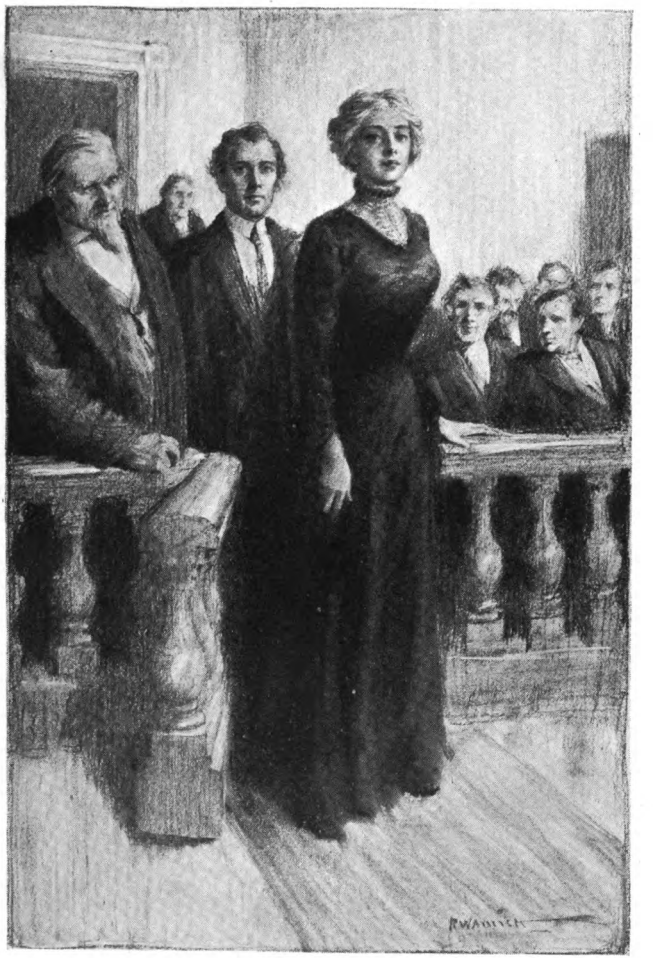
GUILTY?

ARCTANDER



THE FAIR DEFENDANT ENTERS

GUILTY?

BY

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of the Minneapolis Bar
Author of "The Apostle of Alaska"

Cochrane Publishing Company
Tribune Building
New York
1910

Inscribed

to

That Exquisite Little Southern Maiden

LILLY MAUD SCOOLER

of

New Orleans, La.

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BOOK I.

THE CASE

GUILTY?

CHAPTER I.

THE TELEGRAM.

"A TELEGRAM for you, sir."

At these words, James Barker, the leading criminal lawyer of Minneapolis, looked absently over his gold-rimmed spectacles at the office boy of the firm of Barker & McDonald, who, thumbing a Western Union envelope, stood near the corner of the large desk at which the lawyer was seated. He had knocked at the door of the private office several times without receiving an answer, so engrossed was the lawyer in the preparation of a complicated brief which lay on the desk before him.

"What can I do for you, Bob?" And a kind smile lit up the anything but handsome features of the noted lawyer.

"A telegram, sir," repeated the boy.

"For me, eh?" And with a peculiar nervous jerk, the lawyer took the straw-colored envelope and tore it open. His eyes rapidly scanned the contents of the message. It read as follows:

Willmar, Minn., Sept. 6, 1893.

HON. JAMES BARKER,

Temple Court, Minneapolis, Minn.

Innocent woman, accused horrible crime, requires your eminent assistance. Come immediately.

MARIE EKLUND.

"Tut, tut, my little one! Come immediately! We are in a great hurry, aren't we?" muttered the lawyer in his heavy beard, as he once more perused the message, this time with a keen, searching glance resting inquisitively on each word, yea, on each syllable, as if he were trying to make out the writer's character from the wording.

It was an old habit of Mr. Barker never to let an opportunity go by that could possibly afford an insight into the character of any person with whom he came in contact. It was perhaps the main secret of his success. Whenever a juror was called in one of his cases, he looked up at him sternly for a moment over the rim of his glasses, and this one quick glance, generally, correctly deciphered to the lawyer's mind what would be concealed to most men behind the wrinkled brow or the smiling countenance.

He read in the face and, especially in the eyes, as in an open book, the human mind and heart hidden within; he saw their strong and weak points; he divined their likes and their dislikes and, with the intuitive instinct of a woman, he would, from a moment's investigation, rather than from an extended examination into the juror's history and surroundings, determine in his own mind whether to trust the man on the jury or not. Although he would often indulge in a lengthy examination of a juror on his "*voir dire*," it was mainly for the purpose of verifying his first impression, rarely to change it.

This confirmed habit of always searching for traces of the true character in a person who came under his observation had bred in him the firm belief that not only would a man's handwriting unfailingly betray his character to the keen observer, but that even expressions that he made use of, whether verbal or written, could

give a judge of human nature a clue to the true inwardness of the man and to his sincerity in any assertion he might choose to make.

"All right, my boy," he said, without in any way interrupting his searching investigation of the few words of the message.

The office boy silently withdrew from the room, and closed the door leading to the large general office of the firm.

The keen eyes of the lawyer continued to follow every word in that scanty message from beginning to end. Word for word to the end again. And so on for a number of times.

His brows were firmly knit, and there came a worried expression over his features, as he evidently was engaged in spelling out from the eleven words of that brief telegraphic message the history and character of the woman who, in her trouble, had appealed to him for help.

This idea of his power to construct a solution of the riddle of a person's life history from his looks and remarks had, during the long years of his practice, so thoroughly taken hold of him that, whenever he failed to weave a story of human experience from the most slender threads, he almost felt the pangs of the weakness of old age coming over him, and he doubted the continual vital force of his wonted perspicuity.

But presently the deep vertical furrows between his eyebrows relaxed. A light of understanding and appreciation swept over the troubled features. With an evident feeling of great relief he threw the message down on his desk and spoke aloud, addressing an imaginary person, as often was his wont, when his mind was recovering from some strenuous effort:

"Aha! my dear girl, I have got you at last. You

are a keen one, and came near making no breaks. Innocent? No. You don't allow anything for my knowledge and observation of women. A woman who is innocent will not stop to assert it. She expects you to take it for granted without saying anything about it. If she has any snap about her, she will devour you, if you undertake to express the first shadow of a doubt about it. You may be beautiful; you may be everything that is perfect; but innocent you are not.

"But let me see. You are young; you are a foreigner. Well, of course, the name indicates that, but then you might be an American girl who had found on the wild western prairie a Swede good enough to marry. You might be, in spite of your name, but you are not, and I know it.

"You were brought up across the sea. You have tried too hard to make ten words answer for your message. You have been used to the ten-word division in telegraphic rates on the continent. But you have failed after all. There are eleven words, trying your utmost. You gave it up in despair for you had an object to accomplish. What was it? Oh, you keen one; don't you think an old fox like me can read between the lines?

"You could have stricken out the word 'eminent,' characterizing my humble services. You have left out words really necessary to make good sense in the message. Why did you insist on retaining that wholly unnecessary word? Oh, I will tell you, my little one. You are keen, as I just remarked. You thought I was an old fool who would swallow flattery from a young girl, and so you stuck to that word, even at the risk of paying a double rate.

"You wanted to tickle my vanity," continued the lawyer in soliloquy. "Perhaps you have not the wherewithal with which to tickle my purse, so you employ

that other weapon usually so effective in the combat of a woman with an old bald-headed lawyer. But I see through you, my duck, and you will not get my services unless you have the ducats. An old fool like myself can resist those blandishments a great deal easier when a hundred miles away.

"The telegraph is a splendid invention. By its means persons speak as if they were in each other's presence, but the most dangerous concomitants of speech—the glances from bewitching eyes, which in their silence and sadness speak louder than words, are wholly absent.

"But I must get through with you and not divert. If it were not for your cuteness I should say you were a romantic school-girl, but you are too keen and calculating for a school-girl. You have gone through a good deal, and have successfully taken a postgraduate course in the science of man's weakness. But romantic and sentimental you are, there is no mistaking that. You admire Byron. I will lay a wager he is your favorite poet. 'Horrible crime'—murder, of course. Of what else could a woman of your stamp be guilty? But how did you commit it? That is the question. Who is the victim? Another woman who has robbed you of your lover? No, you would glory in that with your romantic temperament. 'Horrible crime'—I have it. You have poisoned somebody. But if you have there is a lover in it. That old Frenchman used always to inquire for the woman in every criminal case. In your case there is a man, my dear, or my name is not Jim Barker. Well, we will soon see if my diagnosis of your disease is correct."

The lawyer wheeled his office chair around, reached over to an electric button at the extreme end of his desk, and pressed it three times. In a few seconds

there appeared in the doorway a bald head as round and polished as a billiard ball resting on a diminutive but very active and nimble body.

The owner of this strange looking head was Charles Dyke, Barker & McDonald's confidential clerk, and the chief in the general office. He advanced to the desk without addressing his superior in words, but his shining face, way up beyond a pair of large ears, that evidently were made for the purpose of taking in everything that came their way, smiled an inquiry to his employer loud enough to be heard a square off.

As the clerk advanced, the lawyer again took up the telegram, glanced for a moment at the signature, and said, in his blandest tones:

"Please examine the morning papers, Mr. Dyke, and let me know if you find in any of them a special from Willmar concerning a poison case in which a young woman, Marie Eklund, is involved. Bring me the paper as soon as you have found the paragraph, and find it quick, if you please."

Mr. Dyke, without uttering a word, simply bowed assent to his employer and withdrew.

His lips were as thin and as firmly closed as his ears were large and open. Evidently Mr. Barker's theory of the face being a truthful exponent of a man's character had obtained for Mr. Dyke his present confidential position, for even less keen eyes than those of the lawyer could easily discern that Mr. Dyke was a man who knew how to keep his tongue well barricaded behind those thin lips.

Even before the door closed upon the clerk, Mr. Barker resumed work on the knotty brief, the preparation of which had been disturbed by the arrival of the telegram.

Not a thought did he now give to the new case of-

fered him. He had formed his judgment. It was, of course, correct. The newspaper report would simply confirm it—that was all. He just knew that it would, and troubled himself no more about it.

He was so deeply engrossed in his work that he did not notice Mr. Dyke's reappearance until the latter laid on the desk, right under the laywer's nose, a copy of that morning's *Tribune*. Mr. Dyke's sharp index finger pointed to an article which he had marked in blue pencil.

"The special, sir."

"Thank you, Mr. Dyke. Please remain a moment. I may want to send a telegram when I have read this article," said Mr. Barker, quietly, without looking up from his work.

He did not even seem to notice the newspaper until he had finished the portion of the brief on which his attention had been riveted. This completed, he grabbed the newspaper with that same nervous jerk which was noticeable on his tearing open the envelope, and one glance was sufficient to attract his attention to the marked article in the last column of the first page. This is what he read:

ACCUSED OF MURDER.

Handsome Young Widow Arrested on the Charge of Poisoning Her Husband

Paramour May Be Partner in the Crime.

Grand Jury Investigating the Case.

(Special to the Tribune.)

Willmar, Sept. 5.—Last March, Andrew Eklund, a prominent and well-to-do farm-

er in the town of Whitefield in this county, died under rather suspicious circumstances. He was sick only for a few days, and from the symptoms attending his sudden and fatal illness, foul play was suspected by the neighbors. Dame Rumor had, for some time before his death, been busy coupling the name of his young wife, a beautiful and evidently highly cultured lady of Norwegian nativity, with that of his farm hand, Harold Steen, a late Norwegian arrival. The husband, who was old enough to be the young wife's father, was a Swede.

It was claimed at the time that the two young people evinced a great fondness for each other, and that their conduct was very irritating to the elderly husband. Then came the sudden death of Mr. Eklund. His brother, Mons Eklund, immediately after, was loud in his denunciation of his fair sister-in-law, and demanded of the authorities that an inquest be held. This was accordingly done, but the young widow came out victorious, as after the autopsy the doctors declared they could find no evidence of death by poisoning, and the coroner's jury brought in a verdict that death had been caused by an attack of peritonitis.

It seems, however, that the brother of the deceased, not satisfied with the result of the inquest, prevailed upon the coroner to take possession of some of the vital organs of the dead body, and caused them to be forwarded to a prominent chemist in St. Paul for analysis.

It is claimed that some time ago this chemist reported to the coroner that he

had found sufficient arsenic in the organs forwarded to him to cause death, but upon consultation with the county attorney it was deemed advisable to wait and lay the case before the grand jury, which convened in this city today, before arresting the widow, who, with the assistance of Mr. Steen, her alleged paramour, has been running the farm as though nothing had happened.

This course was presumably taken in order to evade keeping the prisoners in jail, at the county's expense, for several months, before the grand jury could meet, and seemed perfectly safe, as the young widow, who has been in this country only two years, appeared to be wholly ignorant of the purpose for which some of the organs of the deceased were taken possession of by the coroner.

There has, however, been a leak somewhere by which she learned of the contemplated action of the county authorities, as word came to the county attorney yesterday that she had during the past week secured a premature distribution, in the probate court, of the estate to herself as sole heir by filing a bond to protect any possible creditors of the estate of her deceased husband. It was also learned that she had lately been disposing of the personal property at a sacrifice, and that she and her alleged accomplice were expected to leave the country between two days.

A warrant for the arrest of both parties was sworn out last night before Justice Burns by the brother of the murdered man, and Sheriff Brown started late last night for the town of Whitefield to make

the arrest. This noon he arrived with the prisoners. They were brought before Justice Burns this afternoon, when the county attorney asked a continuance of the examination for four days, as he would be engaged during that time before the grand jury which is now in session. The prisoners were thereupon committed to the county jail. Mr. Steen was at once locked up, but the fair widow enjoys the hospitality of the sheriff's residence, as the economic instincts of the county board have not provided any separate jail for female prisoners.

The sheriff has the utmost faith in his fair prisoner, and has left her to the care of Mrs. Brown, who asserts her ability to handle two or three prisoners without giving them a chance to escape.

It was generally understood this afternoon that the witnesses in the case were being examined before the grand jury, and that the expert chemist will arrive on the evening train from St. Paul to give his evidence tomorrow. It is likely that an indictment will then be found, and that, in any event, the young widow will be called upon to appear in the district court instead of before the magistrate to answer to the charge of murdering her husband.

The "Tribune" correspondent sought an interview with her at the sheriff's residence this evening, but exerted in vain his ingenuity to draw any information from her regarding the alleged crime. Although receiving the correspondent very cordially and in a very ladylike and refined manner, she was mum as an oyster on the question of her husband's death,

and could not be induced to say anything except that she, with tears in her eyes, most strenuously affirmed that she was wholly innocent of the alleged crime, and a victim of the most unfortunate circumstances, and that she trusted in God alone for help out of the trouble which had befallen her. She indignantly denied any but the purest relations between her and the other prisoner, and explains all insinuations to the contrary by the fact that the women of the neighborhood, who she avers are all low-bred Swedes, heartily dislike her because she has declined to associate with them. The other prisoner absolutely refused to speak to the "Tribune" correspondent at all, and would neither affirm nor deny his guilt. On the whole, the case is the most mysterious one this county has ever had, and the people of the village are getting quite excited, bets as to the conviction of the prisoners being freely offered and taken, showing that public opinion is greatly divided. From what has leaked out as to the evidence in the possession of the State, there seems to be no doubt but that a true bill will be returned by the grand jury tomorrow afternoon against the woman at least.

The lawyer's eyes ran down the column, and it was with a smile of satisfaction that he perused the contents.

As usual, his judgment had been correct.

From the innocent eleven words of the telegraphic message he had constructed the life story of this young woman. His old-time perspicuity had not deserted him, and he sniffed another legal victory in the air.

There was only one point of dissatisfaction in the story told in the newspaper—the woman was not poor. She evidently had money. What then was the reason for her attempt to cajole him into her services by abject flattery? In this particular only had he judged her wrongly, but this troubled him but for a moment.

"Bah," he muttered to himself, "what does it matter? It was only a trifle anyhow, and I will soon enough discover her hidden reason for this attack on me. Everything considered, I would rather have her wealthy, for I must confess that the sender of that telegram had fascinated me against my will, and I am afraid I should have taken her case, even if there had not been a cent in it. So much the better, though! There is always more satisfaction in working for a good fee than merely for the love of the thing. Isn't she keen, though? Getting a decree of distribution before the regular time and getting ready to leave the unhealthy atmosphere behind her. Women don't like hempen neckties—they are not fashionable.

"She was evidently too much for you, Mr. County Attorney, and you would never have had her, had not some spy, interested for some reason in her doings, put you on to her scheme. Who is that spy? Well, never mind, we shall know it all in good time. But I must go to work. If I leave for Willmar tonight, I shall have to work like a slave to get through with this confounded brief."

He gave the innocent brief a slap as if to revenge himself on it for the trouble it caused him at a time when a new and interesting case called for the application of all his native keenness and energy. Then turning to Mr. Dyke, who had remained respectfully standing near the edge of the desk, he said:

"Mr. Dyke, you will please telephone at once a message to the Western Union for Mrs. Marie Eklund, in care of Sheriff Brown, Willmar, to the effect that I will arrive at Willmar on this evening's train, provided she wires me before two o'clock today through the local bank, my trial fee in district court, one thousand dollars. Tell them to rush it, and inform me when the answer comes."

Mr. Dyke nodded and was about to disappear when the lawyer again addressed him.

"I shall be busy all day, so if anyone calls, I am out of the city. You understand?"

"Yes, sir," and Mr. Dyke disappeared.

It was some time before Mr. Barker could concentrate his thoughts on his brief. The new case had a strange fascination for him, and he could not resist the temptation to peruse the newspaper story once more.

"That correspondent is a lawyer," he said to himself. "It is the first time I ever saw any of those confounded papers get any legal matters right, but this fellow knows what he is talking about. He evidently doubts her guilt, too. Young man, likely—has perhaps fallen a victim to the little woman's charms. Well, we will have use for you, my friend. The power of the press is great, and must never be overlooked. All you have to do is to send its shafts in the right direction, and it is a blessed power, great for good and great for evil. In this case we will use it for our fair client's good, and incidentally for Jim Barker's as well."

With this remark he threw the newspaper aside, and bent over his brief, pen in hand.

CHAPTER II.

THE LAWYER.

WHILE Mr. Barker is engaged on his brief, let us take advantage of the opportunity to allow the reader to form a closer acquaintance with this remarkable man who is destined to figure so prominently in this drama of life.

"Jim" Barker was at this time sixty-two years of age, but in spite of his venerable age, and the prominent position he occupied at the bar of the State, where he had cast his lot since early manhood, not even a mere acquaintance of his was ever known to address him in any other way than by the familiar sobriquet, "Jim." There was something so large-hearted, so cordial and kind about the man, he managed on short or long acquaintance to reach out for the heart-strings of any one he met to such an extent that even a stranger felt as if he had known him for years.

Intimate friends from his native State said that in his early youth Barker had met with a great sorrow which came near ending his usefulness, but that when he finally emerged from the whirlpool of despair, instead of becoming sour, crabbed and bitter, it had the opposite effect; and from that day you could always reckon upon Jim Barker taking the part of the under dog, whether it was in a dog fight or in that more cruel fight wherein society is hounding one of its poor unfortunates whom it believes to have broken one of its

laws—to death or a fate a thousand times worse than death.

He was in this particular, if in no other, a typical American.

He never held public office but once. For two years he filled with great credit and ability the position of prosecuting attorney of Hennepin county. No one could say that he did not honorably discharge the duties of his office. The criminal trembled at the sound of his deep, sonorous voice when he exhorted the jury never to strike the blow of guilty until every avenue of doubt had been closed, but then to strike fearlessly, no matter who was hit.

His very anxiety to obtain the poor fellow a fair trial, and to see that none was convicted unless his guilt was manifest and free from reasonable doubt, secured him conviction from juries in cases where some more zealous and less fair advocate, perchance, would have tried in vain.

He did his duty—did it manfully, but any one who saw him could not fail to see that, during these two years, he always went into battle with a sad heart, and that he really wished he was free from the distasteful task.

A remarkable trait of his may be mentioned. His hand rested heavily on the neck of every criminal until the jury had pronounced him guilty; but from that moment he loosened his hold on the poor fellow. From that time not a word from him was heard which could in the least tend to aggravate the lot of the poor unfortunate. In fact, he was often known to plead in the privacy of the judge's chamber for leniency in the punishment of the convicted criminal.

Shortly before the close of his term of office he was tendered a unanimous renomination by his own party, and the party which he had combatted with all the strength of conviction almost from the days of his boyhood, without an opposing voice, concluded to endorse his nomination, so effective and fearless had been his administration of justice in the largest county of the State.

But fate would have it that a red-handed murderer, who, by the lawyer's efforts, had been convicted on greatly circumstantial, though convincing evidence, expiated his crime on the scaffold a few days after the latter convention.

For weeks afterwards Barker's face wore a haunted expression. One could see that he suffered intensely, and before election day, he, with thanks, declined both nominations, and absolutely refused to allow his name to go before the people. When his friends urged him to reconsider this action he told them, with a look of horror in his eyes, that he would commit suicide rather than run the risk of having another man's blood on his hands.

The day his term of office expired, and when he found himself at liberty again to appear and fight the battle of the down-trodden and the unfortunate, a new elasticity seemed to come into his steps, a new luster shone in his eyes.

He was in his element again.

In defending a criminal he never cared whether a man was guilty or innocent. That was not the question with him. He insisted that every criminal, were he ever so guilty, under the merciful view of the law, was entitled to a fair trial for his life or liberty; to

have every doubt on the law or the facts magnified in his favor. In support of this position he proudly quoted the maxim of the common law, that it were better that ninety-nine guilty men escape than that one innocent suffer.

I don't know but that he really preferred to defend a guilty person. At least he had been known to remark that it was much easier to defend a guilty man than an innocent one, and that the only time a jury would not listen to the plea of insanity interposed by himself in behalf of a person accused of homicide, was in a case in which the defendant was "as mad as a March hare." Some have been malicious enough to say that in all other cases in which he cleared his man on the plea of insanity the defendants were at least as sane as the lawyer himself.

The lion was never so much aroused in him, as when he was to defend a man against whom the full force of popular opinion and prejudice had set in; when the community, so to speak, clamored for his client's blood.

Then his biting sarcasm silenced the mouth of many a lying witness, and the fear of his scathing cross-examination scared from the stand even many an honest and truthful witness.

Then in torrents of eloquence his voice fairly lifted the rafters of the court house, and, with the wild, irresistible force of a tornado, howled and whizzed and screeched for human liberty, for human life, for the protection of the citizen against the unfair onslaught of the Commonwealth, and, like the thunder-clap, it generally struck consternation, flight and fear into the camp of the prosecution. But when he had at last succeeded in divesting the minds of the jurors of every

shred of prejudice and preconceived opinion, when he had eloquently terrorized their souls with the terrible consequences to them, to the community and to the prisoner at the bar, of an erroneous conviction, and when their minds had become blank tablets on which could be written his lofty dictations, he changed his tactics.

The roaring, thunderous voice was hushed, and in tones as soft and winning as a woman's caresses, he instilled into their minds and hearts the blessings flowing from extending mercy toward the erring and fallen, until there was not a dry eye in the court-room.

At times his voice would tremble in the deepest tremolo of a tear-choked throat, but on such occasions never a tear glimmered in the corner of his eye. He knew the secret, that when you wish to awaken in your hearer's hearts the emotions that find their outlet in the sweet pearls of sorrow and compassion, you must be beyond the pale of that emotion yourself.

So during his most pathetic appeals his cheeks were the only ones in the room that were not tear-stained. But that does not signify that he was not sincere in what he said. He was only perfect master of the situation and of his emotions, and knew that he must absolutely control his personal feelings, if he wished to succeed in swaying the emotions of his hearers.

The secret of his success in the trial cases could, in a measure, be attributed to his marvelously keen judgment of human nature, but that faculty alone would never have achieved the continuous victories he enjoyed had it not been aided by his untiring energy in working up his cases in the smallest details, and by his being prepared for anything the enemy could offer.

Besides he had a wonderful faculty of quick perception, so necessary to the successful lawyer. He could, so to speak, sniff a point, intended to be made by the other side, a long ways off, and long before it showed itself to the ordinary naked eye. And by the time the evidence dangerous to his client's case was about to be introduced he was either prepared to eliminate it from the case by clever objections, or he had already made up his mind how to meet and counteract its poisonous effects on the jury.

He was never taken unawares. If he were, he never showed it.

The effect of the most damaging evidence against him was more than once totally destroyed by his simply drumming his pencil on the table, by a loud yawn, or by a disgusted look which indicated that he was greatly bored by the whole performance.

No lawyer ever cross-examined as little as he did. He never did so, simply to harass a witness, or for the mere fun of cross-examination.

Many a witness against him he literally eliminated from the case by that magnificent wave of his hand, indicating to every one present that the witness was not of the slightest importance in the case, and far beneath the dignity of cross-examination.

As a general thing he never cross-examined unless he went after a scalp, knew, or divined where he could get it, and then, in ninety-nine cases out of a hundred, he returned from the hunt with the trophy dangling at his belt.

But if he felt in his heart that a witness had lied in any material particular, or if he wanted for some reason to draw the jury's attention away from a danger-

ous matter, it was fine to see him rise to his feet and close in on the witness. Six feet two inches in his stocking feet, and tipping the scale at three hundred pounds, he was a physical giant as well as an intellectual one, and when the strong index finger of his long arm was ominously pointed at the witness, and the burning questions poured down on the head of the victim thick and fast, and when the otherwise kindly eyes looked daggers, blazing with indignation, it was no uncommon thing for the bravest man to cow down in abject fear, and "give up the ghost," figuratively speaking.

Many a brave and courageous man, many a person as well provided intellectually as he, stepped down from the witness stand after a rattling cross-examination at the lawyer's hands, literally "as limp as a rag," with all his evidence torn into tatters.

While in the smoke of battle, he had but one aim—to clear his man. Every move he made, every word he spoke to client, witness or judge, even every joke he passed across the table, had but one object—effect on the jury.

When he addressed the court on a legal question he spoke clearly, convincingly, as one who knows what he is talking about, and none could make finer and more delicate distinctions in the law than he, but at all times the keen observer could see that while every word was sent on its way so as to graze the judge's ear, at the same time the shafts were aimed directly at the hearts and brains of the twelve men, who ultimately had his client's fate in their keeping. And his arrows generally hit the bull's eye.

His appearance was rugged and disorderly as were his habits. His shaggy, white beard he let grow long

and unkempt. The strangling hairs on his head looked as if they had never made the acquaintance of a comb or brush. His coat and vest were always dotted with grease spots, even the day after they came from the tailor, and his desk presented a perfect picture of the prevailing disturbance at the building of the tower of Babel. Letters, briefs, telegrams, pamphlets, legal periodicals and books were dumped there in one conglomerate mass, and he was exceedingly fortunate if he could find an empty space on it large enough to rest his arm when he wished to sign his name.

One of his pronounced peculiarities was that he mistrusted every woman. He admired all of them, who were beautiful; he had loved many of them in his day, but he never trusted anything in petticoats.

That, perhaps, explains why no female stenographer could be found in Barker & McDonald's office.

