THE IVORY QUEEN.

By NORMAN HURST.

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Continued from First Page

"Gentlemen, let us look at the evidence. On the morning of the 12th of January Josiah Marsden was discovered in the library of his country home, called The Grange, Norcombe, stabbed to death with a Norwegian clasp knife, which weapon you have had produced. There is no dispute that the murder was committed with that knife, and equally the defense does not attempt to deny that up to the very night of the murder that knife was in the possession of Astray Marsden.

The Stained Paper.

"In the hand of Josiah Marsden was found this paper."

The judge pauses impressively and takes up the blood stained paper that has caused such a sensation throughout the trial.

"This paper," he solemnly continues, "was found in the dead man's stiffened fingers. Death had overtaken him before he could frame his thoughts in words, and so his last message is only a broken one. 'I am dying,' he wrote, 'murdered by Astra'—a—s—t—r—a—and his life departed.

"The prosecution has told you that he intended to write 'Astray Marsden.' The defense has been unable to deny it. The prosecution has said he wrote so that justice might be meted out to his murderer. The defense has hinted, only hinted, gentlemen—even they have not dared to do more than whisper—that Josiah Marsden hated his ward or son and did what he did in revenge, faced eternity with the foulest sin that man could commit upon his soul, died with a lie in his heart, that a young man might be hanged. The defense has hinted that this is why the paper was written. I will not venture to express my own opinion of such a method of defense. Let us look at the matter dispassionately. If we are to believe that Josiah Marsden committed this loathsome deed as his last act on earth and that Astray Marsden did not murder him, then that murder was committed by some unknown enemy of the old man.

"Has the defense been able to hint at any such person? No. Has the defense been able to assume or deduce that any other person was in the house on that night? No. It has simply contented itself with a categorical denial of everything and a plea as surprising as it is abominable.

"The value of that plea, gentlemen, I leave for you to decide. Let us pass again to the circumstantial evidence and deal first of all with

The Norwegian Knife.

"This knife has the letter 'A' branded upon its handle. The knife was in the prisoner's possession, it is agreed, until a few moments or a few hours before the murder. It is admitted that Astray Marsden was with Josiah Marsden on the night of the murder. It is also admitted that he used the knife to open a cigar box in the presence of his guardian and then left it behind him ready for the murderer, who, we are told, entered the house after the prisoner had left it. The value of that plea, gentlemen, is again for you to decide.

"The murder was first discovered by the woman Margaret Gadsden, who was in the habit of going daily to attend to the domestic requirements of the deceased. On the morning of Jan. 13 she went, as usual, and gained admittance at the side entrance by the key she always had in her possession.

"You will recollect that between the night of the 11th and the morning of the 12th there was a phenomenally heavy fall of snow, and the women noticed that there were footprints leading to the front door of the house, but none leading from it.

"Becoming alarmed at the unusual stillness which reigned through the house and unable to get any answer when she knocked at Josiah Marsden's door, Margaret Gadsden hastened to the police station and returned with Chief of Police Dobson.

"That man, gentlemen, you have had before you. He has told you himself of his attempts to blind the eyes of justice by withholding the most important piece of evidence in this intricate case, the paper that Josiah Marsden left behind him. Dobson has expressed his contrition and regret for the disgraceful course which he took, but whether that contrition will absolve him from the gravities of his action I very much doubt. I cannot refrain from referring to the supreme and utter idiocy manifested throughout by Chief Dobson in relation to this case and cannot too warmly applaud the indefatigable energy, the zeal and acumen, of Mr. Herbert Darrent, the official who took charge of the case and was fortunately able to retrieve all the errors—I will dignify them by calling them errors at present—which Dobson committed prior to his appearance on the scene. Reverting to the events of Jan. 12, you will remember that Dobson and the woman returned together and upon entering the library found Josiah Marsden lying dead upon the floor, stabbed to the heart. By his side was the paper which has had such an important bearing upon the case, the paper which Dobson retained, showing it only to the prisoner, Astray Marsden. You have heard Dobson's account of that interview—that the prisoner turned pale and trembled and then promised to see him later in the day.

"It is for you to say whether Dobson is a man whose evidence can be relied upon or not. But, setting that upon one side, was the action of Astray Marsden that of an innocent man? He sought refuge in flight. It is urged that he became the prey to a spasm of fear, but an innocent man should have no such cowardly emotion. Why did he not defy the blackmail of Dobson and, knowing his innocence, rest contented on being able to prove an alibi? Why? Because, gentlemen, he could not; because he was bound to admit that he was at The Grange on that night. He owns he was at The Grange, but pleads that he left before the snowstorm and left Josiah Marsden alive.

"If the defense could prove that fact, could account for the period that elapsed between the prisoner leaving The Grange and being met by Policeman Thompson, there might be some grounds for the plea, but not one single witness has been called to substantiate it, and we are asked to believe that he walked about for hours in a blinding snowstorm. That has been put before you in contradistinction to the theory of the prosecution that he entered the house after the snowstorm, leaving his footprints up to the door; that the old standing quarrel which it is admitted on both sides existed was renewed and that he left by the secret passage on to the frozen river, a passage that was known only to those who had lived at The Grange.

