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The Spoilers.

By REX E. BEACH.

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CHAPTER XII.

LENISTER had said that the judge would not dare to disobey the mandates of the circuit court of appeals, but he was wrong. Application was made for orders directing the enforcement of the writs, steps which would have restored possession of the Midas to its owners as well as possession of the treasure in bank, but Stillman refused to grant them.

Wheaton called a meeting of the Swedes and their attorneys, advising a junction of forces. Dextery, who had returned from the mountains, was present. When they had finished their discussion, he said:

"It seems like I can always fight better when I know what the other fellow's game is. I'm going to spy on that outfit."

"We've had detectives at work for weeks," said the lawyer for the Scandinavians, "but they can't find out anything we don't know already."

Dextery said no more, but thought found him busied in the building adjoining the one wherein McNamara had his office. He had rented a back room on the top floor, and with the help of his partner saved through the ceiling into the loft and found his way thence to the roof through a hatchway. Fortunately, there was but little space between the two buildings, and furthermore each boasted the square front projected high enough to prevent observation from across the way. Thus he was enabled, without discovery, to gain the roof adjoining and to cut through into the loft. He crept cautiously through the opening, and out upon a floor of joists sealed on the lower side, then lit a candle, and locating McNamara's office, cut a peephole so that by lying flat on the timbers he could observe a considerable portion of the room beneath. Here, early the following morning, he camped with the patience of that night stiffer, hungry and atrociously cross. Meanwhile, there had been another meeting of the mine owners, and it had been decided to send Wheaton, properly armed with affidavits and transcripts of certain court records, back to San Francisco on the return trip of the Santa Maria, which had arrived in port. He was to institute proceedings for contempt of court, and it was hoped that by extraordinary effort he could gain quick action.

Daybreak Dextery returned to his post, and it was midnight before he crawled from his hiding place to see the lawyer and Glenister.

"They have had a spy on you all day, Wheaton," he began, "and they know you're going out to the States. You'll be arrested tomorrow morning before breakfast."

"Arrested! What for?"

"I don't just remember what the crime is—bigamy, or mayhem, or attempted treason, or something. Anyway, they'll get you in jail, and that's all they want. They think you're the only lawyer that's wise enough to cause trouble and the only one they can't bribe."

"Lord! What'll I do? They'll watch every lighter that leaves the beach, and if they don't catch me that way they'll search the ship."

"I've thought it all out," said the old man, to whom obstruction acted as a stimulant.

"Yes, but how?"

"Leave it to me. Get your things together and be ready to duck in two hours."

"I tell you they'll search the Santa Maria from stem to stern," protested the lawyer, but Dextery had gone.

"Better do as he says. His schemes are good ones," recommended Glenister, and accordingly the lawyer made preparation.

In the meantime the old prospector had begun at the end of Front street to make a systematic search of the gambling houses. Although it was very late, they were running noisily, and at last he found the man he wanted playing black jack, the smell of tar in his clothes, the lilt of the sea in his boisterous laughter. Dextery drew him aside.

"Mac, there's only two things about you that's any good—your silence and your seamanship. Otherwise you're a disreputable, drunken insect."

The sailor grinned.

"What is it you want now? If it's concerning money or business or the growed up side of life, run along and don't disturb the carousals of a sailor-man. If it's a fight, lemme get my hat."

"I want you to wake up your fireman and have steam on the tug in an hour. Then wait for me below the bridge. You're chartered for twenty-four hours, and remember, not a word."

"I'm on! Compared to the spins of Egypt it is talkative as a phonograph."

The old man turned his steps to the Northern theater. The performance was still in progress, and he located the man he was hunting without difficulty.

Ascending the stairs, he knocked at the door of one of the boxes and called for Captain Stephens.

"I saved me a trip out to your ship in the dark."

"What's the matter?"

Dextery drew him to an isolated corner. "Me an' my partner want to send a man to the States with you."

"All right."

