The Sting of Conscience

P. G. McColl

Table of Contents

The Sting of Conscience

P. G. McColl

Part I

Chapter I.

I had been in practice as a country solicitor for some years, during which time I had not visited the metropolis. Now, however, at the request of my partner, I essayed the journey to Melbourne, in order to facilitate some important business. As it was near Cup time, I gladly availed myself of the opportunity, and as certain Melbourne friends had frequently given me pressing invitation, I determined to give them a surprise visit, and see the Cup, and thus combine business with pleasure.

"Right, I'll go," I replied to my partner, "so don't expect to see my face before the races are all over. After give years of toil I'm going in for some dissipation."

It was a warm day in the beginning of November, 18—, the first Tuesday in the month, as I stood near the Haymarket. And as I looked along Elizabeth−street, and then down the Flemington−road, the eye was filled with a continuous stream of vehicles of all descriptions hurrying for the trysting place of the great Australian Carnival.

I was waiting for an old college chum, and soon a drag hove in sight. Seated in front, with the ribbons in his hands, was my friend, his face radiant with pleasure, and a happy shout of welcome came from his lips as he caught sight of me. A few moments later I was introduced to his companions, and off we went to the Flemington course. I am sure no horse conveyed a more cheerful party that day than the one driven by Arthur Graham.

On my arrival in Melbourne I had sought out my old friend. We had already spent Derby Day together, and it was then that Arthur had suggested that I should make one in a party with himself and some friends on the following Tuesday, the great day of the Spring meeting.

Arthur Graham was a fine−looking young man of about the same age as myself. He was by occupation a bookmaker, but a more honest, more generous, or better−natured fellow, I have never met. Of our other companions, Robert, Arthur's eldest brother, had just been called to the Bar, but, though possessed of much ability, had not as yet secured any briefs; indeed, he seemed to lean more to literature than to law. Both brothers were comfortably circumstanced, having, with their one sister, inherited a very respectable fortune. In appearance, Robert was something like Arthur, the same brown eyes and light moustache; but in stature he was somewhat shorter.

Emily Graham, who was seated next to me in the drag, was a very pretty girl, in that time about twenty years of age.

Albert Clayton, Robert's friend, was a fine strapping fellow of about thirty, a doctor of medicine, with a good reputation, at Ballarat.

The other member of the party — Lillian Campbell — was a very beautiful girl, or rather, woman, for she had just passed her twenty−first birthday. She was the daughter of a wealthy city merchant, and was the favourite friend and companion of Emily Graham.

I never spent a more enjoyable time that on that Melbourne Cup day, and as we took our seats again for the return journey all were in excellent spirits.

It was only fitting that we should conclude our day's dissipation at the Opera House at night, and here again we thoroughly enjoyed ourselves.

It must have been nearly midnight when we separated outside the Opera House that memorable November night, and it was late, or rather early morning when I reached my lodgings at Clifton Hill. I had a great deal of business to attend to on the Wednesday that could not be delayed, therefore I saw nothing of my friends of the previous day. We had arranged for a similar outing for the Thursday, to start from Carlton; consequently I devoted the whole of the Wednesday to my business, in order to be perfectly free for the next day.

Thursday morning arrived, and, rising early, I sat down to read the "Age" whilst my breakfast was being prepared. Suddenly my gaze was riveted upon a most startling announcement. The statement was headed and ran as follows:—

"Brutal Murder at Carlton.

"A Bookmaker Murdered and Robbed.

"The attractions of the season have not been allowed to pass without a gloom being cast over the city. Just

before going to press news was received that a man had been found dead in a rather lonely spot at Carlton, near the entrance to the cricket ground. It appears that Constable Robinson came upon the form of a man, whom he at first thought was simply sleeping off a night's debauch. He attempted to arouse him, and shook the supposed sleeper somewhat roughly by the shoulder; but as he removed his hand he was horrified to discover that it was smeared with blood. He then immediately struck a match, and made a hasty examination of the prostrate form, and at once realised that he was in the presence of the dead. Hastily summoning assistance, the body was removed to the morgue, where an inquest will be opened this morning. The motive for the crime was evidently plunder, as everything of value was removed from the body. The skull of the unfortunate man was severely fractured, the deed having evidently been committed with some blunt instrument. The murderer seemed to have been in great haste over his hideous work, one of the pockets being almost torn out. Some coins were also scattered about near the body, which seems to indicate that the assassin was either greatly excited or had been disturbed. Papers found upon the body of the murdered man show him to be a Mr. Arthur Graham, a well−known sporting man. He was quite young, not yet thirty years of age, and his sudden and untimely end will be a great shock to a host of friends. So far as can be learned at present, no clue is left to indicate whose hand committed the foul deed. The unfortunate young bookmaker was a popular favourite with sporting men, among whom he will be sincerely mourned. It is to be hoped that in our next issue we will be able to publish the news that the police have succeeded in running the assassin to earth."

Poor Arthur, the kindest of friends; a man, indeed, who carried a perpetual smile upon his countenance, done to death in this brutal manner! It was a terrible shock to me.

I had risen early that morning in order to do a little writing, so as to have everything of a business nature off my hands before going to join him and his merry companions. What a change had now taken place! I could scarcely realise it. I buried my face in my hands and groaned aloud. But I suddenly checked myself. Such repining was useless. My appetite for breakfast had gone, and a few minutes later I was hurrying along the Heidelberg−road in the direction of Smith−street, where I intended taking a cab for the city morgue.

Having reached the city, I at once made my way to the morgue, where I viewed the body of poor Arthur. How still and cold he looked! The genial smile was gone, and a sad, pained expression was stamped upon his face. I turned away, feeling that I could myself act as executioner upon the perpetrator of the crime. As I turned from the door of the death chamber, I met a constable, and made inquiries as to the time when the inquest would be opened. He gave me the information, and then informed me that a man had just been arrested on suspicion, and that strong circumstantial evidence would be forthcoming to connect him with the crime.

I attended the inquest, which was formally opened, and adjourned until the following Saturday.

This suspected man was present in custody. He was a slovenly−looking man — just such a one as you could see any day loafing about the wharf or Flinders−street. His clothes were ragged and worn, and he looked like a man who drank heavily; his features were bloated and sodden, and his hair and beard unkempt.

Only formal evidence of identification was given, so as to allow of burial. The prisoner was remanded, bail being refused.

The report in the evening paper, "The Herald," contained all the latest particulars of the crime. It also gave full information as to what ground upon which the man in custody had been arrested.

"It appears," said the "Herald," "that the accused had been seen in the vicinity at a late hour last night, and on different occasions the police had warned him against prowling about the Prince's Park at night. A policeman named Collins states that at a late hour on the previous night saw the accused walking towards the entrance to the cricket ground, and evidently following a gentleman some yards in front of him. A woman who lives in the neighbourhood gave the accused a very bad character to the police. A week previous to the murder she had complained to the police that this man was continually prowling about the place; other residents supported these statements, and, in consequence, the police kept him under observation. Acting upon these reports, the detectives who had the case in hand determined to interrogate the suspect. He made evasive answers when questioned as to where he had spent the previous night, and answered in a very suspicious and incoherent way. Whilst questioning him, one of the detectives noticed a blood stain on his coat sleeve. Asked to account for it the suspected man explained that he had been fighting on the previous evening. The officers then determined upon his immediate arrest, as they considered his answers unsatisfactory. When told what he was charged with, the man at first appeared to be utterly confounded. He was then cautioned in the usual way, and informed that anything he said

might be used as evidence at his trial. To this the man flippantly replied, "Oh! I'll get out of it alright!"

"It appears that he is well known to the police," concluded the "Herald." "He has served several sentences in Pentridge, and, although we must consider that every man is innocent until he is proved guilty, in view of accused's character and suspicious movements, the police are to be congratulated upon this speedy arrest. There are many ugly suspicions to be cleared away before the man in custody can be liberated, in spite of his jaunty remark, 'Oh! I'll get out if it alright.' He gave the name of John Colton, but it is known to the police that he has at different times used several aliases."

As I concluded reading this report, I came to the conclusion that John Colton, was, beyond any doubt, guilty of the murder of my friend. The suspicious circumstances were, in my estimation, sufficient to hang any man who could give no better account of himself that he had done.

The following afternoon I followed the remains of my old college chum to their last resting place. As we passed the Haymarket on our way to the cemetery, I was struck forcibly by the contrast, by the change. Only three days before I stood near that very spot, waiting for Arthur, and now again, in fancy, I could see his pleasant face and genial smile as he welcomed me with a merry shout on that memorable Melbourne Cup day. What a change three days had made!

I am by no means sentimental or emotional, but for a moment the tears rolled down my cheeks.

Chapter II

On Saturday morning the inquest was, so to speak, actually commenced.

John Colton was present in custody, and appeared to be quite unconcerned.

John Edwards, Alfred Ryan and William Arnold deposed that they remembered being in company with the deceased and his brother Robert on the night of Wednesday, 4th November, and that they parted with the two brothers at the corner of Bourke and Elizabeth streets. It was then between 8.30 and 9 p.m. Both brothers were perfectly sober.

In answer to the coroner, they all stated that the deceased was a most temperate man. They had never known him to be the worse for liquor. Neither was Robert Graham in the habit of drinking. They could not say whether the deceased carried any unusually large amount of money about his person on the night in question. When they left him that night he was in company with his brother, Robert Graham.

Robert Graham, who was much moved, and was evidently suffering great distress, stated that he went with his brother as far as Victoria−street. They were then within half a mile of their home. They lived together in Grattan−street, Carlton. When they reached Victoria−street, the deceased suddenly stopped, and exclaimed, "Bob, I must go back. I have an important engagement to keep — I had quite forgotten it — I must return at once. I must be at the Town Hall at a quarter past nine." Witness replied "Very well; I'll wait up for you if you are not very late." The deceased then hurried away, exclaiming as he did so — "I'll not be late. I'm not going to make myself seedy; I wish to enjoy the sport to−morrow. I'll be home before eleven o'clock." Witness waited till about eleven o'clock, during which time he occupied himself by reading. Then, as his brother did not come, he retired to rest, and did not wake until seven o'clock the following morning. He was astonished to find that his brother had not returned, but did not become alarmed. He thought it quite possible that the deceased, being out late, might probably have taken a bed in town, or remained for the night at the house of some friend. Having finished his breakfast, he perused the "Argus," and through this channel he received the first intimation of his brother's death. At this stage the witness covered his face with his hands, and was greatly overcome.

Emily Graham, who also evidently suffered greatly, could throw no light upon the mystery. She could only testify that the deceased and her brother had left home to go to town about half−past six on the Wednesday night. She never saw her brother Arthur alive again. About a quarter past nine her brother Robert returned home, and said that the deceased had remained in town to keep an appointment. Being tired, she retired to rest shortly after Robert returned. To the best of her belief, she went to bed about half−past nine. She did not know of her brother's sad end till her brother Robert broke the news to her the next morning.

Constable Robinson deposed to the finding of the body about 2 a.m. on the morning of 5th November, and repeated the account which we have already made known. He knew the accused, John Colton, but had no recollection of seeing him on the night of the murder, though he had frequently seen him knocking about the locality.

Jane Morgan stated that she was a widow, and resided in Sydney−road, near the cricket ground. She remembered the night of the 4th November. At 10 o'clock she was bolting the front gate, when she saw a cab stop, and a gentleman get out. He was dressed in a light tweed suit, and carried a walking stick. She caught a glimpse of him as he passed under a lamp on the opposite side of the street. To the best of her belief that gentleman was the deceased. She could not swear to the fact, because the instance from her gate to the lamp under which the gentleman passed was too great; moreover, the night was dark. A few minutes later she saw the man Colton pass under the same lamp. He appeared to be following the gentleman, but she could not swear he was doing so. She was positive Colton was the man she had seen frequently about the neighbourhood. Previous to the night in question, she had drawn the attention of the police to his suspicious movements.

Constable Collins stated that he was on duty in Sydney−road on the night of 4th November. At about ten o'clock he saw a cab stop, and a gentleman, similarly attired to the deceased, get out. The cab stopped when opposite the corner of the cricket ground fence. The cab had come along the Sydney−road from the direction of the city. Witness was standing leaning against the fence, on the same side of the road, and about twenty paces from where he was standing a street lamp is situated. The lamp is placed on the corner of Sydney−road and the

avenue leading to the entrance of the cricket ground. The gentleman, after leaving the cab, proceeded along the avenue. The cab was almost in the middle of the road when it stopped. The gentleman passed under the lamp. He could not swear it was the deceased who got out of the cab. Remembered seeing the man Colton pass under the lamp a moment or two later. He was walking in the same direction as the gentleman. He was some thirty paces behind, and walking at about the same pace. He could not swear Colton was following him, but he appeared to be trying to keep the gentleman in sight. He could swear Colton was the man he saw, having seen him in the neighbourhood frequently, and had kept his eye on him on account of complaints from residents.

