

MURDER WILL OUT.

CONCLUDED.

"WALKED too near the verge in the dark, and fell over," said I. "See his neck is broken."

"Worse than that," answered Green. He had lifted the head into his hands. "His neck was no doubt broken by the fall, but he was dead before he fell. See."

With a thrill of horror I observed what he pointed out, a bullet-hole in the back part of the head near the base of the skull. There was no hemorrhage, but everything appeared to have congealed as it was, at the moment of the death blow.

Warwick's gun lay within a few feet of his body, lying carelessly and naturally across the stones, as it might have fallen with him. I took it up and tried the rammer in the barrel. The gun was loaded, capped, and the hammer down.

"There are not many guns on the island," said Tom in a tone and manner as if the words had slipped from his tongue involuntarily. Evidently the same dreadful supposition was in both our minds, and the last words spoken by Preston the night before came up anew in my memory.

But no: it was not possible that my tried and trusty friend could have played the part of an assassin.

"It's plain enough what we are both thinking upon, Tom," said I. "But if David Preston did this deed, it was done either accidentally or in self defence."

"Yes, self-defence is the word," said Green. "That's the explanation. They must have met, quarreled, and drawn a bead on each other, and Preston got ahead of him, or more likely Warwick missed fire."

I raised the hammer, but the cap was perfect, unbroken. I showed it to my companion, but neither of us ventured to say more, whatever may have been our thoughts.

There was a dark mystery about the affair that we could not clear up, but meanwhile our duty was sufficiently plain before us.

We took the shortest cut inland toward the village, if it may be so called, but found only the cooks at home, the men for the most part being far away at their work. But a party of half a dozen, who were rolling up casks along the banks of the pond, were soon made to notice our frantic signals, and, with fresh reinforcements, we retraced our steps to the west beach, with a couple of poles and a piece of canvas. A stretcher had been hastily improvised, and the body of the unfortunate Warwick was tenderly borne by stout arms to his own shanty, and upon the floor.

Meanwhile the sad news had spread to others down on the Point, an old flag which Comstock had brought on shore with him had been hoisted upon the staff at halfmast, this being understood as an urgent signal of recall, indicating some great emergency. It was not long before eagerly excited men were to be seen coming toward home from various points, and before noon the whole population, forty-four in number, had congregated in and about the house of death, and were ready to inaugurate a kind of rude court of inquiry. Each had studied intently the face of his neighbor, but few words had been exchanged upon the subject. Of course our own men recalled the words spoken by their officer, as he went out the night before with the loaded gun on his shoulder, but none of us wished to believe him guilty of a foul murder. Preston himself was one of the last to arrive, having traveled several miles, but was cool and collected, though rather out of breath from his hurry. When I told him the cause of the excitement, looking him square in the eye, I could detect no sign of guilt.

"I hope you know nothing about this dreadful business," I said suggestively.

"Not I," he answered. "Good God! you can't think there's any man on the beach wicked enough to have murdered him intentionally? It must have been an accident of some kind."

"But you may remember," said I, in a low tone, "that you used a sort of half threat in relation to Warwick, as you were leaving the shanty last night, and that many present overheard it."

He glanced at the faces of his own men who were grouped together. It was evident that they remembered it, and it was now brought more forcibly to his own mind.

Atkins, now the commander of the *Bellona's* party, was on this occasion quite sober. He now called the assembly to order, and proceeded to state the case in general terms, then called me and Tom Green to give our testimony. We told all the circumstances of the finding of the body, confirming each other in every particular.

"You can all see, boys, how Warwick came to his death. His neck is broken, and also one of his legs, but the fall of

course did that after he was dead. The bullet-hole in the back of his head is quite enough to kill any man instantly. Of course the bullet came from a gun. Now, how many guns have we among us on the island?"

