

WHO'S GUILTY?



EIGHTH STORY Beyond Recall

Margaret Graeme had amazed her friends by dropping out of the social world for a time, and returning to it with the queer statement that she had been taking a course in law.

People wondered what John Leonard would think of this freak on the part of the pretty but strong-willed girl to whom he had so long been engaged.

But Leonard was not given to airing his opinions for the benefit of the public.

Then, too, he had new interests of his own, just then, that so absorbed him as to leave little time or thought for lesser matters.

The Explorers club, of which he was a member, was organizing an expedition into the unpopulated hinterlands of Brazil—an expedition which Leonard had largely financed and which he was to lead.

Preparations for this six-months absence from New York engrossed his whole attention for weeks. At length all was ready, and his passage was booked on a Brazil-bound steamer which was to sail at 2 a. m. on New Year's day.

In the early afternoon of New Year's Eve, Leonard called at the Graeme house to say good-bye to Margaret. He found Margaret in the living room with her father's home, waiting for him with an eagerness she had not shown toward his visits for many a long day.

"Congratulations!" she exclaimed. "I've just had the most wonderful bit of luck. I was afraid you wouldn't call before I had to go out. And I wanted to tell you."

"What is the wonderful news?" he asked gaily.

"Mr. Halloran has promised to make me his secretary! Think of that!"

"I'm trying to think of it," said Leonard in perplexity. "But it doesn't make sense to me. Why should a well-to-do girl want to be any man's secretary—and deprive some needy girl of a good job. And, who is Mr. Halloran?"

"Who is Mr. Halloran?" she echoed, ignoring his first question. Mr. Charles Morehouse Halloran, my ignorant friend, is the new district attorney who was elected last November and who takes office tomorrow morning. And—"

"Oh!" grunted Leonard in disgust. "That Halloran?"

"Well," she snapped. "You needn't speak of him as if he were an ashyard driver. He is one of the most brilliant criminal lawyers in America and everybody says he will be governor or United States senator some day. He—"

"He is one of the most unscrupulous and corrupt machine politicians in the city," contradicted Leonard.

"You shan't speak so of him!" said the girl, sharply. "Mr. Halloran is a friend of mine, and of father's too. And I won't hear him vilified, even by you."

"But he—"

"He appreciates my ability and my ambitions for a career!" she hurried on, enthusiastically. "He is going to make me his secretary, and to help me show what a woman can do when for once she is given a fair chance."

"You have no right to—"

"I have a right to do as I please."

"You have not," he denied. "No one has. Edwin Martel's father thought he had a right to do as he pleased. So he left his money to charity instead of leaving it to the son he had never trained to earn a living. And, as a result of his father's injustice, Martel is dead broke."

"I'm not interested in your friend Edwin Martel."

"But I am," interposed Leonard. "I'm so much interested in him that I'm going to take him on my Brazil trip as one of my assistants. It will give him work and a livelihood and teach him to rough it, while he is shaping his plans for the future. I made him the offer today and he's accepted it. Margaret, I've seldom asked a favor of you. But—dear, give up this silly ambition. Don't accept Halloran's offer. You can't realize what it—"

"I still seldom ask a favor of you," she broke in ironically. "Give up this silly expedition to Brazil. Don't accept the Explorers' club offer."

"What?" he demanded, taken aback.

"You'd have me give up my Brazil trip? Surely, you're not in earnest? Why, it means my whole career."

"Margaret!" he begged, "be sensible. I ask only—"

"You have no right to ask anything. You are not my master."

"I am the man you have promised to marry."

She stripped the engagement ring from her left hand and held it out to him.

"What do you mean?" he asked, bewildered.

"I mean that you seem to regard an engagement ring as a fetter, to make me your slave. I refuse to wear fetters. Take it!"

Long and earnestly he gazed at the willful girl, who returned his glance so fiercely. Then he said, very slowly:

"I am going now. You will not hear from me in any way for more than six months. But some day I shall come back to you. And by that time sharp experience will have brought you to

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your senses. I would have saved you from that experience if I could. I love you."