The detectives who arrested the accused described his suspicious behaviour. When asked to explain about the blood stain on the sleeve of his coat, he stated that he had been fighting, but could not give any information as to whom he had fought with. When arrested, he had a sovereign and eleven shillings in silver in his possession. The police state he had done no work during the past five or six weeks. When questioned by the police he replied that he had solicited assistance from a gentleman near the cricket ground, who handed him two sovereigns, and then ordered him to be off, and not bother him any more. He added that he believed the gentleman had given him sovereigns in mistake for silver, and that as soon as he discovered what they were he cleared out quickly, because he was afraid that the gentleman would discover that he had given him two sovereigns instead of two shillings, and demand them back. He then made off to Fitzroy, and remained there throughout the night. He visited two or three hotels, and became drunk. He had slept on the Collingwood Flat all night after leaving the hotels, and declared that he knew nothing of the murder until placed under arrest the following morning.

The coroner reviewed the evidence at considerable length, dealing with it in detail. His summing up was certainly antagonistic to the prisoner. After about half an hour's deliberation the jury returned a verdict of wilful murder against John Colton, who was then committed to take his trial at the next sitting of the Criminal Court. And the verdict certainly found favour on all sides.

Chapter III

The trial at the Criminal Court duly came on. Excitement in connection with the case had by this time pretty well died out. The public were now able to talk about the matter calmly. But, no matter from what point of view the case was considered, the result seemed a foregone conclusion. In the public mind Colton's days were numbered.

In appearance the accused was quite changed. So far as dress was concerned, he was no longer a ruffian; and, to the surprise of everyone in court, one of the ablest advocates of the day announced that he would have appeared to conduct the defence.

The public had looked upon Colton as a man without either friends or means, but this was a revelation. Counsel is always provided by the Crown in capital cases, but the fee allowed is necessarily limited. Colton must have either friends or money to have secured such talent for his defence.

Counsel for the Crown opened the case for the prosecution in a short speech, during which he gave a brief outline of the case. He laid great stress upon the suspicious conduct of the prisoner. It was, he said, a case of circumstantial evidence, for, so far as they knew, no human eye had seen the deed committed, except that of the murderer. But the evidence would show that there was a strong presumptive proof of the guilt of the prisoner, and it would be for the jury to say whether the evidence against Colton was sufficient to warrant his conviction.

John Edward, Alfred Ryan, and William Arnold had nothing fresh to add to the evidence given by them at the inquest. Cross−examined by the prisoner's counsel, they would not swear to the exact time when the deceased and his brother left them at the corner of Bourke and Elizabeth streets, but to the best of their belief it had just chimed a quarter to nine. They did not believe deceased carried a large amount of money that night but he might have done so. It was well known among sporting men that the deceased had been successful on Cup Day.

Robert Graham gave the same evidence as he did at the inquest. In cross−examination he deposed that it was about five minutes to nine when the deceased left him at Victoria−street to go to the Town Hall. He distinctly remembered looking at his watch when he reached his home. He compared his watched with the clock on the mantelpiece; it was then ten minutes past nine. His house was situated about half−way between Madeline−street and the Sydney−road, in Grattan−street, Carlton. He walked home very slowly after his brother left him. He believed his brother had about fifty pounds in his possession that night. He was certain he had more than thirty pounds — the money was mostly in gold.

Emily Graham had nothing fresh to reveal, and was not cross−examined. Constable Robinson deposed to the finding of the body, as before.

Jane Morgan swore positively that it was ten o'clock when the gentleman got out of the cab. She heard the driver ask the gentleman the time, and distinctly heard him reply that it wants a couple of minutes to ten. As she closed the door the clock was striking ten. She would not swear that the gentleman and the deceased were the same person, though to the best of her belief they were. She would swear that the gentleman carried a stick and was alone. She was positive that John Colton was the man she saw going in the same direction as the gentleman, and apparently following him.

Constable Collins repeated his previous statement. Cross−examined. — It was about ten o'clock when he saw a gentleman similarly attired to the deceased going in the direction of the cricket ground. Would not swear to the minute, but it certainly could not be more than a few minutes after ten. He would not swear that the deceased and the gentleman he saw leave the cab were one and the same person. Would swear positively that Colton was the man following, and apparently keeping the gentleman in sight. The avenue the gentleman proceeded along after leaving the cab would lead to the entrance of the cricket ground or the Prince's Park; it would also lead to the cemetery gates or to North Carlton. Lygon, Madeline, or Cardigan streets could be reached within ten minutes from the spot where the gentleman got out of the cab.

Two detectives gave evidence as to the arrest of the prisoner and as to his statement.

Edward Drummond, sworn, stated — I am a cabman, and I remember the night of the 4th November. About a quarter to ten I was returning from Brunswick. When I reached the corner of Elizabeth and Latrobe streets a gentleman stopped me and asked me to drive him as far as the Prince's Park. I could swear to the gentleman if I

saw him again. He was of medium height and build, very gentlemanly dressed, and wore dark sideboards and moustache. He got out opposite to the cricket ground and walked towards the avenue which runs from Sydney−road to Carlton. He thought it strange that the gentleman should get out there and proceed in that direction, because there were no houses in that locality. Ten minutes' walk from there would bring him into Lygon−street, North Carlton. He would swear that the man who rode in his cab had a black moustache and sideboard whiskers. He saw his face clearly when he got out of the cab. He came to the front and handed up his fare, and during that time he was standing directly under the cab lamp. He (witness) did not know the prisoner; did not see him the night of the 4th November.

When the counsel for the Crown resumed his seat, the counsel for the defence whispered a few words to him. He nodded his head, as though he approved of what the defending counsel had said.

Mr. A—−, addressing the judge, then announced that he did not wish to cross−examine the witness at present, but he hoped his Honour would request all Crown witnesses to be in attendance till the trial was concluded, as he might possibly wish to recall some of them.

The judge readily acquiesced.

The last witness for the Crown having been examined, the case was adjourned till the following morning.

The evidence of Drummond had completely changed the aspect of the case. The prisoner's position seemed hopeless till Drummond entered the witness−box. That morning the public had looked upon Colton as a doomed man, but now his case did not look quite so hopeless, and people began to wonder would Mr. A—− succeed in snatching his client from the hangman. But a greater surprise was in store for the morrow.

When the judge took his seat the following morning, Mr. A—− requested permission to recall the witness Drummond for the purpose of cross−examination.

"Your Honour," he said, "the evidence of Drummond has created a great doubt in this case. The witness has sworn that he can identify the man who rode in his cab. We were not in a position yesterday afternoon to produce a photograph of the deceased. We are now prepared to put a photograph of the deceased, with several others, before the witness."

"Very well," replied the judge, "recall the witness."

The witness having been duly sworn, Mr. A—− addressed him as follows:— "How is it that you did not give evidence at the inquest?"

"I knew nothing about the case till after the inquest was concluded. The man was then committed for trial."

"Do you mean to say that you heard nothing of this crime previous to that day?"

"I had heard about a murder, but as I can scarcely read or write I knew little of the facts till the day the inquest was held."

"The day the prisoner was committed for trial?"

"Yes."

"How did you come to hear about it then, or rather, to learn the particulars?"

"Another cabman read the case to me from that night's 'Herald'."

"You then knew that it was you who drove the gentleman?"

"I believed so."

"Did you know the police were enquiring for you?"

"No."

"Do you mean to say that your common sense would not tell you that you would be a most important witness?"

"I guessed as much, but as it had gone so far, I did not bother. I did not wish to get mixed up in the case. Besides, I knew the police would soon hunt me up if I was wanted. From what the other witnesses said, I had no doubt that the gent; who rode in my cab was the one who was murdered, and there was plenty of evidence without mine."

"The police did hunt you up?"

"Yes!"

"Did you make any remark when the gentleman got out of the cab?"

"Yes, he said it wanted a few minutes to ten."

"If you saw that man's photograph could you identify it?"

"I could."

"Could you pick it out from a half a dozen others?"

"I could identify a correct likeness of him anywhere."

Mr. A—− then placed half a dozen photos. before the witness, remarking as he did so — "Do you know any of these photographs?"

The witness looked at them carefully, and then exclaimed — "Yes, I know two of these photos."

"Whose photos. are they?"

"One is your own photo. The other is the photo. of the gentleman who first questioned me."

"You identify the photo. of myself, also the photo. of my learned friend?" said Mr. A—−, nodding towards the Crown Prosecutor.

"Yes."

"Do you recognise any others?"

"No."

Mr. A—− advanced, and, picking up one of the photos, held it up to him, saying as he did so — "Have you seen that face before?"

"Not to my knowledge," answered the witness.

"Will you swear that is not the man who rode in your cab on the 4th November?"

"I will swear that positively. It is nothing like him."

Just as the defending counsel was about to resume his seat the judge interposed — "I presume that you have shown the photo. of the deceased?" he said, addressing Mr. A—−.

"Yes. Your Honour."

"And he has failed to identify it?"

"Yes."

"When was that photo. taken?"

"It was taken on the 28th September, about five or six week previous to his death."

The Crown Prosecutor failed to shake the witness, and he was told to stand down. His evidence had placed the accused's case in a most favourable light.

The first witness called for the defence was Lillian Campbell.

A murmur of surprise ran through the court as the young lady entered the witness−box and was duly sworn.

"Do you remember the night of the 4th of November?" asked the counsel for the defence.

"I do," replied the witness in a firm tone.

"Were you in company with anyone that night?"

"Yes."

"Who were you in company with?"

"I was in company with Mr. Arthur Graham."

"How long were you in his company that night?"

"From about half−past nine till a quarter to eleven."

"Where did you meet him?"

"At the Melbourne Town Hall."

"Did you and Mr. Graham remain in town long?"

"Till about ten o'clock."

"Did Mr. Graham see you home?"

"He did."

"Where do you live?"

"In Sydney−road, a little below the cricket ground, on the opposite side."

"After you left town, which way did you come home?"

"Along Swanston−street, then along Madeline−street, then along the road or avenue running around the cemetery, past the Prince's Park and past the cricket ground."

"Would you have the cemetery as well as the cricket ground on your right hand?"

"Yes."

"Where did you leave him?"

"At my own gate."

"Was he carrying a stick that night?"

"No."

"At what time did he leave you?"

"About a quarter to eleven."

"You have sworn, Miss Campbell, that you met the deceased about half−past nine at the Melbourne Town Hall, and that you were in his company from that time until a quarter to eleven, when he left you at your own gate. Are you certain, beyond all doubt, that what you have said is perfectly correct?"

"I swear it."

"If it has been sworn that upon this particular night the deceased was seen to leave a cab at ten o'clock, and go alone towards the Carlton Cricket Ground, would it be true?"

"It would not."

The counsel for the defence sat down, and the Crown prosecutor rose to cross−examine the witness.

"According to your evidence, Miss Campbell, you were the last person who saw the deceased alive. May I ask you why you did not make known this fact before?"

"The news stupefied and made me ill, and I did not think it was necessary until my father told me it would have to be done."

"You knew that it had been sworn that the deceased was seen to leave a cab in Sydney−road at ten o'clock that night, and yet you did not come forward to contradict that statement! Surely, Miss Campbell, you can find no excuse for such conduct?"

"I never knew the fact till quite lately. I could not read the papers. The very heading of these paragraphs made me feel ill. When my father told me all about it I was glad to come here."

More questions were asked by the counsel for the prosecution, but he failed to shake the witness' statement in the least. She reiterated her statement most emphatically that the deceased was in her company from half−past nine until a quarter to eleven on the night of 4th November.

James Campbell deposed that the witness, Lillian Campbell, was his daughter. She was very friendly with the Grahams. A few days ago he received a letter, written in an unknown hand. The writer informed him that his daughter was in the company of the deceased a few hours before the tragedy. It was an anonymous letter, and it advised him to secure his daughter's attention at court when the trial came on, as her evidence might assist the cause of justice, while her silence might be scandalously commented upon should it come to the knowledge of the public later on. The witness stated he questioned his daughter, and finding what the letter stated to be correct, he at once put himself in communication with the proper authorities, with the result that his daughter was called as a witness.

