

CHAPTER XL.

THE EXAMINATION.

THE morning sun—for the day was a bright one—shone upon the crowded court, as the Bench waited for the appearance of Mr. Jim Sanders. The windows, large and high, and guiltless of blinds, unless the accumulated dust on them could be called so, faced the south-east, and the warm autumn rays poured in, to the discomfort of any eyes on which they directly fell. They fell especially on the prisoner; on his fair hair, his winning countenance, his delicate face. They fell on the haughty features of Miss Diana Trevlyn, leaning forward to speak to Mr. Peterby, who had been summoned in haste to the court by herself, that he might watch the interests of Rupert. They fell on the sad face of Mrs. Chattaway, bent downwards until partly hidden under its falling curls; and they fell on the red face of Farmer Apperley, who was in a brown study, and gently flicking his top-boot with his riding-whip, as conveniently as the throng permitted him.

One, who had come pressing through the crowd, extended her hand, and touched the farmer on the shoulder. He turned to behold Nora Dickson.

"I say, Mr. Apperley, did your wife ever make those inquiries for me about that work-woman at the upholsterer's, whether she goes out by the day, or not?" asked Nora, as if speaking for the benefit of the court in general.

Mr. Apperley paused before he replied: he was collecting his thoughts upon the subject. "I *did* hear the missis say something about that woman," said he at length. "I can't call to mind what, though. Brown, isn't her name?"

"We must have her, or somebody else," continued Nora, in the same loud tones. "Our drawing-room winter curtains must be turned top for bottom; and as to the moreen bed-furniture——"

"Silence there!" interrupted an authoritative voice. And then there came again the same call which had already been echoed through the court twice before—

"James Sanders!"

"Just step here to the back, and I'll give your wife a message for the woman, if she'll be so good as deliver it," resumed Nora,

who persisted in her high tones, in defiance of the mandate just issued.

The farmer did not see why he need push his way through the throng to the back, or why the message could not have been given to him where he was; but we are all apt to yield to a ruling power, and he made his way after Nora.

She twisted herself through the crowded doorway of the court into a stone hall, which was comparatively empty. The farmer contrived to follow her; but he was short and stout, and he emerged purple with the exertion. Nora cast her cautious eyes around, and then bent towards him with the softest whisper.

"Look here, Mr. Apperley. If they examine *you*, you have no need to tell everything, you know."

Mr. Apperley, none of the keenest at taking a hint, stared at Nora. He could not understand. "What—are you talking about the upholstering woman?" asked he in his perplexity.

"Rubbish!" retorted Nora. "Do you suppose I brought you here to talk about her? You have not a bit of gumption—as everybody knows. Jim Sanders is not to be found; at least, it seems so," continued Nora, with a short cough; "for that's the third time they have called for him. Now, if they examine you—as I suppose they will, by Bowen saying you might be wanted, there's no need, you know, for you to go and repeat what Jim said when you met him last night down by his cottage, about Rupert Trevlyn's being guilty."

"Why! how did you know I met Jim there last night?" cried the farmer, staring at Nora.

"There's no time to explain now: I didn't dream it. You liked Joe Trevlyn: I have heard you say it."

"Ay, I did," replied the farmer, casting his thoughts back.

"Well, then, just bring to your mind how that poor lad, his son, has been wronged and put upon through life; think of the critical position he stands in now; there, right before a hundred eyes—brought to it through that usurper, Chattaway. Don't *you* help on the hue and cry against him, I say. You didn't *see* him fire the rick; you only heard Jim Sanders say that he fired it; and you are not called upon in any sort of justice to repeat that hearsay evidence. *Don't do it*, Mr. Apperley."

"I suppose I am not," assented he, doubtfully, after digesting the words.

"Indeed, you are not. If Jim can't be found, and you don't

“speak, I think it's not much of a case they'll make out against him. After all, Jim *may* have done it himself, you know.”

She turned away, leaving the farmer to follow her. “And if the woman can come, next week will do better for us than any other, please let Mrs. Apperley say,” called she aloud, as she began to push her way back into court.