Perhaps the great sorrow of his life had something to do with this extreme distrust of women; perhaps it was a just punishment for the crime of having remained a bachelor all his life with the world full of lovely women, ready and willing to make him a good, true and loving wife. Who can tell?

CHAPTER III.

The Retainer.

Mr. Barker had just returned from lunch when one of his clerks handed him a telegram from the cashier of the Bank of Willmar, informing him that one thousand dollars had been deposited with the bank to his credit by Mrs. Eklund.

He at once indited a telegram to his fair client instructing her, if brought into court to plead to the indictment, to demand time to plead until the following day. He ended the message with a caution to keep her own counsel, and not to speak to anyone about the case, under any pretext whatever, until he arrived.

Knowing that his client, being a foreigner, might fail to appreciate the import of any possible court proceedings, he, as a matter of further precaution, sent a telegram to the judge, who was an old friend of his, notifying him of his intended appearance in the case, and invoking the protection of the court for his client's rights, and further asked that her arraignment, if possible, be delayed until he could be present in court the next morning.

This disposed of, he rang the bell for Mr. Dyke.

"Mr. Dyke, when is my next engagement in court?"

"Next Monday—the bank robbery case—St. Paul."

"Very well, I shall only spend two days at Willmar anyway. Where is Thompson?"

"St. Paul, sir."

"What is he doing there?"

"Working on a clue in the bank case, sir."

"Can you have him here before 5 o'clock?"

"I will try, sir."

"Trying will not do, Mr. Dyke; Thompson is to go with me to Willmar tonight. He must be here at five."

"Very well, sir."

"Will you please ascertain when the night train leaves for Willmar, Mr. Dyke."

"At 7:10, sir."

"Well, I declare. Do you know that, too, Mr. Dyke, you are a regular encyclopedia. I would like to know if there is anything that you don't know all about."

"I looked it up, sir."

"Well, well, I dare say. You are a valuable man, Mr. Dyke."

"Thanks, sir."

Mr. Dyke was about to retire from the room.

"One moment, Mr. Dyke; will you kindly send one of the boys to the hotel for my valise. Let him tell the chambermaid to put in a shirt or two. If he doesn't she'll pack my whole wardrobe."

"Yes, sir."

"Place 'Taylor on Poisons' and 'Woodman's Toxicology' in the valise, and, Mr. Dyke, Willmar is a dry village, is it not? Haven't they voted no license there?"

"Yes, sir; I believe so."

"I thought so. D——n those prohibition towns. A fellow who never drinks anything gets terribly thirsty the moment he strikes one of them. Get me a couple of quarts of the best whiskey you can find. It may come in handy; one never can tell."

"Bourbon, sir?"

"No, sir. What do you take me for?" fairly roared the lawyer. "A Democrat? Rye, sir. Never anything but rye for me."

"All right, sir."

And Mr. Dyke, surprised to learn that there was something about his employer he did not know, and evidently very much disgusted with himself, retired to execute the lawyer's orders.

At 5 o'clock Mr. Barker was still assiduously at work at his desk. There had been repeated knocks at the door to his private room for several moments, but, as usual, when engrossed in his duties, he heeded them not. In fact, he did not hear them at all.

Finally the door opened and the longest, sharpest and reddest nose one would ever expect to see insinuated itself into the opening.

That nose belonged to Mr. Thompson, and its owner was not far away, although it must be admitted that there was a considerable distance from the tip of his nose to any of the adjacent portions of his face.

Before there was a chance to see anything else of him a fine, long hand hove in sight, and lovingly caressed that nose. And it was well worth petting, for it was valuable. Its rubicund shade had cost many a dollar of good honest money. In fact, it was claimed that Mr. Thompson had expended upon it a considerable portion of the large fortune his father, a rich railroad contractor, had left for him to squander. No wonder his hand, whenever he was studying on anything, and, in fact, on the smallest provocation, involuntarily, with a soft, loving caress, stroked that prominent probocis, that certainly was not done in *water*-colors.

Mr. Thompson was Mr. Barker's factotum. For the

last ten years the lawyer had not tried an important case in court without Thompson's assistance. He was a lightning stenographer, and in court he always sat behind his employer, taking down in shorthand every word which passed in the court-room. But this was not his most valuable accomplishment.

Ten years ago when Thompson had been wallowing in the dregs of the whiskey barrel, he had, in an unfortunate moment, tried to retrieve his ruined finances, in order to satisfy the cravings of his nose for higher coloring, by passing a forged check on an unsuspecting saloon-keeper.

He was arrested, indicted and tried. Mr. Barker secured his acquittal.

That nose had impressed Mr. Barker's fancy from the start. He concluded that such a nose, with such a wonderful hook-like appendix at the end, could not fail to indicate a great natural aptness for detective work, if its owner could only be prevailed upon to keep sober, and when the case was over he kindly took the young criminal into his office. The Keely cure was not then in vogue, but Mr. Barker had a medical friend who, like himself, had implicit faith in the therapeutic powers of hypnotism, and he set the medical man to work on the owner of that extraordinary nose.

The weak condition of Thompson's brain, brought about by incessant dissipation, made him an easy subject for the doctor's hypnotic powers.

For some weeks he was daily put into a hypnotic condition. When in that condition the suggestion was given him, every day stronger and more emphatic, not to touch liquor and to be unable to stand the effect of any strong drinks. Finally it was strongly impressed

upon him that his system would immediately repel any attempt to force liquor upon it.

After the lapse of a few weeks Mr. Thompson found himself reformed to such an extent that even the mere odor emanating from a saloon was sufficient to give him an attack of nausea.

Saved from ignominious imprisonment and from the slavery of the drink curse, was it strange that he became the great lawyer's faithful servant and sleuth?

He would burrow and dig into the slimy surroundings of every criminal case in which Mr. Barker was interested, until he could lay before his employer every fact obtainable from the witnesses for the State, and every scintilla of evidence which could be scared up for the defense.

"You wanted me at five, Mr. Barker, and here I am. It is two minutes after five, sir." These words startled Mr. Barker, who was still buried in his work.

"Aha, my boy, you are here, are you? I couldn't have gone off without you, you know. We go to Willmar tonight. I have a week's work for you there in a poison case. Get yourself a clean shirt and come here at 6.30 to take my valise to the depot."

"But the bank case, sir?"

"D——n the bank case. I want you to understand that this is no ordinary case, Thompson. If I am not mistaken, you have to put in your best efforts if I am to win, and win I must. Tell Mr. Dyke to have some one else put on your clues in the bank case, and meet me here at 6.30 sharp. These are my orders—now vamoose."

And Thompson vamoosed.

CHAPTER IV.

On the Ground.

It was after 10 o'clock when the huge Great Northern engine pulled the heavy Winnipeg train up to the platform at Willmar station.

When Mr. Barker alighted from the car he soon ascertained that his arrival had been anticipated. The platform was thronged with a crowd of curious men, who had come down to get a glimpse of the man whose name just then was in everybody's mouth in the village.

In the crowd he soon perceived the burly form of Sheriff Brown, who elbowed his way to Barker, and after a hearty handshake, relieved him of his satchel which he insisted on carrying over to the Merchant's Hotel.

In the hotel office a number of the leading citizens came up to shake hands with Mr. Barker, for he was no stranger in the town. A few years before, he had, amidst great public excitement, succeeded in acquitting a couple of railroad men who, at the instigation of the railroad company, had been indicted for manslaughter on account of a fatal wreck caused by an alleged lack of vigilance on their part.

Among others, who crowded around him to take him by the hand, was his old friend, Judge Thayer, the presiding judge of the district court. With his peculiar western abandon, the judge had been enjoying his usual

game of cinch in the hotel office, and certainly would not have left the card-table before midnight for any other man than his old time friend, Jim Barker.

"Hello, Jim, old boy; how are you?" he said, heartily shaking the lawyer's hand. "I received your telegram and thought I would sit up to have the pleasure of shaking hands with you."

"Now, Judge, what's the matter with Willmar? Have the boys all forgotten how to play cinch, inasmuch as you have acquired the habit of retiring before midnight? I see it is high time I came here, or you would be in danger of forgetting the game."

"Now, let up, Jim. A fellow cannot even be allowed to give you a compliment without you getting personal," said the judge, smiling at the dig his old friend had given his well-known only passion.

"Oh, you will get even with me in court, Judge. You have got the advantage of me there, you know," answered Barker as he scrawled his name on the register which the night clerk pushed over to him.

"But, Judge, I know you are just aching to teach those fellows over there the science of cinch, so I will leave them to your tender mercy and retire to my virtuous couch. Tomorrow night I will be your victim," he added, with a smile lurking in the corner of his eye. He knew well enough he was the only man who could make the judge squirm in a game of cinch.

"Sheriff, will you step up to my room for a little confab?" said Mr. Barker to the officer, who only seemed too glad to be honored by the lawyer's confidence in the presence and hearing of so many of his constituents.

"Certainly, Jim, I am yer huckleberry," he rejoined

in his western slang as he followed the lawyer up the broad stairway.

"Well, Sheriff, what kind of a case have you for me here?" asked Mr. Barker after the lamp in his bedroom had been lit, for Willmar could not then boast of either gas or electric lights.

"Dandy case, Jim, dandy case!" replied the sheriff.

"Arsenic, I understand."

"Arsenic and phosphorus together. The chemist says he found two grains of arsenic and any amount of phosphorus in the liver."

"Has she been indicted?"

"The grand jury reported the bill this afternoon, and the county attorney wanted them brought up right away, but the old man wouldn't allow it. He said you would be here in the morning, and he reckoned it was only perliteness to you to wait."

"Very kind of him, I am sure. What kind of a fellow is your new county attorney?"

"Good enough fellow, but I reckon he don't know overly much law—not to hurt him, anyhow. He is a young Swede, born in this county, and wasn't admitted only last fall, just before election. Isn't he scared of you, though, Jim! He is just trembling in his boots, I tell you."

There was a few moments silence.

Mr. Barker stroked his bald head as he was wont when he felt the least bit embarrassed, or hesitated on the proper course to take. Suddenly he said, as if with some effort:

"Tell me one thing, sheriff; do you honestly believe she is guilty?"

"Now, that is just what I never believed, Jim. Last

spring when I went snooping around at the coroner's inquest to see what I could find out, I just would have sworn that she was as innocent as a babe, and I have always stuck to it till that professor down in St. Paul said he found arsenic in him. Then I sort of wavered; for, you see, Jim, if it was there, it must have got there some way or another, musn't it?"

"Yes, that is very evident, sheriff; but, of course, that doesn't prove that my client gave it to him. He might have taken it himself."

"That would be all right enough if it wasn't for that Norwegian fellow who has been hanging around her. That is the worst thing against her."

"Is that the worst they can bring?"

"Just about."

"Sheriff, I am going to ask you a question. Don't answer it if you do not feel at liberty to do so, or if it in any way would interfere with your official duties, but I would, for my own satisfaction, like to know, if it has been ascertained whether she bought any arsenic anywhere at any time before the man died."

"Well, Jim, I don't see as that's anything to be so sober about. I don't reckon the truth is going to hurt anybody, and I can just as well tell you the gospel truth about that there thing. When we had the inquest, the county attorney sent me around to every blamed drug store in the county, and nary a place could I find where she had bought pison of any kind. You know that they all pretend to keep a register of the pison they sell and who buys it. Well, I went through them all for a whole year back, but her name wasn't nowhere. And I spoke to every druggist about her, too, but they all said no such person had been there

and got any pison under any name. And you bet your sweet life, if any of those fellows had ever put their eyes on her they wouldn't have forgotten her easy. You never saw such a fine looking woman in all your life, Jim. She looks like the queen of England herself."

"Thank heaven, one point gained," thought Barker, smiling at the idea that the queen of England should be set up as a model of female beauty.

"You said, Sheriff, that you hunted around for evidence at her home about the time of the inquest. Did you find anything?"

"Mighty little now, I tell you. I hunted like a good fellow, though, high and low, and all over, and I ought to have found something if there was anything in the case. I will tell you all I found. In the vault I found an empty strychnine bottle with the label half torn off. 'S-t-r-y-' was all there was left of the writing. I took it to her and asked her what there had been in that bottle. She looked it over kind of close, and then she spat right out that there had been strychnine in the bottle, and that Mr. Eklund had bought it to kill gophers with. I took the bottle, looked up the druggist who had sold it, and there, all right enough, I saw in the register that Mr. Eklund himself had bought the stuff just as she said. I also found a wrapper of a package of 'Rough on Rats' in a pile of rubbish over near the stable. That looked rather new and fresh, but I reckon she was right in saying that they had been bothered a great deal with rats in the granary, for most farmers are up this way. The county attorney says he made inquiries, and that 'Rough on Rats' is chuck full of both arsenic and phosphorus, but I am sure I don't know anything about the darned stuff."

During the sheriff's recital of what he had found at the house, Mr. Barker had closed his eyes as if mentally taking notes of the possible bearing the found articles might have on his client's case.

He had gone as far as he thought it prudent to go, and closed the interview by inquiring of the officer how early in the morning he could be permitted to see his handsome client, to which the sheriff responded by offering to come down to the hotel for him at eight o'clock so as to give him an hour's conference with the widow before the opening of court.

After a parting drink from one of Mr. Barker's bottles, the contents of which seemed to meet with the unqualified official approval of Sheriff Brown, they shook hands, and Mr. Barker retired to enjoy a few hours' rest.

CHAPTER V.

Shadows of a Crime.

Thompson had received his instructions on the train. He was to keep away from his employer, spend some hours after his arrival in learning what he could as to what evidence the State had, and in ascertaining the condition of the public pulse with reference to the fair prisoner. He was to meet Mr. Barker at the old brewery on the beautiful road winding along the west shore of Foot Lake, at 6 o'clock the next morning for the purpose of reporting to him the result of his night's work.

A little before 6 o'clock Mr. Barker, who was an early riser, was seen sauntering leisurely down Main street, apparently out for his morning's constitutional.

Half an hour later, Mr. Thompson, who had been at the trysting place at the appointed time, saw him coming up the road.

"Well, Thompson, how did you succeed?" was the first thing the lawyer said when he came up to his factotum.

"It looks pretty blue for us, sir. I struck a grand juror last night who let himself be pumped pretty willingly with reference to the State's evidence, and it is pretty strong. The chemist found two grains of arsenic and considerable phosphorus in the organs of the dead man."

"I knew that," interrupted the lawyer.

"A wrapper which had contained 'Rough on Rats' was found on the premises when the inquest was held."

The lawyer nodded.

"'Rough on Rats' contains both arsenic and phosphorus, sir."

"I know it," said Mr. Barker.

"Why didn't the foolish woman burn it when she was through with it?"

"You are getting dull, Thompson. That is the best proof we could possibly get that she did not administer 'Rough on Rats' to her husband, whatever else she may have given him. Don't you think I can make any jury see that, if she poisoned her husband with that stuff, she would, as a matter of self-protection, have destroyed the wrapper immediately? Have you nothing more than that, Thompson?"

"Yes, sir; I am sorry to say I have. The morning the old man died two calves were found dead in the stable. They had been perfectly well the evening before, but suddenly died in convulsions during the night."

"That is worse. Did you learn what became of them?"

"The fool of a coroner never took any steps about them, and by this time they have likely rotted away entirely."

"That was undoubtedly the most sensible course the calves could take for our interest, Thompson," said the lawyer, the vertical furrows between his eyebrows, which had gathered as he heard of the death of the calves, gradually disappearing.

"But the worst is left, sir," said Thompson.

"What is it?"

"There is a witness who swears that the night after

Eklund's death, and while the corpse was still lying in the next room, the farm hand spent a goodly portion of the night in Mrs. Eklund's bed-chamber."

"What is that you say, man?" cried the lawyer. His face had become almost livid, and there was a look of horror in his eyes.

"Great God!" he exclaimed. "That is enough to convict the woman, though she be innocent. A woman who could do that could murder an inconvenient husband in cold blood, and every juror will know that intuitively."

"But who could swear to this? Who would know anything about it? She wouldn't call in witnesses to the disgraceful act, I suppose."

And it seemed as if a ray of hope glittered in the lawyer's eye.

"A young girl, sir—a domestic at Eklund's who slept in the same bed with Mrs. Eklund."

"A woman! I thought so. I knew none but a woman could invent such a cruel tale."

"I am afraid it is not invented, sir. The grand jury was greatly impressed with her story, and did not seem to doubt its truthfulness. Soon after they had heard it they voted unanimously for the indictment."

"How could they help it? How could they help it?" almost moaned the lawyer. "The mere idea of such a thing is enough to make the blood run cold in one's veins. She might just as well have danced a fandango on her husband's fresh grave."

He thought for a moment. Then he turned suddenly, almost violently, to his companion.

"Thompson, has that story got out in town yet? Are the jurors and others talking about it?"

"Yes, sir; I am sorry to say it is out. Everybody is talking about it, and it has had considerable to do with changing the sentiment in the village, which was greatly in favor of the widow before this came out."

"Sorry, you say? Be glad, man! That is just what we want. No one here knows as yet your connection with me. Return to town in haste and spend the morning relating this story in the most glowing colors to anyone who will listen, and don't fail to end up with saying that there can be no question of her guilt now."

"But allow me, sir. That would tend to prejudice the jury against your client, would it not? And might cause a repetition of what was attempted in Whitefield when the story first came out there."

"What was that?"

"One night about twenty or thirty of the Swedes there turned out for a hanging bee. They were provided with all the paraphernalia, and if that woman had not met them in the doorway with a loaded six-shooter in her hand and threatened to shoot the first man who approached the house, you would probably not have been here to defend her today. I talked with one of the men who was there with the party, and he said it was a sight to see how she cowed them all. One lone woman holding thirty men at bay! He thought even the women folks, who were at the bottom of the excursion, would have wavered had they been there."

"As for a lynching bee here," replied the lawyer, "it is out of the question. Sheriff Brown is too brave to allow that, and I would trust him alone to defy a mob of a hundred. Besides the sentiment of the village is too enlightened for that. As to prejudicing the jurors, that is just what I want to do. If there is not

sufficient prejudice here, I want it created to enable me to get a change of venue to another county where the influence of her husband's friends cannot be felt. To try the case here would be to invite certain defeat. Besides, even if we have to remain in this county, it is far better that all the people learn to know everything of that kind now. The first horror will have worn off by the time of the trial, and it will not have anything like the effect it would have, were it sprung for the first time then. That would take away the breath of the jurors—now we'll let it spend its force beforehand."

"I see the force of your point."

Thompson was about to leave when Mr. Barker stopped him with the question:

"Did you find out who the *Tribune's* correspondent is?"

"Yes, sir; his name is Jones. He is a young lawyer, as you thought."

"All right, call on him, and bring him to my room at the Merchant's at 10 o'clock. In the meantime don't forget that your main occupation now is to poison the public mind with that young woman's story. Take pains to put in your best licks when the petit jurors are around."

"Very well, sir."

Thompson hurriedly retraced his steps to the village. Barker followed him at a slow, pensive gait. His first impression as to the guilt of the woman seemed in a fair way to be confirmed by the shadows of the crime in which she stood.

CHAPTER VI.

The Arraignment.

At the appointed time the sheriff called at the hotel for the lawyer, and accompanied him to his residence in the building erected for the common jail of the county.

In the neat parlor Mr. Barker for the first time met the fair prisoner.

What took place between them at this time no one knows. The consultations between an attorney and his client are confidential, and as sacred as the secrets of the grave—no one has any right to divulge them.

All that can be said is that the lawyer, after nearly an hour's conversation with Mrs. Eklund, requested to be conducted to the cell of Mr. Steen for a short interview with him.

On emerging from the jail the lawyer's brow was clouded as if something worried him, and there was an expression of uncertainty over his features. To the close observer it was evident that grave and serious doubts were racking the lawyer's brain.

Did he begin to doubt his client's guilt, of which he had such a strong preconceived opinion? Or could it be that his discerning judgment refused to accept as true the story that had just been told him?

No one can tell, for he made a confidant of no living soul. He did not even, as was usual, commune with himself.

But as he approached the court-house steps the frown

which had hung like a mist over his features gradully dissolved, and it was with his usual good cheer he ascended the broad staircase.

He entered the court-room which presented the appearance of a sea of human faces, drawn hither by the expectation that the defendants in the now celebrated case would be brought in to plead to the indictment.

Court had just been opened by the deputy sheriff.

As the lawyer was attempting to make his way through the crowded aisle to the space inside the railing allotted to the members of the bar, a gentleman of quaint appearance and proportions arose to address the judge, who had just taken his seat on the bench.

This legal gentleman was a lean, lank, angular and awkward specimen of mankind. When he opened his mouth, which was of very generous proportions, the muscles of his face began a strange play, giving the appearance of an incessant, eternal grin illuminating the closely shaven features. A luxurious growth of red hair, worn a la pompadour, which by the tenacity of purpose with which it strutted out in all directions, reminded one forcibly of bristles, indicated an opinionated self-consciousness which ought to stand a lawyer in good stead. The cunning, restless eyes, which never sought or met yours frankly, but always went below you or beyond you, as if the owner, out of the corner of his eye continually attempted to discover some weak spot in your armor, where he could quietly and without being observed, thrust his knife, gave the impression that the young man very likely would prove no mean adversary in the arena of the sordid politics of the present day.

It was the county attorney, who now moved the ar-

raignment of the defendants in the case of the State of Minnesota vs. Marie Eklund and Harold Steen.

Espying the presence of Mr. Barker in the court-room and learning upon inquiry that the defendants were not present, the judge ordered that the prisoners be brought in at once.

Mr. Barker, with his usual urbanity, improved the opportunity that the lull in the proceedings gave, to seek an introduction to the county attorney, whose cold and clammy hand he shook with his wonted cordiality, and at the same time took occasion to address to him some commonplace pleasantries.

They were interrupted in their conversation by a murmur of admiration which rippled and ran through the audience at the appearance of the fair prisoner. She was preceded by the burly sheriff, who endeavored to make a passageway for her through the crowded aisle. The prisoner walked with firm step, and head lifted high, as in defiance of every minion who had brought trouble and misery upon her.

She was a tall, stately woman, splendidly proportioned. As she came up the aisle, what first seemed to lay hold of your particular attention, was her magnificent head of hair. She was a perfect blonde—not one of these bleached specimens, who bring in their wake a disgusting reminder of ill-smelling chemicals, as well as of something dead and unreal, but a blonde of the rich, mellow type, which you will only find under the soft radiance of the midnight sun, seemingly a product of the breath of its one long summer day of three months.

To call it golden would not describe it correctly, for it was richer, softer and warmer than gold. The mel-

low amber in its natural state, washed by the fondling waves of the Baltic Sea, would come nearer giving an idea of the shade of its wonderful hue, than anything else, but even that in all its rich splendor would fall quite short of being an adequate comparison.

The face set in this aureole was remarkable. The features were strong, almost coarse, and not strictly regular. A rich, full mouth, which too much asserted its prominence, seemed to sing in bewitching tunes and a hundred variations, a luring strain of passionate longing and desire for some one to pluck the unborn kisses, hidden like rich-hued fungoids of the forest, in the moist recesses of her sensuous lips.

To the pearly and clear complexion which is the birthright of the genuine blonde, was in her case added that soft, creamy richness reminding one of the costliest silken velvet, which no cosmetics, but only an abundant growth of rich, mellow down, caressing the cheeks, can produce.

When you observed her more closely you would notice that what gave her face its peculiar attraction was a pair of wonderful eyes, the like of which one rarely sees. No pen could do them justice, and it is doubtful whether a painter's brush would succeed any better, for their main charm was in their incessant change of expression, of color and of tone, with every one of her varying moods.

If the eyes are the mirrors of the soul, hers were the mirrors of a thousand souls.

When her emotions were in perfect repose, the natural color of her eyes was the lightest possible shade of the purest and most delicate azure, reminding one of an Italian sky on a soft, dreamy, misty summer morning,

just as the rays of the sun are about succeeding in chasing to flight the fleecy vapors, which mellow and tone down the bright azure blue of the heavenly background.

When she lifted her drooping lids, shaded with long silken fringe, and fixed her dreamy eyes on you, it seemed as though you were looking down for miles into wonderful light wells, where far away at the bottom you could observe little elves and imps playing in frolicsome mischief, animated in turn by love and lust and passion.

As she emerged from the throng and went inside the railing, her magnificent figure showed to its full advantage.

The bosom swelling in all its voluptuous charm, the tapering waist and sensuous hips, whose undulating, swaying motion gave caressing response to every firm step, showed plainly that this magnificent form had never known the disfiguring restraint of stays.

The clinging, black cassimere dress seemed to accentuate and give suggestive force to every sensuous charm rather than to hide them.

The exhalation of strength, vigor, health and passion, emanating from her being, filled the court-room, and penetrated to its furthest corner like the titillating fragrance of an oriental perfume.

As she stood there now, one hand resting on the clerk's desk, and as she opened her large, dreamy eyes, which, for a moment, rested on his Honor on the bench, she looked every inch a Magdalene, but not a crushed and repentant Magdalene, rather one in the proudest self-consciousness of her infinite power over all men.

Even the judge, who saw her now for the first time, seemed at first dazed at this splendid apparition, and

there was a slight tremor of hesitation in his voice as he ordered the arraignment to proceed.

The other prisoner, standing at her side, would, under other circumstances, have cut no inconsiderable figure. The curly, black hair, the firmly knit, broad-shouldered figure, and the intellectual, almost refined face, illuminated by a very keen eye, seemed to be entirely out of keeping with his coarse and ordinary working clothes, but the splendid star at his side was too close to him to enable him to obtain full justice for himself. He sank into insignificance as the moon pales into thin air under the powerful rays of a radiant sunrise.

The little, dried-up, wizen-faced clerk fumbled with his papers as if he wanted time to recover from the surprise that the sight before him had produced, and finally, in his blandest tones, asked the prisoners if they had counsel.

Mr. Barker arose and stated that he would like to have entered of record that Barker & McDonald appeared as counsel for both prisoners.

This request was granted and Mr. Barker was provided with a copy of the indictment.

The clerk then said:

"You have each been indicted by the grand jury of Kandiyohi county under and by the names of Marie Eklund and Harold Steen. Are those your true names?"

She merely nodded. He seemed to hesitate a moment as if not sure what to answer. Then with an effort he stammered in broken English:

"Yes, sir, my name vos Harold Steen."

"Hearken to the indictment found against you by the grand jury," came solemnly from the lips of the

clerk, and in his usual monotonous voice he commenced the reading of the document which charged both the prisoners with murder in the first degree, and in the ordinary legal vernacular accused them of having on the 12th day of March, A. D. 1893, wrongfully and feloniously killed and murdered one Andrew Eklund, by then and there administering to said Andrew Eklund a deadly poison, to wit: arsenic and phosphorus.

The voice of the little clerk generally assumed considerable asperity when he asked the prisoners the usual question after reading the indictment:

"What say you to this indictment—guilty or not guilty?"

But on this occasion it sounded almost like an apology to the beautiful woman, when it came in a soft, kind, half-stammering tone.

Before either one of the prisoners had an opportunity to answer, Mr. Barker, who had carefully perused the copy furnished him, and on whose face, upon such perusal, a satisfied smile had made its appearance, arose and addressed the Court:

"May it please your Honor, the prisoners demand their statutory time to plead. We shall be ready to enter our plea tomorrow morning."