Cross−examined — He thought that the letter was from one of his own or his daughter's friends, who had seen her and the deceased in company that night. He believed that the letter was written with a pure motive to protect his daughter's name from possible scandal. He believed that the deceased and his daughter were lovers.

The next witness called was Michael Hogan, hotelkeeper, who deposed that he remembered the night of the 4th November. He would swear that the accused arrived at his house that night somewhere about eleven o'clock. He could not swear to ten minutes or a quarter of an hour, but was positive that the accused and another man quarrelled in the bar, and he turned them out. It was then half−past eleven. He looked at the clock as he ordered them out of the bar. The accused had been in the bar some considerable time then. To the best of his belief the accused must have come to his hotel about eleven o'clock.

This closed the case, and Mr. A—− addressed the Court on behalf of the prisoner. He was a very able lawyer, and an eloquent speaker. He reminded the jury that none of the witnesses could swear who the man was that Colton was seen to follow. The evidence of Miss Campbell and the cabman Drummond was conclusive that the man who got out of the cab was not Arthur Graham.

Colton's story as to where he got seemed unlikely, but did not the circumstances point as much in favour of the truth as against it? Taking all the evidence into consideration he should say that on that point Colton had told the truth. Again, was not the landlord's evidence re the quarrel in the bar quite in accord with the prisoner's statement to the police as to getting blood on the sleeve of his coat through fighting. The police wanted to know how it was that he was not marked when arrested the following morning? He would remind the jury that every

man who had a fight did not come out of it disfigured. His client admitted that he followed a gentleman who got out of a cab in Sydney−road, and obtained two sovereigns from him. According to the evidence of Mrs. Morgan and Constable Collins, this gentleman was going in the direction of the cricket ground entrance. Against this evidence must be placed the testimony of Lillian Campbell and the cabman Drummond. The former swore positively that the deceased was in her company that very night from half−past nine to a quarter to eleven. The man Drummond saw his passenger better than any other witness, and he was not the deceased. This broke strongest link in the chain of evidence against the accused. It was now clearly established that the man Colton followed was not the deceased. The deceased probably came to his death after leaving Miss Campbell, and, so far as they could tell, it must have happened about eleven o'clock, or some time later; and Michael Hogan had given evidence as to the movements of the accused from eleven o'clock till half−past eleven. In concluding, he told the jury that he had been defending counsel in many murder cases, but had never, in his opinion, acted a more righteous case than he did that day. The jury, however, must not consider his opinion, but decide upon the evidence they heard.

The judge summed up at great length, and with extreme fairness. In concluding, he asked the jury to dismiss from their minds anything they had heard or read concerning the prisoner's previous history. They must not allow any prejudice to influence them. It was clear that the man Colton was seen to follow and the deceased were two different persons. Before they could convict the accused they must come to the conclusion that Colton met the deceased after leaving the hotel at Fitzroy. But he warned them that the prosecution had not even suggested such a theory as this. In matters of life or death they must be careful; they could not speculate upon any theory. Sworn evidence must be their guide. They must feel certain in their own minds that Colton was guilty before they returned a verdict against him. He could help them no further. Of course, if there was any reasonable doubt the prisoner must have the benefit of that doubt.

When the jury retired, I walked out of the court and stood upon the pavement. The case had taken a strange turn, and altogether in favour of the prisoner.

After about an hour's consideration the jury returned into court with a verdict of "not guilty," and John Colton was liberated.

As I walked to my home at Clifton Hill, I felt that John Colton was indeed innocent. The real criminal was at large, and as secure as upon the night when he committed the deed — probably more secure.

But John Colton's face haunted me for many a day. Who had been responsible for his decent appearance at court? Who had provided his defence? Who had taken such interest in this rough, uncouth outcast? Possibly some of his friends, I told myself; but still I pondered over it — it seemed such a strange, mysterious case.

In after years all these things were cleared up by one strange tale, for I alone out of all the crowd who had attended the court to watch the trial learned the secret of the death of Arthur Graham.

Shortly after the trial and acquittal of Colton I came to reside permanently at Melbourne.

Part II

Chapter I

It has been said that time cures every wound, but I mourned for my friend for many a day. A gloom settled upon me whenever I allowed myself to think about it, and it was a perpetual irritation to me that the murderer remained at large.

I am not a married man, and, now that my hair has turned grey, I might add that I am never likely to be. Perhaps the scenes I have witnessed in the Divorce Court during the years I have been following my profession have, in a measure, cured me of any desire to seek the affections of any of the opposite sex. Be that as it may, I am still single. I always lived a good deal to myself, never mixing much with those outside my own family circle, and at the time my story commenced I had been living in the country a good deal, and therefore, away from my own family connections. Being, therefore, a somewhat lonely man, with few friends, it will hardly be wondered at when I say that poor Arthur's sad fate troubled me very much. I certainly liked him better than any man I ever knew, and, considering my surroundings, it is nothing to wonder at if I clung to his memory fondly.

Busy lawyers, however, have very little time to mourn, and I soon found that time and hard work had the effect of bringing my mind to dwell more upon the affairs of every−day life. So I gradually got over my friend, and at the end of a couple of years all morbid reflections had passed away. But I kept my old friend's grave green, and regularly every Sunday Emily Graham would place fresh flowers upon that sacred spot.

I had long since given up all hope of seeing his assassin run to earth. Month had given place to years, and the murder had been accounted among other undiscovered crimes. The police had bungled badly; the criminal had slipped through their fingers, and would probably never be discovered until he appeared before the Great Tribunal.

I had not been much acquainted with Arthur's associates; indeed, most of them were quite unknown to me, and even his relations knew very little about me or I of them. I have already stated that his parents were dead. His mother had passed away when he was but a boy, and his father had died about three years before he met his own tragic fate, the three remaining members of the family, Robert, Arthur, and Emily, being well provided for at his death. Robert and Emily seemed to suffer terribly when Arthur was taken, especially Robert. He was always a rather indolent man. He had been called to the Bar years before, but his independent position increased his natural want of energy, and his principal occupation had been the writing of short stories, under a nom de plume, to some of the weekly journals; and, so far as I can judge this was merely a pastime. But even this he discontinued after Arthur's death. The shock had evidently quite unsettled him. Everyone who knew him liked him, and, though he could not be called a sociable man, he was generally respected. After the trial and acquittal of Colton he became almost a recluse, and he and I seldom met. Although he led a solitary life, and seemed to avoid companionship with his fellows, I never for a moment suspected that his mind was affected, and, consequently, I was both shocked and surprised when I learned that a man's body, very much decomposed, had been taken from the Yarra, and that certain indications led it to being suspected that the body was that of poor Robert Graham.

Thus, once more I found myself at the morgue. The features of the dead man were not to be recognised, but the clothes, especially the coat, was exactly similar to one Graham had been known to wear. Moreover, the height and build and general appearance of the deceased exactly corresponded with those of Graham, and I identified a pearl handled knife, with the initials R.G. engraved upon the handle as his property. The knife had been taken from the coat pocket of the dead, and all doubts as to his identity seemed to be set at rest. The body had probably been in the water from a week to nine days, and it was ascertained that Robert Graham had been absent from his home for upwards of three weeks.

At the inquest the jury returned an open verdict, that the deceased, Robert Graham, had met his death by drowning, but that there was no evidence to show how he had got into the water.

Just previous to this sad event Emily Graham had married the eldest son of a wealthy city merchant.

I very seldom came in contact with her, but I could plainly see that this second bereavement had its effect upon a naturally light−hearted woman, and it is needless to say I felt for her in her trouble.

Time, however, again came to the rescue, and, like its predecessor, this second sorrow began to fade, leaving only its shadow behind.

Chapter II

About the middle of September, 1894, I recovered from my first and only attack of severe illness. As soon as I became convalescent my medical adviser ordered me to take a lengthy holiday, and insisted upon me giving up my profession for a few months, adding that a sea voyage would be a great benefit to my health. And as I felt completely worn out, and quite unfit for work, I paid more attention to his advice than I might otherwise have done.

I therefore made up my mind to communicate with my brother, who was in business in Perth, Western Australia. To make a long story short, within a month I had completed all my arrangements to spend the remainder of the year in the Golden West, and one fine morning I stepped on to the deck of one of the A.U.S.N. Company's steamers, and an hour later the vessel was steaming down the Yarra with a full complement of passengers.

My first impressions of Western Australia were anything but pleasant. It was just growing dark as I stepped on to the jetty, and, to my mind, Fremantle, was at least two centuries behind the times. The buildings, if they could be called such, were small and old−fashioned, the streets were miserably lighted, and everything appeared to be quiet and gloomy — in strange contrast to the great city I had left, with its electric light, tramcars, and stately buildings.

My brother, who, by the way, is many years older than myself, met me on arrival at the pier together with his son, a fine, strapping young man, who had just attained his majority. I think they must have detected my gloomy thoughts, for as I took my seat in the train that was to convey us from Fremantle to Perth, he clapped me on the back with a laugh, exclaiming at the same time — "Cheer up, old man; it is not half so bad as it was a few years ago!"

"Oh! I am not in the least disappointed," I exclaimed with a smile.

"I never saw a t'othersider yet who was not disappointed," cried my nephew, with a laugh, "for they are all too disgusted at first sight of the Golden West to have room for any other sentiment.

The journey from Fremantle to Perth, was, beyond a doubt, one of the most dismal. The train moved at a miserable pace, and must have taken fully an hour to reach Perth, a distance of about twelve miles.

As I left the railway station I was, if possible, even more disgusted with Perth than I was with Fremantle, though it must be said that my introduction to the capital city was made under unfavourable conditions. In the first place I had arrived on Sunday, when, of course, the shops were all closed, and the place seemed to be in total darkness save for a few flickering street lamps. And a light, drizzling rain was falling, which made the surroundings more dismal.

Being rather tired after my voyage, I retired to rest shortly after supper, and I doubt if I ever slept sounder than I did the first night I spent in Western Australia. Rising early the next morning, I drew aside the blind from my bedroom window, and the first sight that met my eyes was remarkable. Not more than a quarter of a mile distance from where I was standing was the Swan River, a truly magnificent sheet of water. The weather had cleared during the night, and the sun shone brightly upon the beautiful scene below. On my right hand stood a lofty eminence called Mount Eliza. I stood for a few minutes quite enchanted with the scene before me, and as I dressed I came to the conclusion that West Australia had its beauty spots as well as its sand, and that the term so often applied to the West, "Land of sin, sand, and sorrow," was undeservedly applied.

During the time we were at breakfast it was arranged that we should spend the afternoon on the Swan. My nephew was acquainted with a gentleman who owned a yacht, and directly the meal was finished he left us to make the necessary arrangements for our afternoon's enjoyment.

My brother's house was situated in quite a picturesque spot in St. George's−terrace, which was at that time, and I have no doubt still is, the aristocratic portion of the city. Whilst my nephew was away my brother took me in hand to show me the sights of Perth. But the sights were few, and for the most part unattractive, and the moment we left the main street we were ankle deep in sand, so that walking was anything but pleasant. It must be borne in mind, however, that Perth, in 1894, was a very different place to the Perth of the present day. The last four years have been ones of rapid progress. Old−fashioned buildings are rapidly disappearing, and splendid one

are going up in all directions, and good metal roads are taking the place of what was then a wilderness of sand.

When we arrived at home my nephew was already there, and informed us that his friend, Mr. Lindsay, would be pleased to place the yacht at our service. He would not be able to come with us himself, as he was slightly indisposed, but his daughter would make one of the party.

"A sail on the Swan would have very little attraction for Fred," said my brother, slyly, "if Lucy was not on board."

Having finished our repast, my brother and I set out for the river. As we reached the small jetty my brother pointed to a pretty little yacht laying at anchor, and having lighted our cigars, we sat down chatting, till Fred, who had gone to fetch Miss Lindsay, arrived.

"Who is Mr. Lindsay? Is he an old colonist?" I asked.

"I think not," replied my brother; "I think he has been here about six or eight years. He comes from New Zealand. He is a gentleman and a scholar, and lives a rather retired life — never mixing much with society, so that I might almost say he is quite a recluse. He seems to be quite buried in his books seldom going out, except on rare occasions for a sail upon the river, and I think he indulges in that pleasure more for his daughter's sake than for his own."

"Does he follow any profession or calling?"

"No; it is rumoured that he is interested in one or two of the best mines at Coolgardie, but I take little notice of these reports. He is, I believe, in independent circumstances. Poor fellow! he has had the misfortune to lose one of his eyes, and but for this defect he would be a fine−looking man. Although he lives so much to himself, he is respected by all classes in this small community. He is very generous, and seems to take a delight in helping the unfortunate. Should anything happen to him, he would be sorely missed by some, and my none more than by the depot."

