

THIS STORY BEGINS IN No. 29.

THE MYSTERY —OF— A HANSOM CAB

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CHAPTER XVII—Continued.

Royston, on being sworn, gave the same evidence as he had given at the inquest, from the time that the cab was hailed up to his arrival at the St. Kilda Police Station with the dead body of Whyte. In the cross-examination, Calton asked him if he was prepared to swear that the man who hailed the cab, and the man who got in with the deceased, were one and the same person.

Witness: I am.

Calton: You are quite certain?

Witness: Yes; quite certain.

Calton: Do you then recognize the prisoner as the man who hailed the cab?

Witness (hesitatingly): I cannot swear to that. The gentleman who hailed the cab had his hat pulled down over his eyes, so that I could not see his face; but the height and general appearance of the prisoner are the same.

Calton: Then it is only because the man who got into the cab was dressed like the prisoner on that night that you thought they were both the same?

Witness: It never struck me for a minute that they were not the same; besides, he spoke as if he had been there before. I said—"Oh, you've come back," and he said—"Yes, I am going to take him home," and got into my cab.

Calton: Did you notice any difference in his voice?

Witness: No; except that the first time I saw him he spoke in a loud voice, and the second time he came back, very low.

Calton: You were sober, I suppose?

Witness (indignantly): Yes; quite sober.

Calton: Ah! You did not have a drink, say at the Oriental Hotel, which, I believe, is near the rank where your cab stands?

Witness (hesitatingly): Well, there's no law against a cove feeling thirsty.

Calton: Certainly not; and I suppose you took advantage of the absence of such a law.

Witness (defiantly): Yes, I did.

Calton: And you were elevated.

Witness: Yes; on my cab—(laughter).

Calton (severely): You are here to give evidence, sir, not to make jokes, however clever they may be. Were you, or were you not, slightly the worse for drink?

Witness: I might have been.

Calton: So you were in such a condition that you did not observe very closely the man who hailed you?

Witness: No, I didn't—there was no reason why I should—I didn't know a murder was going to be committed.

Calton: And it never struck you it might be a different man?

Witness: No, I thought it was the same man the whole time.

This closed Royston's evidence, and Calton sat down very dissatisfied at not being able to elicit anything more definite from him. One thing appeared clear, that some one must have dressed himself to resemble Brian, and spoke in a low voice, because he was afraid of betraying himself.

Clement Rankin, the next witness, deposed to having picked up the prisoner on the St. Kilda Road, between one and two on Friday morning, and driven him to Powlett Street, East Melbourne. In the cross-examination, Calton elicited one point in the prisoner's favor.

Calton: Is the prisoner the same gentleman you drove to Powlett Street?

Witness (confidently): O, yes.

Calton: How do you know? Did you see his face?

Witness: No, his hat was pulled down over his eyes, and I could only see the ends of his mustache and his chin, but he carried himself the same as the prisoner, and his mustache is the same light color.

Calton: When you drove up to him on the St. Kilda Road, where was he, and what was he doing?

Witness: He was near the Grammar School, walking quickly in the direction of Melbourne, and was smoking a cigarette.

Calton: Had he gloves on?

Witness: Yes, one on the left hand, the other was bare.

Calton: Did he wear any rings on the right hand?

Witness: Yes, a large diamond one on the forefinger.

Calton: Are you sure?

Witness: Yes, because I thought it a curious place for a gentleman to wear a ring, and when he was paying me my fare, I saw the diamond glitter on his finger in the moonlight.

Calton: That will do.

The counsel for the defence was pleased with this bit of evidence, as Fitzgerald detested rings and never wore any; so he made a note of the matter on his brief.

Mrs. Hableton, the landlady of the deceased, was then called, and deposed that Oliver Whyte had lived with her for nearly two months. He seemed a quiet enough young man, but often came home drunk. The only friend she knew she had was a Mr. Moreland, who was often with him. On the 14th July, the prisoner called to see Mr. Whyte, and they had a quarrel. She heard Whyte say, "she is mine, and you can't do anything with her," and the prisoner answered, "I can kill you, and if you marry her I will do so in the open street." She had no idea at the time of the name of the lady they were talking about.

