

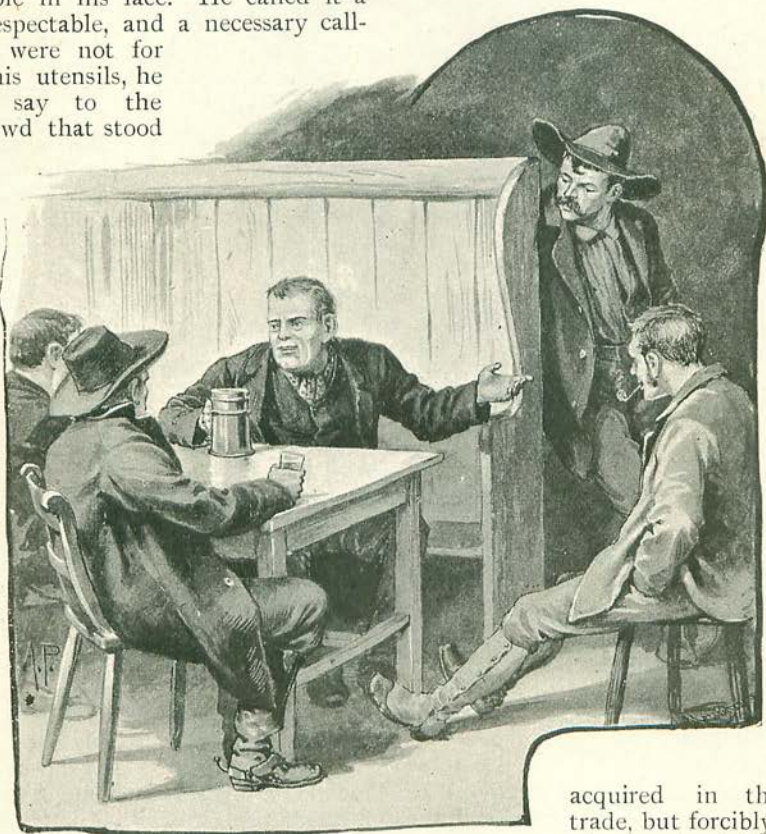
## Jerry Stokes.

BY GRANT ALLEN.

**J**ERRY STOKES was a member of Her Majesty's civil service. To put it more plainly, he was the provincial hangman. Not a man in all Canada, he used to boast with pardonable professional pride, had turned off as many famous murderers as he had. He was a pillar of the constitution, was Jerry Stokes. He represented the Executive. And he wasn't ashamed of his office, either. Quite on the contrary, zeal for his vocation shone visible in his face. He called it a useful, a respectable, and a necessary calling. If it were not for him and his utensils, he loved to say to the gaping crowd that stood

through the land; and he, Jerry Stokes, was there to prevent it. He was the chosen instrument for its salutary repression. Executions performed with punctuality and despatch; for terms, apply to Jeremiah Stokes, Port Hope, Ontario.

Not that philanthropy was the most salient characteristic in Jerry's outer man. He was a short and thick-set person, very burly and dogged-looking; he had a massive, square head, and a powerful lower jaw, and a coarse, bull neck, and a pair of stout arms,



"HE WAS A PUBLIC BENEFACTOR."

him treat in the saloons, no man's life would be safe for a day in the province. He was a practical philanthropist in his way, a public benefactor. It is not good that foul crime should stalk unpunished

acquired in the lumber trade, but forcibly suggestive of a prize-fighter's occupation. Except on the subject of the Executive, he was a taciturn soul; he had nothing to say, and he said it briefly. Silence, stolidity, and a marked capacity for the absorption of liquids without detriment to his centre of gravity, physical or mental, were the lead-



ing traits in Mr. Stokes' character. Those who knew him well, however, affirmed that Jerry was "a straight man"; and though the security was perhaps a trifle doubtful, "a straight man" nevertheless he was generally considered by all who had the misfortune to require his services.