It appeared on inquiry that there were only three, so far as known, and also that the gun of the *Hydra's* party was out of order, and was unrigged for repairs. It could not possibly have been used the night before. This narrowed the matter down to two guns, one of which was that carried by Warwick himself.

"Now, here is our gun," continued Atkins, "just as it was found lying on the stones, all loaded and capped. Now, who used the other gun last night,—the only gun on the island?"

"I did," answered Dave Preston, quietly yet boldly. "It never went out of my hand from dusk of the evening until I turned in this morning, one hour before daylight. And I shot twelve elephants with it, but I can only say that I was never, at any time during the night, anywhere near the spot where Warwick was found, and that I know no more than you do about the manner of his death. All this I can swear to upon oath."

"But whether you can prove it or not is another matter," returned Atkins in a cold, dry tone. "Here is the case, boys, in a nutshell," he continued, not looking at Preston. "There were only two guns on the island last night in condition to be used. Here is one of 'em just as it fell with the murdered man to the beach. And the other was in the hands of Preston last night by his own statement. It seems to me the verdict is pretty plain."

A murmur of approbation was heard from the crowd, more especially from the English party, and it was readily seen that the evidence was conclusive.

"Hold on a bit," put in Ben Comstock, whom I had noticed examining the gun, and feeling all over it, but who had not spoken until now. "It looks dark enough, as you say, but I have wintered and summered Dave Preston, and I'll stake my life that what he says and swears to is the truth chock up to the handle. Now this gun fell thirty feet upon a stony ground, and there isn't a mark or a crack upon it. If it fell where you say it did, it would almost certainly be broken in some part, but at the best it must have been marred and bruised in the wood-work."

"So it would," assented several voices. "That's so."

"But don't you see," urged Atkins, "that if Warwick was in the death agony when he fell, he clutched the gun tightly, and it did not leave his hand until the shock of his striking the ground. In that case the gun would not be marred or broken, and how can any of us know whether the gun fell with him, in his grasp, or fell separately?"

"Just so," said several voices again. "You can't find out much on that tack."

And it was evident that Atkins had the best of the argument.

"What you say is possible," said Comstock, after seeming to think deeply for a minute, "and so we won't argue the point any further. But don't be in a hurry to condemn anybody yet. We must have further evidence, and I hope to be able to show who didn't murder the man, although I might not be able to find out who did."

Atkins gave a sort of sneering laugh. "But I don't see yet, Comstock, what you can be driving at. We all know there are but two guns to choose from. Do you mean to say that Warwick was killed with his own gun?"

"I can't quite say it yet, but I think so," returned Ben.

"That he was killed with his own gun, which was afterward carefully loaded again, and laid along side of him."

A sensation was perceptible throughout the crowd, and men looked eagerly and suspiciously in each others' faces. This was a theory which had scarcely been thought of by others, but the drift of Comstock's proceedings began to flash upon their minds. He still kept hold of the *Bellona's* gun, and glancing sharply around him he seemed to tower above them all like a giant created for the occasion.

"Tom Green," he said in a sharp tone of command, "run over to the *Vandal's* shanty, and bring the gun that was used last night. Dave Preston, keep quiet until I tell you to speak. It seems you are in a certain way on trial for your life, and you must let me manage your defence. I know well enough that you are no assassin, and I know, too, that if you had shot the man accidentally or in self-defence, you would just say so like the honest man that you always were. Here comes that gun of yours. Come, bear a hand, Tom Green."

He took the guns, one in each hand, and laid their muzzles together, while every eye in the assembly followed the direction of his, and a pin might have

been heard to drop in any part of the house.

His scrutiny apparently gave an encouraging result, to judge from the expression of his face.

"Now, boys, I must have that bullet."

"What bullet?" queried Atkins. "The bullet that is lodged in Warwick's brain. I must have it."

"Would you have us split the man's head open to get the ball?"

"Yes, I'll split it open myself if necessary, but I must have the bullet. Don't talk of respecting the dead, when there's a living man, and a good one, too, resting under a foul suspicion. What say you, lads? shall I have the bullet?"