"The depot? What do you mean by the depot?"

My brother pointed with his stick to a building some considerable distance off, almost on the bank of the river, at the foot of Mount Eliza. "That is the Old Men's Depot," he said; "it is only another name for a benevolent asylum. Old men who are unable to earn a living are received into it. Of course, if they are able to do light work, they are expected to do so."

"And his daughter; is she a recluse, too?" I enquired.

"Oh, no, far from it! She is a very handsome young lady. But you must ask Fred for her good qualities. He will be able to supply you with the information much better than myself. They have been engaged nearly a year."

"Indeed! that is quite interesting! How old is she, and what is she like?"

"About twenty−one, or thereabout; but as to her personality, you must judge for yourself, and you will not have long to wait, for here they come."

I looked in the direction in which he pointed, and saw my nephew approached, with a young lady leaning lightly upon his arm.

Chapter III

The introduction over, we took our places in the yacht. A steady breeze was blowing, and I think I never spent a more enjoyable time. Miss Lindsay was a most sociable lady, and considerably enlivened the afternoon's outing. She possessed a very sweet voice and favoured us with many songs, and she and Fred joined in duets. He had a very pleasant bass, and their voices blended agreeably. As we sailed round Mount Eliza I could not help admiring the landscape. On one side of the river there was little or no habitation. The land on both sides was thickly lined with trees, and my eyes rested admiringly upon the wild grandeur of the scene.

"Pa was very sorry that he could not accompany us this afternoon," said Miss Lindsay, as we stepped on to the jetty once more. "He has had another of those attacks which have at different times troubled him so much. However, it is not serious, and he wishes you to pay us a visit to−night. May I have the pleasure of your company?" she added, as she extended her hand. "My father, I am sure, will be pleased to entertain you."

"I accept your invitation with pleasure," I answered. "I am sorry I did not have the pleasure of becoming acquainted with Mr. Lindsay this afternoon."

"I have no doubt he will have quite recovered from his temporary indisposition by now. He is frequently attacked with pains, and has such a nasty cough, though he has not suffered so much of late till to−day." she added, rather sadly, I thought.

Punctual to the time appointed, we arrived at Mr. Lindsay's house — that is to say, my brother and I did — for my nephew had taken Miss Lindsay home when we separated at the jetty, and he remained at her father's house for tea. Mr. Lindsay's house was situated at the top of Hay−street, and his charming daughter answered our knock at the door, and immediately escorted us to the sitting−room. As we entered, Mr. Lindsay rose to receive us. His one eye seemed to rest upon my face at first, and I thought he gave a short start. For my part, I felt certain I had seen his face before, but where I could not imagine. When he put his hand in mine it trembled slightly.

"You must excuse me if I am not a very entertaining host, Mr. Gordon; I have been rather unwell to−day," he added, as he placed a chair for me.

"I was sorry to hear of you indisposition from Miss Lindsay," I replied, and again I caught myself wondering where I had seen that face before. Scarcely thinking what I was saying, I remarked — "I felt sure I knew you when first I entered the room; your face seems so familiar to me. Have you ever been in Bendigo?"

"No; I have never been there," he answered, slowly.

"Or Melbourne?" I asked again, and I thought he started slightly.

"No, I have never been in Victoria. I came to this colony from New Zealand a little more than seven years ago. I have been in Australia, or rather Australasia, a little over nine years, the first two of which I spent in Christchurch, New Zealand."

"Have you been suffering from these attacks of pain very long?" I enquired.

"I had a severe attack of bronchitis about fourteen years ago, and my medical adviser urged me to come out to the colonies. I was at that time living in Yorkshire, England. I first tried New Zealand, and it seemed to agree with me very well during the first year or so, but my cough again got troublesome, and I resolved to see another change. I did think of settling in South Australia, but my physician advised me to come to this colony."

"You are satisfied with this country, I presume — seeing that you have remained seven years?"

"The climate is first rate," he answered; "but perhaps the surroundings are not very cheerful. My health has kept up wonderfully, however; and, all things considered, I am better off here than in one of the other colonies."

Our conversation then drifted upon other topics. The goldfields of the interior were at that time attracting great attention, and, indeed every boat that reached Fremantle from the East was loaded with fortune−seekers. Asked for his opinion as to the richness of the fields, our host predicted great prosperity. "I shall be very much surprised," he said, "if Coolgardie is not a finer town than Perth is to−day within the next five or six years."

And it may be remarked that my host's predictions have been fulfilled. To−day Coolgardie can boast of a town far superior to Perth of 1894, whilst other towns of equal importance are growing and spreading rapidly.

Mr. Lindsay presently proposed a game of whist, but when we had been playing about half an hour or so, he complained of slight pains, and, excusing himself, he laid down upon the sofa opposite the table. He begged us

not to be disturbed, and insisted that we should continue the game. I became deeply absorbed in the fortunes of the cards, but after we had been playing about an hour or so I happened to look up rather suddenly, and I surprised our host, with his one eye fixed intently upon my face.

His gaze seemed to be so fixed and so earnest that I, from that moment, lost all interest in the game. There seemed to have arisen an unaccountable feeling uneasiness in my mind. "Who is this man?" I asked myself. "He says he has never been in Victoria, and if that is true, I have never seen him before. And yet he seems to be uneasy in my presence, and he would appear to have recognised me, though he will not acknowledge it." The more I puzzled myself about the matter the more confused I got, and I was glad when the game was finished for the night.

"Do you know, I felt certain I had seen Mr. Lindsay before to−day," I said to my brother, as we proceeded along the terrace on our way home

"You can scarcely have done so," he replied; "we have been acquainted with him for four years or more, and he has been in the colony longer than that."

"Has he lost the sight of his eye very long?" I inquired.

"I cannot say," replied my brother, "but he has only had one eye as long as I have known him."

"I suppose it is mere fancy," I answered

"I think so," replied my brother. "You cannot have met him before, unless he really has been in Victoria; and, if he has, why should he deny it?"

I dismissed the matter as best I could; but I seemed to feel his eye fixed intently upon my face; and the last thought in my mind as I went to sleep was the old question. "Who is this man?"

How long I had been asleep I know not, but I suddenly woke, struggling, and in a cold sweat, from a horrible kind of nightmare. Old faces and new were indiscriminately mixed up in this nightly vision. Arthur Graham's murdered body lay on the ground; Lucy Lindsay was rushing terror−stricken from the spot; whilst, as if to complete the horrid scene, Mr. Lindsay had a rope around John Colton's neck, and was vainly struggling with him, as though anxious to take him to the gallows.

The whole panorama seemed so vivid that I sat up in bed, rubbing my eyes, I murmured — "What has this man and his daughter to do with that horror of nearly twenty years ago?" Then, laughing at myself for taking any notice of this absurd freak of nature, I turned over on my side, and a few minutes later I was sleeping soundly.

Chapter IV

The first three months of my sojourn in Perth slipped quietly away, and nothing worth relating occurred till shortly after the New Year's Day of 1895. I had intended to return to Victoria at Christmas, but the festive season came and went, and still I remained in the West. The event of which I am about to write occurred at Mr. Lindsay's house. My brother, nephew, and myself had been frequent visitors there, and those evenings were amongst my pleasant recollections of the place. On the occasion to which I allude Miss Lindsay played the piano, while the rest of us were playing whist. During the progress of the game we had kept up a desultory conversation, till my nephew presently referred to my experience at the Bar. In my time I had been concerned in the defence of many noted criminals, and I related some of my most important cases. From that our talk drifted upon crime, and I was soon giving them some description of the more notorious individuals whom the practice of my profession had brought me in contact with.

Suddenly my brother exclaimed — "Was the murderer of Arthur Graham ever found? I never heard anything of the case after that man who was arrested was acquitted."

"He was never brought to book," I replied, "and I think there is very little hope of seeing the wretch brought before any earthly judge."

"Do you think the man who was acquitted was really innocent?" my brother continued.

"Upon the evidence produced the jury could come to no other conclusion," I answered.

As I made this remark I happened to look towards Mr. Lindsay. He was trembling like an ashen leaf, and his face was deadly pale.

"Are you ill?" I exclaimed, fearing that another attack of his malady had suddenly come upon him.

"I have terrible pains," he answered, "but it will pass in a moment. It is merely a spasm. I will stand at the open window for a few minutes. I think this room is rather close. The fresh air will do me good. Pray, do not be disturbed; it is nothing."

He had crossed the room whilst he was speaking, and having raised the window, stood for a moment looking out, with his back towards us, and his hand pressed to his side.

Just at this moment a knock came to the door. Miss Lindsay at once left the room, but immediately returned, saying to her father — "A man wishes to see you on particular business. Shall I tell him you are not well enough to−night? I have already told him as much, but he states his business will not take many minutes, and that it is urgent."

"Who is he? Did he give any name?" replied her father.

"No; he says he wishes to speak to you upon a private matter, and repeated that it was urgent. Shall I tell him to call in the morning, father? I am sure you are not well. He is an old man — very shabbily dressed. I believe he is only seeking some assistance."

"I will see him," replied our host. "I am not sick enough to decline to see him, especially as he says his business is urgent, and will not occupy many minutes." He then left the room, and a moment later we heard the door closed. Lindsay had asked his visitor inside, and the next moment they were conversing together in the front room.

The interview must have lasted quite a quarter of an hour. At the end of that time the front room door was opened again, and we distinctly heard Mr. Lindsay bid his visitor good−night. Then the front door closed, and Mr. Lindsay's footsteps could be heard as he walked along the passage; but suddenly they stopped, just before he reached the room in which we were seated, and a moment later a heavy fall startled us. We rushed into the passage. Our host was lying prone upon the floor. He had fainted.

As we lifted him up and carried him into the room. I was shocked as I looked upon his face. It was perfectly livid; he had evidently received some shock.

My nephew immediately went off for a doctor. Mr. Lindsay soon regained consciousness, but the medical man administered a sleeping draught, and ordered his patient to bed. "I am afraid you have been over−exciting yourself in some way. There is no cause for alarm, however, but you must not allow anything to worry you. You read too much; you must rest more, and take things easy."

"I will send a nurse round to help you," he added aside to Miss Lindsay. "I think it would be advisable for Mr. Lindsay to run very low. He now requires good nursing and complete rest. You are a good nurse yourself, Miss Lindsay, but you cannot get along alone. Besides, the lady I recommended will prove invaluable, both as a nurse and a companion for yourself."

The doctor asked if one of us would accompany him and return with the nurse, and I volunteered to do this. As we walked from the house I noticed a dilapidated old man standing a hundred yards or so from the house, and looking intently towards it. He scanned our features rather closely I thought as we passed him, and somehow I connected him with the visitor whose visit preceded Mr. Lindsay's fainting fit.

"Do you regard this faint as anything serious?" I enquired of the doctor as we passed along.

"Not exactly," he answered; "but, unless I am much mistaken, Mr. Lindsay has received a shock of some kind."

Again I thought of the visitor of the evening. However, I did not feel justified in making mention of it. "He complained of pains just previous to the faint," said I.

"I must keep my eye upon him," the doctor replied. "These pains are troublesome, and I regard them as ominous signs."

"You are evidently of opinion that there is some cause for alarm?"

"Of course there is, to some extent," he answered. "There is no harm in telling you what even your inexperienced eyes must have already seen. Mr. Lindsay has for years past been suffering from consumption."

"Yes, I thought as much," I answered.

About an hour later I returned with the nurse, and when we had expressed our sympathy to Miss Lindsay we bade her good−night, my nephew promising to call early the following morning.

Just before reaching my brother's house I had lighted a cigar, and, as it was a pleasant night, I remained on the verandah for a few minutes' smoking after the others had gone inside. As I threw myself upon a seat I began to ponder over the events of the evening. "Poor Lucy Lindsay!" I muttered to myself, "she will soon be fatherless! Unless I am much mistaken, her parent's days are numbered. His end is drawing near. He suffers mentally as well as physically, if my observation goes for anything."

Just at that moment I caught sight of some person in the middle of the road. It was now very late, almost midnight, and I wondered what this person could be doing there at that hour of night. He walked so leisurely that I thought his movements looked suspicious. I was completely hidden from view, for a creeper was trained along the verandah, and no person passing along the road could see me unless he came inside the gate. Being thus concealed, I watched the movements of this suspicious person, taking care to hide the light of my cigar. In a moment or two the individual stopped and looked intently towards the spot where I was seated. For a moment I thought he must have noticed the light of my cigar; the next moment he advanced as though about to enter the gate. Then he halted again.