It was a principle with Jerry never to attend a trial for murder. This showed his natural delicacy of feeling. Etiquette, I believe, forbids an undertaker to make kind inquiries at the door of a dying person. It is feared the object of his visits might be misunderstood; he might be considered to act from interested motives. A similar and equally creditable scruple restrained Jerry Stokes from putting in an appearance at a court of justice when a capital charge was under investigation. People might think, he said, he was on the lookout for a job. Nay, more; his presence might even interfere with the administration of justice; for if the jury had happened to spot him in the body of the hall, it would naturally prejudice them in the prisoner's favour. To prevent such a misfortune—which would of course, incidentally, be bad for trade—Mr. Stokes denied himself the congenial pleasure of following out in detail the cases on which he might in the end be called upon to operate—except through the medium of the public press. He was a kind-hearted man, his friends averred; and he knew that his presence in court might be distasteful to the prisoner and the prisoner's relations. Though, to say the truth, in thus absenting himself, Mr. Stokes was exercising considerable self-denial; for to a hangman, even more than to all the rest

of the world, a good first-class murder case is replete with plot-interest.

Every man, however, is guilty at some time or other in his life of a breach of principle; and once, though once only, in his professional experience, Jerry Stokes, like the rest of us, gave way to temptation. To err is human; Jerry erred by attending a capital trial in Kingston court-house. The case was one that aroused immense attention at the time in the Dominion. A young lawyer at Napanee, it was said, had poisoned his wife to inherit her money, and public

feeling ran fierce and strong against him. From the very first, this dead set of public opinion brought out Jerry Stokes' sympathy in the prisoner's favour. The crowd had tried to mob Ogilvy—that was the man's name—on his way from his house to jail, and again on his journey from Napanee to Kingston assizes. Men shook their fists angrily in the face of the accused; women surged around with deep cries, and strove to tear him to pieces. The police with difficulty prevented the swaying mass from lynching him on the spot. Jerry Stokes, who was present, looked on at these irregular proceedings with a disapproving eye. Most unconstitu-

tional, to dismember a culprit by main force, without form of trial, instead of handing him over in due course of law to be properly turned off by the appointed officer!

So when the trial came on, Jerry Stokes, in defiance of established etiquette, took his stand in court, and watched the progress of the case with profound interest.

The public recognised him, and nudged one another, well pleased. Farmers had



THE PRISONER.



driven in with their waggons from the townships. All Ontario was agog. People stared at Jerry, and then at the prisoner. "Stokes is looking out for him!" they chuckled in their satisfaction. "He's got no chance. He'll never get off. The hangman's in waiting!"

The suspected man took his place in the dock. Jerry Stokes glanced across at him—rubbed his eyes—thought it curious. "Well, I never saw a murderer like him in my born days afore," Jerry philosophised to himself. "I've turned off square dozens of 'em in my time, in the province; and I know their looks. But hanged if I've come across a murderer yet like this one, any way!"

"Richard Ogilvy, stand up: are you guilty or not guilty?" asked the clerk of assigns.

And the prisoner, leaning forward, in a very low voice, but clear and distinct, answered out, "Not Guilty!"

He was a tall and delicate pale-faced man, with thoughtful grey eyes and a high white forehead. But to Jerry Stokes' experienced gaze all that counted for nothing. He knew his patients well enough to know there are murderers and murderers—the refined and educated as well as the coarse and brutal. Why, he'd turned off square dozens of them, and both sorts, too, equally. No; it wasn't that—and he couldn't say what it was—but as Richard Ogilvy answered "Not Guilty" that morning a thrill ran cold down the hangman's back. He was sure it was true: he felt intuitively certain of it.

From that moment forth, Jerry followed the evidence with the closest interest. He leaned forward in his place, and drank it all in anxiously. People who sat near him remarked that his conduct was disgusting. He was thirsting for a conviction. It was ghastly to see the hangman so intent upon his prey. He seemed to hang on the lips of the witnesses for the prosecution.

But Jerry himself sat on, all unconscious of their criticism. For the very first time in his life, he forgot his trade. He remembered only that a human soul was at stake that day, and that in one glimpse of intuition he had seen its innocence.