"Astray Marsden was met by Thompson soon after 2 o'clock in the morning of the 12th in a very excited condition, still chafing, the defense says, under the insults he had had heaped upon him—chafing, gentlemen, after several hours' walk.

"I have reviewed the circumstances that occurred in Norcombe, but it is not upon these events alone that the case stands. Let us turn to Chicago. Herbert Darrent has been before you and given his evidence with exemplary clearness. He has told you the manner in which he succeeded in tracking Astray Marsden to the Royal hotel in Chicago, and he has related the story of

The Arrest.

"The first words of the prisoner when Darrent entered the room were, 'You have come to arrest me,' and, though warned not to commit himself, he then launched into a heated attack against the murdered man, an attack which foreshadowed the line of defense which has been adopted—that of revenge. He charged Josiah Marsden with leaving such a message for the sole purpose of encompassing the death of an innocent man whom he hated.

"With that point I have already dealt. The idea in itself is too callous to dilate upon.

"In the prisoner's confession to Herbert Darrent he accounted for the loss of his knife in the same manner that the defense has insisted upon. He took it out to open the cigar box, forgot it, and it was left lying upon the table, a handy weapon for the murderer. To that point of the defense I will but add a word.

"If the murderer of Josiah Marsden came to the house with intent to murder, would he have left the finding of the weapon to chance, or would he have come prepared? If he came prepared, would he use a chance weapon or trust to the one he knew?

"Let me now, before you retire to consider your verdict, put into a few words the whole evidence. Against the prisoner you have the last words of the dying man, the knife, the long standing quarrel, the absence of a reasonable alibi, and for him"— The judge pauses and deliberately turns back the pages of his notes, while the whole audience seems to throb with emotion.

"It's a fearful summing up," one lawyer whispers to another.

"Brutal—dead against him, poor devil!" his companion replies, glancing at the prisoner, who, pale as death, gazes before him with eyes that see nothing.

"While for him," the judge impressively continues, "you have the line of defense that he left The Grange hours before the murder was committed."

The judge closes his book, and we await his peroration. We feel that we know what it will be.

"If you have no doubt, it is your duty to do your duty—an eye for an eye, a life for a life," and many more rounded phrases with which a judge is usually pleased to torment a man whose life or death is to be settled within the next hour. But we are mistaken.

"Gentlemen of the jury," he says, "the case is in your hands." And that is all. The summing up is over.

"Poor devil!" some one whispers again, and we shudder. It puts into words what we dared not think.

The jury do not move. They only whisper in the box. It seems as if they are going to decide without leaving it. But perhaps the seriousness of their task comes over them, and they slowly leave, and the prisoner is conducted from the courtroom.

"Dead against him!" is the general opinion. "Fair and just, but dead against him! He hasn't got a line of defense in his whole case."

The judge has retired, but no one else leaves the court. The audience feels that it is not a case of waiting for hours, but minutes, perhaps only seconds. The last words of the summing up crash through each man's brain. What do they amount to? Against the prisoner you have—everything: for him—nothing!

The Verdict.

The jury re-enter the box; the judge returns; the prisoner, between two deputies, takes his place in the dock.

"Gentlemen of the jury, have you agreed upon your verdict?"

"We have."

"Do you find the prisoner, Astray Marsden, guilty or not guilty of the murder of Josiah Marsden?"

"Guilty!"

A woman's scream, half stifled in its birth, breaks the fearful silence of the court—a scream followed by a gasp. The assembled throng breathes hard as what it knew must happen comes.

Then the deathlike silence falls like a pall again.

"Prisoner at the bar," a voice is saying, and it seems to come from somewhere miles away, even to us—what must it seem to him?—"have you anything to say why sentence of death should not be passed upon you?"

All eyes are turned with one impulse toward the dock, and the spectators start with amazement.

The prisoner, the man condemned to death, whom they had pitied throughout the trial as one so miserable that he could not defend himself, is transformed.

He stands erect, with almost a glow upon his cheeks, nearly a smile upon his lips, manhood and courage awakening in his eye. He is condemned to death and stands as though his fetters had been released.

We are creatures of impulse. The spectators gaze at one another. The same thought is in every mind. "Suppose he is innocent!" There is mesmerism in his glance, and they follow it as it rests upon the girl with her head thrown forward on her arms upon the table.

The judge shifts uneasily, moves as though to speak. He seems held powerless by that strange force which is upon all.

The girl feels the power of that glance, and as if in obedience to its command throws back her veil and rises and faces Astray Marsden, and, as she does so even the heavens add to the intensity of the scene.

The sun is setting. The room is shrouded in gloom, save for one glorious beam of light which passes over the shoulder of the prisoner and floods the face of the girl with a halo of light.

They face one another, and the spectators pause and watch, lost in the mystery of the thoughts that are passing between them.

"Ethel!"

Only the lifting of the face more toward him shows that she has heard.