The farmer, slow at coming to conclusions, stopped where he was, pondering all sides of the question in his mind.

But there's a word to say about Policeman Dumps. Nothing could exceed the consternation experienced by that functionary at the non-appearance of Jim Sanders. On their arrival at Barmester, they had searched for him in vain. Dumps would not believe that he had been purposely deceived, although the stern eyes of his superior, Bowen, were bent on him with a very significant look. “Get the fleetest conveyance you can, and be off to Barbrook and see about it,” were the whispered commands of the latter. “A pretty go, this is! I shall have the Bench blowing of me up in public!”

The Bench, vexed at the fruitless calls for Jim Sanders, looked much inclined to blow some one up. They were better off in regard to the sun than their audience, since they had their backs to it. The chairman, who sat in the middle, was a Mr. Pollard, a kindly, but hasty and opinionated man. He ordered the case to proceed, while the principal witness, Jim Sanders, was being looked for.

Mr. Flood, the lawyer from Barmester, acting for Mr. Chattaway, stated the case shortly and concisely. And the first witness called upon was Mr. Chattaway, who descended from the bench to give his evidence.

He was obliged to confess to his shame. He stood there before the condemning faces around, and acknowledged that the chastisement spoken to was a fact—that he *had* laid his horsewhip on the shoulders of Rupert Trevlyn. He was pressed for the why and wherefore—Chattaway was no favourite with his brother-magistrates, and they did not show him any remarkable favour—and he had further to confess that the provocation was totally inadequate to the punishment.

“State your grounds for charging your nephew, Rupert Trevlyn, with the crime,” said the Bench.

“There is not the slightest doubt that he did it in a fit of passion,” said Mr. Chattaway. “There was no one but him in the rick-yard, so far as I saw, and he had a lighted torch in his

hand. This torch he dropped for a moment, but I suppose he picked it up again.”

“It is said that James Sanders was also in the rick-yard; that the torch was his.”

“I cannot say. I did not see James Sanders. I saw only Rupert Trevlyn, and he had the torch in his hand when I went up. It was not many minutes after I quitted the rick-yard, leaving him in it, that I saw the flames break out.”

Apparently this was all Mr. Chattaway knew of the actual facts. The man Hatch was called, and testified to the fact that Jim Sanders was in the rick-yard. Bridget, the kitchen-maid, in a state of much tremor, confirmed this, and confessed that she was there subsequently with Jim, that he had a torch, and that they saw the flames break out. She related her story pretty circumstantially, winding it up with the statement that Jim had told her it was Mr. Rupert who set it on fire.

“Stop a bit, lass,” interrupted Mr. Peterby. “You have just stated to their worships that Jim Sanders flew off like one dazed with fright the minute he saw the flames burst forth, never stopping to speak a word. *Now* you say he told you it was Mr. Rupert who fired it. How do you reconcile the contradiction?”

“He had told me first, sir,” answered the girl. “He said he saw the master horsewhip Mr. Rupert, and Mr. Rupert in his passion caught up the torch which had fell, and thrust it into the rick, and then leaped over the palings and got away. Jim, he pulled the torch out of the rick, and all the hay that had caught, as he thought; he told me all this when he was showing me the puppy. I suppose a spark must have stopped in to smoulder there, unknown to him.”

“Now don't you think that you and he and the torch and the puppy, between you, managed to get the spark there, instead of its having ‘smouldered,’ eh, girl?” sarcastically asked Mr. Peterby.

Bridget burst into tears. “No, I am sure we did not,” she answered.

“Don't you likewise think that this pretty little bit of news regarding Mr. Rupert may have been a fable of Mr. Jim's invention, to excuse his own carelessness or crime?” went on the lawyer.

“I am certain it was not, sir,” she sobbed. “When Jim told me about Mr. Rupert, he never thought the rick was a-fire.”