"What the devil does it mean?" I heard him mutter. "The plot thickens. That is Gordon, the Melbourne lawyer, I saw coming from the house to−night, I'll swear. I've only been in West Australia a week, and here I find two men who were very much interested in that almost forgotten tragedy, and they appear to be on the best of terms. What the deuce does it all mean? Am I going to make some discovery? The whole thing is mysterious. It does seem as though I have come from home to hear news."

To say that I was surprised at this stranger's colloquy would be a mild way of expressing my astonishment. He was not far from where I was seated, but in the darkness I could not distinguish his features. Just at that moment, however, the door opened suddenly, and the light from the passage fell upon his face. In a moment I recognised him.

It was the old man whom I had passed on the road when I was going, in company with the doctor for the nurse — the same man whom I believed to be the visitor who had left Mr. Lindsay's house just previous to the fainting fit.

It was my brother who opened the door. "Are you going to camp here all night?" he asked as he stepped out from the doorway.

"Oh, no," I replied, "I am just finishing my smoke."

As I went inside I looked into the road, but the old man had disappeared. I said nothing to my brother. I was thoroughly mystified. The old man's mutterings evidently had reference to the death of Arthur Graham.

What other tragedy could he allude to in connection with my name? How did he know me? I was thoroughly mystified.

As I laid my head on the pillow that night I determined to get to the bottom of it. At the first opportunity I would accost the old fellow, and find out, if possible, what his mutterings meant. As events turned out, I had not very long to wait.

Chapter V

I was in the habit of taking a stroll every morning before breakfast, and on the morning following the events narrated in the last chapter I had just reached the Town Hall corner, when I suddenly caught sight of the old man. He was standing just near the footpath, a little distance down Hay−street, talking to a small boy who was selling the morning papers. This was a good excuse to get near the old chap.

"Have you a 'West Australian?'" I asked the boy as I drew near them.

Both turned their faces towards me when I spoke, the boy handing me the paper asked for. I could see at a glance that the old man had recognised me. I did not wish to address him in the presence of the boy, so I stood talking to the latter for a few minutes, as though quite oblivious of the old man's presence. In the meantime, the man shuffled away in the direction of William−street. My chance had come quickly — a good chance to talk to this mysterious old man alone. I did not walk very fast, but just enough to allow me to overtake him without seeming to be in a hurry.

"Good−morning, dad," I exclaimed, carelessly, as I reached his side.

"Good−morning," he returned, eyeing me rather suspiciously I thought.

"Do you know, I believe we have met before," I said, wishing to bring matters to a head at once.

"Perhaps we have," he remarked dryly, "but I don't think it is very likely. I have only been in the colony a few days."

"From Victoria?" I replied, in an indifferent tone of voice. "Probably I have seen you somewhere in Melbourne, or perhaps Bendigo. I am from Melbourne myself; I have only been in Western Australia a short time."

"I am not a Victorian," he answered, shortly.

"We are not West Australians," I remarked; "still, we are both here."

"True; but I meant to say I am not from Victoria. In fact, I was never in that colony in my life. I am a South Australian."

"Your face seems very familiar," I persisted; "But if what you say is true, it must be a case of mistaken identity, as they say in the law courts, for I have never been in South Australia."

I laid great stress upon the word true. I held a good hand, and I knew it. I had caught the old fellow in a lie, and was in a position to let him know it. I wished to ruffle his temper a little, and the ruse succeeded.

"True!" he answered, testily; "why the devil should I lie — especially to a stranger?"

"Oh," I answered, calmly "we all lie when the truth won't fit."

"Do you mean to tell me I am a liar?" he exclaimed, now thoroughly out of temper.

"Well, we won't put it quite so strong," I returned, "but I must certainly say you have given me two answers which I cannot regard as truth."

"Tell me when I lied to you twice?" he answered.

"First, when you told me you had never been in Victoria; secondly, when you tried to make me believe you did not know me. We are not strangers; you know that very well."

"Curse your cheek!" he fairly stammered with rage. "I don't know you, and I don't want to know you!" And, turning on his heel he commenced to walk slowly away.

I now had to play my last card. A few steps brought me up to him. Putting my hand on his shoulder, I said — "Not quite so fast, old man. I know you just as well as you know me. And, let me tell you, it will be better for you not to try and ride the high horse. You are being watched. I want to know just what you can tell me in regard to the murder committed years ago near the Carlton Cricket Ground; will you give me what information you can?"

"What do I know of murders?" he said, in a tremulous voice. "I fail to understand you. And as for being watched, I believe you lie. What reason has anyone to spy on me?"

"I will set your mind at rest on that point at once. I can tell you about all your movements last night up till midnight. You were watched so closely that I can even repeat to you some words you uttered when you little dreamed you were being watched as much as you were watching others."

"To what do you allude?"

"I refer to you the words you made use of when standing outside my brother's house late last night. You made use of words similar to these — 'The plot thickens; these two men were both interested in that Graham tragedy; they now appear to be on the best of terms; it is mysterious; I have come from Melbourne to hear news.'"

In repeating this to him I purposely altered it a little to suit my own purpose. I felt that he knew something concerning this crime — something that the world did not know — and I was determined to find it out.

"You have the advantage of me," he replied. "What is it you want me to tell you?"

"All you know concerning this murder?"

"I know nothing of murders. You are suffering from some delusion."

"Old man, I will be frank with you — as much for your sake as for that of the truth. I believe the truth about this murder is nearly out. I do not think you are the guilty man, neither do I think you are an accomplice; but you have some knowledge of it. If you refuse to tell all you know, you become an accessory after the face, and, as a lawyer, I can inform you that it is one of the most serious crimes. Rightly or wrongly, it is suspected that the murderer of Arthur Graham is in Perth. Your actions during the last few days have been suspicious. I repeat what I said before — you are being watched, and more than one pair of eyes are upon you. Take my advice, put yourself on the side of law and order — you will find it will pay you best?"

He was silent a few minutes, looking upon the ground all the time; then he answered:—

"Perhaps I know more about this crime than yourself. Suppose a man in Perth is suspected — what is that to me?"

"I will put a proposal to you. You may accept or reject it. I am anxious to have this mystery cleared up. Arthur Graham was my dearest friend. I am satisfied that you can throw some light upon it. If you will help me I will reward you abundantly. Decline to aid me and I will do my best to help the proper people to extort the truth from you. I repeat what I said just now — I don't believe you had any hand in it. But I am sure you know all about it. If you decline to help me, I will treat you as though I suspected you of being the actual murderer. I have nothing to lose, but everything to gain. It is for you to choose — shall we work together or apart?"

"You seem to know more than I thought you did, Mr. Gordon, and if I do not be frank with you, you promise to make things unpleasant. Well, I don't know much, but what I do know I will tell you. But I believe you will be more sorry than glad when you know what I have to tell. I know nothing of this crime — that is to say, I know nothing of its actual commitment. Years ago accident revealed to me the murderer. I will speak if you insist upon it, but not outside. I will tell you frankly that the man who slew Arthur Graham has been good to me, and I will not betray that man unless you force me to. Secondly if this case is reopened it will crate a scandal, and you will wish you had let this forgotten crime alone. Lastly, the information I can give is not certain to convict him after this lapse of time, and it will surely bring sorrow to you. I will not speak unless you insist. I wish to be silent; will you let me?"

"Let a chance of hanging this murderer go? Never! The clearing up of this mystery bring me sorrow! You talk like a madman; it will bring me joy. It was a cruel murder, without any other motive than robbery. Bring me sorrow! I shall be the best judge of that. This murderer committed a double crime. I, as well as others, believe that poor Robert Graham took his own life whilst in a state of insanity, the result of this foul deed. No, I have no reason to hesitate. Tell me the name of this fiend here and now?"

"Steady friend, steady!" replied the old fellow, with perfect composure, that was almost beyond endurance under the circumstance; "it's a long story, that can't be made short to be intelligible. See, this street is getting busy already, and people are beginning to notice us. There is a contrast between us, you know."

"What do I care about the difference in our clothes; tell me this man's name?"

"It is too long a story to tell now. Meet me to−night at the corner of Barrack−street and St. George's−terrace, and you shall know all I have to tell."

"I'll wait till then for the story; but tell me the name of the murder now?"

"Not a word more on the subject till eight o'clock to−night."

"What proof have I that you will keep the appointment?"

"I am a conspicuous old man," he replied, "and Perth is a small place. How can I escape you, even if I desired — especially now that I am watched? Have no fear; I will keep the appointment. I am tired; I have had no rest last night. Let me along till to−night. I want to rest and think. I am an old man; pity me?"

I looked at the wrinkled face and grey hairs, and I did pity him — poor, aged outcast.

"Mind you keep your promise to−night," I answered. "If you fail to do so, I shall hunt you down, depend upon it. Your grey hairs will not save you,"

"Fear not," he answered; "you shall know all, and your sorrow will be greater than your joy."

Without another word we separated. I watched the old wanderer as he trudged painfully away, and in my heart of hearts I pitied him. I never had suspected him of having taken any active part in the death of my old friend; but ever since the moment I heard him muttering outside my brother's gate, I had made him a marked man — one who shared a guilty secret. Yes, as I watched his weary limbs trembling under his bent and infirm body on this bright summer morning, I felt a kind of sympathy for him, and I realised the truth of the old speech — "The way of the transgressor is hard."

All day long my mind dwelt upon the strange events of the morning and the previous night.

"Who would the old man denounce as the murderer?"

Again and again I asked myself the question. I congratulated myself upon the fact that I had tricked him into admitting that he believed the guilty man was in Perth, and that he did know the murderer he acknowledged. What if he had made a mistake? Suppose it was not the right man? However, one point I was about to gain — I would learn the name of the murderer. That would be a great deal accomplished, if I learned nothing else. Then I wondered what was the nature of the old man's visit to Mr. Lindsay, and in this manner I passed the day, thinking the same things over and over again.

Then a great fear troubled me — suppose he had simply wished to get rid of me. What if he was only seeking to gain time — if his only object was to shake me off? The thought that he might not keep the appointed worried me not a little, and made the day seem long and miserable. And I had a great difficulty to hide my anxiety from my brother and nephew, for, until I had found out something tangible, I resolved to mention nothing of the matter.

At last the long, weary day came to an end and half an hour before the appointed time I was at the rendezvous the old man had named. I waited a quarter of an hour patiently enough, and the next quarter less patiently. But eight o'clock came and passed, and still the old man did not put in an appearance. Fearing that something might have detained him, I lingered on. When half−past eight chimed I knew he had fooled me, but I remained at my spot till nine had struck. I rebuked myself for having allowed him to escape me in the morning, but regrets were useless. I had declared war against him; he had accepted the challenge, and in the duel between us he had now drawn the first blood.

Chapter VI

The next two or three days I occupied myself in wandering about the streets of Perth, in the vain hope of coming across the old man, but I met with no success. Then it stuck me that perhaps he had gone to Fremantle, and I journeyed thither, and spent a week in an unsuccessful search for him.

Upon the morning following my return to Perth I rose early, as usual to take my morning stroll. Usually I rambled along the bank of the river, though sometimes I would content myself with a walk along St. George's−terrace.

I did so this particular morning, and as I was passing along I suddenly caught sight of a boy selling papers — it was the same boy whom I had seen talking to the old man more than a week previously. My heart gave a great bound. Perhaps this youngster could put me on his track.

I whistled to him, and he at once crossed the road. Taking the "West Australian" from him, I handed him the necessary coin, remarking as I did so —

"Do you remember me buying a paper from you in Hay−street about a week ago?"

The boy, a sharp, intelligent−looking youngster, with neither shoes or stockings, eyed me in silence for a moment or so, and then, smiling blandly answered — "Yes, I reckon you is the cove who came up to me when I was talking to the old t'othersider."

"I suppose you do not know where I could find the old man?"

"No."

"Have you seen him about Perth since that morning?"

"No, but I remember now he said he was camped in a tent at Subiaco."

"I suppose you could not give me an idea to the exact spot? You don't know that part of Subiaco, do you?"

"No; but there is a lot of tents near the railway line, not far from the station. But I say, boss, you must be on the same game as the old cove himself?"

"What makes you say that, my boy?"

"Well, that morning before you came up he was mighty anxious to know all about you."

"Yes; what did he want to know about me?"

"Oh, he said he thought he knew you in South Australia. He wanted to know was you married — how long you had been in Perth, and all that."

