The SILVER **HORDE**

By REX BEACH,

[CONTINUED.]

Boyd returned to the cannery with the old mood of self disgust and bitterness heavy upon him. He realized that George's offer to commit murder had got shocked him as much as upon its first mention. He knew that he had thought of shedding human blood with as little compunction as if the intended victim had been some noxious animal. He felt, indeed, that if his love for Mildred made him a criminal she, too, would be soiled by his dishonor, and for her sake he shrank from the idea of violence, yet he lacked the energy at that time to put it from him. Well, he would go to her father, humble himself and beg for protection. If he failed then Marsh must look out for himself. He could not find it in his heart to spare his enemy.

At the plant he found Alton Clyde tremendously excited at the arrival of the vacht and eager to visit his friends. He sent him to the launch and after a hasty breakfast joined him.

On their way out Boyd felt a return of that misgiving which had mastered him on his first meeting with Mildred in Chicago. For the second time he was bringing her failure instead of the promised victory.

Willis Marsh was ahead of him, standing with Mr. Wayland at the rail. Some one else was with them. Boyd's heart leaped wildly as he recognized her. He would have known that slim figure anywhere. And Mildred saw him, too, pointing him out to her companions.

With knees shaking under him he came stumbling up the landing ladder, a tall, gaunt figure of a man in rough clothing and boots stained with the sea salt. He looked older by five years than when the girl had last seen him. His cheeks were hollowed and his lips cracked by the wind, but his eyes were aflame with the old light. His smile was for her alone.

He never remembered the spoken greetings nor the looks the others gave him, for her soft, cool hands lay in his hard, feverish palms, and she was smiling up at him.

Alton Clyde was at his heels, and he felt Mildred disengage her hand. He tore his eyes away from her face long enough to nod at Marsh, who gave him a menacing look, then turned to Wayne Wayland. The old man was saying something, and Boyd answered him unintelligibly, after which he took Mildred's hands once more with such an air of unconscious proprietorship that Willis Marsh grew pale to the line and turned his back. Other people whom Boyd had not noticed until now came down the deck-men and women with fieldglasses and cameras' swung over their shoulders. He found that he was being introduced to them by Mildred, whose voice betrayed no tremor and whose manners were as collected as if this were her own drawing room and the man at her side a casual acquaintance. The strangers mingled with the little group, leveled their glasses and made senseless remarks after the manner of tourists the world over. Boyd gathered somehow that they were officers of the trust or heavy stockholders and their wives. He led Mildred to a deck chair and seated himself beside her.

"At last!" he breathed. "You are here, Mildred. You really came, after all?"

"Yes, Boyd."

"And are you glad?" "Indeed I am. The trip has been

"It doesn't seem possible. I can't believe that this is really you-that I am not dreaming, as usual." "And you? How have you been?"

"I've been well-I guess I have. I haven't had time to think of myself. Oh, my lady!" His voice broke with tenderness, and he laid his hand gently

She withdrew it quickly. "Not here! Remember where we

are. You are not looking well, Boyd. I don't know that I ever saw you look so bad. Perhaps it is your clothes." "I am tired," he confessed, feeling anew the weariness of the past twen-

ty-four hours. He covertly stroked a fold of her dress, murmuring: "You are here, after all. And you love me, Mildred? You haven't changed, have you?"

"Not at all. Have you?"

His deep breath and the light that flamed into his face was her answer. "I want to be alone with you," he cried huskily. "My arms ache for you. Come away from here; this is torture. I'm like a man dying of thirst."

No woman could have beheld his burning eagerness without an answering thrill, and, although Mildred sat motionless, her lids drooped slightly and a faint color tinged her cheeks. Her idle hands clasped themselves rigidly.

"You are always the same," she smiled. "You sweep me away from myself and from everything. I have never seen any one like you. There are people everywhere. Father is somewhere close by."

"I don't care"-"I do."

"My launch is alongside. Let me take you ashore and show you what I have done. I want you to see."

"I can't. I promised to go ashore with the Berrys and Mr. Marsh."

"Marsh!" "Now don't get tragic! We are all going to look over his plant and have Oh, dear!" she cried plaintively. "I have seen and heard nothing but canneries ever since we left Vancouver. The men talk nothing but fish and packs and markets and dividends. It's all deadly stupid, and I'm wretchedly tired of it. Father is the worst of the lot, of course."