"Wait—er—here's the point," hesitated the miner, who rebelled at asking favors. "He's our law sharp, an' the McNamara outfit is tryin' to put the steel on him."

"I don't understand."

"Why, they've swore out a warrant an' aim to guard the shore tomorrow. We want you to—"

"Mr. Dextery, I'm not looking for trouble. I got enough in my own business."

"But, see here," argued the other, "we've got to send him so he can make a powwow to the big legal smoke in Frisco. We've been cold decked with a bum judge. They've got us into a

corner an' over the ropes." "I'm sorry, I can't help you, Dextery, but I got mixed up in one of your scrapes and that's plenty."

"This ain't no stonewall. There's no danger to you," began Dextery, but the officer interrupted him:

"There's no need of arguing. I won't do it."

"Oh, you won't, eh?" said the old man, beginning to lose his temper. "Well, you listen to me for a minute. Everybody in camp knows that me an' the kid is on the square an' that we're gettin' the bunk passed to us. Now, this lawyer party must get away to-night or these grafters will hitch the horses to him on some phony charge no one can't get to the upper court. I'll be him to the bird cage for ninety days. He's goin' to the States, though, an' he's goin'—in—your—way!"

"I'm talkin' to you—man to man. If you don't take him, I'll go to the health inspector—he's a friend of mine—an' I'll put a crimp in you an' your steamboat. I don't want to do that—it ain't my regular graft by no means—but this bet goes through as she lays. I never believed up a secret before. No, sir, I am the human huntin' case watch, an' I won't open my face unless you press me, but if I should, you'll see that it's time for you to hunt a new job. Now, here's my scheme. He's outlined his directions to the sailor, who had fallen silent during the warning. When he had done, Stephens said:

"I never had a man talk to me like that before, sir—never. You've taken advantage of me, and under the circumstances I can't refuse. I'll do what you say, but because of your threat, but because I heard about your trouble over the Midas and because I can't help admiring your blamed insolence." He went back into his stall.

Dextery returned to Wheaton's office. As he neared it he passed a lounging figure in an adjacent doorway.

"The place is watched," he announced as he entered. "Have you got a back door? Good! Leave your light burning and we'll go out that way." They slipped quietly into an lanky, tortuous passage which led back toward Second street. Floundering through alleys and over garbage heaps, by circuitous routes they reached the bridge, where in the swift stream beneath they saw the lights from Mac's tug.

Steam was up, and when the captain had let them aboard Dextery gave him instructions, to which he nodded acquiescence. They bade the lawyer adieu, and the little craft slipped its moorings, danced down the current, across the bar and was swallowed up in the darkness to seaward.

"I'll put out Wheaton's light so they'll think he's gone to bed."

"Yes, and at daylight I'll take your place in McNamara's loft," said Glenister. "There will be doings tomorrow when they don't find him."

They returned by the way they had come to the lawyer's room, extinguished his light, went to their own cabin and to bed. At dawn Glenister arose and sought his place above McNamara's office.

To lie stretched at length on a single plank with eye glued to a crack in a not comfortable position, and the watcher thought the hours of the next day would never end. As they dragged wearily past his bones began to ache beyond endurance, yet owing to the flimsy structure of the room below he dared not move while the room below was tenanted. In fact, he would not have stirred had he dared, so intense was his interest in the scenes being enacted beneath him.

First had come the marshal, who reported his failure to find Wheaton.

"He left his room some time last night. My men followed him in and saw a light in his window until 2 o'clock this morning. At 7 o'clock he broke in, and he was gone."

"He must have got wind of our plan. Send deputies aboard the Santa Maria. Search her from keel to topmast, and have them watch the beach close or he'll put off in a small boat. You look over the passengers that go aboard yourself. Don't trust any of your men for that, because he may try to slip through disguised. He's liable to make up like a woman. You understand—there's only one ship in port, and he mustn't get away."

