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NOT PROVEN.

There were few prettier pictures than that of the old rectory garden on this winter morning. The snow, for arms raised to a branch of glowing holly, her golden hair falling from her face over her seal skin jacket, and her violet eyes sparkling, was May Westleigh, the rector's daughter; while within a few feet of her, watching her efforts with much amusement and a vast amount of admiration, stood Thomas Midlway, a handsome young muscular Christian, attired in a tweed suit and felt hat. Suddenly, the latter burst forth—

"It is the rector's daughter. And she has grown so dear, so dear. That I would be the jewel that trembles in her hair."

"Don't be absurd, Tom," interrupted the lady. "You are a gallant gentleman, truly, to see a female in distress and not aid her."

"Have I not offered six times at least, May, and been refused?"

"And will be again, sir. This is the most lovely piece of holly I have seen this season, and I am determined that no other fingers than mine shall touch it, until I give it to dear Jack when he comes this evening. They don't grow holly in India, do they, Tom?"

"No, I think not."

"Then it will be a welcome offering to an English heart. Oh, how glad, and, very glad, I shall be to see the dear old fellow!"

"If you speak so enthusiastically, May, I am sorry, I shall be jealous," remarked the gentleman.

"Jealous—you! and of Jack! Nonsense. Why, Tom, I love him like a brother. We were brought up, you know, as children together."

"So he told me, May, when we met in India, and he gave me the letter of introduction to the rector. Indeed," proceeded Thomas Midlway, still inspecting the gathering of the holly, which perfectly clinging to a parent stem, he spoke so necessarily about you that I fancied—"

"Pray, what, sir?"

"That there existed a deeper affection than a brother's and sister's, May."

"Which shows how you were deceived. Talk of women jumping at hasty conclusions! You are a thousand times worse. There, after all, you must lead me your knife, Tom; the branch will not break, it is so tough."

Thomas Midlway produced it, again offering his services, which, notwithstanding the obstinacy of the holly, were again rejected.

"Cut upon me, downward, May," he cried, suddenly stepping forward; "the knife is sharp."

The warning came too late; the keen blade had flashed through the tough fibers and penetrated Mrs. Westleigh's slender finger.

"It was not a very serious cut, but sufficiently so to cause the blood to leap forth. The cry she uttered was echoed by her companion, whose arm quickly encircled her dainty waist, as she caught her hand in his.

"Oh, dearest!" he exclaimed, in concern, "why did you not permit me?"

"Because," answered May, a little pale, "I said no one should touch this branch but myself, Tom, and no one shall. But see!" and a quaver in her voice, she held the holly toward him; "there is blood upon it! It is a bad omen."

"He glanced at the bough, and then, fallen on it, as bright as the berries themselves, were a few crimson drops. "Bad omen, May!" he laughed, wrapping her wounded finger in his handkerchief; "what childishness! Why, you are absolutely pale! 'Pou my word, your concern for Jack is almost making me jealous.'"

"Don't let it do that, Tom," she said, gravely.

"Why not?" He smiled, amused at her serious tone.

"Because, Tom, you are, I believe, the best tempered man I ever knew; but—"

"But?" he questioned, fondly regarding her.

"Can you sure you love me so truly, that were you jealous of any one, I fancy you would not be accountable for your action?"

"He caught her in his arms and pressed a kiss on her smooth cheek.

"My darling, you are right," he replied, grave in his turn. "If I thought I should lose you, or another was seeking to win you from me, I think I should either kill him or myself."

"Now you are talking pure nonsense, Tom, dear. Let us go in," she laughed, as, taking his arm, they moved over the crisp, frosty lawn to the quaint old rectory, a very Jack-in-the-green of ivy, which encircled its highest gables. But even during the embrace, May had kept the holly branch from coming in contact with Thomas Midlway, and did so still. Was this an omen, too?

"The clear winter's morning had given place to a bleak, wintry night, and the snow dashed sharp and cutting in the faces of the rector and his old pupil, John Westmacott, as they walked along the drear Scottish road from the railway station to the rectory.

"Now, doctor," said Jack, merrily, "let me take the reins while you tell me all the news. Remember the road! Ay, every stone of it, as if I had traveled it but yesterday. How kind it was of you, on such a night, to come yourself to meet me! How jolly I feel to see old Cuthbert again! What song is that May used to sing about there being no place like home? Neither is there. And how is May—less her heart? Older, of course—and prettier, I'd swear."

"Well, all the change you will find in her, Jack, is for the better; and I have one piece of news that will surprise you, perhaps, but I think I'll leave it for May herself to tell or your own eyes to read."

"Why did John Westmacott start and grow nervously anxious for that news, and no other?"

"Nay, doctor," he remarked, "remember how long I've been away. Don't tantalize me. What is it? Does it concern—concern May?"