Emerson's eyes shifted to his own cannery. "You haven't seen mineours," said be.

"Oh, yes, I have. Mr. Marsh pointed it out to father and me. It looks just stant's pause before she ran on. "Do ing: you know, there is only one interesting feature about them, to my notion, and that is the way the Chinamen smoke. Those funny crooked pipes and those little wads of tobacco are too ridicu-The lightness of her words damped his ardor and brought back the sense of failure.

"I was down with the fishing fleet at the mouth of the bay this morning when you came in. I thought I might

"At that hour? Heavens! I was sound asleep. It was hard enough to get up when we were called. Father might have instructed the captain not to steam so fast."

Boyd stared at her in hurt surprise, but she was smiling at Alton Clyde in the distance and did not observe his

"Don't you care even to hear what I have done?" he inquired. "Of course," said Mildred, bringing

her eyes back to him. Hesitatingly he told her of his disappointments, the obstacles he had met and overcome, avoiding Marsh's name and refraining from placing the blame where it belonged. When he had concluded she shook her head.

"It is too bad. But Mr. Marsh told us all about it before you came. Boyd, I never thought well of this enterprise. Of course I didn't say anything against it, you were so enthusiastic. but you really ought to try something big. I am sure you have the ability. Why, the successful men I know at home have no more intelligence than you, and they haven't half your force. As for this-well, I think you can accomplish more important things than catching fish."

"Important!" he cried. "Why, the salmon industry is one of the most important on the coast. It employs 10,000 men in Alaska alone, and they produce \$10,000,000 every year."

"Oh, let's not go into statistics." said Mildred lightly; "they make my head ache. What I mean is that a fisherman is nothing like—an attorney or a broker or an architect, for instance; he is more like a miner. Pardon me. Boyd, but look at your clothes." She began to laugh. "Why, you look like a common laborer!"

"I might have slicked up a bit," he acknowledged lamely, "but when you came I forgot everything else." "I was dreadfully embarrassed when

I introduced you to the Berrys and the rest. I daresay they thought you were Never before had Boyd known the

least constraint in Mildred's presence, but now he felt the rebuke behind her careless manner, and it wounded him



WHY, YOU LOOK LIKE A COMMON LA-

deeply. He did not speak, and after a moment she went on with an abrupt change of subject:

"So that funny little house over there against the hill is where the mysterious woman lives?"

"Who?" "Cherry Malotte"

"Yes. How did you learn that?" "Mr. Marsh pointed it out. He said she came up on the same ship with

"That is true." not you write me that she was with and there will be bloodshed unless

you in Seattle?" "I don't know; I didn't think of it."

She regarded him coolly. "Has anybody discovered who or what she is?" "Why are you so curious about her?"

Mildred shrugged her shoulders. "Your discussion with Willis Marsh that night at our house interested me very much. I thought I would ask Mr. Marsh to bring her around when we went ashore. It would be rather amusing. She wouldn't come out to the yacht and return my call, would she?" Boyd smiled at her frank con-

"You don't know the kind of girl she is," he said. "She isn't at all what you think. I don't believe you would

cern at this possibility.

be able to meet her in the way you suggest." "Indeed!" Mildred arched her brows.

"Why?" "She wouldn't fancy being brought eround, particularly by Marsh."

From her look of surprise he knew that he had touched on dangerous ground, and he made haste to lead the conversation back to its former channel. He wished to impress Millunch there. They are expecting me. dred with the fact that if he had not quite succeeded he had by no means failed, but she listened indifferently, with the air of humoring an insistent

> child. "I wish you would give it up and try something else," she said at last. "This is no place for you. Why, you are losing all your old wit and buoyancy; you are actually growing serious, and

serious people are not at all amusing." Just then Alton Clyde and a group of people, among whom was Willis Marsh, emerged from the cabin, talklike all the others." There was an in- ing and laughing. Mildred arose, say-

> "Here come the Berrys, ready to go ashore.'

"When may I see you again?" inquired quickly. "You may come out this evening."

His eyes blazed as he answered, "I shall come! As the others came up she said: "Mr. Emerson can't accompany us

He wishes to see father."

"I just left him in the cabin," said Marsh. He helped the ladies to the ladder, and a moment later Emerson waved the party adieu, then turned to the saloon in search of Wayne Wayland.

CHAPTER XVIII.