"He won't," said Voorhees, with conviction, and the listener overhead smiled grimly to himself, for at that moment, twenty miles offshore, lay Mac's little tug, hove to in the track of the outgoing steamship, and in her tiny cabin sat Bill Wheaton eating breakfast.

As the morning wore by with no news of the lawyer, McNamara's uneasiness grew. At noon the marshal returned with a report that the passengers were all aboard and the ship about to clear.

"By heavens! He's slipped through you," stormed the politician.

(Continued Next Saturday.)

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"Out of my way!" he cried.

so, yet no one can offer violence to a man whose arms are raised on high and in whose glance is the level light of fearlessness. Moreover, it is safer to face a crowd than a single adversary.

McNamara had seen this psychological trick tried before and now took advantage of it to walk through the press slowly, eye to eye. He did it theatrically, for the benefit of the girl, and, as he foresaw, the men fell away before him—all but Glenister, who blocked him, gun in hand. It was plain that the persecuted miner was beside himself with passion. McNamara came within an arm's length before pausing. Then he stopped, and the two stared malignantly at each other, while the girl behind the railing heard her heart pounding in the stillness. Glenister raised his hand uncertainly, then let it fall. He shook his head and stepped aside, so that the other brushed past and out into the street.

Wheaton addressed the banker:

"Mr. Morehouse, we've got orders and writs of one kind or another from the circuit court of appeals at Frisco directing that this money be turned over to us." He shoved the papers toward the other. "We're not in a mood to trifle. That gold belongs to us, and we want it."

Morehouse looked carefully at the papers.

"I can't help you," he said. "These documents are not directed to me. They're issued to Mr. McNamara and Judge Stillman. If the circuit court of appeals commands me to deliver it to you, I'll do it, but otherwise I'll have to keep this dust here till it's drawn out by order of the court that gave it to me. That's the way it'll be taken out."

"Well, I can't let my sympathies influence me."

"Then we'll take it out anyway," cried Glenister. "We've had the worst of it everywhere else, and we're sick of it. Come on, men!"

"Stand back, all of you!" cried Morehouse. "Don't lay a hand on that gate. Boys, pick your men."

He called this last to his clerks, at the same instant whipping from behind the counter a carbine, which he cocked. The assayer brought into view a shotgun, while the cashier and clerks armed themselves. It was evident that the deposits of the Alaska bank were abundantly safeguarded.

"I don't aim to have any trouble with you-all," continued the southerner, "but that money stays here till it's drawn out right."

The crowd paused at this show of resistance, but Glenister rallied at them:

"Come on! Come on! What's the matter with you? And from the light in his eyes it was evident that he would not be balked.

Helen felt that a crisis was come and braced herself. These men were in deadly earnest—the white haired banker, his pale helpers and those grim, quiet ones outside. There stood brawny, sun browned men with set jaws and frowning faces and yellow haired Scandinavians in whose blue eyes danced the flame of battle. These had been baffled at every turn, goaded by repeated failure, and now stood shoulder to shoulder in their resistance to a cruel law. Suddenly Helen heard a command from the street and the quick tramp of men, while over the heads before her she saw the glint of rifle barrels. A file of soldiers with fixed bayonets thrust themselves roughly through the crowd at the entrance.

"Clear the room!" commanded the officer.

"What does this mean?" shouted Wheaton.

"It means that Judge Stillman has called upon the military to guard this gold, that's all. Come, now, move quick!" The men hesitated, then suddenly obeyed, for resistance to the blue of Uncle Sam comes only at the cost of much consideration.

"They're robbing us with our own soldiers," said Wheaton when they were outside.

"Aye," said Glenister darkly. "We have tried the law, but they're forcing us back to first principles. There's going to be murder here."

clearly and make application in court in the proper way, but I tell you now that I won't do anything in the matter."

Wheaton stared at him fixedly until the old man snapped out:

"You say they are certified copies. How do I know they are? The signatures may all be false. Maybe you signed them yourself."