"Yes, yes," burst from the throats of all the Americans of the vessels. There was a momentary attempt at resistance by Atkins and a portion of the *Hobart-Town* crew, but they were brushed aside without much ceremony.

It is unnecessary to describe the rude surgery, which, however, quickly answered the purpose. The ball was soon found, and eagerly handed over to Comstock.

He placed it upon the muzzle of the *Vandal's* gun. It would not enter the bore.

"See, boys!" he cried, holding it up. "Are you all satisfied?"

An answering shout indicated the state of feeling that prevailed among those justice-loving seamen. Even the English beach-header was converted to the new faith, and began to look elsewhere for the murderer, feeling certain that Dave Preston had not done the deed. Meanwhile Preston himself, conscious of his own innocence, and feeling his case safe enough in the hands of his trusty friend, had been studying intently the conduct and facial expression of others during all these proceedings, with the view of finding a clew to the identity of the real murderer.

I stood close at his side, and although neither of us spoke to the other, I was quite sure, even from the moment that Comstock sent Tom to bring the other gun, that I knew the man who was the object of my friend's suspicion. A short, dark, evil-looking fellow,—a Portuguese evidently,—one of Warwick's own men, whom I had met now and then when I worked with others on the beach; but that was all I knew of him. I now observed that this man had gradually moved nearer to Comstock, till he stood close behind his right shoulder. He wore a growth of beard, so that little or no expression was apparent on his countenance, but my attention had been mostly given to the movements of Comstock himself. The Portuguese even took care to join in the shout at the discovery that Warwick must have been killed with the gun of the larger calibre, though such a discovery must have been a terrible scare to him. But he did not realize the full imminence of his peril, or feel the glance of the keen eye which had been steadily covering him for some minutes, but the slightest movement of his features or his body had been noted. Preston told us afterward that he could observe a slight, nervous twitching of the fingers, and once the hands moved as if involuntarily toward the gun in Comstock's grasp. From that moment he was more than ever confident that he had found his man.

"Now, lads," said Comstock, "we all are satisfied on one point, but that does not tell us who did commit the crime, although it is plain enough who didn't. I don't know that anything we can do at this moment will clear up the rest of this mystery, but murder will out sooner or later, and time will bring the guilty man to justice. It may be of no great consequence, but as the *Bellona's* gun is still loaded, I am going to draw the charge in the presence of all hands. I should say by the feeling that there is a paper wad over the ball, but we shall soon see."

The worm presently took a good hold, and the wad began to rise slowly from the gun-barrel. The little, heavy-bearded man crept closer up to Ben Comstock, and I could hear the beating of my friend's heart at my side. The little mass of paper was brought to the light of day; but, as it was drawn forth, it dropped from the worm, and fell to the floor. A dark, grimy hand reached eagerly to pick it up, but Dave Preston was quick as a flash, a blow between the eyes of the stooping man knocked him backward before he could straighten himself erect. The paper wad was already within his lips, but a heavy hand clutched his throat, and he was compelled to disgorge. In the excitement the wad was again put into the hands of Comstock, who carefully pulled it open, and flattened out the piece of paper.

Yes, two pieces of paper exactly overlying each other. Two leaves of a book torn out at a single pull. There were but two guns on the island; there was but one *missal*, or prayer book, in the Portuguese language, and this was in the inside pocket of Domingo's monkey-

jacket with two leaves missing, and a ragged edge left on the remnant, exactly matching the fragments of the gun-wad.

