



(CONTINUED.)

He could not bear to look and could not turn away. For a few moments the two gazed upon each other, while the woman's natural feminine discernment told her that she was pitted; told her something of what Maynard suffered; that her enemy was really her friend. She gave him a faint smile in recognition.

There was something in the smile that was even harder for him to endure than had she shed a tear. Hers was a winning smile, and her position was so desperate. She was so brave, so ready to sacrifice for her struggling people. She bore her trial with such gentleness, yet with such firmness.

She was a woman, and she must die. He turned almost fiercely and strode back to his tent. Reaching it, he found the man who had brought the prisoner waiting for him. The soldier saluted and handed him another envelope.

"Why did you not give me this with the other?" asked Maynard, surprised.

"I handed it to you, colonel, but you did not see it."

Maynard stared at the man without making any reply. He had been preoccupied, deprived of his ordinary faculties. Opening the envelope, he took out a small bundle of papers, on the back of which was indorsed, 'Intercepted dispatches found on the person of Elizabeth Baggs, captured Sept. 1863.'

Without looking at their contents he dismissed the man who had brought them, and turning went into his tent.

It was noon before the courier sent to announce the capture of Miss Baggs rode up to Colonel Maynard's headquarters and handed him a dispatch. It was as Maynard feared. He was informed that in the present exigency the matter could not be given attention at general headquarters, but it was deemed important to deal summarily with spies, be they male or female. He was therefore ordered to convene a "drumhead" court martial, try the prisoner, and if found guilty execute the sentence, whatever it might be, without delay.

When Colonel Maynard read this order, every vestige of color left his face. He could not believe the evidence of his senses. Was it possible that he, Mark Maynard, once condemned to be executed for a spy, was called upon to superintend the trial and the execution which would doubtless follow of another for the same offense, and that other a woman? Yet there were the instructions daily signed "By order," and only one meaning could be attached. He held it listlessly in his hand for awhile and then handed it to his chief of staff.

"At what hour shall the court come together, colonel?"

"I presume at once. The order so directs, doesn't it?"

"How about the witnesses?"

"You will have to send to the source from which the prisoner came to us."

"In that event I will fix the hour for 3 o'clock this afternoon. The judge advocate will require a little time to prepare the charges and specifications."

"As you think best."

Colonel Maynard turned and went into his tent. Hours passed, and he did not come out. "The colonel is in trouble," said one. "They say he was once in the secret service himself," said another. "Then he knows how it is to be in such a fix as the woman up in that house," "He's been there." "It was at Chattanooga a year ago. They say he brought the news of Bragg's advance into Kentucky." "Well, if he has to execute a sentence of death on a spy, and then a woman, I wouldn't be in his boots for the shoulder straps of a major general."

And so the comments went on while the colonel kept his tent and Miss Baggs peered drearily out of the window, watched by guards.

CHAPTER XV.

When Corporal Ratigan left Miss Baggs with the general, to whom he had unwillingly conducted her, he was in such a condition of mind that he forgot all about his horse and started to walk toward his camp. When a cavalryman shows such evidence of absence of mind, it is a sure sign that he is in a condition bordering on insanity. Ratigan walked some distance before it occurred to him that he was pursuing an unusual means of locomotion; then he turned back to get his horse. When he arrived at the place from which he had departed, Miss Baggs had gone. Mounting, he rode to his own camp, and upon reaching there he first went directly to his tent; then, shunning his comrades, stole away to a wood and threw himself on his face in the shade of a large tree and gave himself up to grief.

"O Lord, O Lord," he moaned, "if they'd organized corps of lovely women to be attached to each division of the army and the enemy, there'd be no more fighting for either cause. Each would fight the other about the women and the cause would have to take care of itself."

"Corporal Ratigan!"

The corporal put his hands to his ears and groaned.

"Corporal Ratigan, I say."

Still the corporal would not hear. He knew that some one was approaching, for whether he would or not he could not help hearing his name called, each time more distinctly. Presently a soldier stood looking down at him.

"Corporal Ratigan," he said, "for

wanted at the headquarters of Colonel Maynard, commanding the 3rd brigade.

"What's that for?" asked the corporal without changing his position.

"Witness for court martial."