"Oh, indeed! I did not think he saw me till I came up to you."

"Ah, didn't he!" laughed the boy. "He was a cunning old codger. He seen you standing at the Town Hall corner before you came to buy the paper."

"Of course, you did not tell him anything about me?"

"How could I, boss; I don't know yer."

"Did he make inquiries about anyone else in Perth before he saw me?"

"Yes; he wanted to know all about Mr. Lindsay — the toff with one eye, who lives up Hay−street."

"Did he want to know how long Mr. Lindsay had been here too?"

"Yes."

"What did you tell him?"

"I said I didn't know much about him, and that I didn't see much of him, and that he was always in Perth — was here before I was born, I reckon."

"If you see the old man again let me know, will you?"

"Yes, I will, first time I sees yer."

"Can you read?"

"Yes."

"Then you will find me at that address," I answered, handing him a slip of paper. "Can you read it?"

"All right, boss. I know Gordon's place; I'll find yer."

"If you meet the old man try and find out where he is camped, and let me know immediately. He is very poor, and I think I can find him a job to suit him."

I gave the boy a shilling, and made my way home feeling that there was some hope of finding him yet.

In the afternoon I set out for Subiaco. There were plenty of tents, but, although I inquired everywhere, I discovered nothing of the old man.

I was under a disadvantage in not knowing the old fellow's name. Just as I was about to return to the railway station I noticed a tent a bit away form the rest, near the railway line. I determined to try this one as a last chance. When I reached it I came face to face with an old man, sure enough, but not the one I had hoped to find. However, I put the usual question.

"I am in search of an old man whom I am informed was camped about here somewhere. I don't know his name, but perhaps you can help me if I describe him to you?"

"What sort of man was he?" returned the man. "There was an old chap camped here for about a week. He had his tent pitched just there," he added, pointing to a spot that bore traces of a tent having been pitched there recently, for the tent pegs still remained in the ground.

"An old man," I answered, "with a short, scrubby white beard. He usually carried a stick when walking about."

"That answers to my late partner's description," answered the man. "The old fellow I mean stooped very much — did the man whom you are inquiring after?"

"Yes," I answered, promptly. "Can you tell me when he left here?"

"Let me see. Yes, I can. It was last Thursday week; he left about eleven o'clock in the morning. I remember perfectly well. It was last Wednesday week I went down to Fremantle. I got a drop too much to drink and missed the last train. I stopped at Fremantle all night, and caught the first train to Perth next morning. Not feeling very well after the shy−poo on the Wednesday, I made up my mind to have a holiday. On the Thursday morning, when I got back, I noticed that the old chap's tent door was closed. I thought that rather strange, as we was always up early every morning during the time he was here. After a bit I lit my pipe, and was lying down in the shade, when, to my surprise, I saw the old man come up to his tent.

"'Hullo! dad,' I sang out, jokingly, 'have you been on the wine, too, last night?' A frown passed over his face, and he looked for a moment quite annoyed. 'Oh! no,' he answered, 'I have got a job at a gent's place in Perth, and I have come to take away my things.' I asked him what sort of job he had got. 'Oh! a light job,' he answered, but as he did not seem very communicative, I did not ask him any more questions, and a few minutes later he walked off in the direction of Perth, after bidding me good luck and good−bye."

"And I suppose you have not seem him since?"

"That is just what I was about to tell you, as I think it is a bit curious. I did see him again, and on the same day. In the afternoon I was down on the railway platform, and whilst I was there the train from Perth came in. As I was passing a carriage I caught sight of the old man. There were no other passengers in the carriage. 'Hullo! I thought you had a job?' I sang out. 'Are you off to Fremantle?' He snatched up a paper, and, holding it in front of his face, pretended to read, and showed very clearly that he wished to avoid me. It was no business of mine, so I moved from the carriage window. A moment later the train started again, and I have not seen him since."

"Are you positive it was the same old man that you saw on the train?"

"Of course I am! I saw him as plain as I see you now. There was no mistake about it — it was him right enough. On the seat beside him was his swag and stick."

I thanked the man for his information, and walked to the Subiaco railway platform to catch the next train for Perth. I was satisfied beyond a doubt that I had discovered something. I went over in my mind what the man I had just left had told me. First, the old man had been camped near him about a week; second, he left last Thursday week; third, the night previous to leaving Subiaco he had been absent from his tent all night; fourth, the old man was anxious to conceal his movements after leaving Subiaco. Against these facts I put a certain set of circumstances.

It was not Tuesday night. I went back over the events of the last twelve days. I had returned to Perth from Fremantle the previous afternoon. Counting the day I went and the day I returned as having been spent at Fremantle, I had been away from Perth eight days. The Friday, Saturday, and Sunday previous to leaving for Fremantle had been spent walking about Perth in a vain search after the missing man, who had failed to keep the appointment on the previous Thursday night. I had now accounted for the last twelve days, and compared the result as follows:—

It was Wednesday night when I saw the old man outside my brother's gate, and overheard his speech anent the

murder. The following morning I met him in the street talking to the newsboy. That morning I cornered him, with the result that he made the unkept appointment to meet me the same night. But the same morning an old man answering his description in every detail left Subiaco under suspicious circumstances. The person who left Subiaco had spent the previous night away from his tent probably in Perth; the said person had been camped at Subiaco about a week.

I compared the circumstances carefully, and I had no doubt that the man who left Subiaco and the old man I was in search of were one and the same person.

Everything now pointed to the fact that he had in all probability taken his departure from Fremantle, and was even now in one of the Eastern colonies, whilst I was searching Perth, Fremantle, and Subiaco.

These thoughts still worried me as I took my seat in the train. Was the old man, after all, the actual murderer, and had he left the country through fear of me. I had told him that he was being watched, and that the authorities were on the track of the real criminal. I came to the conclusion that in my zeal I had said too much and put him on his guard. What was his business with Mr. Lindsay? Mr. Lindsay had always acted strangely towards me, and I could not account for it. The old fellow said he himself believed that the murderer was in Perth, and had hinted that if his suspicions were correct, and the murderer's name was divulged, it would cause me sorrow and pain. And he had acknowledged that this criminal had been good to him. What was it that had caused Mr. Lindsay to faint on that occasion? From the first I believed the old man to have been the visitor who had left the house just previous to the fainting fit. Was it Mr. Lindsay and myself he alluded to as being interested in some tragedy when he communed with himself the same night outside my brother's gate? Then he had tried to get information from the newsboy concerning Mr. Lindsay and myself. The more I thought over it — the more confused my speculations became. What did it all mean, and why should I connect Mr. Lindsay with this old outcast? Mr. Lindsay was respected by all who knew him in Perth, and yet I had mixed his good name up in my mind with the old man. I told myself I was a fool, and tried to dismiss the whole thing from my mind; but it was no use, and when I arrived at my brother's I was ill at ease.

That evening I went with my brother to see Mr. Lindsay. He was still far from well, and our visit was short. I made up my mind, as I retired to rest that night, that I would spend the next day at Fremantle. I would devote one more day in searching for the old man. I knew the chances were one hundred to one against me; still, forlorn as was the hope, I would try it.

After breakfast the following morning I remained for a time reading the morning paper and idling about the house till about ten o'clock. My brother had gone to his business, so after acquainting my nephew with my intention to spend the day at Fremantle, I walked leisurely away in the direction of the railway station. Just as I turned the corner of William and Wellington streets my nephew came running up to me.

"Uncle, you are wanted at the Old Men's Depot."

"Wanted where?" I exclaimed in great astonishment.

"At the Old Men's Depot," he repeated, nearly out of breath.

"What on earth for?" I answered, still astonished beyond measure.

"I don't know exactly," he answered, "but a messenger arrived shortly after you left, stating that one of the inmates was dying and was very anxious to see you."

In a flash the thought struck me. "It is the old man!" But this seemed too good to be true. "Perhaps it is your father?" I added, aloud "Are you sure it is me that is wanted?"

"Yes, I am certain. The person sent word that he had recognised you in the street. He knows that you are a Melbourne lawyer. He is dying, and had something important to tell you."

"Did you say that it is an old man that is dying?"

"Yes."

"Is the messenger still at the house?"

"No; he has returned to the depot. I promised to bring you if possible."

"It is very strange," I remarked; "but call a cab, and we will go at once."

In a few minutes we were driving along the road that winds its way around the Swan River in the direction of the Old Men's Depot. As I stepped out of the vehicle I noticed a lot of old men sitting on the river bank, whilst others were wandering aimlessly about the yard. As we entered the gate the superintendent met us.

"I am afraid, you are too late," he said. "I presume you are the lawyer, Mr. Gordon?"

"Yes," I replied. "Who is it that has sent for me?"

"A man named Stapleton."

"You say that you fear I am too late?"

"Yes; he became unconscious about twenty minutes ago. The doctor has just left, and says there is no hope."

During the time we were exchanging these remarks the superintendent led the way into the building. We entered a large dormitory containing a number of beds along each side of the building. They were all empty except one, and in that one lay the form of a man; he was very quiet, as though sleeping peacefully.

"This is the man," said the superintendent, stopping at the bed; "he was seized with paralysis just as he was leaving his bed this morning. The doctor has seen him, and holds out no hope whatever, and advised me to leave him here till all is over.

"Then there is not the slightest chance of recovery?"

"None. Indeed, the doctor says he may never speak again."

In he meantime, I had looked at the unconscious face and one look was sufficient. My search was ended. There lay the man I had been so anxious to find during the past two weeks.

"Stapleton is the name he gave here," said the superintendent; "he has been here about a week, I think; but if you will excuse me a moment, I will get the book and give you all the information I can."

While awaiting the superintendent's return I felt my nephew touch me lightly on the shoulder.

"Look!" he whispered, pointing to the form on the bed; "he is coming around; he has moved."

The old man's eyes slowly opened. For a moment he seemed bewildered; then the expression of his face changed, and I knew he had recognised me. His lips moved, but no sound came from them. I bent down to catch anything he might utter. He noticed my nephew, and shook his head slightly, as though waving him off.

"I think he wishes me to withdraw," said my nephew as he moved away; "I will wait for you at the door."

The old man closed his eyes again, and he lay quite motionless for a few moments. Then his eyes opened again, and this time there was a look of real intelligence in his face.

"You wished to speak to me? You sent for me?" I said, bending my head close to his.

"Yes, I sent for you," he answered, feebly. "You are Gordon?"

"Yes. What have you to tell me?"

"All about the Carlton murder case. I would have told you before, but I did not like to betray — betray — him ____"

Suddenly his lips closed and a deadly pallor overspread his face. I felt certain all was over, when his lips moved again, and he uttered incoherent, rambling and unintelligible words. Then he became still as death again. He was dying fast, I could see, and it looked very much as though he would carry his secret to the grave.

But once again he revived. He looked into my face with a fixed, vacant stare.

The look of intelligence had gone.

"Speak?" I whispered, hoarsely, putting my mouth to his ear; "tell me who murdered poor Graham?"

He opened his mouth, then closed it again, and a painful pause followed. The next moment he seemed to make one last effort. His words were scarcely audible, but in stillness I caught these words. "Gordon — Carlton murder. Don't — touch poor devil now? — let him die? — John Colton — poor — poor Graham!"

Again he lapsed into a semi−unconsciousness, and his last words threw no real light upon the crime. I turned for a moment and looked towards my nephew. The superintendent had returned, and both of them were standing together near the door quietly waiting. I only turned my head a moment, but when I looked at the old man's face again my heart gave a great thump. The end had come. He was silent for ever now. The old man was dead.

I beckoned to the superintendent, and he and my nephew approached.

"He has gone, then" said the former, as he looked upon the dead face.

"Yes," I answered, "and he has taken his secret, whatever it is, with him. He wished to reveal something to me, but his mind wandered too much; his reasoning powers had left him. He seemed to know me well. I suppose you know nothing about him previous to his coming here?"

"Absolutely nothing."

"When did he come here?"

"He was taken into custody at Fremantle and charged with having no lawful visible means of support. The magistrate made an order of his admittance here. That was on the 11th January. You see he has only been here a

few days. His name is William Stapleton, aged 69, and he was born in England."

"I wonder if Stapleton was his right name?" I said, half to myself.

"Ah! that is a question," returned the superintendent, with a touch of sadness in his voice. "Many of these poor, broken down old men have seen better days, and I have no doubt many of them live here under assumed names. He will be buried under the name of William Stapleton.