"Very well," said the judge. "Make the proper entry, Mr. Clerk."

Then again turning to the lawyer he inquired:

"I suppose, Brother Barker, it will be impossible for you to tell now, whether your clients will be prepared to enter upon their trial tomorrow. But any indication on your part would be greatly appreciated by the court, as the bottom has fallen out of our civil jury calendar, and we now have the petit jury on our hands without

anything for it to do. If you should deem it necessary to take your statutory time to prepare for trial, I suppose I might just as well send the jurors home and order them to report at an adjourned term, as I have to open court at Benson next Tuesday and therefore cannot take up any lengthy case after tomorrow."

"I see no reason, your Honor," answered Mr. Barker, "why I cannot at the present time give your Honor all necessary information on this point. We shall certainly be obliged to take our four days in which to prepare for trial, as the matter is a complete surprise to my clients as well as to myself. There is therefore no reason, so far as this case is concerned, why the petit jury cannot now be discharged. I have no doubt that the learned county attorney and myself, on consultation and with the approval of your Honor, can agree on the proper time and place for the trial of this case. But if we cannot come to an agreement on this point, I shall, most certainly, at the proper time, give notice of a motion that the place of trial of this case be changed to a county where an impartial trial can be had. In any event, even should your Honor in your wisdom conclude that the case should be tried in this county, I submit that it would be better for the proper administration of justice and more consistent with economy, not to retain the present panel, as the jurors, of necessity, must have become more or less imbued with prejudice from the atmosphere surrounding them for the last two days. A large venire must, of course, in any event be issued in a capital case where the parties, if they see fit, can use twenty-seven peremptory challenges. For these reasons I submit to your Honor, whether it would not be better, even in case it should be deter-

mined that no change of venue should be had, to have an entirely new panel of jurors for this most important case."

The Judge, in spite of the red-headed county attorney's objections, readily acquiesced in this suggestion, and the petit jury of the term was ordered to be discharged.

The county attorney evidently did not relish the idea that the defense should draw first blood in the case, and when Mr. Barker went over to him for the purpose of inquiring, when he could see him at his office during the day, he answered somewhat curtly:

"I shall be busy with the grand jury all forenoon."

"I suppose the grand jury adjourns at twelve?"

"Yes."

"Would it be convenient for you to grant me ten minutes of your valuable time at 12:15?"

"Yes, I can do so, if it is important."

"It *is* important. Another thing, Mr. County Attorney, do not have the grand jury discharged until after our interview. I believe you will need it after I have talked with you."

"No danger of that," the county attorney answered. "They are engaged on a case which will take all day."

CHAPTER VII.

THE CONFERENCE.

MR. BARKER had hardly entered his room at the hotel when there was a knock at the door and Mr. Thompson ushered in a young, sickly looking man.

"Mr. Barker, I beg leave to introduce to you Mr. Jones, who says he feels flattered, that a lawyer of your reputation should desire to make his acquaintance. Mr. Jones, Mr. Barker."

The old lawyer took his young brother at the bar heartily by the hand.

"I am most happy to meet you, Mr. Jones. Please be seated. I have two hours at my disposal and want to have a good long talk with you. I understand you are the local correspondent of the *Tribune* at this place, and I will frankly tell you that your very interesting special with reference to the Eklund case, first called my attention to the fact that you were a keen lawyer, who was well posted and the right man to act as my associate in this case."

The young man blushed to the roots of his hair at the flattering way in which the noted lawyer addressed him. At the last words he bowed his acknowledgment of the honor intended for him. It was easy to see that Mr. Barker had found the right way to the young man's heart and good will, and that he could ask nothing from his intended coadjutor which he would not undertake with zeal and enthusiasm.

"It is very likely," continued Mr. Barker, "that this remarkable case will not be tried in this county, but as long as it remains here, you will understand that it is absolutely necessary for me to have a local attorney with whom I can consult at least as to particularly local features of the case, and who can assist me in preparing properly the case and any necessary preliminary motion in it in short, a man who is on the ground, and who can feel that he is fighting on his native heath."

"I understand you, sir, and I shall be most happy if I can be of any assistance to you, I assure you."

"All right, Brother Jones, I may have to call upon you for assistance this very forenoon, so it is best that we settle the preliminaries at once. Every lawyer in a case should have a retainer. Suppose we call it $50; would that amount be sufficient, sir?"

"Certainly, Mr. Barker, we country lawyers are not used to the liberal fees you prominent leaders of the bar in the cities are in the habit of getting. I assure you that $50 is as large a retainer as I have had any one offer me in a case since I came to Willmar, and I greatly appreciate your generosity."

"Tut, tut, my friend! You are satisfied—*voila tout.* Thompson, will you please pay Mr. Jones $50 as a retainer in this case?"

"I have not that much money with me, sir. I have only a few dollars along for cigar money."

"What, no money! Who will pay our bills then? Are we going to beat our way up here? What was Mr. Dyke thinking of that he did not furnish you with expense money? That fellow must be getting superannuated! It is a disgrace!—letting us have no money! Telegraph, Thompson, telegraph at once for a hundred dollars."

Thompson had tried in vain to make himself heard, but that was futile as long as Mr. Barker was angry, and was wound up. He had to run down before any one could get in a word edgewise, so Thompson gave up all effort to explain till his employer was through.

"Mr. Dyke gave me only the railroad tickets, sir. He thought——"

"Mr. Dyke thought! Mr. Dyke has no business to think, sir. I can do all the necessary thinking myself. We don't pay Mr. Dyke to think. We pay him to look after our business affairs, sir."

"He thought we would not need anything except our railroad tickets," Thompson courageously flung in, even at the risk of arousing the lawyer's ire. "He said you had a thousand dollars in the bank here."

"So I have, so I have," laughed Mr. Barker at his own absent-mindedness. "I had forgotten all about that confounded fee. Thompson, present my most abject apologies to Mr. Dyke. I take great pleasure in withdrawing all the mean things I said about him. Well, well, the cigars are on me." And he offered the two gentlemen a smoke from a case on the dresser.

"When we get through, Mr. Jones, you will kindly remind me to go down to the bank with you and draw that money and pay you your retainer."

"Trust me not to forget that, sir. We have need of all the money we can get up this way."

"And now to our case," said Mr. Barker. "I have possibly learned as much of the facts as you know, but for safety's sake you will please compare notes with Mr. Thompson later on. He generally manages to find what there is, though. There is one point, however, on which I would like to be informed. Had Mr. Eklund many warm friends in the county?"

"He certainly had. He was a prominent local politician. Some time ago he held the office of county treasurer, and by reason of his frank, cordial ways he acquired a large circle of friends. He was, you might say, the leading man among the Swedes in this county."

"I feared that much. We must get the case away from this county, Mr. Jones, and in that you can be of great assistance to me. You do not doubt, do you, that it will be rather difficult to obtain a wholly impartial jury in this county for the unfortunate woman?"

"I think there is no question about it. You are at least liable to get some man on the jury whom Mr. Eklund has befriended; besides, of late, a systematic effort has been made to create prejudice against her."

"I thought that much. Now, do you think there will be any difficulty in your obtaining, by to-morrow morning, affidavits from five or six reputable citizens to the effect that they do not believe the defendants can have a fair and impartial trial in this county, and that it will be well nigh impossible to secure an unprejudiced jury?"

"Why I can swear to that myself."

"No, my young friend, not you. You are now one of the counsel in the case. You are yet young in practice, but when you get older you will appreciate the advice I give you. Never swear through a case in which you are attorney. By doing so you lay yourself open to criticism, however honestly you may act. But get the best men you can, and the more the better. Mr. Thompson will draw up the affidavits for you on his typewriter. He knows what is required. It would be a good idea to have one affidavit setting up the facts of the lynching bee that those Swedes down in Whitefield managed so bungingly."

"All right, sir! Anything else?"

"Yes. Do you think you could prevail upon a couple of business men or farmers to go her bail for say five or ten thousand dollars, if we succeed in getting a change of venue?"

"That will be more difficult. I will, however, do my best. I know a couple of Norwegian merchants here with whom she has been trading, and who have expressed very determined views as to her innocence."

"They are just the right men to strike. I suppose she can secure them, if necessary, by a mortgage on the farm. Perhaps you'd better see them at once and report to me before 12 o'clock what success you have had."

"All right, sir. Their place of business is only a couple of blocks away, and I shall be able to report to you inside of half an hour."

When Mr. Jones had gone, the lawyer, while pacing the floor in his room, dictated to Mr. Thompson an outline of the necessary affidavits.

Mr. Jones soon returned and stated that the parties were willing to give recognizance for Mrs. Eklund's appearance, provided they were not required to justify in an amount exceeding five thousand dollars.

CHAPTER VIII.

The Skirmish.

Shortly after 12:15 Mr. Barker entered the county attorney's office.

After being invited to a seat he said:

"I come to you on a double errand, Mr. County Attorney; to do you a favor and to ask one of you in return."

The county attorney smiled incredulously.

"Let me first tell you the favor I have come to do you: Your indictment is fatally defective."

The official started up for a moment, but he immediately seated himself again. The incredulous grin returned to his features. He evidently thought Mr. Barker was playing a game of bluff. But he was not. He continued:

"I can demur to your indictment tomorrow, and the court will have to sustain me and quash the indictment, but that course will not help my client one iota. The court would re-submit the case to the grand jury and you would have a properly drawn indictment the next day. The only one who would suffer by such a course would be yourself. Your constituents would think you had committed a serious blunder, and it might injure you both in politics and in your professional career. You are a young man, and I have always felt it the duty of us old practitioners to lend a helping hand to our younger brethren whenever we can consistently do

so without injury to our clients. I came here to help you."

Another incredulous smile from the county attorney.

"You smile, Mr. County Attorney, but I will convince you that I am right. Your indictment lacks a most material allegation to make out murder in the first degree. I have taken the liberty to insert in pencil, in the copy handed me by the clerk, the essential words left out by you. Here they are. Look for yourself."

The county attorney glanced nervously at the paper handed him. As he read the words in pencil, his face suddenly blanched.

"By Jehosaphat, you are right!" he said. "I do not see how I could have committed such a blunder."

"Your appreciation of the error is sufficient to show that you knew better, and it is easy to explain how you came to make the mistake. It was your first indictment for murder, and you were nervous. A man should never draw up important legal papers when he is nervous."

"But it is done now; and I shall have to stand the consequences. It would not help me if you did not demur. The point, I suppose, could be raised on a motion in arrest of judgment, and I might just as well face the music now as then."

"Not so fast, Mr. County Attorney! The point could be made as you suggest, but only with the same result as if a demurrer were interposed."

"But how can the error be obviated without exposing me to disgrace and ridicule? Mr. Jones, whom I defeated for county attorney last fall would travel from school house to school house and rake me over the coals, and it would end any further ambition on my part in this county."

"Mr. Jones is my associate in this case."

The muscles around the county attorney's mouth quivered.

"But he knows nothing about the defective indictment, nor shall he ever know about it."

"How will you prevent it? Tomorrow everybody will know it, and I will be the laughing stock of the county."

"No, my boy! I told you I came here to do you a favor, and I meant it. Here is the way to prevent the mischief: This afternoon you draw up a new indictment, corrected as I have suggested; lay it before the grand jury, and ask them to return it on the evidence already before them. Explain to them that you have discovered a clerical error in the first indictment. Tomorrow morning, when we come into court to plead, you will tell the court that you have discovered a slight mistake in the first indictment, and express a desire to have the defendants arraigned on a new indictment already reported by the grand jury. It will be done. The prisoners will be arraigned and we will at once interpose a plea of not guilty. No one will suspect what the error was or, if they do, they will all give you credit for having discovered it yourself. It will raise your standing in this county, rather than lower it. Certainly no one would for a moment suspect that *I* had given you this hint."

"You are right. How can I thank you for the favor you have shown me?"

"By doing me one in return. I have two favors to ask of you, so you see you will still have one coming."

"What are they?"

"You undoubtedly know that there is considerable

feeling against my clients in this county, and that it will be difficult to secure an impartial jury."

"The feeling is divided, but I admit it is strong both ways, and that you are liable to get the worst of it."

"I want the place of trial changed. All you should want is a fair trial. You can have it come off as quickly by not opposing very decidedly a motion on my part, for a change of venue to Yellow Medicine county, where court convenes next month. It would be very little farther for most of your witnesses to go to Granite Falls than to come to Willmar. The difference in expense will be trifling. I will make a sufficient showing for the change. You can make a show of opposing it, if you desire, but I want you to tell the judge privately that if he thinks I have made a prima facie showing, you have no serious objection to the motion being granted. Will you do it?"

The young attorney meditated a little. It evidently went against his grain, but finally he said:

"One favor deserves another. I don't see how I can very well refuse you. You have tied me, hand and foot, with your kindness."

"Don't mention it. To tell you the truth I expected you would do it, for I think you want nothing but what is fair. Now for my second favor. I want to get Mrs. Eklund out on bail."

"How can that be done?" Murder is not a bailable offense."

"Some murders are not, others are," said the old lawyer quietly. "You young lawyers study case law so assiduously that you forget to read the constitution. *It* provides that the only capital crimes not bailable are those where the proof is evident and the presumption

strong. Do you think it would hurt your conscience to state in open court that in this case the presumption is not very strong, and that the proof of the woman's guilt is not evident?"

"I don't know that it would. The evidence is mostly circumstantial."

"I know what your evidence is, and I would not hang a dog on it."

"Oh, I do not know about that, Mr. Barker. You, with your renowned ability, may free her; but I do not think any one else could."

"Well, I am going to defend her, you know. With that in mind, do you think the presumption of conviction is very great?"

"Not if I should judge from your past record."

"She can give five thousand dollars bail."

"Five thousand dollars bail in a murder case! What are you talking about? The judge would laugh me out of court and the bar would say you had hypnotized me, if I consented to such a ridiculous proposition."

"Perhaps the bar would be right, for I *know* you will consent. What is the object of bail? Only to bring the prisoner into court, not to punish her. Five thousand dollars will bring her there as surely as ten or twenty thousand, only she would be unable to give the latter amount and would have to languish in jail. Besides, I will give you my word that she will appear. Jim Barker's word, I guess, is as good as a twenty thousand dollar bond."

"That is your reputation, Mr. Barker. I believe it is generally conceded that you never gave your word and failed to keep it."

"I did once. I defended a fellow dying from tuber-

culosis. His case had to go over the term on account of some absent witness. He had no friends. I begged the judge to let him off without bail. He had told me he was anxious to clear his name from the blot this accusation placed on it, and would only expect to live long enough to succeed in doing so. The judge asked me if I would give my word that the fellow would appear next term, if he were alive. I gave it unhesitatingly, thinking I could trust that dying rascal. Two months before the next term of court he disappeared. I learned of it, and spent a thousand dollars hunting him across the continent, and in bringing him back. He did't appear at the next term, but he did at an adjourned term held at my request a month later."

"What became of him finally?"

"I acquitted him, of course, after I got him back—could not do less for him you see," said the lawyer quietly.

Before Mr. Barker left the county attorney's office, he had succeeded in arranging everything as he desired.

The programme was carried out next morning in court as pre-arranged. A new and perfect indictment was presented. The prisoners were arraigned and promptly pleaded "not guilty." The affidavits for a change of place of trial were read, and, after some little parley, the case was sent to Granite Falls for trial. The matter of bail for the woman was broached, and the judge readily agreed to have her give bail in the sum of five thousand dollars. Her sureties were sent for and recognized in open court, and she left the court room a free woman—for the time being.

Mr. Barker had, for several reasons, insisted that the other prisoner should remain in jail until the trial,

and this decision was reluctantly acquiesced in by his fair client.

When the train from the West came by that afternoon, Mr. Barker was ready to depart, leaving Thompson behind, however, to gather up the loose threads from which the weft of the defense was to be woven.

Mrs. Eklund went over to the depot with him. On the way down to the station a person walking behind them might have overheard the following conversation:

"I have asked you repeatedly, Mrs. Eklund, to tell me the true history of your past life, but you have persistently evaded complying with my request. Believe me, it is not out of idle curiosity that I ask it. I don't know you, and in order to successfully plead your cause, it is necessary that I should. I cannot throw my whole soul into your case until I do. I cannot defend a stranger of whom I know nothing. I feel that there is a mystery behind this awful accusation. Why do you persist in hiding it from me? You had better take the train, and come down to my office and tell me honestly and frankly all about yourself."

"I cannot, Mr. Barker. It is impossible."

"Why do you then insist on demanding of me the impossible?"

"To clear me of this charge, you mean?"

"Yes. Without full confidence on your part, I doubt whether it can be done. Perhaps not even then."

"Oh, don't say that, Mr. Barker! I will do as you ask. May I write to you? A woman may write things, which it would humiliate her terribly to tell to a person's face."

"Very well," he said, "write then, if you prefer. But write the truth, the whole truth and nothing but the truth," he added impressively.

"I will," she sobbed. "You shall have the history of my whole life before you within two weeks."

As she spoke the train pulled up to the platform. It was but a moment, and the conductor's "All aboard" was heard.

As the lawyer was speedily being carried on his homeward journey, a woman, accused of murdering her husband, stood on the platform, and looked with wistful eyes after the disappearing train.

"My God!" she whispered. "If he cannot save me, what then?"

And there came a gleam of untold horror into her eyes.

BOOK II.

THE CONFESSION

CHAPTER I.

The Kiss.

A fortnight later Mr. Barker received by mail a large roll of manuscript accompanied by the following letter:

My Dear Friend:—

I promised that I would render you a true account of my past life. I have tried—tried hard to do so; and enclosed I send you what I call "My Confession."

Your keen judgment will tell you that I have followed your orders and told you the whole truth.

I wonder if ever before in this world a woman laid bare her heart, her failings and her sufferings to a fellow-mortal as I have to you in the enclosed pages.

It has cost me many a pang—many a sad tear to thus bring back the bitter-sweet memories of the past, but you demanded it, and I have not shirked the task, hard as it was.

I hope I have not suffered in vain the past two weeks, and that you will not judge me too harshly.

Your unfortunate and suffering client,

Marie Eklund.

The manuscript accompanying this note read as follows:

I am a child of the Midnight Sun. I came to this world in all the glorious sunlight of a summer in Norland, one of the northernmost provinces of the Kingdom of Norway.

Have you any idea what a summer is in the arctic circle?

You retire in the darkness of night, and in the chill and dreariness of winter. You awake in the morning to find the dazzling sunlight, which has been a stranger to you for long months, dancing in at your window, caressing your pillow and arousing to new life and activity your senses, which have slumbered during the long winter months.

The sun rises one beautiful May morning, not to set again till the latter days of August.

An eternal day of sunlight, of joy, of happiness and pleasure.

It was but yesterday—deep snow drifts surrounded you everywhere. Today the velvety green of the meadows and the heath-clad hills peep forth. Tomorrow flowers of the brightest hues, wherever your glance may rest.

Thus comes the summer of the Midnight Sun in the far-away Norland. It seems as if the sun, regretting its long absence, is trying to make amends for having so long disappointed you, and that everything which grows is conscious that the time is short and it must hurry along in order to mature, lest in a few short months the solitude and darkness of the long winter night once more overtake it.

Everything is in a fever haste. All nature lives—lives at breakneck speed—a year—in that long summer day without the shadow of night.

So with the men and women of this strange land.

During the long winter months—in the dreary darkness—they do not live, they merely vegetate. They go around on tip toe in the middle of the day as for fear

of disturbing some one in his slumbers. They discharge their ordinary duties, but they do it unconsciously, as though walking in their sleep.

But as it is in the night time you espy the shores of dreamland, so in this long winter night of Norland, dream-life takes possession of your soul—strong longings and emotions reign in your heart.

Hope—a tiny plant in other climes—grows to the proportions of the sturdy oak in the gleam of the many-hued, glorious Northern Lights, this faintest echo of the sun, which dwells now in distant lands, a memory of what was and a promise of what shall be again.

Is it surprising that the people raised under this sky become a race with strong emotions, with wild and weird longings and cravings, and that they, when once their fondest hopes promise to be realized—like children who cannot gauge their appetites—grasp for all in sight and so heartily partake of all the good things set before them as to even take their chances on dyspepsia of the heart by reason of their over-indulgence?

In this land, left almost entirely to myself, I grew up. My father, who was the judge of the province, was well nigh constantly away on his circuit, whence he went in his large Norland boat, propelled by its eight strong rowers. So far North roads are almost unknown. The sea and the fjord are the highways of the traveler.

My mother, from her first years so far North, sorely missed the sunshine of her childhood days. The long, dreary winter night sapped her health and strength. It was only on rare occasions, while the sun again visited us in the mildest of summer days, that I ever saw her outside of her bed chamber.

Of companions I had none. We associated with no

one except the family of the minister, who lived five miles distant, and the doctor, who was still farther away. All other neighbors were common peasants and fishermen. Under the strict laws of caste prevalent in Norway, any intercourse with their children was out of the question, and even had it not been so, I could see no great temptation in that direction. The squalor surrounding them toook away any charm I might have found in associating with them.

At an early age I was provided with a governess, a sentimental love-sick maiden of uncertain age. She was not exactly the right person to guide my steps, and open my eyes to the earnest demands of life. She was, however, thoroughly familiar with the modern languages, could play the piano fairly well, and did not make a very extravagant demand as to salary, three accomplishments which I fear were more highly appreciated by my father than by myself.

She had quite a task before her, when my younger brothers grew up, and she was required, in addition to the care necessary to be bestowed on me, to teach them all the branches, especially as I was about as mischievous a child as ever lived, and played all the tricks on her I could possibly think of. I could do this more freely as my father had the peculiar notion that none of his children should be subjected to corporal punishment. About all the means of discipline left to her discretion was to lock me up in my room. This had no terror to me, for I always had one of Walter Scott's novels under my pillow, or, when I grew older, a copy of Byron's poems, and those hours of punishment were simply idled away by reading over and over again these my favorite authors, whom I, thanks too the efficiency of my governess in this direction, was able to enjoy in the original.

Sometimes I spent these hours in letting my vivid imagination have loose reins and gallop over the fields of my sunlit future to the time when *he,* my prince charming, would come, he, who should cause my young heart to swell with the sweetest emotions.

I was a trifle over fifteen years of age when it became necessary for my oldest brother to commence the study of the Latin language in order too fit himself for a university course. This was something our governess could not undertake, and my father, therefore, concluded to make a change, and to secure for us a private tutor, who, while attending to the finishing touches of my education, could also instruct the boys in a regular college course. Consequently a young student, a son of one of father's old college chums, was engaged and started on his way North to relieve my governess of her duties.

To say that I was curious to know what this young man would look like was to put it mildly, but it was only the curiosity of the school girl after all.

It was therefore without any violent heartfluttering that I, on the day of the arrival of the mail steamer from Bergen, accompanied my governess and the boys down to the landing to bid the young tutor welcome to our desolate northern home.

This weekly steamer was the only connecting link between us and civilization, between our torpor and the quickly pulsating life in the world—far—far—away. It brought us the newspapers, the new books, the new music, and the latest fashions, which we really had very little use for, but which nevertheless possessed for me the same charms that they always have for every female heart.

On our way down we heard the signal-whistle, and hurried our steps in order to be at the landing before the steamer should land its passengers, but we hastened in vain, for, when we reached the dock, a young man of rather ordinary appearance was standing guard over a couple of trunks which the deck hands had just brought ashore.

My governess walked ahead and addressed the young man, who respectfully lifted his student's cap in salutation:

"Mr. Hagerup, I suppose?"

"Yes," he said with a smile, "at least all there is left of him after a most horrible voyage,—and are these my future pupils?" he said turning to us.

That is all I remember, for I then looked into a pair of beautiful brown eyes which I felt burning into my very soul, and into my heart, which cried out incessantly in wild joy, so loud that I was almost afraid the others would hear it: "The prince! The prince! The prince has come!"

I could see nothing but those heavenly eyes as they delved down into my own, as they surveyed me in evident admiration and wonder. When they rested on my cheek, my bosom, or my hands, I felt in each place a deep scarlet blush. When we turned around and walked up to the house I could feel them burn me in my back, but not with a destroying fire, only with a sweet caressing warmth poductive of perfect comfort and pleasure.

To such an extent did those eyes take dominion of my faculties that, if any one had asked me later in the day to describe my new tutor, I could not have done so, no —not if my life had depended upon it. I could see nothing, was conscious of nothing except those wonderful dark-brown eyes.

The governess said he looked interesting, that his emaciated face indicated dissipation, and that the dark rings under his eyes boded no good, but I observed nothing of it and cared less. I had no desire but to dive and delve into those eyes. They held me transfixed as the hypnotizing eyes of the snake do the fluttering bird.

The next day the new tutor started on his duties.

How different everything soon became. I used to look longingly at the clock a hundred times before the closing hour. It seemed to drag itself into eternity before it came.

Now, on the contrary, I was the first one in the school room, often ten or fifteen minutes before the time, anxious for him to arrive and to commence our instruction. It was always with regret that I heard the clock strike the closing hour. I seemed to live only during those hours of the day when I could be in his presence. I longed for them to come during the long vigils of the night. I dreaded the time of their ceasing during the day.

Soon I noticed that he also sought the school-room before the regular hour. It was as if we met there by appointment. There was always a composition of mine to be looked through, or some difficult problem to solve. He was always bending over me, anxious to smooth my path. Sometimes I pretended dullness and difficulties where there in reality were none, in order to get his help, in order to have him near me. Every assistance he gave me I felt like a caress. There was such a soft tone in his voice, such a sweet expression in his eyes, when he answered me, and helped me over my pretended or real difficulties.

I could not fail to see that he admired me. Every

now and then, when he spoke eloquently of anything, I caught his eyes resting burningly on me. We then looked hurriedly and awkwardly away, as if ashamed to have caught each others' glance. At times, when his hand accidentally touched mine, I observed a peculiar tremor in it. I did not then understand why this was so, for mine did not tremble in response. I had not as yet awakened. The woman in me was still slumbering, but it was not always to be so.

After the afternoon instruction it was his wont to go out for a walk, from which he usually returned about 6 o'clock. Oh, how I longed to meet him accidentally on one of those walks, and to share them with him, but I dared not. I still had the fear of the school-girl of appearing ridiculous by showing my affections. I always suspected that some one might be watching me, if I did, and it seemed to me my love was too sacred to be exposed to the public gaze.

One dark night a violent thunder storm came up while he was out for his evening walk. A strange feeling took possession of me. I could not explain it. I felt an irresistible desire to steal out into the dark corridor that led to his room—to hide myself there behind the tall linen press near his door and await his coming, only to convince myself—thus I reasoned—that he was safe.

I could no more have resisted that desire than I could have helped withdrawing my hand from a scorching fire. I crept carefully and cautiously along the corridor; I reached the old press; I hid behind it; I trembled in every limb. I had to steady myself against the press to keep from falling. I could hear my heart beat so rapidly and violently that I almost feared some one in

the other end of the hall would open a door and ask what the matter was.

I heard the hall door open and close. It was his step on the stairs! Oh how well I knew it. He approached. As he came toward the old press I stepped courageously out into the corridor and walked deliberately in the path I knew he would be likely to take. I brushed against him so close that he could feel my hot breath on his cheek.

