

The Bloomfield Times.

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Editor and Proprietor.

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BY
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Tried for Murder: OR Guilty or Not Guilty.

IN my earlier years I studied for a season at Edinburgh. It was in Burke's year, not that of Edmund Burke, but of another countryman of the same name, and not less celebrated.

The afternoon of the day on which Burke was executed was distinguished by a first-rate college row. The students at Edinburgh, like its mob, have, when aroused, always been a formidable and dangerous body; and on this occasion, the police having intruded into the quadrangle to preserve order among the crowd which hurried to the dissecting room, a battle royal had ensued, attended by some severe injuries, and resulting in a triumphant and glorious defeat of the authorities.

To celebrate this propitious event a supper party assembled that evening in a tavern called the "Rainbow." The chair was occupied by the bard and satirist of the college, a fellow of infinite jest, who made his mark on the world afterwards, but who at this time was mainly famed and feared for the sarcastic and biting power of his humor. Opposite him sat the prince of students—tall, handsome, reckless, flashing with the exuberance of youthful spirit, and a flow of convivial fancy I have never known equalled.

Among the others were two, who figure in my story. One was a student named Johnstone, the Thersites of the circle—a disagreeable specimen of a stamp of man which is generally to be found in every circle, without either wit or talent to make others feel uncomfortable. Bold and unscrupulous, and quick to see and seize on the weakness of others, he was a *flagellum*, a fly-blister; people feared to make him their friend, and still more their enemy, and so he extorted from hate what he never would have obtained from love, and was admitted to the most select coterie of the University.

The other was a stalwart handsome young Irishman, who had done mighty execution in the melee of the day; caring but little, after the temperament of his nation, about the merits of the conflict, but hitting right and left as his leader told him. He was an open-browed Spanish looking son of Erin, half-rolling, half-sad in expression, who was winding up a happy day with a happy night; he had had a fight in the morning, and frolic in the evening. His name was Power, a medical student who had been but a week or two in Edinburgh. He was consequently an entire stranger to the others, and had been invited to make one of the party solely on the strength of his fist.

There were many toasts given and speeches made, some humorous and some satirical. At last Johnstone made a few remarks which were apparently intended to offend and insult Power. To this speech Power replied so effectually, that Johnstone was aroused to a frenzy, and seizing his tumbler, flung its contents in the speaker's face, and then rushed from the room.

Great commotion of course ensued.—Power was white and furious with rage, and in his first transports nearly vented it on those who tried to prevent him from following his assailant. He calmed down after awhile, but took no more part in the evening's festivities, and was overheard to say that he would have his life. He refus-

ed, coldly, all offers, which were good naturedly made, to act as mediators in the matter, and left the party early and alone.

The next news which the college circle heard was four days afterward. It was reported that Johnstone had been found dead in the "common stair," as the staircase to separate stories or flats is called in Edinburgh, in which Power's rooms were. The report turned out to be only too true. A policeman said that a man had rushed hurriedly past him about 5 o'clock (it was January,) and exclaimed—"There is a man dying in the stair No. 27," and passed on. He went to the entry, and on the landing close to Power's lodgings he found a man stretched on the stone floor. He raised him, and found him quite dead. He had a severe cut over the eye. His collar was thrown open, and he had faint marks of pressure round his neck. On conveying him to the police office he was recognized as the unhappy student. He was found to have died, as the medical men thought, from concussion of the brain, accompanied by strangulation. Their opinion was that the deceased had been seized by the throat, and thrown violently down. His watch and money were undisturbed.

Little as Johnstone was liked, this sad and tragic end made a deep and melancholy impression on his circle; and thoughts naturally turned to his altercation with Power, and its probable result. On inquiring, it appeared that Power had not been seen at college since the supper-party; he had not been seen at his lodgings since Johnstone had been found. Things looked so suspicious that a warrant was issued for his apprehension.

The second night after the murder was discovered, Power was apprehended walking quietly along the South Bridge, in the direction of his lodgings. When seized, he at first resisted, and demanded to know what the officers meant by their violence; but, on being shown the warrant, at once submitted, simply saying that they were wrong, and would find out that they were so.

He was detained in the police cells all night, and in the morning was taken before the sheriff. The officials were proceeding to take what in Scotland is called his declaration—that is any statement the accused may think fit to make—when the prisoner said—"It may save save you all trouble, gentlemen, if you understand at once that I do not intend to answer any questions."

In vain they pressed him to explain where he had spent the two preceding days; he remained absolutely silent. He evinced neither indignation nor sorrow, and was not apprehensive or excited in the slightest degree; but speak he would not, and the authorities did not know what to make of him.

Several of his friends visited him; but although he received them courteously, he showed no desire for their society, at least for the first two or three days. As time went on, his natural gaiety seemed to return, and he would chat away in his cell as if no such charge as one of murder hung over him. The crown inquiry was committed for trial, and served with an indictment, and his friend, the vice, who was studying for the law, urged him to employ a solicitor for his defence. To this he consented, and a very worthy and well-known practitioner paid him a visit in prison.