"Why will people ask questions explanatory of disagreeable events or misfortunes, the answers to which they know well enough already? And why, when the information comes, will they deny its truth?"

"If ye say that again, Conover, Oi'll break every bone in yer body."

"What's the mather wid ye, corporal?"

Ratigan by this time had got up from the ground, where he was lying, and approached his tormentor.

"Don't ask me, Conover, me boy."

"Why, Rats, yer lookin as if ye were going to be tried yerself."

"Tried? Oi'm to suffer on the rack as one of me ancestors did once in the old Tower in Lunnnon."

"How's that?"

"Oh, don't ask me, don't ask me. Oi can niver endure this trial. Oi'll do, Oi'll do."

"Come, brace yerself, me boy. Yer in no condition to be going before a court. What is it all anyway?"

"What is it all? A woman to be tried for her life. And I caught her. Oi'm to bear witness against her. O God, if they'd let me off by tyin me up by the thumbs, buckin and gaggin, carryin a log on me shoulders, drummed out of camp with shaved head and feathers behind me ears. O Lord, O Lord, Oi'll do, Oi'll do!"

The corporal mounted his horse and was soon jogging along at a snail's pace toward Colonel Maynard's headquarters. There he was directed to where the court was sitting.

"Corporal Ratigan, you're late," said the president sternly.

The corporal saluted, but said nothing. He was directed to wait till some preliminaries had been disposed of, and he took position in a corner. It needed all the strength of which he was possessed to maintain himself on his legs, and he tried to keep his eyes from looking about the courtroom. He feared that if they rested on the prisoner, even for a moment, he would sink down on the floor, a heap of blue uniform and boots. Nevertheless the eyes will not always be controlled. Despite his efforts, Ratigan's gaze involuntarily glanced here and there until suddenly they rested on the object they were expected to avoid, sitting opposite, surrounded by guards, pale, but self possessed, and a pair of glorious eyes looking at him with such sympathy and encouragement that the poor man felt as if the windows of heaven had been opened and an angel was looking out to give him strength. Once his eyes were riveted on hers there was no getting them away until he was suddenly aroused by a voice.

"Corporal Ratigan!"

Mechanically he staggered to a place designated as a witness stand, and holding on to the back of a chair steadied himself to give his testimony.

"State how you first saw the prisoner tampering with the telegraph line on yesterday morning, Sept. —," said the judge advocate, an officer very tall, very slender and very serious looking.

"Oi didn't see her at all."

"What?"

"It was too dark to see anything."

"Well, state what you did see."

"I only thought I saw something."

"Come, come," said the president sternly, "we have no time to waste. Tell the story of the capture."

Thus commanded, the corporal braced himself to give the desired account.

"Oi was ridin to camp—after havin posted the relief, and comin along the road—it was the road Oi was comin in along. Oi—Oi—colonel, it was so dark none of ye could have seen yer hand before yer face." The corporal stopped and gave evidence of sinking on the floor.

"Well, go on."

"There was somethin black in the road or by the side of it. Oi stopped to listen. Then Oi thought some one might be tamperin with the line—mind ye, Oi only thought it—and Oi called on whoever it was to surrender. Then Oi heard a 'get up,' and whatever it was dashed off. Oi followed it as fast as Iver Oi could, callin on 'em to stop and firn me Colt. Devil a bit did any one stop."

The corporal paused again. It looked as if he were not going to get any farther.

"Go on, my man."

"Well, then we came to the camp of General —'s division, and I was halted by the guards, while what Oi had seen got ahead. So Oi lost sight of it entirely."

"Proceed."

"Well, wasn't it the fault of the guards stoppin me and lettin the other go on, and no fault of mine?"

"Go on."

"What's the use of goin on? Oi lost sight of what was tamperin with the wire."

"But you overtook it."

"How can Oi swear it was the same?"

There was a smile on the faces of those present. The questioner seemed puzzled at the corporal's device to avoid testifying against the prisoner.

"Did you ride on and overtake what you had seen?"

"Devil a bit."

"I know better. You went on and found something in the road. What did you find?"

"Oi didn't find what Oi'd seen."

"What had you seen?"

"Didn't Oi tell ye it was so dark that Oi couldn't see anything?"

"That won't do, corporal. You certainly followed something. Now, on coming up with it, what did you find it to be?"