"Is it you, Marie?" I heard him whisper.

I fully intended to answer. I gasped out something which was intended for "yes," when I felt his strong arm encircling my waist. His other hand fumbled for my chin, and in the next moment his lips met mine in a kiss—and such a kiss.

That moment I seemed to lose all conscious power over myself. My actions became wholly involuntary. My arms flew around his neck in response to his caress.

Just then I heard a door open in the farther end of the corridor.

I was so weak that I do not understand how I found strength to tear myself away from him and run to my own room. I hurriedly locked the door, and sank exhausted to the floor.

That kiss had awakened me. The child was gone; the slumbering woman had become aroused by its magic force. She craved no time to develop or to grow. In those few blissful moments she had blossomed out to full maturity, as the summer in the land of the midnight sun blooms out in a single night.

One moment I was almost ashamed of my passion, of the wild outburst of my senses. I felt it. I knew it. In that kiss I had given myself to him, given to him my

soul—my body—my all—and not for a short moment, but for all time and eternity.

And then again I was glad, oh, so glad, that I had. . . . . Oh, I was so tired. . . . . So much had taken growth in me in the last few moments. . . . . I wanted to rest. . . . . I went to sleep there on that hard floor, too utterly exhausted to master the necessary strength to drag myself over to my couch.

JIM BAKER SHAKES THE HAND OF THE ASSISTANT ATTORNEY GENERAL

CHAPTER II.

THE EXILE.

THE ice was broken. I need not tell you that my life after that was one sunlit day of happiness, nor need I describe the sweetness of our secret meetings in the dense spruce forest, stretching out for miles back of my father' house, nor the new vigor that came to my school life. I went to my studies as I would go to a ball. Our rambles through the books, the languages and the sciences were like a festive dance. It seemed like gliding with him through the charming mazes of a stately minuet. I never tired of it. I only wished in my heart it would continue through night and day and never cease.

But after six short months the cruel awakening from this beautiful day-dream came.

My father had in some way learned of our secret meetings, and my lover was one day politely told that his services were no more needed, and that he was at liberty to depart on the first steamer going South; in fact, he was made to understand that this was expected of him.

My father did not deign to speak to *me* on the subject, but I was made aware of the fact that every step of mine was watched, and that it was impossible for me to even have a farewell meeting with my lover before his departure.

The last day before the arrival of the steamer he returned my composition book to me with a suggestive

glance, and a look of sadness in his eyes that gave to me the sensation of a parting kiss. In the book I found a letter in which he gave me his address at the capital, whither he now went, and in which he informed me that he had succeeded in bribing old John, the fisherman, under whose cover he would send me a letter by every mail, and from whom I could obtain it immediately after the arrival of the steamer.

The love my father had sought to kill by parting us so suddenly and cruelly only grew in intensity, nursed by the tender missives which secretly passed between us, but I took good care to guard my secret, so that two years later, when my father was appointed to a judgeship in the Superior Court in Christiania and we moved to the capital, neither one of my parents dreamed but what the love escapade of their youthful daughter, as well as the object of her first child-love, had been long forgotten.

How to meet him without arousing my father's suspicions was now the main question. I realized that my freedom of going and coming, to a great extent, depended on my keeping concealed from my father the fact that I entertained any notion of continuing the relation evidently so obnoxious to him.

This was arranged, thanks to the cleverness of Thorvald, who, through a mutual friend, managed to secure my introduction to a Miss Alice Fischer, in the home of whose parents he was a frequent guest.

I appreciated the usefulness of her acquaintance, and although she was a silly girl with whom I in reality could enjoy nothing in common, I assiduously cultivated her friendship. I succeeded so well in insinuating myself into her good graces that she soon counted

me her best friend, and really did not feel happy if I did not spend two or three evenings in the week at her house. Little she dreamed that the only object I had in gaining her friendship was to meet my lover at her home; that I might breathe the same air with him for an hour or two; that I might look into his faithful brown eyes, and, perhaps, once in a while, touch his hand, or feel his warm breath caressing my neck, as he leaned over my chair at times when we all three were looking at an illustrated paper or examining some art work.

But this, in the long run, could not satisfy my warm, loving nature. I was dying for his intoxicating love kisses, and could not live without them. While we had been hundreds of miles apart his passionate love letters were all I craved. Now, when fate again had thrown us together, they seemed to have lost their charms. I wanted him, himself, his warm embraces, his glowing kisses, his living love. I would die if I could not have them. I wrote him so; told him he must find a way in which we could meet, where no eye but that of God was upon us; where we could love and live in each other's presence, without restraint or simulation, if only for a few hours every week.

In a few days he wrote me that he had succeeded in obtaining two rooms with private entrance in Number 120 Lower Castle Street. I could come to his apartments in perfect safety after dark, and be absolutely sure that no one would observe my coming or going.

The idea of my going to my lover's apartments was at first abhorrent to me, although at this particular period a greater freedom between the sexes existed in Christiania than almost anywhere else in Europe, out-

side of Paris. This was particularly so in what might be called the more rapid set to which many of the younger members of the best families unhesitatingly declared their allegiance, and little festivities at the bachelor's halls of the students and cadets, where their lady friends of the better families could throw off all restraint, sip a little wine and indulge in a soothing cigarette, were by no means infrequent.

To me, however, who had been brought up in a stricter and more puritanical school than the Parisian airs of the capital would favor, these little innocent pecadilloes, as they were called, these flagrant branches of conventionalities as I would prefer to style them, did not address themselves with any considerable favor.

Still, what was to be done? I had or knew no other way in which I could meet my lover. And meet him I must. Besides, I had every confidence in his manhood, and felt that my honor was as dear to him as it was to me, and that it would be as safe in his apartments as in my father's house.

The very helplessness of my situation could not fail to appeal to his sense of honor.

After some hesitation I therefore consented to call at his apartments one evening after dark when my parents believed that I was with my friend Alice, who thereafter did me yeoman service as a most excellent screen.

My love, strong and passionate as it was, had not made me lose my head entirely, and it was agreed between us that in order to minimize the danger of discovery these cozy evenings should be strictly and irrevocably limited to once a week. Although we both craved much more frequent enjoyment of each other's society, we let it suffice. I, at least, lived all the week in glad

expectation of what the Friday night would bring me of joy and happiness.

In order to defy detection I provided myself with a thick veil, which I placed over my hat on emerging from a neighboring cafe, where I made it a practice to go immediately before the hour of our rendezvous, under the pretext of sipping a cup of chocolate, although I was generally so nervous with the wild expectation of what my meeting with my lover would bring that I was unable to drink the chocolate and often, when no one was looking, was obliged to empty the contents of the cup in the cuspidor in order not to arouse suspicion.

When the clock in the great tower of Our Saviour's church rang out the hour of nine, our sweet seance invariably ended. My lover escorted me to the street car, only a few blocks distant. I could then in safety ride directly to the door of our house, quite a distance out on the Drammens Road.

This happy state of affairs had continued for upwards of five months, to me the happiest and most joyful in my life, when Thorwald's father suddenly died, and the astounding discovery was made that he was a bankrupt, who left far from sufficient property to satisfy his creditors. He had during Thorvald's attendance at the university made him a certain monthly allowance, which enabled him to pursue his studies. This, of course, now ceased entirely and he had to look around for other means of subsistence. To find any occupation in Christiania was out of the question. He had of late written some short stories for the magazines, but his efforts in this direction had barely sufficed to furnish him with necessary pocket money, as the field for this kind of work was rather limited. He attempted to get

a regular position as a writer on one of the daily papers, but there were twenty applicants for every place and no prospect for him in that direction.

The only resource left was to try to get a position as private tutor in some family in the country, and in this he was more fortunate. A rich farmer in one of the mountain valleys of Telemarken, father of two hopeful scions, whom he desired to qualify for the government service, advertised for a private tutor for his boys, and Thorvald's application was favorably considered, as he was highly recommended by one of the professors of the Royal University.

The heart-burning which his departure caused me I cannot describe.

It seemed to me impossible to live without those sweet hours devoted to our love, to me now almost as necessary as my daily nutriment. And this was not all.

I had a presentiment that, if I let him go out of my presence now, I would lose him forever. This presentiment so completely assumed dominion over my soul that it seemed as though I should die, if he left me. Although I knew that starvation would stare him in the face if he remained, I nevertheless implored him on my knees not to leave me.

He reasoned with me, consoled me as much as he could, tried to show me how foolish my presentiments were, swore me eternal fidelity and love by all that was sacred and holy, and tore himself away from me.

If I had been left on a desert island I could not have been more lonesome and desolate. In the bosom of my family, in the midst of all the noise and bustle of the busy life of the capital, I had a sensation of having been left all alone in the world. It seemed as if by one fell

blow every other living human being had been stricken down and destroyed, and as if I alone was left behind to roam in solitude through dense, uninhabited forests, seeking in vain, day in and day out, for a being of my kind.

The long, dreary Norland winter was in my heart. I felt the chill of the eternal snow in my soul, and a strange lethargy, from which it seemed nothing could arouse me, took possession of my whole being, and lay like a thick, impenetrable mist over my whole existence.

Even Thorwald's loving letters, which came regularly and were as welcome as the lone star, at intervals peeping through the storm clouds of a dark night sky, is to the mariner tossed about on a dangerous sea, did not have the effect to cheer me, or to recall me to life and hope.

I wanted to die. I would have welcomed death. I felt that it must come to my relief. This misery I could bear no longer. It seemed as if my suffering heart would break.

Great God! I should one day know the capacity of the human heart for suffering; should learn to what untold, limitless depths of misery and despair the human soul can be dragged and still live.

The change from Norland to Christiania had had a most beneficial effect on my mother's health. She was now almost completely recovered, and had again taken active charge of her household duties.

During this spring I noticed that her eyes frequently rested inquiringly on me. A mother's eye could not fail to discover my suffering, and in a thousand loving ways she attempted to draw from me the secret of my sorrow. But my heart remained a closed book to her,

for I felt intuitively that my father's influence over her was so strong and despotic that to make her my confidant could only result in making him cognizant of the affairs of my heart and this seemed to me little short of sacrilege. The rude way in which he had parted me from my lover in Norland still rankled in my heart.

Thus I was even denied the consolation which a mother's sympathetic heart and love would have given me.

It was in the latter part of June that my mother one afternoon asked me to come into her boudoir.

I was even more depressed than usual because for over a fortnight I had received no letter from Thorvald, who up to this time had sent me a long, loving missive every week, and I thought mother was only about to make another desperate effort to have me confide in her the cause of my melancholy state of mind.

"Poor child!" were her first words, as she lovingly stroked my hair. "How did it happen?"

I was startled. Did she suspect? Was then what I had, myself, only half divined, true? Was disgrace to be added to my sorrow and pain?

"What do you refer to, mamma?" I stammered.

"You know, my poor, unfortunate child, or at least you ought to know. I have observed you carefully of late and there can be no doubt about it. What will your proud father say?"

I cannot relate what took place between my mother and myself. It is sufficient to say that on her bosom I was allowed to cry out in bitter tears the sad confession of my folly, and that her loving caresses after a while succeeded in soothing, to some extent, at least, my bitter sorrow.

Proud as my mother was, deeply as I had wounded that pride, keenly as she felt the disgrace, which almost killed her, such is a mother's heart, that it can not refuse to comfort the suffering, sinning child.

At my sobbing entreaty she consented to delay the sad announcement to my father for some days in order to enable me to prepare for the battle, which I knew was coming.

But the evil day could not be postponed indefinitely and it came sooner than I had expected.

Spare me from reciting what occurred between my father and myself. He came from one of Norway's oldest and proudest families, and the disgrace which I had brought upon his name seemed to be almost more than he could bear. Always the stern judge who, at least, preached the strictest moral principles, whatever might be said as to his having always practised them in his younger days, he now appeared to me like an irate god, in his bitter denunciation of my conduct, in his violent deprecation of the dishonor which had tarnished his good family name.

His stern decision was that I, before my condition became apparent to others, should leave the family hearth and bury my shame and disgrace forever in far-off America. He disowned me, and forbade me most strictly ever to return to the shores of my native land, or to communicate with anyone of my family in any manner.

"Go!" he said. "Leave us forever with your shame and disgrace. You are no more my daughter. I drive you out of my house and out of my heart. Curse the tongue which shall ever again mention your name in my presence. You are dead now to me—worse than dead. I wish you to be forgotten as though you had

never come into our lives. Do you hear, mother! Away from her! She has brought shame on herself. Let her carry it alone to her dying day with her old father's curse."

But not even his authority, which never was disputed in our home, could drive my dear mother from me. It was in her loving arms I fainted away and thus was spared from hearing the cruel anathema he hurled upon my erring head and heart.

I did not see him afterward. His orders were that I should take passage on the steamer which left for America the next day.

But I pleaded with my mother to give me one more chance, to obtain leave for me to stay long enough to communicate with Thorwald, whom I knew in my heart loved me still and would not forsake me. As soon as he learned of my deplorable condition he would come to me at once, and would give me all the reparation, now in his power, by a speedy marriage.

Up to this time I had not by a word intimated to him what I myself feared. Day after day I had tried to lead myself to believe that it was all a horrible mistake, and I did not want to burden his heart with a sorrow that was not absolutely certain.

But now I would tell him, and he would come. I knew it. I felt sure of it. It was with a feeling of mingled pity and anger that I refused to listen to my mother's insinuation that I should not lean too strongly on what might prove a false hope.

Through mother's intercession I succeeded in obtaining from my father a little respite. I was allowed to remain for fourteen days—till the next steamer left—on the condition that I should remain secluded in my room, and not show my face to him.

That same day I wrote to Thorwald and told him all. I did not ask him to come—that seemed to me to be an insult to his sense of honor. I knew that his true, noble heart would tell him what to do, as soon as he was made aware of my situation.

Never for a moment did it occur to me that he would dream of shirking his duty to me, his love—his wife before God—the mother of his unborn child.

My heart could easily invent an excuse for his not having written me for two weeks. He might be ill; or the letter might have miscarried; or he might have started on that trip across the mountains with his pupils which he, in his last letter, had mentioned they contemplated taking. In the mountains there were no post offices—no mails. Yes, that was the reason. But now he certainly had returned, and my cry of despair would reach him. *He* would come, come at once, and all would yet be well, even if, by the stern ukase of my father, we both would have to leave together for a strange land to save the family name from disgrace. Oh, I would go to the end of the world with him, my childhood's love, my child's father.

I was calm now. I knew it would take three days for my letter to reach him. He would start the day he received it in order to catch the steamer on the Bandak Sea the next morning. That night he would arrive in Skien. From there he would telegraph me. That would be Friday night. He would telegraph: "Am coming on first train, courage, my darling." I knew he would. And Saturday night he would be in Christiania. He would rush to the house—into my loving arms. And I could sob out all my misery, all my sorrow on his strong, manly breast.

It was Monday night, after I had retired, that I made this calculation. A smile came over my face in the midst of my great sorrow, and I went to sleep with that glad, happy smile on my lips and dreamed of my loving, faithful Thorwald.

But Friday came and no telegram. I was a little disappointed, but consoled myself with the thought: "He comes into Skien late at night. Perhaps he found the telegraph office closed. It will come to-morrow—to-morrow, sure."

But the morrow came and still no telegram.

"Why, it was foolish to think that he would telegraph. Why should he?" I said to myself then. "He knows that I expect him, that I *know* he will come. Why should he go to that unnecessary expense?"

Thus my heart responded all day to any doubt or misgiving which would arise in me.

"Tonight he will be here surely. Everything will be forgotten. The sorrow, the shame, the anxious waiting of the last four days, my father's curse, all—all will disappear in the warm light of his eyes."

Evening came. The train was due at seven. At eight he could be at our house. Eight came, but no Thorwald.

"Of course, the train is delayed. It almost always is on that miserable West Coast Railway."

Nine—still no Thorwald. Ten—no tidings.

"Oh," my heart said again. "He has missed the steamer. Not till tomorrow night should I expect him. Why did I not think of that?"

Sunday night. Eight—nine—ten—eleven—twelve, and no Thorwald.

Still my heart had no really serious misgivings.

"It is not certain that they go to the post-office every day. They are so busy just now, of course, and the mail is so slow in the country. Perhaps they wait till Sunday. If so, he cannot be here before Tuesday night."

Not only Tuesday came, but also all the other days of the week—and no Thorwald. No word from him. And Monday night "Hekla" was to leave for America!

It would not wait for Thorwald. On its deck I would stand alone Monday night, a disgraced exile from country and home.

This was the hardest blow of all. Thorwald false! Thorwald deserting me in my hour of need and disgrace! I still hesitated to believe it. Foolish girl, in the face of it all my heart strings still clung to him and refused to snap, though we were so rudely torn apart.

"That is the man of it," said my mother to console me. "They are all alike. While the sun shines and the sea is calm they are on deck entertaining us; when the storm comes they are nowhere to be found."

I did not answer her, but in my heart I was obliged to admit that she was right. I cursed all men; I cursed him who, to my mind, embodied the quintessence of all that was manly and strong and noble in the world.

At this moment in my heart I took an oath of revenge against all men. The revenge of the deserted, the abandoned woman, who has given her all and has received naught but disgrace in return; who is spurned and looked down upon by all, even by her own sisters; who is hounded and driven to the lowest depths of degradation, while the man, who was the partner in her sin, is honored and respected, and carries his head as high as ever.

And still I waited for him. I prayed for his coming

till the last moment when my mother brought me my ticket and five hundred dollars.

"She need never ask me for anything more," were the words my father sent me, "for it is all she will ever get."

The stern orders left by him were that no one should see me off; that I should ride down to the quay alone in a closed carriage, board the steamer and stay in my stateroom till after the boat had started.

"That much, at least, she owes her family," he had said.

My mother wanted to disobey his orders and accompany me to the steamer, but I begged her not to. I knew the probable consequences. In our home his will was law, and my mother was as much a slave to it as any of the rest of us.

Alone I went away.

Cast out of my father's house! An exile from my native land! Forbidden ever to see it again! And worst of all, cruelly forsaken by him whom I had loved with all my heart, by him to whom I had given all I had—myself—my honor—my soul.

Merciful God! Had I deserved this punishment?

CHAPTER III.

The Child.

My little Thorwald was born at Maternity Hospital in Chicago, November 25th, 1891.

When the tiny babe was first placed in my arms and his beautiful brown eyes looked up into mine, all the miserable suffering I had experienced during the last five months, all the dreadful solitude of the lone stranger in a strange land, were forgotten.

The mad desire of my strong nature, the wild craving of my heart for some one whom I could love with my whole soul, was now satisfied.

Though lying in the cold, bare hospital ward, a lonely creature without a friend, deserted and abandoned by those for whose love my heart was constantly yearning, disgraced and dishonored, I was nevertheless at that moment the happiest woman in the world.

Love, with me, had always been a passion which had hurled me along with the wild force of one of those foaming mountain cataracts of my native land.

That warm, passionate love of mine had frozen to a solid mass in my heart during the horrible winter of the past months. Now it melted at one glance from my darling babe's brown eyes, and not gradually, but all at once. With the sudden force of the waters of a broken dam all the strong well-springs of love in me poured forth like a cloud-burst and with fond, wild caresses submerged my child in their waves.

My child, the child of my sorrow and disgrace, in that moment came to be my life, my pride, my happiness.

Its helplessness seemed to call my best energies to life. I wanted to get up and toil for the little one. I wanted to work myself to death. I wanted to wear out my hands till the blisters came, and the blood flowed, so that my little darling should never divine that there was anything but sunshine and summer in this beautiful life. I wanted to keep the clouds away from his sky, to close out the chill and dreariness of winter from his life. Yes, that should be my life work, and what mattered it if I ruined my strength and health in doing so? The more I could sacrifice for him the greater would be my happiness.

What I had imagined to be a frozen mass of ice in my innermost soul proved really to be a volcano burning under the callous crust of suffering, bitterness and despair. It had found an outlet now, this volcanic fire, and it burned with a glare which almost blinded me; but its heat warmed me, gave power and life and strength to every limb, to ever nerve, to every thought, and to every hope.

I was no longer the lonely deserted woman. I was the tigeress now, ready to defend her cub to the last drop of her ebbing life-blood, if necessary, and I defied the world; in my mad strength I defied God himself on his mighty throne to hinder me in my noble life work.

The matron of the hospital urged me to give my child away to some well-to-do childless couple, who could give it a good home.

I told her, with a gleam of anger in my eyes, that I would die first.

She continued day after day to argue with me that this would be best for my child; that I never could get along with it; that it would prevent me from earning a living, and that by insisting on taking care of it myself I would bring misery on both of us, and that it, perhaps, might be the cause of my sinking into lower depths of degradation.

I realize now that she undoubtedly was actuated by the best of motives, but then I could not see it in that light. I looked upon her almost as a highway robber who wanted to steal my only treasure, and, with anger in my soul, I answered all her entreaties with a scornful smile.

One night I became possessed of the idea that these people might steal my boy away from me while I was sleeping. I could not close my eyes, so completely did this fear take hold of me, and when midnight came and all was quiet in the great building I dressed myself in the dark, wrapped a large, heavy shawl around my baby boy, took my shoes in my hand, and, in my stocking feet, crept silently through the halls down to the entrance. Fortunately the key was in the door. I turned it in the lock as cautiously and noiselessly as I could and opened the door. It squeaked on its hinges. I feared that this noise would arouse some one in the building and, without even stopping to put on my shoes, I rushed out into the night and darkness with my baby in my arms. My fear must have given me superhuman strength, for, though only a week had elapsed since my confinement, I rushed in mad flight through the streets. I turned corner after corner to elude the pursuers I imagined were following me. I crept through dark alleyways wherever I found them, and kept on running,

running as though fleeing for my life, never stopping till I was miles away from the hospital.

Then I sank down exhausted on the steps of a fine church and was on the point of fainting away when a wail from within the folds of the shawl aroused me to conscious life again. Oblivious to the chill of the severe winter night, thinking only of him, I opened my dress and exposed my breast to the cold night air. I nursed my child to sleep again on that cold, cheerless church step.

It is surprising to me now that I did not take my death from cold and exposure that awful night, but I suppose the fires of anxiety and love burning within protected me and kept me warm.

When daylight came I sought refuge in a third-class hotel in a neighboring street. The roll of money which I exhibited on paying for one day's lodging allayed the suspicions with which the clerk evidently regarded my entrance there at such an unseemly hour.

After a few days I succeeded in obtaining board and lodging at a small cottage where a poor workman, Mr. Johnson lived with his childless wife.

The price which their spare bedroom brought them was a welcome help to them in the cold winter when they had to rely entirely for their subsistence on the scanty sum they had been able to save from the summer's earnings.

The sign, "Furnished Rooms" was taken in, and my story that my husband had run away from me, just as I was about to become a mother, found willing and receptive ears, specially in view of the fact that my presence would enable them to worry through a workless winter. I took pains to show them that I possessed

sufficient means to pay my way, if I could only have a comfortable home for baby and myself.

By this time the sum, with which I had been provided when cast adrift by my father, had been reduced almost one-half.

Until Thorwald's birth, in my despair I had not given any thought to the future, and had allowed my small capital to dwindle down without fear or apprehension. But now it was different. I became the most abject miser.

"It is his money," I said to myself. "I must not rob him of what little he has."

Every dollar of it was to be saved for him and I felt as if every penny of it used even for our necessaries was stolen from him.

"I must go to work at something. Earn money for him, or at least enough for us to live upon without encroaching on his little patrimony."

I advised with my kind landlady as to where to get work, and one day she took me around to a vest shop, a few blocks distant, where she had been employed before her marriage.

On her recommendation the proprietor, a dirty-looking little Jew, agreed to give me employment if I came around the next morning at the opening of the shop.

The only thing that worried me was that I was obliged to be away from my little Thorvald, but Mrs. Johnson, who was a kind-hearted, affectionate woman, promised to take good care of him while I was at work, and as I could usually go home for lunch during the middle of the day, she did not see how the baby could possibly suffer from my absence under the circumstances.

It was terrible to tear myself away from him, but I

told myself, a thousand times a day, that it was for him I worked, and that he would not miss me much, as he spent most of the day sleeping sweetly, and, judging from the happy smile on his face, dreaming of the angels.

When I arrived at the shop in the morning a sewing-machine was provided for me, and the forewoman gave me instructions in the work.

Three hundred whizzing and whirring sewing-machines in the large room, all operated by steam, at first made me quite nervous. The pale, careworn faces of the operating girls did not serve to give me great encouragement as to what I had to expect from this experience—I, who never had worked a day in my life and had never known what it meant to earn my own living. But the thought of my child gave me courage and strength. I was working for him. It was not many weeks before I was able to turn out as many vests a week as the average girl with much longer experience, and thus earn not only enough to pay for my board and modest lodgings, but also a scanty compensation to my landlady for the care she bestowed on my little boy in my absence.

The confinement and steady application to my work commenced to show in my face. I looked pale and careworn as the other girls, and when night came I was so tired that it was an effort to get up from my chair. But I did not mind it. Every stitch in those vests was a work of love for my little Thorwald. Every shooting pain in my chest, which the bending over the machine gave me, was sweet, for it was for him I suffered, and soon the evening would come, when I could take him in my loving arms, caress him, smother him with my

love kisses, rock him into sweet, innocent slumber on my breast.

Oh! how I enjoyed those evenings! How I would sit and talk to him for hours! Tell him the sweetest fairy tales. Whisper into his ears charming poems of my love for him. And to see him smile at me! For within a few months he smiled so sweetly to me, when I took him in my arms and commenced to fondle and play with him, that it seemed as though he already knew his mamma, and how much she loved him.

I used to have the longest and most delicious talks with him. It did not matter that I did both the questioning and answering.

He was the loveliest boy. I had only one fault to find with him. He was so fond of sleeping. He would sleep from the time I left in the morning till I returned at lunch time and then go to snoozing again till evening, when it was with the greatest effort that he kept his beautiful brown eyes open as long as I wanted to talk with him, and consult him about our little troubles. Then all through the night he slept on my arm and scarcely ever stirred.

I was disappointed because he did not cry and wake me up in the night so I could walk the floor with him and rock him to sleep again. My heart craved greater sacrifices for his sake than he would allow me to make.

I really envied other mothers whose children kept them awake during the night, and exacted from them those exhausting love services, so sweet and soothing to a mother's heart.

Happiness had returned to me with little Thorwald.

With his tiny baby hands he pulled up by their roots those noxious weeds of hatred, bitterness and misery

which had been growing so luxuriously and rampantly in my deserted heart.

But my happiness was too great to last.

It was in the fore part of July.

The day had been exceedingly sultry. All my love and longing to press my babe to my breast would scarcely suffice to drag my tired feet along the hot pavement.

When I entered the house I heard my child wailing as if in pain, and found Mrs. Johnson engaged in soothing him by rocking him on her knees.

I rushed over to her, picked up my darling boy and strained him to my heart.

There was no question about it, the boy was sick.

"Oh, my Thorwald is dying," I cried out in frenzy, gazing in despair at the contortion of my poor darling's features, as he plaintively kept up his wailing.

"No, you must not believe that. He only has a little colic," said the landlady, to console me.

But I refused to be consoled. I hurried her off for a doctor while I kept on pacing the floor with my babe in my arms, trying to put him to sleep, wailing and crying as much myself as he did.