N Mr. Wayland's stiff greeting there was no hint that the two men had ever been friendly. but Emerson was prepared for coolness and seated himself without waiting for an invitation, glad of the chance to rest his tired limbs.

"I have a great deal to say to you, sir," Emerson began, "and I would like you to hear me through." "Go ahead."

"I am going to tell you some things about Mr. Marsh that I dare say you will disbelieve, but I can verify my statements. I think you are a just man, and I don't believe you know or would approve the methods he has used against me." "If this is to be an arraignment of

Mr. Marsh I suggest that you wait until he can be present. He has gone ashore with the women folks." "I prefer to talk to you first. We can

call him in later if you wish." "Before we begin may I inquire what you expect of me?" "I expect relief."

"I don't want assistance; I want re-"Whatever the distinction in the words. I understand that you are ask-

"You remember our agreement?"

ing a favor?" "I don't consider it so."

"Very well. Proceed." "When you sent me out three years ago to make a fortune for Mildred it was understood that there should be fair play on both sides"-

"Have you played fair?" quickly in terposed the old man.

"I have. When I came to Chicago had no idea that you were interested in the Pacific coast fisheries. I had raised the money before I discovered that you even knew Willis Marsh Then it was too late to retreat. When I reached Seattle all sorts of unexpected obstacles came up. I lost the ship I had chartered; machinery houses refused deliveries; shipments went astray; my bank finally refused its loan, and every other bank in the northwest followed suit. I was harassed in every possible way. And it wasn't chance that caused it: it was Willis Marsh. He set spies upon me; he incited a dock strike that resulted in a riot and the death of at least one man; moreover, he tried to have me

killed." "How do you know he did that?" "I have no legal proof, but I know

Mr. Wayland smiled. "That is not a very definite charge. You surely don't hold him responsible for the

death of that striker?" "I do, and for the action of the police in trying to fix the crime upon me. You know, perhaps, how I got away from Seattle. When Marsh arrived at Kalvik he first tried to sink my boilers: failing in that, he ruined my iron Chinks; then he 'corked' my fish trap, not because he needed more fish, but purely to spoil my catch. The day the run started he bribed my fishermen to break their contracts, leaving me short handed. He didn't need more men, but did that simply to cripple me. I got Indians to replace the white men, but he won them away by a miserable trick and by threats that I have no doubt he would make good if the poor devils dared to stand out.

"His men won't allow my fellows to work. We have had our nets cut and our fish thrown out. Last night we had a bad time on the banks, and a number of people were hurt. The situ-"Why didn't you tell me? Why did ation is growing worse every hour, this persecution stops. All I want is a fair chance. There are fish enough for us all in the Kalvik, but that man has used the power of your organization to ruin me not for business reasons, but for personal spite. I have played the game squarely, Mr. Wayland, but unless this ceases I'm through."

"You are through?"

"Yes. The run is nearly a week old, and I haven't begun to pack my salmon. I have less than half a boat crew. and of those half are laid up."

The president of the trust stirred for the first time since Boyd had begun his recital. The grim lines about his mouth set themselves deeper, and, staring with cold gray eyes at the speaker, he said:

"Well, sir, what you have told me confirms my judgment that Willis Marsh is the right man in the right place."

TO BE CONTINUED!

A STORY OF JERSEY JUSTICE

and girls on their way to high school was run down by a Delaware Lackawanna and Western railroad train at Clifton avenue, Newark, N. J. Eight young women and one young man were instantly killed or fatally injured, and nearly twenty others were crippled or otherwise seriously hurt. The crossing at which the accident occurred had been frequently pointed out by the newspapers and the public officials of the city as an especially dangerous one. East-bound trains and north-bound cars both approached the crossing on heavy down grades, and the railroad tracks were hid from view by surrounding buildings until one was nearly upon them. It was a north-bound car that was struck by an east-bound train. On the morning of the accident ice and sleet made the tracks shopery, and neither the trolley motorman nor the engineer of the train could do anything to prevent the accident both saw was There had for years been agitation

in New Jersey for the abolition of grade crossings, but railroad influence in the legislature frustrated attempts to secure legislation to compel the roads to abolish the dangerous crossings at their own cost, and the courts had refused to make orders for the abolishment of such crossings, although they had the power to do so. At the time of the killing, the city officials of Newark were negotiating with the railroads to elevate and depress their tracks throughout the city. Since the accident practically all the crossings in the city have been eliminated, the city paying more than half a million dollars of the cost of this work.

