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## A Case of Circumstantial Evidence.

THE great door of the N— State prison swung open, three men entered the guard-room, the door swung with an iron clash, and Max Hunt was in State prison for life.

"I'm glad we've got here at last," said one of the men, "for this fellow has given us pretty smart work."

"Tried to run away?" asked the night watch, aside, of the other officer.

"Yes, sir. He has made three efforts on the way from Eastburn. He knocked Hill down once. You see we had to put on all the irons he could hold."

The convict was indeed heavily ironed. Strong hand-cuffs clasped his wrists together behind him, a light chain from ankle to ankle gave room for a short step, and another chain bound his arms close to his body. His face, a young face, was haggard, his eyes bloodshot, and his hair in disorder, but the wildness had given place to an expression of weariness and despair. The door had closed on him, and he seemed to feel that hope was shut out.

Two of the guards came in from their bedrooms, for it was night, there was a rattling of keys, the prisoner was searched, put in the prison uniform, then they led him to the cell. They went through a low stone corridor with black, grated doors on each side, stopping at the last door. He had been quiet enough before, had scarcely seemed aware, indeed, where he was or what they were doing to him; but here he stopped short with a start, as though awaking from a deep sleep.

"I can't go in there!" he cried sharply.

"In with you!" said one of the men who came with him. "We've had trouble enough with you. If you don't go in quietly, we'll put you in a place you'll have to crawl into on your hands and knees."

"Can't I have a different place?" demanded the convict, turning to the night watch.

"No, I'm afraid not," was the answer. "It will look better by day, for you have the sun in the afternoon. At any rate, you must go in now."

"Must!" repeated the convict through his teeth.

"Yes, must!" replied the other. "It is our duty to put you there. I don't want to make any trouble for you. You'd better go in."

The man shivered from head to foot, drew a breath that sounded like a groan, then bent his head and walked into the cell. When they went away after locking him in, they heard deep, strong sobs through the grating.

"By George! he's broke," said Hill.

"Poor fellow!" said the night-watch to himself.

Max Hunt's was an aggravated case, and one that had caused considerable excitement in the State, the parties being members of one of its first families. Old Mr. Hunt was a superannuated lawyer, who had in his prime stood at the head of the profession in his own State. He was rich, and a miser. He lived in the house in which he was born, though it had become a superannuated as himself, and there he kept two servants, his agent and factotum Andrew Clark, and his only grandson and heir, Max Hunt. Clark had been with the old gentleman many years. Mr. Hunt took him in the flush of his business, as an errand-boy, also, that he might have somebody to swear at who wouldn't dare swear back.

In one capacity or another the boy and man had remained with him ever

since, and now he could not be spared. He collected his patron's rent, he kept his accounts, he understood his business as no one else did: he overlooked the household affairs, bought and sold, and saw that nothing was wasted in the kitchen when the master of the house became helpless with age and rheumatism. Moreover, he looked after and supervised Master Max, who called him housekeeper, and sometimes, in moments of hilarity, promised to buy him a mob-cap. Mr. Clark took these jeers very quietly. No one could perceive that he had any dislike for the boy. He seemed a mere calculating machine, impervious to everything but figures.

Poor Max lived but a dull life with these men, and it can't scarcely be wondered at that he sought elsewhere for society and pleasures. Some boyish scrapes provoked storms at home, and as Max was not a patient fellow, it happened that as he grew toward manhood he did not grow in his grandfather's good graces. There might be other causes for their discordant intercourse, but he knew nothing of them. He tried to be silent about the small allowance he received, although it exposed him to a thousand mortifications. He commenced the study of law because his grandfather desired it, although he would much have preferred trade, and he took in silence many annoyances from Clark, who held over him an espionage very revolting to the feelings of a high-spirited young man. At length, when Max was nearly twenty-five and his grandfather over seventy, a change came.