The doctor finally came. It was to me an eternity before he arrived. It seemed as though his presence soothed baby as well as me. He became more quiet and ceased his moaning, but that was only for a moment. Suddenly he gave a cry of pain; his face became almost purple; his features drawn, and his little hands were clinched, oh, so tight.

"My baby is dying. Oh, Doctor, save him!" I cried in despair.

"Quick; some tepid water in a basin," said the doc-

tor, and with rapid movements he tore off the child's clothes.

I stood as if stunned, and left it to Mrs. Johnson to bring the water.

Soon after he had been immersed in the warm water the convulsions ceased.

But they came back again more and more frequently, and they seemed to increase in intensity at every fresh attack.

The last one came during the night after the other folks had retired.

I had lifted him from the basin as the attack seemed to be over, and was drying the little body, when I noticed that the plaintive wail had ceased. My soul rose to the throne of God, whom I, during the vigils of the night, had implored, oh, so humbly, to save my child, for I thought sleep had come to his relief and that his suffering was over—but my grateful prayer froze on my lips.

Looking lovingly at my babe I saw that his eyes were wide open, but that the gleam of life had fled.

I was like one suddenly stricken down with palsy. I could not move hand or foot; I could not speak; I could not even think. Every tear well was suddenly dried up in my heart; every thought frozen in my brain. I only sat there in blank despair peering into those dimmed eyes. I said nothing—did nothing—thought nothing. I was almost in the jaws of death myself.

And thus I still sat with my dead child in my lap when daybreak came, and Mrs. Johnson softly entered to inquire how he was getting along.

When they attempted to take my dead child from my

arms, my conscious suffering set in. I had been like one turned into stone till that moment.

I then became wild.

"No one shall take my child from me. I will die first." And so I kept on sitting with my dead babe in my arms for a whole day and night, rocking to and fro, and staring with wild fright into those vacant eyes until finally merciful sleep came to my lacerted heart—to my troubled brain. It brought back my wandering mind. My heart was dead—dead forever! But when I awoke and for the first time realized my terrible position, tears came to my relief, and I was permitted to sob out my desperate sorrow over my child's dead body.

After he was hidden under the ground, a fearful hallucination took possession of my whirling brain.

Wherever I went, amidst the whizz of the machines at the shop where I went to find in occupation a means of driving away my sorrow, in the stillness of the night in my own chamber, at church in the mighty tones of the great organ, in the moaning of the wind, I heard continuously the tiny, plaintive wail of my child. It followed me wherever I went—whatever I did.

One Sunday I went to the cemetery to place a bunch of pansies on his little grave.

I imagined I heard the tender, wailing cry of my baby from the bottom of the grave. I was sure I heard it. He was buried alive, and I must save him!

I threw myself on the mound and commenced to dig the grave open with my hands.

My strange actions attracted the officers of the cemetery. They ordered me to desist. I told them that my child was under there. He was buried alive. I could

hear his voice fom the grave and implored them to save him. * * *

At last I had become mad and was compelled to spend a month in an insane asylum.

When I was discharged as cured the kind old doctor advised me to go to some strange city where my surroundings would not continually bring back to me the memories of the past. He assured me that this was the only condition on which he could promise me immunity from further ravages of that dread malady, "a disordered soul."

I knew he was right.

Thus it happened that I drifted to Minneapolis

CHAPTER IV.

The Marriage.

The expenses connected with the burial of my little darling as well as the cost of my stay at the private insane asylum had diminished my funds considerably, and I arrived in Minneapolis with less than fifty dollars.

This was, perhaps, in one way, beneficial to me, for my impending necessities aroused my energies so sorely blunted by my last great sorrow.

My first impulse was to make use of the accomplishments of my splendid education, and for a week or two I advertised assiduously both for a position as a governess in a private family in the country and for pupils in instrumental music.

But I received no response whatever to the first advertisement, and the grand result of my advertisement for pupils in music, as well as of a canvass from house to house for two weeks, was two pupils who each took one lesson a week at the munificent compensation of fifty cents an hour.

This experience opened my eyes to the fact that, unless I wanted to starve, I would have to come down to menial work.

Work in a factory had no particular attraction for me. It would remind me too much of my great sorrow and bring back too vividly to my soul the sweet memo-

ries of the brief period of happiness so abruptly and cruelly cut short by the sickle of death.

There was then no field open for me but that of the common domestic. As the art of cooking was not among my accomplishments I felt that I was incompetent to fill a place in a private family, and that I would be compelled to seek employment as chambermaid, which I shortly succeeded in obtaining at the Nicollet House.

What would my proud father say if he knew to what depths of degradation his cruel decision had reduced his only daughter?

But then I consoled myself with the thought that in this great country no honest work, however lowly, was considered disgraceful. All the bridges connecting me with my past were burned, and a return to my former position in society closed forever. So what mattered it, so long as I could earn my daily bread and eke out a miserable existence?

I had been engaged in my new occupation less than two weeks when one night, about 11 o'clock, the hotel caught fire. I had worked unusually hard during the day; my roommate was on watch during the night, and as I found myself alone on entering my bedchamber, I threw myself down on the bed without undressing to rest a few moments before making preparations for retiring.

So tired was I from the day's work that I fell asleep in this position and was awakened only by a choking sensation that almost prevented me from breathing.

Arousing myself, I at once became aware that the room was filled with a dense, suffocating smoke. At first I did not realize what it meant, but, listening, I soon heard a crackling noise as of fire coming from

the hallway. My room was on the fourth floor, and when I became fully aware that the hotel was on fire, my courage nearly failed me. How was I to escape? The only exit was by the stairs, and it seemed certain that the fire was in that direction.

Almost asphyxiated I reeled over to the door and threw it open, when a denser and still more stifling smoke rolled in through the opening.

In despair I stepped out. Far away—it seemed miles away—I saw the red light indicating the stairs. It glimmered faintly through the smoke, but between it and me the flames were with voracious tongues licking the dry woodwork.

I had to get past the fire in order to escape. I took a few steps in that direction, and was overcome by the smoke and heat. I staggered against the wall and sank unconscious to the floor.

The last thing I am aware of—and I only remember that as in a dream—is that, as I was sinking down, someone rudely took hold of me. I remember still the pain in my arm from the sudden grasp, and then I knew nothing more until I found myself on the pavement where I was supported by the strong arm of a strange man, who was attempting to pour some whiskey or brandy down my throat. I was surrounded by a gaping crowd, which watched the man's efforts to revive me with that interested curiosity that always characterizes a crowd at a fire.

As I regained consciousness I have an indistinct recollection of noticing a peculiarity in my companion. He wore a long, heavy beard, but on the right side of his face there was hardly a hair left. It was all singed off, and his face on that side was red as though it had been exposed to an intense fire.

"I am so glad to see you recover," the man said in a deep, earnest voice. "I was afraid the smoke had suffocated you. It once looked as if you were going to burn up for me," he added, pointing to the lower part of my garment, where there was quite a large hole burnt in my skirt.

I learned that the man by my side, who had occupied a room on the same story, had discovered me just as I fell to the floor, at a time when he, himself, was attempting to make his escape. He had lifted me up bodily and after two futile attempts, by a last desperate effort, had succeeded in getting past the place where the scorching fire was raging, and had carried me over to the stairway, where he happened to discover that my dress was on fire.

Learning on inquiry that I was a stranger in the city and had no friends, and that very likely all I had in the world by this time was being devoured by the greedy fire fiend, my newly-found friend kindly offered to escort me to a neighboring hotel where I could remain until I could again obtain employment.

I hesitated, for I knew that if my trunk had burned, which was more than likely, I did not have a penny.

He misconstrued my hesitation, and said: "You need not be afraid to trust me. I am only an old farmer, old enough to be your father."

I told him I did not mistrust him, but that I was without money and could not incur any expense which I certainly was unable to pay.

"Never mind," he answered, "I saved my pocketbook, and there is enough in it for both of us. I certainly did not save you from the fire in order to let you die in the street. Come along with me now."

He spoke so kindly, and with such an honest expression in his voice, that I could not help trusting him and, anxious to get away from the gaping crowd which still insisted on taking a great interest in me, I followed him to a neighboring hotel, where he kindly secured a room for me.

Now came for me a most trying time.

It was not difficult to observe that the man, who had saved me from a most terrible death, had become deeply interested in me.

He stopped at the same hotel and showed all the little attentions which a kind and warm heart could suggest.

My deplorable condition could not, of course, remain unknown to him. All my wardrobe burned! My money gone with it! Alone in a strange city without a friend or even an acquaintance! It could not very well be worse.

He insisted that I should accept a loan from him of a hundred dollars to enable me to procure a new wardrobe, of which I certainly was sorely in need. I protested that I might never be able to repay it, but he would not take *"no"* for an answer, and thrust the money into my hands. I had not the courage to refuse it. I wished I could have done so, for I began to feel in my heart that this was the fateful beginning of an end which I could only contemplate with a shudder.

After a week's assiduous attention in which he gave me too many proofs of the complete conquest I had been unfortunate enough to make, he, in his peculiar, meek way, but at the same time with an undercurrent of fixed determination asked me to become his wife.

He told me he was a widower, who, but two years be-

fore, after a happy but childless marriage, had lost his wife; that he was a farmer, reasonably well off, and that in a few years, when the times should become better and prices of farm lands advance, as they certainly would do, he could leave the farm and live on the interest of his money in a small city, or in Minneapolis, if I preferred it; that in the meantime he would make my life on the farm as pleasant as possible; that his brother's wife, who with her husband was now living at his farm and keeping house for him, could remain there, if I wished, and relieve me of the cares of looking after the household.

I listened to him in silence.

Then I told him that it could never be; that I did not love him and never could; that my heart was only a heap of dead ashes, where no man could ever discover a spark from which to kindle a fire of love and devotion.

But when I had ceased speaking, he was not in the least disconcerted. He begged me not to decide the matter then, but to think it over till the next day.

I did not wish to wound him unnecessarily as I owed him such a debt of gratitude, and was foolish enough not to end the matter then and there.

The next day, after thinking it over, I concluded to tell him the story of my life, and said I felt convinced that he would plainly see that I could never become the wife of an honest man.

But the sad story of my disgrace only seemed to make him more eager to possess me for his wife. It seemed as though my downfall in his eyes had lessened the distance between us, as though my degradation had brought me down nearer to where he, the common farmer, stood,

and he still begged me with tears in his eyes not to refuse him.

He would not crave my love, if I could not give it. He would only ask the privilege of being near me, of looking after my every want, of giving me the happiness of a home of my own. He would only ask to be allowed to be my faithful servant and slave. Perhaps some day, by a life devotion to me, he would earn the right in my eyes of being worthy of a kind thought, of a tender regard.

I cannot tell how it came about, whether it was because I was so tired and exhausted from my disheartening battle with life and did not care what became of me, or whether it was because of the gratitude I felt toward the man, who had saved my life and had shown me so many tender kindnesses. I only know that I was finally persuaded, and consented to be his wife on the express condition, however, that he should ask or expect no more from me than what my burned-out heart could freely and voluntarily bestow.

On these conditions I became Andrew Eklund's wife, less than a fortnight after the fire in the hotel.

The next day we started for his farm way out on the desolate western prairie.

No bride ever went to her future home with a heavier heart.

A shudder went through me as I entered his house.

It was quite neat for a farm-house in a new settlement, and the large barn gave evidence of the comparative wealth of the owner, but there was no evidence of comfort about it.

The floors were carpetless and painted a dark, gloomy color. The walls were bare and had the dull gray hue of the common rough plastering.

I had the feeling of having entered a burial vault. And thus it was. There in that gloomy, uninviting place must be forever buried all the forbidden memories of the past. The sunshine of love and happiness was never to brighten it for me. Duty, this hardest and coldest word in the language of man, was forevermore to be the only lamp which, with its cold, unsympathetic glare, should light this crypt for me.

It did not take me long to ascertain that I was an object of hatred and envy on the part of both my sister-in-law and her husband. She was a low, uncultured person by birth and instinct, and with all the native cunning, which shone from out her cold little eyes, she was unable to hide her lack of appreciation of my presence.

They owned a small farm in the neighborhood, but had not been nearly as successful in life as my husband, and it was evidently a great disappointment to them that I should come as a further barrier to their chances of inheriting the larger farm.

After a few days I intimated to Mr. Eklund that his sister-in-law's presence was distasteful to me, and that I preferred to take charge of the household myself with the assistance of a girl who could perform the heavier work. That was all that was necessary, and inside of a week they had moved back to their own farm, less than half a mile distant.

That their love for me was not increased by this move is self-evident.

CHAPTER V.

The Ghost.

As soon as I had succeeded in getting rid of my sister-in-law I went to work to make the place inhabitable.

In the sitting-room and in my sleeping-room soft ingrain carpets were laid.

The grey, naked walls were covered by as tasty wall-paper as I could find in Willmar.

Modest, inexpensive lace curtains were draped at the windows.

From a lady in the village, who was a great lover of flowers, I, by a little coaxing, and by paying a goodly sum therefor, obtained some nice house plants.

A small book shelf in my sleeping room was filled with cheap editions of my favorite authors.

In fact, I succeeded fairly well in transforming the burial crypt into quite a cozy, comfortable home. I felt it a duty to myself to beautify, as much as was in my power, my prison cell, and I must admit that my husband, fond as he was of money, without a murmur, gave me the necessary funds to transform the house into something approaching my ideas of what a home should be.

When I suggested to him one day that a piano would be such a consolation to me, he looked shocked, but inside of a week the music dealer at Willmar sent out a piano, not one of the richest tone, nor of the best make, it is true, but in any event a piano.

In fact, my husband was so kind to me, so considerate in the observance of the conditions I had made before our marriage, that I said to myself every day, during these first weeks, that it was my duty to him, and the least I could do, in partial discharge of the debt of gratitude I owed him, to forget the past.

Oh, how hard I tried to forget!

But I only too soon ascertained the truth of that beautiful saying of one of our great Northern authors: "Oblivion is like the heather bell. It grows only of itself. All the care and nurture, the whole world could bestow upon it, would fail to add an inch to its growth."

In spite of my determination, the memories of the past kept crowding in on me, especially in the long vigils of the night. This was particularly the case after my eyes were fully opened to the fact that the greatest crime a woman can commit against herself is to marry a man, who in any respect is beneath her. She may try as much as she pleases, but she never will succeed in raising him up to her standard. If there is to be any nivelization at all, she must allow him to drag her down to his level.

Everything which interested me, seemed to be Greek to my husband, however much he might, to please me, pretend an interest he did not have. It was painfully plain that my thoughts and words went far above his head and understanding and left his brain untouched. This was never more strikingly made evident to me than when I, one evening, was reading aloud to him one of the most pathetic scenes from "Childe Harold." He sat apparently greatly absorbed in the beautiful poem, when on looking at him, after one of the most touching

passages, I noticed that his head had fallen forward and he was sound asleep.

The biblical saying about "casting pearls before swine" came to me. In anger I closed the book, went to my room, closed and locked the door, and let him spend the balance of the night in that chair. This event only tended to close still tighter than before the valves of my heart to him.

I had been without a servant for a week.

In the country it is very difficult to obtain hired help. The young girls all flock to the large cities where a freer life and greater chance for amusement seems to lure them.

I was getting tired of the drudgery of the housework, especially of washing dishes, which was ruinous to my hands. I had always been proud of possessing a vigorous and healthy body, and had during all my life bestowed great care upon preserving it in as perfect a state as possible, but above everything else I was proud of my hands. They were the constant object of my painstaking care. And now, to see them swell and bloat and become red and blotched from contact with the greasy dishwater, provoked me, and I could not refrain from letting my husband understand that I did not think he did what he could in the way of procuring help.

The next day he harnessed his team and informed me he would go to Willmar and obtain a domestic, if she was to be had for money.

Toward evening I heard him return. I had felt pangs of conscience at my cross treatment of him in a matter in which I knew he was in reality not at fault.

As a reparation of my wrong I hurried, as soon as I

heard him driving up to the stable, in order to have supper ready for him when he came in.

He entered sooner than I had looked for and told me that he had been unsuccessful as he had feared he would be, but that as a make-shift he had employed a young man whom he had met in town to work on the farm.

"He is a Norwegian," he said. "A new comer, and is willing to help wash dishes and do the washing for you in order to secure his board during the winter. He told me on the way that he knew your father, the judge, and that he thought he must have seen you in Christiania. I wonder if you know him. His name is Harold Steen."

"No, I never met anyone by the name of Steen that I remember of. Of course everybody in Christiania knew my father," I answered, while taking the meat from the frying pan and placing it on a platter I held in my hand.

As I was thus engaged, the door opened and the new farm hand entered.

I looked up.

As I caught his eye, the platter fell from my hand—and broke into a hundred pieces.

The man in the doorway was—Thorwald.

The blood rushed from all over my body to my suffering, broken heart. I nearly fainted, but I recovered my senses. I knew everything depended upon my power of self-control.

"I burned my hand," I stammered quickly, and turned to the water pail, in which I immersed my hand, turning my back to the two men in order to get time to regain my composure.

"That is too bad," I heard my unsuspecting husband remark in a compassionate tone. "Can I help you,"

"No thanks," I said. "It relieves the pain to keep it in the cold water."

"Thank God he does not divine the cause of my excitement," I thought to myself, while my heart pulsated so that I almost feared it would break.

"Don't let the steak get cold. Take what there is left on the spider and help yourselves, while I am nursing my burn," I managed to whisper with an exertion, which I thought would kill me.

If my husband once saw the pallor on my face, my secret would be out. And I could not again, not now anyway, look at Thorwald's sad face.

The two men went into the dining room and seated themselves at the table. I could hear the scraping of their chairs as they sat down. I then flew to my room, bandaged my hand, and laid down on the bed to think—to think. * * * *

The pain of my pretended burn would have to do service as sufficient excuse for my not showing myself again that night.

"I cannot do it—I cannot do it," I moaned in despair.

I had believed my heart dead. Oh, if it only were! The old wound was torn open afresh.

All through the stillness of the night its every violent beat sang only one strain: "Thorwald, Thorwald."

"The coward, I hate him," I said to myself one moment.

"No," came the next moment in a whisper as soft as a caress. "I don't—I love him—I love him with all my heart—I always will love him."

Not a moment's sleep came to my feverish eyelids. When the morning came I did not need to pretend. My husband came to my door to inquire for my health. I told him that I was unable to get up, that the burn had given me a fever. And true enough a fever I had, though no burn.

I had to get him out of the house at once. What should I do? What pretext could I find?

I had it.

"Do you think you can get a doctor, Eklund?" I said in a plaintive voice.

"Certainly, my dear, if you think you need one. I will start at once," he answered.

Everything now depended on whether he would leave Thorwald behind.

How nervous I was. I trembled like an aspen leaf, as from behind the window curtain I watched them harnessing the horses.

Finally my husband drove off—alone.

Oh, how my heart sang for joy. I should meet Thorwald again. I should hear his justification from his own lips. Certainly he could justify his conduct, or why did he come here? And I would pardon him. All the suffering and sorrow he had brought on me, I would forget and forgive, and we would be happy again. Happy? With me tied to another man for life?

"Oh Thorwald, too late—too late. Why did you not come before?" I moaned in despair.

With feverish haste I sprang out of bed and commenced dressing myself. I took particular pains to dress my hair in the way he used to like it best, and put on my best gown. I did not know myself how I came to do it, but I felt as though I was going to a wedding and that I must look my best.

When I stepped out into the sitting room I heard him in the kitchen. I opened the door softly. He turned his head, sprang to his feet, and then * * * *

I cannot describe that meeting between us, nor can I give you in his own words his justification. Enough to say that he had always been my faithful Thorwald, who had followed me across the sea and on a mad chase across this broad continent, until he finally found me—another's.

When my letter detailing my sad condition came to him, he had already for over a week been delirious. He was in the throes of a terrible brain fever. For two long months he was out of his head more or less, and the doctor strictly forbade any excitement, any strangers to address him, or any letters to be delivered to him.

When finally the danger point was passed, and he was convalescent, he received my letter. The shock of what had passed, the thought of what I must think of him, caused a relapse that threatened to end his life. For nearly three months he was hovering between life and death. As soon as he became stronger he wrote to me, addressing one letter to my home and another to our own private mail box. Receiving no answer to these, he wrote again. No better fate. Then, even before he had fairly recovered, he started for Christiania. He there learned of my sudden disappearance, but no one could tell him where I had gone. He called on my father, but he refused to receive him. In despair he wrote a note to my mother, explaining all and begged her, if she still loved me, for my sake to write and tell him where I was.

She wrote him that my destination was Chicago, but that my address was unknown to her, as my father had

forbidden all correspondence between us. She implored him to follow me, to find me, and to give her child all the reparation in his power.

What should he do? His illness had entirely drained his not over-plethoric purse. He had come to the capital with hardly sufficient money to subsist upon for a month. He tried in vain to borrow from friends enough to take him across the Atlantic. He wrote me numerous letters to the general delivery at Chicago, but never received a word in answer.

I knew no one could be writing to me, so I never once inquired. Foolish girl, how much trouble I could have spared myself!

In the meantime he worked day and night at whatever he could get to do, in order to make sufficient money to enable him to follow me on my flight to the New World.

Finally he had saved enough to buy a ticket to Chicago, and, on the same day our little child died, he sailed from Christiania.

When he reached Chicago he was almost penniless. The only thing he could get to do was shoveling dirt in the streets.

In that scorching Chicago sun he, who had never in his life done a day's labor, cheerfully accepted this menial work because it enabled him to spend his evenings where he could make inquiries for me, and perhaps, by dint of perseverance, some time get a clue, which would lead him to my feet. Without divulging any part of our secret, he persisted in asking every stranger, whose acquaintance he made, if he had any idea where I lived, giving a vivid description of me. His excuse was that he had a package for me from my parents, but had lost my address.

One day a new man was taken into the gang with which he worked. It was Mr. Johnson, my landlady's husband. From Thorwald's description of the lady he was looking for, Mr. Johnson soon recognized me, and invited Thorwald to go home with him that night and see his wife, as he suspected that she might know the girl.

From her he learned all about me; about the death of our child, about my suffering, and about my departure for Minneapolis, a month before. But as I had not written to Mrs. Johnson since I left Chicago, she, of course, could not give him any further information.

He had less than five dollars in money. How should he get to Minneapolis? Some of his acquaintances advised him to steal rides on freight trains. If he was put off one he could take the next one. One station would be gained anyway. He did so and, after a journey lasting nearly fourteen days, he reached Minneapolis. He searched for me all over the city, but could find no clue. He had almost made up his mind that there must be some mistake, and that I must have changed my mind and gone to another city, when, in looking over an issue of a Swedish paper, more than a month old, which he had accidentally picked up one day while waiting for dinner at his boarding place, his eyes fell on my name in an item giving the marriage licenses of the week. He ascertained from one of his fellow boarders where marriage licenses were obtained, and, without waiting for his dinner, he started for the office of the clerk of court at the court house. Here he learned that the man, who had obtained the license to marry me, was a resident of Kandiyohi county. He did not think of dinner again. All he cared about was to find out where Kandiyohi

county was, and in what direction he had to go to get there. This accomplished, he started to walk the one hundred miles, or more, to Willmar. Before night he was fifteen miles nearer me. In order to hide his identity in case I should have mentioned his name to my husband, he thought it best to assume his maternal grandfather's name.

Arriving at the county seat he made inquiries for Mr. Eklund, and soon located us in the town of Whitefield. Then he tried to ascertain whether it was a love match on my part, for if it were he would disappear and never show his face to me again. But from all he could learn it would seem that I was not over-charmed with my married state. He then eagerly sought to make my husband's acquaintance and the day before, on learning his errand into town, had anxiously offered his services at any price and on any condition, so long as he could accomplish his object to be near me.

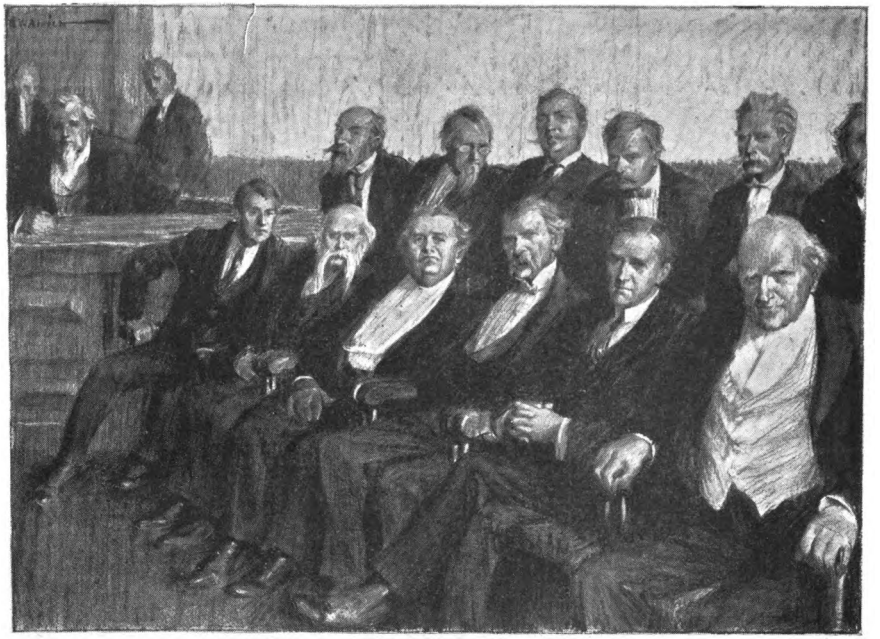
This in short was the story Thorwald told me that morning.

* * * * * * *

If I did forget my husband and my plighted troth in the living presence of my childhood's lover have you the heart to condemn me?

BOOK III.

THE TRIAL



THE JURY

CHAPTER I.

The Scene.

It was the day before the opening of the fall term of the district court in Yellow Medicine county.

The Indian summer, which is due in Minnesota in the first days of October, had come in all its glorious aboriginal beauty.

The haze from a thousand distant, smouldering, prairie fires lay like a fluffy drapery of nuns veiling around the horizon. It softened the sharp contour of the distant views, and gave to the surroundings that tone of indistinctness which the painters of the realistic school praise as the acme of beauty in reproductions from nature.

Although the sun had a short time ago passed its zenith for the day, its rays did not beat with their usual summer vigor, for their force was broken by the layers of the heavily-charged atmosphere, which seemed to entwine and embrace them in their soft folds.

The tepid air was heavily laden with the peculiar perspiration of the virgin soil, turned up into the ravishing sunlight by the husbandman's polished plowshare, and lying there in an enchanting, rich resplendant, black nakedness, as if expectantly panting through all its pores for the process by which foundation was to be laid for the fruition, which was to result in another season's glorious gathering of bountiful fruit from its loins.

With these sensuous exudations of Mother Earth commingled the over-satiated odor, almost narcotic in its effect, emanating from the over-ripeness and impending decay of all living nature, which gives to the fall the same sensation of complacent, comatose self-satisfaction, experienced by a human being after over-indulgence at a rich repast.

But as a counter-irritant came once in a while on the breeze a pungent whiff of the odor of the distant prairie fires, this wonderful mixture of smoke and smells of all variations; of messages of destruction of dead, decaying and living vegetation—of burnt earth—of singed air—of ever living, leaping, licking and lurid tongues of flame.