Prominent Men Acquitted. The trolley road on which the killing occurred was operated by the Public Service corporation of New Jersey, and owned by the North Jersey Street Railway company, a subsidiary corporation. An Essex county grand jury, sitting at the time, indicted the members of the executive committee of the board of directors of the North Jersey company, for manslaughter. They were all dicted and tried on a single indictment, and were all acquitted, the trial judge not even allowing the case to go to the jury. Among the men so tried and acquitted were the late A. J. Cassatt, then president of the Pennsylvania Railroad company; John D. Crimmins, the New York trolley magnate and promoter; Leslie D. Ward, first vice president of the Prudential Insurance company, and

David Young, general manager of the Public Service corporation. The Public Service corporation was organized, and is largely controlled by the Prudential Insurance company interests. John F. Dryden. president of the Prudential, was then Republican United States senator from New Jersey. Thomas N. Mc-Carter, president of the Public Service, was a former state senator and attorney general of the state. His brother succeeded him as attorney

Chandler W. Riker, the public prosecutor who conducted the manslaughter trial for the state, was, with his brother, the present clerk of the supreme court of the state, largely interested in trolley companies which had been taken to the Pub-

lic Service merger. William S. Gummere, chief justice of the supreme court of the state, beore whom the manslangl was tried, was an attorney for the Pennsylvania railroad before his elevation to the judiciary. Gummere has been reappointed as chief justice since the trial in question. His name also appears as a director of the Federal Trust company of Newark, of which James Smith, Jr., is president. Smith was once a Democratic United States senator from New Jersey, is recognized as the boss of the Democratic party in the state, and is closely identified with the financial management of the Public Service corporation.

An Amazing Statement. Alden Freeman, who made the re-markable statement which follows, is a resident of East Orange, N. J., who has been very prominent as an independent worker in reform movements in the state within recent years. Freeman's statement, here reprinted, was made in August, 1907, at which time Chandler W. Riker wa being talked of as a probable Republican nominee for governor. A few days later Riker announced he was not a candidate. Although Freeman's statement aroused great indignation among the people of New Jersey, the public officials, politicians, lawyers and newspapers almost unanimously ignored the serious charges it contained, and contented themselves with vehement denunciations of Freeman for having told jury room se crets. Freeman demanded that the minutes of the grand jury made public, to prove his charges, but his demand was refused by the public prosecutor who had succeeded Riker

Freeman's statemnet, taken in connection with the facts here stated, is republished because of the unusual light it throws on the methods by which the influence of the railroads and utility corporations reaches and affects juries and courts in a state where for fifty years or more representative government has been only a name, and where the constant effort in legislation has been to so shape the machinery of elections and government as to make this influence more effective and absolute.

Of this statement the New York Press (a Republican newspaper) said editorially:

"A clear and startling notion of the manner in which justice for the wealthy is administered in the state of New Jersey can be gained from the disclosures made by Alden Freeman. * * * We should say from our observation that Mr. Freeman has given a typical case of how government works in a state which is ruled, not by the people, but by a group of men who have gained control of the public service corporations, big banks and insurance companies."

The prominent newspapers in New Jersey gave no attention to the grave significance and real meaning of Freeman's statement, but generally devoted themselves to criticizing his

On the morning of February 19, secrets. None of the essential facts 1903, a trolley car crowded with boys in Mr. Freeman's statement has ever been denied.

The Story of a Juryman. By Alden Freeman.

I was a member of the December jury of 1902 for Essex county, N. J. On that terrible February 19, 1903, which Newarkers will never forget, I was still on duty in the grand jury. Aside from the horror of it, which grew as we examined the crippled victims on crutches in the jury room or in their cots at the hospital, my most vivid recollection was the strenuous effort on the part of both Chandler Riker and Chief Justice Gummere to prevent the bringing in of an indictment. The jurymen were most unanimous in favor of separate individual indictments for manslaughter against various officers of the North Jersey Street Railway company and each member of the executive committee of the corporation, and directed the public prosecutor to prepare such indictments.

