hitched about until he had secured his balance. The magistrate looked bored, as he smiled over at Winkle. The solicitor was engaged in conversation with Thad Williams and did not seem to note the bewildered attitude of the witness on the stand.

"You are sure that the bullet in your hand was the one that caused Sydney Hart's death?" questioned Redding.

"He's already sworn that," put in the squire, sharply; "we must not go over the same ground twice. It will take all day to get through."

"It's important enough for 'im to swear it twice, your honor," said Redding, calmly, and then, as he continued, his eyes began to flash and his voice rang out so clear and loud that the solicitor looked up in astonishment.

"Dr. Sloan, is it not your opinion that the ball in your hand could not possibly have come from the revolver belonging to my client?"

There was a profound stillness in the big room. It was broken by an impulsive guffaw from the solicitor, who shot an amused glance at Redding, as if he thought that lawyer had taken leave of his senses. And then the solicitor noted the white, rigid expression on the face of the witness and his smile died away.

"We are waiting on you, Dr. Sloan," said Redding, calmly.

"It is my opinion," answered the physician, "that this ball could not have been fired from Mr. Fanshaw's revolver. It is clear to me now that Sydney Hart accidentally shot himself with his own pistol. It carries a 38-caliber ball; the other only 32."

Not a sound broke the silence of the room for a brief space of time and then the people began to applaud.

"Order in court! I will have order!" thundered Squire Richardson, and the room became still again.

With a sheepish look the solicitor went to the table and picked up the two revolvers, and then a sickly smile of acknowledged defeat passed over his face as he threaded his way back to his seat.

"Now, your honor," said Redding, "I want to have the state's witness, Mr. Thad Williams, called to the stand. I understand he is prepared to swear that Syd Hart told 'im jest before he expired that my client not only shot 'im, but that he attacked 'im first. I want to help 'im consign himself to the penitentiary for perjury."

The solicitor, after all, took defeat gracefully. He shrugged his broad shoulders at this and broke into a laugh.

"You are welcome to Thad as a witness, Brother Redding," he said. "We don't want to hear from him any more."

Thad Williams looked like a moving corpse as he stood up.

"I hain't swore a thing yet, as I know of," he faltered, amid laughter all over the room. "I reckon I can talk as much as I want to when I hain't kissed the Book."

"What I want you to do," said Redding, his sharp eyes bent on the gaunt, coatless witness, "is to clear my client's reputation of all the lies you have told to-day."

"You'd better tell a straight story, Thad," smiled the solicitor. "If you will, I'll forgive you for the way you took me in."

"I'm willin' to tell all I know," consented Williams. "I don't want no trouble. I've got a wife and six children to support."

Williams was then put under oath, and confessed that Syd had said that he had shot himself while trying to hold his horse in check, the animal being thoroughly frightened by the firing. Thad showed the court how his friend had evidently tried to hold the reins and revolver in the same hand, and how it had been discharged by striking its hammer against the pummel of the saddle.

"I wouldn't a-tried to testify ag'in Fanshaw," he added, "if Syd hadn't axed me to revenge his death."

When the witness had sat down amid a storm of hisses from the rear of the room and in the crowded hallway adjoining, the solicitor rose.

"Your honor," he began, "the state has not a shadow of a case, and I want to ask you to dismiss it. When I think how near I came to using my efforts towards the conviction of one of the most prominent young men in this state—when I think how near I came to being the tool of the unprincipled scamp on my right, I feel, I say, like thanking God for my escape. I want to be the first to congratulate Mr. Fanshaw, to beg his pardon with all my heart and to wish him all success in the legal profession, to which, I understand, he is a brilliant candidate."

The house bellowed with applause as the solicitor crossed over and grasped Ronald's hand. A look of dissatisfaction clouded Capt. Winkle's face, and Col. Hasbrooke, with an inexplicable expression, was seen worming his way towards the door through the now standing crowd.

The sheriff, when the case had been formally thrown out of court, sprang upon a bench and pounded another with his walking stick.

"Boys," he bellowed, "I driv' Mr. Fanshaw into town in my turnout an' I want the honor o' takin' 'im back the same way."