There was a great sensation in the court at these words, and half the people present looked upon such evidence as being sufficient in itself to prove the guilt of the prisoner.

In cross-examination, Calton was unable to shake the evidence of the witness, as she merely reiterated the same statements over and over again.

The next witness was Mrs. Sampson, who cracked into the witness box, dissolved in tears, and gave her answers in a piercingly shrill tone of anguish. She stated that the prisoner was in the habit of coming home early, but on the night of the murder, had come in shortly before two o'clock.

Crown Prosecutor (referring to

his brief): You mean after two.

Witness: 'Avin' made a mistake once, by saying five minutes after two to the policeman as called himself a insurance agent, which 'e put the words into my mouth, I ain't a goin' to do so again, it bein' five minutes afore two, as I can swear to.

Crown Prosecutor: You are sure your clock was right?

Witness: It 'adn't bin, but my nevy bein' a watchmaker, called unbeknown to me, and make it right on Thursday night which it was Friday mornin' when Mr. Fitzgerald came 'ome.

Mrs. Sampson bravely stuck to this statement, and ultimately left the witness box in triumph, the rest of her evidence being comparatively unimportant as compared with this point of time. The witness Rankin who drove the prisoner to Powlett Street (as sworn to by him) was recalled, and gave evidence that it was two o'clock when the prisoner got down from his cab in Powlett Street.

Crown Prosecutor: How do you know that?

Witness: Because I heard the post office clock strike.

Crown Prosecutor: Could you hear it at East Melbourne?

Witness: It was a very still night, and I heard the chimes and then the hour strike quite plainly.

This conflicting evidence as to time was a strong point in Brian's favor. If, as the landlady stated, on the authority of the kitchen clock, which had been put right on the day previous to the murder, Fitzgerald had come into the house at five minutes to two, he could not possibly be the man who had alighted from Rankin's cab at two o'clock at Powlett Street.

The next witness was Dr. Chinston, who swore to the death of the deceased by means of chloroform administered in a large quantity, and he was followed by Mr. Gorby, who deposed as to the finding of the glove belonging to the deceased in the pocket of the prisoner's coat.

Roger Moreland, an intimate friend of the deceased, was next called: He stated that he had known the deceased in London, and had met him in Melbourne. He was with him a great deal. On the night of the murder he was in the Oriental Hotel in Bourke street. Whyte came in, and was greatly excited. He was in evening dress, and wore a light coat. They had several drinks together, and then went up to a hotel in Russell Street, and had some more drinks there. Both witness and deceased were intoxicated. Whyte took off his light coat, saying he felt warm, and went out shortly afterwards, leaving witness asleep in the bar. He was awoke by the barman, who wanted him to leave the hotel. He saw that Whyte had left his coat behind him, and took it up with the intention of giving it to him. As he stood in the street some one snatched the coat from him and made off with it. He tried to follow the thief, but he could not do so, being too intoxicated. He then went home and to bed, as he had to leave early for the country in the morning. In cross-examination:—

Calton: When you went into the street, after leaving the hotel, did you see deceased?

Witness: No, I did not; but I

was very drunk, and unless deceased had spoken, to me, would not have noticed him.

Calton: What was the deceased excited about when you met him?

Witness: I don't know. He did not say.

Calton: What were you talking about.

Witness: All sorts of things, London principally.

Calton: Did the deceased mention anything about papers?

Witness (surprised): No, he did not.

Calton: Are you sure?

Witness: Quite sure.

Calton: What time did you get home?

Witness: I don't know; I was too drunk to remember.

This closed the case for the Crown and, as it was now late the Court was adjourned till the next day. The Court soon emptied of the busy, chattering crowd, and Calton, on looking over his notes, found that the result of the first day's trial was two points in favor of Fitzgerald. First: The discrepancy of time in the evidence of Rankin and the landlady, Mrs. Sampson. Second: The evidence of the cabman, Royston, as to the wearing of a ring on the forefinger of the right hand by the man who murdered Whyte, whereas the prisoner never wore rings.