The lawyer grew very white at this and stammered until Glenister drew him out of the room.

"Come, come," he said; "we'll carry this thing through in open court. Maybe his nerve will go back on him then. McNamara has him hypnotized, but he won't dare refuse to obey the orders of the circuit court of appeals."

"He won't, eh? Well, what do you think he's doing right now?" said Wheaton. "I must think. This is the boldest game I ever played in. They told me things while I was in Frisco which I couldn't believe, but I guess they're true. Judges don't disobey the orders of their courts of appeal unless there is power back of them."

They proceeded to the attorney's office, but had not been there long before Slapjack Simms burst in upon them.

"Hell to pay!" he panted. "McNamara's taking your dust out of the bank."

"What's that?" they cried.

"I goes into the bank just now for an assay on some quartz samples. The assayer is busy, and I walk back into his room, and while I'm there in trots McNamara in a hurry. He don't see me, as I'm inside the private office, and I overhear him tell them to get his dust out of the vault quick."

"We've got to stop that," said Glenister. "If he takes ours, he'll take the Swedes', too. Simms, you run up to the Pioneer company and tell them about it. If he gets that gold out of there, nobody knows what'll become of it. Come on, Bill."

He snatched his hat and ran out of the room, followed by the others. That the loose joints Slapjack did his work with expedition was evidenced by the fact that the Swedes were close upon their heels as the two entered the bank. Others had followed, sensing something unusual, and the space within the doors filled rapidly. At the disturbance the clerks suspended their work, the barred doors of the safe department vault changed to, and the cashier laid hand upon the navy Colt's at his elbow. "What's the matter?" he cried.

"We want Alec McNamara," said Glenister.

The manager of the bank appeared, and Glenister spoke to him through the heavy wire netting.

"Is McNamara in there?"

No one had ever known Morehouse to lie. "Yes, sir." He spoke hesitatingly, in a voice full of the slow music of Virginia. "He is in here. What of it?"

"We hear he's trying to move that dust of ours, and we won't stand for it. Tell him to come out and not hide in there like a dog."

At these words the politician appeared beside the southerner, and the two conversed softly an instant, while the impatience of the crowd grew to anger. Some one cried:

"Let's go in and drag him out," and the rumble at this was not pleasant. Morehouse raised his hand.

"Gentlemen, Mr. McNamara says he doesn't intend to take any of the gold away."

"Then he's taken it already."

"No, he hasn't."

The receiver's course had been quickly chosen at the interruption. It was not wise to anger these men too much. Although he had planned to get the money into his own possession, he now thought it best to leave it here for the present. He could come back at any time when they were off guard and get it. Beyond the door against which he stood lay \$300,000—weighed, sacked, sealed and ready to move out of the custody of this Virginian whose confidence he had tried so fruitlessly to gain.

As McNamara looked into the angry eyes of the lean faced men beyond the grating he felt that the game was growing close, and his blood tingled at the thought. He had not planned on a resistance so strong and swift, but he would meet it. He knew that they buzzed for his destruction and that Glenister was their leader. He saw further that the man's hatred now stared at him openly for the first time. He knew that back of it was something more than love for the dull metal over which they wrangled, and then a thought came to him.

"Some of your work, eh, Glenister?" he mocked. "Were you afraid to come alone, or did you wait till you saw me with a lady?"

At the same instant he opened a door behind him, revealing Helen Chester. "You'd better not walk out with me, Miss Chester. This man might—well, you're safer here, you know. You'll pardon me for leaving you." He hoped he could incite the young man to some rash act or word in the presence of the girl and counted on the conspicuous heroism of his own position, facing the mob single handed, one against fifty.

"Come out," said his enemy hoarsely, upon whom the insult and the sight of the girl in the receiver's company had acted powerfully.

"Of course I'll come out, but I don't want this young lady to suffer any violence from your friends," said McNamara. "I am not armed, but I have the right to leave here un molested—"