He left the room and the house without so much as a backward glance.

By sheer will-power, she thrust Leonard himself from her memory. The district attorney-elect was to dine with her father and herself. Later Halloran and she were planning to look on at the New Year's Eve revels in one of the big restaurants.

"Edwin Martel," Leonard had once said, "is a living proof that luck is the very worst thing in the world—for the fellow who hasn't got it."

And he was right. Born and brought up to the idea that he was to inherit a goodly fortune, Martel found himself cast on the world at twenty-five, without a dollar.

The man was strong, willing, eager to learn. But, for lack of the right equipment, he was barely able to pick up the most precarious sort of a living.

The chance to go with Leonard to Brazil came to him as a godsend. He was not only out of work and at the very end of his resources, but he was also engaged to be married.

Elsie Drayton, whom he had met at a dance, was probably the worst bit of ill-luck of all that had befallen Martel. She was a high-strung, ill-disciplined girl who had come to New York to study art, and in whom the artistic temperament crowded out any natural common sense she may have had.

She had fallen in love with the good-looking Martel at sight, and had deliberately set out to make him propose to her. Knowing Elsie's hysterical devotion for him, Martel dreaded to tell her of the job that would entail a half-year's absence from her; even though it might lead to an earlier marriage than his former prospects had warranted.

But the news must be broken to her soon or late. So, finishing his rather meager packing, and having an hour or so to spare before meeting Leonard at Dorley's restaurant, he made up his mind to have the ordeal over with, and to tell his tidings and say good-bye at the same time.

Accordingly, somewhat late in the evening, he left his own lodgings and, suitcase in hand, set forth for the studio street in which Elsie Drayton

lived. Elsie's tiny apartment was in a ramshackle building devoted to cheap attelers and presided over by an ugly and elderly landlady, Mrs. Wiggins by name.

Mrs. Wiggins, from her own quarters at the end of the hall, heard Martel's footsteps on the stairs and peered out. Seeing Edwin halt at Elsie's door, she nodded and returned to her room.

Elsie, recognizing the knock, came running to the door to admit her lover.

"Oh, I'm so glad—so glad to see you!" she greeted him. "I've been crying my eyes out because I was afraid you were going to let New Year's Eve go by without coming to see me. Why, Ed, you look as if you'd lost your best friend. What's the matter, dear?"

"I'm at the end of my resources," he began. "You know that. I'm out of work and with no chance to get a job that will pay me a marrying salary."

"But—"

"But I have an offer," he hurried on. "An offer that will mean everything to me—to both of us."

"You mean an offer of a job?"

"Job? Isn't that splendid? Tell me about it!"

"John Leonard has offered me a splendid salary and a chance for big advance—if I'll join his expedition to Brazil."

"To Brazil?" she gasped.

"Yes. We sail at 2 o'clock tomorrow morning. With luck we ought to be back here in six months or so. And—"

"You shan't go!" she sobbed hysterically. "You shan't do it! You asked me to marry you. You made me love. And now you want to desert me!"

"Don't be so absurd!" he commanded, his nerves raw. "You talk as if I were trying to get rid of you instead of—"

"And so you are! You are—"

"Instead of going into exile and peril and hardship for your sake!

I came here to be strengthened and cheered for my journey. And instead you are taking the heart all out of me. Don't send me away with the memory of a face all blotched with tears!"

"I'm not going to send you away at all!" shrieked Elsie, her high voice pitched almost in a scream. "I'm not going to let you leave me. You promised to marry me. And now you want to desert me. I'm going to hold you to your solemn promise, Ed Martel."

Mrs. Wiggins, in her cubbyhole room at the far end of the hall, paused in her preparations for bed as the sound of the fearful, angry voice reached her.

Mrs. Wiggins kicked off her flapping slippers, opened her door softly, and padded, pussy-footed, down the hall toward Elsie's apartment. Mrs. Wiggins could hear the voices of the two lovers in angry dispute; but she could catch none of Martel's words and aggravatingly few of Elsie's.