One night there was a cry through the house, a running hither and thither of frightened servants, and a gathering of neighbors. Old Mr. Hunt had been found in his study, bleeding and half insensible from a blow in the face, and his desk broken open, and a large sum of money stolen from it. The story which the old man told was this: He had heard a sound in his study as he was about retiring, and remembering that a large sum of money which he had that evening received for rents was in the desk there he crept across the entry to look. By the faint ray of light that followed him from his room, he saw a man wrapped in a shawl bending over his open desk and fumbling among the papers. He sprang upon him, crying, "I have caught you!" and was received with a blow that for a time deprived him of consciousness. When he recovered he was surrounded by his servants and Mr. Clark. The robber had escaped, but a handkerchief marked "Max Hunt" lay on the floor, and Max's shawl was on the door step outside. Moreover, Mr. Clark testified with great apparent reluctance that on entering the house he had met Max going out hurriedly, had spoken to him, but received no answer. He then went to the study and found Mr. Hunt lying upon the floor insensible. It came out afterward as evidence that Max and his grandfather had been on bad terms for a day or two, and had had high words that very evening. Max had been heard to say that he would be a slave and a beggar no longer, and that if his grandfather did not accede to his wishes he must take the consequences. To be sure, it transpired also that their quarrel had been about Lute Ringgold, his engagement with whom Max then for the first time announced to the grandfather. Old Mr. Hunt hated the family, and refused to countenance the engagement, reminding Max of his dependence.

Link after link was added to the chain of evidence; and the old man, who, beginning by thinking that his grandson might be the criminal, ended by swearing that he was, and shuddered and clung to Clark when he confronted the young man in the court room. The crime was a dastardly one, the accused was penniless, the accuser rich, and it ended by Max being sentenced to State prison for life for robbing and intent to kill. It mattered little that poor Lute, changed suddenly from a bashful girl to an impassioned woman, begged, and vowed, and prayed, and went on her knees to judge, governor and council. The great machine of the law caught up her lover deliberately, but irresistibly, and ground him into a convict. She visited him in jail every day, to the great indignation of her family, who believed in his guilt, and when he was

taken away, her last words were, "Keep up your courage, dear, and trust in God and in me. I will never rest till I have you out in the sunshine again."

He begged her to write, but never came to see him. He could not bear that, he said. To see her in such a place would do him more harm than good.

It is useless to describe the grinding of those first days, or the sickness of hope deferred during that first year. Lute sent him letters full of love, but there was little encouragement in them, though she tried to speak hopefully. His grandfather was his enemy, and would never consent to his pardon but on one condition,—that he would immediately leave the country and never return.

This proposal Max rejected with indignation. He would never accept a pardon for a crime which he had never committed, he said; and he was as good a citizen as his grandfather, and would remain in his own country, thank you.

So another year and another passed by. Lute's letters kept him alive, and, notwithstanding an attempt to escape, and the severity with which life-sentence men were necessarily treated, he received many favors. People had begun to think he hadn't meant to hurt the old man, and everybody knew that Mr. Hunt was a miser. Besides, every officer at the prison knew of those tender letters that came every week, and had seen the pictures of herself which Lute had had taken and sent twice every year, "so that he might see her grow old," she wrote, "and be able to recognize her when she came out." They marked how the face changed. The first was rosy and dimpled, with curls hanging in rich luxuriance about it, a sweet, happy face, with a promise of strength under its sweetness. The next was thinner, with shallower dimples, and shadows about the eyes. Each one was sadder than the last, and one could see that the girl grew in the shadow of her lover's fate. It was evident that this poor Lute worked and watched, whether she hoped or not.

Old Mr. Hunt sat in his study one morning, leaning out of his arm chair toward the fire, although it was mid-June. Andrew Clark sat at a desk near by, sorting papers, his thin, yellow face bent over them, his keen, quick eyes running up columns of figures, glancing here and there. He was going to an adjoining town to transact some business for his patron and had been taking his directions.

"It's three years to-day, Clark," said the old man, after a silence.