"A very melancholy business this, Mr. Power."

"Faith it is, Mr. Stuart. I am very sorry for the poor devil's mother."

"But it is very serious for yourself."

"So they tell me, but somehow I cannot look grave enough on it. They say I may be hanged; but for the life of me I cannot see it."

"This levity is hardly suitable, sir, in your position, nor is it wise. You would not speak to the sheriff, I understand, and you were right; but your own safety requires that you should have no reserve with me."

"Well, sir, I shall have no reserve. That paper (pointing to the indictment) is a bag full of lies."

"Of course—I understand. You say you did not murder the man?"

"Not an inch of me."

"But pray explain yourself fully, Mr. Power; tell me about the supper and the quarrel, and what you did the next day, and where you were the night before last; and whether you and this poor fellow met. It is needless to conceal things from me, otherwise I cannot serve you."

"Well, Mr. Stuart, but you can serve me, although I have nothing to tell you."

"In what way?"

"By putting these two advertisements in the Irish and Glasgow newspapers," said the prisoner.

The advertisements were as follows:

"If Admiral Seymour recollects the young man to whom he described the volcanoes on Fiji Islands on board the Maid of Lorn steamer, he will render him a most signal service if he will send his address to Mr. John Stuart, W. S., Edinburgh."

The other ran thus:

"If the lady who was in the Belfast coach remembers the conversation about Moore's Melodies a fortnight ago, she will send her address to John Stuart, W. S., Edinburgh."

"Witnesses—*alibi*—hem?" The prisoner nodded assent.

"*Alibi*—rubbish! Try something else."

Power smiled. "I have nothing else to try but the truth. I told you I did not murder him. If these advertisements are answered, you will subpoena the gentleman and lady for the trial, but will hold no communication of any kind with them. You will also subpoena the persons whose names and addresses are here," handing him a paper, "and hold no communication with them either. And I have no other instructions."

The solicitor shook his head, plainly believing the man to be mad. He left him, however, taking the advertisements along with him, in perplexity how to act, and instead of going home, went straight to the house of Mr. C., the celebrated advocate in Charlotte square, and to him he stated his troubles.

"And now, what would you advise me to do?"

"Do what the laddie bids you, John."

"It is very irregular not to examine the witnesses."

"You are little better than a coof, John. Do you not see that the *alibi* perhaps is a real one, and that the fellow wants them to prove without notice? There is a story under all this, but your best plan is to do what he tells you. He has twice your brains, I'll warrant him."

"Would you not step down and see him, Mr. C.? He is a fine young fellow, and all the gentleman, and my mind misgives me he does not know his danger."

"I never call on my clients, even in more fashionable residences."

"But you might make an excuse, sir, to go and see him. I am sure your heart would warm to him at once."

So the kind-hearted and eccentric barrister promised to look in on the prisoner the next afternoon.

He found him sitting with the chairman and the vice of the supper-party, in a perfect torrent of merriment, little appropriate either to the circumstances or the place.—The young men knew the distinguished counsel, and rose and became silent when he entered. Power, however, although he bowed courteously, did not seem to recognize his visitor's name even when it was announced.

"I have come to pay an afternoon visit to my friend here," said the barrister. "I am glad to find him with two such supporters—salvage men. But my friends, you had better withdraw. I wish to have your prey all to myself."

The two accordingly departed, and Mr. C. was left alone with the prisoner.

"I suppose I should make an apology for my intrusion," said the lawyer, "but all the strange nooks of this city are familiar to me; and, laddie, I thought a friend in need might not be unwelcome."

In the homely kindness of his address,

and the Doric plainness of his speech, there was a dignity and elegance about the demeanor of the visitor that bespoke the well-bred gentleman. Power was at first startled, and then subdued his manner.

"I am sure I am much beholden," he said. "Might I ask you to what I am indebted for this honor?"

"To your going to be hanged," said the other, bluntly.

"But there go two words to that," said Power. "They will not hang an innocent man in this blessed country of ours."

"Won't they, though? They hanged Burke, after my friend the Dean had proved him to be a saint."

A pause ensued, for Power had little to reply to this flattering parallel.

"In plain words, my lad, I am sorry for you. There is a secret which you do not wish to disclose. I do not know who you are, or where you come from, but I am sure you are a stranger, and I believe you are innocent. Friends are not so easily found by the stranger and the wrongfully accused that you should reject an honest offer.—Confide in me—I shall be as secret as the grave."

Power looked at him for a moment, and then, a sudden revolution seizing him, burst into a flood of tears.

"I am ashamed," he said at last, "to give way thus, but I am quite alone—how much you do not know—the most unfortunate of men, and in this, wholly innocent."

"Tell me the tale plainly, my boy, and maybe I may find a remedy."

"The prisoner told his tale. What it was, the sequel must disclose."

The day of trial had come. The prisoner was placed at the bar, the judges in scarlet and white, defiled into court, and the clerk called in a loud voice: "Charles Power, stand up and listen to the indictment against you."