His own shipmates, now that the real murderer was known, could understand the motive, and the terrified wretch confessed all. It appeared that soon after the *Bellona* left *Hobart-Town* on her outward voyage, Domingo had been flogged for theft from a shipmate, and that Warwick, the beach-header, had been very active in detecting his dishonesty, and instigating the heavy punishment he had received from the captain. The Portuguese had nursed his wrath and kept it warm until the right opportunity for sweet revenge should arrive, which was not until the night in question. He was out on the beach with his lance, and had strayed out of his usual beat, some distance up the gradual ascent toward the glacier, when he recognized Warwick coming, and the devil, as he expressed it, took full possession of him, for now, if ever, was his chance. It was dark, and there was probably no other person within a mile of them, so he concealed himself, and waited for Warwick to come up. He knew that if he attacked the beach-header with a lance or a sheath-knife, he must work quickly, and make his first blow a sure one, or he might lose his own life, for the fear of a loaded gun was before his eyes. Nevertheless, he could not forego an opportunity such as might never again be thrown in his way, and had about made up his mind to rush up and strike when, as he again said, the devil helped him, and in the most unexpected manner, Warwick, on arriving abreast the spot where his enemy was crouching, stopped to rest, and leaving his gun against a hillock, sauntered away from it a few paces to the verge of the bluff where he stood gazing out upon the ocean. The temptation was not to be resisted; with a single leap Domingo had the gun in his grasp, and took deliberate aim at the head of the figure, standing out motionless against the dark sky. He called out that his victim might know who was near, but before he had half turned his head the shot was fired, as was evident from the position of the wound. But to have sent him into eternity in ignorance of the source whence death came would have been a drawback to the fullness of Domingo's revenge.

After Warwick fell to the beach below, the Portuguese listened a moment on the cliff; but hearing no sound, he descended to the beach, and finding that the work of death had been effectual, he proceeded to cover the tracks of his crime, and to throw suspicion elsewhere, by reloading the gun. He knew that Warwick was in the habit of carrying wadding, preferring it to oakum. He found bullets and caps, but did not find wadding in the same pocket, and did not search the others, for here he said the devil deserted him, and he became flustered. Any paper would do, and he hastily desecrated the sacred *missal*, this fact afterward appearing to strike him with rather more remorse than the thought of the murder itself. He rammed home the wad, and laid the gun carelessly across the stony ground near the body, to appear as if it had fallen with him. It had not occurred to his mind that there were so few guns on the island, or that the guns might happen to be all of different size in the bore. He then retraced his steps down the point, but did not return home until midnight. He had borne himself bravely during the inquest, and had not wined until the discovery of the difference in the calibre of the guns. It then became an object to get possession of that little wad, or else to fire off the gun in the ordinary way, blowing it away into space, but as Ben Comstock had firm possession of it all the time, he was baffled. Being an ignorant devotee, of a religious turn of mind, he had not dared to destroy or make way with the prayer-book, and now thought that his detection was the direct vengeance of the church upon him for his sacrilege in having mutilated it. He believed that if he could have succeeded in swallowing the little wad, it would somehow have acted as a charm for his deliverance.

The miserable wretch was placed in irons for security, but we could not undertake to punish him for his crime, as there was a crooked question of jurisdiction. The murder was not committed on the high seas, nor under any particular flag, but on a sterile island, which no nation claimed as its territory; and there was no one among us sufficiently learned in the law to set us right, but as he belonged to an English ship's crew, and his victim the same, we Americans might well wash our hands of the whole judicial part of the business.

On the return of the *Bellona* in the spring, the criminal was taken on board, and kept in confinement, but I afterward learned that he settled the legal question himself, or rather left it unsettled, by jumping overboard with his irons on, before the vessel reached the home port.

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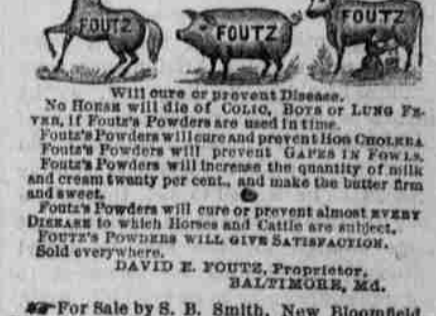
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