Part III

Chapter I

Of course the incident at the depot was the subject of conversation that evening at the tea table. My brother was naturally anxious to know all about the strange affair, but I had resolved to say little about it. The old man's dying words had thrown no light upon the matter, and why should I bother anyone else with the vague bits of information I had accidentally picked up concerning the death of my old friend and college chum? My nephew was, of course, especially curious, for he and the superintendent were standing too far away to overhear what had taken place. I told them all the same story — Stapleton had been mixed up in some crime in Melbourne years ago, but his mind wandered too much for me to understand him; that he had recognised me as a Melbourne lawyer, and wished to tell me all about it. Indeed, I only told the truth, and the incident was soon forgotten by both my brother and nephew.

But how I wished I could forget it myself! I could not get it out of my mind. It worried me both my night and day.

The man's dying words gave me no assistance, and, indeed, they had made matters worse. The case was difficult enough before; now it had become more strangely complex. Stapleton's last words were of a rambling and incoherent nature. The words — "Gordon — Carlton murder" — taken by themselves, seemed to indicate that his mind was utterly confused; but when the remainder of the sentence was added — "don't touch poor devil now — let him die — John Colton — poor — poor Graham" — it seemed to be more intelligible. On thinking over them and turning and twisting the words about in an attempt to get some clue from them, I came to the conclusion:—

1. That the old man Stapleton knew all about the murder. Whether he took any active part in it or not I was unable to from any idea; but I was inclined to think that he did not.

2. The words, "Don't touch poor devil now," seemed to indicate that Stapleton pitied the murderer.

3. The words, "let him die — John Colton — poor — poor Graham" seemed to point to the fact that, after all, justice had failed. John Colton was guilty; Stapleton knew it, and, for some reason or other, pitied both the murderer and his victim.

When I placed these conclusions side by side, as it were, with my conversation with Stapleton in Hay−street, everything seemed to fit well. I could form no other opinion but that John Colton was the man he referred to when he stated that he believed the murderer was in Perth. The question now was, Where was he to be found?

So far, so good; but when I came to compare all this with the old man's colloquy outside my brother's gate the night previous to meeting him in Hay−street, it put another aspect on the affair altogether. On that occasion I heard him mutter quite distinctly — "The plot thickens. That was Gordon, the Melbourne lawyer, I saw coming from the house, I'll swear. I've only been in West Australia a week, and I find two men who were very much interested in that almost forgotten tragedy, and they are evidently on the best of terms. What the deuce does it all mean? The whole thing is mysterious; really it seems as if I have come from home to hear news."

When I came to consider this speech in connection with his dying words, I got completely puzzled, and any attempt to reason the matter out ended in hopeless confusion. He had certainly seen me coming from Mr. Lindsay's house, but it seemed impossible that he could have Mr. Lindsay in his mind when, later on, he referred to the men interested in the murder who were now "on the best of terms."

That I was one of the men referred to as being interested in the tragedy was clear enough, because Stapleton, in his murmuring, distinctly mentioned my name and profession, and afterwards acknowledged that he knew me. But Mr. Lindsay could not be the other man, nor could Stapleton have had him in his mind when he was communing with himself, for Mr. Lindsay, as he had himself told me, had come from New Zealand to Western Australia, and had not been in any of the other colonies. Stapleton was the man, I believe, who had been admitted to private interview with Mr. Lindsay, and upon the same night I had heard him muttering outside my brother's gate, but in all probability, he had called upon Mr. Lindsay merely to solicit some assistance, that gentleman's generosity being well known.

Chapter II

I had intended to restrict myself to the story of the crime and merely to chronicle the series of strange events which led to the discovery of the man who murdered my old chum, but my narrative would be incomplete without an account of the wedding of my nephew with Miss Lindsay. Needless to say, I, a dry lawyer, without a touch of romance or sentiment in my composition, and a bachelor into the bargain, cannot attempt to do justice to such a subject; but it must be mentioned, since, indirectly, the wedding hastened the end of a life, and brought me to the end of my story.

About Christmas time of 1894 my nephew had been made happy by the promise that the ceremony should take place in March. "I shall be glad to see them settled soon," added Mr. Lindsay, significantly, "for I fear I shall soon be gone. It will be a pleasant reflection to know that my daughter's future happiness is assured."

Our friend's health had been gradually failing, but as the wedding day drew near, he seemed to brighten considerably, and, indeed, he grew so cheerful, and his step so elastic, that we began to hope he had taken a fresh lease of life.

Lucy Lindsay was really a charming young lady, and the quiet wedding was celebrated under most auspicious circumstance. Mr. Lindsay marked the event by giving a party at his house, when a most enjoyable time was spent by the favoured guests.

The young couple had arranged to spend their honeymoon at Albany, and the following day we all fathered at the railway station to give them a hearty send off.

As Mr. Lindsay, my brother, and myself took our seats in the carriage that was to convey us home once more, I could not help observing how well and cheerful Mr. Lindsay appeared to be. Scarcely a month previous I should not have been surprised if I had suddenly been informed that he was dying. Even now anyone could see that we was in a declining state of health. The hectic flush upon the pale face, and the wasted body, told all that plain enough; but he certainly looked better that day than he had done during the time I had been acquainted with him. The outward visible signs of a lingering disease were plainly discernible, but the melancholy expression, the look of worry and pain, seemed to have disappeared.

For the time of the year the day was remarkably cool. A refreshing breeze was blowing. We had left the station on our return journey, intending to return home, but at my suggestion we altered our plans, and agreed to hire the buggy, a double−seated one, for the remainder of the day.

We had no particular place to go to, and simply put in the afternoon driving through the different streets. As we were proceeding along St. George's−terrace, my brother proposed that we should go down near the river and drive round the mount, and as Mr. Lindsay and I were quite agreeable, we turned into Mill−street, and proceeded in the direction of the river.

A few seconds before we reached the corner of Mill−street and Nazaar−terrace, I noticed a man, who was lying on the grass near the river, suddenly rise to his feel and shout and gesticulate. Just as I was about to draw my brother's attention to the man, we turned the corner, and then, when it was too late, I understood what the man had shouted for. There was no escape, for within five yards of us, was a horse attached to a heavy spring cart. No person was in the cart, the reigns were dragging along the road, and the frightened animal was galloping upon us at a breakneck pace.

The next instant I felt myself dashed to the ground. As I attempted to rise, my head swam, a great deal of pain seemed to pierce my forehead, and a moment later I became unconscious. When I opened my eyes again a policeman was standing beside me, keeping the little crowd that had gathered from pressing too closely.

Seeing that I had regained consciousness, he extended his hand kindly towards me, and as I was able to stand, I stood upon my feet. I was happily conscious that I had received no injury beyond a very severe shaking.

I was considerably relieved to see that my brother was also unhurt, but I saw Mr. Lindsay's unconscious body being lifted into a cab that had been summoned.

"Thank God you are safe!" exclaimed my brother, as the cab moved off.

"Yes, I am all right; but how is Mr. Lindsay?"

"I am afraid he is seriously injured. I have sent for the doctor to go at once to Mr. Lindsay's house, and I hope

he will arrive as soon as the cab. You must return home at once; you look very pale. In the meantime, I must hasten to Lindsay's and learn what the doctor has to say."

My brother had promised to bring me news of Mr. Lindsay as soon as possible, and I walked slowly homewards. I had certainly received a very bad shaking, but soon I began to pull myself together, and my the time I reached the house I almost felt myself again; indeed, I soon began to grow quite impatient that my brother did not put in an appearance. At the end of two hours I could bear the suspense no longer, and, putting on my hat, I went out of the house, with the intention of proceeding at once to Mr. Lindsay's. Just as I reached the front gate my brother arrived, and the expression on his face spoke volumes. I knew that his friend was in a bad state.

"What a time you have been?" I ejaculated. "Is it very serious? Is poor Lindsay badly injured?"

"Lindsay is dying," he answered. "We have had three doctors to him, and they all agree that they can do nothing for him. He is injured internally, beyond hope of recovery. The medical men are of the opinion that he will not live through the night."

"Poor child!" I murmured, as my thoughts flew to Albany, and pictured my nephew and his young bride. "How quickly a cloud has gathered to blast their happiness," I added aloud, "What will you do? Will you send a wire to Fred?"

"I have done so; but the news will be there before him. Poor fellow! he will feel this very much; he thinks a terrible lot of Lindsay, and , indeed, so does everybody. Poor Fred! poor Lucy! It could not have happened at a worse time for them."

"Did Lindsay regain consciousness?"

"Yes; and strange to say, he asked for you, and seemed disappointed to find that you were not in the house. I told him that I would fetch you, and that we would remain at the house all night, and he was very pleased. The doctors have administered a sleeping draught, but they are of opinion that he will wake some time before he passes away. Will you sit up with me? it will no doubt give him pleasure in his dying hour. If he dies to−night, as the doctors seem to think, neither Fred nor Lucy can be here in time."

"I will go with you, certainly."

"But are you quite able to sit up to−night? Are you sufficiently recovered from your shaking?

Yes, I am all right; besides, I could not sleep in my bed when I knew that our old friend was dying."

An hour later my brother and I sat together by the bedside of the dying man. He seemed to sleep as peacefully as a child, and his breathing was so regular that a stranger coming into the room might never have noticed anything wrong. When the collision happened the unfortunate man had been thrown under the feet of the horse that had so suddenly dashed into us. The shaft of our buggy had entered the animal's neck, and the maddened creature plunged furiously, trampling upon Mr. Lindsay all the time. At last the wretched creature attempted to rear; the strain broke the shaft, and next moment the unfortunate brute fell heavily upon Mr. Lindsay. My brother had explained this to me, for I saw nothing after the first concussion till I regained my senses.

With the exception of a bruise on the forehead, Lindsay's face was uninjured, but it was white as snow. The opiate had been administered about six o'clock; and at eleven o'clock he still slept peacefully. Feeling somewhat tired, I laid down upon a sofa on the opposite side of the room, telling my brother to call me in the event of Mr. Lindsay waking, if I should happen to fall asleep, or to call me should he wish to take a rest himself.

Chapter III

I had been asleep about two hours, when my brother roused me, saying that Mr. Lindsay was awake, and wished to speak to me.

"You wish to speak to me, Mr. Lindsay?" I said gently, as I took a chair beside his bed.

"Yes; I have something to tell you, Mr. Gordon," he replied. "it must now be told — I am dying."

"Shall we send for the doctor?" I said, speaking to my brother.

"No! no!" said the dying man, anxiously — "at least, not just now. Wait till you hear what I have to tell. You may send for the doctor when my story is told, but till then I must not be disturbed. I must speak to you and your bother alone."

"Very well, Mr. Lindsay," I answered; "but really, I think we should send for the doctor."

"I heard the doctor say that I shall probably be dead before to−morrow, Mr. Gordon, and I have a story to tell you before I die — a story I cannot tell to any other ears. I shall die easier after telling you. I wish your brother, my old friend, to listen also. I am going to tell you the end of a story — you are acquainted with the beginning. Do you remember a murder that occurred near the Carlton Cricket Ground many years ago?"

I was all attention. "Yes," I replied, "I remember it well. Poor Arthur Graham was my friend."

"I know that," he replied; "that is why I am anxious you should listen to me. The murderer was never discovered."

"A man was tried for the crime, but was acquitted. The murderer escaped justice."

"He will soon appear before the Great Judge to answer for his crime," moaned the dying man.

"How do you know? Surely you are not he?" I asked excitedly, scarcely knowing what I said.

"Alas! I am that wretched man!"

I was thunderstruck. "Who are you? What are you?" I whispered hoarsely. "Tell me your name?"

"You do not recognise me? My name is — I am Robert Graham!"

I was confounded. For a moment neither of us spoke. Then he broke the silence. "I feel my end approaching," he said. "Come near and listen. It was not murder; but you shall judge. Curse me when I am dead if you wish but listen to the last words I shall utter in life."

I bent my head near his pillow, and a few minutes later I was listening to his terrible story.