Counsel for the Crown piled up a cumulative case, very strong and conclusive against the man Ogilvy. They showed that the prisoner had lived on bad terms with his wife—though through whose fault they had lived so, whether his or hers,

wasn't very apparent. They showed that scenes had lately occurred between them. They showed that Ogilvy had bought poison at a chemist's in Kingston on the usual plea, "to get rid of the rats." They showed that Mrs. Ogilvy had died of such poison. Their principal witness was the Napanee doctor, a man named Wade, who attended the deceased in her fatal illness. This doctor was intelligent, and frank, and straightforward; he gave his evidence in the most admirable style—evidence that told dead against the prisoner in every way. At the close of the case for the Crown, the game was up: everybody in court said all was finished: impossible for Ogilvy to rebut such a mass of damning evidence.

Everybody in court—except Jerry Stokes. And Jerry Stokes went home—for it was a two days' trial—much concerned in soul about Richard Ogilvy.

It was something new for Jerry Stokes, this disinterested interest in an accused criminal; and it took hold of him with all the binding and compelling force of a novel emotion. He wrestled and strained with it. All night long he lay awake, and tossed and turned on his bed, and thought of Richard Ogilvy's pale white face, as he stood there, a picture of mute agony, in the court-house. Strange thoughts surged up thick in Jerry Stokes' soul, that had surged up in no other soul among all those actively hostile spectators. The silent suffering in the man's grey eyes had stirred him deeply. A thousand times over, Jerry said to himself, as he tossed and turned, "That man never done it." Now and again he dozed off, and awoke with a start, and each time he woke he found himself muttering in his sleep, with all the profound force of unreasoned conviction, "He never done it! he never done it!"

Next morning, as soon as the court was open, Jerry Stokes was in his place again, craning his bull-neck eagerly. All day long he craned that bull-neck and listened. The public was scandalised now. Jerry Stokes in court! Jerry Stokes scenting blood! He ought to have kept away! This was really atrocious!

Evidence for the defence hung fire sadly. To say the truth, Ogilvy's counsel had no defence at all to offer, except an assurance that he didn't do it. They confined themselves to suggesting a possible alternative here, and a possible alternative there. Mrs. Ogilvy might have taken the rat-poison by mistake; or this person might have given



it her somehow unawares, or that person might have had some unknown grudge against her. Jerry Stokes sat and listened with a sickening heart. The man in the dock was innocent, he felt sure; but the case—why, the case was going dead against him!

Slowly, as he listened, an idea began to break in upon Jerry Stokes' mind. Ideas didn't often come his way. He was a thick-headed man, little given to theories, and he didn't know even now it was a theory he was forming. He only knew this was the way the case impressed him. The prisoner at the bar had never done it.



"JERRY WATCHED HIM CLOSELY."

But there had been scenes in his house—scenes brought about by Mrs. Ogilvy's conduct. Mrs. Ogilvy, he felt confident from the evidence he heard, had been given to drink—perhaps to other things; and the prisoner, for his child's sake (he had one little girl of three years old), was anxious to screen his wife's shame from the public. So he had suggested but little in this direction to his counsel. The scenes, however, were not of his making, and he certainly never meant to poison the woman. Jerry Stokes watched him closely as each witness stood up and told his tale, and he was confident of so much. That twitching of the lips was no murderer's trick. It was the

plain emotion of an honest man who sees the circumstances unaccountably turning against him.

There was another person in court who watched the case almost as closely as Jerry himself, and that person was the doctor who attended Mrs. Ogilvy and made the *post-mortem*. His steely grey eyes were fixed with a frank stare on each witness as he detailed his story; and from time to time he gave a little satisfied gasp, when anything went obviously against the prisoner's chances. Jerry was too much occupied, however, for the most part, in watching the man in the dock to have any time left for watching the doctor. Once only he raised his eyes and caught the other's. It was at a critical moment. A witness for the defence, under severe cross-examination, had just admitted a most damaging fact that told hard against Ogilvy. Then the doctor smiled. It was a sinister smile, a smile of malice, a smile of mute triumph. No one else noticed it. But Jerry Stokes, looking up, observed it with a start. A shade passed over his square face like a sudden cloud. He knew that smile well. It was a typical murderer's.