They could not get on at all without Jim Sanders. Mr. Peterby's insinuations regarding Jim were pointed; nay, more than his insinuations, for he boldly asserted that the rick was far more likely to have been fired by Jim than Rupert—that is, by a spark from that careless gentleman's torch, while engaged with two objects so exacting as a puppy and Bridget. It appeared that Jim himself could alone clear up the knotty question, and the Court gave vent to its impatience, and wished they were at the heels of Policeman Dumps who had gone after him.

But the heels of Policeman Dumps could not by any manner of means have been flying more quickly over the ground, had the whole court been after him in full cry. In point of fact, they were not his own heels that were at work, but those of a fleet little horse, drawing the light gig in which the policeman sat. So effectually did he whip up this horse, that in considerably less time than half-an-hour, Mr. Dumps was nearing Jim's dwelling. As he passed the police-station at Barbrook, the only solitary policeman left to take care that day of the interests of the district was fulfilling his duty by taking a lounge against the door-post.

"Have you seen anything of that there Jim Sanders?" called out Mr. Dumps, partially checking his horse. "He has never made his appearance yonder, and I'm come after him."

"I hear he's off," answered the man.

"Off! Off where?"

"Cut away," was the explanatory reply. "He haven't been seen since last night."

Allowing himself a whole minute to take in the news, Mr. Dumps whipped on his horse, and gave utterance to a very unparliamentary word. When he burst into Mrs. Sanders's cottage, which was full of steam, and she before a washing-tub, he seized that lady's arm in so emphatic a manner that she, perceiving what was coming, gave a short scream, and plunged her face and head into the soap-suds.

Mr. Dumps ungallantly shook her clear of them. "Now then, you just answer me," cried he; "and if you speak a word of a lie this time maybe you'll get transported, or summat as bad. What made you tell me last night that Jim had come home and was in bed? Where is he?"

She supposed he knew all—all the wickedness of her conduct in screening him; and it had the effect of hardening her. She

was driven, as it were, to bay; and deceit was no longer available either for her or for Jim.

"If you did transport me I couldn't tell where he is. I don't know. I never set eyes on him all the blessed night, and that's the naked truth. Let me go, Mr. Dumps: it's no good choking of me."

Mr. Dumps looked ready to choke, himself. He had been deceived, and turned aside from the execution of his duty—he, Policeman Dumps; and the other police would have the laugh at him, and Bowen would blow up, and the Bench at Barmester was waiting, and Jim was off—and that there wretched woman had done it all! Mr. Dumps ground his teeth in his impotent rage.

"I'll have you punished as sure as my name's what it is, Meg Sanders, if you don't tell me the truth about Jim," he foamed. "Is he in this here house?"

"You be welcome to search the house," she replied, flinging open the staircase door, which led to the loft. "I'm not a-telling nothing but truth now, though I was frightened into doing of summat else last night. You says, says you, 'Your son have just come in all right, I hear, Mrs. Sanders, Farmer Apperley have told me;' and the words put me up to say as he *had* come in. I was frightened to death a'most, sir, and so I was this morning when I said he'd gone on to Barmester."

Mr. Dumps felt inclined to shake her: we are sure to be more angry with others when we have ourselves to blame; how could he have been fool enough to place such blind confidence in Farmer Apperley? One thing forced itself on his conviction; the woman was speaking nothing but truth now.

"You persist in it to my face that you don't know where Jim is?" he cried.

"I swear I don't. There! I swear I have never set eyes on him since last night when he came home after work, and went out to take his black puppy up to Trevlyn Hold. He never come in after that."

"You just dry that soap-suddy head of yourn, and put your bonnet on it, and come straight off, and tell that to the magistrates," commanded Mr. Dumps, in sullen tones.

She did not dare resist. She put on the bonnet, and flung her old shawl across her shoulders, and was marshalled by Mr. Dumps to the gig. To look after Jim was a secondary consideration. To make his own excuse good was the first; and if

Jim had had a matter of twelve-hours' start, he might be at twelve-hours' distance.

