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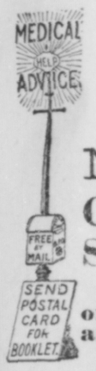

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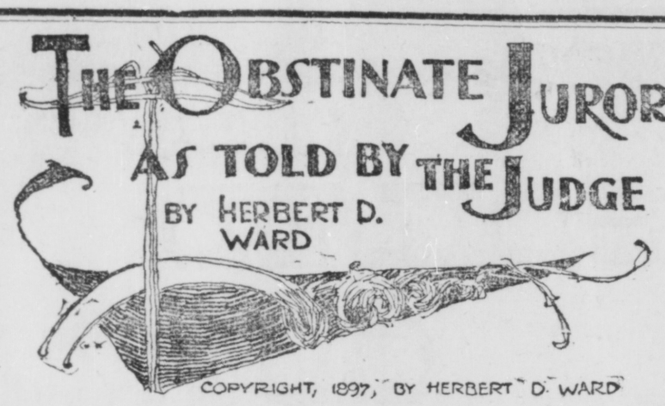
THE OBSTINATE JUROR AS TOLD BY THE JUDGE

BY HERBERT D. WARD



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(Continued.)

Therefore when, on the morning after the murder, the village gossip stopped eagerly before the door of his shop the blacksmith did not even raise his eyes from the shoe he was fitting with expert care.

"Thomas Burns"— began the gossip, halting for the expected inquiry.

"Well?" said Worthely dryly, willing to gratify his neighbor's eagerness to impart exclusive information.

"Haven't you heard?"

"What?"

"He was murdered last night. I guess they suspect George Williams. Here's the minister bringing him down the road. He looks scared enough."

The blacksmith dropped the horse's hoof easily from his leather apron and went to the wide door. By this time every one seemed to have divined the minister's mission. Looks of inquiry and of aversion were cast by eager and curious farmers upon the unhappy la-

The men uttered exclamations of horror.

borer. The blacksmith looked at the Englishman compassionately, and took his pipe out of his mouth.

"Don't be too cocksure," he said dryly. "It's a serious business," he continued loudly so as to be overheard by several others, "to accuse a man of murder."

The minister looked up at the speaker with a gratified nod. "Amen to that," he said solemnly. The two passed by. Others followed, straggling. The blacksmith gazed after them intently, until they turned into Burns' yard. Then he bent over to the gray's off hind foot, as if nothing unusual had happened. But there had. His pipe was out.

Suspicious, sullen, frightened, defiant, George Williams glared from one to the other, as the minister, with a whispered word of encouragement, ushered the farmhand into the presence of the constable, the doctor and the storekeeper. The teacher of the town academy had been added that morning to the impromptu coroner's jury, and he suggested that Williams should be immediately taken to the barn.

"I don't see why I should go. What have I got to do with it?" pleaded the unfortunate man.

The five turned pale and nudged each other nervously. That indefinable instinct which is the gift of great detectives and which incisively points out the guilty person with occult force possessed each bystander. This feeling increased when Williams hung back, pale and trembling, upon the pastor's encouraging arm. The good man now had serious doubts, but his Christianity forbade him to express them to the man's face.

When Williams was brought into the presence of the dead man, by all the recognized laws of circumstantial evidence he hopelessly incriminated himself before a question had been asked.

"I didn't do it!" he cried. "Why am I brought here? I am innocent. Before God, I am innocent."

"No one has questioned that yet," said the constable rather coolly. "We have proof that Mr. Burns saw you only a little while before his death, and we want you to explain the circumstances." This shrewd random shot, fired because of the prisoner's perturba-

The blacksmith looked at the Englishman compassionately.

tion, was a great success. Williams turned livid. He stammered like a man sentenced to a terrible doom.

"I—a—let me go—I will go." He started as if to force his way through the barrier of sturdy men. He was caught in a trap.

"Where were you last night between 8 and 9?"

The laborer shook his head vacantly. All sense had left his eyes. He was in a stupor of fear. His fate had entangled him. His mouth had dropped open.

"Do you recognize this hatchet?" the constable asked sharply.

"Why so severe?" whispered the clergyman to his deacon. "There is yet no proof against him."

"No," said Williams feebly. Suddenly he shrieked: "I am innocent! I will not be tortured!" Then he collapsed. All the bulldog had gone out of him.

As the constable held the hatchet up before the prisoner's eyes three marks were noticed—finely crossed lines, cut into the end of the handle.

"Why, it is my hatchet!" exclaimed the parson in innocent surprise. "My little boy cut those marks with his jackknife. How could the hatchet have got into Mr. Burns' barn?"

At these words Williams fell upon the floor in a dead faint.

It only needed the scantiest cross examination to bring the fact out that Williams had used the marked hatchet all the day before in the orchard. Then the woman with whom Williams boarded felt called upon to volunteer the information that her lodger had not come in until after 9 the night before.

"It seems to me, gentlemen," said the constable with the gravity that the situation demanded, "that I had better hitch up and take him right over to the county jail. It is a pretty plain case. Will you go along, doctor?"

Low murmurs of approval followed these words.

"I don't see any mystery about it yet," said the graduate, filling his pipe for the third time, "and I don't see where your jury comes in either."

"It was my first important murder case," the judge resumed, ignoring the interruption (at this point I quote the old jurist exactly. He was evidently living his famous case over again), "and I remember well the charge I gave to the jury. I practically instructed them to retire and immediately to bring in a verdict of murder in the first degree. It was a neat case of circumstantial evidence, and the defense did little more than throw itself upon the mercy of the court."