"Mind you," Jerry said to himself, as he watched the smile die away, "I don't pretend to be as smart a chap as all these crack lawyer fellows, but I'm a straight man in my way, and I know my business. If that doctor ain't got a murderer's face on his front, my name isn't Jeremiah Stokes; that's the long and the short of it."

He looked hard at the prisoner, he looked hard at the doctor. The longer and harder he looked, the more was he sure of it. He was an expert in murderers, and he knew his men. Ogilvy hadn't done it; Ogilvy couldn't do it; the doctor might; the doctor was, at any rate, a potential murderer. Not that Jerry put it to himself quite so fine as that; he contented himself with saying in his own dialect, "The doctor was one of 'em."

Evidence, however, went all against the



prisoner, and the judge, to Jerry's immense surprise, summed up upon nothing except the evidence. Nobody in court, indeed, seemed to think of anything else. Jerry rubbed his eyes once more. He couldn't understand it. Why, they were going to hang the man on nothing at all but the paltry evidence! Professional as he was, it surprised him to find a man could swing on so little! To think that our lives should depend on such a thread! Just the gossip of nurses and the tittle-tattle of a doctor with a smile like a murderer's!

At last the jury retired to consider their verdict. But they were not long gone. The case, said everybody, was as clear as daylight. In the public opinion it was a foregone conclusion. Jerry stood aghast at that. What! hang a man merely because they thought he'd done it! And with a face like his! Why, it was sheer injustice!

The jury returned. The prisoner stood in the dock, now pale and hopeless. Only one man in court seemed to feel the slightest interest in the delivery of the verdict. And that one man was the public hangman. Everybody else knew precisely how the case would go. But Jerry Stokes still refused to believe any jury in Canada could perpetrate such an act of flagrant injustice.

"Gentlemen of the jury, do you find the prisoner, Richard Ogilvy, Guilty or Not Guilty of wilful murder?"

There was a slight rhetorical pause. Then the answer rang out, in quietly solemn tones: "We find him Guilty. That is the verdict of all of us."

Jerry Stokes held his breath. This was appalling, awful! The man was innocent. But by virtue of his office he would have to hang him!



"IT WAS A SINISTER SMILE."

before that he possessed an ample, unexhausted fund of natural enthusiasm, Jerry Stokes would have looked upon him as only fit for Hatwood Asylum. He was a solid, stolid, thick-headed man, was Jerry, who honestly believed in the importance of his

office, and hanged men as respectably as he would have slaughtered oxen. But that incredible verdict, as it seemed to him, begot in him suddenly a fierce outburst of zeal which was all the more violent because of its utter novelty. For the first time in his life he woke up to the enthusiasm of humanity. You'll often find it so in very phlegmatic men; it takes a great deal to stir their stagnant depths; but let them once be aroused, and the storm is terrible, the fire within

them burns bright with a warmth and light which astonishes everybody. For days the look on Richard Ogilvy's face, when he heard that false verdict returned against him, haunted the hangman's brain every hour of the twenty-four. He lay awake on his bed and shuddered to think of it. Come what might, that man must never be hanged. And, please heaven, Jerry added, they should never hang him.

The sentence, Canadian fashion, was for six clear weeks. And at the end of that time, unless anything should turn up meanwhile to prevent it, it would be Jerry's duty to hang the man he believed to be innocent.

For all those years, Jerry had stolidly and soberly hanged whomever he was bid, taking it for granted the law was always in the right, and that the men on whom he operated were invariably malefactors. But now, a great horror possessed his soul. The revulsion was terrible. This one gross miscarriage of justice, as it seemed to him, raised doubts at the same time in his

## II.

If anybody had told Jerry Stokes the week



startled soul as to the rightfulness of all his previous hangings. Had he been in the habit of doing innocent men to death for years? Was the law, then, always so painfully fallible? Could it go wrong in all the dignity of its unsullied ermine? Jerry could hang the guilty without one pang of remorse. But to hang the innocent!—he drew himself up; that was altogether a different matter.