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"There is no use in keeping this up any longer," said Martel. "We'll both say what we'll be sorry for. And I don't want my absence to be marred by ugly memories like that."

He picked up the suitcase. The frantic girl suddenly lost the last atom of her shabby self-control. Flying at him, she seized the suitcase and tried to tear it away from him.

None too gently he pulled the suitcase away from her.

"Don't! Don't! You're killing me!" Mrs. Wiggins, hovering near the keyhole, caught the words, and she thrilled with excitement. Apparently this was no mere quarrel, but a battle.

"Don't be foolish, dear," pleaded Martel in a voice too low to reach beyond the door. "You are behaving like a cranky baby. It isn't worthy a grown woman. Get up and stop acting so."

Somewhat roughly he drew her to her feet; then turned to go. With a cry she flung herself upon the suitcase. As he tugged to get it away from her the catch slipped.

The bag flew open and its contents were scattered broadcast. Collars, shirts, underclothes, brushes, neckties and coats strewn the floor. At Martel's feet tumbled a revolver that had been rolled up in his sweater at the bottom of the case.

Elsie caught sight of the fallen weapon. Before Martel could stoop she had seized it and was brandishing it above her head.

"If you don't promise not to desert me—" she began.

"Drop that thing, you little idiot!" he growled, catching her wrist in both hands and, by a quick wrench, disarming her.

"Shoot me, then! Go ahead and shoot me. I've nothing to live for now."

"This ain't just a scrap," snarled Mrs. Wiggins, catching the shrill words. "It's beginning to look like murder. The landlord will give me blazes if I let folks kill each other here."

Martel dropped the pistol into the side pocket of his coat. It was an old coat—one he had donned for ship-board wear. And the pocket into which he thrust the revolver was a pocket into which he had once inadvertently dropped a lighted cigarette. Almost the entire bottom of it was burned out.

The pistol therefore slipped through and fell again to the floor.

"Shoot me!" Elsie was sobbing. "I'd rather die than live. I swear I won't live if you leave me! I swear it!"

The man looked hopelessly at the quivering girl. Then his roving glance fell upon a table clock. The hands pointed to 11:30—the very hour and minute he was due to meet Leonard at Dorley's restaurant, a full ten minutes' walk distant.

He caught up the suitcase and started hastily to repack it. But Elsie sprang at him again and twined her fingers in the case's handle; so that nothing short of painful force could loosen her grasp.

Martel gave another despairing look at the clock. Then releasing his hold on the suitcase he bolted from the apartment before Elsie could stop him or so much as guess his intent.

Mrs. Wiggins, in dread lest the entertaining quarrel should degenerate into a killing, had started toward her own room to put on her slippers and go forth thence to summon aid. Thus a wholly missed Martel's departure.

John Leonard, at a corner table in Dorley's, looked at his watch for the tenth time. Martel was already 11 minutes late for the appointment.

"Eleven forty-one!" he murmured. "If this is a sample of Martel's efficiency I might better have picked out another assistant. He—"

He looked at the clock as he said this. Just as the clock was striking twelve.

"O'Brien waited for no more. He began to push a path through the jolly crowd that hemmed him in so tightly. 'Way, there!' he bellowed, trying to make himself heard above the din of cowbells, horns and rattle. 'Let us through!'"

"Officer!" spoke up Halloran, at his side. "Take this young lady and myself with you. It is midnight; and my official duties can begin with the first minute of the new year."

"Certainly, sir," agreed O'Brien, conveying them slowly through the pack of people. "Come along if you like."

"Do you mind?" Halloran asked Margaret Graeme. "You know you must get used to such things, if you are to be my secretary."

"Of course, I don't mind," she assured him, excited at the prospect, "and I can be of help by taking notes for you. Oh, why can't we move faster? We're simply crawling."

"You're lucky we can move at all, miss," said the policeman, over his shoulder, "in a mob like this."

Five minutes later, Martel entered Elsie Drayton's studio. On the floor, under the dimmed light, lay the body of the girl from whom he had parted a bare half hour before. Near by gleamed the revolver.