For a week we kept asking for the indictments ordered from the prosecutor. Different members of the jury in the meantime told me that they were being approached from the outside. One man told me he was offered fifty \$1,000 bills by the son of one of the officers of the company to use his influence to quash the indictment. The same man told me of loans called by financial institutions of Newark and contracts held

After this week of suspense, Mr. Riker finally brought in an indictment of all the men in a bunch instead of the separate, individual indictments offered. I protested with all the power I possessed, and was ably supported by some of the finest men I have ever met, but the week's delay of the prosecutor had done the work, although the trick of the blanket indictment was fully exposed.

Mr. Riker was greatly excited. I recall that his hands shook as though with palsy, although his face remained immobile. He made his final effort when he said the chief justice wished us to go before him and let him advise us. I resented the invasion of the rights of the grand jury, I said that if Mr. Gummere had anything to say to the grand jury, let him come before us like any other citizen, that the functions of the grand jury and those of the chief justice are distinct and separate, and that he had no right to thus encroach upon the rights of the grand jury, which was a co-ordinate part of our judicial system and the only weapon left in the hands of an outraged people with

which odious tyranny can be assailed. Chandler Riker's pleadings finally prevailed against me in the grand jury, just as two years later the pleadings of his brother William Riker (clerk of the supreme court of New Jersey) in behalf of the vested in terests which control the state of New Jersey prevailed against me in suppressing the "Trial of the Serpent" circulars in the Colby headquarters, and a committee was appointed to wait upon the chief justice. It was insisted that I should go along. The chief justice received us, and

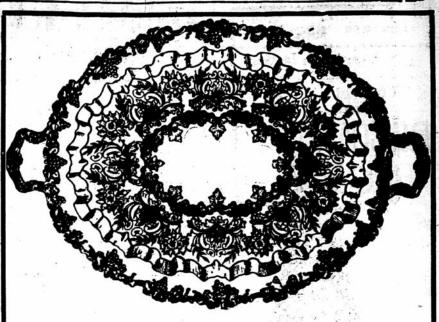
ummere even more agitated than the public prosecutor. He also had the violent shaking of the hands. This I particularly noted in both men. The chief justice made a long argument against indicting. He said we must have reasonable ground to show criminal negligence. We brought up the warning of Mayor Doremus in his message and various warnings of a similar nature by citizens, and particularly the words of the president of the Lackawanna, railroad, Samuel Sloan, who told the trolley people before they laid their rails across the railroad tracks that there would inevitably be an awful slaughter there some day and that as a mere matter of business it would be much cheaper to carry the trolley tracks over the railroad on a bridge than to pay the damages in civil suits which would follow the death of the victims of parsimony.

I cited the testimony of officers of the trolley company that there were twenty-one other trolley grade crossings equally dangerous in Essex county, and finally asked the chief justiceif, knowing of the collision of February 19-I cannot call it an accident-and the butchery of the high school children, would he (the chief justice) then consider that these trolley officials had knowledge of the danger sufficient to call it criminal negligence if, while we were disputing, nine other school children were being done to death at any one of the other twenty-one unprotected, unguarded grade crossings over the railroad tracks? Mr. Gummere made no reply, and

we filed out without a word. When we returned to the grand jury the indictments went through as prepared by Mr. Riker, but with a solemn pledge upon the part of the grand jurors that if a miscarriage of justice resulted from the failure of Mr. Riker to carry out the instructions of the grand jury then the jurymen should unite in a statement. This miscarriage of justice certainly ensued, but the members of the December grand jury of 1902 have never kept their solemn pledge.

I followed the trial with the closest attention and the public prosecutor utterly neglected to bring out the essential point in the testimony. The engineer of the trolley company, Arthur A. Reimer, under oath, told us of the grand jury that Clifton avenue where the disaster occurred, was long considered a place of danger, and that he was directed to prepare plans for a derailing device at Clifton avenue by David Young. He testified that he drew up plans for such a device. It was found that his mechanism cost more than \$1,000, and he testified that Mr. Young told him they would not put it in, as the com-

pany could not afford the expense. This was the essential point in determining the criminal negligence of the officials of the company, and Mr. had manners in betraying jury room Riker never brought out a word of



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the most important testimony in the

whole case. At the close of the trial, when Judge Gummere and his associates refused to permit the case to go to the jury. myself heard Roosevelt Shanley, one of those on trial for manslaughter, in shaking hands with Chandler W. Riker, say most heartily: "Thank you, Chan."-La Follet-

(It is now said by the daily press name of Judge W. S. Gummere for appointment to the bench of the Supremen court of the United States.

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