It was a breath of air laden with this reminder of reckless destruction and danger that now aroused Mrs. Eklund, who, pursuant to a suggestion from her attorney, the day before the commencement of her trial, was driving across the country from her farm to Granite Falls, rather than to take the train, in order to escape the gaping eyes of the curious multitude, which would certainly gather at the station.

The soporiferous atmosphere of the warm Indian summer day had for some time exercised its influence on her. Driving across the lonesome prairie she had given way to a desire to close her eyes, which had gradually stolen upon her, and she had not observed that her horse had selected the wrong path at the cross-roads yonder.

It was nearly an hour later when the pungent whiff of air from the distant prairie fire irritated her nostrils, and brought her back to consciousness sufficiently to enable her to discover that she was traveling in the wrong direction.

Inquiry at a farm house near by elicited the information that she was nearing the road running from Montevideo to Granite Falls, and as soon as she struck this extensively traveled and well kept highway, the horse trotted along at a brisk pace, as if anxious to make up the time lost by his awkwardness.

When she arrived at the brow of the hill, where the highway is suddenly tumbling down the steep bank toward the railroad track and the iron bridge crossing the Minnesota river, a view the like of which she never remembered having seen, even amid the impressive scenery of her native country, burst upon her surprised senses.

There, three or four hundred feet below her, lay the city of Granite Falls with its quaint and gaily painted dwellings and its spire-crowned little churches, scattered around in humdrum disorder on and amongst the granite rocks.

From her view-point the houses and churches, stores, mills and public buildings took on the aspect of the German toy houses she had played with as a child.

Not only in the midst of the little town, in its streets and between its houses, but way beyond it, between the town and the other river bank, several miles distant, appeared the same out-croppings of the protrusive granite in the weirdest, most irregular formations, as if the rocks had been thrown around by giant hands.

Away on the undulating prairie, beyond the other bank, here and there, neat, white farmhouses and large red barns peeped forth from the mani-colored groves.

Right below her, along the hillside down to the river shore and stretching for miles in both directions along the river, were trees without number dressed in the glorious foliage of an American fall.

There were not only all imaginable colors, but all the shades and tints of each different color, which the most imaginative artist could conjure forth.

Here and there, and seemingly of richer hue than ever—probably due to the contrast—stood a poplar, still draped in its rich dark green verdure.

Around it shone all the shades of yellow and brown and black, and, in between them, red in all its shifting tints from the faintest pink to the deepest scarlet.

Down over the very bank hung the willows, dressed in the palest of green. They first coquettishly waved their branches over the laughing waters, as if every leaf had an eye watching its own beauty in the reflective mirror below. Then again they washed the tips of their branches in the rippling waves, and allowed them to be carried away as in complete abandon, till their elasticity had been tried to its utmost capacity. Then, with a snap the trees would reclaim them, only to commence the same play over again the next moment.

And between this richness of verdure and of color—giving additional life and tone to the picture—twined the beautiful Minnesota river in a hundred capricious curves, now this way, then that way, as if it were hunting for a lost friend and was turning its luminous eye desperately in all directions for him.

A silver thread in a hundred twists over an undulating mass of green velvet—was this river.

Up beyond the Hixton Mill, white as the Minnesota wheat flour, it comes tumbling down the dam like a young woman in the airiest, fluffiest, white Swiss muslin and tulle. Further down, a little above the old, dilapidated excuse for a mill, which ground the Indian corn for the Aborigines in olden times, but now is rel-

egated into desuetude, it runs in rippling and laughing rapids—over rocks—under rocks—between rocks, as if playing hide and seek.

As a big, overgrown child it cajoles and smiles at its own antics.

You can hear its glad laughter rippling down its cheek.

Then it suddenly grows steady and sedate. You can hardly see a ripple on its face. You almost think it stands still; that it is dead; that its activity is gone; that it has lost its force; that it only can lie quietly and lazily between the broad banks and sun itself, and that all it is good for is to furnish a mirror for the flying clouds above.

But the Minnesota is deceiving you. It is only the calm before the storm.

A few feet further down and she dances in mad wildness over the dam—foaming at the mouth, roaring and thundering her wildest notes of defiance into the air, and dashing herself in impotent rage in a thousand silvery sprays against the rocks below, while the sun places above her brow a diadem jeweled in all the colors of the rainbow.

But the river is not mad. The sudden jump was only an outburst of youthful exuberance.

A few rods below the falls she glides along again quietly and sedately as a cloistered nun. With a stately sweep she turns around towards the West; lets the sun's rays dance on her calm and serene face; lets the passing clouds nod familiarly to their own reflection on her bosom, and forgets that she ever has been young, until she reaches Minnesota Falls, nearly two miles below, where the rocks again tempt her into a frolicsome gambol.

This was the first impression Mrs. Eklund received of the place where she was going to stand trial for her life.

This and much more she drank in, until she felt almost intoxicated with the glorious beauty of the scenery.

Now her eyes restlessly scanned the little city with a desire to locate the building, where she was to battle against the forces of the Commonwealth. They rested for a moment on a large, white, bright-looking structure of two stories. Oh, no, it could not be that! Its exterior clearly showed that within its sacred walls the torch of education burned. Over its precincts hovered a spirit of benevolence, kindness and knowledge, just as from the church spires, climbing heavenwards, the message of "peace on earth and good will towards all men," was carried up towards her.

Ah, there her searching glance found what it had been looking for! Beyond the pleasant schoolhouse, in the extreme southwestern part of the town, loomed up a structure, which must be the court-house. It was built on stiff, straight lines, looked dark, gloomy, unsympathetic and as if impervious to any impression from anywhere.

While her eye rested on this building for a few moments, and many a sad premonition awakened in her heart, the sun had made a slight move towards the west. Its rays now touched the windows on the side nearest to her, and in a moment the gloom disappeared. Every window in the large building looked as if it had become suddenly illuminated. The dreary court-house took on the aspect of a fairy palace.

"I take this as a good omen! Fate could never have selected such a beautiful place for my trial had it in-

tended that it should bring me misery and despair," Mrs. Eklund murmured to herself.

"Fate!" she repeated with bitterness in her voice, as she was starting the horse down the steep hill. "Fate!—I forget, it was my lawyer, who selected this place, not Fate!"

And the same gleam of horror, which once lighted her eyes on the platform at Willmar Station, again appeared and threw a cloud of wild despair over her countenance.

But when she alighted at the front door of the Commercial Hotel some minutes later, no one could have read anything but the brightest hope in her beautiful eyes.

CHAPTER II.

The Links in the Chain.

The next morning at nine o'clock the court-room was packed.

A number of ladies attracted by the peculiar features of the case, had, by the officers, gallantly been given seats inside the railing. When Judge Thayer ascended the bench and the sheriff rapped for order, Mr. Barker was engaged in an animated conversation with a portly gentleman, at least a head and a half shorter than himself, with round, protruding, rolling eyes, a wabbly walk and a laughter which sounded as if it had been stored up in a cellar for a long time. It was Mr. Bellingham, the first assistant attorney general of the State, who, at the request of the young and inexperienced county attorney, was to take charge of the conduct of the State's case.

He and Mr. Barker were old friends. It was not the first time they had crossed swords in the legal arena, and each had great respect for the ability, acumen and learning of the other.

After court had been duly opened the county attorney formally moved the case of State vs. Marie Eklund and Harold Steen for trial.

Mr. Barker then notified the court and counsel for the State that the defendants demanded a separate trial, and suggested that the State be required to elect which of the two defendants it would try first.

Whereupon the county attorney stated that the State would first proceed with the trial of the defendant Marie Eklund.

The clerk was ordered by the court to call the jurors in the case, and the judge appointed three young lawyers to act as triers, or judges of the qualifications of the persons challenged by either of the parties.

A battle royal now commenced to determine who would gain an advantage over the other side in the selection of the jurors.

Mr. Barker had requested Mrs. Eklund to take a seat close by his side, and had impressed upon her that he wanted her assistance in this: When a juror was called she was to look him carefully over, and if her woman's instinct told her that he would be unfavorable to her, she was at once to communicate this fact to her lawyer by pulling once at his sleeve or coat-tail; if, on the other hand, she felt in her heart that the person called would favor her, she was to indicate this in the same manner, only by two pulls instead of one. If she received no impression one way or another, she was to do nothing at all. But he had let her understand that she should not wait to communicate her decision until after he had commenced questioning the juror.

"It is not your judgment I want," he said. "A woman has no judgment. At least it is more liable to be wrong than right, while her instinct is well nigh infallible. It is your instinct I want, unbiased by any supposed reasoning. That is why I want to hear from you before you have a chance to exercise any reasoning power, which you may think you have."

Immediately behind Mr. Barker at the long table was seated Mr. Thompson with a large bunch of memoranda arranged in alphabetical order.

When a juror's name was called, he would find the memorandum appertaining to him, and hand it to Mr. Barker who, after scanning it for a moment, would commence his examination of the juror, after having challenged him either for general disqualifications, for implied bias, or for actual bias, as the case might be, or, some time, for all three, one after the other.

The memoranda in the hands of Mr. Thompson showed the result of the investigation by that gentleman of each of the fifty persons called to serve as jurors both on the general panel and on a special venire, made returnable that morning by order of Judge Thayer, who had foreseen the necessity of more persons being called for jurors in this case than the regular panel would afford.

These memoranda gave exact and detailed information on all of the following points: The juror's age, his present occupation, his former occupation, his financial ability, his general character for honesty, his nationality, his religion, his politics—whether or not he was married, whether stubborn and of firm convictions, or easily led and influenced, whether sympathetic or narrow-minded and cold, whether he had ever been a police officer, sheriff, constable or justice of the peace; also whether he was generally inclined to favor the State or the defendant in a criminal case.

There was also a special inquiry as "to whether or not the juror was a ladies' man."

The only time during the proceeding when Mrs. Eklund pulled twice at the lawyer's sleeve, was as a young Swede seated himself in the box. Mr. Barker looked at the memorandum with reference to the juror, then at the juror, then addressed an inquiring look to Mrs. Eklund, who whispered:

"I want him. He will stand by me through thick and thin."

"Do you know him?"

"No; I never saw him before."

"How do you know?"

"He looked at me. It was enough."

The lawyer smiled as he showed his client an entry on the memorandum opposite the last question, which read:

"Is very susceptible to the influence of good-looking ladies."

The State, which considered that it would score a point in getting a Swede on the jury, accepted him at once without a challenge.

He was sworn in as a juror, and as he sat down he smiled into Mrs. Eklund's eyes. That he found a response there, goes without saying. Without a word there was a complete understanding and compact entered into between the two.

Mr. Barker rather surprised the other side in challenging peremptorily every Norwegian on the panel, whom he could not get rid of in any other way. The prosecuting attorneys had expected that he would have preferred them on the jury, inasmuch as Mrs. Eklund was a Norwegian, but they did not know the characteristics of the race as well as Mr. Barker did.

Another noticeable feature of this part of the proceedings was that Mr. Barker strained every nerve to get rid of every Presbyterian on the panel. Perhaps the reason was that all of them happened to be dried-up, wizen-faced specimens of humanity, but most of the attorneys present insisted that there was a graver cause for his action than this. Afterwards one of them asked Mr. Barker, who smiled and said:

"No man, who is narrow-minded enough to believe that a merciful God has irrevocably and voluntarily destined the majority of mankind to eternal damnation, and that this same good and kind God could send innocent babes to hell without giving them half a chance, can sit on any jury of mine. Besides, such doctrines don't tend to strain the qualities of mercy in a man, and a defendant in a criminal case may need that quality awfully much."

All the forenoon session and nearly an hour of the afternoon session was occupied in selecting a jury.

When the jury was finally impanelled it stood as follows: seven Americans, three Irishmen, one Swede and one Frenchman, and as to religion, five Methodists, four Catholics, one Lutheran, one Unitarian and one Agnostic.

A short opening speech to the jury was now made by the young county attorney of Kandiyohi county, who, without any attempt at rhetoric or eloquence, in a dry but logical manner recited the facts, which the State expected to prove.

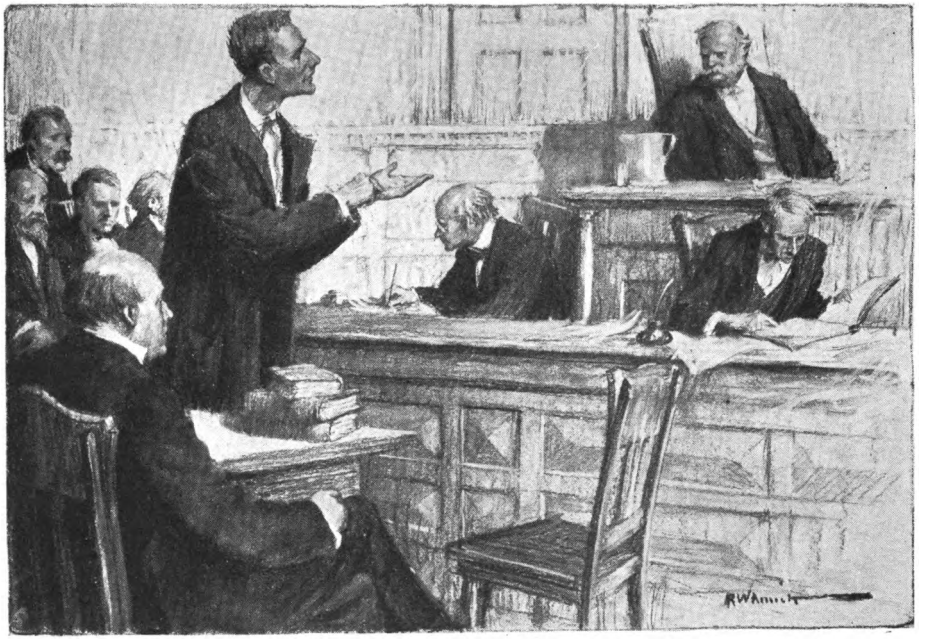
Immediately after the close of this opening speech, the first witness was called and sworn.

When the court adjourned at 6 o'clock in the evening on the first day of the trial, the following facts had been established by the evidence:

1. Andrew Eklund died in the town of Whitefield, Kandiyohi county, on Sunday morning, March 12, 1893.

2. He had been sick in bed since the foregoing Wednesday.

3. During his sickness he had continuously complained of terrible cramps in the abdominal region.



THE COUNTY ATTORNEY SPEAKS

4. The first days he had vomited and purged considerably. These symptoms had ceased a day or so before his death, but until a few hours before his demise he was continually retching.

5. On Saturday he requested his brother to go for the doctor, who on his arrival inquired very severely into what the sick man had eaten.

6. After getting some of the doctor's medicine he seemed to feel better, and stated that he was hungry.

7. The defendant then prepared some gruel of which he ate heartily, but after partaking of it the pains came back with renewed force, and he retched a great deal.

8. No one had given him any medicine or food except the defendant since Wednesday.

9. One neighbor testified that one day, in the absence of Mr. Eklund, he was working at carpentering on the farm. Immediately after dinner he left defendant and Mr. Steen standing talking together in the living room, as he went into the kitchen to light his pipe. When he returned for his hat a few moments later none of them were in the room. Steen, who was helping him at his work, did not put in an appearance for twenty minutes.

10. Another neighbor testified that defendant at his house had spoken disparagingly of her husband, whom she designated as surly, cross and untidy, and compared him with Mr. Steen, whom she praised to the skies, saying that he was a very nice young man—so nice about the house that she never saw a nicer young man, etc. The same witness also testified that he had observed that defendant's conduct towards the two men was very different. When she spoke to the young man it was always in a nice and sweet voice and with a smile

on her face, while, when she spoke to her husband, it was in a short and sour tone.

11. The same neighbor testified that when the coroner came to the house, he introduced him to the defendant, and told her that when a person died and there was a suspicion that he had not died a natural death, the coroner could have an inquest and examine the body to see if everything was all right, to which defendant in an angry manner answered that she defied any one to touch her husband or cut him open—also that he noticed that she, after a while, gave Steen a wink, and went out into the kitchen. Soon after Steen left the living room and walked out into the shed. When he opened the door, the witness saw defendant standing in the shed. After a while they both came back the same way they had gone out, and after that she had no further objection to going on with the inquest.

12. Still another witness testified that, while the doctor was at the house, defendant asked the witness if he had noticed how sharply the doctor had looked at her. When the witness said that he had, she said, "He mistrusts me."

13. During the last night defendant had asked the same witness how long he thought Eklund could live. When he answered, "Not longer than till morning," she turned her head around to one side, smiled and said, "Just what I thought."

14. After Eklund's death Sunday morning, Mr. Steen said that two calves were dead, and that it looked as if they had been poisoned. Defendant remarked that he probably had given them their milk from the same pail "which Eklund has vomited in."

15. A seemingly perfectly fresh wrapper of a pack-

age of "Rough on Rats" had been found near by the barn on the day of the inquest.

16. One of the firm compounding and selling "Rough on Rats" testified that this compound contained arsenic and phosphorus, but the exact proportion he declined to give, as it was a secret protected by the patent laws. He said, however, that he had no hesitation in stating that such a package contained over two grains of arsenic.

It was noticeable that Mr. Barker was, even for him, unusually lenient in the cross-examination of these witnesses.

All the evidence as to the relation between Mrs. Eklund and Mr. Steen was especially passed over by him in perfect silence.

His main effort was directed to show that all of the witnesses had exhibited considerable feeling against the fair defendant, and that they all had taken part in the attempted hanging bee, soon after Eklund's death.

Only one of the witnesses was treated with anything like harshness and made to swallow his words. It was the one who claimed to have observed defendant smile when he told her that Mr. Eklund could not live any longer than until morning. For this witness he went rough-shod, until he succeeded in getting him to admit that at that particular time there was only a tiny night-lamp in the room, and that defendant stood between the witness and the lamp with her back to the lamp, so that he could not possibly have seen whether she smiled or not.

On his cross-examination of the witnesses, Mr. Barker elicited the following additional facts:

1. That Eklund had admitted that he was taken sick

on Tuesday with cramps and vomiting, after partaking of a hearty dinner, which he himself had prepared in his wife's absence, as she and Mr. Steen were absent all of Tuesday on an errand to Willmar.

2. That there were no convulsions, and no cramps, coldness or numbness of the limbs.

3. That there was no trace of blood in the vomit or discharge.

4. That defendant had asked her brother-in-law to go after the doctor on Thursday, but that Eklund said he did not want any doctor.

5. That when Eklund's brother went for the doctor on Saturday, it was at the defendant's request, not at her husband's, as the witness had claimed in his direct examination.

6. That the corpse and a black jar, containing some of the organs removed from the body at the inquest were, immediately after the inquest, which took place on Wednesday, removed to a shed along the length of the house, and remained in that shed until immediately before the funeral on the following Saturday.

7. That there was a door from this shed leading into the living room, and one leading outdoors.

8. That there was not, nor had there ever been, any key or latch of any kind to this outer door, so that the door could not be locked.

The prosecution had also attempted to show:

1. That before his death Eklund had asked his brother, in case he should die, to have an autopsy in order to ascertain the cause of death.

2. That defendant and Steen had continued to reside together at the farm since the husband's death, and did so there reside until their arrest.

This attempted testimony was strenuously objected to by Mr. Barker, the first on the ground that such evidence could only be introduced as coming under the head of "Dying declarations," and that there was no proper foundation laid for its admission, in that it did not appear that Mr. Eklund was convinced, at the time, that he was dying, but that, on the contrary, the language used by him showed that he had a doubt as to whether he was about to die at all; the second on the ground that conduct subsequent to the act could not be received to characterize the act, and, on the further ground, that there was nothing in the evidence tending to show any improper relations between the parties.

In both cases the court sustained the objections and excluded the testimony offered. The judge at the same time, at Mr. Barker's request, in a very impressive manner, cautioned the jury to exclude the offered testimony from their minds and to treat all that had been stated by the prosecuting attorney, as if they never had heard a word of it; in short, to blot it out from their memories.

CHAPTER III.

The Dream.

The testimony given the second day of this remarkable trial is of such a character and importance that I have not dared to trust myself to give merely a resume of it. I have concluded, instead of writing it out myself, to copy the transcript of the evidence as furnished me by the official reporter of Judge Thayer, which, of course, gives a verbatim report of everything that occurred in the court-room. I need not add that I have not undertaken to correct or change one word in this most remarkable document:

Anna Jackson, sworn for the State, on examination by the assistant attorney general, testified as follows:

"Where do you live—where is your home?"

"In the town of Whitefield, Kandiyohi county, Minnesota."

"Were you acquainted with Andrew Eklund?"

"Yes, I knew him."

"Are you acquainted with Mrs. Eklund?"

"Yes, sir."

"Did you go to work for Mrs. Eklund soon after Mr. Eklund's death?"

"Yes, sir."

"What day of the week did you go there?"

"Monday evening."

"Was the body then in the house?"

"Yes, sir."

"In what room?"
"In the living room."
"Laid out there in the living room?"
"Yes, sir."
"Covered with a cloth?"
"Yes, sir."
"How long did you work there?"
"One week."
"You left, then, on the next Monday?"
"Yes, sir."
"How long did the body remain in the living room?"
"I don't know."
"Do you know what day it was buried?"
"Saturday."
"Did it remain in the living-room up to the time it was buried—until they carried it into the shed for the purpose of burying it?"
"No, they carried it from the house to the shed the same day that all those men were there—after they had gone."
"Do you mean to say the same day the coroner's inquest was held?"
"Yes, I guess so."
"Do you know whether the shed door was fastened when the coffin was taken in there?"
"I don't know."
"Where did you sleep while you were there?"
"I slept with Mrs. Eklund."
"Whereabouts, in what room?"
"In her bedroom."
"Where was her bedroom?"
"Right off from the living room. One door led into the living room and one into the kitchen."

"Coming from the outside, which room did you first enter?"

"The kitchen."

"While you were there, was anybody else living at the house?"

"Yes, sir."

"Who was it?"

"The hired man, Mr. Steen."

"Where did he sleep?"

"He slept upstairs, I think."

"While you were there and sleeping in the bedroom with Mrs. Eklund, state whether or not you know of Mr. Steen coming into her room where you and she were sleeping?"

"He came in there the first night I was there."

"While the corpse of Mr. Eklund was lying in the adjoining room?"

"Yes, sir."

"What time of the night was it?"

"I don't know just what time it was. It was after midnight."

"How long do you think he was in there?"

"It seemed to me about an hour."

"Did you hear them talk or whisper?"

"I could not tell what they were talking."

"Which side of the bed did you sleep on?"

"The back side."

"On the wall-side, next to the wall?"

"Yes, sir."

"How did you first discover that he was in the room?"

"I heard them talking."

"Whispering?"

"Yes, sir."

"Where was Mrs. Eklund at the time?"

"In bed with me."

"Where was Mr. Steen while he was in there?"

"I could not tell whether he was in bed or not."

"Did you see him when he went out?"

"Yes, sir."

"What did he have on?"

"His underclothes."

Cross-examination by Mr. Barker:

"How old are you, Anna?"

"Sixteen years."

"Are your parents living?"

"Father is. Mother died a year ago."

"What time in the afternoon did you come to Eklund's house?"

"About supper time."

"Did you see Mr. Steen there that night?"

"Yes, sir."

"Did you talk with him?"

"No, sir."

"Did he speak with you that night?"

"No, sir."

"Did you hear him say anything to anybody that evening before you went to bed?"

"No, not that I can remember."

"So you did not know his voice? You would not know him by his voice that night?"

"No, sir; I would not."

"Did anybody else sleep in the house that night besides those you have mentioned?"

"Yes, sir; Mr. Eklund's brother."

"Mons Eklund?"

"Yes, sir."

"Where did he sleep?"

"Upstairs, I guess."

"Were there any windows in Mrs. Eklund's bedroom?"

"Yes, one."

"Where was that window with reference to the bed?"

"The bed stood right up against it."

"You mean that the window was in the wall, along which the bed stood?"

"I guess so."

"Don't you know?"

"Yes, I do."

"Was there any shade for that window?"

"Yes."

"Was it up or down?"

"Down."

"Down when you went to bed?"

"Yes."

"Did any one pull it up during the night?"

"I guess not."

"Did it remain down all night?"

"Yes, it was."

"Was there any light in the bedroom?"

"Yes, a lamp."

"Did that burn all night?"

"No, sir."

"When was it extinguished?"

"Mrs. Eklund blew it out when she went to bed."

"In the evening?"

"In the evening, yes, sir."

"Was it lighted again that night?"

"Not that I know of."

"What time of the night was it Mr. Steen was in the bedroom?"

"After midnight."

"How long after midnight?"

"I can't tell."

"Have you ever met the gentleman sitting behind me here, Mr. Thompson?"

"Yes."

"Where did you meet him?"

"At our house."

"When?"

"About three weeks ago."

"Did he on that occasion talk to you about this case?"

"Yes."

"Did you not at that time and place state to Mr. Thompson that it was between one and two that Mr. Steen came into Mrs. Eklund's bedroom the first night you were there?"

"I guess so."

"Well, was that true?"

"I don't know."

"How is that?"

"I had no time."

"How do you know it was after midnight?"

"Because it was nearly 12 o'clock when we went to bed."

"And it was some time after the time you went to bed that he came into the bedroom?"

"Yes, quite a while."

"Did you see him come in?"

"No."

"Did you hear him come in?"

"No."

"Did you see him go out?"

"Yes, sir."

"What door did he go out through?"

"The kitchen door, I guess."

"Was there any light in the kitchen?"

"No."

"Are you sure of that?"

"Yes, I am."

"How long did he stay in the bedroom?"

"An hour, I guess."

"Did you not tell Mr. Thompson at the time and place we have spoken of, that he might have been in there only five minutes?"

"Yes, I guess I did."

"That is right, is it?"

"Yes, sir."

"It might have been five minutes and it might have been an hour?"

"I guess so."

"Well, was it one hour or five minutes?"

"I can't tell."

"Was it daylight when he left?"

"Oh, no."

"It was some time during the middle part of the night?"

"Yes, sir."

"Now, Anna, will you tell me, when there were other persons sleeping in the house, and you could not tell Mr. Steen by his voice, how could you tell that it was he, inasmuch as the room was dark?"

"I guess it wasn't dark."

"How was that?"

"I guess it was moonlight."

"Are you sure of that?"

"Yes, sir."

"As sure of that as anything you have testified to here?"

"Yes, sir."

Mr. Barker: General, the Ayer's Almanac for this year, which I hand you, I picked up in a drug store coming up the street this morning. Will you allow me to introduce it in evidence as part of the cross-examination of this witness, or will you oblige me to telegraph for the observer of the weather bureau? I want to offer the almanac to show what time the moon rose and set on the night between the thirteenth and fourteenth of March this year. I don't think there can be any dispute that those matters are correctly given in the book, although I will not undertake to vouch for the correctness of other statements in this very interesting publication."

Assistant Attorney General: "I don't suppose there is any need for you to call the weather bureau man. We will allow you to introduce the almanac."

Mr. Barker: "And you admit that the time there given for the rising and setting of the moon on the night mentioned is correct?"

Assistant Attorney General: "We do."

Mr. Barker: "Thank you, General, for your courtesy."

"May it please the Court, I now offer this book in evidence as part of the cross-examination of this witness."