With a cry, Martel flung himself on his knees beside the dead woman. Her body was still warm. He got to his

meantime the girl had gradually recovered from her swoon. Sitting up, dazedly, she looked about her in vacant-eyed amazement. Then she saw the suitcase and the scattered clothes on the floor. And, all at once she remembered.

Elsie's dilated eyes strayed from the suitcase to something lying on a rug beside it. Something that glistened queerly in the lamplight. It was Edwin Martel's revolver.

As though hypnotized by its glitter, she continued to stare at it. Presently her hand went forward, almost stealthily; and her fingers closed around the pistol butt. Here, to her disordered mind, was the full and final solution of her problem.

Martel had left her. And, in leaving, he had taken away all that made her life worth living. Perhaps when he should hear she was dead, he might be sorry. From the grave she could sting him with a barb of remorse.

This was his own pistol, too—this pistol whose muzzle felt so gratefully cool against her fever-hot flesh.

Elsie let herself play morbidly with the idea, as a child morbidly bites on a sore tooth. She knew little of firearms. But she had heard that if a trigger were pressed hard enough—

She did not know just how hard one needed to tug, before the pistol would go off. And, experimentally, she tightened her forefinger around the trigger.

There was a flash—a roar—and she hated through the whole loose-doored apartment—a pungent smoke cloud filled the little room.

Mrs. Wiggins, half dressed, heard the report. Flinging a long cloak around her, she dashed down the hall. Outside Elsie's door she paused. No sound came from inside. She was about to turn the knob, when it occurred to her that Martel, who had doubtless fired the shot, might very possibly put a second bullet into her own head should she break in upon the scene of carnage.

So she fled down the passageway and down the stairs and out into the midnight city.

In the studio street, a throng of revelers were making night hideous with their racket. Horns, rattles, confetti, "ticklers," cowbells, ticker-tape, and a dozen other temper-reckless devices were in evidence. A mimic battle had sprung up in the middle of the walk. Groups of bystanders, on their way to restaurants, had halted to laugh at the spectacle. A post-post policeman looked on with a tolerant grin.

Suddenly, the policeman drew himself up and saluted, as a man and a woman in evening dress paused near him to watch the fun. Patrolman O'Brien had a good memory for faces.

And this man, with the slender, fair-haired girl on his arm, was Charles Morehouse Halloran, the new district attorney who was to take office tomorrow.

Halloran, still new enough to police deference to be gratified by it, returned the salute.

"You see," whispered Margaret, "Al-ready you're famous. A year ago, that bluecoat would have ordered you to move on. Now, he salutes you as if you were the president."

"Perhaps," gallantly suggested Halloran, "he is saluting the beauty of my new secretary. He—"

Mrs. Wiggins, plowing her way, in flustered manner, through the crowd, flung herself on Patrolman O'Brien.

"Officer!" she squealed. "There's been murder done, back here, not two minutes since! Come quick!"

"Murder?" repeated O'Brien. "Where? Who?"

Followed a New York "date line" and the following abridged item:

"Edwin A. Martel was yesterday sentenced by Judge Hinkle to die in the electric chair during the week of March 30, for the murder of his sweetheart, Elsie Drayton, an artist."

"Martel was engaged to be married to Miss Drayton. On the evening of December 31, he called on her, allegedly to say good-bye before starting for Brazil on the Leonard expedition. Mrs. Wiggins, janitress of the studio building in which Miss Drayton lived, heard the sounds of violent quarrelling as she passed along the hall outside of the victim's apartment."

"She heard Miss Drayton call out in terror: 'Don't! You're killing me!' and, afterward heard her cry defiantly, 'Shoot me! Go ahead and shoot me!' Half an hour later, Mrs. Wiggins, in her own room, heard a piercing scream, followed almost at once by a pistol shot."

"Rushing out into the street to summon help, she returned presently with Patrolman O'Brien, just as Martel, pistol in hand, was making his escape. At sight of the policeman, Martel ran back into the room. O'Brien followed him and, after a fierce struggle, succeeded in overcoming the murderer."