"Not so much, Jack. She is engaged to be married."

"Married!"

John Westmacott gripped the reins so sharply that the horse reared. It gave

an excuse for his temporary silence; then rather huskily came the interrogation: "To whom, doctor?"

"Your friend, Thomas Midlway."

"My friend!" muttered the ex-pupil between his teeth, "course him!" Then aloud—"How long has she been engaged, doctor?"

"Only since you have been on your voyage home, dear boy, or she would have written to tell you. You will have to wish her joy."

"But this was under his breath—'him. He has robbed me of her.'"

It was so. John Westmacott had come back to marry May, the companion of his childhood, the love of his youth. In those days he had termed her his little wife; laughingly she had accepted the title. In nothing had he been more serious. During his absence, all while fighting for that fortune he had realized, amid care and trouble, one idea had upheld him—the returning to England and marrying May Westleigh. He had never doubted that she knew of and reciprocated his affection. He had come back to find his happiness scattered to the winds.

How he went through the evening which ensued he never knew. How he so calmly kissed the cheek May, in all her innocence, presented to her brother, how quietly he listened to the story of the holly bough, and how he took Thomas Midlway's hand, was a mystery he never knew. All seemed the act of another person, not himself. He and his secret somehow stood apart.

Only when he found himself unexpectedly alone with May, just before leaving, did he become conscious of his position.

"May, why have you thus deceived me? You knew I loved you. Why did you not warn me of this? Why allow me to be so cruelly disappointed? Why, of all men, did you select Thomas Midlway, who knew my secret? He is a crafty coward to have won you from me; but, by Heaven, he shall rue his treachery."

"Jack!" exclaimed the girl, pale and alarmed, "what do you mean?"

"That I love you, May—have loved you, must love you to my dying hour. I had taken her in his arms, pressing a kiss on her forehead, then he had gone, and the girl, full of grief, dropped weeping on a chair. A voice roused her. Looking up she beheld Thomas Midlway by her side. His face was white, his brows contracted, and his lips compressed.

"May," he asked, hoarsely, "I have heard every word. I was yonder," pointing to the conservatory. "What is all this? What does he mean by your deceiving him?"

"Tom, I know no more than you; unless he has taken a childish joke in seriousness. Papa shall put him right."

"No. He has called me coward, and accused me of worse. The task must be mine, and the explanation and apology alike must be made to-night."

"He moved away. She tried to stay him, but for once she was deaf to her voice. The outer door banged, and, striding over the snow, Thomas Midlway followed John Westmacott, who, with a peremptory for which his old tutor could not account, refusing a bed at the rectory, had started for the village.

"The snow had ceased, but a tempest of wind had arisen; the leafless trees streamed like wands before it, and the waves were heard breaking in bursts like thunder upon the shore not a mile distant. The sky was leaden and drear, only the earth was white. A mountain stream, which, when the rains or snow came, cut into the dimension of a rivulet, intersected the road leading from the rectory to the village, and on this night it rushed and eddied in whirling foam between its banks and the sea. Spanning its flood was a rustic bridge, about which grew a few ferns and larches.

"It was here that Thomas Midlway overtook John Westmacott. What a scene between them we need not minutely recount. It was accusation and refutation at first, speedily followed by angry words, blended with threats; then there was a blow, a sharp, short struggle, and one man quitted the spot, while the other lay on the river's bank, his face on the snow, motionless and still, and by his side a spray of the holly branch May Westleigh that morning had gathered.

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Some believed the story. May did not from her heart. Nevertheless, circumstantial evidence was against him. On such a night the body of a man thrown into the river would have been whirled down and lost in the ocean like a whip of straw. Still, as no body could be found, and direct proof of murder was wanting, the Scotch jury brought in: "Not proven," and with the brand of Cain on his forehead, which only the appearance of John Westmacott could remove, the accused was released, condemned mutely, if not openly, by the public voice.

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The beach, crowded with men, presented an animated scene. Beyond it stretched the stormy sea, as black as the sky above, except when the white crests of the waves flashed out, before they broke with a deafening roar upon the shore. Among these waves, gored by the hidden reefs, was the ill-fated ship, rolling as in mortal agony, while, clinging to the shrouds and rigging were tiny specks, known to be men, whose numbers, after each sweeping wave, were mournfully lessened.

With difficulty the lifeboat was launched, manned by brave-hearted volunteers, and, under the direction of the rector, successfully, it made the journey, but the third time, caught by a side wave, and its freight were hurled pell-mell upon the beach.

"The boat is done for," said the rector, regarding it, but praise Heaven, not before all are saved!

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Her words attracted every eye to the ship, and there, holding to the shrouds, was visible the figure of a man. The next instant he had plunged in the boiling sea.

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Suddenly, in their midst, stood a man already divested of his coat.

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