"It wasn't what Oi followed. That, whatever it was, had gone out with the mornin light. Oi reckon it was something ghostly."

"Nonsense. Did you not find the prisoner lying in the grass?"

"Oi did," replied the witness, as if his heart would break, and he again showed signs of collapse.

"And you had reason to believe it was the person driving the buggy you followed?"

"Oi didn't see any buggy. It was so dark."

"Well"—impatiently—"the person driving whatever it was you saw."

"How could Oi know that?"

"It was natural to infer that, there being a horse and buggy near, the prisoner had been driving it."

"There was no buggy."

"Well, the pieces."

"Now Oi would ask the court," said Ratigan, steadying himself to impress the members with the probability of his position, "if the person or whatever it was Oi saw tamperin with the wire might have turned off on another road and Oi suddenly lighted on this one?"

"That'll do, corporal. You may step out and give the next witness your place."

The next witness was an officer from the camp to which the prisoner had first been taken after her capture. He testified that upon a proposition to search her she had voluntarily produced the dispatches, which were shown to him in court, and he identified them as the same as those he had given up.

A reading of these dispatches was called for, and they were read.

In addition to these Miss Baggs de-

clared when at the Fain plantation were two others, which were as follows:

CRAWFISH SPRINGS, Ga., Sept. 14, 1863. Mobile Burton you when on last from other bob from re-enforced Quadroon count us that to wet applause will can your undoubtedly century points orange Benjamin and been coming we join telegraphs.

Pinned to this telegram was a paper bearing an attempt at explanation in the prisoner's handwriting:

To Burton (probably Burnside) on your coming can we count on your coming? Applause (some person, probably the signer) telegraphs been re-enforced from some one telegraphs that Quadroon (probably Bragg) has been re-enforced from other points.

WASHINGTON, Sept. —, 1863. Potts ready we result condition us if separated goes Jack all badly rapidly attack scattered the twentieth and doodle D shall but I in the but well platter Arabia are up should present dread the concentrated jet be by should our enemy closing we to.

There was no attempted explanation with this telegram. Either the prisoner had made no headway with it, or she had not sufficient time, probably both, though it was more difficult to decipher than any of the others.

These telegrams had been sent to general headquarters and an interpretation of them furnished, which was read to the court:

CRAWFISH SPRINGS, Ga., Sept. 14, 1863. To Burnside: Halleck telegraphs that you will join us. When can we count on your coming? Bragg has undoubtedly been re-enforced from Virginia and other points. ROSSER, ASST. TO THE SECRETARY OF WAR.

All goes well. We are badly separated, but closing up rapidly. If the enemy should attack us in our present scattered condition, I should dread the result. But by the present 20th we shall be concentrated and ready.

The reading of these dispatches produced an impression on the court very unfavorable to the prisoner. She had held the very life of the army in her hands. Had she got through the lines with these two ciphers and their interpretations she would have supplied the enemy with such information as would put an end to all uncertainty and insure an attack on the Army of the Cumberland before it could be concentrated or supported by other troops. This would have resulted in its annihilation.

There was really no defense to make, and the defending counsel simply placed his client on the mercy of the court, hoping that, being a woman, death might not be the penalty. The room was cleared and the verdict considered. The court were not long in convicting the accused of being a spy and amenable to the treatment of spies, but as to the punishment there was a great diversity of opinion. Some thought that imprisonment in a northern penitenti-

ary would be a sufficient atonement. There were those who argued that this would not have any effect to deter others from similar acts at a time when the army was in so critical a situation. Then the importance of the dispatches Miss Baggs was attempting to deliver to the enemy, the fact that their delivery would have given any general prompt to take advantage of an army's weakness an opportunity to destroy the Army of the Cumberland, acted seriously upon those who were disposed toward clemency. Some members of the court argued that the prisoner had acted as a man and must take the consequences, the same as if she were a man. There was none but knew that in this view of the case she would be immediately hanged. The disputants soon ranged themselves on opposite sides, the one in favor of an extreme course, the other of a life imprisonment. But the critical position of the army and the enormity of the offense finally won over the latter, and the case was compromised by the convicted woman being sentenced to be shot at sunrise the next morning. The verdict and sentence were approved within two hours of the finding, and Colonel Mark Maynard was ordered to see that the sentence was duly carried out.