"Martel's defense, oddly enough, was an alibi. It is established that the shooting occurred precisely on the stroke of midnight. Martel admitted visiting Miss Drayton on that evening, but declared he left her apartment at 11:40 and did not return to it until 12:10. He said he spent the intervening time at Dorley's restaurant with John Leonard and that he was taking his leave of Leonard as the clock struck twelve."

"Mr. Leonard sailed for Brazil at two in the morning, before Martel recovered consciousness after his tussle with the policeman. All efforts, by the prisoner's attorneys, to locate Mr. Leonard have failed, as he is in the 'hinterland,' beyond the reach of telegraph."

"It is needless to say, no credence was placed in Martel's remarkable alibi, since all evidence points to the fact that he did not leave Miss Drayton's apartment from the moment he first entered it, until he attempted to escape after the murder was committed. The revolver with which the victim was killed, bore Martel's name carved on the butt."

"Great credit is due to District Attorney C. M. Halloran for his brilliant handling of the case, and to his pretty secretary, Miss Margaret Graeme, for her really noteworthy aid in building up the impregnable structure of evidence against the accused."

John Leonard read the body-cramped article with eyes a-bulge. He

feet and stared dumbly at her. Scarce knowing what he did, he picked up the revolver—and recognized it as his own.

Out into the hallway he reeled, with some vague idea of shouting for help. But horror had, for a moment, stricken him dumb. Scarcely had he started down the passage when he saw several people hurrying toward him from the head of the stairs. One of them was a policeman. Martel darted back into the room, to show them the way.

Turning, just inside the doorway, he faced the policeman who had entered at his heels. The overzealous officer, anxious to show off his prowess to the new district attorney, leaped at Martel and grappled with him.

Martel, utterly taken back, instinctively defended himself, but a blow from the policeman's nightstick knocked him senseless.

He came to himself in station house cell. Next morning he faced a charge of murder.

The public agreed that Halloran began his official duties as district attorney by extremely prompt and efficient work in the Martel case. Not only had he visited the scene of the murder within ten minutes after the commission of the crime, and had been present at the prisoner's arrest, but he had personally handled every detail of the prosecution.

Moreover, he was aided, most intelligently, by a young society woman, Miss Margaret Graeme, whom he had appointed as his personal secretary, and who, it was said, worked day and night in perfecting the case against Elsie Drayton's slayer.

He stared dumbly at the dead woman.

The case itself seemed clear enough. A brief review of it, sent out by the press, was printed in a Florida newspaper which later was used as "stuffed" for a box of supplies forwarded to an exploring expedition in the farther wilderness of Brazil.

John Leonard, chancing to pick up the wall of newspaper, which one of his assistants had just thrown out of the newly opened box, smoothed it out and glanced over the rumpled pages. News of the outer world—even very ancient news—is welcome to people far away from civilization.

And scanning the smudged inner sheets, Leonard came across a headline which caught and riveted his horrified attention. The headline was:

MARTEL CONDEMNED TO DIE.
Slayer of Elsie Drayton Sentenced to Electric Chair.

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The Call of Vacation Time

AUGUST

LAKESIDE	BANDON BEACHES
The greatest lake resort in Oregon. Fine hotel. Good bathing. Boats for rent.	are comparable only to the famous beaches of Italy. Enjoy a dip in the surf.
FISHING	CAMPING
is reported good at Reedsport and the lakes north of Coos Bay.	is the best way to secure a good rest. Good hunting.

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Low Round Trip Fares
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J. L. Laird Myrtle Point

looked again at the date, then groaned aloud. An hour later he was on his way to the nearest town that had a telegraph office, and thence, post-haste, to the coast.

Margaret Graeme sat in the library of her father's house. A book lay on her lap. But she was not reading. The last few months had put premature lines into her face, and there was a new look of melancholy—almost of terror—in her eyes. She stared into space as if trying to fathom an unknown depth.