Yet what could he do? A petition? Impossible! Never within his memory could Jerry recollect so perfect a unanimity of public opinion in favour of a sentence. A petition was useless. Not a soul would sign it. Everybody was satisfied. Let Ogilvy swing! The very women would have lynched the man if they could have caught him at the first. And now that he was to be hanged, they were heartily glad of it.

Still, there is nothing to spur a man on in a hopeless cause like the feeling that you stand alone and unaided. Jerry Stokes saw all the world was for hanging Ogilvy—with the strange and solitary exception of the public hangman. And what did the public hangman's opinion count in such a case? As Jerry Stokes well knew, rather less than nothing.

Day after day went away, and the papers were full of "the convict Ogilvy." Would he confess, or would he not? that was now the question. Every second night the Toronto papers had a special edition with a "Rumoured Confession of the Napanee Murderer," and every second morning they had a telegram direct from Kingston jail to contradict it. Not a doubt seemed to remain with anybody as to the convict's guilt. But the papers reiterated daily the same familiar phrase, "Ogilvy persists to the end in maintaining his innocence."

Jerry had read these words a hundred times before, about other prisoners, with a

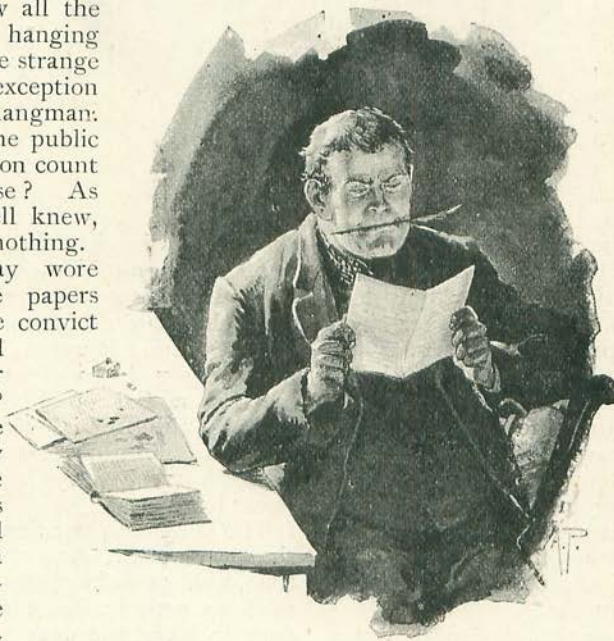
gentle smile of cynical incredulity; he read them now with blank amazement and horror at the callousness of a world which could hang an innocent man without appeal or inquiry.

Time ran on, and the eve of the execution arrived at last. Something must be done: and Jerry did it. That night he sat long in his room by himself, in the unwonted throes of literary composition. He was writing a letter—a letter of unusual length and surprising earnestness. It cost him dear, that epistle; with his dictionary by his side, he stopped many times to think, and bit his penholder to fibre. But he wrote none the less with fiery indignation, and in a fever of moral zeal that positively astonished himself. Then he copied it out clean on a separate sheet, and folded the letter when done, with a prayer in his heart. It was a prayer for mercy on a condemned criminal—by the public hangman.

After that he stuck a stamp on with trembling fingers, and posted it himself at the main office.

All that night long Jerry lay awake and thought about the execution. As a rule, executions troubled his rest very little. But then, he had never before had to hang an innocent man—at least he hoped not—though his faith in the law had received a severe shock, and he trembled to think now what judicial murders he might have helped in his time unconsciously to consummate.

Next morning early, at the appointed hour, Jerry Stokes presented himself at Kingston jail. The sheriff was there, and the chaplain, and the prisoner. Ogilvy looked at him hard with a shrinking look of horror. Jerry had seen that look, too, a hundred times before, and disregarded it utterly: it was only the natural objection



"IT COST HIM DEAR, THAT EPISTLE."



of a condemned criminal to the constitutional officer appointed to operate on him. But this time it cut the man to the very quick. That an innocent fellow-creature should regard him like that was indeed unendurable, especially when he, the public hangman, was the only soul on earth who believed in his innocence!

expectation. "No reprieve hasn't come yet," he answered, in a stolid way; "but I'm expecting one presently. I've done my duty all my life, sheriff, I tell you, and I'll do it now. I ain't a-going to hang this man at all—because I know he's innocent."