Ronald, in the midst of a surging throng eager to grasp his hand, looked over their heads and nodded to Ratcliff. When the crowd was thinning somewhat he found Dave at his elbow. Dust had accumulated on the rough fellow's cheeks, and through it were the damp tracks of tears. The hand he gave his brother was cold and quivered.

"I don't want to do anything 'thout consultin' you, Ron," he began. "So I thought I would ax you about Thad Williams."

"What about him?" questioned Ronald, mystified.

Dave drew him out of earshot of the others.

"I don't think I can ever respect myself," he said, with a gulp, "if I don't call 'im to account for the way he's done you. Ron, I have got to fight 'im—thar hain't no two ways about it. I'm armed, an' so is he. If I don't turn up home to-night, tell 'em—"

His brother laid both of his hands on his shoulders.

"I'd rather you would not, Dave," he said. "This must end the whole thing. You must not put yourself into the jail from which I have escaped."

"Ron, I'd ruther die than let that triflin' skunk—"

But Ronald would not listen to him, and in a few minutes persuaded him to drop his desire for revenge.

### CHAPTER XVI.

It was about six o'clock that afternoon when the sheriff put Ronald down at home. Dave had ridden close behind the buggy all the way. Now and then, when passing some acquaintance on the road or in a distant field, he would wave his slouched hat and give a yell that would have done credit to the lungs of a savage. When they arrived at home he fastened the bridle reins to a post and sprang over the fence into the yard. Old Fanshaw sat nodding, half asleep, on the porch in a spot where the last rays of the slanting sunlight were falling; he was well wrapped up in a ragged greatcoat and wore a cap, the flaps of which covered his ears.

"Ron's come cleer!" Dave shouted to him, and seeing his sister at the small-paned window, he yelled the same words to her.

"I know better," grunted Fanshaw, who, being short-sighted, had not noted the arrival of the buggy. "Come cleer the devil!"

"Well ...
cliff."
iff.


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THEN HER HEAD FELL ON HIS SHOULDER

was bent on getting a confirmation of the story from some one outside of his family.

Ronald passed into the house and went up to his room. His heart, despite his recent triumph, was beginning to feel heavy again. No sooner was he assured of freedom than dire thoughts of Evelyn came flocking to his wearied brain. He was free, it was true, but she had, no doubt, brought her father's wrath down upon her head. He stood at a window watching the sunlight climb up the side of a rugged cliff a mile toward the east. He heard the shrill voice of Ann Josephine out near the corn house.

"Oh, ma!" she was calling, "Ron's come cleer—Ron's ... cleer!"

Our hero could see h... mother's round figure as she emerged from the corn house and waddled towards the hog-pen, her apron filled with apples.

"Ain't you jokin', Josie?" she asked, and her son wondered at her expressionless face.

"No, the sheriff has jest now fetched 'im home."

"Well, I feel easier," sighed the old woman. "I'm glad thar ain't goin' to be no hangin' amongst us. The Lord knows we've had mighty nigh enough thing else to happen to us. Ever since yore gran'pa was put in jail, I have looked for yore pa or one o' the boys, to—"

Ronald turned from the window; his heart was very heavy. He was thinking of Evelyn again, and the gulf between him and her. Ah, how he loved her! He crossed the room and stood at another window from which he could see the roof of Carnleigh.

"I am to blame," he sighed, "sadly to blame; what right had I to allow her first to pity, then to love me, when I have nothing to offer—nothing, absolutely nothing, and she everything to give?"

The colonel reached home later than Ronald. Night was beginning to fall, and the big lamp at the top of the carriage-drive threw its rays far down the tree-bordered avenue as he drove through the big wrought-iron gate. The lamps in the hall and drawing-room, under their vari-colored shades, cast a beautiful glow on the veranda. As he entered the hall he fancied he saw Evelyn flit out at the door at the end, which opened into the conservatory. He was assured of this when he had gone in to the library, where there was no other light than was made by the huge wood fire, which flamed and crackled on the brazen dog-irons, for she came from the conservatory by another door, bringing his smoking-jacket and slippers; he knew that she had had them ready, for she had not had time to go to his room for them. His heart sorely smote him as he kissed her white face and noted the dark hollows under her eyes—eyes which absorbed the red firelight like diamonds. At any rate he had good news for her, but the thought pierced him like a dagger to think of it so much. Deep lines had been gathered on his brow. She misunderstood it, and he saw her catch her breath as she held his coat for him. Neither of them spoke, though and her white tapering fingers trembled over their task of unlacing his shoes he felt an almost uncon... impulse to snatch her ... and sob out the awful re... him. When she had she smoothed out ...ockings and put ...er task with ... feet.