Not to be found! Jim Sanders had made his escape, and was not to be found! reiterated the indignant Bench, when Mrs. Sanders and her escort appeared. What did Bowen mean, they asked, by asserting to them that Jim was ready to be called upon?

Bowen shifted the blame from his own shoulders to those of Dumps; and Dumps, with a red face, shifted it on to Mrs. Sanders. She was sternly questioned, and made the same excuse that she had made to Dumps—it was through his saying to her, evidently assuming it, that Jim had returned, and was in bed, which caused her in her fright to agree with it, and reply that he was. She was frightened a'most out of her senses, she added; but she'd take her oath to the truth now—that she had not seen Jim, and that he had never been anigh home since he went out of it with the puppy in the earlier part of the evening, and that she knew no more where Jim was than Mr. Dumps himself did.

That she told the truth appeared to be pretty clear to the magistrates, and to punish her for having so far used deceit to screen her son, might have been neither just nor legal. They turned back on Dumps.

"What induced you to put such a leading question to the woman, assuming that the boy was at home and in bed?" was their severe question.

Dumps turned his hat round in his hand in a very sheep-faced manner, and began rather to excuse himself than to explain. Such a thing hadn't never happened to him afore as to be blinded; and it were Mr. Apperley's fault, for he met that gentleman nigh Meg Sanders's door, and he told him Jim was all right, and was gone in home to bed.

This was the first time Mr. Apperley's name had been mentioned in connection with the affair, and the magistrates ordered him before them. Nora insinuated her way to the front, and stood looking at him as he gave his evidence; whilst Mrs. Chat-taway's face bent lower, to conceal its anxious expression, the while beating of her heart.

"Did you meet James Sanders last night, Mr. Apperley?" inquired the chairman. "As Policeman Dumps asserts?"

"Yes; I did, sir. I was going home, when the danger was over, and the fire had got low, and I came upon Jim Sanders near his cottage, coming from the direction of Layton's Heath.

Knowing he had been looked after, I laid hold of him: but the boy told me, all simple like, where he had been, which was after the different engines—to Barbrook, to Barmester, and to Layton's Heath—and he was then hastening to the Hold to help at the fire. I told him the fire was close upon out, and that he might go in and get to bed."

"And you told Dumps that he had gone in to bed?"

"I did. I never supposed but that Jim went straight in, then and there; and when I met Dumps a few minutes afterwards, I told him he had so gone. I can't make it out—I can't understand it at all. The boy seemed almost too tired to move, and no wonder—and why he did not go in, or where he could have gone instead, is uncommon odd to me. It's to know whether his mother speaks truth in saying he did not go in," added the farmer, gratuitously imparting a little of his mind to the Bench.

"What did he say to you?"

"He said where he had been, and he said he was going up to the Hold," replied the witness, in tones of palpable hesitation, as if he were weighing his words before speaking them.

"You are sure it was Jim Sanders?" asked a very silent magistrate who sat at the end of the bench.

Mr. Apperley opened his eyes at this. "Sure it was Jim Sanders? Yes; I'm sure of that, sir. I know him well enough."

"Well, it appears that only you, so far as can be learnt, saw Jim Sanders at all near the spot after the alarm went out."

"Like enough," answered the farmer. "If the boy went to all these places, one after the other, he couldn't be nigh the Hold. He must have come on at a fine speed, to be back as soon as he was. But there's no mistake about my having seen him, and talked to him; and I am sure I as much thought he went right into his home as I think I am standing here this minute, else I never should have asserted it to Dumps."

The danger appeared to be over. The Bench seemed to have no intention of asking further questions of Mr. Apperley, and Nora breathed freely again. But it often happens that when we deem ourselves most secure, hidden danger is all the nearer. As the witness was turning round to retire, Flood, the lawyer, stepped forward.

"A moment yet, if you please, Mr. Apperley. I must ask you a question or two, with the permission of the Bench. I

believe you had met Jim Sanders before that, last night—soon after the breaking out of the fire?”