The appearance of the prisoner excited the greatest interest in court, which was crowded with students and the public. The Lord Advocate, as public prosecutor sat on one side of the table within the bar, assisted by other counsel. On the other side sat Mr. C. and a junior counsel.

A strange smile came over the face of the prisoner when his name was called. He rose, however, with a glance at his counsel, and plead "Not guilty" with a firm voice.

The case made by the Crown authorities was one which startled the students by its clearness. They called the students who were at the "Rainbow" to prove the quarrel. They proved that Power did not go to College on Monday, the 25th of January; then Johnstone was seen to go up the common stair on the afternoon of that day; that persons who lived next door heard a violent altercation in Power's room about four o'clock; that the person who passed the policeman and gave the alarm was Power; and that Power left by the Glasgow coach at six o'clock, and returned to Edinburgh that night, remaining until Wednesday at a hotel. The medical men proved that the cause of death was concussion of the brain accompanied by strangulation.—In all instances the prisoner was distinctly identified. The notion of an *alibi* was apparently hopeless.

Mr. C. made but little attempt at cross-examination. He extracted some merriment out of an irascible stage-man, and succeeded in creating some confusion as to where and when Power left the Glasgow coach.—But the proof of his return was quite clear. Of the doctors the counsel only asked a few questions.

"You spoke about strangulation. How was it produced?"

"I cannot tell."

"Pressure on the throat produces strangulation?"

"It does."

"Any sort of pressure?"

"Any which is sufficiently close and tight."

"Hanging produces strangulation?"

"Yes."

"Was this man hanged, Doctor?"

"No, of course not."

"Why, 'of course not?'"

"Because there is no reason to think he was."

"Any other reason for 'of course not?'"

"No."

"You may go," and go he did, after saying more and implying much more than he said.

The case looked very black, and was closed by the Crown reading the *notandum* made when Power refused to answer the sheriff's questions.

The audience were greatly excited, but the prisoner himself maintained a demeanor perfectly tranquil. He was rather moved when the witnesses described the grief of Johnstone's family, but except at this stage of the trial he evinced no emotion whatever.

"Call Admiral Seymour," said Mr. C.

A tall weather-beaten man, somewhat stately, stepped into the witness-box, and was sworn.

"Admiral, do you know why you have been asked to come here?"

"No sir, I do not; and I think it would have civil to have told me. I know nothing about Mr. Power, or any one of that name."

No one had the civility to ask you what you were going to say?"

"Yes; a gentleman came from the Crown office; I told him he knew as much as I did."

"I believe you have left Belfast by the vessel which sailed on the night of Sunday, the 24th of January?"

"I did."

"Do you recollect a conversation you had with a young gentleman about volcanoes?"

"I remember it and him very well. He was a very intelligent fellow, and we talked together the most of the night."

"Were you fellow-travelers up the Clyde to Glasgow?"

"We were."

"When did you arrive in Glasgow?"

"About nine o'clock in the afternoon."

"Where did you part from him?"

"I took him to the Western Club, of which I am a member, and gave him lunch, and we parted there."

(To the prisoner;) "Stand up, if you please. Is that the man?"

"It is."

"Have you any doubt of that?"

"None whatever."

The crown rose to cross examine.

"There must be some mistake, Admiral. Look at him again."

"There is no mistake. That is the man. I should know him anywhere."

"Did you ever see any one like him?"

"Not that I remember. But since you are so pressing, I should like to hear him speak."

The judge said there could be no objection to that, and told the prisoner to address a remark to the witness.

"Ah, admiral, do you recollect what happened to Dermot Rooney's cow on her birth day?" said the prisoner.

The reminiscence was plainly a diverting one, for the admiral laughed outright, and said it was the same funny fellow beyond all doubt. And, strange as it was, the jury seemed to think so too. And, the admiral was allowed to retire without further question.

"Call Miss Bridget Malone," said Mr. C. And a very pretty, lady-like young woman stepped into court, accompanied by her mother.

"You are the daughter of Mr. Malone, the banker, of Belfast?" said Mr. C.

"Yes, I am."

"Do you remember traveling to Belfast by the coach from Waterford on the 23d of January?"

"Yes sir."

"You travelled inside?"

"Yes, sir."

"Had you any fellow-travelers?"

"Yes," said Bridget, with a smile, "that gentleman," pointing to Power, "was with me."

"All the way?"

"Yes."

"Was he agreeable?"

"Very pleasant, sir."

"Have you ever seen or heard of him since?"

"No sir. I saw an advertisement in the Belfast newspaper, which I knew must be from him, and so I am here to-day."

"When did you arrive?"

"Only a few hours ago."

"Did you know why you were wanted here?"

"Not in the least."

"You have no doubt it is he?"

"He is not easily forgotten, sir," said the girl innocently, but with a blush.

"Did he make love to you, then?" interposed the opposite counsel.

"No sir, unless with his eyes. You know how, sir."

"I wish I did," said the functionary. "There