

THIS STORY BEGAN IN No. 20.

THE MYSTERY —OF— A HANSOM CAB

BY FERGUS W. HUME.

CHAPTER XIX—Continued.

He would first call Albert Dendy, a watchmaker, to prove that on Thursday night, at eight o'clock in the evening, he had called at the prisoner's lodgings while the landlady was out, and while they had put the kitchen clock right, and had regulated the same. He would also call Felix Rolleston, a friend of the prisoner's, to prove that the prisoner was not in the habit of wearing rings, and frequently expressed his detestation of such a custom. Sebastian Brown, a waiter at the Melbourne Club, would be called to prove that on Thursday night a letter was delivered to the prisoner at the Club by one Sarah Rawlins, and that the prisoner left the Club shortly before one o'clock on Friday morning. He would also call Sarah Rawlins, to prove that she had delivered a note to Sebastian Brown for the prisoner, at the Melbourne Club, at a quarter to twelve on Thursday night, and that at a few minutes past one o'clock on Friday morning she had conducted the prisoner to a slum off Little Bourke Street, and that he was there between one and two on Friday morning, the hour at which the murder was alleged to have taken place. This being his defence to the charge brought against the prisoner, he would call Albert Dendy.

Albert Dendy, duly sworn stated—

I am a watchmaker, and carry on business in Fitzroy. I remember Thursday, the 26th of July last. On the evening of that day I called at Powlett Street, East Melbourne, to see my aunt, who is the landlady of the prisoner. She was out at the time I called, and I waited in the kitchen till her return. I looked at the kitchen clock to see if it was too late to wait, and then at my watch. I found that the clock was ten minutes fast, upon which I put it right, and regulated it properly.

Calton: At what time did you put it right?

Witness: About eight o'clock.

Calton: Between that time and two in the morning, was it possible for the clock to gain ten minutes?

Witness: No, it was not possible.

Calton: Would it gain at all?

Witness: Not between eight and two o'clock—the time was not long enough.

Calton: Did you see your aunt that night?

Witness: Yes, I waited till she came in.

Calton: And did you tell her you had put the clock right?

Witness: No, I did not; I forgot all about it.

Calton: Then she was still under the impression that it was ten minutes fast?

Witness: Yes, I suppose so.

After Dendy had been cross-exam-

ined, Felix Rolleston was called, and deposed as follows:—

I am an intimate friend to the prisoner. I have known him for six years, and I never saw him wearing a ring during that time. He has frequently told me he did not care for rings, and would never wear them.

In cross-examination:—

Crown Prosecutor: You have never seen the prisoner wearing a diamond ring?

Witness: No, never.

Crown Prosecutor: Have you ever seen any such ring in his possession?

Witness: No, I have seen him buying rings for ladies, but I never saw him with any ring such as a gentleman would wear.

Crown Prosecutor: Not even a seal ring?

Witness: No, not even a seal ring.

Sarah Rawlins was then placed in the witness-box, and, after having been sworn, deposed—

I know the prisoner. I delivered a letter addressed to him at the Melbourne Club, at a quarter to twelve o'clock on Thursday, 26th July. I did not know what his name was. He met me shortly after one at the corner of Russell and Bourke Streets, where I had been told to wait for him. I took him to my grandmother's place, in a lane off Little Bourke Street. There was a dying woman there, who had sent for about twenty minutes, and then I took him back to the corner of Bourke and Russell Streets. I heard the three-quarters strike shortly after I left him.

Crown Prosecutor: You are quite certain that the prisoner was the man you met on that night?

Witness: Quite certain, s'elp me G—

Crown Prosecutor: And he met you a few minutes past one o'clock?

Witness: Yes, 'bout five minutes—I 'eard the clock a-strikin' one just afore he came down the street, and when I leaves 'im agin, it were about twenty-five to two, 'cause it took me ten minits to git 'ome, and I 'eard the clock go three-quarters, just as I gets to the door.

Crown Prosecutor: How do you know it was exactly twenty-five to two when you left him?