“Yes,” replied the farmer; “it was at the bend of the road between the Hold and Barbrook. I had that minute caught sight of the flame, not knowing rightly where it was or what it was, and Jim came running up and said, as well as he could speak for his hurry and agitation, that it was in Mr. Chattaway’s rick-yard.”

“Agitated, was he?” asked the Bench; and a keen observer might have noticed Mr. Flood’s brow contract with a momentary annoyance.

“He was so agitated as to be almost unaware of what he was saying, as it appeared to me,” returned the witness. “He went away at great speed in the direction of Barbrook; on his way—as I learnt afterwards—to fetch the fire-engines.”

“And very laudable of him to do so,” spoke up the lawyer. “But I have a serious question to put to you now, Mr. Apperley; be so good as to attend to me, and speak up. Did not Jim Sanders distinctly tell you that it was Rupert Trevlyn who had fired the rick?”

Mr. Apperley paused in indecision. On the one hand, he was a plain, straightforward, honest man, possessing little tact, no cunning; on the other, he shrank from doing harm to Rupert. Nora’s words had left a strong impression upon him, and the mysterious absence of Jim Sanders was also producing its effect, as it was on three-parts of the people in court. He and they were beginning to ask why Jim should run away unless he had been guilty.

“Have you lost your tongue, Mr. Apperley?” resumed the lawyer. “Did or did not Jim Sanders say that it was Rupert Trevlyn who fired the rick?”

“I cannot say but he did,” replied Mr. Apperley, as an unpleasant remembrance came across him of having proclaimed this fact himself the previous night at Trevlyn Hold to as many as chose to listen, to which incaution (as he began to think it now) Mr. Flood no doubt owed his knowledge. “But Jim appeared so flustered and wild,” he continued, “that my belief is—and I have said this before—that he didn’t rightly know what he was saying.”

“Unless I am misinformed, you had just before met Rupert Trevlyn,” continued Mr. Flood. “He was wild and flustered, was he not?”

“He was. Worse than Jim of the two.”

“Were both coming from the same direction?”

“Yes. As if they had run straight from the Hold.”

“From the rick-yard, eh?”

“It might be that they had; ’twas pretty straight from there, if they leaped a hedge or two.”

“Just so. You were walking soberly along the high-road, on your way to Bluck the farrier’s, when you were startled by the apparition of Rupert Trevlyn flying from the direction of the rick-yard like a wild animal—I only quote your own account of the fact, Mr. Apperley; your own words. Rupert was pale and breathless; in short, as you described him, he must have been under the influence of some great terror, or”—and the lawyer’s words grew ominously slow and distinct—“*of guilt*. Was this so? Tell their worships.”

“It was so,” replied Mr. Apperley.

“You tried to stop him, and you could not; and as you stood looking after him, wondering whether he was mad, and, if not mad, what could have put him into such a state, Jim Sanders came up and told you a piece of news that was sufficient to account for any amount of agitation—namely, that Rupert Trevlyn had just set fire to one of the ricks in the yard at the Hold.”

It was utterly impossible that Mr. Apperley in his truth could deny this, and a faint cry broke from the lips of Mrs. Chattaway. But when Mr. Flood had done with the farmer, it was Mr. Peterby’s turn to question him. He had not much to ask him, but he elicited from him the positive avowal—and the farmer seemed to be willing to make as much of it as did Mr. Peterby—that Jim Sanders was in as great a state of agitation as Rupert Trevlyn, or nearly as great. He, Mr. Apperley, summed up the fact by certain effective words.

“Yes, they were both agitated—both wild; and if those signs were any proof of the crime, the one looked as likely to have committed it as the other.”