"My brother and I always got on well together until just about that Cup time you will remember so well. But we had the misfortune to love the same girl; we both fell in love with Lillian Campbell. At first she favoured me — in fact, we were engaged; but bit by bit Arthur supplanted me. I tried to dismiss her from my mind, and I thought I had succeeded; but my passion was only sleeping. The night the crime was committed, Arthur left me to return to town. I knew that he had gone to meet Lillian, and I thought they would probably walk around near the Prince's Park. A sudden desire to meet Arthur, and abuse him for what I considered his treachery, sprung up in my heart. Accordingly, as soon as my sister retired, I quietly let myself out of the house with my latch key. I went down town as far as the Carlton Cricket Ground. It was just ten o'clock when I got out of the cab, and walked in the direction of the cricket ground. I leaned against the fence for a few minutes, and whilst there a man came and begged a shilling from me. I spoke sharply to him at first, for I was in no humour to be annoyed — though I pitied him, he looked so miserable. I gave him a couple of coins, but I did not realise at the time that I had given him two sovereigns. That man, you will remember, was tried for the murder. How I was tortured over it! I found out his friends, and arranged his defence. I provided him with clothes; and I secured his witnesses. I sent a letter, in a disguised hand, to Miss Campbell's father, and so obtained her attendance at court. The thought that any innocent man should be hanged for my crime nearly drove me mad. I do not wonder at the woman Morgan taking me for Arthur. We were both similarly dressed that night, and although he was a little taller, we were not unlike each other in general appearance.

"When the beggar had gone, I stood brooding over my disappointment in love, and I cursed Arthur again and again. About half−past ten I caught sight of a man and woman, arm in arm. They were coming from the direction of Madeline−street. They were on the left−hand side of the road, going towards Sydney−road; and as they drew near I saw it was my brother and Miss Campbell, and I knew Arthur was going to see her home. As they passed

me, walking slowly, Arthur was seized with a rather violent fit of coughing — you may remember he had a rather bad cold at the time. Whist coughing, he pulled his handkerchief from his pocket, and as he did so, I thought I heard something drop. I was only about fifteen paces away, standing in the shade of the fence. When they passed, I looked about on the ground, and found Arthur's betting book. I threw it down petulantly, I was exasperated with him. I then walked rapidly round the cricket ground, and, turning into Sydney−road, I walked swiftly in the direction of Miss Campbell's house — determined to have a quarrel with Arthur as soon as he left her. I got there before the, and I waited a little distance away. They soon put in an appearance, and as soon as Arthur left her he started to walk home along Sydney−road.

"I accosted him somewhat suddenly, remarking 'You had better come home the other way.'

"'Hullo!' he exclaimed, evidently astonished to see me; 'where the deuce did you spring from so suddenly?'

"'Come home round the other way?' I answered, somewhat confused; 'I want to talk to you.'

"'Well talk away,' he answered; 'but what the deuce should I go all that round−about way home?'

"Scarcely knowing what to answer, but being bent on a quarrel, I advised him to return that way, in order to pick up his betting book. He missed it then for the first time, and I told him where it was, and how I came to know it was there.

"'It was a brotherly action to leave it there,' he exclaimed.

"'Yes, and it was a very brotherly action to step between your brother and the woman he was engaged to marry, as you have done,' I retorted, angrily.

"'Oh, bosh!' he replied, 'don't grow sentimental, Bob; I hate it.'

"His light answer made me worse, and as we walked round the cricket ground we several times nearly came to blows. When I had picked the book up, I had walked a few yards with it in my hand before I threw it down as I was passing the entrance to the cricket ground. When we reached the spot, I showed him where the book was lying.

"As he stooped down to pick it up he exclaimed, 'You have got a mean, petty spirit to allow this to lay here when you know how important it is to me.'

"'You have a mean, contemptible spirit,' I answered; 'you have blasted my life. Can you expect favours from me? Have I not seen you to−night in company with one whose affections were centred upon me until you came sneaking along?'

"'I am not sneak enough to watch people and follow them at night,' he answered.

"This retort stung me to the quick, and I struck him full in the face with my open hand. It was a very foolish thing, for I was no match for him, though I was his senior by three years.

"But his blows seemed to arouse the devil within me, and in a moment of blind fury I struck at him with my stick. It was a heavy, silver−mounted one, and I struck him with the heavy end. He fell immediately; and he never moved again. I raved; I tried to rouse him, calling upon his name, I must have been mad in that hour. Seeing that he did not move, I became frantic, and called upon God to help me — I put my hand on his heart. My brother was dead.

"Then the thought of self−preservation aroused me. I picked up the stick and removed everything of value from the body, to make it appear as though the crime had been committed for plunder. Then I fled from the scene, feeling that already I was suffering the torments of the damned. I need tell you no more; you know the rest."

"No, no, there is more to tell. There is something yet to be explained. You are supposed to have committed suicide?"

"And Lucy," whispered my brother, speaking for this first time; "is she your daughter?"

"No, she is not my child. There is nothing vile attached to her name," said the dying man, eagerly. "Listen to me; I will answer each of your questions at the same time.

"About a week after Colton was committed for trial I was walking along Elizabeth−street one afternoon when I heard someone near me shout out, 'Hi, mister!' I turned my head slightly in the direction whence the sound came, and I saw a cab draw up near the footpath driven by the identical cabman who had driven me to Prince's Park. He beckoned to me, and seeing no escape, I advanced toward him

"'Good God, boss!' he exclaimed, 'I thought you was in your grace!'

"'Why did you think that?' I answered. I had made up my mind to deny having ridden in his cab.

"'Because everybody believes you were murdered the night you rode in my cab as far as the Carlton Cricket

Ground. By God!' he added, half to himself, 'there is some mistake about this affair! I must go to the police.'

"A terrible danger stared me in the face. If this man communicated with the police, my life would be in danger.

"'Are you engaged?' I asked. 'No,' he replied. 'Then drive me to St. Kilda,' I said; 'I wish to talk to you.'

"I thought of the family name. I thought of my poor sister Emily. And I made up my mind that this man must be prevented from communicating with the police at all hazards. My guilty conscience made a fearful coward of me. My position seemed desperate. Before I returned from St. Kilda. I had made a confidant of the cabman and had purchased his silence.

"I feel my strength ebbing away. I paid Drummond a large sum of money, and he managed Colton's defence.

"Drummond was prepared to commit any perjury, but only told one deliberate falsehood, when he described the man who rode in his cab as wearing a black moustache and sideboard whiskers.

"In the end, as you know, Colton was acquitted, and I thought the worst part of my trouble was over; but it was really only beginning. When he was liberated Colton naturally inquired how it was that he had been so well looked after, and slowly the truth came out. He got to know Drummond, and the latter foolishly told him things that he should have kept to himself. When he found out that I had paid his legal expenses, the criminal's suspicions were aroused. He threatened to expose Drummond if he did not tell him everything, and his threat put terror into Drummond's heart. In an evil hour Drummond told this man my secret, and from that moment my life became a perfect hell. Colton at once commenced to blackmail me. I was never safe from him; he called upon me at all hours of the day and night. More than once he demanded money from me in the open street, till I was almost afraid to go out of doors for fear my friends should see me talking to him. I moved from Carlton, and went to live at East Melbourne, and for a week or so I had peace, but Colton soon hunted me down. One Saturday night, I had been out for a walk, and returned home about ten o'clock. At the gate Colton was waiting for me with his usual demand for money, and, to make matters worse, the man was intoxicated, and talked about my crime in a loud tone. In great fear, I asked him to come inside, and I gave him money, begging him not to talk about me so unguardedly. He asked me for a suit of my old clothes. I was anxious to get rid of him, and I wrapped up a suit that was hanging behind my bedroom door. I never thought of taking anything from the pockets; I was too agitated and anxious to get rid of him to think of anything else.

"That night I made up my mind to escape from Colton, and fly from the country that had become a perfect hell to me. I gathered my available money, and turned everything of value into ready cash, and a week later I was in Sydney. I took the Victorian papers, and one day, to my surprise, I read about an inquest on my own body. The body of the dead man had been taken from the Yarra; the face was unrecognisable, but the height, build and general appearance of the man tallied with mine. The clothes were similar to those I had been seen wearing, and in one of the deceased's pockets was found a knife, with the initials R. G. engraved upon the handle. I had left Melbourne suddenly, without saying a word, and my friends now believed me dead. I have no doubt in my mind that it was Colton's body that had been taken from the river. Probably he got into the water whilst in an intoxicated state. As I read about the inquest, I made up my mind to change my name for ever, I would never return to Melbourne again.

"That night Robert Graham died, and Robert Graham Lindsay lived in his place. I went to Christchurch, New Zealand but my conscience was still with me, and I had no peace.

"I devoted myself to light literature, and I succeeded fairly well. I invested money, and everything I did prospered. I grew rich, but it was of no use to me; my peace of mind was gone. Whilst in New Zealand a severe accident happened to me, resulting in the loss of my eye. I was having some additions made to my house, and sometimes I would assist the workmen — glad of occupation. I had just reached the roof of the house one morning when the scaffolding gave way, and three workmen and myself were dashed to the ground. One of the men, the plumber, a young man named Garland, was fatally injured. He was a fine young chap, and had only been out from England a year. His wife had been dead six months, and the poor fellow had not a single relative here. Just before he died I promised to adopt and watch over his little daughter, then scarcely three years old, and Lucy grew up as my daughter.

"I soon found that the New Zealand climate was too cold for me. I at length settled down in Perth, and have remained here ever since. My conscience has never slept. I lived very much to myself, and never dreamed for a moment that your brother was any connection of yours till the first night you came here. In spite of the years that

have passed, I knew your face in a moment, and I could see my face seemed familiar to you.

"Your presence here, Mr. Gordon, worried me, but a greater shock was in store for me. You may remember one night in the beginning of the present year. We were playing cards, I think, and a stranger called to see me. The stranger wished to see me on a private matter, and I asked him into the front room. As I closed the door, the visitor, a ragged old man, exclaimed — 'Do you not know me, Mr. Graham?' I was confounded, and stammered out — 'Sir, you have the advantage of me; my name is Lindsay.' But it was of no use. The man recognised me in spite of the years that had passed. The loss of my eye did not hide my identity. It was Drummond, the old cabman, another ghost of the dark past come to haunt me again. My God! He laid another awful charge against me; he told me that it was strange that Colton and I should disappear together. Then he said, 'Robert Graham, you are a devil in human shape, I thought you were dead, but now I can see though your horrible plan. Colton was in your road, so you dressed him in a suit of your own clothes, leaving your knife in the pocket. Then, I supposed, you made him drunk, and pushed him into the Yarra.'

It was a fearful charge. No wonder I fainted when he left. He was to return next day, but he never called again, although I had promised him fifty pounds, and he was poor and broken down.

"Drummond is dead," I interrupted.

"How do you know?" asked the dying man, eagerly.

"He died at the Old Men's Depot last January," I answered; "he sent for me when he was dying."

"Ah! I see; and he told you what I have just told you now. You knew I murdered my brother before I told you."

"No," I replied, "I think Drummond wanted to tell me something about it, but death closed his mouth."

"I am glad everyone in Melbourne believes me to be dead. Poor sister Emily! Gordon, she must never know the truth. They mourned for me once; do not let them mourn again. When I am gone let no tombstone mark the spot where I lie. Let the murderer's grave be neglected and forgotten. My name must not be written or carved on a tombstone. Robert Graham died long ago; you must bury Robert Lindsay — bury him out of sight, forget him and his sin!"

His awful agony and remorse almost deprived me of speech.

"Your crime was not murder in the sight of God," I said. "It was a great sin but you had not murder in your heart. You must have been mad that night." And I was glad to say something to soothe his last hour.

"Thank you," said the dying man, in a choking voice, "I am glad to hear you say that. I hope for forgiveness now as I am about to enter the tomb. Pray for me. Good — good−bye!" He spoke slowly and with difficulty. I grasped his hand. The touch seemed to give him pleasure. A sad smile flitted across his face, his lips moved slight. The next moment all was over. Robert Graham was no more.

My brother and I looked at each other, but neither of us seemed inclined to break the silence. Then my eyes sought the dead face. The smile still hovered about his lips, but his face wore a sad expression that seemed to tell of that outraged conscience that had so deeply stung the poor soul throughout those many sorrowful years.

I will conclude my narrative with a few lines taken from a letter I have just received from my brother in Perth.

"You will be glad to hear that Fred and Lucy have an addition to the family in the shape of a little son. Lucy is recovering from her sad bereavement. The story that was told to us need never be told to them; you and I will carry it in silence to our graves. In a quiet corner of the Perth Cemetery Robert is sleeping peacefully. He was greatly respected here — he was good to the poor. I think he was mad the night he sinned so grievously. I believe his punishment is ended, that he has worked out his own salvation. We have disobeyed his last instruction, inasmuch as we keep his grave green, and a tombstone marks the spot, upon which we have engraved the following inscription:—

"Sacred to the Memory

of

ROBERT GRAHAM LINDSAY.

Died 9th March, 1895.

Aged 67 years.

'Come unto me, all ye that labour and are heavy laden, and I will give you rest.'"