Witness: 'Cause I sawyr the clocks—I left 'im at the corner of Russell Street, and comes down Bourke Street, so I could see the Post Office clock as plain as day, an' when I gets into Swanton Street, I looks at the Town. 'All premises like, and see the same time there.

Crown Prosecutor: And you never lost sight of the prisoner the whole time?

Witness: No, there was only one door by the room, 'an I was a-sittin' outside it, when he comes out he falls over me.

Crown Prosecutor: Were you asleep?

Witness: Not a blessed wink.

Calton then directed Sebastian Brown to be called, who deposed—

I know the prisoner. He is a member of the Melbourne Club, at which I am a waiter. I remember Thursday, 26th July. On that night the last witness came with a letter to the prisoner. It was about a quarter to twelve. She just gave it to me, and went away. I delivered

it to Mr. Fitzgerald. He left the Club at about ten minutes to one.

This closed the evidence for the defence, and after the Crown Prosecutor had made his speech, in which he pointed out the strong evidence against the prisoner, Calton arose to address the jury. He was a fine speaker, and made a splendid defence. Not a single point escaped him, and that brilliant piece of oratory is still remembered and spoken of admiringly in the purlieus of Temple Court and Chancery Lane.

He began by giving a vivid description of the circumstances of the murder—of the meeting of the murderer and his victim in Collins Street East—the cab driving down to St. Kilda—the getting out of the cab of the murderer after committing the crime—and the way in which he had secured himself against pursuit. Having thus enchaind the attention of the jury by the graphic manner in which he described the crime, he pointed out that the evidence brought forward by the prosecution was purely circumstantial, and that they had utterly failed to identify the man who entered the cab with the prisoner in dock. The supposition that the prisoner and the man in the light coat being one and the same person, rested solely upon the evidence of the cabman Royston, who although not intoxicated, was, judging from his own statements, not in a fit state to distinguish between the man who hailed the cab and the man who got in. The crime was committed by means of chloroform: therefore if the prisoner was guilty he must have purchased the chloroform in some shop, or obtained it from some friends. At all events, the prosecution had not brought forward a single piece of evidence to show how and where the chloroform was obtained. With regard to the glove belonging to the murdered man found in the prisoner's pocket, he picked it up off the ground at the time when he first met Whyte, when the deceased was lying drunk near the Scotch Church. Certainly there was no evidence to show that the prisoner had picked it up before the deceased entered the cab; but, on the other hand, there was no evidence to show that it had been picked up in the cab. It was far more likely that the glove, and especially a white glove, would be picked up under the light of the lamp near the Scotch Church, where it was easily noticeable, than in the darkness of a cab, where there was very little room, and where it would be quite dark, as the blinds were drawn down. The cabman Royston, swore positively that the man who got out of his cab on the St. Kilda Road wore a diamond ring on the forefinger of his right hand, and the cabman Rankin, swore to the same thing about the man who got out at Powlett Street. Against this could be placed the evidence of one of the prisoner's most intimate friends—one who had seen him almost daily for the last five years, and he had sworn positively that the prisoner never was in the habit of wearing rings. The cabman Rankin had also sworn that the man who entered his cab on the St. Kilda Road alighted at Powlett Street, East Melbourne, at two o'clock on Friday morning, as he heard that hour strike from the Post Office clock, whereas the evidence of the prisoner's landlady

showed plainly that he entered the house five minutes previously, and her evidence was further supported by that of the watchmaker, Dendy.