"Thank you, baby," he said, ... puffed.

For a moment she stood searching his face and then, as he did not speak, she said:

"I have waited as long as I can, papa. It seems to me that I shall die if I do not know the news. Is there any hope?"

He pushed out his knee and drew her down on it. He felt that her body was rigid with expectancy.

"Evelyn, you are my most helpless child. I must do my duty towards you in spite of what you feel to be right."

She slid her arm round his neck, but he knew that it did not clasp him with her usual tenderness.

"We can talk about that later," she said, "but I must know now what they did to him. Tell me, papa!"

He averted his eyes; a scowl was on his face.

"Don't torture me, papa; remember I am only a woman."

He raised his hand till it touched her head; he essayed to draw it down against his own, but she held herself firmly erect.

"Don't torture me," she repeated, almost threateningly.

"Well, I will not," he said. "Of course I know what you want. The case was thrown out of court. It was proved that Syd Hart accidentally shot himself with his own pistol. Fanshaw was in no way responsible. He is at home by this time, a free man."

He felt her gasp, and then her h... fell on his shoulder. "..."

suspense ...
lay like ...
fainted, but a moment later ...
the color ran into her face, and she stood up before him.

"Oh, papa! oh, papa!" was all she could say, but a world of unutterable joy lay in her tone. His cigar had gone out; he took a taper from a vase on the mantelpiece and lighted it at the fire, and as he applied it to his cigar he felt his anger returning to him. The outlook seemed so hopeless. She could never be happy without Fanshaw—she would be worse than miserable with him, after she learned the folly of her step. No, there must be some escape. He would think it over again. He had thought it over till it had become a sort of monomania with him. Perhaps some way of escape would present itself. He led her to the door and bowed silently as she turned from him to go up to her room. He went into his study and lighted a lamp on his desk. then he sat down and began to fumble some papers which one of his agents had left for his inspection, but his mind was clinging to Evelyn—Evelyn—Evelyn!

He opened a drawer in his desk and took out a miniature framed in gold. It held a face strongly resembling the daughter who had just quitted the room, and as he looked at it a flood of tender recollections rushed over him.

"If you had only lived, dear Evelyn," he murmured; "if you were here you'd know what to do. It may be that Fanshaw could love her as I loved you, and in that case, I may be wronging him; but oh, my angel wife, I do not know what is best!" He gazed at the face in the little frame for another minute and then he restored it to its place and closed the drawer.


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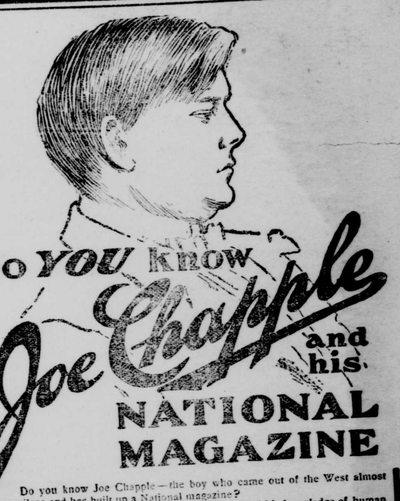


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It isn't because Chapple is brilliant that he has won this national reputation for himself and his magazine—it's his quaint originality, his home-like, wholesome good-nature that permeates all he writes. There's nothing published today like The National Magazine—because there is no one just like Joe Chapple.

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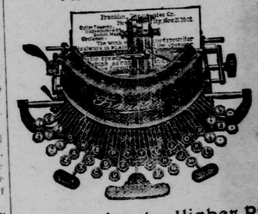
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