"Gentlemen of the Jury, this almanac shows, and it is admitted by the State to be correct, that the moon

on the night between the thirteenth and fourteenth of March this year rose at 8:14 and set at 11:04 in the evening."

"Anna, had you seen Mr. Steen before this evening?"

"No."

"You had heard about him?"

"Yes, sir."

"You had heard the neighbors say there was something between him and Mrs. Eklund?"

"Yes, sir."

"Something that was not nice?"

"Yes, sir."

"That they were very fond of each other?"

"Yes, sir."

"And that they were unduly intimate?"

"Yes, sir."

"You had heard a good deal about that?"

"Yes, sir."

"When you saw Mr. Steen that night, did it strike you that he was a good-looking fellow?"

"I didn't look much."

"I know you didn't. But you saw enough of him to see that he was quite a good-looking fellow?"

"I guess so."

"You thought he was almost too fine looking a fellow to be hanging around a married woman, did you not?"

"May be."

"Well, you really did, did you not, to be honest about it?"

"I guess so."

"Do you ever dream, Anna?"

"Oh, yes."

"Do you remember ever having had a dream so vivid

that after you woke up you had some difficulty to determine whether you had dreamed it, or whether it really had happened to you?"

"I guess so."

"Do you often have such vivid dreams?"

"Not so very often."

"But quite often?"

"Yes."

"Now, Anna, you really want to tell the truth, don't you?"

"Yes, sir."

"You don't want to tell anything that is not so, just to hurt Mrs. Eklund, do you?"

"No, I don't."

"You have not anything against her, have you?"

"No, only what people say. She was good to me."

"Now, Anna, when you find that you were mistaken, that there was no moon at all at the time you thought Mr. Steen had been in Mrs. Eklund's bedroom, and knowing, as you do, that there was no light there, and knowing further that you could not tell him by his voice, what do you honestly think was the fact—that you saw and heard him in the bedroom that night, or that you just dreamed it?"

"I guess I just must have dreamed it."

"You are quite sure that you must have dreamed it, are you not, and that it never happened at all?"

"Yes, I am."

The attorneys for the prosecution were so completely taken back by the turn the evidence of their star witness had taken in the skillful hands of Mr. Barker, that they were too dazed to try by further examination to make the witness retract what she had just stated, and

when Mr. Barker discharged her with a kind "Thank you, Miss Anna, that is all," they let her step down from the stand without any further questioning.

As the witness took her seat in the audience, which now crowded the capacity of the large court-room to the utmost, Barker turned around and looked at the fair defendant with an expression that said as much as, "I told you I would clear your reputation from this foul aspersion." She on her part responded to him with a look of such deep-felt gratitude as perhaps never before had been mirrored in those beautiful eyes.

CHAPTER IV.

A Flaw in the Chain.

Dr. William J. Summer, sworn for the State, on examination by the attorney general, testified as follows:

"Where did you reside in March of this year?"

"In Willmar, Minnesota."

"Are you a professional man?"

"Yes, sir."

"Of what profession?"

"Doctor of Medicine."

"How long have you practised medicine?"

"Something over four years."

"As a physician and surgeon?"

"Yes, sir."

"Of what school or university are you a graduate?"

"I graduated from Rush Medical College, Chicago, in 1889."

"Did you know Andrew Eklund in his lifetime?"

"Yes, sir."

"Were you called professionally to see him in March?"

"I was."

"Can you give us about the date?"

"I think it was the eleventh of March. It was Saturday, anyhow."

"What condition did you find him in?"

"Mr. Eklund was lying on the bed—I should judge on his side with his legs drawn up—complaining of a

great deal of pain across the abdomen, especially on his right side. He was looking haggard, had a pinched look, as though he had had a terrible siege of some disease. I examined his temperature. I found it 103½, which, although not considered an extremely high temperature, must be called quite high. I found his pulse beating very rapidly, 120 or 130. He wasn't perspiring. He had vomited a good deal, and had purged a great deal. Both had now stopped. I examined him to see if I could discover any trace of poison, because my attention had been called to the fact that they suspected that he had been poisoned. I examined his throat for redness, but discovered none. His tongue was coated. His breath indicated nothing except the breath of a feverish person."

"Did you prescribe for him?"

"I left him some medicine."

"What?"

"Bismuth and Sodium Bicarbonate."

"Did you know when he died?"

"I was told that he died the next morning."

"What day did you say this was?"

"Saturday afternoon about 4 o'clock. I stayed there, I think, perhaps an hour."

"When did you next see the body after death?"

"I saw the body the day I was summoned there by the coroner to perform the autopsy at the inquest."

"Who was with you?"

"Dr. Bean."

"Tell the court and jury what you did at that inquest so far as the body is concerned."

"I lifted the eyelids and just looked at the countenance, the general expression, and examined the eyes.

I found the pupils about natural. I saw nothing in the appearance of the body to indicate anything out of the way. There wasn't as much distention as there was the day I was there before."

"Did you make a post-mortem examination?"

"Yes, sir."

"What did you do?"

"Opened the subject."

"By cutting him open from the neck down?"

"No, we only opened the abdominal cavity and found the organs in about the natural position. I saw no indication of any chronic or long-standing disease of the organs. The peritoneum I found inflamed, more on the right side. The appearance of the liver was perfectly natural. We found some slight redness of the stomach but not enough to indicate that any considerable inflammation of the stomach had taken place."

"Did you take the stomach out?"

"Yes, sir."

"What was done with it?"

"Put into a jar."

"Do you know where it was left?"

"It was left in the jar by mistake. Generally when we make a post-mortem we put back all the parts. It was left out by mistake."

"In the sitting-room?"

"Where the body was, yes sir."

"How about the liver?"

"The liver wasn't detached from the body, only a piece of it, probably two pounds and a half or so. That piece, I think, was returned to the body."

"When you returned that piece of the liver, what did you do with the body?"

"We fixed it in the most ordinary way. It hadn't been opened more than about three inches."

"How? By sewing it up?"

"Yes, as good as possible."

"Was it drawn tightly together?"

"Yes, it was drawn tightly together, so you could not look in."

"When did you next see the body?"

"I never saw the body after that."

"Dr. Bean was with you there, close by?"

"Yes, sir."

"Now, doctor, assuming that the deceased was taken violently sick on Tuesday with some sickness of the stomach, that this sickness was acompanied by vomiting and purging and continued to his death with some pain; that he died on Sunday; that the stomach and a portion of the liver were taken from the body and properly protected, so they could not have been tampered with; that a chemical analysis was made of these parts, and that as a result of that analysis three-fourths of a grain of arsenic was found in the stomach and one and one-half grains in the liver—assuming all these facts to be proved, what would in your opinion, under those circumstances, be the cause of the man's death?"

"Assuming that all you have stated is correct, I would say that it probably was arsenic poisoning."

Cross-examination by Mr. Barker:

"This party when you came there had a fever, didn't he?"

"His temperature was 103½, yes, sir."

"Doesn't that indicate an intense fever?"

"No, I would not call it an intense fever. We would call it a high fever, though."

"Isn't it a fact that in arsenic poisoning there is hardly any fever at all?"

"This is a fact."

His pulse was high—he had a rapid pulse?"

"Yes, sir."

"Isn't it a fact that in cases of arsenical poisoning the pulse is slow?"

"That is very apt to be the case."

"You saw what he had vomited?"

"Yes."

"Was there any indication of blood in it?"

"There was not."

"You looked for indication of blood?"

"I did."

"Isn't it a fact that in cases of arsenical poisoning you would expect to find blood to quite an extent in the vomit?"

"That is very apt to be the case."

"Often clots of blood?"

"No, not clots, but streaks of blood."

"You found no perspiration to speak of?"

"No, sir."

"In cases of arsenical poisoning there is a very marked cold and clammy perspiration, is there not?"

"Yes, that is considered one of the usual symptoms."

"There was nothing of that kind here?"

"No."

"In a case where you suspected poisoning, I suppose you would inquire whether the patient had had any cramps in the limbs?"

"I should inquire particularly as to that."

"Was there anything of that kind?"

"No cramps at all. He complained of nothing except pains in the stomach and side."

"Isn't inability to pass urine one of the concomitants of arsenical poisoning?"

"Yes, sir; usually."

"Was there anything of that kind here?'?'

"He complained of no trouble of that kind."

"Isn't it a fact that in cases of arsenical poisoning the fingers and feet generally get cold and clammy?"

"Not generally, some times."

"That wasn't the case here?"

"No."

"The symptoms which we have here mentioned generally increase in severity as the case goes on, do they not?"

"Yes, sir."

"I mean in cases of arsenical poisoning?"

"I so understood you."

"When you first came there, you said your attention had been called to the fact that somebody suspected poisoning?"

"Yes, sir."

"By whom, may I ask?"

"By Mr. Eklund's brother, who came after me."

"When you came, it was uppermost in your mind to find whether this was true?"

"Yes, sir."

"And you made a searching examination for evidence of that fact?"

"I did."

"And the brother and the others were there in company with the accused?"

"Yes, sir."

"It has been said that the lady remarked that you looked at her pretty sharply. Is that a fact?"

"Yes, sir."

"You did that on purpose?"

"Yes, sir."

"Was there anything in her appearanec or conduct, when you directed that searching glance toward her, to indicate a guilty conscience?"

"No, sir."

"After having come there with the determination of finding poison if possible, and after having made this examination, what did you, from all what you found, conclude the man was suffering from, doctor?"

"Peritonitis. I found no symptoms which could be symptoms of arsenic poison that you would not find in peritonitis, and I found symptoms of peritonitis that you would not find in arsenic poisoning."

"You said there was no inflammation and no perceptible redness of the stomach when you examined it at the post-mortem?"

"Some redness, not much. Nothing to indicate inflammation of the organ."

"Was it as you would expect to find it in case of arsenical poisoning?"

"No, sir."

"How would it be in a case of arsenical poisoning?'

"In arsenic poisoning the color of the stomach is generally very red."

"Also involving very much inflammation?"

"Yes, sir."

"Was it so in this case?"

"No."

"As one of the effects of arsenical poisoning you would expect to find the lining of the stomach dotted with numerous red spots?"

"Yes, sir."

"Was there anything of that kind here?"

"No, sir."

"Do these red dots usually follow in a case of arsenical poisoning?"

"Generally, yes, sir."

"Inflammation of the stomach certainly follows every case of arsenical poisoning?"

"It is a symptom."

"You found no indication of inflammation in this case?"

"No, sir; I did not."

"When a case is protracted from one to four or five days, the inflammatory appearance develops in proportion to the severity of the case?"

"Yes, sir."

"So that the appearance of inflammation would be more marked in such a case than if the party died in three or four hours?"

"Yes, sir."

"You found no arsenic solids in the stomach?"

"No, sir."

"You examined carefully for them?"

"Yes, sir."

"If arsenic had been administered in solid form within a short time of death you would have expected to find it, would you not?"

"Yes, sir."

"Even if it had been taken for some time you would have been liable to find some unabsorbed arsenic solids in the stomach?"

"Yes, sir."

"Upon the post-mortem did you discover any smell of sulphur from the viscera?"

"No, sir."

"Was there any appearance of phosphorus?"

"No, sir."

"You stated that you gave the patient Bismuth?"

"Yes, sir; Bismuth and Sodium Bicarbonate."

"Is it not a fact that Bismuth used in the trade very often is impure?"

"That is a conceded fact, I believe."

"Is it not a fact that it is very often found to contain more or less arsenic?"

"That is claimed to be a fact."

"Had you tested the purity of the Bismuth you gave Mr. Eklund?"

"I had not."

"Taking the condition of that body as you found it upon the post-mortem examination, what would you state was the cause of the death of Mr. Eklund?"

"Taking the appearance after death as the post-mortem showed them, with the symptoms which appeared before, I should say he died from peritonitis."

"And not from arsenical poisoning?"

"No, sir, not in my opinion."

"Your testimony before the coroner's jury was to that effect?"

"Yes, sir."

"And on the strength of your testimony the coroner's jury returned a verdict that Mr. Eklund died from peritonitis?"

"It did."

"Doctor, you have been so eminently fair in this case, and have shown such thorough knowledge of the subject of arsenical poisoning that I feel like going a step further, and show by you, as one of the State's own ex-

pert witnesses, what I had intended to reserve for our case, and for which purpose I have brought with me from the city the learned gentleman who sits by my side. My question is this: Does the finding of arsenic in the viscera of a dead body necessarily and conclusively prove that arsenic has been administered to the deceased either with suicidal or murderous intent, or even accidentally?"

"No, sir, according to recent investigations by Mr. M. A. Gautier, of Paris, the theory of the celebrated chemist, Orfila, which for a long time had been considered exploded, that arsenic is an integral part of the human system, has been confirmed and revived, and it is the opinion of this learned French biologist that arsenic is a primordial element of the living cell absolutely necessary to the proper working of the organism."

"Precisely. You have probably also heard, Doctor, of Monsieur Bertrand, of Paris?"

"I have."

Perhaps you have read the paper which he recently submitted to the Paris Academy of Sciences?"

"I have not read the original paper. I have seen extracts from it in medical journals, however."

"You may tell the jury, whether or not Monsieur Bertrand claims to have discovered the presence of arsenic in the ordinary hen's egg to the extent of the two hundredth part of a miligram on an average in each egg."

"I understand from my reading that such is the fact."

"And whether he further claims to have discovered the presence of arsenic in animals inhabiting the bottom

of the sea, where there could have been no possibility of their having obtained it as a part of their development?"

"I so understand it."

Re-direct Examination by the Assistant Attorney General:

"I do not suppose that any of the learned French scientists, quoted by my learned friend on the other side of the table, claim that people generally go around with two or three grains of arsenic in their bodies just for general every day use?"

"Certainly not. These late discoveries have reference to the existence of arsenic in the human body, as well as in animal bodies, to a very limited extent. They do not refer to arsenic in homicidal doses."

CHAPTER V.

The Black Jar.

N. E. Warner, sworn for the State, on examination by the county attorney, testified as follows:

"Are you the coroner of Kandiyohi county?"

"Yes, sir."

"Were you in March, this year?"

"Yes."

"Did you have charge of the inquest on the remains of Mr. Eklund?"

"I did."

"What portion of the body was taken out?"

"The stomach, part of the liver, the spleen and the kidneys."

"State fully what was done in reference to them, who took them out and what was done with them?"

"I didn't take them out."

"Were you present when they were taken out?"

"I was present, yes. They were taken home and kept in my possession and later on sent with Dr. Bean to be analyzed."

"What were they put in?"

"Jars, black earthen jars.

"Two jars and sealed up?"

"Yes, before they were sent away."

"You delivered them to Dr. Bean to take to St. Paul?"

"I did."

"That is the last you had to do with them?"

"Yes, sir."

"Before delivering these jars to Dr. Bean, did you box them up?"

"I did."

"And delivered them boxed?"

"Yes, sir."

Cross-examination by Mr. Barker:

"At the time of the inquest you took out only the stomach and a portion of the liver, I understand. You took only that out of the body at that time?"

"The stomach was taken out."

"It was put in an open jar?"

"Yes, sir."

"Which you found in the house there?"

"Yes. That jar I got there."

"You put this stuff, whatever it was, in the jar and left it in the house, or in the shanty?"

"In the sitting-room."

"The jar remained open and uncovered for some time before you left?"

"Yes, sir."

"There were several people around there—Mons Eklund, John Schultz and others of the neighbors, who have testified against the defendant in this case?"

"Yes, sir."

"You were busy with the inquest for some time afterwards, were you not?"

"Yes, sir."

"After the stomach had been taken out and put in the jar it was left there in the sitting-room?"

"Yes, sir."

"That is all of the viscera you took away at that time?"

"I didn't take it away at that time."

"You left it there in the sitting-room?"

"I left it there after the verdict of the jury. I supposed after that verdict I had no further use for it and left it there."

"You went away from the body and left that—you went away and left this stomach standing in an open jar in the sitting-room and didn't get it before—how long after?"

"The inquest was held on the fifteenth. I didn't get the different organs until the eighteenth."

"In the meantime the stomach, at least, had stood there in an open jar?"

"Yes, sir."

"How did you happen to go out there on the eighteenth to get this jar and the balance of the organs that you mentioned?"

"Mons Eklund claimed that he had not had fair play, that the doctors had not toted fair. He insisted that his brother was murdered and offered to pay for the analysis of the organs by a chemist if I would go out and get them before the funeral."

"When you came out there on the eighteenth where was the corpse?"

"I don't recollect. I think it was in the sitting-room."

"Wasn't it in the shanty?"

"I don't recollect exactly."

"What is your best recollection upon that subject?"

"I would not be positive whether it was in the shanty or in the sitting-room."

"Anyhow, it was lying in the coffin at that time?"

"In the coffin, yes."

"Was the coffin nailed up?"

"I could not say."

"Then that day you went out and got the jar containing the stomach and brought it in, didn't you?"

"Yes, sir."

"Do you remember, when you came to get that jar in which the stomach was kept, whether or not Mrs. Eklund went out into the shed to get it for you?"

"I don't remember whether she went into the shed or not. I believe she went somewhere for the jar."

"When did you get the other viscera?"

"At the same time."

"Where did you get them?"

"Dr. Bean was along with me. He removed them from the body and put them in a jar, which I had brought with me."

"You then had the viscera in two different jars?"

"Yes."

"Did you ever have any of those jars examined to ascertain whether there there was anything in them, or whether they were free from poison, before putting the different viscera into them?"

"I did not."

"Where did you get the jar you brought with you out the morning of the eighteenth?"

"I got it at the store."

"What kind of store?"

"General store."

"A store where they sold drugs and medicines among other things?"

"I believe so."

"Did you, before putting these viscera in them, know what any one of those jars had been used for, or what had been kept in them?"

"I did not."

"Was the jar, in which the stomach had been kept, open or covered, when you got it the eighteenth?"

"I think it was open. I cannot remember any cover on it."

"As far as you know it had stood open and without a cover ever since the day of the inquest?"

"Yes, for all I know, it had."

"And it had probably stood open for these several days in the open shed, where, the testimony shows, any one could have access to it?"

"It might."

"You know nothing to the contrary?"

"I do not."

"You and the authorities had taken no precautions to prevent any one who desired from having access to the stomach of the dead man in that open jar for all these days?"

"We certainly had not. We thought that we were through with the case, and I did not think any more about it."

"So far as you know, any quantities of different poisons may have been poured into the stomach kept in that jar between the day of the inquest and the day you came for it?"

"I don't see what there was to prevent it, if any one felt inclined to do such a thing."

"Precisely. They had the opportunity, if they felt so inclined?"

"Sure."

"Where did you keep those jars after you brought them to Willmar?"

"At my place of business. I put covers on them and tied a string around them."

"Where did you keep them?"

"In my own building."

"Where in the building?"

"Upstairs, right in my gallery."

"You are a photographer?"

"Yes."

"And you kept them right in the gallery which you operate?"

"Yes, sir."

"In the workroom of your gallery?"

"No, just kind of a storeroom."

"How long have you been in the photograph business?"

"Four years."

"Did you have an assistant or any one working for you in connection with your photograph gallery?"

"Not at that time."

"When you go away from the gallery, going to your meals or going on any errand out in the town somewhere, you don't lock the gallery, do you?"

"No, sir."

"You leave the door open?"

"Yes, sir."

"How about that storeroom; was that locked?"

"No, there was no key to the door—the door was closed, though."

"So that a person in your absence could go right up and into the storeroom?"

"They could go up there if they wanted to."

"How long were those jars kept in that storeroom before you gave them to Dr. Bean to take to St. Paul?"

"I don't recollect just how long it was—probably a week or ten days."

"A week or ten days, anyhow?"

"Yes, probably more than that."

"Did you deliver them to Dr. Bean yourself?"

"I did."

"Do you know whether he left on the day after you delivered them to him, or whether he waited some days?"

"He left immediately after on the train."

"During these eight or ten days I suppose you cannot give us any idea what part of the time you would leave your gallery and go out?"

"No, sir."

"You weren't there all of the time? You were out for your meals and such things?"

"Yes, I was out probably a good portion of the time —I don't remember."

Re-direct Examination by the County Attorney:

"After you had taken the jars to your gallery were they sealed?"

"Yes, sir."

"Did those seals remain unbroken until you delivered them to Dr. Bean?"

"They did."

"Do you know that they had not been tampered with?"

"Not after they were sealed."

"They hadn't been tampered with after they were sealed?"

"No, sir."

"Where did you seal them?"

"We sealed them at the gallery."

"How were they sealed?"

"With sealing-wax."

***Re-cross examination by Mr. Barker*:**

"How long before delivering the jars to Dr. Bean to take them to St. Paul was it you sealed these jars, Mr. Coroner?"

"The day before."

"What? The day before he left?"

"Yes, sir."

"So that for seven or nine days those jars stood unsealed in the unlocked storeroom in your gallery which was open to the public, whenever you were out? That is a fact, is it?"

"That is right, sir."

"How did you come to seal them? What caused this sudden death-bed conversion to care and caution?"

"Dr. Summer thought they ought to be sealed when Dr. Bean took them on the train, so the chemist could see they had been properly protected."

"I am not surprised, may it please your Honor, that the attorney general did not want to be a direct party to this scurrilous attempt to mislead the jury. It would hardly be compatible with the dignity of the great State of Minnesota. But I hope we may witness no more disgraceful and unworthy tricks of this sort in a case in which a poor, defenseless woman is on trial for her life," said Mr. Barker, rising to his feet and addressing the court.

"The court certainly shares in the hope you have expressed, counselor, although it cannot admit that your client is defenseless," was all the judge had to say. And the incident was closed except for a weak apology on the part of the county attorney to the effect that he certainly must have misunderstood the witness in the conversation he had had with him before going on the stand.

Dr. B. T. Bean, sworn for the State, examined by the attorney general, testified as follows:

"Where do you reside?"

"At Willmar, Kandiyohi county, Minnesota."

"Are you acquainted with the coroner of Kandiyohi county?"

"I am."

"Did he deliver to you—did you hear his evidence?"

"Yes, sir."

"Did he deliver to you the jars spoken of by him?"

"He delivered to me a box supposed to contain jars, I didn't examine the contents."

"A box containing the jars spoken of by him?"

"Yes, sir."

"What did you do with that box?"

"Took it to Minneapolis, left it in charge of the keeper of the cloakroom at the West Hotel, afterwards came back, got it and took it to Mr. M. E. Mack, a chemist in St. Paul."

"The same box which you received from the coroner?"

"Yes, sir."

"Had the box been disturbed by the keeper of the cloakroom?"

"No, not that I could discover."

"Doctor, what is your profession?"

"Physician and surgeon."

"How many years have you practised your profession?"

"Two or three."

"Did you know Andrew Eklund?"

"I knew him by sight."

"Were you present at the post-mortem?"

"I was."

"State what was done with reference to the stomach and liver?"

"The stomach was removed at the time of the post-mortem and placed in a jar together with a portion of the liver."

"What was done with the balance of the liver?"

"The balance of the liver remained in the cadaver."

"After the post-mortem examination closed, what was placed back in the body and left there, and how was the body secured?"

"There was nothing placed back. The stomach and that portion of the liver were not returned. Nothing else was removed entirely from the body. There was nothing replaced."

"Where was the jar left?"

"The jar was left in the sitting-room."

"Under the table on which the body was lying?"

"I don't know as to that."

"Was the body enclosed when you left it?"

"It was not."

"Was it sewed up?"

"It was."

"Tell us how it was sewed up?"

"It was sewed with ordinary silk and the thread broken off at each stitch, part of the way."

"Were you there when the coroner went back to take the organs of the dead man with him?"

"I was."

"Did you open the body?"

"I did."

"Did you find the body in the same condition in which you left it?"

"I noticed that the body wasn't in the room where I left it. In the body itself I noticed no change."

"What did you do?"

"I re-opened the body, took out the kidneys and the spleen, placed them in a jar, and handed them to the coroner."

"Did you notice any change in any of the organs which you put in the jar from what they were when you left them the day of the inquest?"

"I didn't look for any change, and I didn't notice any."

Cross-examination by Mr. Barker:

"Doctor, parties could have introduced, by means of a syringe, arsenic into the body after the opening in the abdomen had been sewed up without your having known it, or noticed it, when you returned?"

"I have no doubt that they could."

"What was the weight in your judgment of the portion of the liver, which was removed at the time of the inquest and then placed in a jar with the stomach?"

"I should think about two and one-half pounds."

"What is the average weight of a human liver?"

"About four pounds, I think. It varies."

"Did you remove the balance of the liver at the time you accompanied the coroner to the house to take the viscera with him?"

"I did not."

"So that any liver in any of those jars taken to the chemist by you, must have been that portion of the liver which was removed at the inquest and placed in the jar with the stomach?"

"Certainly."

"Where was the body when you removed the other organs from it?"

"In a shed, or lean-to, adjoining the house."

"Was the lid on the coffin?"

"It was."

"Had it been screwed on at that time?"

"I don't think it had."

"Do you know what became of the jar, containing the stomach and a part of the liver, after the inquest?"

"Just left there."

"Covered up?"

"Not that I know of."

"Do you know where this jar was when you came with the coroner the next time?"

"Not for sure. All I know is that when the coroner asked Mrs. Eklund for it, either she or some one went out of the house for it. No, I now remember she told the young man to bring it in from the shed, and he was the one who brought it in."

"How long after you got this box containing the jars from Mr. Warner before you went away?"

"I should judge about twenty minutes."

"Hadn't one of those jars been standing open in your drug store for some time?"

"No, sir."

"Where did you put the box when you went down on the train?"

"I had it in the baggage car with me."

"You did not ride in the baggage car?"

"Yes, sir."

"Did you go down in the baggage car all the way?"

"I did."

"Didn't you stop for dinner?"

"No, sir."

"Did you stay in the baggage car all the time from leaving Willmar until you came to Minneapolis?"

"Yes, sir."

"When you went to the West Hotel, where did you leave the box?"

"I did not leave it anywhere. I took a hack and rode up to the hotel and took the box with me in the cab. When I came to the hotel I took it to the cloakroom at once."

"After leaving it in the cloakroom, when did you get it back again?"

The next day between one and two o'clock."

"You then took it on the train again?"

"Yes, sir."

"Where did you put the box this time?"

"I had it with me in the smoking car."

"Did you have it in the seat with you?"

"Yes, sir."

CHAPTER VI.

The Chemist.

M. E. Mack, sworn for the State, and examined by the attorney general, testified as follows:

"Where do you reside?"

"St. Paul."

"How long have you resided there?"

"Five years."

"What is your business?"

"Analytical chemist."

"How long have you been a chemist?"

"It is nearly nineteen years since I graduated."

"Where did you graduate?"

"At the University of Heidelberg in Germany."

"Do you remember seeing the last witness on the stand some time in March, this year?"

"Yes, sir."

"Where did you see him?"

"I saw him at my office in St. Paul."

"Did he deliver to you the box with jars in it which he has described?"

"He delivered a box to me with jars in it."

"The box spoken of by him here?"

"I don't know."

"Did he deliver more than one box?"

"Only one box."

"He never delivered, at any time, but the one box to you?"

"That is all."

"Did you make an analysis of the contents of those jars?"

"I did, sir."