"Do you believe me guilty? Do you believe that I am a murderer?"

"No!"

It is only a whisper, but it thrills. Where have sophistries gone, where are deductions, when compared with the love of this woman who stands before the world?

"If I were a free man, would you marry me as you promised years ago?"

"Yes!"

The prisoner turns to the judge, the girl resumes her seat, and the spell is broken.

"I have nothing to say, my lord, but that I am innocent."

The Sentence of Death.

Astray Marsden was sentenced to death because it was the duty of the judge to do so, but every spectator who filed out of the courtroom after the sentence was pronounced was troubled with doubts as to the result of the trial.

As one spectator expressed it: "Marsden was found guilty by the jury because the jury could consider the evidence and come to no other verdict, and the judge sentenced him to death because the judge was compelled to. But is Marsden guilty?"

CHAPTER VII.

DARRENT MAKES A FRESH DISCOVERY.

It was the morning after the great sensational trial, and Herbert Darrent sat at his breakfast in the dining room of the Palace hotel, Norcombe.

The table he had selected was a small one by the window, and he sat there neglecting his breakfast and moodily staring out into the street. Then he began his meal, but his appetite seemed to have deserted him.

"Theatrical, theatrical; that's all," he muttered to himself, as if in answer to his secret thoughts. "Done for effect." And he drank his coffee and picked up the morning paper, only to throw it down again impatiently as the displayed headlines caught his eye:

MARSDEN MUST SWING.

A Speedy Conviction the Norcombe Murderer's Fate.

DETECTIVE DARRENT'S TRIUMPH.

Dramatic Scene In Court—Condemned Man's Sweetheart Declares Her Belief In His Innocence—Would Marry Him if He Were Free.

The headlines jarred upon him. Why? The detective's triumph! It was a triumph—every one said so—and yet never had he succeeded in a case that had left behind such an unsettled feeling, such a degree of uncertainty and doubt as to whether he was really right after all. He could not understand it himself. Everything had seemed to be as clear as daylight, and the judge and jury—aye, the very spectators—had shared the view that his deductions had led him to form long ago—that Astray Marsden was the culprit.

"All for effect," he muttered again to himself, his mind still on the final scene in the court, with the last ray of sunlight falling full on the woman's face as she avowed before all her unalterable belief in the innocence of Astray Marsden. "Theatrical; that was all." And yet somehow he could not shake off remembrance of that final scene. Whether it was acting or not, it had made a deep impression on Herbert Darrent.

"Shouldn't wonder if it has a good result for him; rouse sensation and sympathy, and they may get up a petition for life imprisonment. It's a clever dodge." He called it "a dodge" to shake his own doubts, and yet he could not help feeling that there was no collusion in that last scene of all. Still, it is best to try to delude one's conscience at such times as these. Dull it, stifle it if it wants to speak and disturb that supremely happy feeling of self satisfaction that is so pleasant to experience.

To be emotional in this nineteenth century is to be weak, or, worse than anything, old fashioned. If something happens in the course of one's daily life that is keen and painful enough to wring one's heart, the formula is—give sympathy a stunning blow and call the

The girl throws back her veil and rises.

whole thing "a dodge" and then go on with life exactly as before. Yes; that is the wiser, the better and very frequently the cheaper way. It's only a dodge; that's all. Face on and forget it.

Having stigmatized the dramatic denouement of the trial as "a dodge" in sufficiently warm a voice to frighten away, for the time being at any rate, all his inner promptings, Darrent picked up the paper again and began reading an editorial—the trial again, of course.

It was headed "The American Lear," and it set forth with abundant praise the ability, the zeal, the acumen, of one Herbert Darrent, detective—set it forth in such a florid high flown style that the subject of these commendations would have blushed, except that his inner self had not yet recovered from the stunning blow that had been dealt it by modern cynicism.

Then the article went on to refer to the emotional scene at the conclusion of the trial.

"Astra nger scene," it remarked, "it has never been our lot to witness." And Darrent, startled from his habitual composure, jumped to his feet, with an exclamation of surprise.

Perhaps the compositor engaged upon setting up that editorial had been carried away by the sensationalism of the trial or perhaps by something else, but in setting that line he had made a peculiar mistake, which had been passed by the proofreader and now appeared in every issue of that day's paper. He had misplaced the spacing which should have made the division between the words "A" and "stranger," and the sentence which had so startled Herbert Darrent read, "Astra nger scene it has never been our lot to witness."

The second combination of letters, "nger," might have been a portion of a cryptogram, it was so meaningless. The first, "Astra," had a meaning for Darrent that set his brain wildly at work and caused a heavy feeling at his heart.

[TO BE CONTINUED.]

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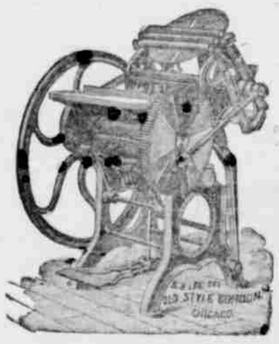

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