The words told with the Bench. Mr. Flood exerted his eloquence to prove that Rupert Trevlyn, and he alone, must have been guilty. Not that he had any personal ill-feeling to Rupert; he only spoke in his lawyerly instinct, which must do all it could for his client’s cause. Mr. Peterby, on the other hand, argued that the detailed circumstances were more conclusive of the guilt of James Sanders. Mr. Apperley had testified that both were nearly equally agitated; and if Rupert was the most so, it was only natural, for a gentleman’s feelings were more

easily stirred than an ignorant day-labourer's. In point of fact, this agitation might have proceeded from terror alone in each of them. Looking at the case dispassionately, what real point was there against Rupert Trevlyn? None. Who dared to assert that he was guilty? No one but the runaway, James Sanders, who most probably proffered the charge to screen himself. Where was James Sanders, Mr. Peterby continued, looking round the court? Nowhere: he had decamped; and this, of itself, ought to be taken by all sensible people as the most conclusive proof of guilt. He asked the Bench, in their justice, not to remand Rupert Trevlyn, as was urged by Mr. Flood, but to discharge him, and issue a warrant for the apprehension of James Sanders.

Ah, what anxious hearts were some of those in court as the magistrates consulted with each other. Mr. Chattaway had had the grace not to return to his seat, and he waited, as did the rest of the audience. Presently the chairman spoke—and it is very possible that the general disfavour in which Mr. Chattaway was held had insensibly influenced their decision.

It appeared to the Bench, he said, that there was not sufficient facts proved against Rupert Trevlyn to justify their keeping him in custody, or in remanding the case. That he may have smarted in passion under the personal chastisement inflicted by Mr. Chattaway was not unlikely, and that gentleman had proved that, when he left the rick-yard, the lighted torch was, so to say, in possession of the prisoner. Mr. Apperley had likewise testified to meeting Rupert Trevlyn soon afterwards in a state of wild agitation. In the opinion of the Bench, these facts were not worth much: the lighted torch, as was proved, was in the possession of James Sanders in the rick-yard after this, as it had been before it; and the prisoner's agitation might have been solely the effect of the beating inflicted on him by Mr. Chattaway. Except the assertion of the boy, James Sanders, as spoken to by Mr. Apperley and the servant-maid, Bridget Sanders, there was nothing to connect the prisoner with the actual crime. It had been argued by Mr. Peterby that James Sanders himself had probably committed it, wilfully or accidentally, and that his absence might be regarded as a pretty conclusive proof of this. Be that as it might, the Bench had come to the decision that there were not sufficient grounds for detaining the prisoner, and therefore he was discharged.

He was discharged! And the shout of approbation that arose in court made the very walls ring.

CHAPTER XLI.

A NIGHT ENCOUNTER.

THE first to press up to Rupert Trevlyn after his restored liberty, was George Ryle. George held a very decided opinion upon the unhappy case; but he strove to bury it five-fathom deep in his heart, and he hated Mr. Chattaway for the inflicted horse-whipping. Holding his arm out to Rupert, he led him towards the exit; but the sea of faces, of friendly voices, of shaking hands, was great, and somehow he and Rupert were separated.

"It is a new lease of life for me, George," whispered a soft, sweet voice in his ear, and he turned to behold the glowing cheeks of Mrs. Chattaway. Glowing with thanksgiving and only unqualified happiness.

Unqualified? Ah, if she could only have looked into the future, as George did in his forethought! Jim Sanders would probably not remain absent for ever. But he suffered his face to become radiant as Mrs. Chattaway's, as he stayed to talk with her.

"Yes, dear Mrs. Chattaway was it not a shout? I will drive Rupert home. I have my gig here. Treve shall walk. I wonder—I have been wondering whether it would not be better for all parties if Rupert came and stayed a week with Treve at the Farm? It might give time for the unpleasantness to blow over between him and Mr. Chattaway."

"How good you are, George! If it only might be! I'll speak to Diana."

She turned to Miss Diana Trevlyn and George saw Rupert talking with Mr. Peterby. At that moment, some one took possession of George.

It was Mr. Wall, the linendraper. He had been in court all the time, his sympathies entirely with the prisoner, in spite of his early friendship with the master of Trevlyn Hold. Ever since that one month passed at Mr. Wall's house, which George at the time thought the blackest month that could have fallen to the lot of mortal, Mr. Wall and George had been great friends.

"This has been a nasty business, George," he said in an undertone. "Where *is* Jim Sanders?"