Mrs. Sampson saw the hand of her kitchen clock point to five minutes to two, and, thinking it was ten minutes slow, told the detective the prisoner did not enter the house till five minutes past two, which would just give the man who alighted from the cab, presuming him to have been the prisoner, sufficient time to walk up to his lodgings. The evidence of the watchmaker, Dendy, however, showed clearly that he had put the clock right at the hour of eight on Thursday night; that it was impossible for it to gain ten minutes before two on Friday morning, and, therefore, the time, five minutes to two, seen by the landlady was the correct one, and the prisoner was in the house five minutes before the other man alighted from the cab in Powlett Street. These points in themselves were sufficient to show that the prisoner was innocent, but the evidence of the woman Rawlins must prove conclusively to the jury that the prisoner was not the man who committed the crime. The witness Brown had proved that the woman Rawlins had delivered a letter to him, which he gave to the prisoner, and that the prisoner left the Club, personally, to keep the appointment spoken of in the letter, or, rather, the remains of it, had been put in evidence. The woman Rawlins swore that the prisoner met her at the corner of Russell and Bourke Streets, and had gone with her to one of the back slums, there to see the writer of the letter. She also proved that at the time of the committal of the crime the prisoner was still in the back slum, by the bed of the dying woman, and, there being only one door to the room, could not possibly have left without the witness seeing him. The woman Rawlins further proved that she left the prisoner at the corner of Bourke and Russell Streets at twenty-five minutes to two o'clock, which was five minutes before Royston drove his cab up to the St. Kilda Police Station, with the dead body inside. Finally, the woman Rawlins proved her words by stating she saw both the Post Office and Town Hall clocks; and supposing the prisoner started from the corner of Bourke and Russell Streets, as she says he did, he would reach East Melbourne in twenty minutes, which made it five minutes to two on Friday morning, the time at which, according to the landlady's statement, he entered the house. All the evidence given by the different witnesses agreed completely, and formed a chain which showed the whole of the prisoner's movements at the time of the committal of the murder. Therefore, it was absolutely impossible that the murder could have been committed by the man in the dock. The strongest piece of evidence brought forward by the prosecution was that of the witness Hableton, who swore that the prisoner used threats against the life of the deceased. But the language was merely the outcome of a passionate Irish nature, and was not sufficient to prove the crime to have been committed by the prisoner. The defence which the prisoner set up was that of an alibi, and the evidence of the witnesses for the

defence proved conclusively that the prisoner could not, and did not, commit the murder. Finally, Calton wound up his elaborated and exhaustive speech, which lasted for over two hours, by a brilliant peroration, calling upon the jury to base their verdict upon the plain facts of the case, and if they did so they could hardly fail in bringing in a verdict of "Not guilty."

When Calton sat down a subdued murmur of applause was heard, which was instantly suppressed, and the judge began to sum up, which he did strongly in favor of Fitzgerald. The jury then retired, and immediately there was a dead silence in the crowded court—an unnatural silence, such as must have fallen on the blood-loving Roman populace when they saw the Christian martyrs kneeling on the hot yellow sands of the arena, and watched the long, lithe forms of lion and panther creeping stealthily towards their prey. The hour being late the gas had been lighted, and there was a sickly glare through the wide hall, which added to the singularity of the scene. Fitzgerald had been taken out of the court on the retiring of the jury, but the spectators stared steadily at the empty dock, which seemed to enchain them by some indescribable fascination. They conversed among themselves only in whispers, until even the whispering ceased, and nothing could be heard but the steady ticking of the clock, and now and then the quick-drawn breath of some timid onlooker. Suddenly a woman, whose nerves were overstrung, shrieked, and the cry rang wildly through the crowded hall. She was taken out, and again there was silence, every eye being now fixed on the door through which the jury would re-issue with the verdict of life or death. The hands of the clock moved slowly round—a quarter—a half—three quarters—and then the hour sounded with a silvery ring which startled everyone. Madge, sitting with her hands tightly clasped together, began to fear that her highly-strung nerves would give way. "My God," she muttered softly to herself, "will this suspense never end?"

Just then the door opened, and the jury re-entered. The prisoner was again placed in the dock, and the judge again resumed his seat, this time with the black cap in his pocket, as everyone guessed.

The usual formalities were gone through, and when the foreman of the jury stood up every neck was craned forward, and every ear was on the alert to catch the words that fell from his lips. The prisoner flushed a little, and then grew pale as death, giving a quick nervous glance at the quiet figure in black, of which he could just catch a glimpse. Then came the verdict, sharp and decisive, "Not Guilty."

On hearing this a cheer went up from every one in the court, so strong was the sympathy with Brian.

(TO BE CONTINUED.)

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