The prisoner gasped, and turned round to him in amaze. "Yes, I'm innocent!"



"I AIN'T A-GOING TO HANG THIS MAN."

The chaplain stood forward and read the usual prayers. The condemned man repeated them after him in a faltering voice. As he finished, the sheriff turned with a grave face to Jerry. "Do your duty," he said. And Jerry stared at him stolidly.

"Sheriff," he began at last, after a very long pause, bracing himself up for an effort, "I've done my duty all my life till this, and I'll do it now. There ain't going to be no execution at all here this morning!"

The sheriff gazed at him astonished.

"What do you mean, Stokes?" he asked, taken aback at this sudden turn. "No reprieve has come. The prisoner is to be hanged without fail to-day in accordance with his sentence. It says so in the warrant: 'wherein fail not at your peril!'"

Jerry looked round him with an air of

he said slowly, looking him over from head to foot; "but you—how do you know it?"

"I know it by your face," Jerry answered sturdily; "and I know by the other one's face it was him that did it."

The sheriff looked on in puzzled wonderment. This was a hitch in the proceedings he had never expected. "Your conduct is most irregular, Stokes," he said at last, stroking his chin in his embarrassment; "most irregular and disconcerting. If you had a conscientious scruple against hanging the prisoner, you should have told us before. Then we might have arranged for some other executioner to serve in your place. As it is, the delay is most unseemly and painful: especially for the prisoner. Your action can only cause him unnecessary



suspense. Sooner or later this morning, somebody must hang him."

But Jerry only looked back at him with an approving nod. The sheriff had supplied him, all inarticulate that he was, with suitable speech. "Ah, that's just it, don't you see," he made answer promptly, "it's a conscientious scruple. That's why I won't hang him. No man can't be expected to go agin his conscience. I never hanged an innocent man yet—least-ways not to my knowledge; and s'help me heaven, I won't hang one now, not for the Queen nor for nobody!"

The sheriff paused. The sheriff deliberated. "What on earth am I to do?" he exclaimed, in despair. "If you won't hang him, how on earth at this hour can I secure a substitute?"

Jerry stared at him stolidly once more, after his wont. "If I don't hang him," he answered, with the air of one who knows his ground well, "it's your business to do it with your own hands. 'Wherein fail not at your peril.' And I give you warning beforehand, sheriff, if you *do* hang him—why, you'll have to remember all your life long that you helped to get rid of an innocent man, when the common hangman refused to execute him!"

To such a pitch of indignation was he roused by events that he said it plump out, just so, "the common hangman." Rather than let his last appeal lack aught of effectiveness in the cause of justice, he consented so to endorse the public condemnation of his own respectable, useful, and necessary calling!

There was a pause of a few minutes, during which the sheriff once more halted

and hesitated; the prisoner looked around with a pale and terrified air; and Jerry kept his eye fixed hard on the gate, like one who really expects a reprieve or a pardon.

"Then you absolutely refuse?" the sheriff asked at last, in a despairing sort of way.

"I absolutely refuse," Jerry answered, in a very decided tone. But it was clear he was beginning to grow anxious and nervous.

"In that case," the sheriff replied, turning round to the jailor, "I must put off this execution for half an hour, till I can get someone else to come in and assist me."

Hardly had he spoken the words, however, when a policeman appeared at the door of the courtyard, and in a very hurried voice asked eagerly to be admitted. His manner was that of a man who brings important news. "The

execution's not over, sir?" he said, turning to the sheriff with a very scared face. "Well, thank heaven for that! Dr. Wade's outside, and he says, for God's sake, he must speak at once with you."

The sheriff hesitated. He hardly knew what to do. "Bring him

in," he said at last, after a solemn pause. "He may have something to tell us that will help us out of this difficulty."

The condemned man, thus momentarily respited on the very brink of the grave, stood by with a terrible look of awed suspense upon his bloodless face. But Jerry Stokes' lips bore an expression of quiet triumph. He had succeeded in his attempt, then. He had brought his man to book. That was something to be proud of. Alone he had done it! He



"HE WAS PALE AND HAGGARD."



had saved the innocent and exposed the guilty!