Clark started and looked up. "Sir?"

"Just three years since they took him to prison," he went on. "I've been thinking, Clark, that I wasn't quite right about him. I was young once myself, and I ought to have given him more."

"It is a sad case, sir," sighed Clark, finding that he was expected to say something. "You had a narrow escape."

"But I struck first," said the other eagerly. "He only defended himself, and tried to get away. Besides, Clark, I didn't see his face, and who knows what all those proofs are worth? Somebody might have wanted to lay it on him."

"Why, Mr. Hunt!" exclaimed his companion, astounded.

"I haven't said anything," he went on, "but lately I've had queer thoughts. I believe I'll ask the governor to pardon him, and take him home again. I'm a lonely old man, and he's all that is left of my flesh and blood."

"Very well, sir," said Clark firmly. "I am willing to leave. You know I wanted to three years ago. You can do as you please. I hope you won't repent."

"But I can't spare you!" cried his master.

"You can't imagine that I will stay in the house with him, at the risk of my life? It is out of the question. I think you ought not to risk yourself, sir."

"Oh, tut! I'm not afraid of the boy's hurting anybody. Why, he was as tender-hearted as a baby, always. He wouldn't have been so hard on me then, but, you see, I was too bad about Lute Ringgold. She's a good girl, Clark, and she couldn't help it if her father cheated me. I've refused to see her, and

sent her word that he shan't come out, but my heart aches when I see her pale face. Why, when I read that card of hers in the papers, begging the person who did the deed to confess it, and save an innocent man, I almost believed he didn't do it. Well, what's the matter?"

At the mention of Lute, Clark had changed countenance, first red, then pale.

"What is it, Clark?"

"Sir," said the other with difficulty,

"I have been attached to Miss Ringgold, and she refused me before she accepted your grandson. It is not pleasant to me to hear her name mentioned in connection with his, for I respect her yet. For him, I would be glad if he were free and would leave the country, as was proposed some time ago; but he disdained that. If he will do it now, I shall do what I can, and would advise you to give him a sufficient allowance. But if he comes here to live, I will go. I wish you good morning, sir. I shall return to-morrow if I can get through."

Mr. Clark did not return the next day. His business probably delayed him. The second morning came a telegram signed by himself saying that he was quite ill, was afraid of cholera, and in the afternoon another signed by his physician saying that there was no hope of his recovery. Mr. Hunt had never had much affection for this man, but he was used to him, and Clark had been a faithful steward. The sick man was only ten miles distant, but it was impossible to go to him. The old man walked to and fro in the rooms bemoaning his lonely and deserted condition, and longing for Max or some one to speak to. On the reception of the first telegram he had sent a messenger to take care of Clark and take charge of his business. He was now, as the evening drew on, expecting word from him. As he waited, his past life seemed to rise up before him, all its pleasures, its pains, its faults, its punishments. He remembered Max's father, a noble, high-spirited man, and the pale, timid little bride whom he had brought home. He remembered how this delicate flower had faded and died in that uncongenial air, and how her husband, his idolized son, had been unable to stay where he had lost so much and had gone to die in a foreign land. He glanced over the life of their only child, and bitterly reproached himself for his selfishness toward the orphan.

"He shall come back!" exclaimed the old man. "He has been punished enough, and too much. He shall come home again, poor Max!"

Here the servant introduced his messenger.

"I just came in the six o'clock train, sir," said the young man. "Mr. Clark is alive, but the doctor thinks he won't last all night. Here are some papers, and a letter which they wished you to read right away. They had a lawyer and a minister in this afternoon, and Clark seemed to take on about dying. Will you read the letter, sir? I think it's something particular."

"You may lay it down and go," said Mr. Hunt.