The jury was an average one. The foreman was a choleric, hatchet faced, sandy complexioned farmer who had served as foreman before and was impressed with the importance of his own views as well as of his own position. Perhaps William Worthely, the blacksmith, was the most intelligent as well as the most disinterested member of the jury. He followed the evidence with keen attention and listened to the charge with independent courtesy. I happened to notice as he marched out that his great jaws were firmly closed, while the faces of the rest of the jury were relaxed.

The jury filed out. The court took a few minutes' recess only, expecting to sentence the murderer in a few minutes. The spectators remained in their seats.

"Well," said the foreman easily, stroking his sharp chin, "hay is about ready to cut, and there's no use of our staying here any longer. There's no two ways of looking at it. I guess we can follow the judge. For the sake of formality we'll drop our ballots in the hat. We're unanimous—guilty, of course. I've got three miles to ride and have got to be home to supper."

The vote was hurriedly taken. Then all but one eagerly rose. Worthely alone remained seated, smoking his pipe stolidly and looking out of the window, while curious lines of amusement played around his eyes and mouth.

"By gracious!" cried the foreman, looking at the ballots in amazement and then eying one after the other of his fellows suspiciously. "Some one has put in 'not guilty,' and he has had the audacity to underscore 'not.' I should like to know who this gentleman is. We can't afford to waste time in fool's play here." Here he cast a bullying look upon the most insignificant member of the 12. But this person, in the consciousness of innocence, returned an unflinching glance.

"We must settle this right away"— began the foreman.

"Have the gentlemen of the jury agreed?" The court officer put his head in at the door. "The court is waiting."

"No," answered the foreman with red face, "but we will. Now," he said, turning to his jurymen, "we will find out who votes 'not guilty,' and I promise you that we will make it hot for him. All for 'guilty,' hold up your hands. Opposed."

Every man in the room turned upon William Worthely. The blacksmith now dropped his hand nonchalantly and looked from one to the other with a cool glance. He seemed to be the only unflurried person present. The foreman, who had some bullying epithet ready upon his tongue, dropped his jaw without speech. Worthely was not a man to be blackguarded—he was too big; nor to be trifled with—he was too dignified; nor to be argued with—he was too logical. While the foreman was feared because he held much signed paper and many mortgages in his possession, Worthely was feared because of his self reliant nature and fine physique.

"Fire away at me," he said, with aggravating good humor. "I don't think he's guilty, and I never shall. Who saw him do it? No one. So there's no direct evidence."

"But he can't account for himself," urged the foreman despairingly. "Do have a little reason."

"Reason?" replied the blacksmith bluntly. "I'll reason you until we've acquitted him. Here's my word for it." He brought his great fist down upon the table, smashing a leaf clean off. "I'll not budge a hairbreadth until that innocent man is set free. God is my witness—I mean what I say."

"And," cried the foreman vindictively, "we won't budge either. I've been foreman before, Mr. Blacksmith, and I know 11 men can bring one around, give them time."

"You'll have it fast enough," sneered Worthely.

"And I should like to know how you know he is innocent."

To taunt the one dissenting voice in the jury room is no new device. The horrors of that closed chamber can never be told.

And now followed hot question and cool answer. On one side stood 11 men, angry clear through, hurling confused argument and bitter taunts.

"Burns named him in his last breath."

"Aren't there any other men by the name of Williams in the world?" sarcastically.

"Your first name is William," grinned the foreman, with a thrust of the lean, red neck.

"So is yours," was the quick parry.

"But where was the prisoner?"

"I don't deny he might have seen Burns that evening, but that is no proof."

"How about the hatchet?"

"He might have easily dropped it and somebody else picked it up, and then used it."

"Nonsense!"

"Rot!"

"You're crazy."

"Let him alone, gentlemen; his head is fetched."

(To be Continued.)

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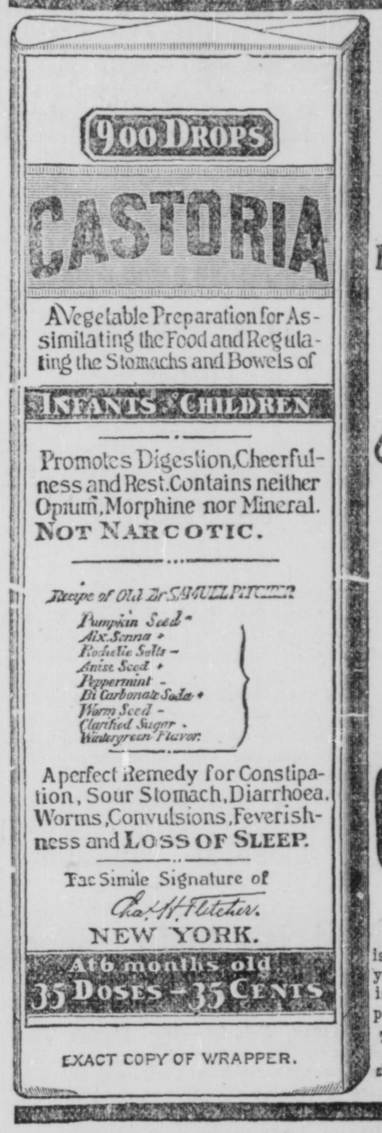

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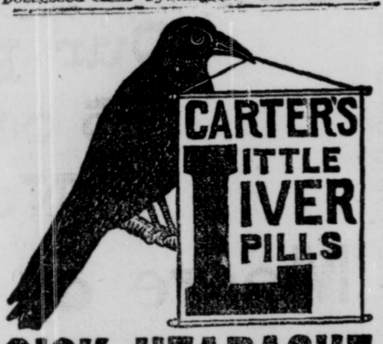

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