These were slender proofs of innocence to put against the overwhelming mass of evidence in favor of the prisoner's guilt. The opinions of all were pretty well divided some being in favor and others against when suddenly an event happened which surprised everyone. All over Melbourne extras were posted, and the news passed from lip to lip like wildfire—"Return of the Missing Witness, Sal Rawlings!"

CHAPTER XVIII.

And, indeed, such was the case. Sal Rawlings had made her appearance at the eleventh hour, to the heartfelt thankfulness of Calton, who saw in her an angel from heaven sent to save the life of an innocent man.

It was at the conclusion of the trial, and, together with Madge, he had gone down to his office, when his clerk entered with a telegram. The lawyer tore it open, and, with a silent look of pleasure on his face, handed the telegram to Madge. She, woman-like, being more impulsive, gave a cry when she read it, and falling on her knees, thanked God for having heard her prayers, and saved her lover's life.

"Take me to her at once," she implored the lawyer, being anxious to hear from Sal Rawlings own lips the joyful words which would save Brian from a felon's death.

"No, my dear," answered Calton, firmly, but kindly. "I can hardly take a lady to where Sal Rawlings lives. You will know all to-morrow, but, meanwhile, you must go home and get some sleep."

"And you will tell him?" she whispered, clasping her hands on Calton's arm.

"At once," he answered, promptly "And I will see Sal Rawlings to-night, and hear what she has to say. Rest content, my dear," he added, as he placed her in the carriage, "he is perfectly safe now."

Brian heard the good news with a deep feeling of gratitude, knowing that his life was safe, and that he could still keep his secret. It was the natural revulsion of feeling after the unnatural life he had been leading since his arrest. When one is young and healthy, and has all the world before him, it is a terrible thing to contemplate with serenity a sudden death. And yet, in spite of his joy at being delivered from the hangman's rope, there mingled with his delight the horror of that secret which the dying woman had told him with such malignant joy.

"Why did she tell me? Oh! why did she tell me?" he cried, wringing his hands, as he paced restlessly up and down his dark cell. "It would have been better for her to have died in silence, and not bequeathed me this legacy of sorrow."

He was so greatly disturbed over the matter that the goaler, seeing his haggard face next morning, muttered to himself that "He was blest if the swell warn't sorry he were safe."

So, while Brian was pacing up and down his cell during the weary watches of the night, Madge, in her own room, was kneeling beside her bed and thanking God for His great mercy; while Calton, the good fairy of the two lovers, was hurrying towards the humble abode of Mrs. Rawlings, familiarly known as Mother Gutter-snipe. Kilsip was beside him, and they were talking eagerly about the providential appearance of the invaluable witness.

"What I like," observed Kilsip, in his soft purring tone, "is the sell it will be for that Gorby. He was so certain that Fitzgerald was the man and when he gets off to-morrow he will be in a rage."

"Where was Sal the whole time," asked Calton, absently, not thinking what the detective was saying.

"Ill," answered Kilsip. "After she left the Chinaman she went into the country, caught cold by falling into some river, and then ended up by getting brain fever. Some people found her, took her in, and nursed her. When she got well she came back to her grandmother's."

"But why didn't the people who nursed her tell her she was wanted? They must have seen the papers."

"Not they," retorted the detective. "They knew nothing."

"Vegetables!" muttered Calton, contemptuously. "How can people be so ignorant? Why, all Australia has been ringing with the case. At any rate, it's money out of their pocket. Well!"

"There's nothing more to tell," said Kilsip, "except that she turned up to-night at five o'clock, looking more like a corpse, than anything else."

(TO BE CONTINUED.)

Who is Your Best Friend?

Your stomach, of course, why? Because if it is out of order you are one of the most miserable creatures living. Give it a fair, honorable chance and see if it is not the best friend you have in the end. Don't smoke in the morning. Don't drink in the morning. If you must smoke and drink wait until your stomach is through with breakfast. You can drink more and smoke more in the evening and it will tell on you less. If your food ferments and does not digest right,—if you are troubled with heartburn, dizziness of the head, coming up of the food after eating, biliousness, indigestion, or any other trouble of the stomach you had best use Green's August Flower, as no person can use it without immediate relief.