The messenger who was evidently excited and curious, withdrew in great disappointment. Mr. Hunt stood for a moment, pale and silent. The nearness of death to one whom he had known so long gave him some solemn thoughts. He walked slowly to the window, and looking up the street, saw a familiar form coming down. It was a young lady of about twenty-three, a tall, slight girl with soft brown hair parted evenly over a pale, low forehead, and with solemn, tender, dark eyes looking straight before her. The cheeks were pale, and the close-shut, patient mouth seemed to have forgotten smiles. Lute Ringgold was wont to turn her head away when passing that house, but now she heard her name pronounced, and looked to see who spoke.

"Won't you come in a moment?" he asked, quite humbly. "I would like to speak to you."

Lute flushed all over with surprise and fear. Oh! had anything happened to Max!

She followed Mr. Hunt to his study, sank into the chair he offered her, and waited as long as she could. But he was so long beginning that she cried out—

"What is it, sir? Max?"

"I was going to speak of Max. Miss Ringgold," he said. "The truth is, I want him back. We needn't talk about

his innocence, we used to disagree about that, but perhaps you were right. I want all forgotten, and him to come back. He's all I have got!"

Mr. Hunt had purposed to be very quiet and self-possessed during this interview, but here he quite broke down. When he had wiped the first tears away he looked down on her where she knelt by him with her hands clasped over his knee, her eyes shining, her face all rosy.

"Say that he is innocent!" she prayed, "Say that my Max is innocent of that foul crime!"

"I don't believe that he meant to hurt me, child. Max never was violent, nor such a coward as to attack an old man. I provoked him."

"But, Mr. Hunt, Max swears that he must have left the house before the robber entered. He had been gone half an hour before the doctor was called. You couldn't have been insensible all that time. Max says he left his shawl in his room, he had no occasion for a shawl such warm weather; and somebody got that and the handkerchief to condemn him. You must see that it was a plot. Then, where is the money? He had none when he was taken. Oh, say that he is innocent!"

"I hope that he is," he said tremulously. "I don't really believe him guilty." And with that she had to be content.

"If he comes out will you and he come and live here with me?" asked the old man, and he actually blushed as though asking for himself. And, indeed, he had a heavy stake in her answer.

"I think Max intends, when he is free, to go away as far as possible from here," she answered, a little coldly. "He has suffered so much here that he will wish to forget the place. At first he will be poor, but he will soon do something. Max his talent and energy."

"I have money. He should not want. All is his!" cried the grandfather eagerly.

"Max will never take a dollar from you till this accusation is proved false," she said firmly.

Indeed, money and many articles which he had lately sent his grandson had been sternly refused, and promptly returned.

"Then I am to be left to die alone!" broke from his lips in a desolate cry.

"You have Clark," she said. "You always preferred him to Max. Max was always subject to him. They could never agree. They cannot again live together."

"Clark did my business, and did it well," he said lastly. "But that was all. I never loved the poor fellow. Besides, he's dead."

"Dead!"

Then he told her of Clark's journey and illness.

"John has just come from there, and brought some papers. He said that the poor fellow was almost gone. I believe he said something about a letter. I'll ring and have lights."

"Let me wait on you," said Lute eagerly.

She drew the curtains, pushed his chair before the fire, throwing another stick among the coals, lighted a lamp, and brought him his papers, all with an ease, readiness, and quietness very pretty to see. Mr. Hunt could not remember the time he had been so well attended, though poor Clark had been very prompt and quiet.

"Now, my dear," he said, smiling, "since you have begun, please to finish. Your eyes are younger than mine. Won't you read the letter for me?"

Lute smiled, feeling a little at home in spite of herself. She opened the letter, sitting opposite him in the soft glow of the lamp, and read the signature or signatures first, for three names were signed after an unintelligible scrawl which she could not make out. The names were those of a clergyman, a doctor, and a lawyer, all whom she had heard of. She looked at him after reading them, and began to tremble.

"His will, I suppose, poor fellow," said Mr. Hunt. "Read it, Lute."

She looked at the first page, and a light flashed over her face. The letter crackled in her hand, she grasped it so. Then she dropped it, and threw up her