"What was the result of your analysis? What, if any, poisons did you find in the contents of any one of these jars, and if so, in which of them? State as near as you can the quantity of the different poisons, which you found in each of the organs."

Mr. Barker at this juncture entered an objection, which he argued at great length and with much earnestness, to the effect that such testimony would be incompetent, immaterial and irrelevant, and that no proper foundation had been laid, and for the further reason that the State had failed to show that the organs, pretended to have been analyzed, had been kept in such a manner as to exclude the possibility and even probability of their being tampered with after the death of Mr. Eklund, but that the testimony, on the contrary, showed affirmatively that they had been kept under such conditions as to allow tampering with the same on the part of any person with evil disposition, of which such evil disposition toward the defendant ample evidence had been adduced.

The court, after listening patiently to the argument of Mr. Barker, which, however, was plainly more intended for effect upon the jury than upon the court, and without desiring to hear any argument on the part of the State, overruled the objection on the ground that the question, whether the viscera could have and possibly had been tampered with, was a question of fact exclusively for the jury and not for the court to decide. To this ruling Mr. Barker had an exception entered.

The witness, after the question had been read to him by the reporter, answered:

"In the stomach I found over three-fourths of a grain of arsenic. The greater portion of it I have here in a vial. In the liver I found a trifle over one and one-half grains of arsenic. This arsenic I here produce except such as has been preserved in other forms to show the processes and results of the different tests I made. I could not find anything in the spleen nor in the kidneys. All the arsenic I found was in the stomach and liver."

"Did you make more than one test for arsenic?"

"I made several."

"Have you brought the specimens with you, and are you prepared to demonstrate to the jury the results of the different tests you made in your analysis?"

"I am."

"You may now proceed to describe to the jury the mode of procedure pursued by you in order to determine whether there was arsenic in the different organs of a human body delivered to you by Dr. Bean, and also by what method you attained knowledge of the exact amount of arsenic found by you in each organ. You are at liberty to do so in your own way."

"Gentlemen of the Jury," commenced the chemist, rising to his feet on the witness stand, after arranging some specimens, vials and little porcelain cups and saucers on a table near by, "upon receiving the jars I opened them, separated the different contents, and made an entry of them in my books. The stomach was already opened, so all I had to do in order to examine its appearance and to look for traces of solid arsenic, was to wash its inner surface in distilled water. I was unable to discover any solids in this organ.

"In making the analysis I treated each of the organs —the stomach, the liver, the spleen and the kidneys in the same way, but each one separately.

"I first divided each organ in certain proportions, or parts. I then cut up the larger part of each organ in fine, small pieces and placed the matter in twice its bulk of distilled water, strongly acidulated with pure hydrochloric acid, a few grammes of potassium chlorate was added, and the whole gently heated, after I first had thoroughly tested all my receptacles and other apparatus and the materials to be used in my tests, and found them all absolutely pure.

"In less than twelve hours the solid matter of the organ, so treated, was dissolved, and in each case a clear yellow liquid obtained. After I had properly filtered this liquid and taken the necessary steps to reduce the residue of the filter, I was ready to make the so-called Reinsch's test for arsenic.

"For that purpose I then poured one-fourth of the liquid into a retort, acidulated it with hydrochloric acid and boiled in each of the retorts four strips of absolutely pure copper. In the case of the liquid from the spleen and the kidneys there was no response, showing conclusively that there was no trace of arsenic in these organs. The strips boiled in the liquid from the stomach and from a portion of the liver became covered with a steel gray arsenical coating, which finally turned black. I have brought with me and here produce one of these strips from each of these liquids.

"One of each of these four strips I then heated in a small tube and produced thereby in each case a sublimate of white crystals of arsenous oxide. By placing the samples, so produced, which I have brought with

me, under the microscope, the jury will find that the crystals are distinctly octahedral, as only those of arsenous oxide would be.

"I then submitted one-fourth of the liquid from the same different organs to Marsh's test, with identically the same results.

"The liquid from the spleen and from the kidneys made no response to the test, and I was, therefore, satisfied that these organs contained no trace of arsenic.

"On placing the liquid from each of the other organs on a different flask, from which pure hydrogen had been evolved by the action of pure sulphuric acid upon pure zinc, and the gas freed from acid vapors and moisture by passing it over solid potassium hydrate and calcium chloride, and then through a long tube of glass drawn out at intervals, the result by heating the tube to redness was that a hair brown deposit of metallic arsenic appeared in the narrow part of the tube just beyond the heated portion, and this deposit deepened in color, until it became black. I here produce one of each of these constricted portions of the tube containing this deposit. During this test the flame of the burning hydrogen at the end of the tube, became bluish white, and an odor of garlic was perceptible. I then held several little porcelain plates or cups up against the flame, exposing them one after another, with the result that hair brown mirror-like spots or crusts of metallic arsenic was produced on the porcelain and I here show you two of these plates with the spots produced upon them, one from each liquid.

"I then tested the deposits in the other constricted portions of the tubes and found them readily to volatize and give a ring of octrahedral crystals of white ar-

senic, and I now produce one such portion of each of said tubes.

"I then passed hydrogen sulphide gas through other portions of both tubes and heated them gently, with the result that the black deposit changed into yellow arsenic. I here show you tubes with the yellow arsenic.

"I then, simply to confirm the positive results of these two tests, submitted a part of the liquid from the stomach and the liver to what we sometimes call the liquid tests, with the most satisfactory corroborative results.

"After having obtained from each of the liquids a quantity of sulphide of arsenic, and oxidized it with pure nitric acid, I tested it with ammonio-silver nitrate and produced a brick-red precipitate of silver arsenate as should be the case if there had been arsenic in the organ.

"The rest of the solution I evaporated with a saturated solution of pure sulphurous acid in water; I then divided the solution in two parts; I then tested one of them with ammonio-nitrate of silver and got a canary-colored yellow precipitate of silver arsenate, turning dark olive brown on exposure to light. The other I tested with ammonio-cupric sulphate, and got a light green precipitate of copper arsenate, or Scheeles green, as it is called. I have brought all these precipitates with me, so the jurors can see them for themselves.

"These different tests established beyond peradventure of doubt the presence of arsenic in the two organs subjected to these tests.

"In order to determine how much arsenic was contained in each organ it was necessary to weigh the particular organ, which I did before dividing them in the first place, then to cut off a portion of each of them

and weigh that, then to treat this portion separately, in reducing it to a liquid state, and in subjecting it to the process by which all the arsenic in it is precipitated into arsenous sulphide. The amount of arsenous sulphide so obtained was then weighed, and the amount of arsenic in the total portion of the organ analyzed is thereafter simply a matter of mathematical calculation."

"And it is from the process which you have just described, and which you say you followed in the analysis of the viscera in this case, that you are able to state positively that the liver, or portion of liver brought to you by Dr. Bean, contained one and one-half grains of arsenic, and the stomach about three-fourths of a grain of the same poisonous substance?"

"Yes, sir."

"State whether or not in making your preparations for your analysis, you did notice anything unnatural about any one of the human organs delivered to you?"

"I did."

"State what it was."

"All of the organs were more or less decomposed. You might say they were in a putrified state. But in lifting the liver, or the portion of it furnished me, out of the jar, I observed on one side of it a well-preserved spot, while the balance was somewhat decomposed."

"No, you misunderstand me. That was not what I had reference to. What I want to know is, whether you observed anything luminous about the organs, anything to indicate the presence of phosphorus?"

"I did. The process, which was pursued, was by dialysis. In working after night I noticed an effervescence of the liver and also of the stomach, I believe. After separating the arsenic, I found traces of phos-

phorus, a small quantity, just about enough so you could smell it."

"You may state whether or not the amount of arsenic, which you found in those two organs, would be sufficient to cause death?"

"It certainly would."

The time for adjournment for the day being near, the sheriff was by order of the judge about to adjourn the session of the court to the next day, when the witness asked if the court and counsel would not as a matter of accommodation to him, hold an evening session, as his presence was necessarily required in St. Paul the following day in an important matter.

With the consent of counsel on both sides, the court decided to accede to the request of the witness, and the sheriff was ordered to announce a recess till seven o'clock in the evening, at which time the jury and the witnesses were ordered to again appear.

While gathering up his papers, Mr. Barker whispered to Dr. Cray, the noted Minneapolis toxicologist, who had been sitting at his side during the introduction of the medical evidence, and whom he expected to call as an expert witness on the part of the defense, to wait for him, so they could walk down to the hotel together.

As soon as the two were alone on the walk, Mr. Barker grabbed the arm of the doctor with a nervous twitch and whispered:

"Did you hear, doctor, what the chemist testified to about part of that liver being well preserved?"

"I did."

"They did not mean to get it out, but he misunderstood them, and it slipped out. Doctor, arsenic is a powerful preservative, is it not?"

"Certainly."

"That arsenic was sprinkled on that liver after the man died."

"It is possible."

"Anything else is impossible. Everything for us now depends upon whether or not that chemist tested the well-preserved piece separately. What do you think?"

"I guess you will find that he did. He says he is a graduate from a German University and you know how methodical, exact and careful the German scientists are."

"That is so. If he did, we are out of the woods."

"Are you not so, anyhow, with the frank and honest evidence of the attending physician, and the established condition of the stomach at the autopsy, practically precluding arsenical poisoning?"

"Yes, true enough. But this is an absolute clincher. We don't want to crow, however, too soon. If he did not examine that part separately, I have to be prepared to carry the jury on the reasonable doubt dodge, and on the possibility and even probability of that jar having been tampered with. The jury is not likely to forget that, thanks to their ridiculous attempt to cover it up. I wonder if that county attorney thought I was sleeping and did not notice the reservation and care with which both his question was put and the answer given. It was too clumsy for anything. God is with the innocent, you see, doctor!"

On the court's reconvening after supper, the proceedings in the case were resumed by the cross-examination of the chemist, the State having declared that they had no further questions to put to him.

Cross-examination by Mr. Barker:

"How long have you been practising chemistry, professor?"

"Nineteen years this December."

"Have you made an analysis heretofore of the remains of a man who was said to have been poisoned?"

"Several times."

"Have you examined for arsenic before?"

"Four times."

"Have you examined viscera where you have found arsenic and where death was actually produced by the poison?"

"Yes, sir."

"In regard to the phosphorus that you mentioned here, in what quantities did you find that present?"

"Very modified."

"It wasn't much, if anything?"

"It didn't have the appearance of having been."

"As a matter of fact, upon decomposition of the human body, does not such decomposition itself produce phosphorus?"

"That is the tendency."

"Did you find any more phosphorus there than you would naturally think would be the result of the decomposition of the body?"

"Yes. I hardly think it could be possible that all that phosphorus came from the decomposition of the body."

"So that what you found there suggested to your mind that it had been introduced into the body?"

"I don't think so—not before death. It might have been produced by decomposition and by, for instance, dropping a match into the jar or something of that kind."

"It was only in the stomach and liver, which were contained in the same jar, that you found even these slight evidences of phosphorus?"

"Practically so. The slight trace in the other organs was likely due only to the partial decomposition. The state of decomposition of the liver and the stomach was more advanced than of the other organs."

"Did you look to see whether there was any match in the jar in which the stomach and the liver were kept?"

"I did."

"Did you find any?"

"I did. I found one broken piece of a match which did not seem to have been burned. I also found a piece of a match the end of which had been burned."

"This find, in your judgment, fully accounted for the presence of the phosphorus, which you found in those organs?"

"It did. That and the state of decomposition of the viscera."

"Precisely. Now as to the arsenic. When arsenic is taken internally or taken in any way before death, whether externally or internally, in order to work on the system, it would have to permeate the different organs, be absorbed by them?"

"Yes, generally distributed."

"That is the only way in which death by arsenical poisoning can be accomplished, isn't it?"

"It is the general belief."

"It is distributed equally all over the organs as a general thing?"

"That really does not hold good. It may be distributed only in some of the organs. Wherever it goes, it is distributed generally through."

"The liver is one of the great receptacles of arsenical poison, is it not?"

"It is."

"In fact, it is the greatest receptacle for the poison, is it not?"

"I don't know if I would say that."

"Is it not a fact that, after the poison has commenced to be absorbed in the system, its first point of destination and, in fact, its distributive point, is the liver?"

"I believe the authorities so claim."

"The liver is a porous, spongy organ, is it not?"

"I believe so."

"Whenever a poison like arsenic is absorbed into the liver, it is generally and very quickly distributed all over the organ?"

"I think that is so."

"It would not be confined to any particular part of the liver, would it?"

"No, certainly not."

"But traces of the poison would be found in all parts of the liver?"

"More or less, yes."

"In this case you said there was a certain portion of that liver that was well preserved and the balance of it was decomposed?"

"Yes, that is right."

"Arsenic, whenever it comes in contact with the human organs, has a tendency to preserve them, has it not?"

"Yes, sir."

"It prevents decomposition?"

"Yes, sir."

"And, in fact, it is said to have great preservative powers?"

"I believe that expression is found in the books."

"When you made the discovery that a portion of the liver was well preserved, and that the balance was in an advanced decomposed condition, did that fact make any particular impression on you, knowing as you did, the wonderful preservative power of arsenic?"

"It did, sir; I thought it very strange."

"Did you separate the preserved part from the decomposed portion?"

"I did."

"Did you in your tests treat the one part separately from the other?"

"I did."

"I mean, did you test the decomposed part by itself, and the preserved portion by itself?"

"I did."

"How much of the one and one-half grains of arsenic, which you said you found in the liver, did you extract from the well preserved portion of the liver?"

"All of it, sir."

"Did you not find any arsenic in that part of the liver which was decomposed?"

"Not a trace of it."

"With the tests which you used how small a portion of a grain of arsenic could you discover?"

"A thousandth part of a grain. There was absolutely no arsenic in that part of the liver."

"What part of the liver was well preserved; was it a tip or a portion of the liver all through, or only a thin layer?"

"Only a thin layer on the outside, on the side of the liver, about two by three inches in extent."

"About how thick was this layer?"

"About the thickness of two sheets of writing-paper."

"And this thin layer of the liver was the only portion of it in which you found any trace of any poison?"

"Yes, sir; that is so."

"In case arsenic had been administered to a person in his lifetime, and he had died from such arsenical poisoning, you would have expected to find the clearest evidence of the existence of the poison in the liver, would you not?"

"I would."

"And next in the spleen and the kidneys, in the order I have given?"

"That is right."

"Did you find the slightest trace of arsenic in either the spleen or the kidneys in this case?"

"Not the slightest."

"In case of arsenical poisoning you would expect to find the lining of the stomach inflamed, would you not?"

"I would, more or less."

"Also to find a number of minute red dots or spots on the surface of the lining?"

"Generally, yes."

"Did you find any inflammation or any such spots in this stomach?"

"Neither of them."

"Now, professor, considering that the usual symptoms of arsenical poisoning were absent in the man's lifetime, that the stomach showed absence of inflammation and of the usual red spots common in cases of arsenical poisoning, considering further that there was no trace of arsenic found in the spleen, no trace in the kidneys, no trace of it in any portion of the liver, except in this

thin layer on the outside, of the thickness which you have described, what have you to say on your oath, taking all these facts into consideration, as to whether this arsenic was administered to the man in his lifetime or had been introduced into the body or into the organs after his death?"

"I am sorry to say that I do not think it was administered to the man in his lifetime."

"Sorry, man? I should think you would be glad to be able to clear this innocent woman from such a terrible accusation. Now, be honest about it, professor. Do you or do you not know that it *must* have been introduced into these organs after death?"

"To tell the truth, I do not think it possible to doubt it."

"Thank you, professor, I think we now can excuse you," said Mr. Barker, with his blandest smile.

"We rest," said the assistant attorney general, even before the witness had stepped down from the stand.

"I should think you would, you look tired," smiled Mr. Barker across the table.

CHAPTER VII.

The Truth.

In a moment later, Mr. Barker was on his feet.

"The defense also rests its case," he said, "but only, your Honor, for the purpose of now moving the court to direct the jury to return a verdict for defendant."

The judge intimated that he was perfectly willing to order a dismissal of the prosecution, as there certainly was nothing to go to the jury upon which to base any other verdict than that of "not guilty," but said he:

"I once thoroughly examined the authorities on this question and am unalterably convinced that under our laws the court has no more right to direct a verdict of not guilty than it has to direct a verdict of guilty. However, I will not foreclose you. I will gladly hear you, if you have any late authorities on the subject."

Mr. Barker now turned to the law books and court reports which Mr. Thompson had brought up during the recess, and made a most plausible argument, fortified by decisions from many states, and insisted that the court owed his client the duty, in a case like the one on trial, to end everything by directing the jury to return a verdict of "not guilty."

The judge, however, who was a man quite set in his ways and rather inclined to be a little technical, remained immovable, but again offered to order a dismissal of the case.

"No, many thanks, your Honor. We prefer to look to the jury for our undoubted rights in this case. Nothing short of a plain verdict of 'Not guilty' will satisfy my client. No Scotch verdict of 'not proven' goes with us."

"Very well, take your own course," said the judge, looking a little nettled at the persistence of the lawyer.

Mr. Barker at once commenced his opening speech to the jury, amid a breathless silence:

"May it please your Honor," with a respectful bow to the court, then turning quickly to the jury; "Gentlemen of the Jury! You undoubtedly wonder why, in this case, I am not satisfied with a dismissal of the prosecution, but demand a verdict of not guilty from your hands.

"I will tell you. The one as well as the other would set my client free, would send her out of this court-room a free woman.

"But that is not all which she craves. She has been accused, most cruelly accused, of an awful crime.

"Everyone within the sound of my voice, who has listened to the testimony, knows that she is as innocent as a new born babe.

"But everyone in this world has not heard this damning testimony—damning not to her, but to her accusers.

"She will go out in the world, perhaps, where she and her sad history is wholly unknown. Some day an evil rumor whispers: 'Did you know it? She was indicted for murdering her husband.' 'But since she is free the accusation must have been false.' 'Oh, no; not so fast; the case against her was only dismissed; they could not prove it. Who knows—perhaps she was innocent—perhaps she was guilty.'

"And thus the poison of doubt, the poison of mistrust, the poison of foul slander, the poison of insidious insinuations is undermining her standing, her good name, her happiness, her very existence.

"No, gentlemen, she must have a clean bill of health to fight successfully her battles with the world.

"She must be able to fling into the faces of her accusers, of her slanderers, the verdict of a jury of her peers, the decision of twelve men, good and true, who stand up as her defenders and say: 'We have tried this case; we have listened to all the evidence, and upon our solemn oaths, we say, this woman is not guilty; this woman is innocent. Upon our oath, upon our honor as men, there is nothing, absolutely nothing against her. This charge is false, false as hell.'

"This is what she must have. It is the least the State can give her. The least it can do to repair the wrong of accusing falsely an innocent woman of the foulest crime known to man.

"This is the reason why she can be satisfied with nothing less, why I will take nothing less.

"We stand here to ask no favor—no mercy. We come not even before you demanding reparation for a wrong. We only demand in the name of the law, simple justice! That is all—but that we must have!

"It will hardly be necessary for us to introduce any evidence in order to convince you that this woman is not guilty of the crime with which she is charged. We may, nevertheless, do so.

"The law says that you must say that this woman is 'not guilty,' unless you can say, on your oath and your conscience that she has been proven guilty beyond every reasonable doubt.

"But we care not in this case to invoke this merciful rule of the law.

"We will throw this limitation on your acts to the winds. We need it not.

"We do not desire to rest our case and our rights to vindication on such narrow grounds.

"We don't ask a verdict of 'not guilty' at your hands, unless you are convinced in your heart of hearts, convinced beyond all reasonable doubt, that this fair defendant is absolutely innocent of the crime with which she is charged.

"And how could you help so to find even under the restriction I have invoked?

"Everything in this case cries out: 'Not guilty.'

"The symptoms of her husband's sickness cry out from that lonesome grave on the prairie: 'Not guilty.'

"The doctor, who diagnosed his case after full investigation and who came there with his mind poisoned against her, cries out: 'Not guilty.'

"The absence of the poison from the dead man's spleen and kidneys cries out with a double cry: 'Not guilty.'

"The absence of the poison from all but the paper-thick layer in one single spot of the liver of the dead man cries out in the voice of thunder: 'Not guilty.'

"The very presence of the poison in this particular spot in such a manner cries out: 'Not guilty.'

"You cannot get away from it. This 'not guilty' reverberates in your ears and in your hearts and in your consciences wherever you turn in this case.

"Is there, can there be, a particle of doubt, the most remote doubt, about the absolute innocence of this woman?

"Ah, gentlemen, let me put the State on the track of the real murderer in this case.

"That murderer stands not at the bar of justice now. The real murderer in this case is the cur who cowardly sought to fasten the noose around this innocent woman's neck, who, too great a coward to himself strike the fatal blow, hides behind the petticoats of the State of Minnesota, and attempts to egg our glorious State on to comr it a judicial murder.

"Let me show you the real murderer in this case! Follow me and we will find him:

"A lonesome, defenseless woman sits with tear-filled eyes in a desolate cottage on the Whitefield prairie, her head bowed under the pains and sorrows of unjust suspicions, of foul insinuations, of unwarranted indignities.

"Having battled the forces of the Commonwealth alone, without the assistance of any one except Almighty God, the protector of the widows and the orphans, she has conquered.

"The malice of her enemies has come to naught.

"But see yonder! Under cover of the black darkness and the shadows of the night, a human form is sneaking across the prairie. In one hand he hugs a bottle, filled with the poison that kills. He steps into the shadows of a shed, with keyless, latchless door. He pushes the door open. There is a noise. He hesitates. He is on the verge of fleeing without accomplishing his hellish purpose, but he whispers to himself: 'It was only the door creaking on its old, rusty hinges!'

"He lights a match. There is a coffin there. He finds what he seeks—a black jar. He pulls the cork of the bottle in his hand, pours the liquid poison into the open jar.

"Before his deed is finished, the match goes out. In the sudden clammy touch of the darkness he feels a chilly breath on his cheek. The hair stands up on his head. Have the dead arisen? Abject fear takes possession of him, and he flees from his awful deed, but half finished—flees over field and prairie in maddest fright and fear.

"Shall I tell you who this fleeing murderer of lone, defenseless woman is?

"Gentlemen of the jury, the name of this cowardly murderer is—

"Sheriff, stop that man who is trying to sneak out of the door," Mr. Barker's voice now rang out into the court room like a peal of thunder.

While speaking for the last few moments the eyes of the lawyer had been watching a human form, crouching in one of the hindmost benches of the court room, working its way to the door.

The jurymen rose in their seats and craned their necks. People all over the court room stood up and looked back. The deputy sheriff laid his heavy hand on the shoulder of the crouching form of the man who collapsed and fell on his knees, and through the court room now resounded a cringing, plaintive voice:

"Mercy, mercy, I will tell it all."

"As I was about to remark, gentlemen of the jury," continued Mr. Barker now, as if nothing had happened, "the name of the miserable cur, who, in cold blood, would have murdered this innocent woman, is—Mons Eklund. Seeing that the coward now has surrendered, I will not take up your time any longer, but will call the miserable excuse of a man to the witness stand, that you may hear from his own polluted lips the story of his craven deed."

"Mr. Sheriff, bring forth the man who attempted to flee from justice!"

Pale-faced and livid, with his eyes almost crawling out of his head from fear, Mons Eklund was more pushed than led up on the witness stand, and now, between sobs and cries for mercy, confessed that he, on Thursday night after his brother's death, had gone to the shed with a bottle of Fowler's solution of arsenic, had found the black jar, and had poured part of the liquid over the organs of his dead brother; that he had intended to pour the balance of the liquid in the opening of the stomach, but that he had become frightened, as the match went out, and had fled; that he thereupon had insisted that the organs should be sent away for analysis, and that he had done it with the definite purpose of securing his sister-in-law's conviction on the charge of murder of her husband.

The cringing, craven way in which he admitted his repentence and sorrow for what he had done, and clamored for the wronged woman's pardon, was pitiful and sickening to listen to.

"Take the witness!" said Mr. Barker.

"We have no questions to ask," came from the lips of the disgusted assistant attorney general.

"The defense now rests, your Honor. I waive my address to the jury, if the learned attorney general will do the same, and submit the case without argument," said Mr. Barker.

"We submit," agreed the attorney general.

The judge then in a formal way gave a short charge to the jury.

Upon the suggestion of Mr. Barker he told the jury that, if they so desired, they might return their verdict without leaving their seats.

After consulting together, the young Swedish juryman, who informed the court that he had been selected foreman, stated that the jury did not wish to retire, and that they had already agreed upon their verdict.

Being asked what their verdict was, he announced that the verdict of the jury was, that the defendant on trial, Marie Eklund, was "not guilty."

At this point the long pent-up feeling and sympathy of the audience could not be restrained any longer, but broke loose in such a vehement shower of applause, as probably never had been heard in a court-room before.

Mr. Barker, who seemed to be wholly unconcerned, now made a formal motion that the defendant on trial be discharged, and the sureties on her recognizance released, which motion was granted, and the order duly entered.

On inquiry on his part as to what the State intended to do in the case of the other defendant, Harold Steen, the county attorney asked leave of the court to nolle the indictment as to him, which leave was granted. A nolle was entered and an order made discharging him from the custody of the sheriff.

CHAPTER VIII.

The Last Word.

"May I ask you a question?" said Dr. Cray, as he and Mr. Barker were walking down to the hotel after the great battle was over.

"Certainly, doctor, I shall be most pleased to enlighten you on any matter in my power."

"I noticed that you were so very persistent in insisting upon a verdict from the jury. Would not a dismissal of the case have had just the same effect? Of course, I heard what you told the jury, but I felt convinced that it was a blind, and did not give the true object you had in insisting on a verdict from the jury's hand."

"Doctor, no one can accuse you of lack of perspicuity. I knew you were a past master in your own science, but did not think you came so near being one in mine also. No, this is no mere compliment. You have most wonderfully grasped the situation. I take it for granted, that you are aware of the fact that, when a criminal case is dismissed by the court, there is nothing to prevent its being brought up again, if new evidence is secured, or if it be ascertained that other means than those charged in the first indictment were employed."

"Yes, I understand that to be so."

"Very well. You also undoubtedly know that when a jury has found a verdict of acquittal, that ends the

case for all time and eternity. It can never be taken up again, no matter how much new evidence may be discovered. Even if it should, for instance in a murder case, be found that the murder was really committed, not by the means charged in the indictment, but in an entirely different way and by entirely different means, it does not make a particle of difference. Prosecution for that crime is forever foreclosed by the verdict of acquittal."

"I understand, but what practical end could that serve in this case, which is so absolutely clear?"

"I don't know—I don't know! Call it superabundance of caution, if you please."

The parties walked on in silence. After awhile Mr. Barker said:

"Now, doctor, let me ask *you* a question. Let us suppose a case. Suppose that a man is killed by strychnine poisoning, do you think you could discover any evidence of the presence of strychnine in the body one year or, say, even five or ten years after death?"

"Oh, yes; most certainly."

"In that case where would you expect to find it?"

"In the bones and, especially, in the joints."

"Precisely!"

"But, Mr. Barker, you don't for a moment suppose"——

"I do not suppose anything, doctor. I am a lawyer. A good lawyer takes no chances, which he can possibly avoid. I don't want to take any chances on that old fellow's bones. That is all."

THE END.