As they stood there and pondered, each man in silence, on his own private thoughts, the policeman returned, bringing with him the doctor whose evidence had weighed most against Ogilvy at the trial. Jerry Stokes started to see the marvellous alteration in the fellow's face. He was pale and haggard; his lips were parched; and his eyes had a sunken and hollow look with remorse and horror. Cold sweat stood on his brow. His mouth twitched horribly. It was clear he had just passed through a terrible crisis.

He turned first to Jerry. His lips were bloodless, and trembled as he spoke; his throat was dry; but in a husky voice he still managed to deliver himself of the speech that haunted him. "Your letter did it," he said slowly, fixing his eyes on the hangman; "I couldn't stand *that*. It broke me down utterly. All night long I lay awake and knew I had sent him to the gallows in my place. It was terrible—terrible! But I wouldn't give way: I'd made up my mind, and I meant to pull through with it. Then the morning came—the morning of the execution, and with it your letter. Till that moment I thought nobody knew but myself. I wasn't even suspected. When I saw *you* knew, I could stand it no longer. You said: 'If you let this innocent man swing in your place, I, the common hangman, will refuse to execute him. If he dies, I'll avenge him. I'll hound you to your grave. I'll follow up clues till I've brought your crime home to you. Don't commit two murders instead of one. It'll do you no good, and be worse in the end for you.' When I read those words—those terrible words!—from the common hangman, 'Ah, heaven!' I thought, 'I need try to conceal it no longer.' All's up now. I've come to confess. Thank heaven I'm in time! Sheriff, let this man go. It was I who poisoned her!"

There was a dead silence again for several seconds. Jerry Stokes was the first of them all to break it. "I knew it," he said solemnly. "I was sure of it. I could have sworn to it."

"And I am sure of it, too," the condemned man put in, with tremulous lips. "I was sure it was he; but how on earth was I to prove it?"

The sheriff looked about him at all three in turn. "Well," he said deliberately,

with a sigh of relief, "I must telegraph for instructions to Ottawa immediately. Prisoner, you are *not* reprieved; but under these peculiar circumstances, as Dr. Wade makes a voluntary confession of having committed the crime himself, I defer the execution for the present on my own responsibility. Jailer, I remit Mr. Ogilvy to the cells till further instructions arrive from the Viceroy. Policeman, take charge of Dr. Wade, who gives himself into custody for the murder of Mrs. Ogilvy. Stokes, perhaps you did right after all. Ten minutes' delay made all the difference. If you'd consented to hang the prisoner at first, this confession might only have come after all was over."

The doctor turned to Jerry, with the wan ghost of a grim smile upon his worn and pallid face. The marks of a great struggle were still visible in every line. "And you won't be balked of your fee, after all," he added, with a ghastly effort at cynical calmness; "for you'll have *me* to hang before you have seen the end of this business."

But Jerry shook his head. "I ain't so sure about that," he said, scratching his thick, bullet poll, and holding his great square neck a little on one side. "I ain't so sure of my trade as I used to be once, sheriff and gentlemen. I always used to hold it was a useful, a respectable, and a necessary trade, and of benefit to the community. But I've begun to doubt it. If the law can string up an innocent man like this, and no appeal, except for the exertions of the public executioner, why, I've begun to doubt the expediency, so to speak, of capital punishment. I ain't so certain as I was about the usefulness of hanging. Dr. Wade, I think somebody else may have the turning of you off. Mr. Ogilvy, I'm glad, sir, it was me that had the hanging of you. An onscrupulous man might ha' gone for his fee. I couldn't do that: I gone for justice. Give me your hand, sir. Thank you. You needn't be ashamed of shaking hands once in a way with a public functionary—especially when it's for the last time in his official career. Sheriff, I've had enough of this 'ere work for life. I go back to the lumbering trade. I resign my appointment."

It was a great speech for Jerry—an oratorical effort. But a prouder or happier man there wasn't in Kingston that day than Jeremiah Stokes, late public executioner.