CHAPTER XVI.

"YOU SHALL NOT DIE."

Scarcely had the court martial brought in a verdict when an order came to Colonel Maynard to move his brigade across the Chickamauga creek by way of Dyers' bridge, to be ready early the following day to make a reconnaissance beyond the Pigeon mountains. He ordered an ambulance for his prisoner to ride in, since he had no option but to take her with him. The distance to be traversed was but a few miles, and although it was nearly sunset before the command broke camp it was barely dark when the tents were pitched in the new situation. Luckily a house was found for the reception of the prisoner, and the headquarters of the colonel commanding were established near it. As soon as Maynard's tent was pitched



"ON, ON!" HE SAID.

ed he went inside and shut himself up from every one. The matter of the life in his keeping, his desire to save his prisoner, the impossibility of his doing so except by betraying his trust and conniving at her escape, were weighing terribly upon him. A desperate struggle between his duty as an officer and his repulsion at carrying out a sentence upon a woman which had once been passed upon himself was driving him well nigh distracted. One thing was certain—he could not save Miss Baggs without sacrificing himself. He was ready to sacrifice himself if he could do so honorably. He might even consider the matter of doing that which he had no right to do, but since the devil may care days of his scouting a new world had opened to him, which made the struggle more complicated than it would then have been. He had a wife whom he loved devotedly, and any obloquy he might take upon himself must be shared by her and his son. He knew that if he could conceive it to be his duty, or if he could make up his mind without the approval of his conscience to connive at the prisoner's escape, he would have a fair chance of success. He was charged with the execution, and this would give him power over her person. On the other hand, such a violation of trust was too horrible even for consideration, and if he did not so regard it the penalty he must suffer—disgrace, if not death—would well nigh kill his wife. For a long while he revolved these considerations in his mind and at last came to a decision. He would suffer the torture of carrying out the sentence. He would do his duty to his country, his wife and his son.

He had scarcely arrived at this decision when a message came from the prisoner asking to see him.

The racking of his whole nature, which had been partially allayed by his decision, came back to him with the summons. He dreaded an interview. He felt that the resolution he had formed was of too little inherent strength to warrant placing himself under so great a temptation. But his memory took him back to the jail in which he had been confined on the eve of his own intended execution at Chattanooga, and he thought how he would have regarded any one who would refuse him such a request at such a time. He got up and walked over to the house where the prisoner was confined.

He paused a few moments before entering, in order to collect himself, then walked slowly up the steps. The guard stood at attention and brought his piece to a "present," but Maynard did not see him, did not return his salute. He opened the door, entered the house and in a few minutes was in a room in which

the prisoner was confined. She was standing by a window. As he entered she turned and stood with her hands hanging clasped before her, her sorrowful eyes fixed steadily upon him. "Colonel Maynard," she said, "I have sent for you to ask you to deliver my last messages. I once met you in the house of one who is dear to you. There I received shelter from the storm which raged without, but which was nothing to me beside another evil that threatened me. I was sore pressed and in great danger of capture. The women in that house—an elderly lady, a young girl who visited there and your wife— took me in at a great risk to themselves. Your wife certainly had much at stake, for your honor might be involved. I have sent for you now to ask you to say to them that I have treasured their remembrance and their kindness to me."

She waited a moment for him to accept the trust. She might have waited till the crack of doom without a reply. He had no power to utter a word. He simply bowed.

"I desire also to intrust this keepsake to you, to be sent to my brother."

She took a locket from about her neck and held it up before him. On it was painted a miniature of a young man in the uniform of a Confederate officer. Maynard looked at it and started back, with a cry, as if pierced with a red-hot iron.

"He—he is!"

"My brother."

"Oh, God!" He staggered to the wall and leaned against it, shivering.

"You know him, colonel. There is no necessity for deceit now. I have long known the singular circumstances that surround you and him—that you both loved the same woman; that you won—my life?"

"That he never told me."

"Ah, he never told you that?" replied Maynard, a kind of wonder in his tones.

"When at Mrs. Fain's plantation, I discovered under whose roof I was sheltered. Your wife had never seen me, and I determined that it would be best for all that I should not make myself known."

Maynard stood in amazement at these developments, in horror at the situation as he now knew it to be.

To be continued.)

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